



TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, July 22, 2025
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:37 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, Development Services Director Jhanelle Campbell, Assistant to the Town Manager/Acting Town Clerk Courtney Easley, 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

Mayor Malkoon requested that Item 19.a be deleted from the Agenda.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Police Chief Fernando Gajate of Sea Ranch Lakes explained that the village is installing cameras manufactured by Flock Safety and hoped to place some of the devices on Poinciana Street and Pine Avenue in Lauderdale-By-The-Sea. The cameras are solar-powered and can be installed on poles or buildings. He asked if cameras could be installed facing westward on Poinciana Street and facing eastward on Pine Avenue. The

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cameras' range would view activity in both Sea Ranch Lakes and Lauderdale-By-The-Sea.

The poles proposed for installation would be roughly 16 ft. tall and would be located in front of a private residence. The cameras are able to pan, tilt, zoom, and track activity until it is out of the frame. Sea Ranch Lakes would maintain cameras and poles for the duration of a three-year lease with Flock Safety. Recorded activity and real-time information would be provided to responding Police Officers.

Mayor Malkoon asked if Broward Sheriff's Office (BSO) personnel would also have access to the cameras. Chief Gajate confirmed this. Mayor Malkoon recommended seeking permission from the residents on whose property the poles would need to be installed. He also expressed concern with privacy, as the cameras would point toward private homes, and asked if the homes could be shielded. Chief Gajate replied that the scope of the cameras can be adjusted, emphasizing that the cameras would be used to catch vehicles entering/leaving the area.

Commissioner Pouloupoulos agreed that the scope should be limited. He asked if law enforcement would have exclusive access to the system. Chief Gajate replied that the video information is for law enforcement purposes only, and all employees who work at the Sea Ranch Lakes gatehouse are aware they cannot share any information gathered. He emphasized that the scope of the cameras' view could be altered, noting that poles could also be installed in swales rather than on private property.

Chief Gajate continued that most cameras would point at Sea Ranch Lakes' southern wall. Four cameras would also be installed at Ocean Bay Club to cover parking lots as well as the village's northern wall. Much of the vegetation along the Sea Ranch Lakes side of the wall would be removed.

Commissioner Pouloupoulos recommended limiting the cameras' view to the street and the wall. Chief Gajate confirmed that law enforcement personnel would establish the scope of the cameras to protect residents' privacy. He added that BSO personnel would be invited to review the cameras' parameters.

Commissioner Pouloupoulos asked if BSO and the Sea Ranch Lakes Police Department have collaborated on the monitoring of Pine Avenue in a manner that may not require 24-hour, seven-day surveillance. Chief Gajate replied that Sea Ranch Lakes is limited in its ability to patrol the area and it cannot be covered around the clock. The intent of the camera installation is to lessen vulnerabilities on both sides of the wall.

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Commissioner Pouloupoulos concluded that while he was in favor of the idea, he was concerned with the method and reiterated that residents in the area should be directly informed. Chief Gajate stated that he would share this information in whatever way the Town Commission felt was most prudent.

Deputy Town Manager/Public Works Director Ken Rubach advised that the proposed poles would most likely be installed within the Town's right-of-way, which would require an inter-local agreement. He cautioned that any installation would require resident approval, and recommended that if private property owners indicate their willingness to have cameras and poles installed, the Town Attorney would need to draft the appropriate documents for the agreement. Chief Gajate stated that Flock Safety provides templates for permission which could be submitted to the Town for review.

Commissioner Graziano suggested that consent forms be obtained from each resident and shared with Town Staff. He was in favor of the proposal.

Town Manager Linda Connors stated that Town Staff would coordinate with Sea Ranch Lakes staff to provide a survey to residents on the affected streets in order to seek approval from the owners of the specific properties where the poles are proposed or which could be subject to surveillance.

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

7. PUBLIC SAFETY PRESENTATION

a. BSO June 2025 Public Safety Report

BSO Lieutenant Christopher Sutter reported that the Employee of the Month is Deputy Brann Redl, who apprehended an individual responsible for damage to private property. Two burglary conveyances also occurred in June 2025. BSO attended the Town's Dive Into Summer event.

Mayor Malkoon asked if leads in the incidents described were related to the use of BSO's camera system. Lieutenant Sutter confirmed that this system was helpful in both cases.

Vice Mayor Strauss thanked Lieutenant Sutter for previously providing information that helped Town senior residents secure Ring cameras at no cost.

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b. PBFR June 2025 Public Safety Report

Captain Chris Sayer of Pompano Beach Fire Rescue reported that there were 176 calls during the month of June, with an average response time of 6.5 minutes. Station 12 received 10 calls outside Lauderdale-By-The-Sea.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Connors stated that local Eagle Scouts have installed a stand containing 10 U.S. Coast Guard-approved life jackets in a range of sizes at the El Prado Park portal, where they may be used and returned by guests at no cost. The initiative was funded from the Florida Division of Child Services and coordinated through Safe Kids Broward. She recognized Assistant to the Town Manager Courtney Easley for her work on this project.

