



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 22, 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, 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

Rabbi Benzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, that Commissioner Pouloupoulos be excused from today's meeting. Motion carried 4-0.

5. PRESENTATIONS

a. Proclamation – Pioneer Day for Joan Garrett

Mayor Malkoon read a Proclamation in honor of Lauderdale-By-The-Sea resident Joan Garrett in recognition her longtime service to the Town. She will be recognized as a Broward County Pioneer on November 9, 2024 at the 48th Annual Pioneer Days celebration.

6. PUBLIC COMMENTS

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At this time Mayor Malkoon opened public comment.

Marc Pearson, 1921 Water's Edge, asked that the Commission pass a Resolution directing Town Staff to work with the owner of the house at 1931 Coral Reef Drive to revise their permitted plans and remove all rooftop railings and lighting, as well as the phrase "Maintenance Access Area."

Mr. Pearson asserted that he continues to perceive the space as a rooftop activity area, which is prohibited by Town Code. He recommended creating an advisory body to review the Town's permitting process, as he has concerns with this process, and concluded that he also has two appeals in process which are unrelated to 1931 Coral Reef Drive.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO September 2024 Public Safety Report

Captain Bill Wesolowski of the Broward Sheriff's Office (BSO) thanked all participants in the recent "Coffee with a Cop" event held on October 2, 2024. He also thanked the Village Grille for hosting the event and the Town for publicizing it.

BSO will participate in the Town's annual Boo!-By-The-Sea event by bringing their SWAT truck and establishing a tent for giveaways.

Captain Wesolowski reported that BSO conducted a probation and parole sweep. Roughly eight individuals on felony probation live in the Town. BSO conducted an administrative search of the individuals' residences in conjunction with the Probation and Parole Department. One individual was found to be in possession of a large amount of narcotics and was arrested.

The Deputy of the Month is Deputy Eric Boyian, who investigated the theft of a cell phone by an individual living in the Town.

Commissioner Graziano asked if the 99 hours of overtime listed on the BSO report is included in the Town's budget. Captain Wesolowski explained that these funds came

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from the overtime budget allotted as part of BSO's regular consideration. They do not include additional or enhanced overtime funds and are part of the \$6.2 regular budget.

b. PBFR September 2024 Public Safety Report

Fire Marshal Ashley Zalewski, representing Pompano Beach Fire Rescue (PBFR), reported that crews responded to 202 calls in September 2024 with an average time of 6 minutes 13 seconds. She added that PBFR will also participate in Boo!-By-The-Sea and will have a fire truck and mascot on hand.

Commissioner Graziano asked if PBFR responds to all locations at which a fire alarm has sounded or if they also respond to locations which need to deactivate or maintain their alarms. Fire Marshal Zalewski advised that certain areas of high-rise buildings are required to have smoke detectors tied to their fire alarm panels; however, PBFR would require a release from liability to change batteries in those devices.

Commissioner DeNapoli addressed response times, noting that most of these are in the area of five minutes with the exception of the last three to four responses. Fire Marshal Zalewski explained that there has been significant activity of trucks leaving and other trucks coming in, which affects response times.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors reminded all present that Boo!-By-The-Sea will be held on Saturday, October 26, 2024. The Town's 75th Anniversary event has been rescheduled to Saturday, November 2, 2024 in Friedt Park due to rain on the previous date.

The Town's Veterans Day ceremony is scheduled for Monday, November 11, 2024. The Town Manager encouraged all veterans in the Town to fill out a participation form and be recognized at this event. This year's guest speaker will be author John "Chick" Donohue.

Staff is working on an update to the Town's website as well as creation of a mobile app. Both are expected to be launched by December 2024.

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Town Manager Connors continued that Mayor Malkoon had requested Staff look into the costs associated with mailing copies of *Town Topics* rather than emailing them. Current practice is to email the document to everyone on the email list, which consists of approximately 2900 people, and to make another 50 copies available at Town Hall. Residents were also asked whether they would prefer a hard copy of the document. Nearly 400 residents indicated they would like their copies mailed to them, which costs \$4800 annually.

Town Manager Connors advised that if the Commission wishes the Town to return to the practice of mailing printed copies, this would cost approximately \$21,000 for the remaining three quarters of the current year, as the first quarter's document has already been provided. Funds are available for this purpose in the Contingency Fund. She requested direction from the Commissioners on this issue.

Mayor Malkoon explained that he had requested the Town Manager look into these options, as the Town had previously mailed copies of *Town Topics* to residents but later chose to save money by providing the document via email. He noted that this document serves as the Commission's primary method of communicating with residents.

Mayor Malkoon recalled that he had also requested clarification of the recipients of the mailed document. This was determined to be "basically every household," which includes individuals and families who rent their homes as well as homeowners. He pointed out that households may also opt out of receiving printed copies, and extra copies may be printed and made available in condominiums.

Vice Mayor Strauss asked if the \$28,000 annual cost is inclusive of both printing and delivery to all 3205 households included in the Town's voter list. Town Manager Connors advised that the \$28,000 figure includes printing and mailing four times per year to 4785 residences.

Town Manager Connors added that Staff spent nearly one year notifying residents who received *Town Topics* that they were converting to a digital format and requesting clarification of how residents wished to receive the document going forward. 386 residents asked for printed and mailed copies. It costs \$1200 per quarter to print and mail these copies to those who requested them, reserving 50 additional copies made available at Town Hall.

Vice Mayor Strauss commented that he did not wish to spend money printing and mailing copies to households that have not specifically indicated this was their

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preference. He felt this was preferable to a blanket mailing to all residents at an annual cost of \$28,000; however, he acknowledged that many individuals do not use electronic communications.

