

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 12, 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 Eliot 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, Town Engineer Jay Flynn, 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 present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that consideration of bringing in an outside logistics company to assist with Downtown reopening be added as Item 13.c. He also asked that Item 15.b be tabled indefinitely following discussion of the Item between the Commission, the Town Manager, and the Town Attorney.

Town Attorney Trevarthen recalled that in January 2020, when Concord Wilshire had expressed interest in developing one of the Town’s gateway properties, there had been discussion at the January 14, 2020 Commission meeting of how to preserve nonconforming height. One concept discussed at that time was consideration of a Charter Amendment that would allow retention of nonconforming height, even if an existing structure was demolished prior to approval of another Site Plan. Town Attorney Trevarthen emphasized that such an Amendment would not be within the Commission’s control, but would require a ballot initiative and voter approval.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

At the April 28, 2020 meeting, the Town Attorney had brought this issue before the Commission due to the approaching deadline for inclusion of referenda on the November 2020 ballot. At the Commission's direction, Town Attorney Trevarthen had prepared a draft Ordinance for first reading at tonight's meeting, which addressed height limits of the gateway properties.

Since the draft was written, the Broward County Supervisor of Elections has extended the deadline by which ballot initiatives must be submitted for inclusion on the November ballot. The new deadline is July 17, 2020. Town Attorney Trevarthen noted that the Town's Charter only permits consideration of Charter Amendments during regular elections, which means there would be a substantial period of time before the item could be considered again.

Mayor Vincent recommended that in the future, any draft Ordinance addressing issues of significant magnitude be discussed by the Town Manager and the Commission before it is placed on an Agenda to ensure clear understanding of the item.

Commissioner Sokolow pointed out that there seems to be widespread misunderstanding of the Item in question by the public, particularly the fact that the proposed change would be limited to the Town's gateway properties. He felt the Commission should advise the Town Attorney of what they would like the Ordinance to include rather than tabling the Item indefinitely. He did not recommend tabling the Item for more than two weeks, as he felt letting the deadline pass would be a mistake.

Town Manager Bill Vance stated that his understanding had been that the Item was sponsored by the Commission to bring about a referendum on height regulations. He assured the Commissioners that before an Item of similar significance came forward in the future, he would seek additional feedback from them before including it on the Agenda.

Vice Mayor Oldaker commented that the Item has been raised at multiple Commission meetings prior to tonight's meeting. He reiterated that it was placed on tonight's Agenda in order to provide two public readings prior to its submission for inclusion on the November 2020 ballot, but agreed that the Item could not move forward with the current level of misunderstanding.

Commissioner Malkoon recalled that the original discussion of this Item at a previous meeting had applied only to a specific property, as any structure erected on that property would have economic significance to the Town and its businesses. As the

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

Town Attorney had advised it could be inappropriate to limit this concept to a single property, the concept of applying it to north and south gateways was discussed. He felt if the Item is brought back at a subsequent meeting, the draft Ordinance must clearly define its limits.

Commissioner Malkoon also recommended that the Commission receive meeting Agendas further in advance of scheduled meetings so they are not caught off guard by any Items. Town Manager Vance confirmed that the Agenda packets can be sent out earlier so the Commissioners have additional review time.

Commissioner Strauss advised that it could be preferable to delay the Item until the first meeting in June 2020 so there can be robust discussion of the proposed Ordinance. Mayor Vincent stated that there was no rush to bring the Item back.

Commissioner Sokolow made a motion to place Item 15.b back on the Agenda for the first Commission meeting in June. [The motion died for lack of second.]

Commissioner Strauss made a motion, seconded by Vice Mayor Oldaker, to table Item 15.b indefinitely. Motion carried 4-1 (Commissioner Sokolow dissenting).

Town Manager Vance advised that he would not bring this Item back on any future Agenda unless it is a sponsored Item.

Town Attorney Trevarthen noted that there had been feedback from one of the Town's communications providers regarding Agenda Item 15.a, and recommended that it be deferred to a date not certain to allow for this dialogue. The Commissioners agreed to this deferral by unanimous consensus.

