



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Wednesday, September 18, 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 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

Town Attorney Trevarthen requested that Item 16.a be deferred to a future meeting.

Commissioner DeNapoli requested that his proposal for the Town to send out a postcard regarding the November 2024 ballot initiative be revisited tonight. Deputy Town Manager/Public Works Director Rubach confirmed that he would discuss this issue as part of the Town Manager Report.

5. PRESENTATIONS

a. Fire Prevention Week Proclamation

Mayor Malkoon read a Proclamation designating the week of October 6 through October 12, 2024 as Fire Prevention Week in Lauderdale-By-The-Sea. He encouraged residents to ensure their homes have working smoke alarms and to support the public safety activities presented by the Town's Fire and Emergency services.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Peggy Mohler, resident, requested that when the Town's solid waste pickup contract is next negotiated, the Town's businesses would like to have input on this decision.

Marc Pearson, 1921 Water's Edge, recalled that he had previously informed the Town of his concerns regarding construction at the property located at 1931 Coral Reef Drive. On August 14, 2024 he submitted an appeal addressing a rooftop activity area, a third story, and the overall design of the building. The appeal was rejected by the Town.

Mr. Pearson had submitted a second appeal as well as three additional appeals related to the three Town Ordinances of which he felt the building was in violation. He is developing an additional appeal which would focus on Town Staff, which he felt has exceeded their authority in relation to the building. He requested that the Commission direct Town Staff to process the requested appeals.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO August 2024 Public Safety Report

Captain Bill Wesolowski of the Broward Sheriff's Office (BSO) stated that Deputy Adam Yates was named Deputy of the Month for August 2024. He described an incident in which the Deputy detained and charged an individual in possession of stolen property.

Captain Wesolowski reminded all present that Wednesday, October 2, 2024, between 8 a.m. and 10 a.m., BSO personnel will participate in the annual "Coffee with a Cop" event at the Village Grille. BSO will also have a tent at the upcoming Founders Day event and will have Police vehicles present for children.

b. PBFR August 2024 Public Safety Report

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Pompano Beach Fire Rescue (PBFR) Fire Marshal Ashley Zelewski reported that in August 2024, PBFR ran 133 calls with an average response time of six minutes. PBFR will also have a Fire Department vehicle at the Founders Day event.

8. TOWN MANAGER REPORT

a. Town Manager Report

Deputy Town Manager/Public Works Director Rubach stated that solid waste contractor WastePro is allowed to request a consumer price index (CPI) increase of no more than 5% each year. This year's increase is 3.5%. This means residential single-family homes, duplexes, and multi-family residents will see a 95-cent increase per month. The 3.5% increase also applies to commercial and residential dumpsters and contractors. New rates will be posted on the Town's website.

The Town's current contract with the Chamber of Commerce is set to expire on December 29, 2024. There are two optional one-year renewal periods remaining. Deputy Town Manager/Public Works Director Rubach asked if the Commission wished to move forward with renewal or would prefer to renegotiate the contract, and if renegotiation is chosen, if the Commission wished to appoint an individual to serve as liaison to this process.

The Commissioners indicated consensus to renegotiate the contract with a liaison representing the Commission. Commissioner DeNapoli offered to serve as liaison.

The following upcoming meetings are scheduled:

- September 26, 2024: Special Magistrate Hearing at 5 p.m.
- October 2, 2024: Planning and Zoning Board Meeting at 6 p.m.
- October 8, 2024: Regular Town Commission Meeting at 6:30 p.m.

Deputy Town Manager/Public Works Director Rubach addressed the mailer to residents proposed by Commissioner DeNapoli. The mailer would provide information on an initiative which will be on the November 5, 2024 ballot. The Town Clerk has composed language for the mailer, which was reviewed by the Town Attorney. Conceptual Communications will put a flyer together on this topic. The cost is estimated at \$3500.