Commissioner DeNapoli noted that the cost would be reduced if the document were mailed only to the 3205 households on the Town's registered voter list. As the cost of preparing the document is separate from the costs associated with printing or mailing, he requested clarification of the real costs of producing and mailing 3200 copies as well as a number of extra copies. Town Manager Connors confirmed that the cost per unit would be calculated.

Commissioner Graziano stated that he felt *Town Topics* should be mailed to all residents, as it generates activity at community events as well as providing information. He felt sending the document to registered voters only would omit many property owners.

Commissioner DeNapoli asked if the plan is to mail the next *Town Topics* to all residents. Town Manager Connors clarified that the most recent edition was sent only via email except for the 386 households which requested a printed copy. The Commission is asked to make a decision regarding the three remaining editions in the current fiscal year.

Commissioner DeNapoli also pointed out that some addresses within the Town may belong to vacation rental or other property owners who do not reside in Lauderdale-By-The-Sea. Using the voter list would be preferable to mailing documents to all those households.

Commissioner Graziano observed that the Town also receives some income from advertising. Mayor Malkoon commented that the Town may wish to contact its advertisers and inform them that copies will be mailed to 3200 households, as this could stimulate additional advertisements.

Town Manager Connors concluded that Staff will bring back the cost of printing and mailing 3200 copies, at which time the Commission can make a decision.

Town Manager Connors advised that the Waste Management agreement for disposal of bulk waste is up for renewal. While this agreement is included in the contract previously approved by the Commission, Staff is moving forward with the one-year extension of this contract.

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Election Day is Tuesday, November 5, 2024. The Town's polling locations include Jarvis Hall and Assumption Catholic Church. There is a ballot initiative which would change the date of local elections from March to November. The next Town Commission meeting is scheduled for November 12, 2024.

Vice Mayor Strauss recalled that parking passes may now be purchased online rather than in person; however, he expressed concern for residents who may not own smartphones or other communications technology equipment. Town Manager Connors noted that Staff can help residents who come into Town Hall for these passes.

Commissioner DeNapoli advised that the final day to request a vote-by-mail ballot is Thursday, October 24, 2024 by 5 p.m. They may be requested at BrowardVotes.gov.

Commissioner DeNapoli also requested more information on the Town's app. Events and Marketing Manager Katie Anderson explained that the app mirrors the website and will be updated in real time. One feature of the app is the "Report a Problem" feature, which allows residents to report issues with accompanying photos. These reports are sent immediately to the appropriate Department leader, who can share updates with the reporting individual.

Commissioner Graziano advised that there were issues which required clarification in the evaluation of certificates of insurance. He has worked with Town Staff to develop a system which is currently being implemented and will provide the Town with a greater measure of security. These certificates list the Town as a named insured entity for all contracts, special events, and Memoranda of Understanding (MOUs).

Commissioner Graziano continued that a sketch of the proposed public safety building will be presented at a subsequent meeting, and he wished to have additional discussion on how to move forward on this issue.

b. August 2024 Finance Report

Director of Budget and Finance Lucila Lang recalled that the Commission had asked her to look into obtaining a line of credit for the Town for emergency purposes. She included the bank with the best rates and costs associated with a line of credit in her report. Banks were asked to provide quotes on both a \$2 million and \$4 million line of credit.

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Director of Budget and Finance Lang pointed out that the final column of charges related to lines of credit lists the annual cost to the Town. These include first-time legal costs that would be necessary to prepare documentation for a line of credit. The line of credit would then be good for 60 months. Choosing to renew would incur the legal costs once more.

Director of Budget and Finance Lang continued that the Town is considering investment of some of its cash currently in the bank, beginning with a \$2 million investment in Treasury Bills (T-bills). If an emergency occurred, the line of credit would allow the Town to access this cash right away without requiring access to investments.

Vice Mayor Strauss expressed concern with the administrative costs associated with establishing a line of credit, which could exceed the amount of money earned on certificates of deposit. Director of Budget and Finance Lang advised that if the Town wished to proceed with either a \$2 million or a \$4 million line of credit, neither is a budgeted amount. The money would be taken from the Contingency and General Funds.

Commissioner DeNapoli noted that individual banks may charge for items such as document stamps and tangible taxes, which would approach \$20,000 for the \$4 million line of credit. He recommended looking into whether or not these attached costs would apply, pointing out that customers are often asked to pay these costs.

Commissioner DeNapoli asked if it would be possible to borrow against the current T-bill portfolio, which is typically free of charge if permitted by policy. He concluded that this could be an additional way to access the Town's money at no charge if it is permitted by Town investment policy or bank policy.

Town Manager Connors recalled that one reason the Town was exploring a line of credit was because the Mayor had expressed concern with how quickly an emergency could affect the Town's reserve dollars. A line of credit would allow the Town to spend its \$2.5 million while also providing access to more money if needed.

Mayor Malkoon recommended that Staff review the recent updates to its investment policy and determine if this is an option with the current portfolio.

Director of Budget and Finance Lang asked if the legal counsel fees would be charged to the Town if they pursued the option described by Commissioner DeNapoli. It was clarified that the \$2.5 million is currently with South State Bank. Commissioner DeNapoli

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replied that this would depend upon whether or not that institution allowed margining ability or portfolio lending, as well as the percent of the portfolio value the bank would allow. He concluded that there may be another free alternative method, depending upon how much emergency money is needed.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that a number of dates are available for the rescheduling of Commission ethics training. Town Manager Connors added that another option would be holding the training session online via the Florida League of Cities.

Town Attorney Trevarthen further clarified that a portion of each year's training must be held in person, while a portion may be held via online sources. In the past, the Commission has found there is value in learning and discussing this information as a group so they may approach issues with a shared understanding.

