



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 27, 2023
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 7:07 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Small Cities Proclamation

Mayor Vincent read a Proclamation declaring June 2023 as Small Cities Month.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

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a. AMR May 2023 Report

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

b. BSO May 2023 Report

Captain Tom Palmer of the Broward Sheriff's Office (BSO) reviewed events planned for the Town's annual Fourth of July celebration. The parade will begin at 10:00 a.m., with periodic road closures on A1A and El Mar Drive. This will be followed by Family Fun Day at the park. Due to the volume of pedestrian traffic accessing the beach, Anglin Square will be closed to incoming traffic but will remain open for outgoing traffic.

From 9:00 p.m. to 11:00 p.m., the bridge will remain in the Down position to allow vehicular travel. This closure has been approved by the U.S. Coast Guard and the Florida Department of Transportation (FDOT). Because multiple municipalities will have simultaneous fireworks events, several bridges in the area will also remain down, which will affect boat traffic. Captain Palmer strongly encouraged residents wishing to see the fireworks to avoid driving if possible, as heavy traffic is expected and will be diverted to the west. While Circuit will provide service, delays are expected due to traffic diversions.

Captain Palmer also recognized BSO's Deputies of the Month, who assisted in the recovery of stolen valuables.

Commissioner Oldaker suggested that reported auto thefts be separated according to whether they involved forcible damage or key fobs left in the vehicle. Captain Palmer explained that the method of auto thefts may not be known until the vehicle has been recovered. He noted that when a victim reports having left a car unlocked or having left their keys in the vehicle, this is highlighted in the report. He emphasized the importance of residents locking their cars and removing any valuables from them.

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

c. VFD May 2023 Report

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

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8. TOWN MANAGER REPORT

a. Town Manager Report for June 27, 2023

Town Manager Linda Connors reported that Staff sent out a survey which encouraged residents to help choose the color of the new Downtown pavers as well as the style of architectural fixtures and light features. Over 182 individuals responded, 82% of whom were residents and 7% businesses. The selected colors were Mystic Sand and Light Blue. In addition, 67 respondents signed up to receive weekly email updates.

Man Con, Inc. has installed all drainage pipes on Codrington Drive and the street is being milled and resurfaced. There has been a slight delay due to an emergency in another community. The project is expected to be completed in the next couple of weeks.

Canal dredging is complete and included one additional canal over and above what was planned.

A new Christmas tree has been purchased for the Town, as authorized by the Commission.

The Grand Marshal of the Fourth of July parade will be Broward County Mayor Lamar Fisher, who represents Lauderdale-By-The-Sea's County District.

Dive Into Summer, which is a rebranding of Bugfest, will begin on Saturday, July 29, 2023.

The Commission will hold regular meetings on July 11 and July 25, 2023, with an additional meeting on July 25 to set the Town's tentative millage rate. A Special Magistrate meeting is scheduled for July 27.

b. April 2023 Finance Report

Director of Budget and Finance Lucila Lang noted that the General Fund percentage of expenditures is slightly higher than that of the Parking Fund for the month of April. This is due to the purchase of property at 4512 Bougainvilla Drive.

9. TOWN ATTORNEY REPORT

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None.

10. APPROVAL OF MINUTES

- 5-25-23 Commission Workshop Minutes
- 5-25-23 Regular Commission Meeting Minutes

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

- a. Resolution 2023-26 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE REVISED INTERLOCAL AGREEMENT WITH BROWARD COUNTY AND OTHER MUNICIPALITIES FOR THE ESTABLISHMENT OF THE SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY; PROVIDING FOR EXECUTION, IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

- b. Resolution 2023-27 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH RAY QUALMANN MARINE CONSTRUCTION FOR EMERGENCY SEAWALL IMPROVEMENTS FOR THE BEL AIR DRIVE SEAWALL; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS WITH THE PALM CLUB AND LEISURE GARDENS FOR REPAYMENT RELATED TO THE SEAWALL

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IMPROVEMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

Jena Robbins, representing the Chappell Group, stated that she was present to answer any questions that may arise about the project.

Corey Andrews, resident, stated that he represented the Leisure Garden Association's board of directors. He requested clarification of the following:

- How many companies bid on the project
- Pricing of the bids from lowest to highest
- Anticipated start and completion dates

Ms. Robbins advised that three companies bid on this project, with the lowest bid at \$310,000 and the highest at \$572,632.71. Work will begin once the Town gives the contractor Notice to Proceed. Work must be completed by the contractor within 101 days of that notice.

