



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 12, 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

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Strauss requested that Item 18a be heard following the Consent Agenda.

5. PRESENTATIONS

a. Fall Event Recap

Events and Marketing Manager Katie Anderson provided an overview on the Town's fall events, stating that Boo!-By-The-Sea was held in the West Plazas and was well-attended. Roughly 23 local businesses participated in this event. It was followed by the Founders Day celebration, which was held in Friedt Park and included food and music.

The Town's Veterans Day event was held on Monday, November 11, 2024. Vice Mayor Strauss served as the event's Chair. Events and Marketing Manager Anderson recognized the Pompano Beach Honor Guard for the presentation of colors, and the Broward Sheriff's Office (BSO) Honor Guard for the rifle volley. 43 veterans registered

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for the event and were recognized, 25 of whom are Lauderdale-By-The-Sea residents. Events and Marketing Manager thanked the Mayor and Commissioners, as well as Broward County Commissioner Lamar Fisher.

The next event will be Christmas-By-The-Sea on Wednesday, December 4, 2024.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Mary Ellen Renuart, resident, addressed the Friday Night Music Series events, stating that the Town should not provide 100% of funding for these events. She recalled that a number of Downtown businesses had pledged \$5000 per event but had not provided these funds until recently, and concluded that the Town should continue to support its businesses as a partner in these events.

Marc Pearson, 1921 Water's Edge, recalled that at the October 22, 2024 Commission meeting, he had proposed a solution to what he considered to be errors made in the permitting of a nearby home. He requested that the Commission pass a Resolution at tonight's meeting which would direct the Town Manager to work with the property owner to amend permitted plans. He concluded that he has submitted generic appeals intended to clarify portions of Town Code, as well as a Freedom of Information Act (FOIA) request which suggests there are problems with other addresses within the Town.

Karen Sylvester, resident, addressed the Friday Night Music Series, advising that these events contribute to the Town's status as a special community. She felt the events should be held in 2025.

Rick Tobin, pointed out that restaurants are not the only Town businesses affected by the Friday Night Music Series, as hotels, stores, and other small businesses benefit from the events. He felt the music events are overwhelmingly supported by residents, visitors, and businesses, and the Town should invest in and perhaps expand these events, as they help the community.

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

7. PUBLIC SAFETY DISCUSSION

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a. BSO October 2024 Public Safety Report

Captain Bill Wesolowski of the Broward Sheriff's Office (BSO) reported that as of October 19, 2024, the District is fully staffed and there are no more vacancies.

The Deputy of the Month is Joao Claudio Reis, who recently assisted a homeless individual in returning to his home and reuniting with family.

BSO provided traffic control for Boo!-By-The-Sea and had vehicles on hand for children at the event.

A "Shred-a-thon" is scheduled for Saturday, December 7, 2024 from 10 a.m. until 1 p.m. at Assumption Catholic Church. Residents are invited to shred up to two boxes' worth of documents and may also turn in unused medications at this event.

BSO will hold a Senior Seminar on January 29, 2025 in Jarvis Hall to help educate senior citizens on various types of scams. Other government agencies, including the Broward County Property Appraiser's Office, will participate in this seminar as well.

b. PBFR October 2024 Public Safety Report

Fire Marshal Ashley Zalewski, representing Pompano Beach Fire Rescue (PBFR), reported that there were 155 calls in October 2024, with an average response time of five minutes and 53 seconds.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors reminded all present that Christmas-By-The-Sea is scheduled for December 4, 2024 from 5 p.m. until 8 p.m.

As requested by Mayor Malkoon at the previous Commission meeting, Staff has researched the costs associated with printing *Town Topics*. At present, the Town uses a digital format to distribute the document, and residents are given the option of requesting printed copies instead. The costs of physical and digital mailings come to \$4800 annually.

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Mailing *Town Topics* to all registered voters in Lauderdale-By-The-Sea would cost \$24,092, and mailing the document to all Town households would cost \$28,200. Staff requested further direction if the Commission wishes to change its current procedure.

Mayor Malkoon explained that because *Town Topics* is the Town's primary method of communication with its residents, he had wished to look into the costs of wider distribution. He requested feedback from the other Commissioners as well.

Vice Mayor Strauss stated that he felt the current expense of \$4800 is reasonable, and emphasized the cost difference between this expense and the \$28,200 cost of sending *Town Topics* to all Town households. He suggested that the Town invite residents to join the mailing list for printed copies.

Commissioner Graziano recalled that the Commission had briefly discussed the sale of advertising space in *Town Topics*. He was in favor of sending the document to all residents, although he was not in favor of the higher costs associated with printing and mailing it, and encouraged outreach to potential advertisers.

Town Manager Connors explained that ads are allowed in *Town Topics*, and Staff can reach out through social media to determine if more entities are interested in advertising. The next issue of *Town Topics* is scheduled for January 2025.

Commissioner Graziano stated that he did not want to make a decision on the expense of \$28,200 if there is the possibility of sponsorships or advertising that could lower this cost. Mayor Malkoon commented that *Town Topics* may be more attractive to prospective advertisers if they know it will be mailed to all households.

Commissioner Pouloupoulos asked how many residents have requested *Town Topics*. Town Manager Connors replied that there are 3200 households which have requested emailed copies, adding that not all of these households belong to Town residents. *Town Topics* is also posted on the Town's Facebook page.

Commissioner Pouloupoulos asked if any type of campaign has been undertaken in the past to promote the option of receiving printed copies. Town Manager Connors replied that copies were previously hand-delivered and placed in residents' driveways, which did not ensure distribution to all residents, particularly those in multi-family buildings.

Commissioner Pouloupoulos asked if there has been feedback from residents who do not receive physical copies of *Town Topics* but would like to in the future. Town Manager

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Connors replied there has been no such feedback. Commissioner Pouloupoulos asserted that his goal is to save money in 2025, and felt an additional \$20,000 should not be spent on circulation.

Mayor Malkoon clarified that *Town Topics* is not currently sent to 3200 households, but to 3200 individuals who have requested it. He pointed out that if the document is physically mailed to more households, more residents may be likely to open it. Not all emailed copies are opened by their recipients.

