



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 10, 2024
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, 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

Mayor Malkoon requested that Item 18b be heard immediately following Public Comments. He also noted that Item 5a, the Christmas By The Sea recap presentation, would be deferred.

Commissioner DeNapoli requested a discussion of printing the *Town Topics* newsletter. It was determined that this would be addressed under the Town Manager Report.

5. PRESENTATIONS

a. Christmas By The Sea Recap Presentation

This Item was deferred to a later date.

b. Lobbyist Presentation

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Candice Ericks, representing TSE Consulting, advised that no members of the Florida House of Representatives have received their Committee assignments yet. The new Speaker of the House will be Representative Danny Perez, and Senator Ben Albritton will be the new President of the Senate.

Lauren Jackson, also representing TSE Consulting, reported that the Republican Party currently holds a supermajority in the Florida Legislature. The incoming Speaker of the House has already made two significant changes: he has consolidated a number of Committees and created multijurisdictional “issue groups” for which participants will be selected by the Committees. The issue groups will hold public meetings.

The Speaker of the House also changed the name of the Appropriations Committee to the Budget Committee. He felt member projects were taking up too much budget time and wished to focus attention on the budget as a whole. Ms. Jackson recommended that proposed projects should be affordable.

The Senate President’s areas of interest include education, agricultural and rural communities, resiliency, and emergency management. State Senator Jason Pizzo, who represents Lauderdale-By-The-Sea, was elected Senate Minority Leader and has a strong working relationship with Senate President Albritton. State Representative Chip LaMarca is well-regarded by his colleagues as well.

In terms of issues, not many bills have been filed thus far. Ms. Jackson reported that the Speaker is concerned with property insurance and the cost of living, and has a different approach to this subject than the Governor. The Senate President has also indicated that he may have an interest in provider accountability. There may be further attempts at property insurance reform in the 2025 session.

Many of the same local government issues from the 2024 session and prior sessions are expected to recur, possibly including raising the sovereign immunity cap, Building Code reform, property taxes, and other items. Ms. Jackson recalled that when the Governor vetoed Senate Bill (SB) 280, which addressed vacation rental properties, he stated that there is no “one size fits all” solution to the issue in Florida.

Commissioner Pouloupoulos requested information on Lieutenant Governor Jeannette Nunez’s relationship with the incoming Speaker as well as her views on homeowner’s insurance reform. He pointed out that there is a possibility that Governor Ron DeSantis may be chosen for a position in the incoming presidential administration. Ms. Jackson replied that the Lieutenant Governor understands the insurance market in South Florida.

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She did not have information on how closely the Lieutenant Governor's views might mirror the Governor's.

Commissioner Graziano stated that he would like to see a report on what the Town is considering as its priorities in the coming year. He suggested that the Town Manager share the priorities given to TSE Consulting with the Town Commission, emphasizing that it is the Commission which sets policy.

6. PUBLIC COMMENTS

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

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

18. RESOLUTIONS – PUBLIC COMMENTS

- b. Resolution 2024-61: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH REP SERVICES, INC. FOR THE PURCHASE OF SURFACE MATERIAL FOR THE FENCED PLAYGROUND AREA OF FRIEDT PARK UTILIZING THE TERMS AND CONDITIONS OF THE CLAY COUNTY SCHOOL DISTRICT INVITATION TO BID NO. 2023/24-074; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PIGGYBACK AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING 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 Ken Rubach stated that the proposed piggyback agreement addresses the surfacing of the Friedt Park playground area. The Town anticipates delivery of playground equipment during the first or second quarter of 2025.

The Commission is asked to choose between two proposed surfaces. One is poured-in-place rubber, which is similar to the existing surface, while the other option is synthetic turf. The greatest difference between the two options is cost. He added that one

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consideration with synthetic turf is that areas with high usage by pets can develop an odor, but pointed out that the playground is not an area that allows pets.

Vice Mayor Strauss requested additional information on how heat could affect the surfaces. Kevin Harding, representing Rep Services, advised that grass is typically cooler than poured rubber. His recommendation, should the Commission choose the rubber surface, would be for a single color, which would help maintain lower temperatures. More of the playground area will be shaded, and misters are included in the design to help keep temperatures down.

Mr. Harding continued that the poured rubber will last longer if it is maintained properly, including re-coating every two years. Turf has a slightly shorter lifespan but requires less maintenance. He could not estimate annual maintenance costs for either surface.

Deputy Town Manager/Public Works Director Rubach added that Town Staff would maintain the area if no specialty treatment is required. He did not feel maintenance should factor heavily into the Commission's decision.