Commissioner DeNapoli emphasized the time-sensitive nature of the mailer, as vote-by-mail ballots will be mailed to voters beginning October 1, 2024. The Town is allowed to provide materials to its residents explaining the ballot measure. This information may also be made available electronically.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Commissioner DeNapoli added that in addition to informational materials and images of the ballot initiative, the Town may also provide general information on upcoming Town events as well as other communications to the community. He pointed out that many residents could miss information provided via email. He concluded that he would like to serve as liaison on this effort.

Town Clerk Katrina Adler advised that the letter reviewed by the Town Attorney focused solely on the November 5, 2024 election. The flyer includes the ballot initiative itself, but does not include any additional explanatory information on that initiative. The price quoted to the Town for distribution was for a postcard.

Commissioner DeNapoli suggested that the mailer include information related to the ballot initiative, such as historic participation rates in past elections. Town Attorney Trevarthen stated that the mailer includes information on the overall election, including the entirety of the ballot initiative's language. The Ordinance embedded within the ballot question acknowledges the historic participation data and other reasons that had contributed to the inclusion of the initiative. Providing additional information may require a change in format or incur greater costs.

Commissioner DeNapoli asked how much has been spent on larger mailers in the past. Assistant to the Town Manager Courtney Easley recalled that before residents had an "opt-out" option for *Town Topics*, the Town had paid approximately \$5000 to \$6000 in postage. This cost has decreased to roughly \$400 after residents opted out of receipt.

Mayor Malkoon agreed that the Town should provide a mailer on the ballot initiative, and acknowledged that *Town Topics* is the Town's primary means of reaching residents. He emphasized the importance of communication, and recommended that the Town proceed with mailing out *Town Topics* to all residents on a quarterly basis. The residents could be provided with an option to opt into email communications in the future rather than printed materials.

Deputy Town Manager/Public Works Director Rubach stated that Staff can gather information on past costs of mailing out *Town Topics*.

It was clarified that the postcard does not reflect its final design, but language only. Deputy Town Manager/Public Works Director Rubach advised that once Conceptual Communications has finalized the postcard, it can be sent in draft form to the Commissioners for review. It will be sent to each household in the Town.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Mayor Malkoon emphasized the urgency of sending the postcard to residents by October 1, when vote-by-mail ballots will be sent to residents.

b. July 2024 Finance Report

The Commissioners accepted the report without comment.

Director of Budget and Finance Lucila Lang advised that the Town is in the process of reviewing its investment policy with the Town Attorney and will meet on Thursday, September 19, 2024 with Truist Bank to discuss the policy further. The current policy has not been updated since 1996.

Commissioner DeNapoli recalled that the Commission has previously discussed locking in interest rates and the prospective purchase of bonds, which are affected by Section 18-134 of the Town's investment policy. This policy limits the Town to investments with broker/dealers who report directly to the Federal Reserve Bank of New York.

Commissioner DeNapoli observed that current Code allows the Town to purchase or sell securities through the broker/dealer of its Town-authorized financial institution, but does not define this term further. Town Attorney Trevarthen explained that this will be discussed further at the September 19 meeting with Truist, as will the possibility that Truist may be interpreting the Town's policy too narrowly. Staff will have a better understanding of the restrictions of the Code provision following that discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for August 27, 2024

Commissioner DeNapoli noted a correction on p.18, paragraph 5: he had suggested that outsourcing some Town functions can be better for the Town as cost savings and at a better service level, while some matters, such as Code Compliance, may be better handled in-house.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Discussion of 2024-2025 Charter Review Board Process

Town Attorney Trevarthen noted that the Town's Charter must be reviewed at least every 12 years. The Charter Review Board is an advisory entity created by Resolution, and Town Staff is working to identify a meeting time for those appointees.

Town Attorney Trevarthen advised that it is standard practice to request input from the Commission on their preferences for the Charter Review Board's activities. The Commission may have no issues and want the Board to provide feedback, or they may want certain articles specifically reviewed.