Commissioner DeNapoli stated that the printed version of *Town Topics* consists of 24 pages including color. The cost of mailing physical copies is related to the size, weight, production, and mailing of the document. He suggested that printed copies include a highly visible prompt for residents who want to continue receiving them.

Mayor Malkoon asked if the quoted prices include a one-time setup fee. Town Manager Connors clarified that this fee would apply on a quarterly basis. She added that while she did not have the exact open rate for electronic copies on hand, the provider is pleased with this rate, which they characterized as very high.

Town Manager Connors also noted that the prompt inviting residents to sign up for physical copies took up a full page of *Town Topics*.

Commissioner Graziano asked how much postage it costs the Town when an individual requests a printed copy. He felt the Town might receive a significantly lower postage rate for the full distribution of printed copies. Town Manager Connors explained that the Town already receives a bulk rate for these mailings.

Commissioner Pouloupoulos asked if a page on the Town's website which allows individuals to opt into physical delivery of *Town Topics* is still active. Town Manager Connors confirmed this, clarifying that there are approximately 350 residents who have requested printed copies and 3200 individuals who receive *Town Topics* via email.

Vice Mayor Strauss reiterated that he opposed changing the current system and was in favor of continuing to allow residents to opt into physical mailings. He did not feel the additional expense was necessary at this time.

Mayor Malkoon stated that he would like to see more communication to the public, pointing out that the Town spends funds on the Friday Night Music Series and donates

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to charitable entities as part of its annual budget. He felt the Town can also budget toward providing more information to residents.

Commissioner DeNapoli advised that he would support a single run of physical copies to all households, as this could attract more potential advertisers and offer the option of receiving printed copies.

Vice Mayor Strauss added that he was also in favor of advertising, and suggested that advertising revenue could open up the Town to sending more printed copies through the mail. He did not believe, however, that the Town should spend more of its own money to produce the document in the absence of more advertising revenue.

Commissioner Graziano also favored sending out one printed copy to all recipients, as well as solicitation of advertising for *Town Topics*.

Town Manager Connors proposed that the Business Outreach Team send an email to businesses that may wish to advertise in *Town Topics*. Staff will be working on the next issue in December 2024 and can gauge the response of prospective advertisers and make a decision after the next edition is sent out in January 2025.

Mayor Malkoon recommended that the email inform prospective advertisers that the Town is considering mailing physical copies again in the future.

Commissioner DeNapoli pointed out that there are several new businesses in the Town that could be contacted to discuss advertising. He concluded that Staff could reach out to gather prospective advertisements before the Commission's final meeting of December and the Commission could revisit the issue at that meeting.

Town Manager Connors advised that the cost of a full-page advertisement is \$850, a half-page is \$425, and a quarter-page is \$215. Commissioner DeNapoli suggested that Staff bring back more information about potential advertiser interest at the next meeting.

Commissioner Pouloupoulos requested clarification of the click-through rate for electronic copies, as he would like to see a rate of at least 25% for *Town Topics* emails. If there is insufficient traction on the digital edition, he felt physical mailings would be a waste of funds; however, if there is a high digital click-through rate, this may show the current medium of distribution is effective. Commissioner DeNapoli also expressed interest in knowing the click-through rate over the last few months.

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Commissioner Graziano made a motion to evaluate this further at the next meeting, including the click-through rate as well as efforts made by the marketing team to determine interest in advertising.

Commissioner Graziano also requested clarification of how many copies of *Town Topics* are currently being printed. Town Manager Connors replied that roughly 350 copies are printed at present.

Mayor Malkoon advised that the **motion** would serve as direction for Staff to bring back the requested information, and no vote would be necessary.

Town Manager Connors recognized Public Works Department employees who responded to a resident's concern regarding trash on the Commercial Boulevard Bridge. They responded immediately to clean up the debris.

Town Manager Connors concluded that at the November 5, 2024 general election, 89% of voters approved an amendment to the Town's Charter which would move municipal elections from March to November. This will mean the costs of elections do not need to be paid for separately by the Town.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for October 22, 2024 Regular Commission Meeting

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

11. CONSENT AGENDA

None.

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

18. RESOLUTIONS – PUBLIC COMMENTS

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a. RESOLUTION 2024-49 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A NON-EXCLUSIVE REVOCABLE LICENSE AGREEMENT WITH THE LAUDERDALE-BY-THE-SEA CHAMBER OF COMMERCE, INC. FOR THE USE OF THE TOWN FACILITY LOCATED AT 4201 NORTH OCEAN DRIVE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant to the Town Manager Courtney Easley explained that Resolution 2024-49 is a non-exclusive revocable license agreement between the Town and the Lauderdale-By-The-Sea Chamber of Commerce for use of the facility at 4201 N. Ocean Drive. The agreement proposes a three-year term with two one-year renewal options and allows the Chamber of Commerce to continue to use the facility for their weekly and monthly meetings.

The proposed agreement includes the following five changes from the current agreement:

- The Chamber must remain a nonprofit entity and must comply with Florida Statute 501.973
- The termination clause in the agreement now requires 30-day prior written notice rather than the current requirement of 120-day written notice
- The Chamber now partners with the Town only for the annual Boo!-By-The-Sea event rather than for two Town events
- Changes to insurance requirements
- Additional clauses addressing political activities and licensing fees

Assistant to the Town Manager Easley thanked Commissioner DeNapoli for providing input as liaison to the negotiations on this Item.

The Town and the Chamber of Commerce have presented the following options for consideration:

- A market-based licensing fee of \$600 per month for general office use as well as Chamber meetings
- A \$250 annual license fee, which will include any additional utility services costs
- No license fee, but inclusion of any additional utility and service costs incurred
- No further use of the Visitors Center by the Chamber of Commerce, with the current agreement either expiring in December or extending for three months to

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allow the Chamber to relocate; the Chamber sign would be removed from the facility

Staff requested direction on how to proceed with the Resolution.

At this time Mayor Malkoon opened public comment.

Paul Novack, resident, briefly reviewed the history of the Lauderdale-By-The-Sea Chamber of Commerce and requested that the Chamber not be charged \$8000 for the limited use of the Chamber of Commerce building. He emphasized the organization's nonprofit status as well as its advocacy for local businesses.