Commissioner Pouloupoulos asked if the proposed turf would be more similar to grass or Astroturf. Mr. Harding replied that it would be short-pile artificial turf specifically designed for a playground setting. Neither surface is toxic.

Commissioner Pouloupoulos asked for Mr. Harding's recommendation on the surface material. Mr. Harding replied that he felt turf would be a better application for the Town, but reiterated that the poured rubber may last longer with maintenance.

Commissioner Pouloupoulos requested clarification of the current playground surface. Mr. Harding stated that this is poured rubber, which includes roughly three inches of loose rubber below the surface. The turf includes approximately two inches of infill. Both surfaces are designed to accommodate eight feet of critical fall height.

Deputy Town Manager/Public Works Director Rubach advised that his only concern with synthetic turf was minor separation, but acknowledged that this can also happen with the poured rubber surface. He felt the poured surface would be preferable if the Town plans to maintain it; if they cannot provide the required level of maintenance, then turf would be preferable.

Commissioner DeNapoli noted that the current poured surface has a slight bounce. Mr. Harding confirmed that turf also provides this type of slight cushion beneath its surface.

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Commissioner DeNapoli also asked if damage to the poured surface, such as chips or indentations, can be fixed. Mr. Harding replied that this can be repaired. Wear to either surface is expected to be negligible. It is also not difficult to replace playground equipment on either surface.

Commissioner Pouloupoulos asked if the turf option includes rubber pellets. Mr. Harding replied that the infill material would be sand rather than rubber.

Mayor Malkoon commented that his preference was for the poured-in-place rubber surface, as it can last longer.

Deputy Town Manager/Public Works Director Rubach stated that the cost of simply designed turf with no additions would be approximately \$142,000, while the poured rubber surface would be approximately \$170,000. More detailed design elements would be \$162,000 for the turf and \$183,000 for the poured-in-place rubber. The Town has received a grant which could help cover any higher-end costs. He expected the project to come in under budget.

Commissioner Pouloupoulos advised that his preference would be for turf, as it would hold less heat than poured rubber.

Deputy Town Manager/Public Works Director Rubach also confirmed that the playground area would maintain its current layout with sand at the northwest corner. There is no equipment in that area.

Commissioner Pouloupoulos asked if there are any other options, such as mulch or non-toxic rubber mulch. Mr. Harding explained that the fall rating is one consideration. He also pointed out that wood fiber or mulch requires daily maintenance and can move or blow away. Sand is also not recommended because it can move around.

Commissioner Graziano stated that he was in favor of poured-in-place rubber, as it would last longer and may be more comfortable than turf.

Commissioner DeNapoli asked if a surface with actual sand is more difficult to clean. Mr. Harding replied that it is not, but noted that sand can be blown off the poured surface more easily.

Commissioner Pouloupoulos made a motion for the turf option without designs.

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Vice Mayor Strauss observed that grant funds will not cover the entire cost of either surface, which meant adding a design would cost some of the Town's money. Without the design, the Town could save roughly \$20,000.

Vice Mayor Strauss seconded the motion.

Commissioner DeNapoli requested clarification of the useful life of either surface for a playground. Mr. Harding replied that the difference between the two options would be minimal and would depend mostly upon use and maintenance of the site. Deputy Town Manager/Public Works Director Rubach added that other communities have indicated the poured-in-place rubber could provide another five to seven years' use if properly maintained; however, maintenance is key to that longevity. The lifespan of either surface is approximately 10 years when well-maintained.

Motion carried 3-2 (Mayor Malkoon and Commissioner Graziano dissenting).

7. PUBLIC SAFETY DISCUSSION

a. BSO November 2024 Public Safety Report

Broward Sheriff's Office (BSO) Captain Bill Wesolowski stated that the Winterfest Boat Parade is scheduled for Saturday, December 14, 2024 in Fort Lauderdale. The bridge will remain in the upright position between roughly 8:30 p.m. and 11 p.m.

Captain Wesolowski also noted that over 40 BSO personnel were assigned to the recent Christmas By The Sea event. He recognized BSO's bomb squad and neighborhood support team, as well as the Pompano Beach crime suppression team, for their assistance.

BSO held a shred-a-thon the previous week at Assumption Catholic Church. Over 160 vehicles came by the site and over 5000 lbs. of material was collected and shredded.

