



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 14, 2024
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:45 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Proclamation for “National Police Week” and “National Peace Officers Memorial Day”

Mayor Malkoon read a Proclamation recognizing the week of May 12-18, 2024 as National Police Week and Wednesday, May 15, 2024 as National Peace Officers Memorial Day.

b. Proclamation for “National Safe Boating Week”

Mayor Malkoon read a Proclamation recognizing the week of May 18-24, 2024 as National Safe Boating Week.

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c. Proclamation for “National Public Works Week”

Mayor Malkoon read a Proclamation recognizing the week of May 19-25, 2024 as National Public Works Week.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. PBFR Public Safety Report

Pompano Beach Fire Inspector Ashley Zalewski reported that in the month of February 2024, Pompano Beach Fire Rescue (PBFR) received 109 calls with an average response time of 4 minutes 36 seconds. They received two out-of-zone calls, which means they left the Lauderdale-By-The-Sea area to respond to another emergency.

In March 2024, PBFR received 105 calls with an average response time of 5 minutes 25 seconds. One out-of-zone call was received. In April, there were 84 calls with an average response time of 5 minutes 8 seconds, and two out-of-zone calls.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors recalled that the Town Commission traditionally selects liaisons from the Commission to participate with Staff in the special Town events scheduled throughout the year. The Commission designated the following liaisons for each of the following events:

- 75th Anniversary: Mayor Malkoon
- 4th of July: Commissioner Pouloupoulos
- Veterans Day: Vice Mayor Strauss

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to appoint Mayor Malkoon as the 75th Anniversary Chair, Commissioner

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Poulopoulos as the 4th of July Chair, and Vice Mayor Strauss as the Veterans Day Chair. Motion carried 5-0.

Town Manager Connors stated that the Town's contract with CivicPlus for website services includes a redesign of the Town's website. It is hoped that the redesign will be complete within six months. Town Manager Connors requested that the Commissioners reach out to Staff if there is any specific information they would like to see included on the website. While this can be a lengthy process, it should result in improvements to the site.

Commissioner Poulopoulos asked when the website was last redesigned. Town Manager Connors replied that it was redesigned as part of the CivicPlus contract approximately five years ago. The upgrade will include a calendar which is easier to read as well as indexing of information, reorganization of headers, and possible interactive improvements to the Development Services Department's page, if available.

The upgrade will not come at any additional cost, as it is included in the existing contract. There may be a cost for additional features. Staff will consider what is being offered as well as the associated costs.

Town Manager Connors continued that the Town has a new front desk associate, Jodi Hamill, who will assist in administrative backup duties to the Town Clerk.

On Friday, May 10, 2024, the Town Manager provided a tour of the Downtown Enhancement Project for members of the National Association of City Transportation Officials.

b. Visitors Center Quarterly Report

Kym Miranda, representing the Visitors Center, provided a report on the first quarter of 2024. There was a 26% increase in visitors during this quarter in comparison to the previous year, with 902 walk-ins in February 2024 alone. The Visitors Center provides value for visitors and locals who are seeking specific services.

75th Anniversary and other branded merchandise is available at the Visitors Center, with sales additionally boosted by the Farmers Market. The Town sold \$2713 worth of merchandise in the first quarter. They also signed up 98 individuals to receive *Town Topics* emails and supported the Events and Marketing Manager in events including Taste of the Beach, the Easter Egg Hunt, and the Farmers Market.

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There are now two Little Free Libraries in the Town which are designed in the Mid-century Modern style. Both are on the worldwide Little Free Library map.

The Visitors Center plans to update the Town's walking map brochure, increasing its size for better visibility. They are also preparing for an open house event for Town businesses and hotels so they can learn how they are represented in the Center. The proposed event is planned for June 2024.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Resolution 2024-15: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH ERICKS CONSULTANTS, INC. FOR LOBBYIST SERVICES; FINDING THAT THE AGREEMENT IS IN THE BEST INTERESTS OF THE TOWN AND EXEMPT FROM COMPETITIVE SOLICITATION PURSUANT TO SECTION IV.D OF THE TOWN PURCHASING MANUAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Assistant to the Town Manager Courtney Easley explained that this Item will approve an agreement between the Town and Ericks Consultants, Inc. for lobbying services. The

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agreement is for a two-year term, with Commissioner authorization for the Town Manager to also authorize one additional two-year term. Annual costs are not to exceed \$36,000. Each year within the renewal period is subject to a price increase not to exceed 5%.

