

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 28, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:34 p.m. Also present via teleconference were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot 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

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

Town Clerk Tedra Allen read the following public comments:

- Stuart Dodd, resident, proposed that the Commission consider offering free parking for one to two months beyond the reopening of Town beaches and restaurants to accelerate the recovery of businesses
- Barbara Cole, resident, requested that the Mayor provide weekly video updates regarding the COVID-19 pandemic and the Town’s progress toward reopening

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- Mark Silver, resident, commended Town Staff and Special Projects Coordinator Debbie Hime in particular for their marketing efforts to help local businesses, and recommended expanding these efforts after reopening

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

8.a February Finance Report (Lucila Lang, Finance Director)

Town Manager Bill Vance advised that the Town's General Fund includes nearly \$5 million at present, while the Sewer Fund has over \$40,000. The Fire Fund contains approximately \$600,000 for the current fiscal year, and the Parking Fund has \$400,000. Finance Director Lucila Lang added that the Town has received \$281,000 in ad valorem taxes during the month of April 2020.

Commissioner Sokolow asked if the state has given any indication of the expected decrease in shared gas and sales tax revenues. Town Manager Vance replied that he and Finance Director Lang are operating as if the Town will not receive any funds from these sources for the rest of the year. They have submitted a document identifying the Town's anticipated loss of revenue at roughly \$1.5 million for 2020. This document will be provided to County and federal representation, which will attempt to provide for state and local governments to offset this lost revenue.

8.b 1st Quarter Welcome Center Report (Eva Marissa)

The Commissioners accepted the report without discussion.

8.c LBTS Marketing Update (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime reported that she is using the current economic slowdown to strengthen the Town's core marketing. This has included "Rediscover LBTS" efforts to promote restaurant takeout and delivery to local residents living within a two-mile radius of Town restaurants. The next step promotes the Town's

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online retailers to residents within a five-mile radius, which has led to a significant response on the Town's shopping page. A print brochure created by CTM has brought more inquiries to the Visitors' Center than any previous promotional materials.

The Town's local, national, and international partnerships continue to prepare for recovery from the pandemic. Social media continues to reach its target market of couples and families in the 35-54 age range. Special Projects Coordinator Hime advised that the Town is seeking to enhance content from local businesses by building a complementary marketing platform. The Town also plans to create a business services alliance that will assist smaller businesses online with links to vendors, shared knowledge, and other resources.

Mayor Vincent suggested that the Town's marketing plan include a safety component to highlight Lauderdale-By-The-Sea as a safe destination after reopening, emphasizing that the Town will follow guidelines established by the Centers for Disease Control (CDC).

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

Assistant to the Town Manager Neysa Herrera reported that Broward, Miami-Dade, and Palm Beach Counties have indicated that certain facilities, such as golf courses, private pools, marinas, parks, and boat ramps may be reopened with restrictions beginning this week.

The Town is now offering online building permitting services. Instructions on use of this platform may be found on the Building Department page on the Town's website.

Florida Governor Ron DeSantis has extended his restriction of the use of vacation rental properties through April 30, 2020. It is not yet known whether this order may be extended further.

The Pelican Hopper continues to provide service on Mondays, Wednesdays, and Fridays. Limousine Service of South Florida, the contract provider, disinfects the vehicles each day and monitors the health of all employees within their facilities. Drivers wear masks and gloves, and riders are required to wear masks when entering the vehicle.

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Town Staff continues to encourage residents to sign up for “Notify Me” service, which will keep them apprised of news updates from the Town and other research related to the COVID-19 crisis.

Residents are strongly urged to fill out their U.S. Census forms. The Town’s response rate has increased to 36%, although it still lags behind the County’s response rate. Census information helps determine the amount of federal assistance the Town may receive in the future.

The survey for the El Mar Drive project received 638 responses through public outreach. This project will be further discussed during tonight’s meeting when EDSA evaluates the results. The Friedt Park courtyard improvements are currently underway, with construction fencing installed and old pavers removed.

Municipal Services Director Ken Rubach has worked with the Florida Department of Transportation (FDOT) to reconfigure the crosswalk at A1A and Hibiscus Avenue. Due to changes, the plan for completion of this work in April 2020 has been delayed. Updates will be provided once more information is available.

The Palm Club septic-to-sewer project design has reached 50%, and design plans will be sent to the Palm Club residents’ working group and the Palm Club Homeowners’ Association for comment. A website for this project is currently under construction.

