

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 13, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:31 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 Interim Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Finance and Budget Lucila Lang, Director of Public Works Ken Rubach, Acting Development Services Director Jhanelle Campbell, Special Projects Coordinator Debbie Hime, Human Resources Manager Lisa Slagle, and Public Information Officer/IT Administrator Steve d’Oliveira and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence in memory of longtime resident Jerry Sehl.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Town Clerk Tedra Allen read the following public comment:

- Barbara Cole, resident, opposed the seating arrangements proposed for the reopening of Jarvis Hall in May 2021

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

Betty Bauman, resident, requested that the Commission revisit restrictions on short-term rental lots under 60 ft. in width and west of Bougainvillea Drive, which is zoned RM-25. She also requested clarification of the reason there is a difference in the regulation of short-term rentals on the east and west sides of Bougainvillea Drive.

Alan Zuckerman, visitor to the Town, advised that a property he hoped to purchase on Poinciana Street is located in the zoning area where short-term rentals are not permitted. He requested that the Commission reconsider the Town's position on the zoning of short-term rental properties in the subject area.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD February & March 2021 Report (Chief Judson Hopping)

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

b. BSO March 2021 Report (Captain Thomas Palmer, BSO)

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) advised that an auto theft in March 2021 occurred because a key fob was left in the vehicle, and strongly encouraged all residents to make sure their vehicles are locked.

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

8. TOWN MANAGER REPORT

a. February Finance Report (Lucila Lang, Director of Finance & Budget)

b. Town Manager Report (Linda Connors, Interim Town Manager)

Interim Town Manager Linda Connors requested that Item 13h be moved on the Agenda to follow Item 13b. The Commissioners agreed by consensus.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

Staff is working toward the reopening of Town Hall to the public on May 3, 2021. They continue to work to reopen the community centers and BSO as well. She encouraged the Commissioners to visit Jarvis Hall to see how it is set up for reopening.

Since the April 6, 2021 workshop meeting, Town Staff has begun working with Downtown businesses to let them know what is expected of them going forward. Staff is also looking at noise levels and working with Downtown businesses to remind them to remain in compliance with the Town's noise Ordinance.

The Volunteer Fire Department (VFD) audit has begun with a kickoff meeting. Staff is gathering information for the auditor, who will review this information over the next few weeks and schedule appointments with the Commissioners, residents, and fire officials.

The Farmer's Market has been extended through the end of May 2021 at users' request, as allowed under the original contract; however, there will be no Farmer's Market on Memorial Day.

Interim Town Manager Connors advised that Staff will ask consultant Baxter Woodman to study a left turn area on West Tradewinds Avenue. The consultant will determine if this area can be redesigned for greater safety. Mayor Vincent recalled that this area was studied extensively during the West Commercial Boulevard redevelopment phase, and suggested reviewing historical data from that project before approving funds for another study.

Mayor Vincent advised that before moving forward with any type of study on this area, the Town should also revisit the yellow crossing light in front of the two plazas, which he felt also constitutes a safety issue for pedestrians. Most drivers do not realize that the light is there to stop traffic for pedestrians, and do not typically stop.

Commissioner Strauss requested consensus on addressing the subject area, including its crosswalk. Interim Town Manager Connors stated that she would research the history of the area going back to the Commercial Boulevard improvements, and any history will be provided to the consultant when they begin their study. This will help them arrive at recommendations that can be shared with FDOT.

Interim Town Manager Connors continued that if the Commissioners agree by consensus to expand the proposed study to include this block, a fuller picture of safety concerns and solutions will be provided. She noted that the cost of \$6000 proposed for the study will likely increase with the addition of another area.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

Vice Mayor Oldaker observed that a new speed limit sign near Parrotfish Plaza slightly block visibility in the area for drivers turning right, and suggested that the sign be moved to the other side of the lane. Public Works Director Ken Rubach confirmed that Staff will look into this.

Interim Town Manager Connors called the Commissioners' attention to the schedule of meetings for summer 2021, noting that the Commission traditionally cancels one meeting in August. There has also been a request to change the June 22, 2021 meeting to June 29. If an August meeting is cancelled, she recommended that it be the August 24 meeting. The Commissioners agreed to move the June 22 meeting to June 29 and cancel the August 24 meeting.

Commissioner Strauss recognized Acting Development Services Director Jhanelle Campbell for reaching her 5 year milestone. The Commission collectively thanked her for her service to the Town.

