DRAFT

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, December 9, 2025
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:35 p.m. Also present were Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Poulopoulos, Town Manager Ken Rubach, Town Attorney James White, Finance Director Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/Assistant to Town Manager 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

Commissioner Poulopoulos made a motion, seconded by Commissioner DeNapoli, to excuse Vice Mayor Strauss's absence. Motion carried 4-0.

Mayor Malkoon requested that Item 18.a be heard immediately following the portal design presentation.

5. PRESENTATIONS

a. Proclamation for "Tiana Ganswith Day"

Mayor Malkoon read a Proclamation recognizing December 9, 2025 as Tiana Ganswith Day in Lauderdale-By-The-Sea.

b. Datura and Hibiscus Portal Design Presentation

Alex Fenech, representing Hitchcock Design Group, provided an update on the redesign process for the Datura Avenue and Hibiscus Avenue beach portals. A community input meeting was held in November 2025 to provide an opportunity for input on potential changes to these portals. Suggestions included the following:

- Umbrellas and chairs
- Maintenance of ocean views
- Shade and seating
- Possible incorporation of art or murals
- Making the portals more diver-friendly

Mr. Fenech characterized the proposed changes as enhancements rather than redevelopment. Concepts are related to the infrastructure already in place, including backflow prevention, electrical utilities, and other items.

The proposed conceptual designs for the Datura portal include:

- Retaining landscape areas in the same location
- New pavers, benches, and seating
- New showers
- Custom SCUBA gear racks
- Shade structure
- Bike racks
- Adirondack chairs
- Mural

Two options were presented for the Datura portal including these components. As this portal area is prone to flooding, a civil engineer would be brought in to work with the Town to address this need.

Proposed designs for the Hibiscus portal include:

- Maintain ocean views
- Provide landscaping
- New lighting, pavers, showers, and furniture

Only one concept is proposed for the Hibiscus portal, as the team was very constrained with respect to the changes that could be made.

Commissioner Poulopoulos asked if there were significant cost differences between the two Datura options. Mr. Fenech replied that the differences are not significant, noting that the two portals would be bid as a single project. The current budget for the construction of both portals is $750,000, which includes the cost of drainage improvements to mitigate flooding.

Commissioner Graziano advised that due to the potential cost of the project, he would be comfortable with adding only Americans with Disabilities Act (ADA) compliance, drainage, and lighting improvements to the portals, without the addition of other enhancements.

The Commissioners agreed by consensus to proceed with Option 2.

Mr. Fenech stated that next steps include the presentation of a single refined plan for the portals, focusing on Option 2. He acknowledged the Commissioners' concerns with costs, concluding that a rough outline and total costs for both portals would be presented at a subsequent meeting.

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

18. <u>RESOLUTIONS – PUBLIC COMMENTS</u>

a. Resolution 2025-54: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SELECTING A FINANCIAL ADVISORY FIRM TO ASSIST THE TOWN WITH EVALUATING AND NEGOTIATING A P3 PROPOSAL FOR THE DEVELOPMENT OF A NEW PUBLIC SAFETY FACILITY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PFM FINANCIAL ADVISORS LLC; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Finance Director Lucila Lang stated that the Town has received a public-private partnership (P3) proposal for the delivery of a new public safety facility. A project of this magnitude will include a long-term financial commitment, as well as risk allocation and complex financing structures requiring specific expertise. To ensure a thorough and objective evaluation, the Town is seeking to engage an independent financial advisor.

Staff reached out to three firms for this purpose and received proposals from two, with representatives available at tonight's meeting via communications technology. Their proposals are included in the Commissioners' Agenda packets.

Julie Santamaria, representing PFM Financial Advisors (via Zoom), advised that the firm serves as municipal advisor to several Florida governmental entities. They offer a full scope of services, including economic development, P3s, and full financial advisory services in the event the Town chooses to issue its own debt. Their strategic services include the following:

- Monitoring of legislative opportunities
- Monitoring of regulatory changes
- All aspects of capital improvement planning
- Ratings and preliminary evaluation of the Town's financial position
- Training for Staff and elected officials

PFM is a leading financial advisor both nationally and in Florida and works with P3s for clients ranging from Panama City to the Miami Beach area. They evaluate P3 proposals, prices associated with bond issuance, and bank loan proposals, regularly assisting clients with requests for proposal (RFPs) for bank loans. They have resources which specialize in real estate evaluation and market analysis, and can assist with tax increment revenue projections as well as cash flow modeling and analyses.

