



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, April 8, 2025
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, Town Attorney Susan L. Trevarthen, Director of Budget and Finance Lucila Lang, Assistant Director of Budget and Finance Edner St. Jean, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. 2025 Arbor Day Proclamation

Mayor Malkoon read a Proclamation recognizing Friday, April 25, 2025 as Arbor Day in Lauderdale-By-The-Sea.

b. Child Abuse Prevention Month Proclamation

Mayor Malkoon read a Proclamation recognizing April 2025 as Child Abuse Prevention Month in Lauderdale-By-The-Sea.

c. El Prado Park Update

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Deputy Town Manager/Public Works Director Ken Rubach reported that on February 28, 2025, Hitchcock Design Group held a community meeting to gather input on proposed renovations for El Prado Park. Staff also made a survey available to residents through social media and a QR code. 128 responses were received and have been incorporated into potential designs.

Immediately prior to tonight's Commission meeting, the Town held a second residents' meeting to discuss the proposed concepts. Alex Fenech, representing Hitchcock Design Group, briefly reviewed the responses from the survey and meeting, which indicated the following:

- Most residents visit the park for passive uses
- 30% of respondents requested no changes/retention of existing features
- Suggestions included bike racks, a water feature, public art, shade structures, synthetic turf, game options, drinking fountains, a children's playground, and wifi and electrical access

Mr. Fenech noted that the Hitchcock team prepared samples of images that are consistent with the Town's preferred architectural style of Mid-century Modern, as well as potential programmatic aspects. They worked closely with Town Staff to develop two concepts for the park, which he reviewed for the Commission.

Mr. Fenech concluded that the resident meeting immediately preceding tonight's Commission meeting indicated that most residents preferred Concept A but reacted positively to both options. He requested Commission direction on how to proceed toward final consensus on a design.

Deputy Town Manager/Public Works Director Rubach clarified that the estimated budget for El Prado Park improvements is approximately \$1 million, of which the Town currently has \$775,000 in the Capital Improvement Program. Staff is also looking into the possibility of grant funds. The estimated delivery date for the project would be nine months.

Mayor Malkoon spoke in favor of Concept B, which features a Mid-century Modern pavilion design as well as a low water feature at the park entrance. Commissioner Pouloupoulos also favored Concept B, but asked if the Farmers Market would still be able to use the sidewalks to move its materials. Deputy Town Manager/Public Works Director Rubach confirmed this, adding that the fountain could be shut off during Farmers Market hours.

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Commissioner Pouloupoulos added that he was in favor of natural rather than synthetic turf throughout the park.

Vice Mayor Strauss commented that he preferred Concept A, although he was pleased with both options. He suggested that a below-grade fountain could allow for alternative use of its square footage, and recommended a slight change in grade which would slope toward the ocean.

Commissioner DeNapoli also preferred Concept A and was not in favor of a water feature or stepped platform. He recommended retaining ocean views and the current architectural shade structure, noting that a majority of respondents indicated they would not like to see significant changes to the park.

Commissioner Graziano stated that he preferred Concept B, which would enhance the park without changing it. He recommended caution if a hammock area is installed.

At this time Mayor Malkoon opened public comment.

Marc Pearson, resident, recommended against a hammock grove, and concluded that street views should remain as open to the water as possible.

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

Mayor Malkoon summarized Commission consensus in favor of Option B, with the potential option of a fountain. Commissioner Pouloupoulos requested that different fountain concepts be presented when the team comes back before the Commission.

Mr. Fenech concluded that he would bring a more refined version of Concept B back to the Commission's May 6, 2025 meeting.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Barbara McGuinness, president of the Lauderdale-By-The-Sea Garden Club, thanked the Commission for its Arbor Day Proclamation, and invited all residents to attend an

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upcoming tree planting event. The Garden Club has been in existence for 70 years and appreciates the longtime support of Town Staff.

Marc Pearson, resident, briefly reviewed concerns expressed the previous year regarding a house under construction in his neighborhood. He had felt plans for the property were in violation of Town Ordinances and filed appeals which were determined to be submitted too late.

Mr. Pearson advised that following further research, he believes several of the Town's single-family residences are in similar violation of Town Ordinances. He planned to continue submitting Freedom of Information Act (FOIA) requests to review plans and file appeals.