Captain Wesolowski advised that Deputy Claudio Reese is the Deputy of the Month award recipient again in November. Deputy Reese investigated the destruction of a Town sign using the license plate reader (LPR) system and identified the responsible vehicle.

b. PBFR November 2024 Public Safety Report

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Fire Marshal Ashley Zalewski, representing Pompano Beach Fire Rescue (PBFR), reported that crews responded to 144 calls in November 2024, with an average call time of slightly over six minutes. She recalled that one crew responded to a cardiac arrest and saved the patient's life by administering CPR.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors advised that the Town's website has been updated, including enhancement of the front page calendar. Work will continue to ensure the information on every page transferred correctly. She recognized Events and Marketing Manager Katie Anderson for this work.

The Community Center will close on December 23, 2024 for a holiday break and will reopen on January 2, 2025.

The Town has hired an Assistant Development Services Director, Terry-Ann Boyd, who will oversee Code Compliance. She has previously served as a Code Officer for the Town and is now working with Development Services Director Jhanelle Campbell to review applications for the remaining Code Officer positions.

The Farmers Market returned on December 1, 2024 and will remain in place every Sunday throughout the season.

Yoga by the Beach will begin in January 2025 at 7 a.m. every Tuesday and Thursday in El Prado Park.

Town Manager Connors reported that Florida Power and Light (FPL) recently provided the Town with documentation in relation to an easement. The document has been reviewed and approved and the design of work in the easement is underway so the developer can proceed with his project.

The next Town Commission meeting is scheduled for January 14, 2025. A Special Magistrate meeting will be held on January 23, 2025. The final Commission meeting in January 2025 is scheduled for January 28.

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Town Manager Connors addressed the *Town Topics* discussion, recalling that the Commission had elected to wait and decide how they would like to move forward with mailing the document to residents. At present, plans are to email digital copies and mail physical copies only to those individuals who requested them. Approximately 350 individuals have requested physical copies. Another 50 copies are printed and made available at Town buildings. The cost is roughly \$4800. Mailing *Town Topics* to all registered voters would cost \$24,000 per quarter.

Mayor Malkoon requested clarification of whether the document would be delivered to all registered households or all registered voters, noting that there are likely to be multiple registered voters in a household. Town Manager Connors clarified that the document would be mailed to approximately 3200 households.

Town Manager Connors continued that the Town has funds in the budget that could be allocated toward this item, although it is not currently budgeted. The money would come from the Town's Contingency Fund. She concluded that Staff will carry out the Commission's wishes on this item.

Mayor Malkoon asked if any additional advertisers have shown an interest in *Town Topics*. Town Manager Connors replied that after the previous Commission meeting, Staff sent out an email to all Town businesses to gauge interest. One individual who expressed interest at the meeting has responded, but there has been no additional interest in advertising.

Town Manager Connors confirmed that she would clarify the numbers of registered households and registered voters in the Town. The January edition of *Town Topics* is currently being prepared. It can be issued at the beginning of January 2025 or held until later in that month if that is the Commission's desire.

Commissioner DeNapoli recalled that at the previous meeting, the Commission had indicated they would evaluate the issue further at the next meeting, including information on average monthly click-through rates for emails. Town Manager Connors advised that the Town's click-through rate is higher than expected, although she did not have exact information on hand. Commissioner DeNapoli confirmed that he wished to see a month's average click-through rate.

Town Manager Connors further clarified that residents who receive Town emails have requested them, which may contribute to the high click-through rate.

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Commissioner DeNapoli suggested that sending out physical copies of *Town Topics* at least once per year, and encouraging residents who want these copies to request them, could reach residents and others who may not have seen the last notice recommending that they sign up for physical copies. Town Manager Connors advised that there has been an exceptional response to periodic neighborhood signs and suggested that a similar campaign be undertaken for *Town Topics*.

Mayor Malkoon noted that another option is to send physical copies to all households and request that individuals who do not want these copies opt out of receiving them, or encouraging them to sign up for electronic copies. He requested that further clarifications be presented at the next Commission meeting. Town Manager Connors confirmed that she would bring back information on the click-through rate for the Town's last six emails as well as the number of households receiving *Town Topics*.

Town Manager Connors reiterated that the next edition of *Town Topics* is currently being prepared, but emphasized that the Commission may choose to delay the issuance of the document if they wish.

Commissioner Graziano stated that he was in favor of sending physical copies of *Town Topics* to the 3200 households that have requested it. He added that if he received an email in December asking him to participate by purchasing ad space, he would not be likely to act upon it. He was in favor of a larger effort to solicit the sale of advertising in the document, including a more personalized approach instead of an email. He felt there would be some response to this type of offer.

Mayor Malkoon requested further breakdown of the distribution of *Town Topics*, including how many are sent to condominium addresses. He proposed printing a number of physical copies and distributing them to the mailrooms of condominiums.

