



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 11, 2024
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Farmers Market FY 2023-2024 Season Recap

Events and Marketing Manager Katie Anderson reported that the fiscal year (FY) 2023-2024 Farmers Market season, operated by Community Markets of South Florida, ran from Sunday, December 3, 2023 through Sunday, May 5, 2024.

At the Commission meeting of July 11, 2023, the Commission provided direction on improvements in a number of areas which would be implemented in the upcoming market season. On October 23, 2023, Town Staff met with representatives of Community Markets of South Florida to discuss expectations for the upcoming season, which included:

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- Enhanced marketing efforts
- Participating vendors to promote the market through their personal business social media outlets
- A market tracker to be completed no later than noon on the Wednesday preceding the market date, and to be sent to Staff with a list of participating vendors and their social media handles
- A market tracker to be sent following the market to confirm which vendors did or did not attend that week's market
- A minimum of four specialty market days, which were defined as days with some type of addition to the regular market structure, such as live music, photo opportunities, or an interactive component
- A market manager present to oversee operations and attend to visitor comments
- A 50/50 split of food to artisan vendors for at least 15 out of the 23 market dates during the season
- Enhanced variety among the artisan vendors throughout the market dates
- In the event of inclement weather, markets with fewer than 14 vendors would be cancelled

Town Staff was pleased with the recent market season and saw significant year-over-year enhancements. There was much more social media marketing by both community market outlets and on the Town's "Lauderdale-By-The-Sea Happenings" Facebook page. The market tracker was consistently sent on time both pre- and post-market. More than four specialty market days were held throughout the season and received positive feedback from attendees.

There was also a significant increase in participating vendors. With the newly implemented layout, the market had as many as 45 vendors, which was a significant increase from the average of 23 vendors during present the previous season. This increase provided great variety but may be the limit for the Town's park space.

Two areas in which Staff would like to see further improvements in the future were:

- The market manager was not always accessible or attending to the issues at hand; this individual should be present at load-in and load-out times to manage traffic flow, alleviate buildup or encroachment into neighboring properties, and generally be vigilant to attend to any feedback
- There were several markets that experienced significant "vendor drop" based on weather; when there is a substantial chance of inclement weather, or when Broward County issues a severe weather warning on market dates, the Town will call vendors on those days and plan for the next weekend

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Staff met with a representative of Community Markets of South Florida on May 13, 2024 to recap the season. Community Markets expressed satisfaction with the season and indicated that they looked forward to the beginning of the next season at the end of calendar year 2024. Staff will meet with Community Markets representatives once again in the fall to reiterate expectations and discuss objectives for the FY 2024-2025 season.

Commissioner Graziano advised that he frequents the Farmers Market and found it to be consistently well-attended. He suggested that the market manager make himself more recognizable to attendees. Events and Marketing Manager Anderson agreed, recalling that this was one item addressed in Staff's meeting with Community Markets to provide a stronger manager presence during the next season.

Mayor Malkoon also agreed that the FY 2023-2024 season was a success.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Spiro Marchelos, resident, stated that the Anglin's Pier sign has not yet been replaced on Commercial Boulevard and A1A. He expressed concern that this sign has not yet been restored.

Mr. Marchelos also addressed lifeguards on the Town's beaches, pointing out that most tourists come to the Commercial Boulevard/Downtown area. He advocated for the addition of lifeguards within a limited portion of the beach near Commercial Boulevard and concluded that the "No Digging" sign is not sufficiently visible to beachgoers.

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

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

13. NEW BUSINESS

- a. **Resolution 2024-21: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH DSS MANAGEMENT OF FLORIDA, LLC DBA EVOLVETEC FOR CAMERA SYSTEM**

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UPGRADES; 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.

Deputy Town Manager/Public Works Director Ken Rubach stated that the Town's existing 14-camera system was approved in February 2018 and completed in July 2018. Staff was pleased with the cameras' initial performance, which led to the installation of additional cameras in other locations, including Downtown.

As the system was installed throughout a wider area, equipment issues arose, including the failure of both antennae and cameras. The original vendor who had installed these phases was unable to fully restore the system, and representatives of the Broward Sheriff's Office (BSO) indicated that the Town would look elsewhere for a new system.

Following outreach to surrounding municipalities, Evolvotec was recommended to the Town. Representatives of Evolvotec reviewed both hardware and software to determine the cause of the ongoing issues and performed a number of updates and upgrades. Staff has found that the working portion of the system is stable and constitutes an improvement over the previous system.

Staff requests that the Town's purchasing policy be waived, as Evolvotec has allowed the Town to rent the working unit after its initial tests were applied. If the Town had to prepare a new request for proposal (RFP), this process could take several months before a new antenna could be installed, which would affect the integrity of the overall network.

In FY 2024-2025, Staff recommends a proactive maintenance program which will allow them to continue monitoring cameras on a minute-by-minute basis. Evolvotec's response time has been very efficient. Phase 3 of the new installation will include replacement of faulty equipment.