Commissioner Poulopoulos asked if the Town is required by Florida Statutes to undertake value for money (VFM) review or study. Ms. Santamaria replied that a similar analysis can be achieved by evaluating feasibility and cash flow options. VFM is not included in the scope of the firm's proposal, although it can be incorporated as an additional step.

Commissioner DeNapoli asked what PFM would charge for their services. Ms. Santamaria replied that the proposal is divided into two tasks, the first of which carries a flat fee of $10,000 and evaluates the Town's financing options, estimates cash flows, projects the costs included in the unsolicited proposal, and provides alternative options for the borrowing of funds on a tax-exempt basis using the Town's credit without going through a conduit issuer.

Town Manager Rubach confirmed that CORE, the entity proposing the P3, has also proposed a financing arrangement. Commissioner DeNapoli asked how PFM's proposed financing mechanisms would differ from those offered by CORE. Ms. Santamaria advised that CORE's proposal suggested conduit financing, which would establish a special purpose entity. The simplest and lowest cost would occur if the Town issues a bond or bank loan itself. PFM's fiduciary responsibility would include reviewing all the options for the Town, making a recommendation, and assisting the Town in determining its best option.

Commissioner DeNapoli asked if PFM has experience in working without debt financing in the event the Town chooses not to take on any debt. Ms. Santamaria replied that if the Town has cash on hand, PFM would look at the opportunity costs of using those funds in comparison to borrowing. She also noted that long-term borrowing could be a better choice, as it would retain some of the cash on hand.

Commissioner DeNapoli asked if PFM earns fees from the arrangement of debt offerings. Ms. Santamaria confirmed this is the case if PFM is working with the Town on an additional debt issue; the fee for a bank loan listed in the firm's proposal is $15,000. There would be no additional fees based on the loan itself.

Commissioner Graziano asked which specific company the Town would be hiring. Ms. Santamaria explained that this would be PFM Financial Advisors, LLC, as stated in the proposed agreement; while the firm has affiliated companies that can perform additional tasks, those companies' work would be subject to a separate fee that is not included in PFM's cost proposal. She emphasized that PFM is registered with the Securities and Exchange Commission (SEC) and would have the fiduciary obligation of representing the Town's best interests from a financial perspective.

Commissioner Graziano recalled that he had originally been under the impression that when the Town received the unsolicited P3 proposal, all costs would be paid by CORE as the proposing entity. Town Manager Rubach advised that under CORE's proposal, any costs associated with the project itself would be paid for initially by CORE; however, the Town would need to pay for the financial advisor itself, which would be either the $25,000 proposal by PFM or the $38,000 proposal by Taft Infrastructure Advisors.

Commissioner Graziano stated that he did not expect PFM's contract to remain at $25,000. Town Manager Rubach replied that there are chances the contract would increase if the Commission opts into "add-ons" outside the proposed scope.

Commissioner Poulopoulos pointed out that the materials provided to the Commission by Staff state that, pursuant to Florida law, P3 proposals require the completion of a VFM analysis to determine whether or not the P3 approach provides greater cost-effectiveness than conventional financing and delivery options. He requested clarification of whether this analysis, which is not listed as part of PFM's proposal, is a requirement.

Audrey Nelson, representing Taft Infrastructure Advisors (via Zoom), stated that her firm offers its services not only as financial consultants but as the Town's strategic partner in protecting the public interest. The P3 triggers a specific legal process under Florida

Statute 255.065 which involves long-term financing, maintenance obligations, and risk transfer.

Taft is a specialized firm which focuses exclusively on infrastructure and P3s and has been involved in P3 projects across the United States. They have worked with North Miami, West Palm Beach, and Fort Lauderdale and are backed by a platform which provides access to 1,300 attorneys and other resources.

Taft proposes a three-step evaluation process:

- Statutory proposal financial and risk analysis
- Project affordability
- Value for money (VFM) analysis

Ms. Nelson characterized the VFM analysis as a test in which the P3 proposal is quantitatively compared against a traditional delivery model to prove which option saves taxpayer money over the long term.

