



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, April 22, 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, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Mental Health Awareness Month

Mayor Malkoon read a Proclamation recognizing May 2025 as Mental Health Awareness Month in Lauderdale-By-The-Sea. Melanie Hoffman, representing National Alliance on Mental Illness (NAMI) Broward County, was present to receive the Proclamation.

6. PUBLIC COMMENTS

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

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7. PUBLIC SAFETY DISCUSSION

a. BSO March 2025 Public Safety Report

Broward Sheriff's Office (BSO) Captain Bill Wesolowski reported that Sergeant William Browning and Deputy Renee Suarez were Deputies of the Month for March 2025 in recognition of their response to a burglary in progress.

Incidents in which BSO provided assistance in March included spring break operations, which included an extra beach patrol seven days per week, enhanced traffic enforcement throughout the beach area, and an additional Deputy in the Downtown area. No consequential incidents were recorded in relation to spring break.

BSO held its third Coffee with a Cop event at Crema restaurant, which was attended by over 50 individuals.

Commissioner Pouloupoulos recalled that a possible drowning occurred in early April, and requested additional information on the incident. Captain Wesolowski replied that BSO is awaiting information from the medical examiner's office.

Mayor Malkoon advised that residents have reached out to him regarding car thefts, and asked what is being done to address these incidents. Captain Wesolowski stated that there have been eight auto thefts thus far in 2025, which is an increase from five thefts in 2024; however, one of these was a fire truck, and another was reported under unusual circumstances. He added that some specific vehicles, such as Honda CR-Vs, are easier to steal than others and are being targeted for theft.

Captain Wesolowski recommended that residents not leave their key fobs inside their cars, as this is the easiest means of criminal access. He also cautioned against leaving key fobs near front doors, as these can be stolen if a house is accessed. Protective barriers can be used to prevent signals from some key fobs. He noted that BSO's Burglary Apprehension Team (BAT) has a high success rate and is a component whenever auto thefts are reported. The Town's license plate reader (LPR) system is also very useful in identifying vehicles used in the commission of crimes as well as the stolen vehicles themselves.

BSO Lieutenant Christopher Sutter gave a brief presentation on low-speed vehicles, which are defined by Florida Statutes as any four-wheeled vehicle whose top speed is greater than 20 miles per hour (mph) but not greater than 25 mph. These vehicles must

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be registered, titled, and insured. Any individual operating a low-speed vehicle must have a valid driver's license. These vehicles may only operate on streets where the posted speed limit is 35 mph or less.

In order to be registered, low-speed vehicles must have the following:

- Windshield
- Vehicle identification number (VIN)
- Seat belt for each designated seat
- Reflectors
- Taillights, stop lamps, and front and rear turn signals
- Parking brake
- Headlamps and exterior mirrors

All of these features must be inspected by the Florida Department of Highway Safety and Motor Vehicles.

Golf carts are defined as motor vehicles designed for operation on a golf course for sporting or recreational purposes and cannot exceed 20 mph. They may be operated on roadways designated for their use with a posted speed limit of 30 mph or less. Lieutenant Sutter advised that there are no such designated roadways within Lauderdale-By-The-Sea.

Linda Kleinman, resident, asked how vehicles that can exceed 25 mph are classified. Lieutenant Sutter clarified that these would not be classified as low-speed vehicles.

Vice Mayor Strauss asked if there is a difference in whether low-speed vehicles are powered by gas or electricity. It was clarified that there is no distinction based on fuel.

b. PBFD March 2025 Public Safety Report

Fire Marshal Ashley Zalewski reported that the Pompano Beach Fire Department (PBFD) responded to a total of 160 calls in March 2025, with an average response time of 6.74 seconds.

8. TOWN MANAGER REPORT

a. Town Manager Report

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Town Manager Linda Connors stated that the Town's first Movie Night was held on Friday, April 18, 2025. Lessons from this event suggest it may be preferable to hold future Movie Nights in autumn. She recommended that the two remaining Movie Night events be rescheduled later in the year. In their place, a celebration for the new children's playground is proposed. There was Commission consensus to make this change.

The Florida Development Group (FDG), which owns the former Holiday Inn site, has contacted the Town to express interest in partnering for parking on that site. Town Manager Connors requested Commission consensus before proceeding with these discussions. At present, the Town has a 50/50 partnership with FDG on parking spaces in front of the former Villa Caprice site on El Mar Drive.

Mayor Malkoon commented that the subject lot is very large, and he would not recommend use of the entire space for parking. He also noted that this lot may not be appropriate for Downtown or valet parking, but could be more appropriate for beachgoers using the nearby portal.

Vice Mayor Strauss suggested that the Town work with FDG toward an agreement to use the lot for employee parking. This would enable users to go to work in the Downtown area and reclaim their cars at the end of the day, which he felt would be preferable to use of the lot by beachgoers. It would also make more Downtown parking available. He was also not certain that the entire lot should be used.

There was Commission consensus to move forward with discussions about using the space for employee or valet parking.