The Town continues to seek a new vendor for Fire and Emergency Medical Services (EMS). A meeting has been scheduled with Fort Lauderdale in August 2025. The Town has also reached out to Matrix Consulting Group to request a proposal for the preparation of a report that would provide the costs and guidelines of establishing a Fire Department in Lauderdale-By-The-Sea. A quote will be brought before the Commission when available.

The Town issued an invitation to bid to complete work on the proposed 75th Anniversary Garden in front of the Public Works building. As there were no responses to the request, the Town has contacted a local landscaping company and is awaiting their proposal for the project, which is expected by the end of July. This item will be brought before the Commission in August 2025.

Mayor Malkoon asked if the Town could include the Anniversary Garden in the bid for work on El Prado Park. Deputy Town Manager/Public Works Director Ken Rubach confirmed that this is an option, but noted that it would delay the El Prado project and modify its cost.

Members of the community have coordinated an event in support of Kerr County, Texas, which recently experienced tragic flooding. An event is planned at Mickey's Downtown

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Bistro from 4 p.m. until 9 p.m. on July 23, 2025, including raffles, auctions, and donation opportunities to raise funds.

In 2024, the Town was awarded a \$200,000 grant from the Florida Department of Environmental Protection's Resilient Florida Program. The grant will be used toward the completion of a Town-wide vulnerability assessment, which will provide information that can be used to support future grant opportunities.

There is no Town Commission meeting scheduled for August 12, 2025.

b. April 2025 Finance Report

c. May 2025 Finance Report

Director of Budget and Finance Lucila Lang recalled that there had been discussion of investments at previous Commission meetings. The Town currently has two significant investments: \$3 million with the State Board of Administration (SBA) and \$2 million with South State Bank. At present, there are reserves in the Parking Fund that could also be invested, depending upon how the Commission wishes to proceed with the fiscal year (FY) 2026 budget.

Director of Budget and Finance Lang also reported that the Town has received the Fire/EMS invoices from PBFR for both July and August 2025. There are no changes to those invoices; the Town continues to be charged \$128,625.

The Town's audit services request for proposal (RFP) has been reviewed by the Audit Selection Committee and the Town Attorney, and will be posted by the end of the week.

Mayor Malkoon noted that information was requested from the Town by Florida's Department of Government Efficiency (DOGE) on July 11, 2025. This information was transmitted as requested.

Commissioner DeNapoli noted that DOGE has assessed up to \$450 million in additional ad valorem taxes in Broward County since 2020, which represents an increase of roughly 45%. The request from this Department asked for access to the physical premises, data systems, and responsive personnel in Broward County and its municipalities. He stated that he was in favor of Florida's DOGE as a means to keep track of the use of taxpayer dollars.

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Commissioner Graziano thanked Director of Budget and Finance Lang for her work on the search for a certified public accountant (CPA). He also recommended that the Commission schedule time to review donation requests from nonprofit entities, as he did not want this review to become time-consuming during the budget process.

Director of Budget and Finance Lang advised that in FY 2026, Staff has proposed \$68,500 in donation requests, which is consistent with the amount approved in FY 2025. These requests will come before the Commission at their August 26, 2025 meeting unless Staff is otherwise directed. Town Manager Connors noted that the requests total over \$100,000.

Commissioner DeNapoli asked if the August 26 meeting will allow nonprofit agencies to present their requests to the Commission. Director of Budget and Finance Lang clarified that no such meetings or presentations are scheduled, which is consistent with the Commission's request in FY 2025.

Mayor Malkoon read the following statement into the record at this time:

I appreciate the time and respectfully ask for your attention, as this forum is the only opportunity I have to speak directly and openly with all of you at once. On Wednesday, July 9, I visited Town Hall at 2 p.m. with the intent of speaking with the Town Manager. Upon arrival, I was surprised that Town Hall was largely unstaffed. The only individuals present were Jodi at the front desk, Courtney, and Sue. That is all. When I spoke with Sue, she was kind enough to assist me in trying to determine who was available.

This led me to question whether Human Resources was even aware that so many Staff members were offsite. While I am aware that the Town Clerk works remotely on Wednesdays, I was unaware of the reasons for the multiple others. I think it is important to emphasize that I did not express my frustration to or question Staff directly, as required by our Charter. I reached out to the Town Manager via text for clarification and received no response. Over an hour and a half later, she sent a general message to all of us here, indicating that she would be out of town that weekend. I replied asking whether her absence was included that Wednesday, and requested that [this] be documented appropriately. Again, no response.

On Friday, I sent an email to the Town Manager and to the Town Attorney raising concerns regarding HR procedures. I respectfully asked for clarification on several items, citing prior instances of questionable terminations and severance payments to previous Managers. I also inquired about staffing levels, questioning whether

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our current workload justifies the number of employees, or if we are possibly overstaffed. If so, what can she do to save us money on payroll? I further requested transparency regarding work-from-home schedules and what technological measures are in place to ensure accountability when employees work remotely. Additional questions include matters of Town Hall security and proposed improvements, such as electronic access card readers, which could help monitor and protect our facilities while also providing a log of building access, as well as instantly deactivating if an employee is no longer present.