Town Manager Connors further clarified that Town Staff is prepared to move forward quickly with the contract, with the Notice to Proceed anticipated in July. She estimated that the work will be complete by mid-October 2023. Ms. Robbins added that the Chappell Group has obtained permits from the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection (DEP), and Broward County.

Mr. Andrews asked if any state or federal grant funding was available to offset the project's costs. Town Manager Connors explained that there are no grant funds available in a timely manner, as the repairs are being done on an emergency basis.

Mr. Andrews also asked when the Leisure Gardens Association will be billed for their portion of the project's costs. Town Manager Connors replied that the Town Commission will designate the Town Manager and Deputy Town Manager/Public Works Director to negotiate this matter.

Mr. Andrews asked how many owners or co-owners of properties are involved in paying for the project. Ms. Robbins replied that there are two entities, Leisure Gardens and Palm Club, in addition to the Town, as these entities own the seawall.

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

Town Manager Connors recalled that this project had been planned by the Town for some time, as there were concerns regarding the condition of the seawall at the subject location. While the Town was preparing a request for proposal (RFP) for this project, the seawall collapsed, requiring an emergency response. Staff requests that the Commission approve the contract with Ray Qualmann Marine Construction, which is \$310,000, or \$1220.47 per lineal foot.

The seawall is divided among three parties: the Town, Leisure Gardens, and Palm Club. Staff requests that the Town proceed with construction of the wall and then seek repayment for the portions owned by the other two entities. A full breakdown of costs is included in the Commission's backup materials. The actual cost to the Town will be slightly over \$118,000 once costs have been recouped.

Resolution 2023-27 approves and authorizes the Town Manager to execute the agreement with the contractor for seawall repairs in an amount not to exceed \$310,000. It also authorizes the Town Manager to negotiate repayment and other terms with Leisure Gardens and Palm Club.

Vice Mayor Malkoon asked if Staff has had recent conversations with Palm Club on this topic. Town Manager Connors replied that there have been discussions but no finalization thus far. Vice Mayor Malkoon recommended that the Town work with Palm Club and Leisure Gardens residents to determine an affordable plan, as the expense is expected to be significant.

Forrest Niemi, resident, noted that the Leisure Gardens portion of the seawall is under a trust for its common areas. He added that there is a section between the Leisure Gardens and Palm Club sections which is owned by Weir Realty and requested clarification of this entity's portion of the seawall.

Town Manager Connors explained that the Town owns 97 lineal ft. of the seawall, while Palm Club owns 107 lineal ft. and Leisure Gardens owns 50 lineal ft. This totals 204 lineal ft.

Mr. Niemi asked why Weir Realty would not be responsible for a portion of the repairs. Ms. Robbins stated that the Broward County Property Appraiser's Office shows a

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portion is owned by “Weir Realty Company/Palm Club.” Town Manager Connors noted that Weir Realty may be another name for Palm Club.

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

- c. Resolution 2023-28 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE AGREEMENT WITH THE CHAPPELL GROUP, INC. FOR ENGINEERING OVERSIGHT SERVICES FOR THE BEL AIR SEAWALL PROJECT, IN AN AMOUNT NOT TO EXCEED \$26,677.50; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Town Manager Connors explained that the Chappell Group will oversee the construction of this project.

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

- d. Resolution 2023-29 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A GUARANTEED MAXIMUM PRICE FROM STATE CONTRACTING & ENGINEERING CORPORATION FOR THE DOWNTOWN ENHANCEMENT PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE A WORK AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Town Manager Connors advised that State Contracting had assisted with the Town’s first Downtown enhancement project and will continue to do so for the second project. The project will be more expensive than anticipated due to the current financial environment, as well as the costs of labor and materials.

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Because the Town received \$3.34 million in COVID-19 pandemic assistance, Staff suggests increasing the amount provided from the Pierpoint/Oriana fund, which applies only to the area of the project on El Mar Drive, to assist in covering the project's costs. The Town will also move COVID-19 funds from the Codrington Drive project to the Downtown enhancements, leaving \$40,000 of these dollars for use in the Codrington Drive project. Additional funds will be moved from the Capital Improvement Program (CIP), where they were originally slated for use on the Friedt Park project, to the Codrington Drive project. The Friedt Park project will be moved into the CIP in fiscal year (FY) 2023-2024.