Interim Town Manager Connors concluded that a Commission workshop is scheduled for May 11, 2021 to continue discussion of the Town's Community Investment Program (CIP). She also noted that the Development Services Department took in over \$100,000 in building fees over the last month.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. March 09, 2021 Town Commission Workshop Minutes**
- b. March 09, 2021 Town Commission Meeting Minutes**
- c. March 23, 2021 Town Commission Workshop Minutes**
- d. March 23, 2021 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. 2021-2022 Board of Directors Appointment (Tedra Allen, Town Clerk)

Town Clerk Tedra Allen explained that this is an annual Item appointing a new Board of Directors to serve on the Broward League of Cities. The new appointment will be for the term beginning in May 2021 and ending in May 2022.

It was determined that the new appointments would be as follows:

- Director: Commissioner Malkoon
- Alternate: Commissioner Strauss
- Second Alternate: Mayor Vincent

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, to approve the above appointments. Motion carried 5-0.

b. Canal Dredging Permitting (Ken Rubach, Public Works Director)

Public Works Director Rubach explained that this permitting stems from the dredging study performed and presented to the Commission in 2020. Permitting is the next phase of the process. The Chappell Group has identified six canals in need of dredging. Permitting must be done at the federal, state, and local levels. This process takes approximately one year to complete. The cost of this work is \$34,000, with an additional \$10,000 for the permits themselves.

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

The following Item was taken out of order on the Agenda.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

h. Resolution 2021-24 Authorizing an Agreement with the Chappell Group to Perform Permitting Services and Create Bid Documents for the Bel Air Seawall (Exhibit 1)

Town Attorney Trevarthen read the title for the following Resolution:

Resolution 2021-24 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE AGREEMENT WITH THE CHAPPELL GROUP, INC. FOR PROFESSIONAL ENVIRONMENTAL SERVICES FOR THE BEL AIR SEAWALL IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$18,427.77; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.

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

Public Works Director Rubach advised that upon inspection of the Bel Air Drive seawall, the structure was found to be physically failing and in need of work. The Chappell Group will assist Town Staff in preparing a bid package for replacement of the wall.

Vice Mayor Oldaker asked why this Item did not appear under Resolutions. Interim Town Manager Connors explained that the Town Commission Agenda places Resolutions in their own separate sections, as not all agreements included Resolutions. Over the past year or so, Resolutions that accompany agreements and contract authorizations that qualify as New Business have been separated from Resolutions that act as Commission directives.

Mayor Vincent observed that the Commission typically provides consensus for these authorizations, which are brought back before the Commission at a later date. Interim Town Manager Connors further clarified that at times the Commission authorizes Staff to look into an issue further; at other times, they authorize the Town Manager to proceed with entering into an agreement. In this case, the Commission would be authorizing both steps at once.

Mayor Vincent asked if the Resolution would have to come back before the Commission if any of the projected numbers change. Interim Town Manager Connors advised that these numbers are not going to change. Town Attorney Trevarthen added that all Resolutions include a provision for non-substantial changes, such as typos. If the

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

expense increases, it would be brought back before the Commission. The Item is brought forward under New Business because the Town does not currently have the full form of the agreement for the Commissioners' review.

Commissioner Malkoon asked if the proposed construction will result in more infill behind the seawall, as the ground has resettled in that area. Public Works Director Rubach explained that infiltration of water behind the seawall has led to the collapse of land. When the new wall is constructed, this collapse will be mitigated and the ground level restored as part of the project.

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

c. Sanitary Sewer Lateral Lining Program (Ken Rubach, Public Works Director)

Public Works Director Rubach recalled that in the past, the Town has lined its sanitary sewer mains. Staff now plans to move on to the lining of laterals. This is a pilot program in which Town Staff is examining existing laterals for deficiencies, to be followed by the address of the laterals in the worst condition. As the program proceeds, this will give way to proactive lining of intact laterals.

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

d. Pump Repair – Sea Grape Lift Station (Ken Rubach, Public Works Director)

Public Works Director Rubach reported that a pump at the Sea Grape Drive lift station has experienced a number of issues and must be rebuilt. He is working with Pompano Beach city staff to coordinate the rebuild, which is expected to be sufficient. A new pump is not warranted at this time.

Vice Mayor Oldaker noted that the cost of a new pump is similar to the cost of repairs, and suggested that the Commission consider replacement rather than repair. Public Works Director Rubach replied that in his experience, rebuilds are typical for sanitary sewer pumps and could add another 10 years to the machinery's life. The pump itself has not failed: the issue was an electrical component.