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

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

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7. PUBLIC SAFETY DISCUSSION

a. PBFR May 2024 Public Safety Report

Pompano Beach Fire Inspector Ashley Zalewski reported that Pompano Beach Fire Rescue (PBFR) have responded to 94 calls with an average call time of five minutes nineteen seconds. With the removal of closest-unit responses from this calculation, the response time decreased to approximately four minutes thirty seconds.

8. TOWN MANAGER REPORT

a. Town Manager Report for June 11, 2024

Town Manager Linda Connors advised that Staff is considering a number of strategic planning firms and will vet these firms and bring them before the Commission for consideration. They plan to move forward with strategic planning in fall 2024.

Tyler Technologies is working to create a mobile app for the Town. This would allow residents to stay connected, see Town news, and report any issues as necessary.

The Anglin's Pier sign cannot be re-installed without a permit and engineering consultation. Deputy Town Manager/Public Works Director Rubach is seeking quotes from engineering firms and will inform the Commission of the costs associated with this re-installation.

The Town has received information that taxes have been paid on the property at 4326 Ocean Drive, which means it is no longer available for purchase through a tax sale. The Town still has a lien of approximately \$1 million on that property, and with the Commission's permission, they may consider moving forward with foreclosure.

Deputy Town Manager/Public Works Director Rubach addressed beach signage, stating that the current signs were erected as tests. Larger signs with more accurate language will be installed as soon as weather permits.

Commissioner DeNapoli addressed the property at 4326 Ocean Drive, acknowledging the time and effort expended by Staff in discussing the tax sale of that property. Town Attorney Susan Trevarthen advised that it could be helpful to understand the Commission's wishes for this property and bring back an item for approval if necessary.

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Commissioner DeNapoli suggested that the Commission may wish to take a holistic view of this and other properties on which liens have been placed. He continued that he was in favor of further consideration of the subject site to determine the Town's options, as it has been part of a long-standing negative situation. Town Attorney Trevarthen confirmed that the property is currently in compliance.

Commissioner Graziano asked if the property owner, who has not been consistently responsive in the past, might be expected to respond if the Town continues to pursue its lien. Town Attorney Trevarthen replied that she did not know. She added that if the Commission does not oppose further pursuit of the lien, Staff would try to work with the owner. If that is not possible, Staff would then come back to the Commission to request authorization of more formal proceedings.

Commissioner Graziano asserted that he wished to ensure the Town would not be "soft on mitigation," which should be communicated to the owner. Town Attorney Trevarthen noted that while previous Commissions may have considered a number of lien mitigation applications, the current Commission is not obligated to take this same approach.

Commissioner DeNapoli asked how long the property took to accrue \$1 million in liens. Development Services Director Jhanelle Campbell estimated that the first lien was recorded in 2016 or 2017, although violations existed prior to that date. He was also in favor of taking action regarding this property.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen advised that an injunction was entered regarding the Commissioners' financial reporting obligations under state law. The Town is still awaiting more information through the Florida Commission on Ethics regarding guidance and implementation. Form 1 is due on July 1, 2024.

10. APPROVAL OF MINUTES

a. Approval of Minutes for May 14 and May 21, 2024

Commissioner Graziano requested that a specific question be reflected in the May 14, 2024 minutes: during the discussion of lobbying services, he had asked if Lauderdale-

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By-The-Sea is treated the same as larger clients who may pay more for the firm's services.

Commissioner Poulopoulos made a motion, seconded by Vice Mayor Strauss, to approve the minutes as amended. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Beach Safety Report Follow Up

Mayor Malkoon advised that the Commissioners and Town Staff have received and reviewed several comments on beach safety, addressing flags and signage on the beach, among other issues. Staff is also evaluating potential funding structures with assistance from the Town Attorney's Office. The Mayor also posted an editorial in the *Pelican* which proposed a survey, and Conceptual Communications plans to include this survey in the upcoming issue of *Town Topics*.

Mayor Malkoon requested input from the Commissioners on this proposal, suggesting that discussion and possible action could be delayed until the next meeting so survey feedback could be presented at that time.

Commissioner Poulopoulos asserted that he opposed a survey. In addition, he declared that while his focus is on both safety and saving tax dollars, the issue of beach safety extends beyond Town residents. He pointed out that visitors to the Town would not have a voice in the survey.

Commissioner Poulopoulos continued that the Commission is intended to act as the voice of not only the Town's taxpayers, but of visitors to the community who expect a safe environment. For this reason, he felt the Commission should make decisions on beach safety without input from a survey.

Mayor Malkoon noted that tonight's meeting provides an opportunity for the full Commission to have input on a survey, and added that a number of residents have indicated they would appreciate the opportunity to participate in a survey if the Commission elects to proceed with that option.

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Deputy Town Manager/Public Works Director Rubach recalled that at the Commission's April 30, 2024 meeting, Staff made a presentation regarding potential monitoring options for the Town's beaches and ocean. That presentation included a survey of various beachfront communities within the Tri-County area to gauge the levels of service provided in similarly situated communities.