Kym Miranda, president of the Bel Air Civic Association, reported that a resident of the Bel Air neighborhood experienced a carjacking the previous day. She encouraged all residents to be vigilant and aware of their surroundings. She also advised that all Bel Air residents are in favor of burying power lines in that neighborhood, as some wooden poles have caught fire in the past.

Ellen Dunne, resident, noted that a house at 230 Pine Avenue has remained vacant for several years, and expressed concern for the safety of nearby residents. She asked if there is a process by which the Town could have the structure demolished.

Tim Crawford, resident, expressed concern with traffic on Algiers Avenue. He requested feedback from the Town on how this traffic might be slowed and/or minimized without implementing the traffic divider recently proposed in an online survey, as residents are not in favor of that option.

Matt Hoffman, resident, also requested that the Town consider burying power lines in the Bel Air neighborhood, noting that wooden poles can catch fire.

Kelly Byron, resident, stated that she represents 16 townhome owners on Poinciana Street. She also expressed concern with "cut-through" traffic in that area, and requested that the Commission consider alternative traffic calming measures such as speed bumps or enhanced enforcement.

Carolyn Foster, resident, also requested consideration of traffic calming options in the North Silver Shores neighborhood, as the proposed divider would negatively affect residents of that community and did not address roadways other than Seagrape Drive.

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Denise Ingrao, resident, also addressed traffic calming in North Silver Shores, stating that the divider would be more of an inconvenience to residents than a traffic calming measure. She suggested that a greater law enforcement presence could be helpful.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors introduced new Assistant Development Services Director David Lee, formerly of CAP Government.

Town Manager Connors encouraged residents to attend the Town's visioning workshops, the first of which was held at the end of March. Residents were asked to provide their thoughts on what they hope the Town may look like in the future. The next workshop is scheduled for April 22, 2025 at 5 p.m., and a survey is available online.

There were over 130,000 new users and more than 344,000 views to the Town's website, with the most popular pages being Circuit-By-The-Sea, the Town calendar, and the agendas and meetings page.

The Broward League of Cities will hold its 68th annual gala at the Margaritaville Resort on June 7, 2025. Town Manager Connors requested Commission direction regarding their preferred level of sponsorship. It was determined that the Town would retain its \$5000 sponsorship level for a table of 10, which is in the current budget.

Town Manager Connors recalled that earlier in the year, the Commission voted to recommend implementation of a fare for Circuit use, which began at \$2/ride in mid-January 2025. Thus far, the Town has collected slightly over \$10,000 through March 3, 2025. Ridership reached 11,000 in February 2025, with average wait times of 10-11 minutes. Peak demand hours are 5 p.m. through 7 p.m. on Fridays. To reduce wait time, the Town would need roughly 10 vehicles rather than its current three.

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Town Staff has asked Circuit to look into the potential cost of adding a part-time vehicle during peak hours only. Another option is providing cars as well as smaller vehicles, asking Fort Lauderdale to absorb more of the costs, and looking into grant opportunities.

Mayor Malkoon commented that he would like to see the percentage of rides that originate from the Galt Ocean Mile or the Coral Ridge Mall, both of which are in Fort Lauderdale. Town Manager Connors advised that while some pickups occur on the Galt Ocean Mile, the most frequented destinations are in Lauderdale-By-The-Sea. The requested information will be sent to the Commissioners and posted on the Town's website.

Town Manager Connors continued that the Town's regular Easter event is scheduled for Saturday, April 19, 2025 from 9 a.m. to 11 a.m. in Friedt Park. A new event, Movies in the Park, is scheduled for Friday, April 11, 2025 in El Prado Park, beginning at 6 p.m. This event will include a movie, complimentary popcorn, and themed entertainment.

The U.S. Travel Association's International Passenger Week (IPW) conference will be held in Fort Lauderdale in 2026 and will host officials from 60 different countries, with an estimated economic impact of over \$14 billion over the next few years. Events and Marketing Manager Katie Anderson is a member of the preliminary planning committee for this event and is working to determine how the Town, and organizations such as the Merchants Association, Chamber of Commerce, and Lodging Association, can be included in this program.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen reported that there is significant activity in the Florida Legislature with respect to the preemption of municipal home rule. Many of the amendments filed in relation to the Live Local Act are currently active in committees. The Town remains engaged through its lobbyist team and is monitoring this activity.

10. APPROVAL OF MINUTES

a. Approval of Minutes for March 11, 2025

Vice Mayor Strauss made a motion, seconded by Commissioner DeNapoli, to approve the minutes of March 11, 2025. Motion carried 5-0.