Taft's fees are structured to maximize flexibility. The mandatory statutory financial analysis carries a fixed fee; for the affordability report and VFM analysis, each is priced hourly on an as-needed basis and capped. This places the Town in control of the process. If the proposal is determined not to be viable, the process stops and the Town is not locked into a lump sum contract.

Commissioner DeNapoli requested additional information regarding the VFM analysis. Town Manager Rubach advised that while Florida Statute 255.065 does not require this analysis, CORE has indicated it would be beneficial for the Town to use the VFM process. Taft's fee of $38,500 includes the VFM analysis; if this task were broken out separately, it would be charged on an hourly basis with a cap of $14,300. The financial risk analysis would cost $10,250 as a flat fee, and the project affordability analysis would also cost $14,300.

Commissioner DeNapoli also requested clarification of whether the firm is affiliated with Taft Law. Ms. Nelson explained that Taft Infrastructure Advisors, which is its own LLC, is a wholly owned subsidiary of Taft Law and has access to the resources of that entity. They would offer support for the negotiation of a contract with the P3 entity.

Town Manager Rubach clarified that if the VFM analysis is removed from the proposal, Taft's services would cost $24,550, which brings its cost closer to the rate offered by PFM.

Commissioner Poulopoulos stated that he would like clarification of whether or not VFM analysis is required by law. Town Manager Rubach replied that his understanding of the P3 Statute is that VFM is recommended but not required. Ms. Nelson added that Taft's understanding of the Florida Statute is that it aligns with the principles of VFM analysis, ensuring that the public entity receives an equivalent or better outcome than traditional procurement. It is not explicitly cited in the Statute but is included in the requirement of cost-effectiveness.

Umer Yaqib, also representing Taft Infrastructure Advisors, stated that Statute 255.065 does not clearly require VFM analysis; however, a majority of the large municipalities with which the firm has worked have specifically required VFM analysis when evaluating a P3. The analysis is recommended if a municipality is comparing multiple proposals, as it provides a clearer comparison; in the case of a single proposal, evaluation would touch upon almost all of the same areas as a VFM assessment.

Mr. Yaqib continued that the firm's affordability analysis would look at the proposal from a long-term ownership perspective, including whether or not the Town can afford the project. It would also identify areas in which the Town may make amendments to the project to make it more affordable.

Commissioner DeNapoli observed that Statute 255.065 refers only to "an independent analysis," which could be defined differently by different providers. Town Manager Rubach stated that inclusion of VFM analysis would be at the Commission's discretion.

Ms. Santamaria further clarified that the first two steps of Taft's three-step approach are included in PFM's first task at a cost of $10,000. PFM's second task would only be applied if the Town chooses to proceed with its own financing.

Commissioner DeNapoli asked if the Town would want to view alternatives including financing, bond issuance, or a combination of the two. Town Manager Rubach confirmed this.

Commissioner Graziano requested clarification that VFM analysis would carry a separate fee under PFM's proposal. Ms. Santamaria confirmed this. It was noted by another representative of Taft Infrastructure Advisors that the firm's response to the Town's request offers an initial analysis, with additional services available on an as-needed hourly basis.

Mayor Malkoon requested additional information on how Staff evaluated the firms and came to recommend PFM. Finance Director Lang replied that the evaluation was based on the information provided by the firms as well as costs. The firms to which Staff reached out were recommended by the Town Attorney's Office, which has worked with both.

Mayor Malkoon commented that the services offered by the firms appear more similar if they are asked to provide a range of services. Town Manager Rubach confirmed that this would bring the firms' costs within a few hundred dollars of one another, absent the VFM analysis. He characterized VFM analysis as an additional layer of vetting.

Ms. Santamaria stated that PFM's first task includes a full affordability analysis, evaluation of revenues and ability to pay for the financing, and credit rating analysis. The second task would only follow if the Town decides to issue its own debt, at which time PFM would serve as municipal advisor on that specific financing transaction.

Commissioner DeNapoli asked what the Town would receive from PFM at the proposed cost of $10,000. Ms. Santamaria replied that the firm would review the P3 proposal with the Town, including all financing options, and provide an estimate of the Town's credit rating based on criteria used by municipal bond rating agencies. They would identify the pros and cons of the proposal, as well as the pros and cons of the Town issuing its own tax-exempt bond or a bank loan, and would review the affordability of these options.