Mayor Vincent requested clarification of the evaluated cost of the El Mar Drive portion of the project. Town Attorney Susan Trevarthen confirmed that these funds provide for the improvement of the El Mar Drive right-of-way.

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

- e. Resolution 2023-30 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A WORK AUTHORIZATION WITH FLYNN ENGINEERING SERVICES, PA FOR ENGINEERING OVERSIGHT SERVICES FOR THE DOWNTOWN ENHANCEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED \$39,562; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

13. NEW BUSINESS

- a. Resolution 2023-31 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DIVISION OF ARTS AND CULTURE, CULTURAL FACILITIES PROGRAM FOR \$100,000 FOR THE COMMUNITY**

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CENTER ENHANCEMENT PROJECT; AUTHORIZING EXECUTION OF A GRANT AGREEMENT, IF AWARDED; APPROVING MATCHING FUNDS FOR \$200,000, IF AWARDED; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

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

Assistant to the Town Manager Courtney Easley stated that this Item requests authorization to submit a grant application for \$350,000 for renovation of the Community Center kitchen. There have been no updates to this facility since 1998.

Staff recently asked Community Center Director Armilio Bien-Aime to work with volunteers in crafting a priority list of programs they would like to see at the Center. One of these was a culinary program. Funding is available through the Florida Division of Arts and Culture's Cultural Facilities Program. The grant application requires a Resolution of support from local government.

The culinary program will provide nutrition and cooking classes. The funding will be made available in FY 2024-2025.

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

b. Resolution 2023-32 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING AND APPROVING THE PROPOSED PAY PLAN AND PAY RANGES; PROVIDING FOR IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.

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

Assistant to the Town Manager Easley explained that this Item would approve and implement a new job and pay framework study prepared by HR Compensation Consultants (HRCC). In October 2019, the Commission authorized the Town Manager to execute an agreement with this consultant to conduct a job description review, update existing job descriptions, and review the Town's existing compensation plan.

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The contract with HRCC was amended in July 2020 to include a market study. The Commission approved the pay plan in September 2020.

Since the 2020 approval of the pay plan, the job market has become very competitive, with salary increases and benefits that have made that pay plan outdated. In February 2023, the Town was in danger of losing Public Works Staff to more lucrative positions. To address retention, the Town approved a \$1/hour wage increase for Maintenance Workers 1, 2, and 3 positions in February 2023.

At the February 2023 meeting, the Commission requested that Staff address long-term challenges for all employees. Staff engaged HRCC to conduct a position and pay grade study to assess all positions and ensure salaries are fair and competitive for both the current and future labor markets.

In March 2023, the Town contracted with HRCC to review its current pay plan. The agency's principal prepared a video to explain the process and recommendations of the study, which Assistant to the Town Manager Easley played at this time.

The proposed recommendations include:

- Reclassification of certain positions which require certification, providing separate pay grades for certified and non-certified employees
- Raising Staff members' salaries that are currently below the recommended pay plan; this would affect roughly seven employees
- Providing a 4% across-the-board pay increase
- Adjustments for equity

Assistant to the Town Manager Easley noted that there are some Staff members who have been with the Town for 10 to 15 years but are currently at the same level as some incoming Staff members. Adjustments for equity, including length of service, would be made to these individuals' salaries.

The cost of bringing the seven employees' salaries to the current level would be \$8500 for the remainder of the current fiscal year, beginning July 1, 2023. The cost of implementing the proposed 4% increase for all Staff members would be \$21,675.54. Assistant to the Town Manager Easley noted that thus far in the current fiscal year, staffing and position changes have allowed the Town to save over \$120,000 in salaries. The Town has sufficient funds to cover the adjustments recommended by HRCC beginning on July 1.

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Town Manager Connors emphasized that the intent of these recommendations is for the Town to retain its Staff members by paying the salaries they deserve and could make elsewhere. She encouraged the Commission to approve Resolution 2023-32.

Commissioner Pouloupoulos observed that the Town has an excellent Staff and should pay them the salaries required to retain them. He stated he was in favor of the proposal.

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

c. Fiscal Year 2023-2024 BSO Proposed Budget

Director of Budget and Finance Lang presented BSO's proposed budget for FY 2023-2024, which includes an increase of approximately 3.9%. The increase covers costs such as computers, gas/oil, and Computer-Aided Dispatch (CAD) software.