The Town issued a request for proposal (RFP) in 2017 for lobbying services in relation to the Palm Club service system project. In 2021, the Commission expressed a desire to continue using the firm for lobbying services. Pursuant to the Town's Purchasing Manual, professional services may be exempted from competitive solicitation requirements upon a finding by the Town Commission if the Commission determines this is in the best interests of the Town.

Since 2021, Ericks Consultants has worked to secure \$500,000 for the Codrington Drive drainage project as well as a \$1 million direct budget allocation to fund the design of a public safety building. This allocation is currently pending the Governor's approval. Ericks Consultants has also assisted the Town in lobbying on legislation that affects the Town, including but not limited to:

- Additional funds
- Vacation rentals
- Building regulations
- Local government actions
- Sovereign immunity caps
- Live Local policies

The firm has also assisted in lobbying within the following areas:

- Intergovernmental affairs
- Grant funding and appropriations
- Agency liaisons
- Communications

Staff recommends approval of the Resolution.

Commissioner Graziano asked how many other Broward municipalities are represented by Ericks Consultants. Candice Ericks, representing Ericks Consultants, stated that they represent 80 municipalities, including Pembroke Pines, Coral Springs, Coconut Creek, and others.

Commissioner Graziano stated that there may be times when a firm that represents multiple municipalities in a given area may have to make decisions on which client takes

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priority. He stated that he felt larger clients like Fort Lauderdale may take precedence over a smaller client like Lauderdale-By-The-Sea. He also noted that the Town's two state elected officials know and work with Town leadership, including the Mayor and Town Manager.

Commissioner Graziano continued that the Town's lobbying firm has produced fewer results than those occurring as a result of existing relationships, particularly on major issues such as vacation rentals, where the Town has been unable to have any impact. He suggested that the Town may wish to "piggyback" on another contract or reach out to a lobbying firm with greater focus on state leadership. He noted that Lauderdale-By-The-Sea is the smallest municipality in Broward County, and reiterated concern that a larger municipality may take precedence over the Town.

Commissioner Graziano added that he was also not pleased with the consideration of an additional two-year term which would be left solely to the Town Manager. He stated that it is the Commission's role to approve contracts. He was in favor of limiting any contract approved by the Commission to the first two years, with any extensions to be brought back to the Commission for approval.

Ms. Ericks advised that the firm has over 25 years' experience in both Broward County and Tallahassee. She addressed the concern that a larger client could be prioritized over the Town, stating that the firm works hard for all its clients.

Commissioner Graziano asserted that the firm should make itself more available to the Commissioners. He reiterated that the firm has not been productive for the Town on vacation rental issues. He proposed again that the Town consider a piggyback contract with an additional lobbyist or issue an RFP that seeks a lobbying firm in Tallahassee.

Town Manager Connors clarified that she would not have the authority to approve a two-year contract extension. She advised that when contracts are presented for renewal, the Commission may pull any contract for additional discussion. Her authority is limited to the extension of a contract for up to six months if the Town needs additional time to issue an RFP or bring forward a contract.

Commissioner Graziano noted language which stated the Town Manager has authority to authorize an additional two-year term and suggested that this language be removed from the Resolution. Town Manager Connors explained that this language means the Town does not have to issue a new contract, which will help them keep costs low. Commissioner Graziano stated that he felt this decision belongs with the Commission.

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

Commissioner Pouloupoulos observed that the Town has certain objectives which do not require monetary assistance from the state government, and asked what Ericks Consultants can realistically achieve outside lobbying for line items that include a funding component. Ms. Ericks replied that policies may arise which are not on the Town's agenda, but which are flagged by the firm as being potentially of interest to the Town. This results in mid-season negotiations and may include talking further with elected officials or adding language to a particular item. She strongly emphasized that the firm's goal is to ensure the Town is secure.