The Commissioners discussed the prospective training dates and selected Tuesday, December 3, 2024, pending consultation with Commissioner Pouloupoulos.

10. APPROVAL OF MINUTES

a. Approval of minutes for October 8, 2024 Regular Commission Meeting

Commissioner Graziano noted a correction on p.16, paragraph 5: he had stated that he believed the Aruba Beach Café and Anglin's Pier were licensed to sell alcohol on the beach in a similar manner to the Plunge Hotel, as they have beachfront properties.

Commissioner Graziano also addressed the discussion of the Friday Night Music Series, noting that the minutes reflect the Town as awaiting a check from a vendor, and asked if the Town has received this check. Town Manager Connors replied that the check was sent directly to Town consultant Conceptual Communications, which has received the check and will send it on to the Town.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve, subject to the amendments. Motion carried 4-0.

11. CONSENT AGENDA

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None.

12. OLD BUSINESS

a. South Silver Shores Update

Deputy Town Manager/Public Works Director Ken Rubach recalled that on June 30, 2023, Staff met with residents of the South Silver Shores neighborhood to discuss concerns regarding traffic, including traffic from nearby businesses driving through the residential area and general upkeep from businesses. The residents requested that Staff wait until the tourist season to undertake a traffic survey in order to capture accurate data.

The survey was done at the beginning of 2024 and provided data that did not support a street closure or speed humps, both of which had been suggested by the neighborhood residents. The residents, however, still felt strongly about their concerns. At the May 28, 2024 Commission meeting, Staff requested the Commission authorize a temporary closure of the area, which began on Tuesday, June 18 and concluded on August 13.

At the conclusion of the trial closure, Staff provided approximately 80 South Silver Shores homes with a survey and received responses from 36 individuals in 29 homes.

Deputy Town Manager/Public Works Director Rubach reviewed individual questions on the survey, noting that 19 residents felt the closure reduced traffic in the subject neighborhood, while 17 felt it had not. Another question addressed making the closure permanent, to which 17 residents replied “yes” and 19 replied “no.” While some residents found the closure to be helpful, others expressed concerns regarding the inconvenience resulting from it.

Another resident feedback meeting, held on September 5, 2024, was attended by 13 residents to discuss the results of the survey. The residents closest to the road closure and most affected by it did not want it to become permanent. Speed in the neighborhood was also discussed, as several residents remained concerned with speeding. While the study did not support the conclusion that speeding was an issue, there was still a general feeling that the area could benefit from traffic calming measures such as speed humps.

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Concerns also lingered regarding vehicles exiting Benihana restaurant. Staff and BSO have attempted to monitor stacking, but encouraged residents to notify Parking Staff and BSO to document this problem when it occurs.

Given the results of the survey, Staff requests Commission direction on the following options:

- The cost of implementing a permanent closure of West Tradewinds Avenue to southbound traffic would be approximately \$20,000
- Approving speed humps throughout the neighborhood, with direction regarding the number and location of the speed humps; 51% of residents on the street affected must agree to implementation and placement; the estimated cost is roughly \$4000 per speed hump
- Remove asphalt shoulder along Basin Drive and add landscaping at a cost of approximately \$70,000; traffic calming measures could also be added to this area
- Take no further action

Mayor Malkoon suggested that at a later date, a camera could be added to Basin Drive or West Tradewinds Avenue to capture traffic patterns coming from Benihana. Deputy Town Manager/Public Works Director Rubach noted that this is a possibility going forward.

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

Commissioner DeNapoli proposed acting on options 2 and 4, omitting options 1 and 3. He asked how much the study had cost the Town. Deputy Town Manager/Public Works Director Rubach estimated it was slightly more than \$25,000.

Commissioner DeNapoli also commented that the study showed speeding was not a problem in the subject neighborhood. Deputy Town Manager/Public Works Director Rubach replied that cars in the area were within the 99th percentile with regard to speeding fewer than five miles over the limit.

Deputy Town Manager/Public Works Director Rubach continued that with regard to the vote required for speed humps, Staff would require the approval of 51% of the residents on the affected street. Residents must also indicate they were willing to have a speed hump directly in front of their property. The Town's engineer would then look into how many speed humps would be needed.

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Vice Mayor Strauss commented that while he was not in favor of speed humps, he was concerned with a resident who is speeding in the area and suggested that law enforcement might reach out to that individual to address this concern. He also encouraged residents to reach out to the person in question.

Vice Mayor Strauss continued that the community was divided on the issue of road closure, which he felt dictated the response of not closing the roadway. He was in favor of the use of cameras to provide real-time information, but was not in favor of implementing landscaping on Basin Drive as a calming measure. He concluded that the community should remain vigilant on what is happening in that neighborhood.

Eric Johasky, 275 Capri Avenue, stated that the initial issue among neighborhood residents had been traffic associated with the Benihana restaurant, which often drove through the neighborhood. When residents considered solutions, however, various options were not available because they were not compliant with the requirements of the Florida Department of Transportation (FDOT) or other needs.

Mr. Johasky continued that the result of the road closure was fewer cars driving through the area, although he did not have a specific count. He felt something should be done to further minimize traffic in the residential neighborhood.

Kristen Sampo, 4300 E. Tradewinds Avenue, also advised that the issue is not speeding but the amount of “cut-through” traffic in the neighborhood. She recalled that there had been concern for an increase in traffic on Tradewinds Avenue, which did not happen. She was in favor of road closure and was disappointed no action would be taken, but suggested that this option could be revisited in the future.