Other municipal projects include:

- Maintenance on Town roads and parking infrastructure by Municipal and Parking Services Staff
- Painting, roof cleaning, and reconditioning of public restroom floors at Friedt Park has been completed
- A hand sanitizing station has been installed at the Public Safety building
- Surveys necessary for the permitting of five new bus shelters have been authorized; these shelters will be paid for using Broward County transportation surtax funds

Town Staff, the Chamber of Commerce, and the Lodging Association have begun a work group to generate ideas for the marketing of events to support Town businesses during the COVID-19 pandemic. This has led to the creation of the LBTS Online Retail Business landing page.

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Town Manager Vance advised that fiscal year (FY) 2020 Capital Improvement Program (CIP) efforts are related to design. Nearly all construction permits have been received for the Terra Mar Island stormwater project; however, because this project could exceed \$800,000, Staff and the construction team do not recommend moving forward with this project at present.

Because beach and dine-in restaurant destinations are closed, the Town is dedicated to support takeout opportunities. There is no parking enforcement at present. This situation will be monitored over the next two months and the Commission will be apprised of any changes.

Vice Mayor Oldaker requested an update on the ongoing canal dredging study. Municipal Services Director Ken Rubach replied that this survey is currently in its first data collection phase. Updates will be provided through the Town Manager Report once it becomes available.

Vice Mayor Oldaker also asked for additional information regarding vacation rentals. It was clarified that the Governor's Executive Order prohibits new vacation rental tenants from renting these properties, although parties already occupying vacation rentals may continue to do so. Development Services Director Linda Connors advised that Staff is researching all advertisements on vacation rental websites to document registered and unregistered properties.

The Town is also monitoring the use of vacation rentals in compliance with the Governor's Executive Order. The Florida Bureau of Business and Professional Regulations has been informed of any properties the Town believes to be in violation of the Executive Order.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen stated that she has received inquiries in recent months with respect to potential Town Charter Amendments. The deadline by which any such Amendments must be submitted to the Broward County Supervisor of Elections is June 8, 2020. If the Town wishes to move forward with any proposed Amendments on the November ballot, the process of drafting these items for first and second readings would need to begin at the May 12, 2020 Commission meeting.

Mayor Vincent recalled that there had been discussion of the illegal nonconforming structures at the Town's gateway entrances on El Mar Drive. There had also been a

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proposal during Public Comment to increase the Mayor's term from two to four years. Town Attorney Trevarthen added that Public Comment had also addressed the ability of a Commissioner to resign and run for Mayor.

The Commissioners discussed the possible ballot measures, with Commissioner Malkoon suggesting that any change not be specific to a single property but include gateway properties on the north and south sides of El Mar Drive. He had proposed that any future construction on those properties be permitted to build to the current height of five stories. There was no desire to make similar changes for non-gateway properties.

Town Attorney Trevarthen addressed the proposal of lengthening the Mayor's term of office, pointing out that a four-year mayoral term would mean one election cycle with only two candidates on the ballot, which would not allow for a vote to completely change the Commission's majority.

The Commission agreed by unanimous consensus to proceed with a proposal to amend the height permitted on El Mar Drive gateway properties.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

11.a Tree Trimming Contract (Ken Rubach, Municipal Services Director)

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

12. OLD BUSINESS

12.a El Mar Drive Project – Public Participation Meeting #1 (Linda Connors, Development Services Director)

Jeff Suiter of EDSA reported that there were over 600 responses to the El Mar Drive project survey from residents, business owners, and property owners. The survey was available online from April 15-25, 2020, and was advertised through signage, social media, and the project's webpage, www.lbtseimar.com. EDSA is currently working through the information received, with the goal of issuing a high-level executive

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summary of the comments by Friday, May 1, 2020. A survey team is collecting data on El Mar Drive so their information can be combined with the public participation responses during the design process.

Meredith Berry of EDSA reviewed the survey results, stating that many residents asserted they are happy with the street as it currently exists, although some would prefer wider sidewalks and improved lighting. They also expressed concern with speeding on the roadway. Questions regarding the incorporation of signage were evenly divided.

Primary activities on El Mar Drive included walking and running, bicycling, and walking dogs. One area of focus will be improving the pedestrian environment through lighting and sidewalk improvements. 70% of respondents felt only one lane of vehicular traffic in each direction would be sufficient; however, parking and the needs of delivery vehicles will also need to be factored into the design.

