



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 9, 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 (by phone), Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, 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. 4th of July Presentation

Events and Marketing Manager Katie Anderson gave an overview of the Town's recent 4th of July celebration. She recognized Commissioner Pouloupoulos, who served as Chair of this year's event, for his work with Town Staff and other partners.

51 registered groups participated in this year's parade, and an estimated 3,000 individuals attended Family Fun Day and other festivities along the parade route. Eight donors provided \$5,100 in sponsorships of the event, and \$6,000 was earned from

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event-rate median parking. The earned media from news coverage of the day's events was estimated at \$275,490, including the cover page of the *Sun-Sentinel*.

Events and Marketing Manager Anderson thanked the event's sponsors and participants, as well as the Broward Sheriff's Office (BSO), Pompano Beach Fire/Rescue (PBFR), Public Works Staff, and all Town Staff who helped make the event a success. The Mayor and Commissioners thanked all involved with the parade and activities.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Paula Morelli, resident, stated that she is a regular beachgoer, and emphasized the need for greater beach safety. She pointed out that not all beachgoers use the Town's portals and urged the Commission to consider safety for swimmers. She recommended bringing back the beach safety carts previously used by the Town's Volunteer Fire Department (VFD), which traversed the length of the Town's beaches.

Michael Morelli, resident, also spoke in favor of greater use of beach safety carts, and encouraged the Town to provide its hotels and condominiums with written guidance which could be shared with beachgoers.

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

7. PUBLIC SAFETY DISCUSSION

a. PBFR June 2024 Public Safety Report

Fire Marshal Ashley Zalewski, representing PBFR, reported that there were 128 calls in June 2024.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors stated that the Governor has vetoed Senate Bill (SB) 280, which addressed vacation rentals. The vetoed bill would have limited the Town's

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ability to pass any new local measures which applied to vacation rentals. She recognized State Senator Jason Pizzo and State Representative Chip LaMarca for their support in opposing the bill.

The Yoga-By-The-Sea program costs the Town \$2,000 per year and is held Tuesday and Thursday mornings during the season in El Prado Park. It is open to all residents.

A new Mobi-mat has been ordered for the Cristelle Condominium beach entrance and will hopefully be installed by the end of July.

There is ongoing discussion of how to slow traffic on El Mar Drive, as speed humps are not an option in that area. Staff is reviewing the costs of lighted warning signs at the El Prado Park crosswalks and will bring information back to the Commission for further consideration.

The Village of Sea Ranch Lakes has offered to pay for landscaping along Pine Avenue if Lauderdale-By-The-Sea will install it. Town Manager Connors advised that she has requested an estimate and design for this project, which will be brought before the Commission. Sea Ranch Lakes has indicated an interest in planting Spanish bayonet plants along the wall which separates the Town and the Village. She requested Commission direction on this project, adding that if the Commission elects to proceed, Staff will reach out to Pine Avenue residents before taking any action. She recommended an inter-local agreement for Village maintenance of plants and landscaping if this project moves forward.

Mayor Malkoon commented that residents along Pine Avenue have previously requested landscaping and maintenance of the subject area, which currently lacks irrigation. He suggested that the Town may be able to enhance ground cover in that location.

Commissioner DeNapoli requested clarification of the cost of the Mobi-mat. Town Manager Connors estimated that it cost approximately \$10,000 and extends from the sidewalk to the opening of the beach. She further clarified that the mat is provided for public access.

Commissioner DeNapoli also asked for next steps in revisiting the enforcement process for vacation rentals. Town Manager Connors explained that Staff had awaited action on SB 280 before sending updated information to residents. They have prepared a draft brochure which will be mailed to residents in the next few weeks.

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Vice Mayor Strauss cautioned that the Spanish bayonet plants proposed for Pine Avenue are very toxic to dogs, and recommended considering another alternative for that location. He also proposed installing plants that do not require a great deal of water. Commissioner Pouloupoulos agreed with these suggestions.

It was determined that Staff would communicate further with Sea Ranch Lakes to determine the best options for ground cover, and would send additional notice to Pine Avenue residents so they can become involved in the process.