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11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Commissioner Graziano's Request to Adopt a Resolution to Include Lauderdale-By-The-Sea on the List of Eligible Municipalities for Undergrounding Utilities

Commissioner Graziano stated that Florida Power and Light (FPL) publishes guidelines for the undergrounding of power lines, and copies are available at tonight's meeting. The Florida Public Service Commission, which is a state entity that is intended to serve as a partner to FPL, balances the needs of the utility and its shareholders with the needs of consumers. He felt that entity should more accurately represent consumers, and emphasized the need to bury power lines in the Town's neighborhoods, recalling instances of concern such as power outages, poles catching fire, and transformers failing.

Commissioner Graziano continued that he would like the Town's vulnerable neighborhoods to be included in Florida's Storm Secure Underground Program (SSUP). Neighborhoods in this program are selected by FPL and approved by the FPSC.

Commissioner Graziano recalled that the previous week, feeder lines were extended over the bridge into the Terra Mar neighborhood. He stated that Terra Mar, Bel Air, and other vulnerable neighborhoods can now bury their lateral lines. There are no up-front costs associated with SSUP.

Commissioner Graziano asked that the Commission support the request that some Town neighborhoods be considered for eligibility in the SSUP. Another alternative is that the municipality itself may pay for this service. He noted that he has been unable to place these neighborhoods on the eligibility list thus far, and requested clarification of why they may not be eligible if that is the case. Adjacent municipalities including

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Pompano Beach, Lighthouse Point, and Fort Lauderdale have neighborhoods which are eligible for the program.

Mayor Malkoon thanked Commissioner Graziano for bringing this issue forward, noting that he has pursued this effort on behalf of vulnerable neighborhoods in Lauderdale-By-The-Sea since his campaign for office. He clarified that the Resolution associated with this Agenda Item states the Town would like its vulnerable neighborhoods to be included in the SSUP.

Christine Shaw, External Affairs Manager for FPL, explained that since 2016, FPL has invested significantly in the hardening of many of its major lines across service areas throughout Florida. The recently adopted undergrounding program considers neighborhood power lines as one aspect of its storm protection initiative.

Ms. Shaw continued that FPL and FPSC annually assess the vulnerability of all neighborhoods across the state, prioritizing the most vulnerable neighborhoods for addition to the program. They plan to hold a meeting in May 2025 with undergrounding and storm hardening staff, as well as Commissioner Graziano, representatives of the Town's homeowners' associations, State Representative Chip LaMarca, and State Senator Jason Pizzo, to discuss concerns about hardening in vulnerable areas and to discuss options.

Dr. Michelle Saunders, also representing FPL, advised that the lateral hardening program known as SSUP is one of several initiatives in the current 10-year storm protection plan. This plan is regularly reviewed by the FPSC. The program takes a data-driven approach to identify where hardening initiatives and investments should be made. Data includes previous named storms, vegetation outages, and other reliability information over a rolling 10-year period.

Dr. Saunders explained that there are 27,000 miles of existing lateral lines, which means it would take decades to harden all lines for the neighborhoods served by FPL. The SSUP prioritizes projects in a fair and objective manner. According to the most recent data assessment for Lauderdale-By-The-Sea, the feeder lines serving its neighborhoods are performing well in comparison to others throughout the state.

The FPSC-approved criteria for prioritization focus on areas with the lowest reliability. While the Town's neighborhoods are eligible for the program, other areas are performing more poorly and are at a higher priority.

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Mayor Malkoon requested clarification of the hardening activities already undertaken or underway by FPL in Lauderdale-By-The-Sea. Kasey Raymo, Engineering Lead for North Broward power delivery, recalled that the first storm hardening program followed Hurricane Wilma and upgraded feeder lines and increased wire size. This program has already been completed.

Ms. Shaw noted that some communities, such as neighborhoods in Pompano Beach, chose to pay for the undergrounding of their lines.

Commissioner Graziano asked why a municipality such as Pompano Beach would choose to pay for the burial of its lines when they are eligible for the SSUP. Dr. Saunders explained that some neighborhoods do not want to wait on the list.

Ms. Shaw further explained that since 2006, FPL has invested in the hardening of its infrastructure throughout Florida. Dr. Saunders added that the hardening initiative discussed with Commissioner Graziano is specifically for lateral lines; feeder lines are also being hardened as part of a separate program.