Ellen Zavell, secretary of the Chamber of Commerce, explained that the Chamber provides services and refreshments during various Town events. She emphasized the unique nature of the Town as well as the Chamber's role in it, and urged the Commission to retain the Town's relationship with the Chamber.

Liz Berger, resident, advised that she is a longtime member of the Chamber of Commerce. She noted that the Chamber works to connect the Town's businesses and participate in events that promote the business community. She encouraged the Town to reach out to the Chamber as a partner, including the possibility of purchasing advertising space in *Town Topics*.

Justin Cotroneo, member of the Chamber of Commerce's board, opposed charging the Chamber for use of the Visitors Center. He cited the Chamber's contributions to community events as well as their ability to leverage connections with other civic entities in the area.

Brian Paperny, Treasurer for the Chamber of Commerce, stated that a charge of \$600 per month would put the Chamber out of business, as it is a nonprofit entity which often operates at a deficit. He provided financial statements and nonprofit tax forms to the Commission, including the Chamber's income statement.

Mark Stern, general counsel for the Chamber of Commerce, described the Visitors Center as the Chamber's home and emphasized the supportive nature of the partnership between the Chamber and the Town. He asserted that the Chamber gives back to the Town as a nonprofit entity with volunteer members, and concluded that paying a market-rate rent would not allow the Chamber to continue to interact with the community and build relationships.

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Howard Goldberg, chair of the Chamber of Commerce, emphasized the Chamber's dedication to the Town's residents and its partnerships with similar community entities. He requested that the Chamber continue to house its supplies at 4201 N. Ocean Drive and hold their board meetings there.

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

Commissioner DeNapoli, who served as Commission liaison on the negotiation of a new contract between the Town and the Chamber of Commerce, explained that the current contract for Chamber use of the Visitors Center is set to expire on December 19, 2024. He was asked by the Commission to include a section for an unspecified fee, although he clarified that he was not empowered to negotiate that fee.

Commissioner DeNapoli continued that the Chamber's counsel had agreed to everything in the proposed contract except the fee. The new contract requires the Chamber to partner with the Town for only one annual event, which is Boo!-By-The-Sea. There is no set definition for this participation outside the promotion of Town events. The Chamber is also asked to provide evidence of various types of insurance, including workers' compensation, liability, and others. They may not engage in or solicit political activities at the Town's facility.

Commissioner DeNapoli reiterated that the only item to which the Chamber did not agree was a monthly fee. Town Staff had originally considered a fee of \$1000/month, which was lowered to \$600/month based on market research into the cost of coworking spaces of similar size with permanent storage.

Commissioner DeNapoli recalled that the Chamber's counsel had indicated the organization could not afford a fee of \$600/month and had instead offered an annual fee of \$250/year. A clause addressing a fee is included, although the amount of the fee is undetermined. He concluded that the amount of the fee would be left to the Commission's consideration, as all other aspects were agreed to by the Chamber.

Commissioner Pouloupoulos requested additional information on the scope of the Chamber's use of the facility at 4201 N. Ocean Drive. Mark Stern, counsel for the Chamber, replied that the facility serves as the Chamber's mailing address. They hold a monthly board meeting, and administrative services are provided on Wednesdays on an as-needed basis. They own no furniture and have one to two computers, as well as

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minor items in a storage closet. He concluded that their footprint on the facility is minimal.

Commissioner Pouloupoulos characterized the Chamber's use of the space as a virtual office, which would typically rent at a rate between \$400 and \$4000 per month. He emphasized that he wanted to support the Chamber as an entity that brings profits to the Town, and suggested that it would be to the Town's detriment to excessively charge the Chamber for its use of the space.

Mr. Stern further clarified that the Chamber has roughly 150 members and can host their meetings elsewhere if that use creates a burden for the Town.

Vice Mayor Strauss asked what the Town charges to entities who hold their meetings in Town Hall. Town Manager Connors replied that the Garden Club and Women's Club meet in Town Hall on a monthly basis at no charge. The Lodging Association and some homeowners' or neighborhood associations also meet in Town Hall. The difference is in the permanency and signage posted by the Chamber. They maintain exclusive use of the building on Wednesdays and may also use the space on other days.

Vice Mayor Strauss requested clarification of the term "permanency" in this case. Town Manager Connors explained that the Chamber has a key, signage, and storage at the building in addition to their mailing address. Vice Mayor Strauss commented that this seemed only slightly different from the uses of Town space by other organizations, pointing out that some of those organizations store items at Town Hall. He felt there was little difference between Town Hall and the Visitors Center, and concluded that the Chamber functions as the heart of the Town.

Vice Mayor Strauss asked if there was a reason the Chamber could not meet in Town Hall as other civic entities do. Mr. Stern reiterated that the Chamber uses the Visitors Center as its home, although they can meet elsewhere if necessary. He characterized the Chamber's use of the building on Wednesdays as non-exclusive and minimal, as it typically involves one to two hours' use.

Vice Mayor Strauss requested additional information on the Chamber's advertising. Mr. Stern replied that the Chamber has a website through which it promotes Town activities. It uses its social media accounts for this purpose as well, and publishes a Visitors' Guide which includes information about the Town, its events, and its Commissioners. He added that the Chamber can continue to provide assistance at the Farmers Market if desired, and can consider adding other Town events as well.

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Vice Mayor Strauss asked if the Chamber advertises its presence at the Visitors Center. Mr. Stern replied that when the building was donated to the Town, it was to be used for civic purposes. A plaque recognizing the Chamber accompanies the building, and the Chamber has a logo sign inside the premises.

Howard Goldberg, president of the Chamber, advised that the building serves as a portal to the Town and the Chamber welcomes visitors and other organizations there. He estimated that 10,000 to 12,000 Visitors' Guides are distributed each year, which helps promote the Town and its businesses.

Vice Mayor Strauss requested clarification of the Chamber's responsibilities with respect to the annual Boo!-By-The-Sea event. Mr. Stern replied that the Chamber has a booth at this event and provides its own materials. They fulfilled a similar function at the Farmers Market as well.