At the April 30 meeting, the Commission directed Staff to provide the following:

- Information regarding the number of incidents on other local beaches
- An estimate of the costs and feasibility associated with having BSO perform full-time beach patrols
- More detailed estimates regarding the costs and feasibility of lifeguard and ocean rescue services

Deputy Town Manager/Public Works Director Rubach advised that he has spoken with all Broward County communities regarding incidents on their beaches. He cautioned that there is a wide variety of different categories and quantifications of these incidents depending upon what is documented by each community. Staff found it difficult to compile and present this information in a comparative manner.

Regarding options for BSO, the yearly estimated cost of full-time beach patrols would be \$765,920 annually. Including the first-year costs of equipment would raise this to \$865,920.

Deputy Town Manager/Public Works Director Rubach continued that Exhibit 3 in the Commissioners' backup materials is a memorandum from BSO Captain Bill Wesolowski listing what would be necessary to implement additional beach patrols. He noted in particular that the memorandum indicated the Town was asking BSO's law enforcement wing to create new positions within that organization.

Costs associated with beach patrols vary significantly, ranging from the current cost of overtime services in an expanded patrol to full-time positions which would require creation of zones and provision of equipment. One option was the designation of four full-time Deputies who would be dedicated to the Town in addition to the existing Deputies.

Beach patrol service is not currently contemplated within the Town's contract with BSO. This means the contract would potentially have to be reopened, which would open all of

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its sections to renegotiation. This could result in discussions of cost increases, benefits, and raises.

Deputy Town Manager/Public Works Director Rubach also pointed out that most BSO Deputies do not receive specialized water rescue training. The personal flotation devices they are issued have a maximum length of 100 yards. Deputies assigned to beach patrols would have to receive advanced water training, followed by continued refresher training and conditioning.

Deputy Town Manager/Public Works Director continued that when he discussed these issues with Captain Wesolowski, it was noted that BSO would not be able to continue using all-terrain vehicles (ATVs) for beach patrols due to the amount of equipment they would be required to carry. Upgraded patrols would require full-size vehicles on the beach, which would mean the dedicated fire lane on the beach must be expanded to accommodate larger vehicles. There would also need to be a turnaround area for these vehicles which is cordoned off from beachgoers.

Another issue was turtle nesting season, which lasts throughout six months of the year. If a turtle nest is located within the fire lane, there would need to be plans to adjust that lane. The fire lane would also limit the Town's ability to clean the beach.

It was also suggested that while Deputies patrol the Town's beaches, they should be able to enforce municipal Ordinance violations if observed. While BSO Deputies may enforce these Ordinances, they are more typically addressed by Code Compliance. In addition, should the Deputies patrolling the beach receive emergency calls, they would need to prioritize those emergencies over beach patrols.

Based on this information, Staff emphasized the number of challenges that would accompany this option, including staffing, training requirements, and early renegotiation of BSO's contract. Staff does not recommend the BSO beach patrol option.

Commissioner Poulopoulos recalled that during the budget workshop which immediately preceded tonight's regular Town Commission meeting, there had been discussion of the possibility of hiring an additional Code Compliance Officer who would, among other responsibilities, be able to enforce more Code violations. He observed that this may include enforcement of Code violations on the beach. He agreed with Staff that it made the most sense for the Town to address Ordinance violations internally. He also agreed that BSO beach patrols are not a good option for the Town.

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Deputy Town Manager/Public Works Director Rubach continued that the next option would be for lifeguard/ocean rescue services. He emphasized that the costs provided in this presentation are based on estimates from Pompano Beach's budget. Because the Town does not have a formal idea of what they would like to see in these services, they requested estimates for lifeguards occupying three towers. Pompano Beach declined to provide a quote without a clearer understanding of the footprint Lauderdale-By-The-Sea might wish to determine for these services. The yearly estimate, which would include a staff of approximately seven plus equipment, is \$1,054,650.

Because the Town does not have an exact estimate of the number of staff needed or the location of lifeguard towers, the Commission would need to determine how much of the beach would be targeted, which will play a significant role in determining where and how many lifeguard stations would be required. There are 11 public access points to the beach, and adding lifeguard services for the entire beach within this area would nearly double the size of Pompano Beach Fire Rescue's (PBFR's) service area. For reference purposes, Staff focused on the area from the north side of the Pier to El Prado Park, which is the most heavily populated area of the beach.

The costs of three lifeguard towers ranged from between \$50,000 and \$70,000 on the low end to more aesthetically pleasing towers within the range of \$130,000. Based on Staff's previous experience and knowledge of the community, the \$130,000 option was used in calculations.

Commissioner Pouloupoulos requested clarification of the source of the \$130,000 figure for lifeguard towers. Deputy Town Manager/Public Works Director Rubach explained that this was the cost of the towers used in Pompano Beach and Miami Beach.

Commissioner Pouloupoulos continued that he was not certain the Town would need three lifeguards and/or towers, estimating that two may be sufficient for the most heavily populated areas on the beach. He suggested that these areas include the section north of the Pier and outside El Prado Park, where most visitors and residents tend to congregate. He was not in favor of posting lifeguards up and down the entire beach.