5. PRESENTATIONS

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

Mayor Vincent and Captain Thomas Palmer of the Broward Sheriff's Office (BSO) read a Proclamation recognizing May 15, 2020 as National Peace Officers Memorial Day and the week of May 10-16, 2020 as National Police Week.

6. PUBLIC COMMENTS

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

Town Clerk Tedra Allen read the following public comments:

- Barbara Cole, resident, expressed condolences to the family of former Commissioner Charles “Chuck” Clark, who recently passed away; she also thanked Reverend George Hunsaker, who recently moved from Lauderdale-By-The-Sea, for his years of service to the Town
- Stuart Dodd, resident, stated his opposition to Item 15.b, adding that he felt the proposed ballot initiative should be a simple “Yes” or “No” question
- Mary Hayes-Macaluso, resident, also opposed Item 15.b, as she felt the Town’s height and zoning restrictions protect its charm and atmosphere
- Dorothy Seibert, resident, also opposed Item 15.b, which she cautioned would give specific properties an economic advantage not afforded to all property owners
- William Sturm, resident, also opposed Item 15.b, which he felt was too broadly written and should only apply to the former Holiday Inn property on the west side of El Mar Drive
- Suzanne Kenseth, resident, also opposed Item 15.b, which she felt would erode the Town’s small-town charm
- Toni Rollins, resident, also opposed Item 15.b, objecting to any change in the Town’s height restrictions
- Kathleen O’Rourke, resident, also opposed Item 15.b, noting that the Town takes pride in its differences from nearby larger communities
- Mark T. Stern, resident, also opposed Item 15.b, as he felt changes to height restrictions should be tied to specific lots on which previous nonconforming buildings existed
- Roseann Minnet, resident, extended her condolences to the family of former Commissioner Chuck Clark
- Holly Schaefer, resident, opposed Item 15.b, requesting that the Town reject any proposals to build to a height greater than five stories

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

7. PUBLIC SAFETY DISCUSSION

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

Captain Palmer recognized Deputy Michael Kratz as BSO’s Employee of the Month.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

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

7.b VFD April 2020 Report (Chief Judson Hopping, VFD)

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

7.c AMR April 2020 Report (Chief Brooke Liddle, AMR)

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, 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 provided the Town Manager Report. The driver of the Pelican Hopper, Dennis Royes, for 15 years and has recently decided to retire. Town Staff thanked him for his outstanding service and commitment to the Town, which will be recognized with a Proclamation at the May 26, 2020 Commission meeting.

The Town's response rate to the U.S. Census continues to increase but is still lower than the County and state averages. The deadline to submit responses has been extended to October 31, 2020. The form is available at www.my2020census.gov. Any letters received by residents with incorrect Town addresses are due to cost-saving measures to streamline the delivery process and should not be a concern.

The Town has received a report from auditors Grau and Associates with no findings. The Finance Department is preparing the Town's comprehensive financial report, which is expected to be completed in June.

The Broward Metropolitan Planning Organization (MPO) will present a list of recommended transportation projects to the County's Oversight Board for consideration on May 22, 2020. If approved, these projects will be funded using Broward County transportation surtax dollars. The two Lauderdale-By-The-Sea projects recommended for funding are:

- El Mar Drive improvement design at \$240,000
- Bicycle infrastructure design at \$360,000

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

If the Oversight Board deems these projects eligible for surtax funding, the MPO will recommend that the Broward County Board of County Commissioners approve the funding allocation.

Additional funding opportunities include the U.S. Department of Justice (DOJ) coronavirus emergency supplemental funding program. The Town is eligible to receive \$50,000 through this program to cover preparation and response to the COVID-19 pandemic. The application deadline for these funds is May 29, 2020.

The Florida Department of Economic Opportunity (DEO) has also begun the Community Development Block Grant (CDBG) Mitigation Critical Facilities Hardening Program, which will run through June 30, 2020. These funds may be used to harden public safety buildings. The Town is pursuing this funding with assistance from a consultant.