Commissioner Graziano emphasized the importance of planning for the Town's communities by ensuring they are on the SSUP scheduled list, even if burial of their lines would not be completed for some time. Dr. Saunders advised that when a neighborhood is on the immediate list, the utility meets with those neighborhoods typically 12 to 18 months in advance of the project's beginning.

Vice Mayor Strauss requested clarification of the term "hardening." Ms. Raymo explained that hardening the feeder and lateral lines are two different issues. In reference to feeder lines, it may include upgrading from wooden to concrete poles and upgrading wires to a larger size that can withstand a greater wind load.

Vice Mayor Strauss asked how the priority of replacing wooden poles with concrete is determined, noting that some of the Town's wooden poles appear to be leaning. Ms. Raymo advised that this is a subjective decision based on the condition of the wood. Residents may contact FPL to inform them of leaning or damaged poles.

Vice Mayor Strauss also asked how hardening would address lateral lines. Dr. Saunders replied that this includes undergrounding the lines that extend to homes. Ms. Raymo advised that lateral lines extend from the feeder backbone on A1A. The SSUP buries lines that extend from weatherheads to poles. The feeder backbone would not be placed underground, although lines extending from it would be buried.

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Vice Mayor Strauss asked if, should laterals be buried in a given neighborhood, residents would still see feeder poles on the roadway. Ms. Raymo stated that the lateral power lines would be buried, although the poles would remain for use by other utilities.

Vice Mayor Strauss noted that when lateral lines are buried, there may be boxes in front of some homes in the neighborhood. Dr. Saunders explained that a design team determines the load for each property; based on that load, the number of transformers required for the design to be successful is determined. During the outreach process, the team shares conceptual designs with property owners for the proposed location of transformers. She emphasized the voluntary nature of the program, pointing out that the placement of transformers in a neighborhood is important to the program's success.

Vice Mayor Strauss requested additional information on the option of municipalities or neighborhoods undertaking their own undergrounding projects. Ms. Shaw replied that these costs depend upon the scope of work for each area. This undergrounding is separate from SSUP and typically includes telecommunications as well as power lines. An individual homeowner could pay for the burial of their own line if they wish; if an entire community wants to bury its lines, the utility must ensure that the whole community is on board with the work and its costs.

Ms. Shaw continued that undergrounding an individual home would also include the separate cost of an electrician to convert the meter from overhead to underground. From FPL's perspective, the cost of a single home would be approximately \$1000.

Commissioner Pouloupoulos asked if the SSUP is controlled by FPL or the FPSC. Dr. Saunders explained that SSUP was approved by the Florida Legislature and its criteria were approved by the FPSC. Its criteria are based on data collected over a rolling 10-year period, which is submitted to the FPSC and used to determine the neighborhood's priority.

Commissioner Pouloupoulos also asked if there is any portion of an individual's monthly FPL bill that is used toward hardening or similar programs. Dr. Saunders advised that the SSUP is a statewide program that is included on all residents' bills. All hardening initiatives, including both lateral and feeder hardening, pole inspections, and others, are reflected on bills.

Commissioner Pouloupoulos asked if FPL could provide an estimate of the potential cost of initiating underground conversion for the Town. It was confirmed that once Staff

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identifies the exact areas for which undergrounding is considered, FPL's undergrounding team can produce a ballpark estimate. It was also clarified that Pompano Beach's undergrounding project was funded by a bond.

Mayor Malkoon asked if FPL offers financing options for the costs of undergrounding. Ms. Shaw replied that they do not.

Commissioner DeNapoli commented that he felt FPL has a responsibility to meet the needs of the public, even if there is a cost to the company. He asked if the size of the wire on lateral lines is part of the issue. Ms. Raymo advised that wire size limits the load of households that can be placed on those wires.

Commissioner DeNapoli asked if FPL can estimate when the Town's neighborhoods might reach top priority on the SSUP list. Dr. Saunders replied that they cannot estimate this information at present. She added that the area served by the Town's feeder lines is currently performing very well in comparison to other locations in the state. This is reevaluated annually based on the previously mentioned criteria.

Commissioner DeNapoli also noted that Fort Lauderdale has a program for the undergrounding of utilities by which a community association may submit an application to the Planning and Zoning Department as well as to FPL. The application must be approved by the City Commission and then goes out to ballot measure, which requires a 70% favorable vote. If the vote is successful, properties are assessed and undergrounding can proceed for the neighborhood.