Commissioner Pouloupoulos stated that he had received several emails from both residents and visitors expressing opinions from both sides of this issue. He also addressed concerns for liability, which could include both affirmative steps taken by a lifeguard as well as negligent acts, both of which could result in harm to a victim. He pointed out that the Town has sovereign immunity as well as insurance which could cover these types of incidents.

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Town Attorney Trevarthen advised that a section addressing liability was added to Staff's memorandum. She agreed with Commissioner Pouloupoulos's comments on this topic.

Commissioner Pouloupoulos continued that he did not believe it would be necessary to raise taxes to provide lifeguard service, pointing out that the Town earns money through parking, and that the Town's budget has approximately \$200,000 in budgeted items which he felt were less important than providing lifeguards. He concluded that Lauderdale-By-The-Sea is the only beachside community in Broward County which does not post lifeguards.

Commissioner Pouloupoulos recalled that one reason he had been in favor of the Town's contract with PBFR was because he had believed the Town would bring on lifeguards. He concluded that he still found this to be a viable option from PBFR, and that it would not require a tax increase.

Deputy Town Manager/Public Works Director Rubach stated that when he and Town Manager Connors negotiated for Fire/Rescue services by PBFR, no proposal or binding agreement was submitted by that entity with an exact figure for lifeguard services. He added that neighboring communities to the north and south maintain and control all right-of-way on their public beaches, which means they have great discretion regarding the placement of lifeguard towers. The Town's beaches, by contrast, include a significant amount of private property, and agreements would need to be reached with those properties before the locations of lifeguard towers could be determined.

Commissioner Graziano stated that the Commission places safety first and is working to determine how they might manage the option of lifeguards within reasonable costs and methods. He also noted the amount of private property on the Town's beaches, pointing out that this would require the posting of signs cautioning swimmers that there would be private and unguarded areas.

Commissioner Graziano continued that the Town should seek a solution that would provide beach safety measures from the Pier to just past El Prado Park, which is not a large area. This could be done with lifeguards or perhaps through a Code Compliance presence on the beach, with costs to be estimated for both options.

Commissioner DeNapoli asked if the private areas of the beach which did not want to post lifeguard stations would seek some type of compensation. Town Attorney

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Trevarthen advised against exploring this level of detail at present. She also pointed out that the Town's beaches are regularly renourished using public money and added that if the Town retains lifeguard services from a source such as PBFR, that entity may have opinions on the best placement of towers.

Mayor Malkoon asked if there is a standard distance between lifeguard tower locations. Deputy Town Manager/Public Works Director Rubach recalled that at the April 30, 2024 meeting, Staff had addressed this distance, which varied between agencies but is approximately 100 yards between towers. This is typically left to the discretion of the agency based on safety objectives and staffing criteria.

Mayor Malkoon also noted that lifeguard services would be a recurring charge, and asked if Parking Fund revenue could be used for this purpose. Town Manager Connors replied that while the Parking Fund is a funding source, most recurring costs are not taken from those funds. The Town cannot always accurately estimate how much money will be in the Parking Fund each year, as there is significant variance depending upon the economy, weather, and other factors.

Town Manager Connors continued that the Parking Fund has historically been used to help fund the Town's Capital Improvement Program (CIP) budget. If Parking Fund revenue is used toward lifeguards, this would limit its ability to use those dollars elsewhere.

Commissioner Pouloupoulos stated that the use of Parking Fund revenue should not be seen as providing either capital improvement projects or lifeguards exclusively of one another. He felt it could provide both, depending upon how much the Parking Fund may generate in a given year.

Commissioner Graziano requested clarification of where lifeguards might be posted as well as their prospective cost. Commissioner Pouloupoulos pointed out that Staff's report includes a proposal of three towers from El Prado Park to the pier. He added that it may be necessary to have a professional entity opine further on these options and make the final recommendation for placement.

Deputy Town Manager/Public Works Director Rubach advised that Pompano Beach's lifeguard towers are placed roughly 150 yards apart.

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Commissioner Graziano reiterated that three towers seemed excessive, and two towers may be more appropriate for the Town's needs. He added once more that the need for additional safety appears to be greatest from the Pier moving north to El Prado Park.

Deputy Town Manager/Public Works Director Rubach offered a third option, which would be a Code Compliance Officer/beach ambassador program with an annual cost estimated at \$256,036. This would cover the costs of two Officers. If a new Code Compliance Officer is hired within the Building Department, as discussed earlier in tonight's budget workshop, this would free up another Officer to assist on the beach. These hours may be flexible, depending upon the hours they work as well as the phase of the season.

Deputy Town Manager/Public Works Director Rubach added that if the Town provided an additional Code Officer to perform beach patrols, a contracted employee would require additional contracting costs. They would also be asked to undertake additional training so they could deal with a beach environment. Their primary function would be to enforce Code requirements, such as prohibition of dogs on the beach, digging, or smoking. The Town typically hears frequent complaints from residents regarding these violations. The Officer would not serve in a medical or lifesaving capacity.