The El Mar Drive project continues to move forward, with the survey data report and analysis posted to the project's website, www.lbtseamar.com. Town Staff is working with consultant EDSA to schedule additional public outreach.

The Town's canal dredging study has begun and a bathometric survey has been completed. No areas of immediate concern were identified through the initial survey. A benthic survey is anticipated to begin in June.

The Stormwater Master Plan update is underway and Staff is encouraging residents to fill out a survey. The data collected from this survey will help identify areas to be included in the Capital Improvement Program (CIP) plan. The deadline for submission of these surveys is May 31, 2020.

Other projects include:

- South A1A median landscaping (mulching and weeding underway)
- Survey for five bus shelters (completed, with building permits to be submitted)
- Installation of an electric vehicle (EV) charging station in the A1A parking lot
- Wiring for Town-wide security cameras (completed), with poles yet to be delivered
- Installation of handwashing stations at the Public Safety building
- Installation of a speed sign at Commercial Boulevard/East Tradewinds Avenue

Mayor Vincent requested additional information regarding the canal dredging studies. Municipal Services Director Ken Rubach explained that the bathometric survey shows

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

the depths of the channels, while the benthic survey identifies the aquatic life growing and living at the bottom of the canals. Once both surveys are complete, residents are asked to provide feedback on any areas of concern they may have experienced. Commissioner Strauss suggested that the studies' findings be posted on the Town's website.

Vice Mayor Oldaker asked for a brief update regarding the Governor's Emergency Order with respect to vacation rental properties, including whether the Town is empowered to further regulate these properties under the circumstances of the COVID-19 pandemic. Development Services Director Linda Connors replied that the Executive Order that prohibits rental of vacation rental properties has been continued throughout the end of the state of emergency, which is currently set for July.

On April 30, 2020, the Town Attorney, Code Officers, Development Services, and BSO Captain Palmer discussed the Town's options in enforcing this Order. Possibilities include "ticketing" of noncompliant properties by Code Enforcement. Another meeting has been scheduled to investigate this further.

Development Services Director Connors continued that when the Executive Order was issued, the Town sent an email to all vacation rental properties and has followed up by calling them individually to ensure they are aware of the Order and its subsequent extension. If violations occur, the Town will work with Florida's Bureau of Professional Regulations (BPR) to ensure they have been recorded. Town Attorney Trevarthen added that Executive Order 20-87, which closed vacation rentals, asserts that the state may revoke the license of any party that violates this Order.

Mayor Vincent commented that he and Fort Lauderdale Mayor Dean Trantalis have advocated for limited reopening of hotels and motels as part of Phase 1 reopening, as small hotels have greater ability to regulate their clientele. This will ultimately be left to the Governor's discretion.

Commissioner Malkoon requested an update on projects underway at Friedt Park and Jarvis Hall. Municipal Services Director Rubach advised that both projects are in their initial stages. Further updates will be included in the Town Manager's Reports.

9. TOWN ATTORNEY REPORT

None.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

10. APPROVAL OF MINUTES

10.a April 14, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

12.a 4th of July Discussion (Bill Vance, Town Manager)

Town Manager Vance recommended that the Town's 2020 4th of July event be cancelled due to ongoing uncertainty associated with the COVID-19 pandemic. The Commissioners agreed to cancel the event by unanimous consensus.

12.b El Mar Drive Project – Public Participation Meeting #2 (Linda Connors, Development Services Director)

Jeff Suiter of EDSA, consultant, stated that the project team has worked to consolidate the results of the first survey, and have continued to work with Town Staff to develop a second survey, which will go live on May 13, 2020. The land survey team has also completed most of its field work, which will be compiled within the next two weeks.

Meredith Berry of EDSA reviewed the survey data report, which included the information compiled from the first public participation survey. The report includes the raw text of original comments and responses to questions 1 through 3, as well as general comments from respondents. This data was combined with the quantifiable results generated from responses to questions 4 through 7, which are reflected in a summary and analysis report.