Commissioner Pouloupoulos noted that there is only so much a firm can do from a policy standpoint in addition to acting as the Town's advocate in Tallahassee. He acknowledged that securing appropriations for the Town is more realistic than affecting policy. Ms. Ericks replied that both objectives are relationship-based and the firm has a good working relationship with all the leadership in the Florida Legislature. Much of their work on policy is not called to the public's attention.

Lauren Jackson, also representing Ericks Consultants, stated that the firm seeks to affect policy to the greatest extent possible. With regard to vacation rentals, the firm has successfully fought in favor of municipalities since 2013, and even though a bill passed the recent Legislative Session, it was with the closest State House of Representatives vote of the session. She did not believe any lobbying firm would have affected that decision further.

Ms. Jackson continued that the firm is conversant with the Town's Ordinances, including the Vacation Rental Ordinance and its various details. This knowledge is helpful when the firm holds conversations with policymakers.

Commissioner Pouloupoulos also requested clarification of whether or not the firm has an office in Tallahassee. Ms. Ericks confirmed this, adding that the firm itself has been in existence for 40 years. They are known for their presence in Tallahassee.

Vice Mayor Strauss stated that he felt Ericks Consultants has done an exemplary job representing the Town during his tenure as a Commissioner, and he was appreciative of the summaries the firm provides to the Commission on legislative activity. He addressed the contract language, stating that the contract offers a two-year renewal option which

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would not be at the Town Manager's discretion. If the Town wishes to continue the relationship, the Town Manager would present the contract for renewal in two years.

Town Manager Connors reiterated that Procurement Code requires her to bring the contract before the Commission for renewal.

Commissioner Graziano stated that he felt the contract would effectively be for four years, adding that he was displeased that the Town was one of seven Broward municipalities represented by Ericks Consultants. He proposed that the Commission approve the contract for \$36,000, but was disappointed that there was no support from the Commission to piggyback on another municipality's contract with a different firm in order to address issues on which the current firm has not been successful.

Mayor Malkoon advised that he has become familiar with Ericks Consultants during his tenure on the Commission and recognized their commitment to forming relationships throughout the County and state. He felt the team had addressed the question of whether or not they are Tallahassee lobbyists, and also felt the cost of the contract is valuable as well, pointing out that the Town received \$500,000 in direct funding for the Codrington Drive drainage project and may receive \$1 million for design of a new public safety building.

Commissioner DeNapoli stated that he is also familiar with the Ericks Consultants team, and requested confirmation that the proposed contract is similar to those the firm has with other municipalities, although the dollar amount may be different. Ms. Ericks confirmed this, adding that some larger municipalities have contracts with similar price points. The firm seeks to maintain a status quo in costs for its clients.

Commissioner Graziano asserted that he did not look at the economic aspects of the contract in terms of the funding the Town receives, but also considered other issues.

Commissioner Graziano made a motion to approve the contract for two years, but bring it back for another evaluation.

Commissioner Graziano stated that he would also like the language referring to a possible two-year extension to be removed from the contract.

Vice Mayor Strauss reiterated that the two-year renewal is the Commission's option rather than the firm's option. It provides the Town with an opportunity to renew the contract only if they want to do so. Commissioner Graziano stated again that he did not

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want the option to be left to the Town Manager's discretion, which was his understanding of the language proposed in the contract.

Town Attorney Susan Trevarthen explained that the Town Manager works for the Commission and will follow their direction; however, the wording of the sentence to which Commissioner Graziano referred could be amended to say it is the Town's option to renew the contract.

There were no objections from the Commission on the removal of the word "Manager" from paragraph 5 of the agreement. Town Attorney Trevarthen clarified that the contract proposes a two-year fixed term, with the Town maintaining the right to exercise renewal with an increase of up to 5%.

Commissioner Graziano confirmed that this was intended as part of his **motion**.

Vice Mayor Strauss seconded the motion. Motion carried 5-0.

b. Resolution 2024-16: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN'S PERSONNEL POLICIES MANUAL BY ADDING A SECOND FLOATING HOLIDAY FOR THE OBSERVANCE OF JUNETEENTH NATIONAL INDEPENDENCE DAY; PROVIDING FOR IMPLEMENTATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Assistant to the Town Manager Easley explained that the Resolution would authorize a second floating holiday for employees in observance of Juneteenth National Independence Day. The Town currently provides a floating holiday to all employees which may be used before or after an official holiday or for holidays not officially observed by the Town. This personal day is commonly used for Christmas Eve, Easter, or Passover.