I also asked about the financial impact of bringing Code Enforcement back in-house. We were told this would save money, and I would like to see those figures validated.

These are fair, appropriate, and necessary questions. Any Commissioner has the right, and indeed the duty, to ask them on behalf of the public, as it is our fiduciary responsibility; yet I have been met with silence. At last Monday's Mayor/Manager Open House, I was surprised by the Town Manager's combative attitude. She was visibly agitated and suggested I had no business being in Town Hall during that visit. I reminded her that it was a weekday during normal business working hours, and I have every right to be present and to seek a conversation with her at any time. Eventually I was told that Staff would provide me with a formal written response. I asked, Why must Staff speak on behalf of the Town Manager? Why can't she respond directly to these questions herself? Now it is over a week later after that and still no response.

Let me be clear: this pattern of evasiveness is not just frustrating, it is disrespectful. It is an insubordinate action from a Town employee. In hindsight, this doesn't seem to be an isolated incident, with other Commissioners both past and present having issues when they inquire on things. This behavior undermines the authority of the Commission and, more importantly, the trust of our residents. The Town Manager serves at the pleasure of this Commission. We do not serve at her pleasure. We offer competitive salaries and benefits to our Staff. In return, we expect professionalism, transparency, and a high standard of administrative performance.

At this point, I must express that I have lost confidence in our Town Manager's leadership. The lack of communication, accountability, and operational oversight is unacceptable. I invite my fellow Commissioners to reflect on their own experiences. If I am off-base, I welcome that discussion, but if others share these concerns, then we must have this discussion and act accordingly if needed.

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That said, I will be proposing changes to our Charter language regarding the qualifications and oversight of the Town Manager position. I will also be recommending reforms to the Town Manager review process, which I believe is currently structured in a way that nearly guarantees a favorable evaluation regardless of performance.

We owe it to the residents of Lauderdale-By-The-Sea to ensure our government is effective, responsive, and well-managed. That starts with an honest evaluation and decisive leadership from all of us.

Town Manager Connors addressed the Mayor's statement, noting that the previous week, she sent an extensive email to the Mayor, Commission, Town Attorney, and the executive team which addressed the Mayor's questions. She recalled that the Mayor's email had specifically requested that answers be provided in writing. Mayor Malkoon advised that he had not received this response and requested that the email be forwarded to him. He added that he did not perceive the questions he had asked to require a significant response or a delay.

Town Manager Connors also apologized for her attitude at the previous week's Open House event.

Town Attorney Susan Trevarthen stated that she had forwarded the Town Manager's email, which was dated July 15, 2025.

Commissioner Graziano commented that many of the Town's practices do not rise to the level of best practices, and he felt there was room for improvement. He added that he found Town Staff to be very competent and willing to provide better services; however, he pointed out that there seemed to be no accountability for Staff signing in or out, and employees working from home should be able to demonstrate their availability.

Commissioner Graziano also addressed the Town's budget, stating that he had met with the Director and Assistant Director of Budget and Finance as well as the Town Manager. He expressed concern that it was not possible to precisely determine the cost of operating specific Departments due to the occurrence of transfers. He recalled that when he raised this concern, he was informed that he may not understand government finance issues.

Commissioner Graziano commented that he felt best practices for all Town Departments were the only way to proceed due to the projects and financial challenges facing the Town

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in the future. He expressed concern with the requirement that full Commission discussions may occur only on the dais. He also noted that Commissioners are asked to submit written Agenda requests in advance of meetings; however, he did not feel these requests are consistently given appropriate attention by Staff when the Agendas are prepared.

Commissioner Pouloupoulos observed that the Town Manager serves at the pleasure of the Town Commission. While he did not have firsthand knowledge of the concerns raised by the Mayor, he asserted that it is the Mayor's place to be within Town Hall at any time to see that the Town is operating properly. He recommended that this be further clarified to ensure a functioning Town government for the taxpayers' benefit.

Commissioner DeNapoli recalled that he has made requests for action on behalf of residents, which he did not feel were responded to within a reasonable time frame. He also felt the Town Manager's review process should be amended, and that there should be checks and balances to all positions. He agreed that best practices are important to the Town's success.

Vice Mayor Strauss commented that he also did not receive the email response from the Town Manager to the Mayor and Commissioners, which meant he had not previously been aware of the issues described in the Mayor's statement. He suggested that this issue could have been discussed between the Mayor and Town Manager prior to tonight's meeting; however, he asserted that he did not wish to further comment or make a decision until he knows more about the situation.

Vice Mayor Strauss continued that he has not personally experienced any communication issues with the Town Manager, and pointed out that discussing meeting agendas with the Town Manager or other Staff members often addresses questions he might raise during Commission meetings, as he cannot discuss the agendas with his fellow elected officials. He concluded that in the future, the ability to communicate should be enhanced.

Commissioner DeNapoli confirmed that he had just received the Town Manager's email, which was forwarded by the Town Attorney. He had not received it at the time it was sent. Town Manager Connors confirmed that she would look into this.