Ms. Berry reviewed the responses to each question of the survey, which indicated that residents wished to preserve the attractiveness, walkability, and small-town character exemplified on El Mar Drive. Complaints focused on the condition of the sidewalk,

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

speeding, and lack of lighting. The top three improvements respondents wished to see were:

- Improved sidewalks
- Improved circulation
- Improved lighting and landscaping

Most users of El Mar Drive reported that walking and running were their primary activities. The majority of respondents were willing to consider providing only one travel lane in each direction, although it has not been determined whether this change will be sufficient to accommodate service vehicles and other needs. Lesser considerations include planning for underground utilities, improved drainage, bicycle circulation, and pedestrian crossing(s).

General comments fell into five categories:

- Keep it simple
- Consider circulation and parking of delivery trucks
- Consider furnishings
- Consider signage
- Preserve existing tree canopy

These conclusions will be taken into consideration when preparing the next phase of public outreach. Ms. Berry noted that cameras are being installed along El Mar Drive, as some residents felt additional surveillance may be necessary. Enhancement of the corridor may also take blighted properties into consideration.

Mr. Suiter stated that the results of the first survey were used to build the second survey, which will be live on the project website from May 13-27, 2020. Surveys may be submitted online or printed and submitted using the drop box at Town Hall. Questions for the second survey will be more design-specific. He reviewed some of the types of questions that will be included, which are based on feedback from the previous survey. Once responses from the second survey have been submitted, the information will be synthesized and presented to the Commission in June.

Vice Mayor Oldaker noted that many pedestrians who use El Mar Drive prefer walking on the roadway itself on the inside of the median, where there is no designated pedestrian area. Mr. Suiter replied that he was aware of this phenomenon, and advised that it is in the Town's best interest to distinguish proper vehicular travel lanes as well as pedestrian areas. If sidewalk width is increased and obstacles addressed, pedestrians may be more likely to use these facilities.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

13. NEW BUSINESS

13.a Town Manager Closing Code Lien Update (Bill Vance, Town Manager)

Town Manager Vance advised that Town Staff continues to prioritize resolution of Code issues. There are currently \$9 million in Code liens, most of which are related to the former Holiday Inn property; however, there are many smaller Code issues that must be resolved as well. The Town Manager and Development Services Director will provide an additional update on Code liens in June.

13.b Bugfest-By-The-Sea Discussion (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira recommended that Bugfest-By-The-Sea be cancelled in 2020. The Commissioners agreed by unanimous consensus.

13.c Discussion of Hiring a Logistics Company to Assist with the Town's Reopening

Mayor Vincent explained that the Town is likely to enter Phase 1 of reopening on May 18, 2020, which will include the reopening of restaurants and some retail. He has been approached by some Downtown businesses with concerns regarding the requirements of this reopening, which is expected to require continued social distancing and occupancy restrictions. This raised the question of the best way to control crowds and pedestrian traffic flow in the Downtown area.

Some Florida communities have successfully closed portions of their streets on Town or privately owned property to control ingress/egress. Mayor Vincent concluded that he would like to discuss whether or not the Town should hire an entity to lay out a plan for reopening, which could relieve potential BSO enforcement and/or crowd control. He recommended that the Commissioners visit the town of Palm Beach to get a clearer idea of what Lauderdale-By-The-Sea may face upon reopening.

The Commissioners discussed the proposal, with Commissioner Malkoon requesting clarification of how a reopening plan might be enforced. Mayor Vincent advised that the idea was to close Downtown streets, permitting ingress/egress on Commercial Boulevard, and allowing restaurants to use outdoor public rights-of-way in addition to

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

the proposed 25% indoor capacity limitation. Another suggestion is separation of pedestrian traffic from the rights-of-way where outdoor seating is located.

Commissioner Malkoon stated that another possibility may be using the Town's plazas or other defined areas to seat restaurant customers. Another way to address potential overcrowding could be limitation of parking. He was not certain it would be necessary to hire an outside entity to help develop a plan for reopening.

Vice Mayor Oldaker asked if Fort Lauderdale has entertained the possibility of closing portions of rights-of-way. Mayor Vincent confirmed that this is an ongoing conversation at some locations in that municipality, such as Las Olas Boulevard.