In 2021, Juneteenth became an official federal holiday. While some cities close in observance of this holiday, others remain open but allow their staff a personal day on which to observe the holiday. Lauderdale-By-The-Sea is currently open on Juneteenth.

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Staff conducted a municipal survey related to personal days and Juneteenth in other municipalities. The recommendation is to amend the Town's personnel policy to add an additional floating holiday. This second personal day may be used for Juneteenth or any other holiday for which an employee would like to use that day. Personal days do not roll over into the next fiscal year.

Town Manager Connors further clarified that employees also have the option of using a personal day on their birthday, to extend a vacation, or any other day they may wish. Assistant to the Town Manager Easley added that this Resolution was proposed by Town Staff at their biannual Employee Town Hall meeting.

Commissioner Graziano stated he was in favor of giving employees a day off for a federal holiday and recommended that a second reading be held before June 19, 2024, if possible.

Town Attorney Trevarthen advised that because the Item is a Resolution and not an Ordinance, it only requires one hearing by the Commission. The Commission may approve the Resolution and request that it be brought back with an additional change, or they may request that the Resolution be amended at tonight's meeting. She noted that the Resolution's primary implications are for the Human Resources needs of the community as well as any fiscal impacts.

Commissioner Graziano added that he would like Staff to consider this further when preparing the fiscal year (FY) 2024-2025 budget. He concluded that he felt the holiday is well-deserved by the Town's employees.

Town Manager Connors pointed out that there are currently two holidays which are not observed by the Town, and asked if the request would also be to add those two holidays to the days in which Town government is closed for business as well. Commissioner Graziano confirmed this, clarifying that his intent was also to add Indigenous Peoples Day/Columbus Day as well as Juneteenth.

Commissioner DeNapoli noted that the Resolution proposes to make Juneteenth a floating holiday on which Town offices remain open, and the proposal from Commissioner Graziano would close Town offices on that day as well as Indigenous Peoples Day/Columbus Day. Commissioner Graziano confirmed this was his intent.

Commissioner Pouloupoulos commented that there is currently one floating holiday which Staff may use at another time, and asked if the two additional holidays proposed

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by Commissioner Graziano would be permanent holidays for Town Staff in addition to the current floating holiday or in lieu of it. Commissioner Graziano replied that his intent was that the two new holidays be added “budgetarily in lieu of” the existing floating holiday. He did not feel it was good public policy to withhold federal holidays from Town employees.

Commissioner Pouloupoulos requested clarification of whether this proposal would take away the current floating holiday, pointing out that some Staff members may wish to retain this option.

Town Manager Connors recommended against taking away the current floating holiday, which is often used for religious purposes. She pointed out that adding two new federal holidays which are observed by the rest of the nation would not constitute a significant expense, and that Town Staff has expressed interest in observing Juneteenth.

Vice Mayor Strauss advised that he agreed with Staff’s recommendation to create a second floating holiday as proposed in the Resolution.

Vice Mayor Strauss made a motion to proceed with the Staff recommendation.

Mayor Malkoon asked if the addition of two federal days off but not closing Town offices would create an administrative issue for the Town. Town Manager Connors replied that she did not feel the addition of either or both days would have a significant impact.

Vice Mayor Strauss explained that he had reviewed the documentation for the proposed Resolution and agreed with Staff’s recommendation.

Commissioner Pouloupoulos seconded the motion. Motion carried 4-1.

c. Special Event Application: Broward County International Coastal Cleanup 2024 & 2025

Events and Marketing Manager Katie Anderson advised that Broward County has submitted a Special Event Application for the County’s 39th and 40th Annual International Coastal Cleanup events. Lauderdale-By-The-Sea has hosted this event for several years. The application requests approval for both 2024 and 2025, with the dates set for Saturday, September 21, 2024 and Saturday, September 20, 2025.