Commissioner DeNapoli suggested that in addition to the current quarterly edition of *Town Topics*, the Town may wish to prepare a special annual printed edition featuring Town businesses and restaurants. The special edition could encourage residents to sign up for distribution of the quarterly document. He recommended against sending out this edition in December, however, as it could become lost in other activity.

It was clarified that the special printed edition would replace the regular quarterly edition in March 2025. Commissioner DeNapoli proposed that Staff solicit advertising from businesses for this special edition.

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Mayor Malkoon concluded that the Commission would discuss *Town Topics* as an Agenda Item for their January 14, 2025 meeting and review the information Staff will bring back to them at that time before making a decision.

Commissioner DeNapoli also addressed lighting on El Mar Drive, noting that several residents have raised this issue. Town Manager Connors advised that FPL can be difficult to work with and places a burden on Staff members or residents who expresses concern rather than taking responsibility for their equipment; however, their responses have improved recently, possibly due to the copying of State Legislators on emails to the utility.

Deputy Town Manager/Public Works Director Rubach estimated that three to four lights on El Mar Drive may be non-functional, although FPL has addressed several areas of concern. He has also requested contact information from FPL on other utilities, including AT&T and Comcast, with respect to the identification of low-hanging wires in the Bel Air neighborhood. Those two providers responded to concerns in less than a day. He emphasized that these are safety issues and must be addressed in a timely manner.

Town Manager Connors explained that the Town has established a monthly telephone meeting in which Staff shares any issues or concerns regarding utilities, including projects that may be underway. This has been helpful in keeping the Town's liaison apprised of ongoing concerns. The first of these meetings was held in December 2024.

Mayor Malkoon requested an update on Town lighting. Deputy Town Manager/Public Works Director Rubach advised that Staff is awaiting parts for Town lighting on El Mar Drive and will continue its lighting survey with assistance from BSO.

Commissioner DeNapoli proposed that the Town consider holding a wine and food festival which could take place in the Downtown area where many restaurants are located. Restaurants located west of A1A would be given booths Downtown. The street would be closed for the event, and the profits could be shared to cover Town costs as well as shared proportionally between participating restaurants.

Commissioner DeNapoli continued that this would be in addition to Taste of the Beach and would not replace that event. He suggested that this could be an end-of-season event scheduled in April, with regular and "VIP" ticket prices. Mayor Malkoon suggested that this proposal could be placed on a future Agenda for further discussion.

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Commissioner Graziano recommended that this proposal be considered further during the next year's budget conversations, pointing out that the Town may not currently have a budget to accommodate this type of event.

b. Visitor Center Quarterly Report

Assistant to the Town Manager Courtney Easley reported that the Visitor Center quarterly report covers July through September 2024. There was an 18% increase in visits compared to the previous year. She added that the Town's Little Free Library is in need of more books, which can be dropped off at the Visitor Center or at Town Hall.

The Town has a newly updated walking map which has been delivered to Town businesses and hotels.

Assistant to the Town Manager Easley thanked all of the Town's Visitor Center volunteers who assisted with recent events, including Pioneer Day, Christmas By The Sea, and Boo By The Sea.

c. September 2024 Finance Report

Director of Budget and Finance Lucila Lang noted that this will be the final report for fiscal year (FY) 2024. All figures in the report are preliminary and will be finalized upon completion of the Town's audit.

General Fund revenues exceeded the budgeted amounts across most categories, bringing favorable revenues to approximately \$800,000. She called the Commission's attention to ad valorem tax revenues, pointing out that these typically come in at 101% of the budgeted amount. The Town budgets for 95% of this expected revenue.

Regarding expenses from the General Fund, Director of Budget and Finance Lang recalled that some months ago, the Commission requested a line item review of this Fund to determine how each Town Department finished the year. The report shows that all Departments were within budget. Overall expenditures were approximately 91.28% of what was budgeted.

Other funds are also within budget, with the exception of the Sewer Fund. These revenues came in at roughly 71%, while expenses were 18% less than budgeted. This will be brought back to the Commission for further discussion in calendar year 2025.

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While sewer rates have not changed since 2019, the rate charged by Pompano Beach to the Town has increased in recent years.

The Town's audit is underway and is expected to conclude in March 2025.

Mayor Malkoon asked if there is a requirement for a regularly scheduled sewer study. Deputy Town Manager/Public Works Director Ken Rubach advised that this would be warranted in a community that controls the utility; however, as both Pompano Beach and Broward County control transmission and treatment charges respectively, the Town cannot predict what rates might be each year. He was not confident a study would be accurate for this reason.