Vice Mayor Strauss also asked why the Chamber's participation in Town events was reduced from two events to one. Commissioner DeNapoli advised that this was done at the request of Town Staff, recalling that the agreement states the two events may be changed upon mutual agreement. "Participation" is defined as assisting the Town in the execution of these events, along with other responsibilities as determined and directed by the Town. They are also asked to aid in the promotion of Town-sponsored events by posting on the Chamber's website and providing printed materials.

Vice Mayor Strauss stated that it benefits the Town for the Chamber to have increased participation in Town events. Mr. Stern asserted that more events could be added to the contract if that was the Town's wish.

Vice Mayor Strauss concluded that he was not sure why the Chamber is charged any fee for use of the facilities, particularly in light of the use of Town space by other civic entities. He suggested a passive fee could be issued in exchange for a key.

Mayor Malkoon requested feedback from Staff with regard to a utility fee. Town Manager Connors replied that Staff would prefer a set fee rather than calculating a monthly percentage of the utilities.

Town Manager Connors continued that the Chamber's participation in events was reduced to one event because the original contract had asked the Chamber to provide assistance in exchange for use of the building. Because Staff was directed to look into a

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fee for continued use of the facility, Staff reduced the number of events in which the Chamber was required to participate to one. She emphasized that the Chamber may continue to participate in other Town events.

Mr. Goldberg addressed the Farmers Market, recalling that the Chamber had not been present on 2024 dates at which inclement weather closed the event. He recalled that the Chamber also participated in the recent Taste of the Beach event.

Commissioner DeNapoli stated once more that he had not included any language related to a utility fee. Mr. Stern stated that he had agreed that the Chamber would pay for any additional costs incurred by their presence. He confirmed, however, that it would be difficult to calculate this type of fee.

Commissioner DeNapoli requested additional information on costs associated with insurance. Mr. Goldberg replied that the 2024 cost of insurance was \$3092. Mr. Stern added that the Chamber has no employees, which means workers' compensation is not an issue.

Commissioner DeNapoli asked if the Chamber would prefer to meet in Town Hall, which would remove all of those costs. Mr. Stern replied that this would not negate the policy, as the Chamber would still have to have its own Directors and Officers (D&O) insurance. The Town is an additional insured on this policy.

Commissioner Graziano stated that he was not aware of any Commissioners who were in favor of ending the Chamber's participation in Town events. He felt, however, that based on the 990 tax information provided, the Chamber can afford to pay some amount to the Town. While he did not feel the proposed \$600/month was outrageous, he suggested halving this amount, as \$300/month would cover any expenses that may arise.

Mr. Goldberg pointed out that the expenses listed on the 990 form are hard expenses rather than calculated percentages, while the net assets listed represent working capital. He asserted that the Chamber loses funds at a rate of approximately \$7000/year. They are seeking to ensure their membership rates remain at an amount that allows them to attract new members without losing any current members.

Commissioner Graziano commented that while the Chamber's financial statement is suitable for internal use, the 990 form is a requirement of nonprofit entities. Mr. Goldberg asserted that the Chamber's run rate should not have an impact on the

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negotiations. He again emphasized the minimal nature of the Chamber's use of the building.

Commissioner Graziano concluded that while he was supportive of the Chamber, he wished the Chamber's representatives, as well as the other Commissioners, to consider his proposal of a lesser rate of \$300/month.

Mayor Malkoon stated that he has seen the Chamber go through several iterations over the years. He emphasized that the Visitors Center is a taxpayer-funded facility, and the Town is subsidizing its maintenance using taxpayer funds. While he was pleased the Chamber had agreed to many of the Town's requests, he would like to see greater participation in Town events by the Chamber, as well as asking Commissioners to attend Chamber events. He also noted that there had been some instances in which activities had seemed to have a political slant, and was pleased the Chamber had agreed to a prohibition of these types of activities.

Commissioner Graziano made a motion to continue with the contract with the Chamber as outlined in the Resolution; however, stating that the licensing fee be reduced to \$300/month. [The motion died for lack of second.]

Commissioner DeNapoli advised that he did not want the Chamber to lose use of the facility, but recalled that Mr. Stern had indicated the Chamber was willing to accept some version of a monthly fee related to use. He requested clarification of what type of fee this might be, adding that he was not in favor of using a formula to calculate the fee. Mr. Stern replied that the Chamber's board has not had an opportunity to discuss a fee.

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to approve the contract with a one-time \$250/year fee, equivalent to a business tax receipt cost, for one year, with no other changes.

Commissioner Graziano stated that his earlier proposal had been a compromise which he felt was beneficial to both the Town and the Chamber. He felt the fee proposed by the current **motion** would not cover the Town's costs.

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

12. OLD BUSINESS

a. 75th Anniversary Garden

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Mayor Malkoon noted that the 75th Anniversary Garden has been funded for two budget cycles. The Commission had considered various ways to fund some type of permanent feature in remembrance of the 75th anniversary, including public art and other options. The Item is budgeted at \$100,000.

Hugh Johnson, representing Architectural Alliance Landscape, recalled that the project began with a kickoff meeting with the Town Manager, followed by a videoconference with the Mayor to determine the scope of services. He presented the proposed design of the 75th Anniversary Garden, which would be located in front of the apiary just outside Town Hall.

Mr. Johnson noted that there are two large mahogany trees on the proposed site, one of which is diseased and was evaluated by an arborist. The tree was determined to be a danger to the public, and the design recommends its removal. An east-west walkway and an anchor are also located on the space.

Design objectives for the 75th Anniversary Garden include:

- Enhancement of the Town Hall and documentation of the Town's history
- Building upon the existing micro-apiary on the site by adding a butterfly garden and native seaside garden, with educational signage
- Creating a gathering space for small group meetings and/or a respite space for the community, possibly developing the site as a pocket park

The design would add a butterfly garden and native seaside planting area to the space, as well as a gathering space in front of the apiary and room for circulation. Respite areas could also be included throughout the garden. The design would feature palm specimens, and landscape berms would be included. The garden would use the same site furniture used elsewhere in the Town.

The plans also ensure that there is space for enhancements which are not currently included in the budget, such as sculpture and paving. Due to the budget, there has been no consideration of using a construction manager (CM) for the project. Demolition could be done by Town Staff, and hardscape material could be purchased directly through the Town and installed by the vendor. Lighting would be low-voltage and affordable.

