

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, April 2, 2024

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Chris Vincent
Vice Mayor Edmund Malkoon
Commissioner Buz Oldaker
Commissioner Randy Strauss
Commissioner Theo Pouloupoulos

Linda Connors, Town Manager
Susan Trevarthen, Town Attorney
Katrina Adler, Town Clerk

Regular Town Commission

Tuesday, April 2, 2024, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR CHRIS VINCENT**
 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
 3. **INVOCATION by Rabbi Bentzion Singer**
 4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
 5. **PRESENTATIONS**
 6. **PUBLIC COMMENTS**
 7. **PUBLIC SAFETY DISCUSSION**
 8. **TOWN MANAGER REPORT**
 9. **TOWN ATTORNEY REPORT**
 10. **APPROVAL OF MINUTES**
 11. **CONSENT AGENDA**
 12. **OLD BUSINESS**
 13. **NEW BUSINESS**
 - 13.a. Certification of Election Results
 - 13.b. Oath of Office
 - 13.c. Personal Code of Conduct for the Town Commission
 14. **COMMISSIONER COMMENTS**
 15. **ORDINANCES 1st Reading**
 16. **ORDINANCES 2nd Reading**
 17. **RESOLUTIONS – PUBLIC COMMENTS**
 18. **QUASI JUDICIAL PUBLIC HEARINGS**
 19. **ADJOURNMENT**
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THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 13.a.

Town Commission Agenda Item Report

Meeting Date: April 2, 2024

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Certification of Election Results

Explanation: Pursuant to the Town Charter, the Town held an election on March 19, 2024 to elect Town Mayor at Large, Town Commissioner District 1, Seat 3 and Town Commissioner District 2, Seat 4. The results of the Town election have been canvassed by the Broward County Canvassing Board in accordance with Section 102.141, Florida Statutes. The Broward County Supervisor of Elections has provided the uncertified Election Results for the Election. The Town has been advised by the Broward County Supervisor of Elections that the certification of the Official Election Results will be on April 1, 2024. **(Exhibit 1)**

Recommendation: Staff is requesting that the Commission formally accept the Election results of the March 19, 2024 Municipal Election as provided by the Broward County Supervisor of Elections.

Exhibits:

1. March 19, 2024 Election Results

RUN DATE:03/21/24 04:53 PM

	TOTAL VOTES	%	ED	AV	EV	PV
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Lauderdale-By-The-Sea, Mayor, At-Large
(VOTE FOR) 1

(WITH 3 OF 3 PRECINCTS COUNTED)

Edmund Malkoon	765	40.24	413	299	53	0
Ann Marchetti	666	35.03	373	244	49	0
Buz Oldaker	470	24.72	224	205	41	0
Over Votes	0		0	0	0	0
Under Votes	23		8	12	3	0

Lauderdale-By-The-Sea, Town Commissioner, Seat 3
District 1

(VOTE FOR) 1

(WITH 3 OF 3 PRECINCTS COUNTED)

Howard Goldberg	778	41.58	383	331	64	0
John A. Graziano	1,093	58.42	604	407	82	0
Over Votes	0		0	0	0	0
Under Votes	53		31	22	0	0

Lauderdale-By-The-Sea, Town Commissioner, Seat 4
District 2

(VOTE FOR) 1

(WITH 3 OF 3 PRECINCTS COUNTED)

Kenneth Brenner	727	38.90	363	304	60	0
Richard DeNapoli	1,142	61.10	625	439	78	0
Over Votes	0		0	0	0	0
Under Votes	55		30	17	8	0

X

County Judge

X

County Commissioner

X

Supervisor of Elections



Agenda Item No: 13.b.

Town Commission Agenda Item Report

Meeting Date: April 2, 2024

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Oath of Office

Explanation: Pursuant to Sec. 2-61 of Town Code every official of the Town shall, before entering upon the duties of office, take and subscribe to an oath or affirmation to be filed and kept in the office of the Town Clerk. The newly elected will take the Oath of Office to fulfill the obligation per the Code.

Recommendation: N/A

Exhibits:

1. Oath of Office Malkoon
2. Oath of Office DeNapoli
3. Oath of Office Graziano



OATH OF OFFICE

I, Edmund Malkoon, do solemnly swear (or affirm) that I am a citizen of the United States of America and a resident of the State of Florida and of the Town of Lauderdale-By-The-Sea, and have all of the qualifications as required by the Charter for the office upon which I am about to enter and for which I will receive public funds; that I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the Town of Lauderdale-By-The-Sea; and that I will faithfully perform the duties of the office upon which I am now about to enter.

| _____

Courtney Easley, Acting Town Clerk

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of [___] physical presence or [___] online notarization, this _____ day of _____ 2024, by _____.