Town Manager Connors concluded that the lighting and tree bases in Ocean Plaza have been updated. These upgrades complete the improvements to the Downtown area, which came in roughly \$130,000 under budget.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes

Mayor Malkoon clarified that the minutes presented for approval were from the June 11, 2024 budget workshop and regular Commission meeting minutes.

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Beach Safety Survey Results

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Town Manager Connors recalled that at the June 11, 2024 Commission meeting, the Commissioners asked that Staff survey the Town's residents for their feedback on safety options for the Town's beaches. The survey was drafted, reviewed by the Commission, and sent to residents on June 24 and to businesses on June 27. It was advertised on the Town's social media pages and distributed to the email addresses which receive regular updates.

An estimated 5,100 individuals were reached by the survey, and over 531 people responded, 373 of which came from residents and 13 from the business community. Responses were as follows:

- 58% of residents and 27% of businesses felt the Town's beaches are safe
- 23% of residents and 50% of businesses were in favor of lifeguards
- 24% of residents and 25% of businesses wanted a Beach Code Ambassador
- 30% of residents and 58% of businesses were willing to use tax dollars to pay for the aforementioned beach safety

The response from residents was considered sufficient to meet statistical standards. Staff has a 95% confidence level that the survey results were reflective of the Town's resident population. The responses from the business community, however, did not meet statistical standards.

Mayor Malkoon recalled that earlier in the year, he has written an editorial for the *Pompano Pelican* suggesting that he wished to see a survey of residents in order to provide a broader range of the community. He also recalled that the Commission had acted responsively following the death of Sloan Mattingly, passing an Ordinance which addressed digging on the beach and developing a marketing plan for this message which could be adapted to other communities.

Mayor Malkoon continued that the survey results indicate 75% to 76% of residents do not want lifeguards or Beach Code Ambassadors, nor do they want their tax dollars spent for these purposes. He concluded that he was in favor of a Beach Code Ambassador, who could address the concerns raised during public comment as well as other safety and Code issues on the beach.

Code Enforcement funding for the fiscal year (FY) 2025 budget is currently in flux, as the Town's Code Enforcement provider did not offer a reasonable cost. The Commission will look at Code Enforcement options more closely, including whether or not the Town wishes to go out for bid for these services or bring them in-house.

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Commissioner Graziano stated that he was in favor of providing written beach guidance to the Town's condominiums and hotels, as proposed during public comment. Town Manager Connors confirmed that Staff has developed language for fliers which will be sent to businesses and residential buildings on the beach.

Commissioner Pouloupoulos observed that the survey represented a response from approximately 10% of the Lauderdale-By-The-Sea community; however, he asserted that it would be a mistake for the Town not to have lifeguards and/or beach patrols. He remained in favor of providing two to three lifeguards and lifeguard stands, and emphasized the necessity of making a decision which may not be popular.

Commissioner Pouloupoulos continued that the Town now provides fewer safety measures on its beaches than were provided by the VFD one year ago. He strongly asserted that it would not be the right decision for the Town to continue as the only municipality in Broward County which does not have lifeguards on its public beaches.

Mayor Malkoon addressed the concerns raised during public comment, requesting clarification of the level of coverage on the Town's beaches. Deputy Town Manager/Public Works Director Ken Rubach advised that as of 2021, the VFD had patrolled the beaches for approximately 100 to 120 hours per month, which came to roughly three to four hours of coverage per day. These estimates, however, could not be verified, nor was a scope listed for the patrols. He did not have information on what type of training was given to beach patrol personnel.

Deputy Town Manager/Public Works Director Rubach continued that when PBFR began its contract as Fire/emergency management services (EMS) provider, they brought one of their own beach carts to be used in addition to the Town's cart. He characterized PBFR's equipment as superior to the Town's cart.

Fire Marshal Zalewski, again representing PBFR, advised that depending upon the crew available, PBFR seeks to patrol the beaches twice per day, with each patrol lasting 30 minutes to one hour as the cart travels the length of the entire beach. She estimated that this is roughly two hours of service per day. The cart used by PBFR includes a stretcher, backboard, flotation devices, medications, and other emergency lifesaving devices. Mayor Malkoon noted that BSO also provides an additional presence if possible.