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Setup for the event will begin at 8 a.m. in El Prado Park, with the event to officially begin at 9 a.m. and last three hours until noon. Cleanup will take place until 1 p.m. El Prado Park is requested as the starting location, and the Applicant will provide a banner designating the Park as the event site during the event's hours.

In 2024 and 2025, the County anticipates approximately 120 participants. The Applicant has requested free parking in the El Prado parking lot as well as the lot located in front of Town Hall. In previous years, the Town has provided 50 parking permits per cleanup; however, due to the increase in anticipated attendance, Staff now recommends the provision of 75 parking permits to be provided during the time frame of the event.

Because the cleanup is a volunteer event presented by Broward County, there is no special event fee. Staff recommends approval of the Application for both 2024 and 2025 with the conditions outlined in the permit under Exhibit 2. They also recommend approval of providing 75 parking permits to the Applicant per event.

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

d. Lauderdale-By-The-Sea's 2024 July 4th Celebration

Events and Marketing Manager Anderson advised that the Town's annual 4th of July celebration will be held on Thursday, July 4, 2024. As in previous years, this will be a day-long celebration consisting of a morning parade followed by Family Fun Day in El Prado Park. It will conclude with a fireworks display.

The parade will begin behind Town Hall at 10 a.m. and is expected to last roughly one hour. Family Fun Day will be held in El Prado Park from 11 a.m. until 2 p.m. The fireworks display will begin at 9 p.m. and will last approximately 20 minutes, ending the Town's festivities at 9:20 p.m.

The Town has budgeted \$46,000 for the event, with the largest portion of those funds being \$25,000 for fireworks. Preparation will begin days in advance and will include Town Staff, with Broward Sheriff's Office (BSO) coordinating the setup of an emergency lane along the beach. Portable restrooms will be delivered to the El Prado parking lot to accommodate those participating in the celebration.

Barricades will be staged in appropriate locations for ease of setup by the Public Works Department on the morning of the event. The parade will begin behind Town Hall and

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will be preceded by opening remarks from the Event Chair and the Mayor, followed by the Pledge of Allegiance and national anthem. The parade route will run north on Bougainvillea Drive, east on Pine Avenue, and south on El Mar Drive until participants reach Hibiscus Drive, where the parade route ends.

Family Fun Day in El Prado Park will feature an oversized water slide, a DJ, food and beverage, and other entertainment. The holiday will conclude with a 20-minute fireworks display, with a 20-second opening, an 18-minute feature presentation, and a 60-second grand finale.

In preparation for the event, Staff has requested use of the 460 El Mar Drive lot for the fireworks display, with El Prado Park Beach as a backup location. Staff has prepared a Florida Department of Environmental Protection (FDEP) field permit for the fireworks display and has coordinated with BSO to submit a permit application requesting that the Commercial Bridge remain in the down position just prior to, during, and after the fireworks display. Staff recommends approval of the 4th of July celebration.

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

e. Resolution 2024-17: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF MEMBERS TO THE CHARTER REVIEW BOARD; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner DeNapoli recalled that while there have historically been seven members appointed to the Charter Review Board, asked if any of the Commissioners opposed reducing this number to five appointees with two alternates in a similar fashion to the Town's Planning and Zoning Board.

There was consensus from the Commissioners to lower the membership to five appointees and two alternates as proposed.

Commissioner DeNapoli continued that he would also recommend continuing a collaborative approach for the Charter Review Board. He asked if that advisory body

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would be tasked with specific items to consider, as well as whether or not there would be a time limit on how long they may take to consider and act.

Town Manager Connors recalled that in the past, the Commission held discussion at a Commission meeting to provide direction to the Charter Review Board on items in which the Commission was interested. The Board then reviewed the Town's Charter and developed their own suggestions as well. All of these items were brought back to the Commission for consideration before any items were placed on the ballot.

Commissioner Poulopoulos asked if there have been any applicants for positions on the Charter Review Board. Kym Miranda, Bob Fleischman, and Marie, a resident, identified themselves from the audience.

Mayor Malkoon announced that the Commissioners would each name their proposed nominees and a total would be tallied from the results. It was determined that the five individuals with the most nominations would be the Board's regular members, with the next-highest recipients to be the alternates.