Commissioner Graziano also addressed communication, stating that when he had proposed the inclusion of Town neighborhoods in Florida Power and Light's (FPL's) Storm Secure Underground Program (SSUP), he had not been informed by Town Staff that three representatives of FPL would come to the Town to discuss this further. He pointed

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out that he has championed this issue and should have been informed that the FPL representatives would be present.

Commissioner Graziano continued that he responds to all residents who write to him with questions, sometimes referring them to the appropriate Town Department to address their concerns. He stated that the Town Manager had advised him that he cannot write directly to a member of Town Staff to direct their actions, to which he had advised that he was referring those items to Staff rather than providing them with direction. He felt his responses to Town residents were consistent with best practices.

Town Manager Connors addressed the Mayor's and Commission's comments, acknowledging that she should have responded immediately when the Mayor had contacted her on Wednesday, July 9, 2025. She recalled that the Commission had previously approved a work-from-home policy which allowed the Town Clerk to work from home on Wednesdays. She noted that other Staff members work from home on Wednesdays as well.

Town Manager Connors continued that she does not have a scheduled day on which she works from home, but estimated that she works from home roughly once each month. While working from home on July 9, she was available by phone to Town Staff. She noted that some members of Town Staff were working at Town Hall that day but may have been briefly outside the offices on Town business or on breaks. Public Works and Development Services Staffs were both present in other Town buildings or in the field.

Town Manager Connors added that she had not intended to suggest the Mayor should not be present in Town Hall, and apologized for any misunderstanding to that effect. She also took issue with comments made by the Mayor during that discussion.

Town Manager Connors continued that prior to her tenure as Town Manager, the Town did not have any Human Resources Staff. The Town had changed the appropriate job description when the current Human Resources professional was hired. The Assistant to the Town Manager is certified for Human Resources work, and a previous Human Resources professional continues to assist Town Staff in this Department.

Town Manager Connors reiterated that the Commission approved a work-from-home policy at their January 28, 2025 meeting. She emphasized the work done by Town Staff, particularly in salaried positions that require more than 40 hours' work per week. The current policy allows these positions greater flexibility.

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In addition, Town Staff has not grown significantly, with the exception of adding one Staff member to the Code Compliance Department in order to improve the Code program as recommended by the Commission. The current savings after less than one year are \$128,000, with an estimated savings of nearly \$70,000 in the next year's budget, not including the cost of vacation rental software.

Town Manager Connors concluded that the email addresses many of the other concerns raised by the Mayor, including an estimate for key fobs that would allow Staff access to Town buildings and sites. She encouraged the Commissioners to contact her individually with any additional questions.

Town Manager Connors added that as of tonight's meeting she would advise Town Staff that they would no longer work from home. Mayor Malkoon stated that the current work-from-home policy was approved by the Commission, and changing it was not a solution he had recommended.

Commissioner Graziano asked if the Town's HR professional has access to a software system that records employees signing in or out of work. Town Manager Connors explained that non-salaried employees use this system to check in and out, as overseen by their supervisors. Commissioner Graziano stated that all employees, not only those who are non-salaried, should be similarly accountable, whether they are working from home, in the field, or in Town offices, as a best practice. He was in favor of appropriately tracking this activity.

The Commission took a brief recess at this time.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen recalled that she has previously addressed the Commission with concerns regarding Senate Bill (SB) 180, which was recently signed into law by the Governor. She will bring a proposed Resolution before the Commission at the August 26, 2025 meeting which provides information on a potential challenge to this legislation brought by several local governments.

Town Attorney Trevarthen further clarified that while SB 180 addresses emergency management, it also includes a provision which strips local governments of their legislative authority with respect to land use and zoning retroactive to August 2024 and through October 1, 2027. She emphasized the importance of land use and zoning to home

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rule, noting that the legislation is challenged on the basis of the 1968 Florida Constitution as well as various other bases.

Town Attorney Trevarthen advised that coordinated challenges to legislation have been issued in the past by local governments. She pointed out that this action is only taken when there is significant local interest in proceeding. Additional information will be emailed to the Commission in advance of the August 26 meeting. Because the Town has not accrued any litigation expenses this year, there are ample funds in that portion of the budget for the Town to buy into the prospective suit.

At this time Vice Mayor Strauss introduced the new owner and the new general manager of Restaurant 101.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Resolution 2025-31 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE OF A REPLACEMENT PUMP FOR THE SEAGRAPE LIFT STATION FROM TOM EVANS ENVIRONMENTAL, INC., IN THE AMOUNT NOT TO EXCEED OF \$40,768.22; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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Deputy Town Manager/Public Works Director Rubach explained that the Town currently owns two lift stations which are maintained by the city of Pompano Beach. This pump is located at the master lift station on Seagrape Drive, which moves waste to the force main for transportation to Broward County's wastewater treatment facility.

Two pumps typically act in a primary role, with a third pump that is available on an emergency basis. At present, one pump is not functioning. Due to its age, replacement is recommended rather than repair. The vendor is holding this equipment for the Town until they can prepare a purchase order for it.

