

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 23, 2019
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:32 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

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Phyllis Lee, resident, explained that she had received a letter from the Town stating she may no longer rent out her single-family property for a period of fewer than 90 days. Upon further research, she noted that Section 30-242 of the Ordinance overseeing rentals is related to regulations for the redevelopment of existing lots 60 ft. or less in width in the RM-25 zoning district south of Pine Avenue. She pointed out that the house has never gone through redevelopment, and did not believe the Ordinance applied to her property for this reason.

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

7. PUBLIC SAFETY DISCUSSION

7.a AMR March Report

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

8. TOWN MANAGER REPORT

8.a The Chamber of Commerce has submitted the 2019 first quarter report for the management of the Visitor Center

It was noted that the number of diving inquiries received by the Visitor Center has increased significantly during the current month and quarter. Many of these inquiries have resulted in hotel bookings for summer 2019.

8.b Town Manager Report

Town Manager Bill Vance submitted a written report.

Mayor Vincent requested additional information regarding turtle lighting provided by Florida Power and Light (FPL). Town Manager Vance advised that Staff has isolated the individuals at FPL with whom the Town will coordinate to replace the infrastructure used to soften the new LED lighting. Additional improvements will be necessary on El Mar Drive.

Mayor Vincent continued that the Town is working with the Broward Sheriff's Office (BSO) to develop a protocol for "Code Red" incidents. Town Manager Vance recalled that the previous week, it was believed that a criminal suspect may have been in a Lauderdale-By-The-Sea neighborhood. He is working toward enhanced communication between agencies and the Town. Town Manager Vance will also meet with the Fort Lauderdale City Manager to discuss this issue further.

Commissioner Oldaker commended Town Manager Vance and Municipal Services Director Ken Rubach for setting up meetings related to hurricane preparedness.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen reported that at least one bill in the Florida Legislature addressing local ability to regulate the use of plastic straws has been changed, which was a success for home rule. Other bills addressing this issue, however, are still under consideration. The legislative session ends the first week of May 2019. The Town has gone through first reading of an Ordinance that would have regulated the use of plastic straws in Lauderdale-By-The-Sea.

Mayor Vincent recalled that the proposed Ordinance had been tabled until the Town has determined whether or not the State Legislature planned to take action. He was not certain it was in the Town's best interest to bring the Ordinance back for second reading at this time, instead proposing that the Town address the issue by Resolution. He characterized this as a more informational and educational approach without the implementation of fines.

The Commissioners agreed by consensus to direct Staff to draft a Resolution addressing the use of plastic straws to be presented at a future meeting.

10. APPROVAL OF MINUTES

10.a April 9, 2019 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

Items 11b and 11c were pulled for additional discussion.

11.a 2019 Amendments to the Interlocal Agreements between Broward County and the Town of Lauderdale-By-The-Sea Providing for Division and Distribution of the Proceeds of:

- 1) Additional Three-Cent Local Gas Tax Option on Motor Fuel Ordinance, and**

2) Fifth Cent Additional Local Option Gas Tax on Motor Fuel for Transit

11.b Special Event Application – 2019 4th of July Celebration

Commissioner Oldaker thanked Staff for their planning toward this annual event.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve Item 11b. Motion carried 5-0.

11.c FY 20-23 Broward County Transit Interlocal Agreement

Commissioner Strauss advised that he had been asked to look into what the new bus service agreement would provide. Special Projects Coordinator Debbie Hime advised that there are three aspects of bus service on tonight's Agenda: one involving the interlocal agreement, one regarding changes to the route, and one that will allow the Town to "piggyback" on an existing contract.

Broward County Transit (BCT) is preparing a new interlocal agreement (ILA) to present to the Town, and has asked if the Town would like to address any issues that might exist in the current ILA. This Consent Agenda Item ensures that bus service will be paid for using revenue from the Broward County transportation surtax. In addition, the Town spends another \$10,000 to \$15,000 on related services, such as the Pelican Hopper app. She requested that the Commission consider adding language to the contract that would ensure BCT pays for expenses of this nature as well as revenue hours for the bus.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve Item 11c. Motion carried 5-0.

11.d Pressure Washing Services Contract

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Commissioner Oldaker recalled that the recent Easter Egg Hunt and Easter sunrise service were both successful and well-attended with perfect weather. He thanked the Staff and Volunteer Fire Department (VFD) members who helped make the event a success.

Commissioners Strauss and Malkoon also recognized Staff for their work on recent local events, and thanked the Chamber of Commerce for the recent fish fry.

Mayor Vincent provided a brief update on the earlier discussion of a Resolution addressing the use of plastic straws in Lauderdale-By-The-Sea for residents who had not been present for the conversation.