Commissioner Graziano recalled that a previous butterfly garden planted by the Town had not fared well, and asked if there was a reason for this. He also asked if the

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remaining mahogany tree will be trimmed back. Mr. Johnson confirmed that the sick tree will be removed and the remaining tree will be trimmed by an arborist. With regard to the garden, the intent was to design it with both sunlight and shade, with plants which flowered in different seasons.

Commissioner DeNapoli requested clarification of the garden's maintenance costs. Mr. Johnson replied that he has discussed maintenance with Town Staff. Town Manager Connors confirmed that these costs can be absorbed by Staff.

Mayor Malkoon thanked the residents who had contacted the Commission in support of the 75th Anniversary Garden.

Town Manager Connors advised that inclusion of a 15% contingency would raise the project's total estimated cost to \$105,470. Staff will work with the project to keep costs low.

Mayor Malkoon requested consideration of adding a gutter to help with drainage. Mr. Johnson stated that the design has taken drainage into account, with the paved area sloping into the lawn area to drain.

Mayor Malkoon ceded the gavel to Vice Mayor Strauss.

Commissioner DeNapoli made a motion, seconded by Mayor Malkoon, to move forward with the project. Motion carried 3-2 (Vice Mayor Strauss and Commissioner Pouloupoulos dissenting).

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

b. Circuit Funding Discussion

Assistant to the Town Manager Easley explained that this Item includes information about the Town's microtransit program, which is provided through Circuit. The current cost of the program is \$242,179.

Prior to the use of Circuit, the Town provided shuttle service through the Pelican Hopper, which was subsidized by Broward County. The Town is paying Circuit's costs from the General Fund. The Commission directed Staff to explore alternative ways to fund Circuit service. Staff has investigated the following options:

- Broward County surtax funding

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- Use of grant funds
- Advertising revenue
- Adding a ridership fee

Because Broward County had allocated \$78,500 in surtax funding toward the Pelican Hopper, Staff has asked the County if they could provide the Town with these funds in lieu of continuing to fund the shuttle. The County responded that microtransit is not included in the current surtax program; however, the Broward County City Managers Association has been working with the County on a third amendment to the surtax inter-local agreement which could allow microtransit programs to be eligible for surtax funding. These negotiations have been ongoing for over 18 months. An update to the inter-local agreement is anticipated in early 2025.

Staff also looked into grant funding, but found that grant dollars would fund only new services, such as an increase in hours or the number of vehicles. Those increases would also increase the Town's costs.

Advertising within the interior and exterior of the vehicle is also a consideration. Circuit has indicated that it may be possible to raise up to \$6000 annually in advertising revenue to offset program costs, which would be insufficient to the need. The Town would also need to consider the use of Town branding for consistency.

At present, two Broward municipalities which use Circuit charge one to two dollars per passenger. Based on the Town's ridership, which is approximately 30,000 individuals per year, the Town could expect to see \$30,000 if they charged \$1 per ride and \$60,000 if the charge was \$2. Once a fee is implemented, however, the Town could see a decrease in ridership of up to 10%.

Based on the above options, Staff recommends continuing to fund Circuit through FY 2025 from the Town's budget while awaiting the outcome of the third amendment to the surtax inter-local agreement. The amendment is expected to include microtransit as an eligible program for surtax funding.

Mayor Malkoon recognized Town Manager Connors and Assistant to the Town Manager Easley for their advocacy on behalf of the amendment to the inter-local agreement. Town Manager Connors advised that Broward County Commissioner Lamar Fisher, who represents the Town, has indicated that he understands the issue and is working to ensure that surtax revenue can at least partially cover the cost of Circuit.

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Commissioner Poulopoulos advised that his intent is to be frugal with taxpayer money in the current fiscal year. He cited his vote against the 75th Anniversary Garden as an example. He also did not believe the Town should fully fund Circuit, and asserted that even if surtax funding becomes available for microtransit, cancellation rates might decrease significantly if the Town charges a minimal fee for rides to subsidize the program. He concluded that the Commission should look closely at this option.

Mayor Malkoon commented that improvements to service can be expected if a fee is charged, including better response time.

Vice Mayor Strauss stated he was not in favor of charging a fee and felt the Town should make a greater effort toward securing surtax funding for microtransit. He suggested that because there are incidents of “no-shows” in Circuit ridership, the Town may wish to consider implementing a fee to discourage individuals from requesting service and then not using it. He concluded that he was also not in favor of seeking advertising revenue.

Mayor Malkoon asked if Staff had seen any municipalities which use Circuit that charge a cancellation fee. Town Manager Connors replied that Circuit does not currently have the ability to charge this type of fee, although the Town may request that they consider adding it.

Commissioner Graziano asked if Circuit is able to charge in advance for a reservation. Alana Wortsman, representing Circuit, explained that the Circuit mobile app is not programmed to accept charges for reservations. She continued that Circuit recently implemented fares in its West Palm Beach coverage area because the demand was significantly higher than the supply. Implementing fares helped lower cancellation rates as well as wait times. Because supply and demand are not an issue in Lauderdale-By-The-Sea, however, the best option for microtransit would be use of surtax funding.

Ms. Wortsman added that Circuit could implement promotional codes if, for example, Town businesses wish to subsidize a certain number of rides. It is also possible to use promotional codes to make rides free to Town residents. Town Manager Connors clarified, however, that this code would need to be changed regularly.

Commissioner DeNapoli observed that Circuit, in contrast to the Pelican Hopper, has significant ridership, although it does not qualify for surtax funding at present. He suggested that the Town would not lose anything by implementing a promo code for use

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by residents while charging riders who do not have that code for service. He was not in favor of advertising.

Mayor Malkoon asked if there would be a way to create areas or zones on a map in which rides would be free to riders being picked up in those specific areas. Ms. Wortsman confirmed that the zone feature can be implemented in different ways.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Graziano, to approve the renewal of Circuit with a \$2 per passenger fee and no advertising. Motion carried 3-2 (Vice Mayor Strauss and Commissioner DeNapoli dissenting).