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Mayor Malkoon concluded that PBFR's services can be considered equal to or better than those provided by the VFD, as VFD volunteers were not required to be certified to provide emergency medical services.

Vice Mayor Strauss proposed that in addition to PBFR and BSO services, the Town may potentially use members of its Citizen Observer Patrol (COP) program for some level of beach patrol. BSO Captain Bill Wesolowski explained that the Town has a robust COP program with 28 active volunteer members who are trained in radio procedures and attend monthly meetings for additional instruction on aspects of BSO activity. A utility vehicle is assigned to these members for beach patrols.

Vice Mayor Strauss asked if COP volunteers might be able to provide a greater presence on the Town's beaches. Captain Wesolowski advised that BSO would encourage this.

Commissioner Pouloupoulos stated that there is currently no entity under contractual obligation to the Town to provide water rescue or water safety services. While he agreed that the Town has a vibrant COP presence, he pointed out that these individuals are not trained in water safety or rescue. He also noted that incidents in the water are more likely to happen than incidents on the beaches.

Commissioner Pouloupoulos continued that there is a division between residents who do not want expansion and those who prioritize public safety. He characterized the need for greater public safety as common sense, and concluded that the Town and the Commission should acknowledge existing safety issues.

Commissioner Graziano observed that beach safety begins with the individual, and that issues of poor judgment are not always corrected by municipal enforcement. He added that he had been supportive of the survey, which showed that roughly 75% of Town residents do not want lifeguards on the beaches. He further clarified that this is not because the residents do not want to pay for lifeguards, but because they do not believe lifeguards are needed.

Town Manager Connors requested direction from the Commission regarding next steps by Staff, including whether or not the upcoming budget should fund a study. Mayor Malkoon replied that he would like the Town to continue learning about what can be provided by Code Enforcement, such as Beach Code Ambassadors.

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Vice Mayor Strauss recalled that when there had been previous Commission discussion of a study to determine the Town's options for lifeguards, the cost of this study had been a factor. Due to the majority response to the survey, he was not in favor of proceeding with a study at this time. Vice Mayor Strauss concluded that he remained open to further discussion of Beach Ambassadors or greater use of COP members.

Commissioner Poulopoulos asked if the Commission can vote on further action to be taken. Town Attorney Trevarthen confirmed that they may vote, as the Town Manager has requested direction for next steps.

Mayor Malkoon requested clarification of whether Commissioner Poulopoulos intended to address lifeguards in general or the previously discussed study. Town Manager Connors clarified that she would like to know if the Commission wishes Staff to look into having a study performed, or to move forward with adding the costs associated with lifeguards into the Town's budget.

Commissioner Poulopoulos advised that he was in favor of a study, and wished to take a formal vote on lifeguards for the record as well.

Commissioner Poulopoulos made a motion to include lifeguards in the budget for the 2025 calendar year. [The motion died for lack of second.]

b. FPL Easement Request – 231 and 241 Shore Court

Development Services Director Jhanelle Campbell stated that Town Code Section 20-92 requires that all residential and non-residential development install underground power lines. In accordance with this Section of Code, the developer of 231 and 241 Shore Court is seeking to bury the power lines for those two properties.

The developer has submitted plans for Florida Power and Light (FPL) to bury these lines between the two duplexes as depicted in the Staff Report. FPL denied these plans and is instead requiring that the lines be installed either within the Town's right-of-way along Seagrape Drive or within an easement on property not owned by the developer.

Development Services Director Campbell added that she has met with the developer as well as an FPL engineer to review potential alternatives for the site. The developer has contacted the property owners behind the subject properties, but did not receive permission to explore the option of an easement outside his own property.

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The only option remaining to the developer is a directional bore under the sidewalk alongside Seagrape Drive. To carry out this task, the attached agreement must be executed by the Town. The agreement would allow FPL to bury the power lines; however, should the Town choose to undertake any future project that would require those lines to be moved, this would need to be done at the Town's expense.

The Town would need to come up with a separate agreement between itself and the developer to ensure that the developer pays the cost of installing the power lines. The developer would not be issued a certificate of occupancy (CO) until the Town can confirm that this was paid.