Deputy Town Manager/Public Works Director Rubach further clarified that the Town pays sewer rates on the south side of Town, while all rates on the north side are set by Pompano Beach. Transmission and treatment costs comprise roughly 80% of the sewer budget.

Director of Budget and Finance Lang stated that she will bring a discussion of nonprofit organizations before the Commission on a subsequent Agenda. She will send each Commissioner an email explaining the current process for these entities so they can discuss and provide direction regarding nonprofit requests in FY 2025-2026.

The Town has opened an account with Truist Bank with respect to the public safety facility. \$600,000 set aside for use on this facility will be transferred there, as will income from those funds in FY 2024. Director of Budget and Finance Lang added that in FY 2025, the Town will transfer an additional \$300,000 from the Fire Fund into the public safety building account as well.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for November and December Meetings.

Commissioner DeNapoli requested a correction to p.2 of the November 11, 2024 minutes: Rick Tobin is a resident of Sea Ranch Lakes.

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With regard to discussion of the Chamber of Commerce contract, Commissioner DeNapoli recalled that there had been consideration of establishing a monthly fee for the use of electricity. Town Manager Connors clarified that while this had been discussed, the Commission voted to approve a flat fee of \$250.

It was determined that the Commission would postpone approval of the November 11, 2024 meeting minutes pending further clarification.

Vice Mayor Strauss made a motion, seconded by Commissioner DeNapoli, to approve the ethics training minutes. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

- a. Resolution 2024-63: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE PIGGYBACK AGREEMENT WITH CIRCUIT TRANSIT INC. FOR THE PROVISION OF POINT TO POINT TRANSPORTATION SERVICES WITHIN THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE PIGGYBACK AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Assistant to the Town Manager Easley explained that this Item amends the Town's piggyback agreement with Circuit Transit, Inc. for microtransit services within the Town. The existing agreement does not include a fare. At the November 11, 2024 Commission meeting, the Commissioners voted to approve a \$2 fare, which would be reflected in the amendment.

There are two options for the implementation of the fare:

- Set the first passenger at a base rate of \$2, with any additional passengers to pay \$1; fares would be capped at \$5
- Set a standard \$2 fare per ride

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Assistant to the Town Manager Easley also noted that the Circuit app is available to international users if they convert their phone settings from their home country to the United States. Some international users choose not to make this change. She emphasized that this option has always been available. Information on how to convert the setting is available on the Town's website.

Vice Mayor Strauss stated that he was not in favor of charging a fee for Circuit use, as he felt it is the Town's obligation to provide this service to residents and guests at no charge. He pointed out that the complication of converting the mobile app can be difficult for non-United States residents and noted that many Canadian citizens visit Lauderdale-By-The-Sea. There was no charge for the Pelican Hopper, which preceded Circuit service.

Vice Mayor Strauss continued that charging a fee was likely to result in decreased Circuit ridership as well as a loss of good faith in what is provided by the Town to its residents and visitors. It would also add a complication for riders who try to flag a Circuit vehicle as well as negatively affecting tips provided to drivers. He concluded that if the Town eventually receives Broward County transportation surtax funding that will cover the cost of Circuit and reinstates free service, they will have already lost ridership as well as drivers.

Vice Mayor Strauss also noted that the proposed fare would generate \$20,000 to \$30,000, which he felt were negligible in comparison to the investment in Circuit service.

Mayor Malkoon asked if data is available on other municipalities that charge for Circuit service. Assistant to the Town Manager Easley replied that other municipalities have estimated a 10% decrease in service when rates are applied; however, normally a fee is implemented only when supply and demand for service are not in alignment. The Town currently has a good balance between these components. Riders will still be able to wave down vehicles but will need to pay the fee through use of a QR code.

Commissioner Graziano requested that when all future contracts are presented, Staff include the business's certificate of insurance in the backup materials.

Commissioner Graziano advised that the Florida Department of Transportation (FDOT) provided 50% of Circuit funding in Pompano Beach and asked if the Town had made a similar request. Assistant to the Town Manager Easley explained that the FDOT grant

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applies to new service. If the Town wished to apply for those funds, they would need to either increase Circuit's hours, add vehicles, or increase the service area.

Commissioner Graziano stated that he would be in favor of asking Circuit to increase its services. He pointed out that there is also significant ongoing discussion of the printing of *Town Topics*, which carries a similar cost to the revenue that Circuit fare would produce.

Commissioner DeNapoli commented that he felt it would be better to ease into charging a fare for service rather than implementing a \$2 fare right away, particularly as there is no excess demand for the service. He felt this would have a greater effect on ridership than the Town may want.

