

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 9, 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, Town Manager Bill Vance, Former Town Manager Bud Bentley, 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to excuse Commissioner Strauss's absence. Motion carried 4-0.

5. PRESENTATIONS

5.a) Pinwheels for Prevention Campaign "Child Abuse Prevention Month" Proclamation

Mayor Vincent read a Proclamation designating April 2019 as Child Abuse Prevention Month.

5.b) Text to 911

Captain Tom Palmer of the Broward Sheriff's Office (BSO) gave a brief presentation on Broward County's new Text to 911 system, which began on April 2, 2019. Residents are encouraged to call 911 if possible, but to text if they cannot call. Text is intended only for

use in situations where a telephone call cannot be made, such as domestic violence, active shooters, home invasions, and other emergencies. The program is also meant to assist individuals with hearing impairments.

Captain Palmer cautioned that when a text message is sent, it is not possible to triangulate the message and determine the location from which it is coming. In addition, calls may only be made to and from text-capable locations. Municipalities that have their own dispatch centers, such as Plantation and Coral Springs, do not have the capability for texts to 911.

Captain Palmer added that texts to 911 cannot use emojis or abbreviations and cannot send images. The text first goes through the cell phone carrier, then is routed to a text control center and forwarded to a 911-text-capable emergency center. The system requires a text back for the sender's address and any additional details that may assist emergency service providers. At present, only English may be used through the system. Misuse of the 911 system can result in criminal charges.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

7.a) VFD March 2019 Report

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

7.b) BSO March 2019 Report

Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

8.a) Town Manager Report

Town Manager Bill Vance stated that he had submitted a written report, including a brief presentation of the Town's outreach to Broward County for increased support of the Visitors Center through the Tourism Development Council. The written report also includes a status update on the Town's Action Plan for 2019.

Mayor Vincent advised that the city of Pompano Beach has committed \$250,000 toward the Palm Club sewer improvements. He recognized the efforts of Pompano Beach Mayor Rex Hardin toward this project.

Commissioner Oldaker spoke in favor of scheduling a workshop with the participation of Downtown businesses. Town Manager Vance replied that his intent was to establish a date with the input of the Mayor and Commissioners at tonight's meeting. It was determined that the workshop would be scheduled on Thursday, May 16, 2019 at 5:30 p.m.

Town Manager Vance provided an update on the Action Plan, stating that Commission fiscal policies remain intact, and Town representation on regional committees and organizations is ongoing. The Town continues operations that protect its beaches and reefs and is looking ahead to improve parking. Pelican Hopper shuttle upgrades and revised routes are expected in 2019, and the Town has incorporated traffic calming initiatives.

The Town Manager, Municipal Services Director, and Town Engineer will be seeking support from Broward County Stormwater Permitting personnel to plan improvements to the Terra Mar neighborhood, including stormwater drainage improvements and a reduction in ponding on certain streets, including East Terra Mar Drive.

Town Staff is working with FDOT to design proposed plans for the El Mar Drive project, which are expected to go out for bid in FY 2020. The design process will be open to public input. FDOT grants, Broward County transportation surtax funds, and local matching funds will be used toward this project. Staff is also initiating the coordination necessary to replace the Palm Club septic systems in FY 2021. Residents of the Palm Club will be part of this process.

Commissioner Oldaker complimented the update of the Town's website and the positive role this upgrade plays in branding the Town. He recommended that Staff reach out to Town businesses and residents for any feedback they could give regarding the updated site.

Commissioner Malkoon recommended that the Town's upcoming budget include a professional lighting plan for neighborhoods, citing issues with lighting and lampposts in some areas.

Special Projects Coordinator Debbie Hime provided a presentation on the pursuit of funds for the Visitors Center from the Tourism Development Council (TDC), which funds sunny.org and the Greater Fort Lauderdale Convention and Visitors Bureau (CVB). This request will go before the TDC on April 25, 2019. The Town is now requesting that they fund the entire Visitors Center, which would help them to be a more active partner in encouraging tourism in Broward County.

At present, the Town supports the Visitors Center at a level of \$60,000/year, while the Chamber of Commerce and the TDC each provide \$20,000/year. The Town proposes to increase the Visitors Center budget to \$168,000/year annually, with a one-time expense of \$30,000 to bring the interior up to standard. Should the funding request be granted, the only Town expense associated with the Visitors Center will be ownership of the building. It is likely, however, that the change would remove Town branding from the building.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a) March 26, 2019 Town Commission Meeting Minutes

Commissioner Malkoon made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

11. CONSENT AGENDA

11.a) Settlement and Release Agreement with Waste Pro

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to authorize the Town Manager to execute the attached Settlement and Release Agreement with Waste Pro. Motion carried 4-0.

12. OLD BUSINESS

12.a) El Mar Greenway Project

Former Town Manager Bud Bentley advised that Staff requests the Commission's concurrence to become Local Agency Program (LAP) certified. When the Town constructed the North A1A project, their LAP certification allowed them to hire the contractor and submit the project for reimbursement. Staff is also seeking Commission approval for the El Mar Greenway project to receive Town priority for Broward County transportation surtax funds. The Commissioners agreed to both proposals by unanimous consensus.

13. NEW BUSINESS

13.a) Broward League of Cities 2019-2020 Board of Directors Appointments

Current Broward League of Cities appointments are as follows:

- Director: Commissioner Oldaker
- First alternate: Commissioner Malkoon
- Second alternate: Commissioner Strauss

The Commissioners agreed by consensus to retain these appointments, with the understanding that should Commissioner Strauss not wish to serve as second alternate, Vice Mayor Sokolow would assume that role.