Commissioner DeNapoli asked what Taft would provide for $10,250. Mr. Yaqib replied that this would differ slightly from what would be offered by PFM, as Taft specializes in P3s. They would review the proposal from all aspects, including its impacts to the Town, its sustainability, ownership costs, and the effects of the P3's structure on the Town over the long term. He characterized this as a deeper analysis of the P3 proposal itself, as it could identify areas in which the proposal's structure could be improved.

Commissioner DeNapoli requested clarification of Taft's "second level" costs, which carry a $14,300 cap. Mr. Yaqib replied that this would include a detailed affordability analysis, which reviews the Town's financials and provides a projection for the next 30 to 35 years. Costs of construction would also be considered in terms of the consumer price index (CPI), as construction would not begin right away and these adjustments would have an impact on costs.

Mayor Malkoon cautioned that very long-term projections can be concerning, pointing out that there is the potential that the Town may lose over $4 million in ad valorem taxes, depending upon actions taken by the Florida Legislature in 2026. Commissioner

Poulopoulos agreed, noting that this possibility should be included in any analysis performed by either entity.

Commissioner Poulopoulos made a motion to move forward with PFM.

Commissioner DeNapoli stated that PFM's materials show their proposal is in the amount of $25,000. Town Manager Rubach noted that the proposal is broken down into two tasks. Commissioner DeNapoli added that both the proposals seemed to be the same, with one carrying a cap and one without, according to the firm's written materials.

Commissioner Graziano seconded the motion. Motion carried 4-0.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. BSO November 2025 Public Safety Report

Broward Sheriff's Office (BSO) Captain Christopher Sutter reported that three employees were nominated for Employee of the Month in November 2025 for their collaborative work on auto thefts. These were Deputy Christopher Cathcart, CSIA Giovanna Anderson, and former Detective Glen Genovese, who recently transferred to another district. Their work secured a warrant for the arrest of a suspect in an auto theft which occurred in the Bel Air community. Other suspects may still be at large.

Captain Sutter thanked Citizen Observer Patrol (COP) participants for their assistance in events throughout 2025, including the recent Veterans Day event.

Captain Sutter continued that there was an incident of criminal mischief caught on video on November 10, 2025, which resulted in a damaged gate arm. On November 20, a bitcoin scam occurred. Captain Sutter emphasized that residents with questions about the legality of offers such as this one should reach out to BSO for assistance.

A Senior Seminar is scheduled for Wednesday, January 28, 2026 from 12 p.m. to 3 p.m. The event will be open to all ages and will include representatives from the Broward County Property Appraiser's Office, the Internal Revenue Service (IRS), and other local and federal governmental agencies. Captain Sutter strongly encouraged residents to attend and participate in this event.

Commissioner Poulopoulos advised that his law firm has received several phone calls regarding unpaid toll scams. He emphasized the importance of not responding to these texts or providing credit card or other personal information.

Commissioner Poulopoulos also addressed an incident which occurred on November 22, 2025, requesting clarification of the crosswalk involved. Captain Sutter replied that pedestrians were crossing from the north to the south side of Commercial Boulevard on the west side of the intersection. Speed was not a factor. He concluded that he would bring more information on the incident to a later meeting.

Commissioner DeNapoli also addressed the bitcoin scam incident, noting that this is becoming common and can involve fake trading sites that appear real. He added that many scams arise within WhatsApp groups.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Rubach reported that there have now been over 100,000 Circuit riders within Lauderdale-By-The-Sea. The Town continues to partner with Circuit and look for ways to increase ridership.

Christmas-By-The-Sea was the final event of 2025 and was very successful. Town Manager Rubach thanked Events and Marketing Manager Katie Anderson, BSO, Pompano Beach Fire Rescue (PBFR), and others who assisted and sponsored the event.

The first Party in the Park event is scheduled for Thursday, December 18, 2025 between 5:30 and 7:30 p.m. in Friedt Park. The event will feature the movie “Frozen,” as well as character appearances and treats.

The community has voted on the proposed Friedt Park mural designs, with nearly 46% indicating support for concept #2. Work is expected to begin in January 2026 and is estimated to require two weeks for completion.

The parking rate pilot study has concluded. In 2024, there were 32,518 transactions, while there were 31,739 transactions in 2025, representing a decrease of 779. There was also a decrease in revenue of roughly $82,000 from the same period. Town Manager Rubach requested Commission direction on whether or not to return to normal rates going forward.