The result of the Charter Review process will ultimately be a recommendation to the Town Commission. A previous version of the Charter Review Board, for example, provided a number of proposals, many but not all of which were included on the 2014 ballot. This decision will be left to the Commission.

With respect to timing, Town Attorney Trevarthen noted that there are rules on when specific sections of the Charter, such as Section 7-1, may be voted upon. This Section addresses land use and heights. This Section could be voted upon in a special election, or it could be placed on the ballot during a regular election. The Broward County Supervisor of Elections is not aware of any general elections in 2025 to which the Town could attach a vote addressing that Section. The earliest time at which Section 7-1 could be placed on a ballot with other items would be the March 2026 general election.

Another unique consideration is the fact that the Town does not yet know if there will be a municipal election on March 26, 2026. Depending upon the outcome of the ballot initiative on the November 5, 2024 general election ballot, the voters may or may not agree to change the timing of the March 26, 2026 municipal election.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Town Attorney Trevarthen advised that a special election would be more expensive for the Town and would require voters to turn out on a special date, which may result in less voter turnout. If the matter is not voted upon before 2026, the Town would need to finalize the language of any proposed ballot question by roughly January 2026.

In the past, the Town has adopted the Ordinance which begins the process of placing an item on a ballot by the October Commission meetings. This provides more time for residents to learn about the issue and for the Town to provide the ballot question to the Supervisor of Elections without being affected by the holiday season. She recommended that the schedule for any potential ballot questions in 2026 be underway by October 2025. The Commission also has the option of establishing a deadline for the Charter Review Board's recommendations.

Commissioner DeNapoli advised that he has reviewed several ballots from throughout Broward County which include municipal ballot questions, and suggested that this be distributed to the other Commissioners.

Town Attorney Trevarthen further clarified that there is no obligation for the Commission to take action at tonight's meeting. This Item can be rescheduled for further consideration in October if that is the Commission's desire.

Mayor Malkoon commented that it is important to begin the Charter Review process in 2024, as this year is 12 years from the previous review date.

Deputy Town Manager/Public Works Director requested that the Commissioners send any ideas on this process to the Town Clerk so they can be included on a future Agenda or Agendas. He recommended that the Commission consider further discussion of Charter Review at the October 22, 2024 meeting.

13. NEW BUSINESS

- a. Resolution 2024-39 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SELECTING VARIOUS CONSULTANTS PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ARCHITECTURAL, ENGINEERING, TRAFFIC ENGINEERING, LANDSCAPE ARCHITECTURAL, AND/OR SURVEYING AND MAPPING SERVICES; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE CONTINUING SERVICES CONTRACTS WITH THE TOP SEVEN RANKED QUALIFIED**

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

FIRMS FOR AWARD OF SUCH CONTRACTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Graziano asked if the negotiation process is complete. Deputy Town Manager/Public Works Director Rubach explained that Florida's Competitive Consultants' Negotiation Act (CCNA) requires a two-part process: Staff members ranked the submissions based on evaluation criteria and then provided the Commission with a list of recommended firms. The Commission approved the list, which authorized the Town Manager to negotiate with contractors, at which time costs would be clarified. The CCNA does not permit the consideration of costs when preparing a request for qualifications (RFQ).

Commissioner Graziano stated that he opposed the automatic 5% increase included in the proposed contracts, as well as five-year contracts in general. He recalled that he had expressed this concern at the September 12, 2024 meeting as well.

Deputy Town Manager/Public Works Director Rubach explained that the language in most of the Town's CCNA contracts includes a CPI increase, as noted earlier during discussion of the WastePro contract. The increase may be up to 5% based on CPI; if the CPI is only 2%, for example, the contractor may only ask for a 2% increase. This is part of the Town's standard contract language.

Commissioner Poulopoulos asked if the vendors submitting quotes that met a particular score would be considered by the Commission, or if those contracts would be left to the discretion of the Town Manager. Deputy Town Manager/Public Works Director Rubach replied that the contracts are brought before the Commission when they are ready for approval and will include detailed information, including rates. There is also no minimum amount tied to the contracts: if their services are not used, the contractors are not paid.