Deputy Town Manager/Public Works Director Rubach advised that the traffic study had addressed cars driving through the neighborhood as well as speeding. The study showed that the average trips per day were lower than what would normally be seen in a residential neighborhood of comparable size.

Mayor Malkoon suggested “choking” the road in question, which would not close the lane but would narrow it so drivers have more difficulty entering. Deputy Town Manager/Public Works Director Ken Rubach replied that it would be very difficult to do this while still allowing traffic into the roadway.

Mayor Malkoon also recalled the Town has previously accessed a neighborhood grant program for the implementation of gates in another community. Deputy Town

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Manager/Public Works Director Rubach confirmed that this was one of the original proposals to address stacking; however, the South Silver Shores neighborhood would be a more difficult place for this due to the location of the restaurant and traffic coming from the arterial roadway.

Commissioner Graziano asked why signage is not more successful in addressing concerns. Deputy Town Manager/Public Works Director Rubach replied that many drivers pay little attention to signs unless it is accompanied by an enforcement presence.

Town Manager Connors noted that as part of the traffic study, the Town provided No Through Traffic and No Standing Traffic signs, which had limited success. They also removed on-street parking spaces, which met with the residents' approval. Staff met with Benihana and received useful feedback, including the recommendation to change their valet parking practices. BSO was asked to monitor the area more frequently as well.

Deputy Town Manager/Public Works Director Rubach advised that Staff can look into the installation of cameras in the subject neighborhood, which could alleviate some of the residents' concerns.

Commissioner DeNapoli addressed signage directed at speeding, proposing that a Children at Play sign or a flashing radar sign might be useful. Deputy Town Manager/Public Works Director Rubach confirmed that these signs could be installed.

Marc Pearson, 1921 Water's Edge, commented that a radar sign in his neighborhood had been helpful, particularly when accompanied by a law enforcement presence.

Deputy Town Manager/Public Works Director Rubach confirmed that Staff can look into the costs of radar signs as well as Children at Play signs. Mayor Malkoon also spoke in favor of the installation of cameras.

Town Manager Connors noted that the Commissioners had reacted with consensus against implementing any of the options listed in the Staff Report. She added that finalizing the Town's camera system, which appears later on tonight's Agenda, will allow consideration of additional locations in the South Silver Shores neighborhood. There is also funding in the budget for signage and Staff can work with the neighborhood to install it.

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13. NEW BUSINESS

a. Requirement for Measuring Fence Heights from Adjoining Lots

Development Services Director Jhanelle Campbell stated that the Town's current fence Code, found in Section 30-313.d.1.a of the Unified Land Development Regulations (ULDR), requires fences, walls, and hedge heights to be measured from the natural contour of the ground on an adjoining lot. This was intended to ensure consistency and fairness in height measurements between neighboring properties.

Development Services Director Campbell advised, however, that differences in elevations on adjoining lots are now causing discrepancies in fence height perceptions. This is in part because the base floor elevation of a building's first habitable floor is significantly higher than previous requirements. Measurement of natural contours also requires professional surveys, which increase costs and project times. The current rule has begun to unfairly restrict fence height based on adjacent lots' conditions.

Standardizing the height measurement would ensure fairness and allow residents to construct the fence height they need, particularly in the case of pool enclosures. Staff recommends eliminating the requirement to measure from adjacent lots and basing the height measurement solely on the property which is installing the fence. This will simplify compliance and reduce potential life safety issues by ensuring adequate pool screening.

If approved, the next step in this process would be to draft an Ordinance and bring it before the Town's Planning and Zoning Board, followed by the Commission, for first reading.

Commissioner DeNapoli asked if the result of this change would be a standard height for all properties. Development Services Director Campbell explained that Code already allows for 6 ft.; the change would eliminate the discrepancy between new homes, which are built to a higher base floor elevation, and older homes.

Town Manager Connors requested consensus on whether or not Staff should look into this issue further and draft an Ordinance to go before the Planning and Zoning Board as well as the Commission. The Commissioners agreed to this proposal by consensus.

b. Consider Authorizing Town Staff to Draft a Code Change to Allow Businesses to Use Window Decals Instead of Brown Paper

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Development Services Director Campbell explained that Section 313, Subsection U of Town Code requires vacant or closed businesses to cover their windows with brown paper. The intent of this requirement was to maintain a clean appearance. Staff believes, however, that using paper can detract from the appearance of the Town, particularly in the tourist-heavy business district.

The proposed change would give businesses the option of using window decals. Staff believes this would be an aesthetic improvement and would create excitement for incoming businesses. If approved, Staff would draft an Ordinance updating window covering requirements to allow decals, providing guidelines and a timeline for their use. The Ordinance would be reviewed by the Planning and Zoning Board as well as the Commission.

Commissioner DeNapoli stated he was in favor of the idea.

Vice Mayor Strauss was also in favor of the change, but pointed out that the update would violate the current Sign Ordinance. He expressed concern that the change could delay completion of a new business or renovation, as well as with the possibility of advertising a business that is not open yet. He felt the appropriateness of the proposal would depend upon what is on the decal.

Development Services Director Campbell advised that the decals would be approved on a temporary basis, with either an established time limit for their use or a requirement to tie approval to the building permit process. Decals would not be approved as permanent signage. Vice Mayor Strauss concluded that he felt these would be an improvement over existing Code.

Town Attorney Trevarthen added that the decals would be limited to speech related to the premises on which they are displayed. They could not be used to advertise other businesses.

Commissioner Graziano recommended that the proposed Ordinance language include clarification that the decals may not be permanent signage.

The Commissioners agreed by consensus to bring back the proposed language.