The Commissioners discussed their nominees and alternates to the Charter Review Board, which included the following individuals:

- Chris Vincent (nominated by Mayor Malkoon, Vice Mayor Strauss, Commissioner DeNapoli, Commissioner Graziano, and Commissioner Poulopoulos)
- Robert Fleischman (nominated by Mayor Malkoon, Commissioner DeNapoli, Commissioner Graziano, and Commissioner Poulopoulos)
- Brian Kuszmar (nominated by Mayor Malkoon, Commissioner DeNapoli, and Commissioner Graziano)
- Patrick Ucci (nominated by Mayor Malkoon, Vice Mayor Strauss, and Commissioner DeNapoli)
- Lorraine Lenoble (nominated by Mayor Malkoon, Vice Mayor Strauss, Commissioner DeNapoli, Commissioner Graziano, and Commissioner Poulopoulos)
- Jacqueline Bonanni Rubino (nominated by Vice Mayor Strauss, Commissioner DeNapoli, and Commissioner Poulopoulos)
- Carrie Wusylko (nominated by Commissioner DeNapoli and Commissioner Graziano)
- Kym Miranda (nominated by Mayor Malkoon, Vice Mayor Strauss, Commissioner DeNapoli, Commissioner Graziano, and Commissioner Poulopoulos)
- Lisa Magill (nominated by Vice Mayor Strauss)
- Robert Noll (nominated by Vice Mayor Strauss and Commissioner Poulopoulos)

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- Helen Britton (nominated by Mayor Malkoon and Commissioner Graziano)
- Roseann Minnet (nominated by Commissioner Pouloupoulos)

The Commissioners determined by discussion and consensus to appoint the following individuals as the seven regular members of the Charter Review Board:

- Lorraine Lenoble
- Kym Miranda
- Chris Vincent
- Robert Fleischman
- Jacqueline Bonanni Rubino
- Brian Kuszmar
- Patrick Ucci

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to appoint the above members to the Charter Review Board. Motion carried 5-0.

- f. Resolution 2024-18: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR FIREWORKS DISPLAYS; FINDING THAT THE AGREEMENT IS IN THE BEST INTERESTS OF THE TOWN AND EXEMPT FROM COMPETITIVE SOLICITATION PURSUANT TO SECTION IV.L OF THE TOWN PURCHASING MANUAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Events and Marketing Manager Anderson stated that Zambelli Fireworks Manufacturing Company has provided the Town's July 4th fireworks display for over 10 years. The Town's most recent agreement with this vendor has expired, resulting in the need for a new agreement to be drafted.

Zambelli has provided the Town with a proposal for a fireworks display consideration. This proposal includes a two-year term, which is consistent with previous contracts. Finances are proposed at \$25,000 annually, which is a \$1000 increase from the 2022 agreement. To help offset the cost of this event, Town Staff pursues sponsorship efforts.

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Each Zambelli production is a 20-minute fireworks display, with a 20-second introduction, an 18-minute display, and a 60-second grand finale. Staff recommends that the Commission waive the purchasing requirements, as it is in the best interests of the Town, and approve Resolution 2024-18, which authorizes the Town Manager to execute the agreement.

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

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

g. Historic Pier Sign

Deputy Town Manager/Public Works Director Rubach recalled that when the Downtown area was redesigned in 2013, the Anglin's Pier sign, which had been located in a median, was relocated to the northeast corner of A1A and Commercial Boulevard. The sign was updated to include the Town's colors and logo but retained its basic language.

During the recent Downtown enhancement project, it was noted that the sign would be located in the center of a walkway. It was removed at that time with the intent of relocating the sign within the same general area. If the Commission wishes to post the sign in that same area, the Town will need to hire a structural engineer to determine the type of foundation needed to withstand storm force winds.

Deputy Town Manager/Public Works Director Rubach added that the Commission may also consider any changes to the sign, such as colors, graphics, or language. It would cost approximately \$1000 to replace all four panels of the sign.

Spiro Marchelos, resident, stated that the original sign was owned by his company but destroyed by the Town in 2013 during construction of the original Downtown renovation project. The Town paid for the new sign as a replacement.