Commissioner DeNapoli also asked if the undergrounding of individual properties fully addresses any issues those households may experience, as they are still connected to a neighborhood grid that runs overhead. Dr. Saunders replied that the most common reason for outages is vegetation, which is alleviated by undergrounding. Town Manager Connors further clarified that all new construction requires undergrounding.

Ms. Shaw reiterated that while the Town's current eligibility status does not list them near the top of the SSUP list, this does not mean that status cannot change on a year-to-year basis. A storm or other major event that affects data could change their level of prioritization.

Commissioner DeNapoli asked if overhead utility lines remain after undergrounding work is complete. It was clarified that poles typically remain in the case of SSUP projects, while lateral lines are often removed if communities fund the work themselves.

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This may also depend upon whether the poles are owned by FPL or by another utility, and whether other utilities remain on the poles.

Deputy Town Manager/Public Works Director Rubach added that the process of removing poles cannot proceed until every utility has confirmed their lines have been removed from the poles. He noted that the 2021 costs for Pompano Beach's A1A undergrounding was \$1.4 million per mile.

Commissioner DeNapoli requested a ballpark estimate of the total cost of undergrounding for a neighborhood such as Bel Air or Terra Mar.

Commissioner Graziano thanked the FPL representatives on behalf of the Commission for the information they provided.

Town Manager Connors asked if the Commission wished to move forward with a Resolution requesting higher priority for the Town's neighborhoods within the SSUP. There was Commission consensus to proceed with the Resolution so the Town will be on record as interested in the SSUP. The Town will remain in contact with FPL for information on potential costs.

At this time Mayor Malkoon opened public comment.

Karen Sylvester, resident, thanked Commissioner Graziano for his efforts related to this Item. She advised that the Terra Mar neighborhood often experiences power outages, and was in favor of gathering information on the potential costs of hardening that area.

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

b. North Silver Shores Traffic Calming

Deputy Town Manager/Public Works Director Rubach recalled that residents of the North Silver Shores neighborhood had approached Town Staff regarding traffic issues in that community, including cut-through traffic and speeding. The Town's traffic consultant reviewed the area and confirmed that there is significant cut-through traffic on Washingtonia Avenue and Seagrape Drive, although speeding did not meet the threshold for the installation of deterrents such as speed humps.

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The Town is required to follow federal highway guidelines regarding action it may take on roadways. This poses a challenge, as it means some of the ideas proposed by residents could not be implemented. Deputy Town Manager/Public Works Director Rubach noted that the Town has a process which allows residents of a given street to petition for the installation of speed humps.

The Town put forth a survey which proposed trial use of a traffic diverter to help decrease cut-through traffic. Staff received 212 responses, 189 of which came from residents of the subject neighborhood. 76% of respondents were opposed to the diverter. Permanent speed signs have been ordered for the neighborhood's busier streets, and flashing lights and signage will be added to the crosswalk at Washingtonia Avenue and Seagrape Drive. Data did not support any proposed action for Tradewinds Avenue.

Commissioner DeNapoli requested additional clarification of the Town's policy regarding neighborhood installation of speed humps. Town Manager Connors explained that the policy was enacted to ensure a neighborhood is fully aware of and involved in the process for this installation. Speed humps are also subject to Commission approval if data has not demonstrated a need for them.

Deputy Town Manager/Public Works Director Rubach added that there are specific criteria required for the installation of multi-way Stop signs. The streets in the subject neighborhood do not reach the required vehicle count for this installation.

Deputy Town Manager/Public Works Director Rubach continued that a neighborhood that wished to install speed humps would need to do so on a per-street basis. Residents must also indicate they would be willing to have speed humps placed directly in front of their homes. Copies of this Town policy have been provided to some North Silver Shores residents, although there has been no response thus far.

Commissioner DeNapoli asked if speed radar signs could be implemented on some roadways, such as Tradewinds Avenue. Deputy Town Manager/Public Works Director Rubach advised that if the Town implements radar signs on streets with lower traffic counts, there will be more requests from other streets with lower traffic counts, which would become expensive. The signs are currently limited to major roadways, although their use is ultimately left to the Commission's discretion.

Commissioner DeNapoli asked if radar signs have decreased speeding in areas where they have been posted. Broward Sheriff's Office (BSO) Lieutenant Christopher Sutter

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recalled that these signs have been deployed on West Tradewinds Avenue in the past, where over 95% of vehicles were found to be within the speed limit. The data from these signs was similar to the data gathered by the neighborhood traffic study.