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

b. FY 26 CIP

Deputy Town Manager/Public Works Director Rubach provided an overview of the FY 2026 Capital Improvement Program (CIP), which was discussed at the June 8, 2025 Commission budget workshop. The proposed paving of El Mar Drive was removed from the CIP by Commission consensus, resulting in a savings of approximately 25%.

The CIP includes the following items:

- CIP personnel expenses, which include Staff time invested in the Program by the Town Manager, Deputy Town Manager/Public Works Director, and Finance Department
- Modification of sanitary sewer manholes following the paving of A1A by the Florida Department of Transportation (FDOT)
- Final beach renourishment payment to Broward County
- Beach portal construction, which is currently in the design phase; this project will replace two portals
- El Prado Park improvements, for which a design was approved earlier in the year; this item funds the construction phase of the project
- Roadway paving to be evaluated in the fall
- Storm sewer lining to prevent pipe failures
- West Plaza refurbishments, including the replacement of bollard lighting and provision of additional signage
- Bougainvillea Drive/Poinciana Street stormwater design; this is a 53-week project that will roll over into FY 2027, with construction beginning in FY 2026

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Deputy Town Manager/Public Works Director Rubach recalled that earlier in tonight's meeting, the Mayor had suggested determining whether or not the 75th Anniversary Garden could be added to the scope of this project. The addition of this component would require Commission authorization.

Mayor Malkoon recalled an earlier discussion of the savings that would be necessary to keep the Town's millage rate the same as in FY 2025. Town Manager Connors explained that \$472,000 would need to be transferred to the CIP to help cover the \$3.9 million cost of that Program. Staff recommends transferring \$700,000 from the CIP carry-over, \$472,000 from the General Fund if the millage rate remains the same, \$2 million from the General Fund to unencumbered funds, and \$730,000 from the Parking Fund to the CIP.

The Commission approved the FY 2026 CIP by consensus. Deputy Town Manager/Public Works Director Rubach advised that it would be brought back to the Commission for final approval during the scheduled budget hearing.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano stated that the Chamber of Commerce recently held a well-attended event at Sea Watch on the Ocean.

Vice Mayor Strauss noted the recent passing of musicians Ozzy Osbourne and Peter Yarrow.

Mayor Malkoon expressed condolences for the recent passing of resident Joanne Hoffman. He added that a fundraiser for Texas' Camp Mystic, which experienced tragedy in recent flood events, will be held at Mickey's Downtown Bistro on July 23, 2025, and recognized the Chamber of Commerce and the Wild Berry Salon for their organization of the event.

Mayor Malkoon continued that he plans to attend the League of Mayors/Cities Conference in August 2025.

16. ORDINANCES 1ST READING

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None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2025-30 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE 2025/2026 FISCAL YEAR; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY; AND PROVIDING AN EFFECTIVE DATE.**

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

Director of Budget and Finance Lang explained that this Resolution establishes the Town's tentative millage rate for FY 2026. The rate set at tonight's meeting represents the maximum millage rate that can be adopted; it can be lowered at the second and final budget hearing, but cannot be increased.

The proposed FY 2026 budget reviewed at the July 8, 2025 workshop was developed based on maintenance of the current millage rate, which is 3.9235. This budget would reflect net ad valorem tax revenue of approximately \$14.29 million, which represents a 5.48% increase over FY 2025. The Town is statutorily required to budget 95% of projected gross revenues.

Staff requests Commission direction on two items:

- Setting the tentative millage rate for FY 2026
- Confirming the date and time for the first public budget hearing, which is currently scheduled for September 10, 2025 at 5:30 p.m.; while the date cannot be changed, the time may be modified to no earlier than 5:01 p.m.

Commissioner DeNapoli commented that the 5.48% increase in property taxes yielded an additional \$742,937 for the Town, and there has been a favorable variance in interest

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earnings of nearly \$273,000. He added that although the Commission approved reducing the CIP by nearly \$1 million with the removal of the El Mar Drive paving project, the proposed millage rate remains the same. He concluded that he would vote against the proposed maximum rate of 3.9235 as a means to hold the line against governmental spending.

Commissioner DeNapoli made a motion to propose a maximum millage rate of 3.9.

Vice Mayor Strauss advised that the millage rate represents approximately 21% of residents' total tax bill; for example, a tax bill of \$1,000 would provide the Town with \$221. Other funds included in the millage rate go toward expenses such as the school district, the Hillsboro Inlet district, hospital districts, and other expenditures that do not fund the Town. He stated that he felt it was important to maintain the current millage rate of 3.9235 in order to continue what has been provided over the last year.

Vice Mayor Strauss concluded that Lauderdale-By-The-Sea has maintained the third-lowest millage rates in Broward County for FY 2025. These dollars are used to provide services, including public safety and other programming for the community.

Commissioner Graziano stated that he did not yet know what a millage rate of 3.9 would mean in comparison to the proposed rate of 3.9235, or in terms of the budget discussions. Director of Budget and Finance Lang advised that the millage rate of 3.9235 would result in net taxes of \$14,291,556; reducing the rate to 3.9000 would yield \$14,205,956, a difference of \$85,600.