Mayor Vincent advised that a funeral mass will be held for former Town Commissioner and volunteer Firefighter Jim Pollock on Sunday, April 28, 2019 at the Community Presbyterian Church. A trust fund has been established for Mr. Pollock's son. For more information, residents are encouraged to call the Fire Department at (954) 553-0289.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

16.a Ordinance 2019-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 8, “FIRE PREVENTION AND PROTECTION,” ARTICLE I “IN GENERAL” OF THE CODE OF ORDINANCES TO ADOPT THE FLORIDA FIRE PREVENTION CODE (NFPA 1) AND (NFPA 101) AS THE FIRE CODE FOR THE TOWN AND TO ESTABLISH FEES FOR FIRE INSPECTION AND REVIEW; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

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.a Resolution 2019-08 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2019/2020; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 Strauss, to approve. Motion carried 5-0.

17.b Resolution 2019-09 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING A PIGGYBACK AGREEMENT WITH SOCIALARCHIVE, INC., TO PROVIDE SOFTWARE TO ARCHIVE SOCIAL MEDIA ACCOUNTS, UTILIZING THE TOWN OF DAVIE AGREEMENT NO. AS-18-33; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PIGGYBACK AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

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

Special Projects Coordinator Hime explained that SocialArchive, Inc. would archive the Town's social media accounts and comments made there, as well as Google accounts for places and businesses where comments may be left. Because the price offered the Town was the same as the price charged to the Town of Davie, Staff agreed it was best to piggyback onto Davie's contract rather than issuing an RFP.

Commissioner Oldaker requested clarification of how costs would be assessed. Special Projects Coordinator Hime advised that SocialArchive, Inc. agreed to pro-rate the contract

through the remainder of the current fiscal year for \$2620, with the regular rate to be charged thereafter for a total of \$16,984.

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

17.c Resolution 2019-10 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA, APPROVING AND AUTHORIZING A PIGGYBACK AGREEMENT CONTRACT WITH LIMOUSINES OF SOUTH FLORIDA, INC. (“LSF”) TO PROVIDE TRANSPORTATION SERVICES TO THE TOWN, UTILIZING THE CITY OF LAUDERDALE LAKES AGREEMENT NO. 19-3410-04R; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PIGGYBACK AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

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

Special Projects Coordinator Hime stated that the Town will piggyback on the city of Lauderdale Lakes contract for the Pelican Hopper through beginning May 1, 2019 with the option to renew for additional one-year terms for three years. Special Projects Coordinator Hime has worked closely with Broward County Transit (BCT) to ensure that piggybacked contracts in the future follow the necessary recommendations. This contract will provide the Town with shuttle service at a rate of \$44/hour. In fiscal year (FY) 2020, the Broward County transportation surtax will pay for this bus service. The cost will be \$4100 between May 1, 2019 and September 30, 2019, which will be brought forward in the future as a budget adjustment.

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

17.d Resolution 2019-11 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR COMMUNITY BUS SERVICE THAT PROVIDES FOR ROUTE ADJUSTMENTS TO EXISTING BUS SERVICE WITHIN THE TOWN; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE

At this time Mayor Vincent opened public comment.

Brian McSweeney, resident, stated that notice for a public meeting on this Item provides specific information regarding a route from Sea Ranch Village Shopping Center, which will continue south on A1A rather than Washingtonia Avenue. He did not believe this specification was correct. Mr. McSweeney continued that the route from Bougainville Drive south of Commercial Boulevard includes two stops on Broward County Transit's (BCT) 55 bus route. He recommended adding a Pelican Hopper stop at one of the intersections between the two BCT stops.

Mr. McSweeney concluded that the elimination of a stop at Holy Cross Hospital on Saturdays was not a good idea, as there is significant ridership to this area on the weekend in order to connect with BCT's 10 bus. He cautioned against limiting service connecting to Federal Highway on Saturdays.

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

Special Projects Coordinator Hime introduced Jacque-Ann Isaacs, Community Transit Officer for BCT. She recalled that there have been three public meetings on the proposed changes to community bus service, beginning in May 2018. BCT provides multiple options for local transportation: regular County buses, Broward County Transportation Options (TOPS), and local community shuttles. Lauderdale-By-The-Sea's community shuttle services are provided in collaboration between BCT, Limousines of South Florida (LSF), and the Town itself.

In 2017, there were ongoing issues with the bus providing Pelican Hopper service, which took a toll on ridership. Both the vehicle's lifespan and mileage have exceeded its expected useful life. The scope of work for this service was examined, including accessibility, number of hours of operation, field evaluations, holiday hours, review of several stops, and public involvement. Route adjustments were also evaluated in light of construction and special events.

Six months' worth of community shuttle service data was sent to BCT for analysis. Public outreach included surveys and two additional public meetings prior to tonight's meeting. On March 26, 2019, a meeting was held to discuss the new route. Its priorities included safety, public input, accessibility, and cost.

Once the route is approved by the Commission, BCT will also review the approved route, including stop times and headways. A new schedule and map are then created. The Town will develop its own individual app for tracking of the community bus. Information on the

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app will also be available via phone. Signs will be placed at bus stops within the Town, with brochures available at these stops. Town branding for Lauderdale-By-The-Sea Route 1262 will also be included on the buses and at BCT stops. The new shuttle buses are proposed to arrive in the fall and will be propane-powered.