Mayor Malkoon recalled that he had encouraged businesses to inform their customers about reduced parking rates, but had received no responses.

Commissioner DeNapoli requested clarification of the difference in revenue between regular and special rates. Town Manager Rubach replied that it is difficult to determine the length of time of individual transactions due to the overall decrease in transactions. He estimated that the difference would be roughly $20,000 to $30,000.

Commissioner Poulopoulos recommended that parking rates be returned to previous levels. There was Commission consensus on this change.

Town Manager Rubach continued that the position of Town Clerk has been posted and Staff is undertaking in-house recruitment as well. He recognized Assistant to the Town Manager Courtney Easley for her work in that position in addition to the responsibilities of her own job. He hoped to fill the position within the first quarter of 2026.

Town Hall will operate on a half-day on December 24 and 31, 2025 and will be closed on December 25, 2025 and January 1, 2026. It will reopen on the Fridays following these holidays.

b. September 2025 Finance Report

Finance Director Lang noted that the figures in this report may be adjusted as the Town undergoes its audit process, as there may be items that have not yet come through or which may have depreciated.

All Department revenues in the General Fund exceeded their budgeted amounts with the exception of Intergovernmental Revenues, which was 8% below budget. The Building Fund is below budget, most likely due to a slowing economy and fewer large projects. Some large items are anticipated in the coming fiscal year.

Sewer Fund revenues were below budget. Finance Director Lang recalled that a rate increase was implemented in May 2025, and the full effects of this increase have not yet been seen. Fire Fund revenues were slightly higher than normal, with expenses below budget.

The Capital Improvement Program (CIP) has received some grant approvals, which are listed as revenues; however, those funds were not received in fiscal year (FY) 2025 and are anticipated in FY 2026. Some CIP projects were not completed in FY 2025 and were carried over into FY 2026, resulting in variances. Two projects were slightly over budget. Parking revenues exceeded expectations and expenses were roughly 30% below budget.

Finance Director Lang recalled that at a previous meeting, the Commission had requested that $3 million from the Parking Fund be invested. This has been done.

Commissioner DeNapoli noted a surplus totaling roughly $5 million across the General, Parking, and Capital Improvement Funds.

Commissioner Graziano requested an update on negotiations related to the Town's anniversary garden. Town Manager Rubach replied that the Town is still waiting to undertake this project, which may be carried out as part of the El Prado Park upgrades. No decisions have been made yet, pending possible changes to the Town Hall campus.

c. Development Services Report

Development Services Director Jhanelle Campbell reported that from May through September 2025, 18 new businesses have been approved, including vacation and short-term rentals. Projects have also been approved, including a new hotel on El Mar Drive.

The Town has had several lien search requests. Code Compliance remains busy, having completed 485 inspections during the time period stated above.

The Building Department has received several applications for projects over $100,000 in value, although not as many as in previous reporting periods.

Development Services Director Campbell advised that Staff continues to convert Building Department files to paperless status. She estimated that 35% of large format plans have been converted. The Town's vacation rental software has launched and a link placed on the Town's Business Tax Receipt (BTR) page which allows for annual digital registrations. The software continues to scrub vacation rental websites.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for Regular Town Commission Meetings held on September 10, 2025; September 2024, 2025; and November 10, 2025.

Mayor Malkoon noted that the approval of minutes by the Commission did not include the reopening of discussion of any topic addressed in those minutes.

Kimberly Bertsch, resident, advised that when she had signed up to provide public comment at tonight's meeting, she had not realized her comments would be limited to the approval of previous meeting minutes only. She referred to the public comments included in the September 10 and September 24, 2025 minutes, requesting clarification of whether or how the number of residents' comments were tallied or determined.

Mayor Malkoon noted that the information referred to by Ms. Bertsch was not part of the meeting minutes presented for approval. Ms. Bertsch asserted that she felt she was being silenced.

Town Attorney James White confirmed that in the absence of a motion to reconsider, the Commission was not obligated to hear comments on past actions.

Town Manager Rubach requested that Item 13.b, which addresses the A1A marathon, be heard as Item 12.b instead, which would mean the discussion of Charter review would be heard as Item 12.c.