Deputy Town Manager/Public Works Director Rubach continued that the option of adding another Code Officer to assist in beach patrols could mean that during busy periods, the Town may have two Code Compliance Officers on the beach. They could be concentrated in the beach's most heavily populated areas and would not be asked to attend other responsibilities or emergencies.

The cost for this service would be \$128,018 per Officer, with \$20,000 per ATV, plus maintenance expenses. The Town currently averages four to five years' use of its ATVs, although it was noted that beach conditions can shorten this lifespan.

Vice Mayor Strauss recalled that during the budget workshop, the Commission had discussed the possibility of hiring another Code Compliance Officer who would be paid for out of the Building Fund. He asked if this Officer would be the same type of Officer used as a beach liaison or ambassador. Deputy Town Manager/Public Works Director Rubach replied that an Officer dedicated to beach patrol or liaison services could not be funded out of the Building Fund, as they would not be acting within the narrowly defined capacity for which Building Fund revenue can be used. They would be funded through the General Fund.

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Vice Mayor Strauss noted that the beach liaison(s) would not have a stationary presence on the beach, but would be asked to patrol the area, including the Town's beach portals. They would also be provided with radios so they could summon immediate help if rescue is needed. Deputy Town Manager/Public Works Director Rubach advised that these individuals would most likely call 911 in the event of an emergency.

Vice Mayor Strauss commented that he felt the issue of additional safety measures on the Town's beaches would involve necessary input from its residents. He added that visitors come to the Town's beaches with the knowledge that the Town does not have lifeguards, although they have the option of visiting other beachfront communities which do post lifeguards.

Vice Mayor Strauss continued that the issue of emergency services on the Town's beaches became more prominent following the tragedy which occurred in February 2024. He noted that this tragedy had not occurred in the water. He asserted that he would not be comfortable asking Town residents to take on additional costs on a year-to-year basis without the opportunity to provide input, either through a survey or a referendum.

Vice Mayor Strauss concluded that he felt the Code Officer option was a viable one, as it would provide a beach patrol which could cover the whole beach and its portals on a roving basis. He also felt the costs associated with this option would not be unreasonable, and that this type of patrol would both provide necessary beach safety and enforce the Town's Ordinances which apply to its beaches.

Commissioner DeNapoli asked if the Police investigation into the death of Sloan Mattingly has been provided to the Town. Captain Bill Wesolowski of BSO stated that the final report was completed by BSO's Homicide Unit. The cause of death was determined to be asphyxia and the manner of death was ruled an accident.

Commissioner DeNapoli also asked if information is available on the investigations into recent deaths which occurred in/near the water. Captain Wesolowski replied that these three death investigations are still active. The first death investigation occurred on May 3, 2024 at 1:23 p.m. at 4344 El Mar Drive, while the second occurred on May 22, 2024 at 1:19 p.m. at 4500 El Mar Drive and the third occurred on May 25, 2024 at 2:55 p.m. at 1600 S. Ocean Boulevard.

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Commissioner DeNapoli commented that the BSO beach patrol option seemed an unlikely solution, although this may remain a good temporary option during spring break. It was confirmed that the Town currently has two Code Compliance Officers and has discussed the addition of one more Officer during the previous budget workshop as well as up to two more during the discussion of beach safety options. This would raise the number of Town Code Compliance Officers to five.

Commissioner DeNapoli observed that the Code ambassador solution seemed the least likely to involve a tax increase. He asked if BSO's beach patrols would still be increased during spring break if the Town chose to proceed with beach ambassadors. Deputy Town Manager/Public Works Director Rubach advised that he would recommend this continue.

Commissioner DeNapoli asked if beach ambassadors could receive training in CPR or other lifesaving techniques. Town Manager Connors recommended that all Town Staff receive this training, as well as training on how to use the Town's automated external defibrillators (AEDs). She emphasized, however, that these Officers would not be emergency medical professionals.

Commissioner DeNapoli also noted that the costs of the Town's ATVs are approximately \$20,000 each, and the beach ambassador program would require two of them. He concluded that it was his intent to provide the best public safety possible without raising taxes on residents. He also wished to see a survey of what residents think.

Commissioner Pouloupoulos reiterated that he opposed a survey of residents, as he felt the Commission should look more closely at the actual costs associated with lifeguards and how to fund them without raising taxes. He continued that assigning a Code Compliance Officer to the beach would not be a helpful solution, as these individuals would not be trained in lifesaving measures but would most likely call 911.

Commissioner Graziano felt a survey could be helpful, and suggested there may be different options not explored, such as a single lifeguard or beach ambassador.

Mayor Malkoon advised that Conceptual Communications had proposed the idea of a survey, which he had brought to the Commission meeting to determine if there is interest in it. He emphasized the importance of providing residents with a voice in this process, as this decision would ultimately affect the budget.

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Mayor Malkoon agreed with points raised by the Vice Mayor, including the choice of individuals who come to the Town's beaches rather than beaches in other municipalities where lifeguards are posted. He reiterated that he would like to hear more resident input before directing Staff to take action. It was noted that undertaking a study through PBFR would cost approximately \$50,000.