Ron Piersante, resident, advised that he has heard feedback from seven visitors to the Town who were surprised to learn of the proposed increase in Circuit rates. They also indicated that a \$2 charge could add up quickly for riders who use Circuit service to and from their destinations. He agreed with the Vice Mayor that the existing service should not be changed.

Mayor Malkoon asked if there is a way to include round trip service in the initial \$2 fee, or if each leg of the trip would cost \$2. Assistant to the Town Manager Easley clarified that each ride would cost \$2.

Commissioner Graziano stated that he was not certain that residents were aware of the proposed fare or fully understood what the Commission was trying to achieve. Assistant to the Town Manager Easley advised that the proposed fare was mentioned in *Town Topics*, which provides a recap of Commission activity. He asked if the Commission wished to vote to reconsider this issue.

Mayor Malkoon explained that any Commissioner who voted on the prevailing side of the issue at the November 11, 2024 meeting may make a motion to reconsider if they wish; otherwise, that vote would stand. It was further clarified that the Mayor, Commissioner Graziano, and Commissioner Pouloupoulos had voted on the prevailing side and may move for reconsideration if they wish.

Town Manager Connors explained that the November 11, 2024 vote had been to bring forward the amendment to Circuit service. The amendment to the contract to allow the fare is before the Commission today for a vote. If no vote is taken on the amendment, the Item will die for lack of motion.

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Commissioner Pouloupoulos recalled that he had voted in favor of the \$2 fare because there are several important items which require funding. He felt the Town should recoup \$20,000 to \$30,000 for Circuit service if possible. He also pointed out that there are very few residents present at tonight's meeting and agreed that most residents do not know what the Commission has acted upon until it is done.

Commissioner Pouloupoulos continued that he did not believe a \$2 fare was too much to ask, and that the Town's responsibility is to its taxpayers to ensure their dollars are being put to good use. He felt there are better ways to spend this money than subsidizing Circuit service. He also observed that the Town is not the first municipality to implement a fare.

Commissioner Pouloupoulos concluded that he did not feel a \$2 fare was a significant amount, and he would support either option for its implementation. He noted, however, that if the Town can secure grant funding for Circuit, he would fully support providing free service.

Commissioner DeNapoli advised that the Town will not know the full impact of implementing a fee until the change is made. He also agreed with Commissioner Pouloupoulos that the Town should save money where possible.

Commissioner DeNapoli noted that the previous meeting's backup materials show that Fort Lauderdale and Pompano Beach charge no fee for Circuit service, while Hollywood, Boca Raton, and Wilton Manors charge a \$2 fare. Boynton Beach charges different fees depending upon the zone. He pointed out that if Lauderdale-By-The-Sea charges a fare, they would differ from the neighboring municipalities of Fort Lauderdale and Pompano Beach.

Commissioner DeNapoli concluded that in addition to the stewardship of the Town's tax dollars, the Commission must also consider concerns such as parking and congestion. He felt the Commission should be sure to have a full picture of the action they are about to take.

Vice Mayor Strauss asserted that the Town has a large contingent of visitors from other countries, and reiterated that converting the mobile app can be difficult for them. He cautioned that older visitors from other countries could have trouble using the service and may lose respect for the Town. He concluded that the issue may be more complex than anticipated.

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Commissioner Graziano asked if it would be difficult for the Town to apply to FDOT for grant funds. Town Manager Connors explained that while it is not difficult to apply, the issue is that the Town does not qualify for FDOT grant funds, as described earlier. If they wished to expand service by adding vehicles, for example, they would qualify. Staff has exhaustively researched the availability of any grant funds that could assist them in reducing the cost of Circuit, but there are no such funds available at present.

Town Manager Connors continued that Circuit seeks to keep wait times under eight minutes. Because the Town already meets this threshold, there is not enough demand to expand service by adding vehicles. Staff is attempting to work with Broward County so the Town can use surtax funds toward Circuit but has not received the response they had hoped for.

Commissioner Graziano asked if non-residents are permitted to buy Town parking passes. Town Manager Connors replied that they are not. Mayor Malkoon added that there are a limited number of spaces available for the parking pass system.

Town Manager Connors explained that the Town's parking pass program costs residents \$60 per year. The Town receives a payment of \$4 per hour from vehicles that do not have parking passes, which generates more revenue than the sale of a pass.

Commissioner Graziano asked if the impact of allowing non-residents to buy parking passes would be substantial. Town Manager Connors asserted that this would have a significant effect.

Commissioner Graziano continued that it is unlikely that the addition of a fare would drive away most Circuit riders. He added that while Circuit's positive attributes include congestion reduction, the service diminishes the Town's Parking Fund. Town Manager Connors pointed out that if local residents use Circuit, this will leave more parking spaces available for visitors, who will pay \$4 an hour into the Parking Fund.