Director of Budget and Finance Lang reminded the Commissioners that BSO's contract will increase by over \$838,000, while EMS costs are set to increase by over \$920,000 and insurance is expected to increase by a minimum of 12%. The Florida Retirement System (FRS) payment will increase by approximately 15% as well.

Commissioner Pouloupoulos commented that he had considered how the Town might reach the rolled back rate for the FY 2026 budget. He noted that the Town's Parking Fund has seen a year-over-year increase for most months in 2025, and asked how these dollars could be used to offset some of the Town's pending costs.

Town Manager Connors advised that Staff is keeping track of what is coming in the future, including possible increases to Florida's homestead exemption which would significantly affect the Town. BSO also plans an additional increase after FY 2026, and the Town

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anticipates an increase in EMS services as well. EMS is funded by ad valorem taxes rather than by the Town's Fire assessment fee.

Town Manager Connors also noted the CIP, which includes planning funds for the Poinciana/Bougainvilla drainage project. While the Town plans to apply for grant funds for this project, similar applications have been vetoed two years in a row. This drainage project alone is expected to cost over \$4 million. She concluded that Staff has been cautious in recommending spending from the Parking Fund in order to ensure a millage rate decrease would not be followed by an increase the next year.

Commissioner Pouloupoulos explained that he was interested in the Parking Fund because it consistently produces significant revenue. He added that the Town will soon be facing required drainage projects. He concluded that keeping the tax rate the same may mean finding a happy medium between the rolled back rate and the proposed rate of 3.9235.

Mayor Malkoon requested clarification of the amount budgeted to EMS in FY 2026. Director of Budget and Finance Lang advised that this amount is \$519,680 plus an increase of \$920,000, totaling approximately \$1.4 million. 60% of what is charged for Fire/EMS services comes from the Fire Fund.

Mayor Malkoon recalled that the city of Pompano Beach recently negotiated an extension of their contract with BSO to increase payments over two years rather than one, and asked if the Town might consider similar plans. Town Manager Connors replied that she has spoken with BSO to express the Town's dissatisfaction with their lack of negotiation when presenting their increase, and plans to meet with their executive team in August. She suggested that a representative of the Commission may wish to attend this meeting as well in order to discuss options.

Town Manager Connors continued that BSO has indicated its intent to require an increase in 2027 as well as in 2026. Pompano Beach's contract with BSO expires in 2026, which led to their request for an extension; Lauderdale-By-The-Sea's contract expires in 2027, which may affect BSO's willingness to negotiate. She recalled that BSO has previously indicated that they may break up the increase recommended by their salary study over two years, which would mean a lesser increase in FY 2026 is likely to result in a greater increase in FY 2027.

Town Manager Connors noted that if the Town reduces its millage rate and the state of Florida increases its homestead exemption, this could mean the Town would be facing

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difficulty if a larger increase comes the following year. If items are cut from the budget, she recommended reconsidering CIP projects or revisiting the Town's Memorandum of Understanding (MOU) with BSO, which costs an additional \$100,000 per year.

Commissioner DeNapoli reiterated that his proposal was for a small decrease which would force renegotiation with vendors, whom he felt would still be interested in serving the Town even at a lower rate. He added that any further homestead exemption increase by the Florida Legislature would be unlikely to take effect before calendar year 2027. He concluded that while the Commission has saved the Town hundreds of thousands of dollars since the previous year, the proposed millage rate remains the same.

Commissioner Graziano observed that the proposed millage rate of 3.9235 would be the maximum rate, and suggested that it is likely the Commission may reduce this rate later on during the budget process. Director of Budget and Finance Lang confirmed that the rate may be lowered in September if that is the Commission's desire. Commissioner Graziano suggested that Staff provide scenarios between now and September showing what could be cut in order to lower the rate to 3.9 or 3.8.

Vice Mayor Strauss encouraged the Commission to establish the maximum rate at 3.9235, with the possibility of reducing that rate during later discussions. He pointed out that the Commission serves the Town by ensuring the provision of services, including heightened Police services during specific times of the year. Decreasing these additional services would result in a lower level of safety.

Commissioner Pouloupoulos addressed the CIP, noting that projects such as the West Plaza refurbishments and improvements to both the Town's parks could be revisited to save funds. He suggested that the \$500,000 budgeted to enhance lights and signage in the West Plaza be reduced.

Commissioner Pouloupoulos added that the Town's height restrictions prevent the addition of greater density, which prevents a significant increase to the tax base. He felt the Town should be considerate of the projects it takes on now and in the future.

Commissioner Pouloupoulos made a motion to set the millage rate at 3.8.

Commissioner DeNapoli advised that he had not recommended reducing either services or safety, and asserted that a reduction would not have to come from services.

Commissioner DeNapoli seconded the motion.

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Director of Budget and Finance Lang clarified that the rolled back rate would be 3.7241.

Town Attorney Trevarthen noted that it is typically difficult and expensive for local governments to increase the millage rate over what is initially adopted. She suggested that there are two procedural ways to lower this rate: voting to approve a lower rate, which would leave the Town legally incapable of adapting to any additional changes that may occur before September, or directing Staff to bring back a budget premised on a proposed lower rate.