**c. Special Event Application: Coast Boutique 10-Year Anniversary,
November 20, 2024**

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Events and Marketing Manager Anderson stated that Ina Marjakangas, owner of Coast Boutique, has submitted a Special Event Application for the 10-year anniversary celebration of this business. It is scheduled for Wednesday, November 20, 2024 at the Coast Boutique storefront as well as the sidewalk outside their entrance. The Applicant anticipates approximately 50 guests throughout the evening. The event would begin at 6 p.m. and end at 9 p.m.

The Applicant requests permission to set one feather flag outside the storefront, as well as one canopy and five high-topped tables for guests. The event would also include a musician who would be located against the window just outside the storefront. No parking concessions are requested and parking would operate under normal Town standards.

The completed Application was submitted on September 18 and amended on October 3, 2024. When initially submitted, the Application fell just inside the 60-day window for the initially requested date. The Applicant has paid the \$275 late fee. Once the date was amended, this brought the Applicant back within the required 60-day window.

The Applicant requests a waiver of the application fee as a courtesy for a Town business. Town Staff suggests reducing the fee to the initial charge of \$125.

Staff recommends approval of the Application based on the conditions outlined in the permit, and requests consideration of the application fee waiver.

Mayor Malkoon advised that he was in favor of waiving the late fee for the application, but not the regular \$125 fee, in order to remain consistent for what is done for other Town businesses. Commissioners DeNapoli and Graziano agreed with this as well.

Commissioner Graziano made a motion, seconded by Commissioner DeNapoli, to charge the \$125 application fee, refund the late fee, and approve the Special Event Application, based on the conditions in the Staff Report. Motion carried 4-0.

The Commission took a brief recess at this time.

14. COMMISSIONER PRESENTATIONS

Commissioner DeNapoli stated that based on his review of the video of meetings discussing the Town's Friday Night Music Series, he would like to ensure the record is

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set straight on this issue. He distributed copies of the regular Commission meeting minutes from the September 26 and October 17, 2023 meetings, pointing out that these records show an expectation by the Commissioners, and a commitment made by the business community, for the businesses to contribute \$5000 toward the Town for each night of the Friday Night Music Series.

Commissioner DeNapoli continued that at the September 18, 2024 budget meeting, the Commission had further discussed the Friday Night Music Series for the upcoming 2024-2025 fiscal year. This discussion included the mention of a check for \$15,000, which would come from a vendor used by the businesses.

The issue arose once more at the Commission's October 8, 2024 meeting. Commissioner DeNapoli had asked at that time whether or not there was the expectation of a contribution from the business community as well. He was advised at that time that there was no such expectation; however, the word "commitment" was used in reference to a contribution of \$5000 per event.

Commissioner DeNapoli reviewed the following timeline from previous Commission meetings:

- September 26, 2023: the Commission voted 4-1 against continuing the Friday Night Music Series and return it to the private entities which had originally held these events; some Commissioners referenced a "lack of financial support" from the Downtown businesses as one reason for their decision
- October 17, 2023: the Friday Night Music Series was reconsidered, at which time a member of the business community indicated that the businesses would partner to raise the money for these events, leveraging relationships with vendors to raise a minimum of \$25,000; the businesses also committed to contribute \$5000 per event, with the possibility that this amount could increase in the future; the Commission then voted to approve the Friday Night Music Series, although no funding was collected at the time, as there was no procedure for its collection

Commissioner DeNapoli stated that four Friday Night Music Series events were held in FY 2023-2024, and the Town has since received the \$15,000 check from the vendor to cover a portion of these costs.

For FY 2024-2025, the Town has received \$2000 from the businesses. At the October 8, 2024 meeting, the Commission voted 3-2 to hold five Friday Night Music Series events. Commissioner DeNapoli asserted that the businesses had made a commitment

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with the intent of convincing the Commission to change their vote from denial to approval of the event. He added that more recent discussions of the issue were based on incorrect information, recalling that he had asked whether or not there was an expectation that the businesses would provide a contribution. He felt having all the information at that time would have changed the way he had perceived the question and voted on the issue.

Commissioner DeNapoli pointed out that the funds for the 2024-2025 Friday Night Music Series have not yet been provided by the businesses. He concluded that, as he had voted in the affirmative at a previous meeting, he would like to request reconsideration of that vote, given that the information he has compiled differs from what was previously stated.

Commissioner DeNapoli suggested that additional discussion of the Friday Night Music Series could propose that the Town fund three events while the businesses fund the remaining events. More events could be considered if the business community provides additional funding.

Commissioner DeNapoli also pointed out that another means of collecting funds from the business community could be to add an additional \$1 per foot to the lease of outdoor dining space, as this would help to spread the cost more widely among businesses. He acknowledged, however, that this would only apply to dining establishments who use outdoor space.

Commissioner DeNapoli made a motion to reconsider the previous vote based on the information provided.

Mayor Malkoon requested clarification of the amount to which the businesses had committed. Commissioner DeNapoli stated that at the October 17, 2023 meeting, the audio recording of the meeting includes the statement "We were able to raise a minimum of \$25,000. Right now we have committed \$5000 per event" at the 29-minute mark.

Commissioner DeNapoli continued that he would recommend holding more than three Friday Night Music Series events in FY 2024-2025 if \$5000 per event is provided. At present, the businesses have offered \$2000 and the Commission has committed to five events thus far. He reiterated that it was stated at the previous Commission meeting that there was no expectation of further financial commitment from the businesses, which was found to be inaccurate in light of his research.

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Commissioner DeNapoli further clarified that there is only the expectation of a further commitment rather than a contract, adding that the entities who would provide the funding have not been identified; however, he asserted that the Commission had voted to hold the Friday Night Music Series with the expectation that \$25,000 was pending.