Commissioner Graziano stated that he would like to see East Tradewinds Avenue closed, although he acknowledged that this would have a significant effect on traffic. He suggested modifying the signal time of an arrow on Seagrape Drive so more cars would be able to make left turns, which could lessen cut-through traffic on East Tradewinds Avenue. Similarly, modifying the timing of a signal on A1A could allow more traffic to move through that intersection.

Commissioner Graziano noted that some streets in the Terra Mar neighborhood have installed speed humps using the Town's process. He advised that results are mixed after five years.

Deputy Town Manager/Public Works Director Rubach stated that he has reached out to the Florida Department of Transportation (FDOT) with respect to signal light timing, recalling that turn signals have been modified in the past after review of traffic volume.

Commissioner Pouloupoulos observed that he did not feel the issues in North Silver Shores would be alleviated unless residents choose to implement speed humps on specific streets. He suggested that removable speed humps could be installed.

Town Manager Connors advised that Staff would send a final letter to North Silver Shores residents to make them aware of forthcoming changes as well as the Town's speed hump policy.

An individual requested more information on how a petition for speed humps must be prepared and how it would be approved. Town Manager Connors replied that a link to the petition would be included in the letter to residents. The petition requires the support of 50% plus one of residents of a given street, all of whom must agree to requirements regarding the potential placement of speed humps. Town Staff will coordinate with residents once the petition has been submitted. Once the petition is approved, it will be placed on the Commission's Agenda for further consideration.

14. COMMISSIONER PRESENTATIONS

None.

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15. COMMISSIONER COMMENTS

Commissioner DeNapoli thanked Commissioner Graziano for bringing forward the issue of underground power lines for Commission discussion. He hoped there would be progress on this issue as well as on the traffic concerns in North Silver Shores, and wished all residents well for the upcoming holidays.

Commissioner Graziano recognized the Chamber of Commerce for the success of its recent fish fry and fashion show events. He reminded all present of the upcoming Easter Egg Hunt.

Vice Mayor Strauss also commented on the success of the recent Chamber of Commerce events, and encouraged residents to attend the upcoming Movies in the Park event as well as the Farmers Market. He suggested that the Farmers Market be extended by an additional month, and encouraged local businesses to advertise in *Town Topics*.

Mayor Malkoon reported that he attended the recent District 4 Mayors Meeting, hosted by Broward County Mayor Lamar Fisher, as well as the Broward League of Cities Board meeting. He and the Town Manager are working to resolve some of the issues facing Town residents.

Mayor Malkoon continued that bioswale planting is scheduled later this week. These plantings help filter runoff water and provide additional drainage. He also encouraged residents to attend upcoming community events and thanked the Chamber of Commerce for the fish fry.

16. ORDINANCES 1ST READING

- a. Ordinance 2025-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, “UTILITIES,” OF THE TOWN’S CODE OF ORDINANCES BY AMENDING ARTICLE II, “SANITARY SEWER SYSTEM,” SECTION 20-19, “RATES AND CHARGES”; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

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Deputy Town Manager/Public Works Director Rubach recalled that the Town is divided into two sanitary sewer system areas. The area north of Pine Avenue is owned by the city of Pompano Beach, which establishes rates for that system. The area south of Pine Avenue is owned by the Town, which pays Pompano Beach for the transportation of waste to Broward County's wastewater treatment plant.

The rates the Town pays for transportation and treatment of waste have increased significantly since the previous increases. These include a fixed rate, which has increased by 90% since fiscal year (FY) 2018, as well as a volumetric rate, which has increased by 45%.

In December of each year, the Town is typically informed of what the new costs will be from both Pompano Beach and Broward County. The 2023 notification predicted a volumetric rate increase of 14% and a fixed rate increase of 4%. This caused the Town to experience a deficit of \$184,000. This amount was paid from reserves.

If sewer rates are not increased, the Town would continue to draw on its reserves at a rate that could empty reserves within the next five years. This would mean no funds would be available in the event of an emergency.

Notification of rate increases was sent to residents on their most recent water bills as well as by postcard. The proposed new rates would take effect in May or June 2025. A single-family home's base rate would increase by \$2.95, bringing it to \$14.76. The consumption rate would increase by \$2.04 to \$8.84. The greatest increase to single-family homes would be approximately \$15 to \$20/month. Staff has not received any feedback on this issue from residents.