Commissioner Graziano asked if part-time residents who live in condominiums can purchase parking passes. Town Manager Connors replied that these individuals may buy passes because they own property in the Town. She emphasized the importance of Circuit in taking vehicles off the street and allowing others to use parking spaces.

Commissioner DeNapoli observed that the Town's website states parking permits are available to Town residents and business employees in the A1A and Bougainville Drive

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parking lots. Permits cost \$60 per resident each year or \$50 for senior citizen residents. Employee permits may be purchased monthly for \$27.

Commissioner DeNapoli asked how recently the Commission has voted on parking rates. Town Manager Connors estimated that this was in March 2024. Commissioner DeNapoli explained that he had heard complaints from eight business owners that the rates were higher than those in neighboring municipalities. Town Manager Connors replied that Staff surveyed rates in the area and did not establish a rate higher than others' base rate. There is also a special event rate of \$21 which is permitted when medians are opened for parking, which is typically reserved for major holiday events. She concluded that she would email the Commissioners information related to the most recent vote to increase parking rates.

Commissioner Poulopoulos made a motion to adopt Option 1, which sets the first rider's base fare at \$2 and additional riders at \$1 per ride, with a maximum of \$5 for the total ride. [The motion died for lack of second.]

Commissioner Poulopoulos made a motion for Option 2, setting the fare at \$2 per ride.

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

Mayor Malkoon seconded the motion. Motion carried 3-2 (Vice Mayor Strauss and Commissioner DeNapoli dissenting).

Vice Mayor Strauss returned the gavel to Mayor Malkoon.

The Commissioners took a brief recess from 8:33 p.m. until 8:38 p.m.

13. NEW BUSINESS

None.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

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Commissioner DeNapoli wished happy holidays to residents, Staff, and the Commission.

Vice Mayor Strauss recognized Staff's work on the recent Christmas By The Sea event, and invited all present to the menorah lighting ceremony on December 29, 2024.

Commissioner Graziano thanked Terra Mar residents for contributing over 100 toys to a recent toy drive event. He also thanked BSO for the recent shred-a-thon event, and encouraged residents to contribute books to the Town's Little Free Library at Town Hall or the Visitor Center.

Commissioner Graziano added that he was in favor of being able to send *Town Topics* to all residents.

Commissioner Pouloupoulos and Mayor Malkoon each spoke highly of the recent Christmas By The Sea event and thanked BSO and Town Staff for their work.

All the Commissioners wished happy holidays to all present.

16. ORDINANCES 1ST READING

- a. Ordinance 2024-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14 "OFFENSES," OF THE TOWN'S CODE OF ORDINANCES BY CREATING SECTION 14-34 "PUBLIC CAMPING OR SLEEPING; NOTICE OF COMPLAINTS;" 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.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve Ordinance 2024-11. Motion carried 5-0.

17. ORDINANCES 2ND 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

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**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 Jhanelle Campbell explained that Ordinance 2024-09 would remove outdated and inapplicable Code provisions related to a repealed overlay district. The Ordinance was adopted in 2005 and established a sidewalk reconstruction plan and funding mechanism for Seagrape Drive. When additional research was conducted, however, it was determined that the Seagrape Drive Sidewalk Plan only applied within an overlay district which was repealed. Code was not amended to reflect that repeal. As a result, only one property qualified for compliance in the 19 year since the Seagrape Drive Sidewalk Plan was adopted.

Other considerations related to the repeal of Chapter 30, Article XI include:

- 44% of the lots on Seagrape Drive south of Commercial Boulevard have backout parking, which would conflict with sidewalk construction under engineering standards
- Insufficient funding due to low participation
- Site conditions on Seagrape Drive
- The replacement plan is not included in the Town's Five-Year Capital Improvement Plan

Staff requests approval with no additional changes made to the Ordinance.

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

18. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2024-40: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING THE DEVELOPMENT REVIEW FEE SCHEDULE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

Development Services Director Campbell stated that this Resolution would update the Development Review fee schedule. This differs from the fee schedule associated with building permits and applies only to zoning-related applications such as Site Plans, signs, landscaping, and items of a similar nature.

The fee schedule was last substantially updated in 2015. Staff requests adjustment of fees for inflation, increased operational costs, and maintenance of high-quality services. Staff researched fees in several local municipalities and recognized that the Town's fees were significantly lower than those of a number of other towns and cities.