Commissioner Poulopoulos noted that the difference in the budget under the rolled back rate would be \$253,458, and asked if removing the West Plaza project from the CIP would be sufficient to achieve this savings. Director of Budget and Finance Lang explained that the Town's General Fund expenses total \$18,511,098, which represents an increase of \$2 million over FY 2025. The proposed millage rate of 3.9235 would provide the Town with sufficient funds to cover those General Fund expenses as well as an additional \$472,000 which would go to the CIP.

Director of Budget and Finance Lang continued that adopting the rolled back rate would mean the Town would be short \$253,458 in the General Fund, and no money could be allocated to the CIP. A millage rate of 3.8 would result in a net revenue of \$13,841,701, as opposed to \$14,291,556 under the 3.9235 rate. This is a difference of nearly \$450,000.

Commissioner Poulopoulos asserted that his suggestion of eliminating the West Plaza project would save the Town \$500,000 in the CIP, which would exceed the \$450,000.

Vice Mayor Strauss observed that cutting a lighting project for the western part of Town would affect safety. He pointed out that the Town has encouraged greater pedestrian activity on the corridor between the bridge and A1A in order to stimulate more business and activity there, and suggested additional consideration of what would be cut under a millage rate reduction.

Mayor Malkoon observed that while he was in favor of reducing taxes, he would like to see more details on what would be eliminated from the budget under the proposed lower rate before making a decision.

Commissioner Poulopoulos asserted that he was proposing a rate of 3.8 because it would force the Commission to make tougher decisions, which was what he felt the voters wanted.

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Motion failed 2-3 (Mayor Malkoon, Vice Mayor Strauss, and Commissioner Graziano dissenting).

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve the current rate of 3.9235. Motion carried 3-2 (Commissioners DeNapoli and Pouloupoulos dissenting).

It was determined by consensus that the September 10, 2025 budget hearing would be scheduled to begin at 5:01 p.m. Both the September 10 and September 24 budget hearings are scheduled for Wednesdays. There was additional consensus that both budget hearings would begin at 5:01 p.m., followed by regular Commission meetings to begin at 6:30 p.m. on the same days.

19. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen reviewed the requirements for quasi-judicial items, and any individuals wishing to speak on these Items were sworn in. The Commissioners disclosed any ex parte communications related to the Items.

- a. 2025-LVL2-AA-03. Pursuant to Section 30-128, “Administrative Adjustments,” of the Town Code of Ordinances (the “Town Code”), the Applicant has requested an administrative adjustment from Section 30-313 (t)(2)(b)(1) “Permanent Generators” of the Town’s Code of Ordinances, to permit the encroachment of a generator one (1) foot into the required 5-foot side setback for the property located at 228 Imperial Lane.**

This Item was removed from the Agenda.

- b. 2025-LVL2-AA-02. Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative Adjustments of the Town’s Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-241 (h) (6) (b) “Side Setbacks” of the Town’s Code of Ordinances, to permit an encroachment of the roof overhang of two (2) feet into the required 12-foot side setback for the property located at 4628 Bougainvilla Drive.**

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Development Services Director Jhanelle Campbell stated that the request is for an administrative adjustment in relation to a side setback. Section 30-128 of Town Code establishes standards and procedures for approval of administrative adjustments, which include minor site-specific modifications that may be made when strict application of Code would create practical difficulties for an otherwise compliant and compatible development.

A Level 1 administrative adjustment can be approved by the Town Manager. This level includes minor parking adjustments. A Level 2 administrative adjustment addresses setbacks of up to 30% or 5 ft., roof overhangs up to 5 ft., eaves and balconies, and all other parking requests. Applications are reviewed by Development Services and any other applicable Town Departments, and are brought before the Town's Planning and Zoning Board (PZB) for recommendations to the Commission. Level 2 adjustments also require a citizen participation meeting.

Approval of a Level 2 adjustment must meet several criteria, including:

- No increase in density or height
- No encroachment into easements for public rights-of-way
- Must support several additional conditions, including:
 - Site conditions
 - Zoning district purpose
 - Preservation of trees and other natural resources
 - Enhancement of Mid-century Modern architecture
 - View corridor public benefit
 - Legalization of existing nonconformity
 - Match of existing setback conditions
 - Modification of existing structure without increasing footprint
 - No substantial interference with adjacent properties or public safety
 - Compatibility with surrounding development
 - Lack of adverse impacts
 - Consistency with the Town's Comprehensive Plan

The Application requests approval of a Level 2 administrative adjustment to approve a 2 ft. encroachment into the 12 ft. side setback on the north and south sides of the subject building. The property owner proposes to demolish an existing one-story single-family home and replace it with a two-story duplex. Due to the median roof height of the proposed project, a 12 ft. side setback is required. The Applicant requests a 17% reduction, or 2 ft., which is within the 30% or 5 ft. maximum allowed limit. The encroachment would come from the roof trusses on the north and south sides of the building. No walls would be within the setback area.

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Notices were mailed to all property owners within a 300 ft. radius, and notice was posted on the Town's website and at the property itself. The Town heard some public feedback at the required citizen participation meeting and at the PZB meeting. An apartment building located to the south of the proposed project submitted a petition, which is included in the Commissioners' backup materials.