Commissioner Poulopoulos made a motion, seconded by Commissioner DeNapoli, to approve the minutes. Motion carried 4-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Wild Berry Santa Paws Special Event

Events and Marketing Manager Katie Anderson recalled that at the October 14, 2025 meeting, the Commission approved a special event application for the Wild Berry Salon's

Santa Paws events. Since that time, the permit holder has requested revisions that exceed Staff's approval threshold. Staff requests Commission direction or approval on these requests.

The originally approved dates were December 12 and December 19, 2025. The newly requested date is Saturday, December 20, 2025. The initial event was scheduled from 4 p.m. to 6 p.m., with breakdown to follow; the new event would be from 12 p.m. to 5 p.m., with setup beginning at 10 a.m. and breakdown complete by 7 p.m.

The initial events were to be held in the breezeway between two businesses as well as in front of Wild Berry Salon and Big Cat Bikes. The newly proposed location would be in the parking lot of 262 Commercial Boulevard. The permit holder has received approval from this private property owner.

Photo booths for individuals and pets will be a main feature of the event, with additional vendors to be set up throughout the parking lot. Tables will be provided and a final site plan will be requested from the permit holder. Two food trucks will be located at the south end of the building, and a small bar with complimentary wine will be present as well. Staff requests approval of any or all of the requested revisions.

Commissioner DeNapoli made a motion, seconded by Commissioner Poulopoulos, to approve.

Commissioner Graziano expressed concern with the approval process for the Item, stating that the proposed event significantly differs from the event on which the Commission had voted earlier. While he was in favor of the event, he emphasized the importance of following the Town's required procedures.

Town Manager Rubach explained that he had allowed the event to come back to the Commission as a courtesy to the business, as Staff is mindful of the need to work with the Town's businesses. While the proposal is outside the normal time frame for approval, he recalled that exceptions have been made in the past to allow items to come back.

Motion carried 4-0.

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

b. Special Event Application: 2026 A1A Marathon

Events and Marketing Manager Anderson stated that a portion of the annual A1A marathon has historically been run through Lauderdale-By-The-Sea. The upcoming marathon is scheduled for Sunday, February 15, 2026 and is expected to include approximately 1,500 participants. Much of this year's race course will be condensed into one lane with runner traffic in both directions.

The race course through the Town will include the northernmost curve of A1A starting at Palm Avenue. Runners will turn north onto El Mar Drive with a turnaround between Hibiscus Avenue and Datura Avenue. Signage will mark the turnaround, after which runners will return south and exit the Town's boundaries. Race personnel will coordinate directly with BSO to clear traffic cones and signage and reopen roadways.

Setup will begin at 4 a.m. on the morning of February 15, with the race beginning at 6 a.m. in Fort Lauderdale. The last runner through the Town is anticipated at roughly 11 a.m.

The Applicant will meet with public safety personnel, BSO, PBFR, and/or other medical personnel to ensure safety. This will be scheduled if the event is approved by the Commission at tonight's meeting.

Resolution 2024-29 requires that any road impacts or closures for groups of over 200 individuals will carry fees set by the Commission. Historically, the Commission has not charged the event holder for the marathon. The Applicant has paid all application fees. Staff recommends approval of the Application with the conditions outlined in the exhibit for permit, and continuing the waiver of any additional charges related to road closures.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve. Motion carried 4-0.

c. Charter Review Board Final Report

Judelande Jeune, representing Weiss Serota Helfman Cole & Bierman, explained that she had assisted the Town Attorney with the activities of the Charter Review Board (CRB), which met earlier in the year. In order to place an Item on the November 3, 2026 ballot, ballot questions must be submitted by approximately June 2026. The Commission may discuss the CRB's proposals and bring back an Ordinance with the proposed ballot questions for a vote, or may postpone discussion of the Item until 2026.

Commissioner DeNapoli recommended moving consideration of this Item past January 2026, noting that he would also like more information regarding the CRB's proposal to change residency requirements for public office candidacy from six months to one year. He requested a review of the time frames used by other Broward municipalities, noting that most require six months' residency while Pompano Beach requires one year.

Commissioner DeNapoli also addressed term limits, requesting that these requirements also be compared across Broward County municipalities. He suggested that the Commission may also wish to discuss and/or propose Charter issues among themselves.

Commissioner DeNapoli made a motion to consider the CRB's proposals at the second meeting in March.