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

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

e. BSO Staffing Levels – New Sergeant Proposal (Captain Thomas Palmer, BSO)

Captain Palmer advised that he has reviewed staffing levels in advance of renewal of BSO's contract with the Town. He has identified an operational need for a fourth sergeant. He provided historical data on this topic, recalling that a fourth sergeant was added to this contract in 2003 and remained until the elimination of the position in 2008. There has also been a reduction of one Deputy Sheriff's position. He requested that the Commission consider the addition of the fourth sergeant position.

Captain Palmer continued that BSO's policies have changed over the years, with any use of force requiring immediate review by a sergeant. At present, the Town's squad includes a Deputy Sheriff who supervises personnel on a continuous basis. If incidents occur, a sergeant from another BSO jurisdiction must assist with review.

Upon review of current staffing, Captain Palmer noted that he had also identified a vacant part-time clerical specialist position. He requested that this position be eliminated and the fourth sergeant position added. This will reduce costs of the sergeant position.

Mayor Vincent asked if the recommendation is because calls for service have increased, and why this increase might have occurred. Captain Palmer replied that there is no single reason for the increase in calls. At present, the volume of calls is on pace to surpass the previous highest year of calls. The greatest concentration of service calls comes from the Downtown area, El Mar Drive, and Commercial Boulevard.

Vice Mayor Oldaker requested that the Commission see a full breakdown of these calls. Captain Palmer advised that he can include a breakdown of the calls in his Public Safety Discussion reports to the Commission on a quarterly basis.

Vice Mayor Oldaker noted that the community has been encouraged to contact the Police on a "see something, say something" basis, and may have taken advantage of this policy, along with the Police assistance number. Captain Palmer confirmed that these calls help BSO assist the community.

Commissioner Malkoon noted that the cost breakdown lists equipment as well as personnel, and asked if the equipment represents a one-time investment. Captain Palmer

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

explained that this includes a fully equipped vehicle, uniforms, body cameras, and all other equipment necessary to a sergeant's position. Interim Town Manager Connors further clarified that the equipment cost would not recur the following year if the position is maintained. Captain Palmer also noted that the cost projections are preliminary and may vary.

Mayor Vincent asked if the position would be filled by an individual who will come to Lauderdale-By-The-Sea from another location within the Police Department, or if the position will be filled by a new hire. Captain Palmer replied that the sergeant position is a supervisory role and will be filled by an individual who is promoted to sergeant or a current sergeant from elsewhere in the Department. It would not be a member of current BSO staff in the Town.

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

f. Nana's Original Stromboli Commercial Lease Agreement (Lucila Lang, Director of Finance & Budget)

Finance Director Lucila Lang explained that Nana's Original Stromboli, which leases property from the Town, has requested that their lease not be increased by the annual 3% due to the impact of the COVID-19 pandemic. If the request is approved, it would have a financial impact of just over \$2000. The next annual increase would be effective in March 1, 2022.

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

g. Town Hall / Public Works Generator (Ken Rubach, Public Works Director)

Public Works Director Rubach stated that this request is for replacement of the generator that currently serves Town Hall. When Staff discussed replacement of the Town Hall generator, it was noted that Public Works has never had a generator. If this equipment is added, the entire Town Hall campus would have power in the event of an emergency. The current generator has rusted and a number of its parts are no longer available.

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

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

i. Transfer (Lucila Lang, Director of Finance & Budget)

Finance Director Lang advised that this Item will address the transfers discussed at prior Commission meetings. The Florida Development Group (FDG) fines will be transferred from the General Fund into the CIP fund, and the amount previously transferred from the Parking Fund to the General Fund will be transferred back to the Parking Fund.

Finance Director Lang cautioned that the totals included in the Commission's backup materials are estimates. The fund balances will be evaluated at the end of the current fiscal year and any additional transfers will be made at that time.

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

14. COMMISSIONER COMMENTS

Commissioner Strauss encouraged residents to visit the Farmer's Market.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2021-23 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING TOWN PROJECTS FOR SUBMITTAL TO THE BROWARD METROPOLITAN PLANNING ORGANIZATION FOR EVALUATION AND RANKING FOR TRANSPORTATION SURTAX FUNDING FOR FISCAL YEAR 2021; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE (Neysa Herrera, Assistant to the Town Manager)**

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

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
April 13, 2021

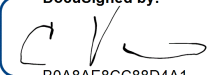
Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

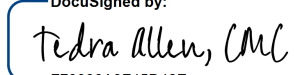
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:50 p.m.

DocuSigned by:

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

4/29/2021

Date