Town Manager Connors advised that she would discuss this change further with Ms. Wortsman and bring additional information, including a recommended time frame for implementation, back to the next Commission meeting.

c. Friday Night Music

At this time Mayor Malkoon opened public comment.

Chris Vincent, resident, explained that he had been Mayor at the time the Commission engaged in its initial dialogue regarding the Friday Night Music Series. He had been in favor of having businesses participate in those events by helping to finance them.

Mr. Vincent stated that he has since reconsidered this issue, taking the history of the Friday Night Music Series into consideration. The events have become very popular over time, and the Town earns significant revenue from parking at these events, as do businesses that provide outdoor dining.

While only a handful of businesses are being asked to partner with the Town to fund the Friday Night Music Series, the events benefit all Town businesses as well as residents. The businesses asked to provide funding toward the events are also paying an outdoor dining fee to the Town. Mr. Vincent concluded that he has changed his mind regarding how to pay for the Friday Night Music Series and the Town should continue to fund these events based on what they provide to the community.

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

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Mayor Malkoon provided a brief review of previous discussions of this issue, recalling that there were five Friday Night Music Series events in 2024, with a sixth event planned but cancelled due to weather. The Town funded these events. A business owner then secured a contribution of \$15,000 from a vendor, which was provided to the Town for the 2024 events. Not all businesses participated as they had indicated they would.

Mayor Malkoon continued that the Town's FY 2025 budget originally included five Friday Night Music Series events. This was reduced to three events following reconsideration of the original vote, as Commissioner DeNapoli had brought forward more accurate information on the previous Commission discussion. Tonight's discussion will determine whether the Commission chooses to add one or two additional events to the 2025 schedule.

Commissioner Pouloupoulos recalled that he had not been present at the previous meeting at which the Friday Night Music Series discussed at length. He stated that he had participated in the 2023 Commission discussion of how to fund these events, and had originally voted against the events being fully funded by the Town. Once the businesses had indicated willingness to contribute toward funding of the events, he had voted in favor of the Friday Night Music Series.

Commissioner Pouloupoulos expressed concern that at least three planned 2025 events will be fully funded by taxpayers, stating that he may have voted against that decision had he been present. He pointed out that 100% of the costs of the original events were paid for by businesses, which eventually became a division of costs between the businesses and the Town in 2024 and now includes at least three guaranteed Town-funded events.

Commissioner Pouloupoulos emphasized the need for frugality, asserting that there are more important issues on which the Commission should focus than entertainment. He felt the businesses should work together to fund any additional concerts, and noted that no representatives of the businesses in question have come forward to discuss the issue further. He concluded that while he would approve a permit for additional business-funded events, he did not understand why no one from the businesses had come forward to participate in the Commission's discussions.

Commissioner Pouloupoulos added that he was also concerned with the early hour at which setup for the events begins, recalling that previous events did not require setup to begin at 1 p.m. This affects many of the Town's retail businesses in the area, as it

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decreases pedestrian traffic to those stores. He also noted that not all businesses have communicated to him that they are in favor of the Friday Night Music Series, and not all Town businesses prosper from the events. He recommended looking into later setup for the three planned events.

Town Manager Connors explained that Staff has discussed the setup with Public Safety entities, who indicated that an early setup time was necessary in order to properly erect the stage and ensure there are no parked cars in the area. The setup has been pushed back as far as the Town feels possible.

Peggy Mohler, owner of the Aruba Beach Café, recalled that street closures for setup had originally been implemented to ensure no cars were parking in the event area. She pointed out that there is currently no parking on A1A, and felt that street closures could begin at 3 p.m. rather than 1 p.m., as the 1 p.m. closure affects restaurants' lunch business. She also noted that the company paid to construct the stage can do so very quickly.

Mayor Malkoon advised that Staff will look into this recommendation and determine whether the setup time can be reduced.

Deputy Town Manager/Public Works Director Ken Rubach explained that the stage currently used for the Friday Night Music Series is larger than the stage used in previous years. He also noted that if the setup is delayed until 3 p.m., the Town would most likely be paying increased costs, including overtime. He confirmed that Staff will look into the possibility of later setup.

Mayor Malkoon asked if setup could be accomplished after the lunch hours in order to minimize the impact on restaurants. Deputy Town Manager/Public Works Director Rubach noted that setup currently begins at 1:30 p.m. and it may be possible to delay setup until 2 p.m., but reiterated that there may be additional costs.

Town Manager Connors suggested that the start time for the event could be pushed back to 7 p.m., but noted that the current process is based on recommendations made by Public Safety entities.

Vice Mayor Strauss commented that he was in favor of adding two more events to the Friday Night Music Series, as well as the Town funding the three events currently planned in 2025. He felt the events serve residents, businesses, and visitors, pointing

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out that hotel space is often booked by eventgoers. He concluded that it was ridiculous to continue arguing over the addition of more events which would benefit the Town.

Commissioner Graziano stated that he had visited every business in the Commercial District with the intent of determining what they wanted, but had not spoken to any representatives of those businesses. He also noted that public comment had indicated a concern with the timing of the events' setup.

Commissioner Graziano concluded that he was not in favor of funding events that would allow businesses to make more money that would not be used to help pay for those events.

Commissioner Pouloupoulos stated that he had not been aware that the start time for the Friday Night Music Series was 6 p.m., and questioned the choice of this time rather than a later hour. Town Manager Connors clarified that the event runs from 6 p.m. to 10 p.m.

BSO Captain Wesolowski addressed public safety, recalling that when the concert stage was moved to Commercial Boulevard, setup became more complicated than it had been for previous events. Traffic must be diverted to accommodate the event space, which requires a Maintenance of Traffic (MOT) plan to change the traffic pattern, post signs, implement barricades, and take any other necessary steps for safety. He recalled that when the event was originally held by the businesses, it had been easier to stage, as there were fewer roadways which required closure or diversion.

Commissioner Pouloupoulos suggested that the start time be moved to 7 p.m. He concluded that he did not want to spend additional taxpayer money on the events, as three events have already been planned without any financial commitment by the businesses.

Town Manager Connors clarified that four different businesses have pledged \$500 each toward the 2025 Friday Night Music Series. While the amount was not large, she felt it should be recognized.