Commissioner Graziano agreed that the discussion of proposed Charter changes should be postponed, stating that one reason is because candidates for mayor in 2026 would not know whether they might be elected to a two- or four-year term until the election is over. He also recommended discussing the proposals when Vice Mayor Strauss is present to participate in the conversation.

Commissioner Poulopoulos noted that the CRB's proposals include substantive issues which should be researched and considered in depth. He also agreed to postpone the Item to a date certain.

Commissioner DeNapoli amended his motion as follows: **Motion to consider the proposals at the second Commission meeting in February.**

Attorney Jeune advised that the requested backup materials can be forwarded to the Commission, along with any other materials they would like to see.

Commissioner Poulopoulos seconded the motion. Motion carried 4-0.

13. <u>NEW BUSINESS</u>

a. Direction on Generator Placement Regulations (Sec. 30-313)

Development Services Director Campbell recalled that at a recent Planning and Zoning Board meeting, the Town heard an application for an administrative adjustment relating to placement of a generator within a side setback. After the item was heard, the Planning and Zoning Board requested that the Commission consider eliminating the placement of permanent generators in side setbacks for all new construction in the future.

Staff requests Commission direction on the following:

- Consider allowing placement of permanent generators on rooftops in all zoning districts, which is not currently allowed
- Consider enacting an Ordinance that would prohibit permanent generator placement in required side setbacks for new single-family and duplex homes
- Grandfathering all existing generators placed within side setbacks

Commissioner Poulopoulos noted that it may be unsightly to place generators on the rooftops of single-family homes, and asked if this is common in other municipalities. Development Services Director Campbell replied that there would be screening requirements for mechanical equipment on rooftops.

Development Services Director Campbell further clarified that the request arose from an application that has since been withdrawn.

Commissioner Graziano requested clarification of the difference between placing a generator in a side setback or on a rooftop. Development Services Director Campbell explained that the primary concern raised by the Planning and Zoning Board was for noise rather than safety. Commissioner Graziano observed that some new generators are very quiet and would be screened.

Development Services Director Campbell continued that generators are allowed in back yards. She emphasized that if regulations are changed, they would apply only to new construction. Commissioner Graziano concluded that he was in favor of allowing generator placement either in side setbacks or on rooftops.

Commissioner Poulopoulos asked if other rooftop mechanical equipment typically requires fuel as generators do. Development Services Director Campbell replied that she was not aware of any such equipment. Commissioner Poulopoulos expressed concern for how fuel for generators would be carried to rooftops, noting that most tanks are underground.

Town Manager Rubach also noted that new construction is required to build above the floodplain, which means generators would have to be placed at a certain height. This could mean generators would be placed in the line of sight for adjacent homes.

Mayor Malkoon asked if other municipalities allow generators on rooftops. Development Services Director Campbell replied that many municipalities allow general equipment on roofs. She emphasized the consideration of side setbacks, noting that this was the main concern of the Planning and Zoning Board.

Commissioner DeNapoli asked if the Planning and Zoning Board had expressed an opinion on rooftop generators. Development Services Director Campbell replied that the Board had not taken a position on permanent rooftop placement. The Town currently allows placement of temporary generators on rooftops in emergencies.

Commissioner DeNapoli commented that some homeowners may prefer to place generators in side setbacks, as newer homes often take up more space on their lots. He noted that this would depend on the equipment's size and the noise it would create. Development Services Director advised that sound testing must be completed as a Code requirement.

It was clarified that current Code allows the placement of permanent generators within side or rear setbacks with a 5 ft. minimum setback and screening. Current Code also prohibits permanent rooftop generators but allows temporary generators on rooftops. The decision to be made by the Commissioners would only apply to new construction in single-family and duplex zoning districts.

There was Commission consensus not to allow permanent generators on rooftops. The Commission was also in favor of leaving current Code in place with regard to placement of generators in side setbacks of new single-family and duplex construction.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner DeNapoli advised that under *Robert's Rules of Order*, a motion and second do not end debate on an item, but technically constitute the beginning of debate. He also referred to the Florida Statutes governing public comments, noting that a single public comment period is required before a decision is made by the Commission; public comment does not occur after a vote has taken place. He concluded that Commissions are not required to hear repetitive comments about past votes.