Mayor Malkoon requested clarification of which Commissioners had voted in favor of or against the October 8, 2024 motion, as a motion and second to reconsider must be made by an individual who had voted on the prevailing side. Commissioner DeNapoli replied that he, Vice Mayor Strauss, and Mayor Malkoon had voted in favor of the motion.

Mayor Malkoon ceded the gavel to Vice Mayor Strauss at this time.

Mayor Malkoon seconded the motion.

Vice Mayor Strauss stated that while he did not dispute Commissioner DeNapoli's findings, his recollection was that the gist of the 2023 discussion was that the businesses "have some skin in the game" and participate in funding the event. He did not recall asking for a specific amount of this contribution.

Commissioner DeNapoli advised that Mark Falsetto, representing Taco Craft, had specifically proposed \$5000 per event.

Vice Mayor Strauss continued that he had expected a token contribution. He felt it was incumbent upon the Town to hold the events, and the Commission's intent had been to encourage the businesses to show some interest in committing to the events. He also recalled that representatives of some Downtown businesses had previously come before the Commission to state that they were not making any money on the events, which influenced the Commission's original vote to deny funding.

Vice Mayor Strauss continued that the businesses do benefit from the events, as do residents of the Town. The Town also benefits from parking revenue, participation of visitors, and other practical ways. He cautioned against cancelling the events due to a disagreement over the amounts paid by the businesses.

Vice Mayor Strauss also noted that non-restaurant businesses benefit from the events. He recalled that his initial proposal, more than one year ago, was for all businesses to participate in the events by some token amount. He also noted, however, that not all

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businesses participate in the events or are open at night. For this reason, he did not feel a blanket statement should be applied to every restaurant. Smaller businesses may also lack sufficient funds to participate by more than a token amount.

Vice Mayor Strauss also pointed out that he was not clear on whether the \$2000 proposed at the previous meeting was intended to apply to the 2023-2024 or the 2024-2025 Friday Night Music Series. Town Manager Connors indicated that this amount was intended to be used in FY 2024-2025.

Vice Mayor Strauss concluded that the contributions toward last year as well as the current year showed good faith by the businesses. He felt participation in the event was more important than specific amounts that were cited in previous discussions, particularly as no contract was drafted between the Town and the restaurants. He added that residents have expressed enthusiasm for the events and would be discouraged if the Commission rescinds its approval.

With regard to funding three events rather than five, Vice Mayor Strauss pointed out that this would create a dilemma for Events and Marketing Manager Anderson in her capacity as planner, recalling that the events are booked months in advance.

Mayor Malkoon commented that his recollection had been that the businesses had offered a commitment to "half the costs," which was also the recollection of former Mayor Chris Vincent. He also recognized the public benefit of the events.

Commissioner Graziano stated that he has received several calls from residents indicating that they did not want their tax dollars to pay for the events. He pointed out that the Town has already collected a minimum of \$5000 per event. It was clarified that the payment already received had been intended toward the previous fiscal year's events; the businesses have contributed \$2000 toward the 2024-2025 Friday Night Music Series.

Commissioner Graziano asserted that in September 2023, the businesses made a commitment to pay for events that have already been held. He continued that the current question is whether or not the businesses are reliable partners. He did not feel \$2000 was sufficient to show the businesses' interest in moving forward with the events.

Commissioner DeNapoli also recognized that there is a public benefit to the Friday Night Music Series; however, he did not feel this was the point of the discussion. He reiterated that the Commission had voted with incorrect information when they voted to

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approve the 2024-2025 events. He noted that the Commission could vote now to reduce the number of events and revisit the matter before the end of the calendar year, which he felt would provide Staff with enough time to add events in April or May 2025.

Commissioner DeNapoli again stated that his earlier vote had been contingent upon the information provided at the previous meeting, which had not been accurate. He pointed out that this commitment had been the basis for the Commission to vote once more on the topic in 2023 and approve the Friday Night Music Series rather than denying it.

Commissioner DeNapoli reiterated his recommendation for the Town to fund at least three events, with a plan in place to hold more events depending upon further contributions.

Mayor Malkoon requested that the Commission vote upon the **motion** to reconsider.

Motion carried 3-1 (Vice Mayor Strauss dissenting).

Town Attorney Trevarthen advised that a vote to reconsider typically means the Item will be presented for further discussion and/or action at the next meeting. They may also agree, by either consensus or a vote, to waive that procedure and continue discussion of the issue at tonight's meeting.

Commissioner DeNapoli made a motion, seconded by Mayor Malkoon, to waive the procedure of putting the Item on the next meeting Agenda, instead discussing it now.

Vice Mayor Strauss stated that he felt it is important for Commissioner Pouloupoulos to be present for further discussion on this issue. With respect to the discussions of September and October 2023, he advised that he would need to review those meetings, as he was not certain one restaurateur had spoken for multiple Downtown businesses when offering \$5000 per event.

Commissioner DeNapoli read from the transcript of the October 17, 2023 meeting, which included a statement from Mark Falsetto of Taco Craft indicating that the businesses would raise the money through partnerships spearheaded by the proprietor of Aruba Beach Café and leveraging relationships with vendors. Mr. Falsetto had stated the businesses were able to raise \$25,000 and have committed \$5000 per event.

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Vice Mayor Strauss observed that those statements indicated to him that Taco Craft and Aruba Beach Café planned to leverage relationships with their vendors. He did not feel it applied to every Downtown business. He also pointed out that neither those two business owners nor the vendors mentioned were present at that meeting.

With regard to waiving the requirement to discuss the events at the next Commission meeting, Vice Mayor Strauss again asserted that a vote on the issue should wait until all Commissioners are present due to the importance of the decision.