Deputy Town Manager/Public Works Director Rubach advised that Staff has received feedback and ideas from residents, including posting warning boards on the beach and in the Town when the National Weather Service issues beach hazard forecasts. He is awaiting more information on the prospective costs of this proposal.

Commissioner Pouloupoulos observed that another potential option could be constant beach patrols from PBFR in a similar fashion to the patrols once provided by the Town's Volunteer Fire Department (VFD). Fire Inspector Zalewski explained that PBFR's priority is handling emergency medical service and fire calls, which would mean the only option to provide more beach patrols would be adding them to the Town's contract.

Deputy Town Manager/Public Works Director Rubach concluded that the Town Attorney's Office had assisted in the report by reviewing and dispelling concerns regarding liability issues associated with lifeguards. He confirmed that the Commission's current direction indicates they would like to move forward with a survey.

Deputy Town Manager/Public Works Director Rubach continued that the Commission also indicated that they do not wish to proceed with the BSO beach patrol option. If they wish to advance the lifeguard/ocean rescue option, they should first determine the area in which the Town would seek coverage and authorize Staff to negotiate with PBFR or prepare an RFP for a similar option.

If the Commission elects to proceed with the Code Compliance Officer/beach ambassador option, they would need to authorize Staff to discuss this with the Town's Code Compliance vendor for the addition of a new Officer, or if different coverage is authorized, to add the appropriate number of new personnel to the contract to meet these needs. The Commission would also have the option of determining any additional possibilities at their discretion.

Vice Mayor Strauss asked why Staff had only looked at posting lifeguards north of the Pier under that option. Deputy Town Manager/Public Works Director Rubach replied that this was only intended to serve as an example of the beach's busiest area. He

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added that if the Commission wished a study to examine the entire beach or only part of it, they would need to provide additional direction so the proper analysis can be done.

Commissioner Pouloupoulos asked if there is another entity that could perform a study in addition to the entity with a cost of roughly \$50,000. Deputy Town Manager/Public Works Director stated that an RFP could be issued for a firm to undertake the study. Narrowing the scope of a study could also affect its price.

Mayor Malkoon requested additional information on the scope of the prospective study. Town Manager Connors advised that Staff had only proposed a study that would generally look into the costs of providing lifeguards with no further specifics. She added that the vendor with whom Staff had spoken was performing a study for Pompano Beach, and Staff had asked if they could do similar work for the Town.

Commissioner Graziano stated that he was also open to looking at the costs of additional protection south of the Pier to El Prado Park. He proposed conducting the survey of residents as well as commissioning a study of this limited area before making a final decision.

Town Manager Connors confirmed that Staff would reach out again to PBFR to determine the contractor for their study and then contact the contractor for a quote. Town Attorney Trevarthen suggested that Staff could indicate that the study would include the area from El Prado Park to the Pier.

Commissioner Pouloupoulos proposed that the study be conducted and its results provided to the public before issuing a survey to residents. He also requested more information about what the survey would propose, as well as whether its options would include estimated costs.

Town Manager Connors pointed out that if a survey is done, there must be time to compile its data before it is brought before the Commission. She suggested that if the survey is done immediately, this information could be provided at the July 9, 2024 Commission meeting. This would also provide the Commission with time to consider the issue before establishing the tentative millage rate at their second meeting in July.

Town Manager Connors continued that if the Commission waits for a study to be completed, it would be unlikely that its information would be available before the millage rate must be set. She noted that the Commission has the option of setting a high millage rate in July and reducing it later.

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Commissioner DeNapoli asked what a study would determine. Deputy Town Manager/Public Works Director Rubach explained that it would determine how many lifeguard towers were recommended. Staff would then need to reach out to PBFR with the study's recommendations and negotiate based on those recommendations. Staff would not be able to provide the Commission with a solid figure until negotiations with PBFR were complete.

Commissioner DeNapoli reviewed some of the costs described for each of the options, advising that there may be no need to invest in a study when these estimates were available and could be provided in the proposed survey.

Commissioner Graziano commented that the proposed study was likely to make a determination based on the parameters provided to the consultant by the Town, which he felt could be accomplished at a much lower rate than the estimated \$50,000.

Commissioner DeNapoli was also in favor of providing the information already gathered by Staff in a survey. Mayor Malkoon added that Conceptual Communications had indicated they could provide the Commission with the survey format before it is finalized.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to go forward with the survey with the information that Staff provided. Motion carried 4-1 (Commissioner Pouloupoulos dissenting).

Town Manager Connors reiterated that the survey results would be brought before the Commission at their July 9, 2024 regular meeting. The survey would include the PBFR patrol and beach ambassador/Code Officer options with the general costs associated with those options. She concluded that she would meet with each Commissioner individually to discuss the draft survey.

Commissioner DeNapoli requested clarification of the reasoning behind the survey schedule. Town Manager Connors explained that there would need to be time to post the survey, for residents to respond, and to compile the response data for presentation to the Commission.

Vice Mayor Strauss pointed out that in addition to the options to be included in the survey, the Town also has the option of taking no action. He recommended that this be one of the choices included in the survey.