Commissioner DeNapoli recognized the Proclamation for Tiana Ganswith Day and the Town's recent Christmas-By-The-Sea event, and anticipated the upcoming Chanukah celebration. He encouraged residents to visit the Town's small businesses and urged support of new businesses.

Commissioner Poulopoulos thanked his fellow Commissioners for their work in 2025 and looked forward to working with them and with Staff in 2026.

Commissioner Graziano recommended that future Christmas-By-The-Sea events include signage directing attendees toward restrooms. He also suggested looking into how the Town can help with lighting for the building on which a mural is located. He emphasized the importance of the mural to the Town's branding, and recommended use of solar lighting. The owner of the building is in favor of the idea.

Commissioner Graziano concluded that Florida Power and Light (FPL) has agreed to meet with residents again in January 2026 as well as with State Senator Jason Pizzo and State Representative Chip LaMarca. He hoped to be able to provide an update on the possibility of underground utilities at the second Commission meeting in January.

Mayor Malkoon recognized BSO and Town Staff for their work following the Christmas-By-The-Sea event and encouraged residents to bring their children to the upcoming Party in the Park event.

All the Commissioners wished happy holidays to those present and at home.

16. ORDINANCES 1ST READING

a. **Ordinance 2025-05: AN ORDINANCE OF THE TOWN COMMISSION 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 comment.

Finance Director Lang explained that Ordinance 2025-05 would update sewer rates for residents and businesses served by the Town-owned sewer system. This includes properties located south of Pine Avenue. The Town transmits wastewater to Pompano Beach for treatment and disposal under a master sewer agreement, and is billed for these services. Rates are recalculated annually based on actual costs.

For calendar year 2026, the recalculated charges received from Pompano Beach would reflect a 2.2% increase in the monthly fixed rate and a 4.3% increase in the volumetric rate. To align these rates with the increased costs and ensure the ongoing sustainability of the Town's Sewer Fund, Staff recommends a 6% adjustment to the Town's consumption and base rates as well as the administrative charge.

For a single-family home, based on a usage of roughly 9,000 gallons per month, the impact of the proposed increase is approximately $5.79 per month. For a multi-family property with 34 units which uses 270,000 gallons per month, the monthly impact would be $160.70. A commercial account using 247,000 gallons per month would see a monthly impact of $132.02, while a commercial account using 85,000 gallons per month would be impacted monthly at a rate of $54.96.

Staff recommends approval of the Ordinance as presented upon first reading.

Town Manager Rubach further clarified that if a 34-unit multi-family property broke the additional costs down by unit, each unit would see an impact of approximately $4.73 per month. With the exceptions of heavy single users, the increases would be roughly $6-$7 per month. He noted that rates were raised by both Broward County and the city of Pompano Beach.

Commissioner DeNapoli recalled that the budget report provided earlier in the meeting had shown a Sewer Fund with a favorable variance of over $107,000. Town Manager Rubach replied that Staff did not spend any money from the Sewer Fund in 2025 due to the size of that year's increase. He added that while Pompano Beach maintains the Town's force mains and lift stations, the Town pays them for this service. The Town maintains its own pipes and has been lining sanitary sewer mains and laterals as preventative maintenance. Most of the equipment used is more than 20 years old.

Commissioner DeNapoli asked how much of the $107,000 Sewer Fund overage is expected to be used in 2026. Town Manager Rubach replied that $200,000 to $300,000 is budgeted from the Capital Improvement Fund and the Town will spend the $107,000 overage as well, both toward maintenance issues.

The Item died for lack of motion.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

b. Resolution 2025-55: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING A FIRST AND SECOND ALTERNATE TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

Development Services Director Campbell explained that Resolution 2025-55 would appoint a first and second alternate to the Planning and Zoning Board.

The Commissioners proposed and discussed appointment of the following individuals to the Planning and Zoning Board: Justin Bartholomew, Robert Knoll, Greg Moloney, and Frank Petkunas.

Commissioner DeNapoli made a motion to appoint Justin Bartholomew and Greg Moloney. (The motion died for lack of second.)

Commissioner Poulopoulos made a motion, seconded by Commissioner Graziano, to appoint Greg Moloney and Frank Petkunas. Motion carried 4-0.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:33 p.m.

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Mayor Edmund Malkoon

ATTEST:

_____________________________________ ____________________

Courtney Easley, Acting Town Clerk Date