The most important aspects of El Mar Drive were identified as wider sidewalks, lighting, and landscaping, followed by planning for underground utilities, improved bicycle circulation, and enhanced pedestrian safety at crossings. The next round of public participation will inform the project's design phase.

Development Services Director Connors advised that the project website is still active and will be used to post additional updates and survey results. She thanked Municipal Services Director Rubach and Town Engineer Jay Flynn for their assistance to the EDSA team.

13. NEW BUSINESS

13.a Unsafe Structure – 4116 Ocean Drive (Linda Connors, Development Services Director)

Development Services Director Connors stated that the Town's Building Official had reviewed the property at 4116 Ocean Drive and determined that it met the criteria for an unsafe structure (report attached). The next step will be to submit the report to the Broward County Unsafe Structures Board for review and a determination. Should that Board find the structure unsafe as well, one option for the Town may be to require it to be demolished. Due to the COVID-19 pandemic, the Unsafe Structures Board has not recently met and will inform the Town when a meeting has been scheduled.

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Town Manager Vance commented that the razing and removal of the subject building within the next 12 months could be a very positive step for the Town. It may be possible to reach a mutually beneficial agreement with the property owner to expedite the demolition of the building. Mayor Vincent asserted his support for the Town Manager's efforts to resolve this issue.

Commissioner Sokolow asked if there is a way to encourage the Unsafe Structures Board to meet again and help address this problem. Town Attorney Trevarthen replied that the Town can put greater pressure on that advisory body to meet, although she noted that a virtual meeting format may be more difficult in cases where proceedings are contested and evidence presented. There is no way for the Town to mandate a meeting of this board. If the property owner is unsatisfied with the findings of the Unsafe Structures Board, s/he may challenge the outcome.

13.b Community Center Manager Position (Bill Vance, Town Manager)

Town Manager Vance advised that he had initiated negotiations with Community Center Manager Armilio Bien-Aime to consider offering him a full-time Town position. Mr. Bien-Aime, however, has indicated that his current preference is to continue as an independent contractor to the Town.

14. COMMISSIONER COMMENTS

Commissioner Malkoon thanked the Mayor and his fellow Commissioners for their service as a voice for the Town with Broward County during discussions of the ongoing COVID-19 pandemic. He noted that while some relaxation of restrictions will soon take effect, residents are reminded that new cases of the coronavirus are reported daily and it is in the Town's best interest to remain vigilant and continue safety precautions.

Commissioner Sokolow advised that he hoped the Broward County Board of County Commissioners will see the wisdom of loosening restrictions on the use of local beaches.

Commissioner Strauss also commented positively on the possible reopening of local beaches, within reasonable restrictions. He strongly encouraged participation in the 2020 census.

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Vice Mayor Oldaker thanked Town residents for taking safety precautions seriously, as well as Town Staff for continuing to carry out Town business without full-time access to Town Hall.

Mayor Vincent addressed Broward County Administrator's Order 20-08, which will also be posted on the Town's website. He emphasized that Lauderdale-By-The-Sea will continue to adhere to CDC guidelines during the phased reopening of the following facilities:

- Parks: private parks will be governed by the municipalities in which they are located
- Pools, pool decks, and hot tubs: these facilities will remain closed pursuant to Emergency Order 20-05 (does not apply to facilities within multi-family, condominium, single-family, or housing developments, which must continue to comply with CDC guidelines)
- Beaches: in accordance with the Governor's Executive Order 20-90, all Broward County beaches shall remain closed until further notice without exception
- The Broward Sheriff's Office (BSO) and other law enforcement agencies, including municipal agencies, are authorized to enforce Emergency Orders

Mayor Vincent noted that the use of tennis courts is currently restricted to singles matches only.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2020-18 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

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

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The following individuals were named to the Audit Committee and its alternate membership:

- Ken Brenner
- Jill Bonin
- Howard Goldberg
- Jeff Yocom (Alternate)

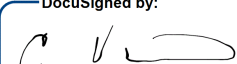
Vice Mayor Oldaker made a motion, seconded by Commissioner Sokolow, to appoint the above individuals as members and alternates of the Audit Committee. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

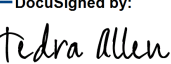
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:07 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

8/12/2020

Date