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Commissioner Graziano stated again that a study should be done before the survey is issued, as to do otherwise would not provide residents with full information on the options. He reiterated that the study would only need to be very basic.

Deputy Town Manager/Public Works Director Rubach explained that once a study is completed, it will make a recommendation based on the area suggested by the Commission. After this recommendation is received, the Town would then need to approach PBFR to discuss the study as well as potential additions to the Town's contract, which would take significant time. He recalled that the original contract had taken some time to negotiate as well.

Town Manager Connors also pointed out that the firm selected for the study would not be able to provide results in a matter of days. The study would need to take details such as information about the Town, its number of beachgoers, the area for which lifeguards are proposed, and other specifics into account when preparing the study.

Town Manager Connors continued that the study would be intended to make a recommendation on how many lifeguards the Town should have. The Town would then need to reach out to the provider to determine the costs associated with that recommendation. The provider could be either PBFR or another vendor.

Commissioner DeNapoli asked how the survey would be presented to residents. Town Manager Connors replied that she would reach out to Conceptual Communications for further information on this. Commissioner DeNapoli again recommended that the survey be sent out following the June 25 Commission meeting so the Commissioners may review it before it is issued.

Commissioner Graziano reiterated that the Town should reconsider undertaking a study before issuing the survey in order to provide residents with all the data they need. Mayor Malkoon noted that this would most likely mean the discussion would not be complete in time for the Town to draft and approve a budget. Commissioner Graziano stated that he was not certain the budget timeline should dictate the Commission's decision on this issue.

Commissioner Pouloupoulos suggested that the Commission consider the beach ambassador/Code Officer option in the interim, but take more time to conduct both a study and a survey and consider all its options over the next few months.

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Commissioner Pouloupoulos also noted that a survey taken during the summer months would not reach the Town's full population. He concluded that the beach ambassador option could be implemented now while the study is done, and then use the data from the completed study to determine if a different option would be more suitable.

Commissioner Graziano made a motion to reconsider the previous vote to proceed with the survey.

Vice Mayor Strauss expressed concern that reconsidering the previous vote could result in choosing an option without also considering the option of taking no action. He was not in favor of reconsideration.

Commissioner Pouloupoulos stated that the Commission regularly makes major decisions for the Town without input from surveys, citing the Downtown renovation as one example. He felt the Commissioners' roles as representatives of the community include making decisions on behalf of their constituents. He reiterated that even if the Commission votes to implement a short-term option, the option of lifeguards should also remain on the table.

The motion died for lack of second.

Town Attorney Trevarthen clarified that with the death of the proposed motion, any member of the Commission may make another motion if they wish.

Commissioner Pouloupoulos made a motion to approve option three, contingent upon the Commission coming back with a study on option two and determining whether or not option two is a viable consideration for the Town.

Town Manager Connors requested clarification of whether the **motion** referred to option three with one Code Officer at roughly \$150,000 or two Code Officers at \$300,000. Commissioner Pouloupoulos clarified that his **motion** was intended to implement one CPR-trained Code Officer with an ATV, contingent upon a study being done on option two, which would provide lifeguards.

Deputy Town Manager/Public Works Director Rubach asked if the **motion** was also intended to authorize a study if it falls within the Town Manager's purchasing limit of \$30,000.

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Commissioner Pouloupoulos **amended** his **motion** to include the following: **if the study is within the discretion of the Town Manager as prescribed by the Town's Purchasing Manual, and if the cost is above this limit, to come back to the Commission.**

Vice Mayor Strauss suggested that he would prefer two motions instead of one, with one motion stating that a study could be authorized by the Town Manager if it is within her purchasing authority, and the other to implement option three with one Code Officer who has received CPR training and would use an ATV.

Deputy Town Manager/Public Works Director Rubach asked if the proposal to proceed with option three would take effect immediately or would not take effect until FY 2024-2025. Commissioner Pouloupoulos stated that his intent was for the proposal to begin with the new budget year in October 2024.

Commissioner DeNapoli asked why, if the proposal would not take effect until FY 2024-2025, it was being considered now rather than part of the ongoing budget discussions. Commissioner Pouloupoulos replied that this was because the new Officer would not need to be considered within the current budget, but factored into the next budget. He also clarified that this Code Officer position would be a separate consideration from the budget discussions of a new Code Officer who would be funded in part by the Building Department.

Town Attorney Trevarthen reviewed the **amended motion** for clarity, explaining that it would implement option three with one Code Officer, supplied with an ATV and trained in CPR, beginning in the FY 2024-2025 budget year, which begins on October 1, 2024. The **motion** also called for a study to consider lifeguard costs. In addition, Vice Mayor Strauss had indicated that he would like to see a study done regardless of price.

Commissioner Pouloupoulos agreed with the amendment proposed by the Vice Mayor, conditioned upon the Commission's continued consideration of option two with a study, which would be either approved by the Town Manager if it is within her purchasing limit or brought back to the Commission if it exceeds that limit.