Deputy Town Manager/Public Works Director Rubach added that rate increases are likely to become an annual discussion in order to keep pace with provider increases, as Broward County plans to make upgrades to its treatment plant and Department of Environmental Protection (DEP) regulations become stricter in order to meet water quality standards.

Commissioner DeNapoli recalled that at the March 11, 2025 Commission meeting, it was confirmed that the current fund balance is invested in the highest-yield instrument possible. It was also discussed at that time that expenditures exceeded revenues in both 2023 and 2024. 20% of the wastewater budget is set by the Town, while the rest is set by Pompano Beach and Broward County.

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Deputy Town Manager/Public Works Director Rubach added that single-family homes' consumption rates max out at 10,000 gallons. If a home uses that maximum, their consumption rate would top out at roughly \$20 with the increase. The base rate increase would add another \$3 for a maximum rate of \$23, although most residents will not pay that amount.

Commissioner DeNapoli asked if the Town has to maintain reserves of the current nature, or if they may maintain a lower reserve amount. Deputy Town Manager/Public Works Director Rubach replied that the Sewer Fund is an Enterprise Fund, which means it must pay for itself. The reserves are maintained in order to sustain the operations of the Sewer Fund and allow any emergency repairs or replacements to pay for themselves. The reserves are currently less than one year's budget.

Deputy Town Manager/Public Works Director Rubach also noted that Fort Lauderdale has raised its water rates significantly to pay for their new water treatment plant. Businesses will see a base rate increase of \$2.95, as well as a consumption rate increase per 1000 gallons. The business consumption rate is not capped.

Commissioner DeNapoli asked if it is possible to phase in the increase to consumption rates over one to two years, as there is no requirement for the Town to maintain a specific amount in reserves. Deputy Town Manager/Public Works Director Rubach stated that at present, it is difficult to identify a time at which sewer rates will not need to be raised further; if the increase is delayed, it will most likely need to be raised even more significantly the next year.

Mayor Malkoon requested clarification of the need for \$1.4 million in reserves. Deputy Town Manager/Public Works Director Rubach explained that sewer issues are very expensive when they occur, and there is the chance that the Town may not have sufficient reserves to pay for emergencies if they occur.

Commissioner DeNapoli reiterated that he was in favor of increasing rates more incrementally and reducing reserves. He pointed out that the system operated at a deficit for two years before rates were raised. Deputy Town Manager/Public Works Director Rubach stated that the deficit in FY 2023 resulted from a drop in revenue. The rate increase was discussed internally after reviewing 2024 numbers as well as receiving the rate increase in December 2024.

Town Manager Connors added that Staff had hoped the Town could absorb the proposed increases, as they have not consistently occurred in the past; however, due to

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the current pattern of increases, they could not absorb more, particularly with the knowledge that Broward County will need to make repairs to its plant and will pass those expenses on to municipalities that use the plant.

Commissioner DeNapoli asked how much the proposed rate increases are expected to increase reserves. Deputy Town Manager/Public Works Director Rubach explained that it will not increase the reserves, but will return the Town to a level at which they can pay for operations without using reserve dollars.

Mayor Malkoon asked if using a system not owned by the Town was an option. Deputy Town Manager/Public Works Director Rubach replied that the Town may sell its sewer system if they wish. While this would mean reserves would no longer be needed, it would also mean the Town has no role in determining its rates. Staff may explore this option if that is the Commission's direction.

Commissioner Graziano commented that selling the water system to another municipality, such as Fort Lauderdale, would also result in more rate increases.

Mayor Malkoon requested clarification of the expenditures and improvements the Town has completed for its sewer system. Deputy Town Manager/Public Works Director Rubach replied that these included additional lining, sewer cleaning, and inflow and infiltration (I&I) testing.

Town Manager Connors noted that Ordinance 2025-03 will also require a second reading by the Commission if it is approved on first reading. She requested that second reading be scheduled on the April 22, 2025 Agenda in order to apply the rate increase in May.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve on first reading. Motion carried 3-2 (Commissioners DeNapoli and Pouloupoulos dissenting).