Mayor Malkoon requested clarification of where the sign would be placed. Deputy Town Manager/Public Works Director Rubach replied that it would be placed in the northeast corner of the Downtown near a newly planted median. He estimated that this would be 10 to 15 ft. north of its previous location.

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Mayor Malkoon also asked if TacoCraft restaurant has expressed any concerns regarding the proposed new location of the sign. Deputy Town Manager/Public Works Director Rubach noted that the sign would be within the Town's right-of-way and would be 10 to 15 ft. away from the restaurant's front door.

Vice Mayor Strauss asked if the sign would be placed at the same height as in its previous location. It was clarified that the same sign will be used.

Vice Mayor Strauss asked why the proposed location had been selected. Deputy Town Manager/Public Works Director Rubach replied that the sign will be lined up with the planting beds. It was the only location available that did not conflict with outdoor dining areas or the pedestrian path. The sign is lighted and must have access to electricity.

Commissioner Graziano asked if there was any remaining confusion about ownership of the sign. Town Manager Connors recalled that the Town had purchased the current sign and paid for its installation. Mayor Malkoon stated that he would like more information regarding what happened to the original sign in 2013 and advised that this would be researched further.

Commissioner Pouloupoulos advised that he would need to abstain from voting upon this issue due to a conflict. He pointed out that if the sign is moved directly north, it appeared that it would be very close to TacoCraft. Deputy Town Manager/Public Works Director Rubach explained that the distance is approximate, and added that the location of the former parking spaces and the pedestrian path would both need to be taken into consideration. The sign would not intrude upon the restaurant's outdoor dining space.

Vice Mayor Strauss commented that if it is determined the Town owns the sign, the Town may be able to place additional information on the sign in the future. It was confirmed that the sign was exclusively intended for the Pier. Deputy Town Manager/Public Works Director reiterated that Staff will review notes and meeting minutes from 2013.

Mr. Marchelos recalled that when the original sign was destroyed, the Town Manager at that time had apologized for the incident and advised that a new sign with information on Anglin's Pier would be erected.

Town Attorney Trevarthen noted that the sign would be located in the Town's right-of-way, which means the Town may add more wayfinding or informational signage at that

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location. Vice Mayor Strauss explained that he had intended to refer to the Pier sign only.

Commissioner DeNapoli advised that the February 28, 2012 Commission meeting minutes included a reference to the original signage discussion.

Mayor Malkoon pointed out that although the sign refers to the Pier being open 24 hours a day, the Pier is not currently open. He asked if there was any consideration of redesigning the sign to clarify this further. It was noted that the Pier is currently under construction. No change to the sign's graphics were proposed.

Commissioner Graziano made a motion, seconded by Commissioner DeNapoli, to move forward with the installation of the sign. Motion carried 4-0 (Commissioner Pouloupoulos abstaining).

14. COMMISSIONER COMMENTS

Commissioner DeNapoli advised that he is the Town's representative on the Broward Metropolitan Planning Organization's (MPO's) Board and has submitted a municipal report of all projects relevant to the Town to the Deputy Town Manager/Public Works Director to determine if the Town may qualify for any grant funding. He concluded that he was satisfied with the Commission's discussion on the Pier sign and was anticipating next week's workshop on vacation rentals on Tuesday, May 21, 2024.

Mayor Malkoon also encouraged residents to attend the upcoming vacation rental workshop. He added that he and Town Manager Connors will attend a meeting of the Galt Mile Community Association on Thursday, May 16, 2024, as four of the Town's condominiums are located within that area.

15. ORDINANCES 1ST READING

- a. **Ordinance 2024-05: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, TO CHANGE THE TOWN'S GENERAL ELECTION FROM MARCH TO NOVEMBER; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 5TH DAY OF**

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NOVEMBER 2024, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE.

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

Commissioner DeNapoli suggested the following amendments to the proposed Ordinance:

- In the explanatory section of the Agenda Item Report, change “voter turnout is generally higher” to “...is always higher”
- In Section 6.1, add a reference to the Mayor’s term of office and the new expiration date for that term
- In Section 6.1, clarify that the Mayor and two Commissioners were elected on March 24, 2024
- Change the ballot question to include language educating the voters on why the ballot question was being proposed, which is to increase voter participation and reduce the costs of municipal elections

Town Attorney Trevarthen confirmed that if these changes are endorsed by the Commission, they would be made prior to the second reading of the Ordinance. She noted that while the Commission is limited by state law in its ability to educate voters on the rationale behind the Ordinance, the addition of the proposed language would not create any issues.