Commissioner DeNapoli also addressed the length of the contracts, stating that he had concerns with lengthy contracts which have built-in increases. Deputy Town Manager/Public Works Director Rubach stated again that the increase is contractually tied to the CPI, but clarified that the contracts do not come back to the Commission for approval of the CPI increase.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Town Attorney Trevarthen also pointed out that some of the contracts are from multiple providers in the same field. Once the CCNA contract is complete, the Commission may then choose whether or not to enter into business with a given contractor. The CCNA process sets up the arrangement by which the Town may legally contract with the vendor.

Deputy Town Manager/Public Works Director Rubach also affirmed that any contract which exceeds the Town Manager's purchasing authority would come back before the Commission for approval.

Commissioner Pouloupoulos spoke in favor of CPI contracts, noting that this limits the amount by which the contract may be increased. He added that he was also in favor of longer-term contracts with CPI increases, as the alternative would be to renegotiate with that vendor each year.

Commissioner Pouloupoulos asked if the contracts were capped at five years. Deputy Town Manager/Public Works Director Rubach explained that the contracts are for an initial five-year term, with two two-year options for extensions. Town Attorney Trevarthen stated that she would look into longer-term options for CCNA contracts. Commissioner Pouloupoulos reiterated that a longer contract with a capped CPI increase could be very beneficial.

Commissioner Graziano asked how the two-year extension options would be enacted. Deputy Town Manager/Public Works Director Rubach replied that the Town Manager has brought contracts back to the Commission before moving forward with any extensions.

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

b. Hardship Parking Permit Applications

Deputy Town Manager/Public Works Director Rubach advised that this process is brought before the Commission on an annual basis. Code Section 19-26.c addresses hardship parking permits for customers of hotels, motels, apartments, and other businesses. A hardship parking permit allows the permit holder to park at an open metered space within designated hours. There are no reserved spaces for hardship parking permit holders, and the permits cannot be used to park in spaces reserved for residential parking permits. The cost per space is \$324 plus \$22.68 in tax.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Mayor Malkoon asked if there have been recalculations on the square footage of some hardship parking permits. Deputy Town Manager/Public Works Director Rubach explained that the amounts are based on the number of units.

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

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano stated that he recently toured the Town's public safety building complex with the Deputy Town Manager/Public Works Director as well as with representatives of BSO and PBFR. He had been surprised to learn the condition of the facilities was substandard. He had also viewed a sketch of what could be done with the addition of a new building or buildings. He concluded that he would like to move the issue of a new building forward, and requested that the sketch he had seen be presented at a future meeting, despite his concerns with construction prices.

Commissioner Graziano also addressed contracts, stating that he felt the Town is moving in the right direction and needs to ensure its expenditures are in order.

Commissioner DeNapoli thanked the Commission and Town Staff for their work on the budget, and also expressed interest in seeing a sketch of the new public safety building.

Mayor Malkoon also thanked the Commissioners and Staff for their diligence in working on the FY 2025 budget. He added that the Founders Day picnic is planned for October 5, 2024.

On Monday, September 23, 2024, the Crema restaurant is holding a ribbon-cutting ceremony with the Greater Fort Lauderdale Chamber of Commerce. The Commissioners were invited to attend this event.

16. ORDINANCES 1ST READING

- a. ORDINANCE NO. 2024-08 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14,**

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

“OFFENSES,” ARTICLE III, “RESTRICTIONS ON RESIDENCY BY SEXUAL PREDATORS AND SEXUAL OFFENDERS,” OF THE CODE OF ORDINANCES TO AMEND AND CREATE DEFINITIONS AND IMPLEMENT STRICTER ENFORCEMENT MECHANISMS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

This Item was deferred to a future meeting.

17. ORDINANCES 2ND READING

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 7:30 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

10/11/2024 | 11:10 AM EDT

Date