Commissioner Sokolow agreed that the easiest means to crowd control would be the closure of parking lots. He was in favor of letting restaurants determine how to best resume operations within the 25% indoor capacity limitation; however, he was not in favor of closing streets, as this was likely to generate more crowds. Mayor Vincent reiterated that the intent was not to develop a plan for reopening at tonight's meeting, but to consider hearing from experts based on what the Town can or cannot provide. Commissioner Sokolow recommended listening to the businesses for their input.

Captain Palmer commented that the only issue BSO would need to explore is staffing, as multiple Broward communities are planning to reopen and the impact of these plans on law enforcement would need to be determined as well as the potential costs of additional enforcement to the Town.

Commissioner Strauss recommended that the Town have a contingency Maintenance of Traffic (MOT) plan in place prior to reopening, although he did not feel it was necessary to hire outside staff to do so.

Town Manager Vance advised that he and Captain Palmer would pursue options for discussion and consideration going forward. While he was not certain all plans would be in place by the proposed reopening date of May 18, they would initiate discussions right away. He expressed concern, however, that should areas of the Town, such as Downtown, be inundated with people, there may not be an effective way to ensure adequate social distancing. It was determined that Special Projects Coordinator Debbie Hime would also reach out to local businesses as well to hear their input.

14. COMMISSIONER COMMENTS

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

The Mayor, Vice Mayor, and Commissioners expressed their condolences to the family of Charles “Chuck” Clark, who served Lauderdale-By-The-Sea for several years as a Commissioner and Vice Mayor and served his country in the armed forces.

Vice Mayor Oldaker thanked Municipal Services Director Ken Rubach for placement of speed limit signs on both sides of Commercial Boulevard. He felt they are having a positive effect on speeding in that area.

Mayor Vincent reported that reopening continues to be at the Governor’s discretion, while the reopening of beaches remains at the discretion of the County and municipal Mayors. The Mayors of Fort Lauderdale and Pompano Beach have expressed interest in working in concert to reopen their beaches. Mayor Vincent cautioned that this is likely to be a challenging issue for coastal communities.

15. ORDINANCES 1ST READING

15.a Ordinance 2020-05: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 25, “TELECOMMUNICATIONS,” REGARDING COMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY REGULATIONS; PROVIDING AND AMENDING DEFINITIONS OF TERMS; PROVIDING FOR UNIFORM, NONDISCRIMINATORY STANDARDS TO PREVENT OVERCROWDING, PROLIFERATION AND SATURATION OF TOWN’S RIGHTS-OF-WAY, INCLUDING STANDARDS RELATED TO STEALTH DESIGN, PROTECTION OF RESIDENTIAL PROPERTIES, AND EQUIPMENT LOCATION AND SIZE; PROVIDING FOR THE ENCOURAGEMENT OF COLLOCATION OF COMMUNICATIONS FACILITIES; PROVIDING REGULATIONS FOR SMALL WIRELESS FACILITIES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (Linda Connors, Development Services Manager)

This Item was deferred to a date not certain.

15.b Ordinance 2020-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE PROPOSED AMENDMENT TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, SUBMITTING PROPOSED CHARTER AMENDMENT TO ARTICLE VII, “PLANNING AND ZONING,” SECTION 7.1, “MAXIMUM HEIGHT FOR

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

BUILDINGS ESTABLISHED; REFERENDUM VOTE REQUIRED FOR INCREASES IN ZONED RESIDENTIAL-DISTRICT HEIGHT LIMITS” TO PRESERVE THE FIVE-STORY HEIGHT OF BUILDINGS ON EL MAR DRIVE GATEWAY PROPERTIES; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT TO BE HELD ON TUESDAY, THE 3RD DAY OF NOVEMBER 2020, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE. (Susan Trevarthen, Town Attorney)

This Item was deferred indefinitely.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

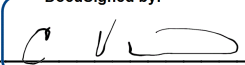
None.

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 9:06 p.m.

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Mayor Chris Vincent

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
May 12, 2020

ATTEST:

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Town Clerk Tedra Allen

8/12/2020

Date