Mayor Malkoon explained that he had characterized the discussion as urgent due to the need for a decision to be made so Events and Marketing Manager Anderson may book acts in advance of the events. He suggested that she book the first three events, with the possibility of booking more events in the future once the discussion has concluded.

Events and Marketing Manager Anderson advised that while there is no hard deadline for booking the events, further delay may make it less likely to book quality performers. She concluded that it could be helpful for the Commission to indicate which of the proposed event dates they would like to establish at this time so quality bands can be booked for those dates.

Vice Mayor Strauss noted that selecting three dates would presume that the Commission will approve at least three events, which he did not feel was a certainty. He again asserted that he would like the full Commission to be present to discuss and vote on the issue.

Commissioner DeNapoli recalled that Commissioner Pouloupoulos had made it clear he did not want the Town spending taxpayer dollars on the Friday Night Music Series. He observed that further delay would make scheduling the events more difficult.

Commissioner DeNapoli also stated that his proposal was not in favor of reducing the number of events, but that the Town start with three events and bring the issue back for consideration of two additional events at a later date, possibly with the business community offering further funding going forward.

Commissioner Graziano pointed out that the discussion is not focused on cancelling the Friday Night Music Series, but on how to go forward with the events. He emphasized that he was also not in favor of acting in the absence of a full Commission, noting that it is possible for continued discussion to change minds.

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Commissioner Graziano continued that he was not certain there was a need to book acts significantly in advance, as he felt all dates could be filled with “some kind of music” even if they did not feature the most-desired acts. He stated again that residents who have contacted him have indicated they were not in favor of funding an event that was previously funded by the businesses that benefited from it.

It was clarified that should the motion to waive the procedure fail, the issue would be placed on the next meeting Agenda.

Commissioner DeNapoli expressed concern for how a delay in the discussion would affect Events and Marketing Manager Anderson’s planning, pointing out that the next Commission meeting is scheduled for November 12, 2024. Events and Marketing Manager Anderson confirmed that the Commission’s decision on the number of events could affect who is contracted, based on ability and preference, but advised that she would wait until after the November 12 meeting to sign any agreements with performers.

Vice Mayor Strauss pointed out that if the discussion had been listed on tonight’s Agenda, representatives of the Town businesses would have attended the meeting, as they are affected by the issue at hand. He also felt other residents would have attended to have their voices heard regarding the Friday Night Music Series. He felt it was improper and disingenuous to have brought this discussion forward without public notice, and could subvert the will of the Town’s residents.

Vice Mayor Strauss concluded that he did not believe it would be improper to table this discussion and decision until the next meeting to give residents an opportunity to speak. He asserted that the Commission should delay any action until at least the next meeting so the Commissioners may review the issue properly and hear from residents and business representatives.

Commissioner DeNapoli replied that he did not feel it was either improper or disingenuous to bring forward the issue, as it had been presented without accurate information at the October 8 meeting. He stated that if the Commission could agree to hold three Friday Night Music Series events, this would guarantee at least those three performances while further discussing the option to hold two more performances at the next meeting.

Commissioner Graziano requested clarification of how much it would cost the Town to hold three events. Town Manager Connors recalled that the Town budgeted approximately \$10,000 per event for a total allocation of \$50,000 in the FY 2024-2025

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budget. She also confirmed that \$2000 was provided by the businesses after the October 8 meeting.

Commissioner Graziano commented that this would bring the budget for three Friday Night Music Series events to a total of \$28,000. The Commission could revisit the issue at their next meeting and determine whether or not to add more events.

Motion to waive the procedure carried 3-1 (Vice Mayor Strauss dissenting).

Motion made by Commissioner DeNapoli, seconded by Vice Mayor Strauss, to have three events and then to bring the issue up at the next meeting to discuss additional events. Motion carried 4-0.

Mayor Malkoon recommended sending an email to the appropriate businesses informing them of what was discussed at tonight's meeting, as well as when it would be discussed again by the Commission.

Town Manager Connors asked if the Commission would like Events and Marketing Manager Anderson to move forward with booking bands for three events in 2025. The Commissioners determined by consensus that the Friday Night Music Series events should be booked for the months of January, March, and April 2025.

Mayor Malkoon added that backup information will be provided on this issue for the benefit of Commissioner Pouloupoulos as well as interested residents, and that businesses would be contacted to let them know further discussion was planned. He proposed that it may be possible for the businesses to seek corporate sponsorship of the events.

Vice Mayor Strauss suggested it could also be helpful to provide a video clip of Marc Falsetto's proposal from the October 17, 2023 meeting.

15. COMMISSIONER COMMENTS

Commissioner Graziano thanked Town Staff for clarifying that the recent federal holiday celebrated on Monday, October 14, 2024 recognized both Columbus Day and Indigenous Peoples Day.

Commissioner DeNapoli encouraged any individuals who need a vote-by-mail ballot to request one at BrowardVotes.gov no later than Thursday, October 24, 2024 at 5 p.m.,

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and pointed out that this ballot will include a ballot initiative to move the Town's elections from March to November in the future. He urged residents to make a plan for voting, adding that if a vote-by-mail ballot is mailed on Election Day, it may not be delivered in time to be counted.

Vice Mayor Strauss also encouraged residents to vote, and wished all present a happy Sukkot. He advised that the Town's Veterans Day celebration will be held on November 11, 2024 at 10 a.m. in El Prado Park.

Vice Mayor Strauss added that he also recently toured the Town's public safety facilities, and expressed concern that these buildings are not up to modern standards. He emphasized that the Town should provide its first responders with a proper public safety facility, and hoped to work toward a new and better building during the remainder of his tenure on the Commission.