14. COMMISSIONER COMMENTS

Commissioner Oldaker complimented the Town's recently updated website.

Commissioner Malkoon advised that the Chamber of Commerce will host a fish fry on Friday, April 12, 2019 at the Plunge Hotel. Tickets may be purchased at the Visitors Center, online, or at the event.

Mayor Vincent stated that a "Talk of the Town" show is scheduled at Jarvis Hall on April 10, 2019, at 7 p.m.

Mayor Vincent acknowledged that he has received several comments from residents regarding issues with the Town's regulation of vacation rentals in the RM-25 zoning district west of Bougainvillea Drive. He pointed out that there is currently a bill under consideration by the Florida Legislature which would remove the possibility of home rule of vacation rentals from municipalities or counties. The Town is awaiting the outcome of

this proposed bill before taking any further action regarding vacation rental properties in this area.

Vice Mayor Sokolow extended his condolences to the family of resident Sam Yohanan, who recently passed away.

15. ORDINANCES 1ST READING

15.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

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 Ordinance 2019-01 on first reading. Motion carried 4-0.

15.b) Ordinance 2019-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, 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.

Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve and schedule a second reading for April 23, 2019. Motion carried 4-0.

16. ORDINANCES 2ND READING

16.a) Ordinance 2019-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 6, “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE I, “IN GENERAL” OF THE CODE OF ORDINANCES TO UPDATE REGULATIONS REGARDING CONSTRUCTION SITE OPERATION, MAINTENANCE AND ABANDONMENT, CONSTRUCTION OFFICE REQUIREMENTS, AND REQUIREMENTS FOR PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

Development Services Director Linda Connors recalled that since the March 12, 2019 meeting, Staff has recommended the following minor revisions to the proposed Ordinance:

- Allow for a 30-day time frame for the removal of temporary structures, including construction fences and trailers, when the property is considered to be abandoned
- Add language that describes a process for replacement of construction fences or trailers when construction resumes on the property

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve on second reading Motion carried 4-0.

17. RESOLUTIONS – PUBLIC COMMENTS

17.a) Resolution 2019-02 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDED AND RESTATED AGREEMENT BETWEEN THE TOWN AND BROWARD AMBULANCE D/B/A AMERICAN MEDICAL RESPONSE (“AMR”) FOR PRE HOSPITAL EMERGENCY MEDICAL SERVICES (“EMS”); APPROVING THE FEE SCHEDULE FOR EMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING 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 Resolution 2019-02, which lists the approved EMS fees and authorizes the Town Manager to execute the AMR amended and restated agreement with Broward

Ambulance D/B/A American Medical Response (AMR) together with such non-substantial changes as are deemed acceptable to the Town Manager and approved as to form and legal sufficiency by the Town Attorney. Motion carried 4-0.

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 a Variance for 4341 Bougainvillea Drive

Development Services Director Connors explained that this request is to replace existing chain link fencing with an aluminum fence and retractable gate, which would be constructed 6 in. from the property line. Town Code requires that no fences shall be constructed within 25 ft. of the property line. The original chain link fence has been on the property since before the Applicant purchased it, and is in a degraded condition.

The Applicant is making improvements to the property, including landscaping and backout parking. Staff made the recommendation to replace the fence and gate. The gate is required due to a tendency for beachgoers to park in the business lot.

The Board of Adjustment unanimously recommended approval of the Application. Staff sent notices to the public regarding the hearing, but did not receive any objections to the request. The Application meets all variance criteria. Staff has requested that the Applicant meet the following conditions:

- Gate must remain open during regular business hours to prevent stacking on Bougainvillea Drive and may be closed only when the business is closed
- Chain link fencing is replaced with a picket-style fence so there is no visual impediment for neighbors backing out onto Bougainvillea Drive

Commissioner Oldaker commented that the parking lot's proximity to Commercial Boulevard can create a temptation for beachgoers to park there during peak season. He agreed that the Applicant should be able to close the gate during non-business hours.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve the variance request. Motion carried 4-0.

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

18.a) Request for a Variance for 4433 Bougainvillea Drive (Community Church of Lauderdale-By-The-Sea)

Development Services Director Connors stated that this is a request related to an upcoming Town construction project, which will make alterations to parking configurations on Bougainvillea and Poinciana Drives. The Town hopes to alter a turn from Bougainvillea Drive onto Poinciana Drive to access Commercial Boulevard. To this end, the Town is interested in purchasing roughly 300 sq. ft. from the Community Church of Lauderdale-By-The-Sea.

If the Town makes this purchase, the church's sign, which is located approximately 10 ft. from their property line, would then be located 6 ft. from the property line, which does not meet current Code standards. Staff recommends a variance to allow the church to replace the sign in the event the Town purchases the property, and to replace the sign in the future.

It was noted that the Town filed the variance application on behalf of the church. Staff received one question from the public prior to the meeting, which led to the consideration of a potential condition: although the variance assumes the roadway project will result in a certain size and demand of property, it may be that less property is required and a smaller variance could be necessary. Town Attorney Susan Trevarthen suggested that language could be included in the condition of approval that would show the intent is to grant the variance only to the extent that is needed. The Commissioners agreed by consensus to accept the proposed condition.

It was noted that no representative of the Community Church was present at the meeting. At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve, including the amended condition. Motion carried 4-0.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:31 p.m.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 9, 2019



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date