Town Attorney Trevarthen also clarified that the Commission may either consider a separate motion to amend Ordinance 2024-05, or they may include a reference to the amendments in a motion to adopt the Ordinance.

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to approve the Ordinance with the proposed additional language.

Vice Mayor Strauss noted that the Ordinance addresses the transition and swearing-in of new elected officials. Town Attorney Trevarthen explained that the language clarifies that a Commissioner’s term would expire when their successor is sworn in. There is a possibility that a non-term-limited Commissioner might be their own successor. The

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proposed Charter change would clarify that the term would run until a successor is elected in November rather than March.

Motion carried 5-0.

16. ORDINANCES 2ND READING

- a. **Second Reading of Ordinance 2024-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, VOLUNTEER FIREFIGHTERS PENSION PLAN TO TERMINATE THE TOWN OF LAUDERDALE-BY-THE-SEA VOLUNTEER FIREFIGHTERS PENSION PLAN; AMENDING SECTION 2-136 "PENSION PLAN CONTINUED, DEFINITION," 2-137, BOARD OF TRUSTEES," 2-149 "DISTRIBUTION OF BENEFITS," AND 2-143.1, "DEFINED CONTRIBUTION COMPONENT" TO ADOPT PROCEDURES AND CRITERIA FOR TERMINATING THE PLAN; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Town Manager Connors advised that this Ordinance was presented for first reading at the April 30, 2024 Commission meeting. A letter from a member of the American Academy of Actuaries which supports the Town's action was provided to the Commissioners. It will be attached to the record for tonight's meeting.

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

17. RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2024-19: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING THE HILLSBORO INLET DISTRICT'S EFFORTS TO OPPOSE A PERMIT APPLICATION FOR THE HILLSBORO POINT DOCK CURRENTLY UNDER REVIEW BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE**

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UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS; PROVIDING THAT A COPY OF THIS RESOLUTION BE PROVIDED TO THE HILLSBORO INLET DISTRICT, ALL LOCAL GOVERNMENTS WITH REPRESENTATION ON THE HILLSBORO INLET DISTRICT BOARD OF COMMISSIONERS, AND THE STATE AND FEDERAL REVIEWING AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Strauss explained that he represents Lauderdale-By-The-Sea on the Hillsboro Inlet District Board of Commissioners. For more than 60 years, that District has been responsible for maintaining navigation and drainage throughout Hillsboro Inlet, which serves as a principal point of navigation for all vessels in northeast Broward County. It is also a primary point of stormwater drainage from the uplands in that portion of the County.

In order to maintain navigation and drainage through the inlet, the District's activities include dredging the inlet and bypassing dredged material to the shoreline to renourish beaches to the south. The District opposes an application which was submitted to the United States Army Corps of Engineers and the Florida Department of Environmental Protection (DEP) to install a large dock which would block the areas where dredging occurs.

If approved, the dock installation would have an adverse impact on the District's dredging ability and sand bypassing activities. It would create undue interference in access to the use of the navigable waterway not only in the Hillsboro Inlet District but to the public and neighboring property owners. The inlet provides safe egress to the ocean as well as to the Intracoastal Waterway; in order to prevent large vessels from hitting the bottom of the channel, the area must be dredged.

Vice Mayor Strauss advised that the construction of the proposed dock would close off the ability of the Hillsboro Inlet District to do its job. He encouraged the Commission and residents to review the supportive documentation included in the Resolution package. The documentation suggests that the individual who wishes to construct the dock may not have ownership of the land on which the dock would be built.

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Vice Mayor Strauss continued that the proposed dock would also affect the communities of Lighthouse Point, Fort Lauderdale, Pompano Beach, and others. Lighthouse Point has issued a Resolution of opposition to the proposed permit which is similar to the Resolution before the Commission.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, 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 8:54 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

6/13/2024 | 10:49 AM EDT

Date