New items added to the fee schedule include:

- Zoning question fee: because zoning questions can require significant Staff time, the first two questions will be answered at no charge, with a \$50 fee for every question thereafter; this is similar to the zoning question fee charged by Pompano Beach

Table 1 of the fee schedule does not include deposits for applications that do not require consultant review. The Town outsources most of its personnel, including the Town Attorney, Town Engineer, and planning consultant. When an application must be reviewed by multiple consultants, their fees are charged back to the applicant.

Mayor Malkoon asked if individuals with zoning questions would be immediately informed of the zoning question fee schedule. Development Services Director Campbell confirmed this, adding that Staff uses public records request software to process zoning questions as well. This can easily track the number of questions asked and will let the individual making the request know about the policy.

Town Manager Connors added that the updated fee schedule applies to vacation rental applications. Staff has reviewed the Town's fees in comparison to the fees charged by other South Florida municipalities and recommends an increase to vacation rental application fees from \$750 to \$850. In the case of short-term rentals, each additional unit would increase from \$300 to \$350. Inspection fees would increase as well.

Commissioner Pouloupoulos asked what percentage of the Building Department's revenue comes from these types of fees as opposed to building fees. Development Services Director Campbell replied that the fee schedule applies strictly to zoning

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application fees, which are separate from building fees, and are handled by Staff. No percentage of the increase goes to consultant CAP Government.

Commissioner Pouloupoulos advised that he would like to review the Building Department's fee schedule in the future. Town Manager Connors recalled that two to three years ago, the Town retained a consultant to conduct a survey of building fees. While the consultant recommended an increase in these fees, Staff recommended that the fees remain flat. She further clarified that Building Department fees cannot be used to supplement general governmental expenses, but must remain within that Department for use. Raising the fees would result in a surplus that cannot be transferred to another department.

Commissioner Pouloupoulos asked if the Town is adding a change of agent fee for short-term rentals. Development Services Director Campbell confirmed this. Town Manager Connors noted that this change requires Staff work, including updates to the GIS map associated with these properties. There are also costs associated with processing Code Compliance cases if the Town must use that process to obtain information.

Mayor Malkoon asked if there has been a decrease in applications related to vacation rentals. Development Services Director Campbell replied that since the end of summer, these applications have decreased in frequency. Mayor Malkoon commented that these properties may be less profitable due to insurance costs and other expenses.

Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, to approve the fee schedule change. Motion carried 5-0.

- c. Resolution No. 2024-62: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH BEACH RAKER LLC FOR BEACH MAINTENANCE AND CLEANING SERVICES; FINDING THAT THE AGREEMENT IS IN THE BEST INTEREST OF THE TOWN AND EXEMPT FROM COMPETITIVE SOLICITATION PURSUANT TO SECTION IV.L OF THE TOWN'S PURCHASING MANUAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; 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 Beach Raker, LLC has served the Town since the late 1980s. The Town has worked with the company to secure favorable rates. Rather than charging increases based on the consumer price index (CPI), which would have cost \$25,031 per month, Beach Raker proposes an increase to \$24,000 per month. This will save the Town nearly \$50,000 over the life of the contract. Beach Raker provides beach raking and cleaning services to most of Florida's East Coast municipalities.

Commissioner Graziano stated that while he was in favor of the contract, he did not believe the provider's certificate of liability insurance covers Lauderdale-By-The-Sea. He requested additional review of the certificate.

Deputy Town Manager/Public Works Director Rubach noted that the certificate states the certificate holder is listed as additional insured with respect to general liability when required by written contract. Commissioner Graziano advised that the certificate of liability insurance does not reflect this. Deputy Town Manager/Public Works Director Rubach noted that this phrase is included in the certificate of liability insurance.

Town Attorney Susan Trevarthen stated that she would review the documentation following tonight's meeting and determine whether or not any changes should be made. She added that this documentation is prepared as part of the Agenda preparation process and is not intended to be addressed at this time.

Commissioner Graziano observed that there is an ongoing effort by Town Staff to ensure that every certificate of insurance specifically notes the Town's coverage. He wished to be supportive of this effort. Town Attorney Trevarthen clarified that whether or not the documentation is included in the Agenda packet does not affect the Town's status with respect to approval. It is intended to be informational. Town Staff will ensure that the policy is carried forward regardless of whether or not it is included in the Agenda packet.

Commissioner DeNapoli referred to p.19 of the Agenda packet online, which lists the Town as a certificate holder. Commissioner Graziano pointed out that this does not list the Town as additional insured.

Deputy Town Manager/Public Works Director Rubach advised that the Agenda packet refers to general liability under the description of operations.

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

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 9:00 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

1/15/2025 | 2:57 PM EST

Date