Vice Mayor Strauss recalled that the Commission has seen statistics of the additional parking revenue realized by the Town on the nights when Friday Night Music Series events are held. He estimated that this had produced an additional \$3000 per event.

Commissioner Graziano stated that he did not feel an additional \$3000 per event was meaningful when the Town is subsidizing the parking spaces in question. He added that

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the lots were not purchased and developed for the purpose of earning extra income during community events.

Vice Mayor Strauss asserted that the Town is a municipality and not a business, and is intended to serve its residents rather than make a profit.

Mayor Malkoon clarified that a motion would be necessary if the Commission wished to change the number of planned events.

Vice Mayor Strauss made a motion to approve two more events. [The motion died for lack of second.]

Vice Mayor Strauss made a motion to have one more event for a total of four. [The motion died for lack of second.]

Mayor Malkoon confirmed that this meant there would be no change to the number of currently planned events.

13. NEW BUSINESS

a. Special Event Application: Feast of the Holy Epiphany 01.06.25

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve.

Town Manager Connors advised that this Item included a recommendation for the Commission to consider waiving the fees associated with the Special Event Application. It was clarified that the **motion** included the waiver of these fees.

Motion carried 5-0.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano thanked all who attended the recent Founders Day and Veterans Day events, and recognized Town Staff and PBFR for their assistance.

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Commissioner DeNapoli noted that residents of Lauderdale-By-The-Sea had passed a ballot initiative which would move Town elections from March to November. Over 89% of voters were in favor of this initiative. He pointed out that this change would both increase voter participation and save the Town money on its elections.

Commissioner DeNapoli added that one difference between the Commission discussions of the 75th Anniversary Garden and the Friday Night Music Series was that no one had objected to the inclusion of the garden during the Commission's budget meetings, while there had been lengthy discussion of the Friday Night Music Series during those meetings.

Commissioner DeNapoli also congratulated Staff on their work in making the recent Veterans Day event a success.

Vice Mayor Strauss recalled that at the October 22, 2024 Commission meeting, the issue of the Friday Night Music Series was brought up in a procedural manner. He had not taken issue with how the events were brought up; however, he did not believe the discussion should have been voted upon at that time without providing an opportunity for residents to express their opinions.

Vice Mayor Strauss read the following statement into the record at this time:

"As a member of this Commission, we are all here with a shared purpose to serve in a way that respects the voices, time, and trust that our citizens and stakeholders place in us. We have a commitment to transparent decision-making, thoughtful deliberation, and the best interests of all. I am concerned regarding the use of procedure in our last Commission meeting to expedite decisions without sufficient time to review.

"I am concerned that recent decisions have limited the Commission's ability to fully review and consider key issues and opinions of our community and the stakeholders. I think that when procedural tactics are used to expedite decisions without full transparency or time to reflect, it undermines our commitment to thorough, inclusive decision-making. I believe we do more harm when we rush into decisions without adequate reflection, both in terms of Board or Commission integrity and stakeholder trust. Rushed decisions, particularly on important matters, can lead to unforeseen consequences, erode trust, and set a precedent for bypassing collective input. Taking time to consider all viewpoints ensures

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better outcomes for our community and builds confidence among those we serve.

“To uphold our standards that I have been part of for the last six years, I propose that we establish a minimum review period for significant issues to ensure everyone has an adequate time to understand and contribute to each decision. This would reinforce our dedication to transparency and accountability.”

Vice Mayor Strauss concluded that he planned to ask the Commission to consider this proposal for possible action in the near future.

Mayor Malkoon recalled that following the October 22, 2024 meeting, the Town hosted Broward County Commissioner Lamar Fisher and other District Mayors for a breakfast event, and recognized the work of Town Staff in making this event a success. He also complimented recent community events including Founders Day and Veterans Day.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- b. RESOLUTION 2024-50 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AUTHORIZING A REVOLVING LINE OF CREDIT AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,000,000 TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA TAXABLE REVENUE NOTE, SERIES 2024, FOR THE PURPOSE OF FINANCING EXPENSES RELATED TO NATURAL DISASTERS INCLUDING HURRICANES AND OTHER EMERGENCIES OF THE TOWN AND PAYING COSTS OF ISSUANCE NECESSARY AND INCIDENTAL THERETO; APPROVING THE FORM OF REVENUE NOTE, SERIES 2024, AND A REVOLVING LOAN AGREEMENT; PROVIDING OTHER DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.**

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

Director of Budget and Finance Lucila Lang recalled that the Commission had requested the establishment of the line of credit at a previous meeting. Staff had brought back information at the October 22, 2024 meeting, at which time additional questions arose.

One question had addressed whether the bank offered margining or portfolio lending. The bank responded that both of these activities are available only to individuals, not to municipalities. The second question was whether or not the Town was required to pay documentary stamps and an intangible tax. It was clarified that municipalities are exempt from paying either of these.

Director of Budget and Finance Lang requested Commission direction to Staff on how to proceed after tonight's meeting. The Town Attorney's Office has already drafted the necessary documents if the Resolution is approved tonight.

Mayor Malkoon stated that the Town's reserve funds would be insufficient to meet the Town's needs in the event of an emergency, and advised that he saw no difference between a \$2 million and a \$4 million line of credit as far as costs were concerned. The debt would not incur any costs unless it is used, which would require Commission approval.

Commissioner DeNapoli noted that the \$4 million line of credit carries a one-time fee of \$12,500. He had also asked if this is a standard fee, to which the bank indicated it was the standard rate for that type of line of credit. The line of credit is good for five years. He concluded that the issue has been thoroughly vetted and he was in favor of moving forward.

Commissioner Poulopoulos also felt the line of credit would serve as a strong safety net and the one-time fee would be money well spent. He was also in favor of the line of credit.

Vice Mayor Strauss made a motion, seconded by Commissioner DeNapoli, to proceed as stated for the \$4 million safety net and the fee of \$12,500.

It was clarified that the \$12,500 fee must be paid up front, as it covers legal counsel fees.