Mayor Malkoon observed that all parties have attempted to reach an agreement on this issue, and he did not take issue with the proposed solution. Development Services Director Campbell confirmed that the developer understands he would have to cover the cost of installation, although the Town has not yet provided him with a copy of the agreement. Once the agreement has been drafted, it will come back to the Commission for approval before it is presented to the developer.

Commissioner Graziano asked why FPL had denied the request to bury the lines. He asserted that he found it unacceptable for FPL to dictate what the Town may or may not do. Development Services Director Campbell replied that the information provided to Staff indicated that FPL's standards or policies have changed since the completion of the other buildings in the subject project. Because their truck would not be able to drive directly up to the equipment between the two buildings, as there is inadequate space, FPL could not proceed with approval.

Development Services Director Campbell reiterated that before moving forward with the execution of the proposed agreement, Staff would first draft a separate agreement with the developer to arrange how the funds would be received for payment related to the directional bore.

Vice Mayor Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried 4-1 (Commissioner Graziano dissenting).

14. COMMISSIONER COMMENTS

Commissioner Pouloupoulos addressed lifeguards and beach safety, stating that he would always be in favor of safety as the Town's first priority. While BSO and PBFR provide excellent services to the Town, he believed it is still missing the beach safety

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required for a municipality with a significant population of residents and visitors who use the beach.

Commissioner Pouloupoulos continued that while he accepted the results of the survey, he believed elected officials must sometimes make difficult and unfavorable decisions. He concluded that lifeguards would not change the Town's dynamics, but would provide an additional layer of safety.

Vice Mayor Strauss thanked all who participated in the 4th of July festivities. He added that the Hillsboro Inlet District, which is a taxing district assigned responsibility for dredging the Hillsboro Inlet and bypassing sand, is addressing the issue of a property owner who wishes to build a very large dock on the south side of the jetty. Hillsboro Inlet, as well as Lauderdale-By-The-Sea, Lighthouse Point, and other nearby municipalities, have issued Resolutions opposing construction of the dock, as it would interfere with the dredging and bypass of sand. He concluded that he will keep the Town updated on this ongoing matter.

Commissioner Graziano thanked Staff for their work on the 4th of July parade and events. He also addressed FPL, expressing concern with their response when contacted by members of the community. He felt it was best for the Town as well as for FPL if utilities are buried, and concluded that he was concerned with the response of public utilities to residents' concerns.

Commissioner Graziano concluded that he urged individuals swimming in the ocean to use good judgment and take care.

Commissioner DeNapoli also thanked all involved with the 4th of July events. With regard to Code Enforcement and vacation rentals, he recommended that the Town examine all its options, including a request for proposal (RFP) for new options in addition to the firm currently used. This may include bringing Code Enforcement in-house, which could allow them to patrol the beach during certain times. He emphasized that the Town may be able to use its COP volunteers rather than specifically appointing a Beach Ambassador.

Commissioner DeNapoli continued that he was pleased with the Governor's veto of SB 280, and recognized the efforts of residents, Commissioners, state elected officials, and the Town's lobbying team in working toward the veto. He felt the Town should now move forward with some of the ideas discussed at the recent vacation rental workshop, as he felt the existing process was in need of work.

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Mayor Malkoon also thanked Staff for their work on the 4th of July event. He advised that he recently attended a regional conference of the Florida League of Mayors, which included a roundtable discussion on mental health. He will bring initiatives related to this discussion to the Commission in the future, suggesting that there are more ways in which the Town can support mental health objectives.

Mayor Malkoon added that he, Town Manager Connors, and Deputy Town Manager/Public Works Director Rubach meet on the second Monday of each month at the portico at 9 a.m. He encouraged residents who may wish to informally discuss issues to stop by this meeting.

Mayor Malkoon also noted that Lauderdale-By-The-Sea will host a local group of mayors from Broward County Commissioner Lamar Fisher's district later in the fall.

15. ORDINANCES 1ST READING

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 8:10 p.m.



Mayor Edmund Malkoon

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ATTEST:



Katrina Adler, Town Clerk

9/20/2024 | 4:13 PM EDT

Date