- b. Ordinance 2025-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS,” ARTICLE I, “IN GENERAL,” SECTION 5-7, “FISHING REGULATED; EXHIBITING FISH ON BEACH AND SPEARFISHING PROHIBITED,” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

Town Manager Connors explained that there has been an unusual increase in the number of fishermen who are surfcasting on the beach. Code allows this activity from 4 p.m. until 9 a.m. on weekdays and from 6 p.m. until 9 a.m. on weekends and holidays. While fishermen are not allowed to surfcast in proximity to swimmers, this can become an issue if they are on the beach before swimmers, which can result in conflict with morning beachgoers. Staff suggests that the hours in which surfcasting is permitted be amended to begin at 7 p.m. rather than 4 p.m. and to end at 7 a.m. rather than 9 a.m.

Vice Mayor Strauss observed that the recent increase in fishermen does not necessarily mean this will continue over time. He also noted that the Pier is currently unavailable to surfcasters, and that the times in which they fish are influenced by tides. He concluded that the proposed Ordinance was not the best solution, suggesting instead that weekday fishing hours be modified to match weekend and holiday hours.

Commissioner Pouloupoulos characterized the issue as one of safety, pointing out that surfcasters often have multiple lines in the water, which means beachgoers need to avoid the poles. He felt the proposed Ordinance represented a compromise, and asked how it would be enforced. Town Manager Connors replied that enforcement would come from a combination of BSO and Code Compliance personnel.

Commissioner Pouloupoulos asked if the Town has always allowed surfcasting or if the practice was discussed by previous Commissions. It was clarified that it has been permitted since 2009.

Commissioner Pouloupoulos also expressed concern with spearfishing, which he felt was a greater safety concern than surfcasting. Town Manager Connors advised that Code prohibits the loading of a spear gun within the Town, and spearfishing is unlawful from Town beaches as well.

Commissioner DeNapoli suggested that modifying the hours for surfcasting may be a compromise.

Mayor Malkoon commented that beach signs would need to be updated if the Ordinance is approved. He also noted that the Town may wish to revisit Code

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prohibiting swimming within 300 ft. of the Pier on either side, as this prohibits swimming on a large portion of the Town's beach.

Town Attorney Trevarthen clarified that Code Section 5.5 prohibits surface diving, SCUBA diving, skin diving, and surfcasting are prohibited at any point less than 300 ft. north, south, or east of the pier. It does not directly address swimming.

Vice Mayor Strauss also addressed the 300 ft. clearance, suggesting that surfcasting be allowed within that space since it is not currently possible to cast from the Pier. He reiterated that reducing the hours in which surfcasting is permitted would strongly discourage this activity throughout the Town, and offered matching the weekend hours as a potential compromise.

Commissioner Pouloupoulos pointed out that surfcasting occurs throughout the Town, not just in proximity to the Pier. He was in favor of the proposed Ordinance.

Town Manager Connors stated that Ordinance 2009-027 was enacted to modify Code from prohibiting spearfishing, surface diving, and surfcasting to instead regulating these activities with the established hours. Before 2009, all of these activities were unlawful on the public beach.

Commissioner Pouloupoulos made a motion to pass the new schedule as proposed by Staff.

Commissioner DeNapoli pointed out that Section 5.5 prohibits fishing and surfcasting in proximity to swimmers, SCUBA divers, snorkelers, and bathers, but does not refer to which activity may have been underway first. Town Manager Connors advised that this can be difficult to regulate or enforce, which necessitates the time component. There is also no definition of proximity.

Vice Mayor Strauss noted that fishermen typically remain within a fixed spot, while walkers may easily move around them. Town Manager Connors advised that Staff brought this issue forward for consideration because they have received complaints, again noting the significant increase in fishermen in recent weeks.

Commissioner Graziano seconded the motion.

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Commissioner Pouloupoulos asserted that this issue has only arisen due to the large number of fishermen currently surfcasting on the beach, and reiterated that the proposed Ordinance is appropriate to these conditions.

Motion carried 3-2 (Vice Mayor Strauss and Commissioner DeNapoli dissenting).

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2025-22 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE FURTHER PREEMPTIONS OF HOME RULE AUTHORITY IN HOUSE BILL 943 AND SENATE BILL 1730 (LIVE LOCAL ACT AMENDMENTS); PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

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

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

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

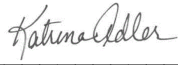
With no other business to come before the Commission at this time, the meeting was adjourned at 10:17 p.m.



Mayor Edmund Malkoon

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ATTEST:



Katrina Adler, Town Clerk

5/19/2025 | 10:37 AM EDT

Date