Mayor Malkoon stated that he will host Broward County Commissioner Lamar Fisher for a district-wide Mayors' breakfast on October 23, 2024 in Jarvis Hall. He also looked forward to the upcoming holiday and events season, and encouraged all residents to vote in the upcoming election.

16. ORDINANCES 1ST READING

- a. Ordinance 2024-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DELETING CHAPTER 30, ARTICLE XI, “SEAGRAPE DRIVE SIDEWALK PLAN” FROM THE TOWN OF LAUDERDALE-BY-THE-SEA CODE OF ORDINANCES PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

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

Development Services Director Campbell stated that the purpose of this Ordinance is to repeal Chapter 30, Article XI, which includes the Seagrape Drive Sidewalk Plan. This Plan was adopted in 2005, only one property has been required to comply with it. Staff requests deletion of this provision.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to delete the provision. Motion carried 4-0.

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17. ORDINANCES 2ND READING

- a. Ordinance No. 2024-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 18, “TAXATION AND FINANCE,” ARTICLE V, “INVESTMENT PLAN,” OF THE CODE OF ORDINANCES TO AMEND AUTHORIZED INVESTMENTS, QUALIFICATIONS OF FINANCIAL INSTITUTIONS AND DESIGNATION OF PRIMARY INVESTMENT OFFICER; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

Director of Budget and Finance Lang requested that the Commission approve Ordinance 2024-10 as presented for second reading. She added that she will discuss the Item further with the Town Attorney’s Office and determine whether or not any updates need to be done at a later date.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve. Motion carried 4-0.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2024-45 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST) CYBERSECURITY FRAMEWORK AS THE TOWN’S CYBERSECURITY STANDARDS IN COMPLIANCE WITH SECTION 282.3185, FLORIDA STATUTES; AUTHORIZING THE TOWN MANAGER TO ADOPT AND IMPLEMENT CYBERSECURITY POLICIES CONSISTENT WITH THE NIST CYBERSECURITY FRAMEWORK; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

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

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Deputy Town Manager/Public Works Director Rubach explained that this Resolution is mandated by the Florida Legislature and requires the implementation of minimum cybersecurity standards. Once the Resolution is approved, it will be reported to the state, and the Office of the Inspector General may request a copy.

Commissioner Graziano made a motion, seconded by Commissioner DeNapoli, to approve. Motion carried 4-0.

b. Resolution 2024-46 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH KILOWATT ELECTRIC COMPANY FOR LICENSED ELECTRICAL CONTRACTOR SERVICES UTILIZING THE TERMS AND CONDITIONS OF THE CITY OF CORAL SPRINGS, CONTRACT AWARDED PURSUANT TO INVITATION TO BID NO. 23-B-013F; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PIGGYBACK AGREEMENT; PROVIDING FOR IMPLEMENTATION AND FOR 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 the Commission originally approved an agreement with Kilowatt Electric Company in 2020 for the installation of major items, including bollards and other electrical work, which typically fall outside the Town Manager's purchasing limits. There are upcoming projects which will require the use of a similar contract.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried 4-0.

c. Resolution 2024-47 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH FLYNN ENGINEERING SERVICES, P.A. FOR TOWN ENGINEERING SERVICES PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-02; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

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

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Deputy Town Manager/Public Works Director Rubach recalled that at the September 12, 2024 Commission meeting, the Commission authorized the Town Manager to negotiate a contract with Flynn Engineering, which was ranked as the #1 respondent to the request for qualifications (RFQ). He noted that there is no contractual increase for the first four years of the contract. A 5% increase will apply in the fifth year of the contract, and if the contract is renewed, the contractor would receive a consumer price index (CPI) increase or 5%, whichever is less. Terms are included establishing guidelines for timeliness and responsiveness when reviewing plans.

Commissioner Graziano stated that he felt five years is too long of a contractual obligation, and recalled that at the September 12 meeting, he had instead suggested two years. He did not believe the Town should write any contracts for five years or longer, and instead proposed that the Commission approve a contract for two years with two optional renewals.

Commissioner DeNapoli pointed out that a five-year contract locks in rates for the entirety of that term. Deputy Town Manager/Public Works Director Rubach confirmed that under the proposed contract, the Town would not see an increase in the contractor's hourly rates until the fifth year of the contract.

Commissioner Graziano asserted that a two-year contract would be preferable with the CPI increase for the last two years, as he was not in favor of a lengthier contract.

Motion made by Vice Mayor Strauss, seconded by Commissioner DeNapoli, to approve. Motion carried 3-1 (Commissioner Graziano dissenting).

- d. Resolution 2024-48 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE OF REPLACEMENT HARDWARE PURSUANT TO A PIGGYBACK AGREEMENT WITH DSS MANAGEMENT OF FLORIDA, LLC, DBA EVOLVTEC FOR CCTV SECURITY CAMERA MAINTENANCE SERVICES; AUTHORIZING THE TOWN MANAGER TO EXPEND ANY ADDITIONAL TOWN FUNDS WITHIN THE MANAGER'S PURCHASING AUTHORITY BUDGETED FOR THIS PROJECT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

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

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Deputy Town Manager/Public Works Director Rubach recalled that at the October 8, 2024 meeting, the Commission approved a piggyback contract with Evolvtec. Within that contract are two sections the Town can use: the 18% cost markup for equipment, and the hourly rate. Use of this contract would save roughly \$13,000, or 16%. The contract is for Phase 2 of the Town’s security camera project and will ensure all current cameras are in working order. The system is expected to be at 100% function by the end of January 2025.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried 4-0.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:26 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

11/15/2024 | 11:23 AM EST

Date