Town Manager Connors stated that TECO has requested an increase in gas rates from the Florida Public Service Commission.

Town Manager Connors recalled that the Commission had requested some changes to the Town's budget process in 2025, such as waiting until Broward County has provided property assessment information before asking the Commission to make decisions on the budget. She requested that the Commissioners bring forward any ideas for potential projects that could be included in the budget, which would allow Town Staff time to research these projects. The requested deadline for these project proposals is May 30, 2025.

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At the April 8, 2025 meeting, an update was requested on 230 Pine Avenue. Town Manager Connors recalled that this property came before the Commission to request lien mitigation in 2023. The Commission mitigated the property's liens to \$10,000, which has been received. The property was sold in 2023, and its new owners applied for building permits in September of that year in order to renovate the home. There have been significant delays on the property owner's part, and no permit was issued until April 10, 2025.

Because the property owner was slow in responding, the Town has cited the property once again. The fines have accrued to \$36,000 thus far and the property continues to be fined at a rate of \$250/day. While the owner has acquired permits for construction, the property was cited for disrepair of the garage door, which has not yet been corrected. The property will go before the Special Magistrate in May 2025.

Town Manager Connors continued that there are currently 24 sidewalk cafés in the Town. \$18 per square foot is collected for this space on properties east of Seagrape Drive and \$10 per square foot for properties west of Seagrape Drive. Thus far in 2025, the Town has collected approximately \$120,000 for this use of public right-of-way. The fees help offset the costs associated with maintenance, cleaning, and welcoming in the Downtown area, including regular pressure cleaning of the sidewalks and other expenses related to the sidewalk café program.

A comprehensive audit of the Town's sidewalk café agreements is underway to ensure compliance. Staff is considering the addition of ground-level markers to clearly define seating areas. Once the audit is complete, Staff may return to the Commission with suggestions on how to improve the Ordinance regulating sidewalk cafés.

The Lauderdale-By-The-Sea Garden Club, with the assistance of the Town's Public Works Department, recently planted a bioswale in front of Friedt Park near the bocce courts. Town Manager Connors encouraged all present to view this area, which is a test scenario for bioswales.

A public meeting was held to discuss the proposed new public safety building. There were suggestions that the Town consider a public-private partnership (PPP). Town Manager Connors requested that a Commission workshop be scheduled to discuss this possibility with the Town Attorney and other representatives of her firm with experience in this area. There was Commission consensus to schedule the workshop on Wednesday, May 7, 2025 at 5 p.m.

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Town Manager Connors recognized Doug Johnson, who has worked for Lauderdale-By-The-Sea for 20 years. He is currently the Public Works Supervisor for the Streets and Infrastructure Division.

Commissioner Graziano addressed the request by TECO, pointing out that the Town has no input into the company's rates. He did not feel the Florida Public Service Commission does a good job regulating utility providers, and that the Public Service Commission's activity is inconsistent with home rule.

b. February 2025 Finance Report

Director of Budget and Finance Lucila Lang advised that the Town has opened an account with Florida PRIME SBA, which will be funded as of April 23, 2025. The current rate is 4.49%.

Commissioner DeNapoli noted that the interest rate for the Town's master account with Truist Bank is down to 2.5%. Director of Budget and Finance Lang confirmed this, noting that rates have decreased. This account includes regular operating accounts such as the Sewer Fund, Building Fund, General Fund, and others which need to be available on a daily basis. Truist also offers significant fraud control.

Director of Budget and Finance Lang continued that another option could be reaching out to the president of Truist Bank in South Florida to determine whether or not additional concessions may be available to the Town. Commissioner DeNapoli suggested contacting SBA's investment pool to determine if they have vehicles suited to regular operations.

Commissioner Graziano asked if the Town's credit cards receive points. Town Manager Connors confirmed this. Commissioner Graziano recommended looking into different credit card options in the future with respect to points.

Commissioner DeNapoli asked if the Town's points are typically cashed in for credits. Director of Budget and Finance Lang explained that the points provide credits to the Town's account once they have accumulated.

9. TOWN ATTORNEY REPORT

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Town Attorney Trevarthen stated that the Florida Legislature is nearing the end of its session, and there continues to be significant activity on bills with which the Town is concerned. The session is scheduled to end by May 3, 2025.

10. APPROVAL OF MINUTES

a. Approval of Minutes for March 25, 2025

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

11. CONSENT AGENDA

a. Special Event Application: Spring Beach Baptism 05.17.25

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Vice Mayor Strauss noted the success of the recent Easter Sunrise Service, and thanked all who participated.

Commissioner Pouloupoulos and the other Commissioners wished Commissioner Graziano a happy birthday.

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Commissioner Graziano addressed public utilities including Florida Power and Light (FPL) and TECO Gas, reiterating that the Town has no input on the rates these entities charge. He felt the Florida Public Service Commission has failed in its mission as a state regulatory agency, and hoped their services would improve in the future.