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

14. COMMISSIONER COMMENTS

Vice Mayor Malkoon recognized Special Events and Marketing Coordinator Katie Anderson for her work and professionalism. He encouraged all residents to attend the upcoming Fourth of July parade and events.

Commissioner Strauss and Mayor Vincent also wished all present a happy Fourth of July holiday.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

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- a. Resolution 2023-33 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING AN ALTERNATE MEMBER TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

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

Development Services Director Jhanelle Campbell stated that this Item will appoint a new Alternate member to the Town's Planning and Zoning Board. Town Staff recommends the appointment of resident Karen Blake as second Alternate.

Commissioner Strauss made a motion, seconded by Commissioner Poulopoulos, to appoint Karen Blake. Motion carried 5-0.

- b. Resolution 2023-34 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR REPRESENTATION AT HEARINGS BY THE BROWARD COUNTY MINIMUM HOUSING / UNSAFE STRUCTURES BOARD; PROVIDING FOR EXECUTION, IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.**

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

Development Services Director Campbell explained that in 2013, the Town entered into a five-year interlocal agreement with Broward County in which the Town agreed that the County would hear and dispose of cases through their Unsafe Structures Board. That agreement expired on April 30, 2018. Since that time, the Town has only brought one case forward before the Unsafe Structures Board; however, they believe it is necessary to retain this resource for the Town. The current agreement expires on October 9, 2023.

Broward County has brought forward an amendment to the interlocal agreement, which would increase the rate for provision of services from \$83.17 to \$92.87 per hour for the services of a Building Code Enforcement Officer. The agreement would be extended through April 9, 2028. Staff recommends approval of the updated agreement.

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Mayor Vincent confirmed that the Unsafe Structures Board provides services on an as-needed basis only.

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

18. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Susan Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Item.

- a. Case Number 2023-L2-AA-01: Pursuant to Section 30-128, “Administrative Adjustments,” of the Town Code of Ordinances (the “Town Code”), the Applicant is requesting a Level 2 Administrative Adjustment to permit two (2) encroachments into the required side setbacks as part of constructing two (2) new additions to the existing dwelling located at 234 Avalon Avenue (“the Property”).**

Development Services Director Campbell explained that this request is for an administrative adjustment which would permit two encroachments into the required side setbacks of a property. These encroachments are part of a renovation project that proposes two new additions to an existing home at 234 Avalon Avenue. She showed renderings of the subject property, the proposed additions, and the proposed encroachments.

The proposed additions follow the existing side setback line on the property, which already has nonconforming side setbacks. The Applicant is requesting to maintain the existing setback line and include two new additions.

Town Code requires a Level II administrative adjustment whenever a request equals 30% of the setback requirement or 5 ft., whichever is less. The Application meets this threshold.

The request does not increase density, and the proposed additions would not add height to the building. They also do not encroach upon any easement or right-of-way. The request meets the following conditions:

- Does not interfere with the convenient or enjoyable use of adjacent lands or present a danger to the public

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- Is not incompatible with the character of the development and the surrounding area
- No adverse impacts are perceived
- Adjustment is consistent with the Town's Comprehensive Plan

Development Services Director Campbell noted that Staff sent the required notice for this Application to all property owners within a 300 ft. radius of the subject property, but did not receive any responses. Notice was also posted on the property and online. Staff recommends approval of the Application.

Vice Mayor Malkoon asked if the property's neighbors are year-round residents of the Town.

Milos Trifunovic, representing the Applicant, stated that he is the general contractor for the property. He recalled that one neighbor of the subject property attended the Planning and Zoning Board meeting at which this Item was presented. The neighbor, who lives west of the property, had expressed concern that the Application might include elevation changes; however, once he saw the presentation on the project, he seemed receptive to it.

Mayor Vincent requested clarification of how legal nonconforming structures are allowed to stand if renovations are proposed. Town Attorney Trevarthen advised that this is why the Item is before the Commission as an administrative adjustment. The request is for a current decision by the governing body to allow a deviation. She confirmed that this has been done for nonconforming properties in the past, and emphasized that each individual case must be considered on its own merit and must be analyzed under the required criteria, which were presented by Development Services Director Campbell.

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

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

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:24 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk

7/26/2023 | 11:26 AM PDT

Date