Vice Mayor Strauss asked when the Commission could expect to see the results of a survey. Town Manager Connors reiterated that if a survey is put forth immediately, its results could be available by the July 9, 2024 Commission meeting. Vice Mayor Strauss stated that if they are available at that time, the Commission could then make a decision

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on whether to move forward with option three. Town Manager Connors confirmed that this would meet the needs of the budget process.

Commissioner DeNapoli expressed concern that voting on the proposed **motion** at this time would incorporate option three into the budget without taking that proposal through the full budget process.

Town Attorney Trevarthen explained that all budget decisions are preliminary in nature, as the Commission will vote on the actual budget in September. They retain full discretion to vote differently up until the final votes on the millage rate and the budget.

Town Attorney Trevarthen further clarified that the survey was not part of Commissioner Pouloupoulos's **motion**.

Commissioner Graziano seconded the motion.

Vice Mayor Strauss cautioned that the survey results may show that respondents are not interested in taking any action. If this were the case, he pointed out that there may be no reason to study any of the proposed options.

Deputy Town Manager/Public Works Director Rubach advised that the survey would be in effect at the same time Staff is securing prices for the proposed study. It is possible that the survey could be complete before the prices are confirmed, and the Commission may then decide whether or not they wish to move forward with the study.

It was further clarified that the current **motion** would direct Staff to include a Code Officer and option three in the Town's budget wish list.

Town Manager Connors proposed that this discussion be revisited at the July 9 meeting along with the survey results. The Commission would have the option to bring back the **motion** and vote on it with the information provided by the survey. It is also possible that the cost of a study would be available by that meeting.

Commissioner Pouloupoulos **restated** his **motion** as follows: **motion to budget a Code Enforcement Officer to patrol the beaches, beginning with the 2025 budget in October, with an ATV at a cost that was projected at \$150,000, and that my acceptance of option three was conditioned upon the Commission still looking into option two, with the cost of the study being determined by Staff and to have the costs of the study, once obtained, to be brought to the Commission for**

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approval even if it is within the discretion of the Town Manager to engage in the study.

Commissioner DeNapoli reiterated his question of why the Commission was voting on this Item at present rather than including it on the budget wish list. He felt the **motion** presented the proposal as a budget wish list item. Town Manager Connors recalled that at the budget workshop, Staff had indicated that they were bringing this issue before the Commission because it represented a larger discussion which needed to be made separately from the workshop.

Commissioner Graziano seconded the restated motion. Motion carried 4-1 (Vice Mayor Strauss dissenting).

13. NEW BUSINESS

b. Resolution 2024-22: A RESOLUTION OF THE TOWN COMMISSION OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE AMENDED SCHEDULE OF PARKING FEES AND METER RATES; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

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

Deputy Town Manager/Public Works Director Rubach recalled that Staff had received a request from a resident of the Bougainvilla Drive area with respect to overnight parking. At present, parking on that roadway is only allowed until 8 a.m. The Resolution would permit overnight parking for individuals who work in the service industry and must be in the area overnight, as well as other residents and/or guests in that area.

Staff determined that parking is available at the Visitor Center at night after it has closed, as well as in the morning until 9 a.m. They consulted with the parking team and determined that it was a viable option. There are only eight spaces available at that location. Staff recommends that the cost of the proposed parking permit be \$112.35/month, which is the same as the cost of using the A1A parking lot.

Parking hours under the proposed permit would be Monday through Friday from 5 p.m. until 9 a.m., Saturday after 1 p.m., and all day Sunday.

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

14. COMMISSIONER COMMENTS

Vice Mayor Strauss reminded all present that when the Commission voted to invest in its Downtown renovation, they had held several community involvement meetings to hear input from the public.

Commissioner Pouloupoulos announced that former Mayor Chris Vincent will serve as Grand Marshal for this year's 4th of July Parade. He also noted that while some decisions require public input, the Town has also made multi-million dollar decisions without offering surveys, as residents have entrusted them to make decisions that will better the Town.

Commissioner Pouloupoulos concluded that his opinions regarding lifeguards are solely related to a desire for better safety on the Town's beaches, which he felt was the right decision for everyone.

Commissioner DeNapoli advised that he felt it is important to hear input from the Town's residents on the issues the Commission discussed at tonight's meeting. He looked forward to receiving this input.

Commissioner Graziano felt the proposed survey is a good idea, and stated that he wished to make decisions based on full information. He was in favor of a study as well as a survey, which together would provide residents with the most information possible. He encouraged continued resident input.

Mayor Malkoon thanked the Commissioners for their thoughtful discussion during tonight's meeting. He added that the Town's Garden Club has presented a proposed redesign of the garden in front of the Town Hall entrance, which will be undertaken in September or October.

Mayor Malkoon also noted that the current budget includes \$125,000 intended for a permanent monument or reminder of the Town's 75th anniversary. He suggested that one option could be an "eco-park" on the front lawn of Town Hall with a focus on conservation, native landscaping, and a butterfly garden component.

15. ORDINANCES 1ST READING

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None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

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 9:32 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

7/11/2024 | 3:50 PM EDT

Date