Special Projects Coordinator Hime continued that community shuttle service will be very similar to what currently exists, with hours of operation between 9 a.m. and 5:25 p.m. on weekdays. On Friday and Saturday nights, service will end at 9 p.m., while service on Sundays will begin at 9 a.m. and end at 5:25 p.m.

The Town receives County funding in the amount of \$15/hour. This amount is based on the average hours of operation, which must be at least 7.2 hours/day. The Town's community shuttle currently provides 10.1 hours/day.

Special Projects Coordinator Hime advised that there are 13 general adjustments for the community bus:

- Daytime route hours will be adjusted to reflect the new route
- The bus will run the entire length of El Mar Drive up to Pine Avenue in order to better serve the Town's lodging partners
- Friday night music event creates a seven-month minor adjustment for the shuttle: because it cannot travel down El Mar Drive from Commercial Boulevard, it will go west on Commercial Boulevard, north on A1A, and return to the El Prado parking lot
- BCT will no longer allow "wave-and-ride" service in the future, and drivers may only open doors at designated stops
- The bus will no longer access the Bel Air and Terra Mar neighborhoods, but will extend the route up to SE 12 Street in Pompano Beach, where it will meet Pompano's Green Route
- Service across the bridge to Holy Cross Hospital will no longer be provided on Saturdays
- Buses will operate until 9 p.m. on Friday and Saturday nights and will run only during the day on Sunday
- Saturday and Sunday routes will begin at 9 a.m. at Publix
- The bus will travel up Pine Avenue East and turn southbound onto A1A after leaving Publix and will connect with other buses in Pompano Beach

Special Projects Coordinator Hime advised that materials will be placed on the back of the bus to inform riders that wave-and-ride service is no longer provided. She reviewed three of the five bus routes, including the weekday, weekend, and Friday night routes.

John McInerny, resident of Fort Lauderdale, suggested that Saturday service to Holy Cross Hospital be retained. Special Projects Coordinator Hime advised that BCT could be asked to reevaluate weekend ridership numbers for this route.

Mayor Vincent stated that he felt the concerns regarding the limited number of stops between Sea Ranch Lakes and Commercial Boulevard, as well as concerns regarding service to Holy Cross Hospital on Saturdays, to be valid and to warrant a closer look. Special Projects Coordinator Hime recalled that data showed access over the bridge was typically for shopping rather than access to medical appointments.

Jacque-Ann Isaacs, BCT's Community Transit Officer, advised that she did not have any ridership information on hand for tonight's meeting, but will look into this information further if that is the desire of the Town.

Mayor Vincent asked if there was a reason service to Holy Cross Hospital should not be provided on Saturdays. Special Projects Coordinator Hime clarified that this extension was eliminated because ridership did not seem sufficient to warrant it.

Commissioner Strauss stated that a resident reached out to him with a concern regarding Saturday access to Holy Cross Hospital for physical therapy and similar needs. He added that access to the hospital also provides access to a bank and other needs in the area. Mayor Vincent recommended that this segment be added back to the route and monitored for ridership in the future.

Commissioner Malkoon observed that most of the community shuttle route north of Commercial Boulevard has been changed due to low ridership. Special Projects Coordinator Hime advised that there was only negligible ridership in the Terra Mar and Bel Air neighborhoods. She also pointed out that continuing shuttle service there would require the construction of bus stops within those neighborhoods. It is also hoped that shuttle service can operate with no more than one hour's headway per cycle. The addition of the link to Pompano Beach's Green Route will also provide an important connection between community buses.

Special Projects Coordinator Hime emphasized that none of the changes discussed tonight would take effect until the ILA has been signed. Staff will inform the Commission when this step is complete. Until the new route has been approved, wave-and-ride service will still be provided and the route will remain the same.

The following changes to the proposed service were determined:

- Saturday service to Holy Cross Hospital will be retained
- An additional stop will need to be identified on Bougainvillea Drive or Datura Avenue south of Commercial Boulevard
- Staff will monitor ridership numbers in order to prevent jeopardizing the Town's funding

Vice Mayor Sokolow made a motion, duly seconded, to adopt the Resolution as modified. 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 Site Plan (2019-SP-01) approval to develop an eight (8) dwelling unit multi-family residential building at 4433 Poinciana Street

Development Services Director Linda Connors explained that this development, known as Bonnet-By-The-Sea, is a three-story eight-unit residential building with 14 parking spaces. The project received Site Plan Review and approval by the Commission in November 2017.

One of the requirements of the development order was that the Applicant secure a building permit within 12 months. The Site Plan has since expired and no permit has been secured thus far. An applicant may not receive an extension once the Site Plan has expired. The Applicant has reapplied for their Site Plan. The only changes made to the Site Plan are the incorporation of comments and conditions required by the Town Commission when the prior Site Plan was approved. The Planning and Zoning Board unanimously recommended approval of the Site Plan.

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.

19. ADJOURNMENT

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With no other business to come before the Commission at this time, the meeting was adjourned at 8:00 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen, CMC



Date