Commissioner Graziano continued that he has spoken with residents regarding fishing licenses, and hoped to discuss this issue further at a subsequent Commission meeting. He added that he is also concerned with homestead pricing, the insurance industry, and water and sewer rates, all of which are resulting in the need for municipalities to absorb these costs. He concluded that he would like the state of Florida to reconsider its aggressive management of small communities.

Commissioner DeNapoli noted the success of the Town's recent Easter Egg Hunt.

Mayor Malkoon thanked Town Staff, and Events and Marketing Manager Katie Anderson in particular, for the success of the Town's recent events, including Movie Night and the Easter Egg Hunt. He noted that the Garden Club is celebrating its 75th anniversary and has scheduled an Arbor Day planting on Friday, April 25, 2025.

Mayor Malkoon continued that a new business, Beach Buns Bakery, recently opened, and encouraged residents to support it.

16. ORDINANCES 1ST READING

- a. Ordinance 2025-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, "UTILITIES," ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19 "RATES AND CHARGES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING TO AMEND/ADOPT REVISIONS TO THE SCHEDULE OF RATES AND CHARGES FOR SANITARY SEWER COLLECTION, TRANSMISSION, AND DISPOSAL SERVICE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

Deputy Town Manager/Public Works Director Ken Rubach stated that there have been no changes to the proposed Ordinance since its first reading.

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Commissioner DeNapoli commented that the request is for a 25% increase to the base rate and 30% increase to the consumption rate, and recalled that it was confirmed the Town has no pricing power. He recalled that at the previous meeting, he had raised the question of why the Town's reserves should be retained at their current level, and had suggested the possible phasing in of the rate increases. While residential rates have a 10,000 gallon cap, there is no corresponding cap for business rates.

Commissioner DeNapoli continued that he had also proposed a continuing resolution for the Town to match pass-through charges from its provider entities, and reiterated his support for a phased approach over two to three years. While this would lower the Town's reserves, he pointed out that there is no requirement to maintain the reserves at their current level, and that in the event of an emergency, other reserve accounts are available to the Town.

Mayor Malkoon advised that he shared Commissioner DeNapoli's concerns for Town businesses whose rates are not capped. Deputy Town Manager/Public Works Director Rubach explained that if the increase is phased in, Staff would need to come back to the Commission in fall 2025 to propose additional rate increases. With the current proposal, he anticipated coming back in January to propose additional increases.

With regard to a continuing resolution that would allow the Town to match the increases, Deputy Town Manager/Public Works Director Rubach advised that a large portion of the increase is based on consumption. It is not possible to estimate how much wastewater an account will produce from one year to the next.

Mayor Malkoon stated that due to the uncertain status of the overall economy, he hoped to ensure that the Town remains able to assist residents and businesses by alleviating some of their burden.

Deputy Town Manager/Public Works Director Rubach advised that the industry standard for reserves is approximately one year's operating budget. The base rate for a single-family home would increase by \$2.95/month, while the base rate for a multi-family property would increase by \$3.65/month. Commercial rates would increase by \$2.95/month. The customer service charge would increase by \$0.43/month. Consumption rates, which are based on per 1000 gallons, will increase by \$2.04 per 1000 gallons.

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Mayor Malkoon asked if it would be possible to phase in the increase on commercial rates only rather than all types of rates. Deputy Town Manager/Public Works Director Rubach noted that while this is at the Commission's discretion, it would affect the revenue brought in by the Town.

Vice Mayor Strauss commented that while the increase sounds significant, the actual amounts per household or commercial client are manageable. He added that a phased approach would be appropriate for an overwhelming increase, but did not feel the proposed increase needed a more systematic process.

Deputy Town Manager/Public Works Director Rubach reiterated that if the increase is phased in for the current year, it would require a larger increase in 2026. He did not foresee a decline in rates in the near future.

Vice Mayor Strauss noted that an increase in rates is also likely for the portion of the Town which receives services from Pompano Beach, as there has been discussion in that municipality of the potential inadequacy of its water treatment plants. Deputy Town Manager/Public Works Director Rubach added that Pompano Beach has built-in rate increases over five-year periods. He acknowledged the likelihood of further substantial utility increases in South Florida.

Town Manager Connors advised that it is likely the Town will experience annual increases going forward. Deputy Town Manager/Public Works Director Rubach confirmed this, adding that whether or not the full rate is adopted at tonight's meeting, he anticipated asking for more annual rate increases.

Deputy Town Manager/Public Works Director Rubach further clarified that it is not possible to tie rate increases to a certain number, as consumption rates will continue to vary.

Commissioner DeNapoli asked for the reason for the 10,000 gallon cap on residential consumption rates. Deputy Town Manager/Public Works Director Rubach recalled that the Commission established this cap, which is used by other South Florida municipalities as well. It is an arbitrary number applied in recognition of the fact that residents also use their water supply for irrigation.

Vice Mayor Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve the fees proposed by Staff. Motion carried 3-2 (Mayor Malkoon and Commissioner DeNapoli dissenting).

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17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

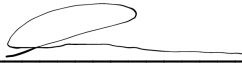
None.

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 7:42 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

5/19/2025 | 10:37 AM EDT

Date