The PZB reviewed the Application on July 10, 2025 and recommended approval subject to the conditions outlined in the development order. The only additional condition requested by Staff is that the adjustment expire with the building permit, which is standard language included in all development orders. Staff finds that the Application meets all criteria necessary to recommend approval of the administrative adjustment and recommends approval to the Commission.

Development Services Director Campbell further clarified that this Application was submitted before an accompanying Application for the same property, as it addresses the design of the building.

Commissioner Pouloupoulos addressed the petition, clarifying that the administrative adjustment Application only deals with the 2 ft. setback encroachment, although the petition refers to additional concerns. Commissioner DeNapoli asked if the Commission is legally able to consider the other concerns listed in the petition. Town Attorney Trevarthen replied that any other items to be considered must fall within the criteria for approval of the adjustment.

Development Services Director Campbell added that the project also underwent architectural review, and the Town's consultant architect approved the project, contingent upon approval of the administrative adjustment.

Commissioner DeNapoli asked why the project could not be built without the 2 ft. encroachment. Development Services Director Campbell replied that Town Code allows for minor adjustments such as this one; while the developer may have been able to build the project within the required setback, they were allowed to request the overhang as an aspect of improved architecture of the building.

Commissioner Graziano stated that he was in favor of the adjustment as long as drainage is not an issue on the site. Development Services Director Campbell advised that the project was circulated among the Town's consultants, including the Town Engineer, to

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ensure that it met all conditions of the development order. Drainage is one of these conditions, and the project was found to be compliant with that regulation.

Commissioner Graziano made a motion, seconded by Commissioner Pouloupoulos, to approve the recommendation made by Town Staff of the 2 ft. administrative adjustment.

Jorge Fabregat, architect representing the Applicant, stated that while the slope of the roof truss crosses the setback, there is no living space within the setback.

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

Motion carried 5-0.

- c. 2024-CU-01 – Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 3 “Conditional Use Procedures and Requirements” of the Town Code of Ordinances (“Town Code”), the Applicant has requested Conditional Use Approval to construct a residential duplex within the RM-25 zoning district at the property located at 4628 Bougainvilla Drive.**

Development Services Director Campbell reviewed the requirements for conditional use approval under Code Section 30-126, which are not necessarily appropriate by default but may be permitted under controlled conditions to support public health, safety, and welfare. Conditional uses are not generally allowed unless special approval is granted, based on factors such as the following:

- Number and intensity of uses
- Location and design
- Potential impacts to adjacent properties and community

Conditional use approval does not exempt applicants from other requirements such as Site Plan or architectural review. The application must meet approval criteria which include the following:

- Land use compatibility
- Adequate site conditions
- Consistency with Town Code and the Town’s Comprehensive Plan
- Mitigation of impacts

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The Application requests conditional use to construct a two-story duplex in the RM-25 zoning district. The building will replace a one-story structure which has been demolished. The Application has undergone architectural review and was approved with the condition that the administrative adjustment is approved.

A public participation meeting was held on June 19, 2025 for this request. Members of the public attended this meeting and indicated opposition to the proposed project.

Notice was mailed to all residents within a 300 ft. radius of the property. The Town received the aforementioned petition in addition to attendance at the public participation meeting.

Based on the criteria established in Code Section 30-126, Staff found the submittal to be compliant and meet the criteria for conditional use approval. Staff recommends approval of the proposed duplex with the 19 conditions outlined in the Staff Report, including updated Federal Emergency Management Agency (FEMA) surveys, drainage plans, elevation and slab height compliance, utility coordination and undergrounding of service lines, submittal of a conforming landscape plan, and no outstanding fees or violations prior to issuance of a permit. Construction must commence within 12 months.

Commissioner DeNapoli asked if duplexes are allowed in the RM-25 zoning district under the Town's current Charter and zoning requirements. Development Services Director Campbell explained that multi-family development is permitted by right with a density of up to nine units in the subject area. Code allows conditional use approval of a duplex.

Town Attorney Trevarthen reminded the Commission that the principal uses in the RM-25 zoning district are hotels and multi-family developments. The Commission added conditional use approval to this district in order to indicate that single-family and low-density development are not primary uses here, but requires an additional layer of review.

Development Services Director Campbell further clarified that while up to nine units are permitted by right, other Code provisions such as parking, landscaping, lot coverage, and others may not allow for the development of nine units.

Commissioner Pouloupoulos noted that the property is surrounded on two sides by apartment buildings, and observed that the single-family development was less in character with the development of the neighborhood than the proposed duplex.

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

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

20. ADJOURNMENT

Commissioner Graziano stated that he wished to correct an earlier statement regarding salaried and hourly employees: under the Fair Labor Standards Act of 2024, the hours of salaried employees may not be tracked.

With no other business to come before the Commission at this time, the meeting was adjourned at 9:51 p.m.



Mayor Edmund Malkoon

ATTEST:



Courtney Easley, Acting Town Clerk

9/11/2025 | 2:14 PM EDT

Date