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Motion carried 5-0.

c. RESOLUTION 2024-51 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A ROW AGREEMENT WITH FLORIDA POWER & LIGHT FOR THE UNDERGROUND CONVERSION OF CERTAIN OVERHEAD ELECTRIC DISTRIBUTION FACILITIES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Development Services Director Jhanelle Campbell stated that this Resolution authorizes a right-of-way agreement between the Town and Florida Power and Light (FPL) to convert overhead electrical lines to underground lines on Seagrape Drive. A developer is constructing duplexes on Shore Court and had requested that power lines be buried between these buildings; however, the request was denied by FPL, which is requiring the lines to be placed along Seagrape Drive within the Town's right-of-way due to the denial of an easement by a nearby property owner.

At the September 19, 2024 Commission meeting, the Commission approved the agreement with FPL to proceed with the underground installation along Seagrape Drive. Resolution 2024-51 authorizes the Town Manager to execute the conversion agreement with FPL and also allows for minor modifications to the agreement, subject to Town Manager and Town Attorney approval.

The agreement holds the Town responsible for the costs related to conversion and future relocation of the power lines. Resolution 2024-60 is a companion Resolution which would require the developer to reimburse the Town for all associated costs, including agreement preparation, execution, permanent easement and legal costs, relocation and rearrangement expenses, construction and excavation protection of underground facilities, and legal fees for enforcing the agreements' terms. If approved, Resolution 2024-51 would take effect upon final approval.

Companion Resolution 2024-60 was read into the record at this time so the two Items could be discussed together and voted upon separately.

d. RESOLUTION 2024-60 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A DEVELOPER AGREEMENT WITH SKY 360 DEVELOPMENT, LLC. FOR THE

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REIMBURSEMENT OF COSTS INCURRED AND ASSOCIATED WITH THE UNDERGROUND CONVERSION OF CERTAIN OVERHEAD ELECTRIC DISTRIBUTION FACILITIES WITHIN THE TOWN'S ROW; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE DEVELOPER 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.

Commissioner Graziano stated that he did not like having FPL dictate what is necessary for these improvements to the Town, nor was he in favor of the developer having to pay for the improvements. He asked that Staff look into any options the Town may have in the future to prevent similar situations.

Vice Mayor Strauss made a motion, seconded by Commissioner DeNapoli, to approve Resolution 2024-51. Motion carried 5-0.

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve Resolution 2024-60. Motion carried 5-0.

e. RESOLUTION 2024-52 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH JANICE M. RILEY INC. DBA THE PAVING LADY FOR PAVEMENT RESURFACING SERVICES UTILIZING THE TERMS AND CONDITIONS OF THE AVENTURA CONTRACT AWARDED PURSUANT TO INVITATION TO BID NO. 20-03-19-3; 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 advised that this Resolution addresses part of the Town's FY 2025 CIP, including three streets which were selected for this year's paving program. These are Ocean Mist from Bel Air to Blue Water Terrace North, Sailfish from Bel Air to Blue Water Terrace North, and West Terra Mar Drive from South Terra Mar Drive to the Town limit just north of Cypress Creek.

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Deputy Town Manager/Public Works Director Rubach noted that two catch basins with exfiltration pipe will be added on West Terra Mar Drive at the intersection with Seaward. While this will not mitigate all the flooding issues at that location, it is expected to help in the event of nuisance storms.

The Town has previously executed another piggyback agreement with the contractor, who worked on several sidewalk projects as well as paving and patching on El Mar Drive and the Downtown area.

The streets chosen for this year's CIP are based on the original pavement condition study conducted by the Town, as well as the Deputy Town Manager/Public Works Director's assessment of the roadways.

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

f. Continuing Professional Services Contracts

It was determined that these Items would be presented together, along with the opportunity for public comment, and voted upon separately.

RESOLUTION 2024-53 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH FLYNN ENGINEERING SERVICES, P.A. PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

RESOLUTION 2024-54 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BAXTER & WOODMAN, INC. PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ENGINEERING AND TRAFFIC ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

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RESOLUTION 2024-55 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ENGINEERING, LANDSCAPE ARCHITECTURE, AND TRAFFIC ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

RESOLUTION 2024-56 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH CAULFIELD & WHEELER, INC. PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ENGINEERING, LANDSCAPE ARCHITECTURE, SURVEY AND MAPPING, AND TRAFFIC ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

RESOLUTION 2024-57 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH CARNAHAN, PROCTOR, AND CROSS, INC. PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ENGINEERING, LANDSCAPE ARCHITECTURE, SURVEY AND MAPPING, AND TRAFFIC ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

RESOLUTION 2024-58 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WALTERS ZACKRIA ASSOCIATES, PLLC PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ARCHITECTURE SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.

RESOLUTION 2024-59 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HITCHCOCK

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**DESIGN GROUP INC. PURSUANT TO REQUEST FOR
QUALIFICATIONS NO 2024-07-01 FOR CONTINUING PROFESSIONAL
LANDSCAPE ARCHITECTURE SERVICES; PROVIDING FOR
AUTHORIZATION, IMPLEMENTATION, AND AN EFFECTIVE DATE.**

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

Deputy Town Manager/Public Works Director Rubach recalled that in September 2024, Staff ranked its certified professional agreements as required by State Statute. 12 firms applied for the ranking, and the firms named in the above Resolutions were the top seven firms recommended. The Commission then instructed the Town Manager to negotiate contracts with these firms, which are only paid when the Town uses their services for projects of appropriate costs.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve Resolution 2024-53 for Flynn Engineering Services. Motion carried 5-0.

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to approve Resolution 2024-54 for Baxter and Woodman. Motion carried 5-0.

Vice Mayor Strauss made a motion, seconded by Commissioner DeNapoli, to approve Resolution 2024-55 for Kimley Horn and Associates. Motion carried 5-0.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to approve Resolution 2024-56 for Caulfield and Wheeler. Motion carried 5-0.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Graziano, to approve Resolution 2024-57 for Carnahan, Proctor, and Cross. Motion carried 5-0.

Vice Mayor Strauss made a motion, seconded by Commissioner DeNapoli, to approve Resolution 2024-58 for Walters Zackria and Associates. Motion carried 5-0.

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Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to approve Resolution 2024-59 for Hitchcock Design Group. 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 10:12 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

1/15/2025 | 2:57 PM EST

Date