Signature of Notary Public

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____



OATH OF OFFICE

I, Richard DeNapoli, do solemnly swear (or affirm) that I am a citizen of the United States of America and a resident of the State of Florida and of the Town of Lauderdale-By-The-Sea, and have all of the qualifications as required by the Charter for the office upon which I am about to enter and for which I will receive public funds; that I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the Town of Lauderdale-By-The-Sea; and that I will faithfully perform the duties of the office upon which I am now about to enter.

Courtney Easley, Acting Town Clerk

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of [___] physical presence or [___] online notarization, this _____ day of _____ 2024, by _____.

Signature of Notary Public

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____



OATH OF OFFICE

I, John A. Graziano, do solemnly swear (or affirm) that I am a citizen of the United States of America and a resident of the State of Florida and of the Town of Lauderdale-By-The-Sea, and have all of the qualifications as required by the Charter for the office upon which I am about to enter and for which I will receive public funds; that I will support the Constitution of the United States, the Constitution of the State of Florida, and the laws and ordinances of the Town of Lauderdale-By-The-Sea; and that I will faithfully perform the duties of the office upon which I am now about to enter.

Courtney Easley, Acting Town Clerk

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this _____ day of _____ 2024, by _____.

Signature of Notary Public

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____



Agenda Item No: 13.c.

Town Commission Agenda Item Report

Meeting Date: April 2, 2024

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Personal Code of Conduct for the Town Commission

Explanation: In 2010, the Town Commission established a Code of Conduct for themselves. The first signing ceremony was done in July 2010. Since then, each time a new Commission is seated, every Commissioner has signed the Code of Conduct and agreed to abide by it.

Recommendation: Execute the Personal Code of Conduct (**Exhibit 1**)

Exhibits:

1. Code of Conduct 2024-26



Town of Lauderdale-By-The-Sea Personal Code of Conduct for The Town Commission

PREAMBLE

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the Commissioners that it elects to local government office. In turn, adherence to these standards will protect and maintain the Town of Lauderdale-By-The-Sea's reputation and integrity.

To these ends, the Town Commission of the Town of Lauderdale-By-The-Sea, as one of several initiatives, adopts this *Personal Code of Conduct for The Town Commission*. It covers the Commissioners, the Vice-Mayor and the Mayor (referred to as "Commissioners"). It is intended to supplement and be compatible with the state and local laws governing the conduct of Commissioners and shall not be interpreted to require conduct that would violate any applicable law.

The key statements of principle that underlie the *Code of Conduct* are as follows:

- Commissioners should serve, and be seen to serve, their constituents in a conscientious and diligent manner.
- Commissioners should be committed to performing the functions of their office with integrity.
- Commissioners should avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.
- Commissioners are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- Commissioners should seek to serve the public interest by upholding both the letter and the spirit of all applicable laws and policies of the United States of America, of the State of Florida, of Broward County, and of the Town.
- Commissioners are expected to conduct themselves with the utmost professionalism, so that they may be worthy of the respect of others at all times.
- Commissioners are expected to refrain from personal agendas, attacks or intimidation of others.

USE OF TOWN PROPERTY, SERVICES AND OTHER RESOURCES

Commissioners should not use, or permit the use of, Town land, facilities, equipment, supplies,



Town of Lauderdale-By-The-Sea Personal Code of Conduct for The Town Commission

services, staff or other resources for activities other than the business of the Town. Nor should Commissioners obtain personal financial gain from their role as Commissioner.

DISCREDITABLE CONDUCT

All Commissioners have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

IMPROPER USE OF INFLUENCE

Commissioners should not use the influence of their office for any purpose other than for the exercise of their official duties.

Examples of prohibited conduct are the use of one's status as a Commissioner to improperly influence the decision of another person, to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. This includes attempts to secure preferential treatment, beyond activities in which Commissioners normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage, through a Commissioner's supposed influence over the Commission, in return for present or future action or inaction.

CONDUCT AT COMMISSION, BOARD AND COMMITTEE MEETINGS

Commissioners should conduct themselves with decorum at Commission, Board and Committee meetings, treating others with respect and professionalism. Commissioners should abide by the rules and regulations agreed to during the Organizational Meeting held after each election. There should be no politicking from the dais, using rhetoric that is designed only to improve one's own status or gain political advantage.

REPRISALS AND OBSTRUCTION

Commissioners should respect the integrity of this *Code of Conduct* and matters related to it. Any reprisal or threat of reprisal against a person providing information to the Commission about a potential deviation from this Code is therefore prohibited.

SUNSHINE LAW COMPLIANCE

In order to maintain compliance with the Sunshine Law, Commissioners should not directly or indirectly communicate with one another regarding Town business by any means of communication unless they are at a publicly noticed meeting. If a Commissioner desires to provide factual information to other Commissioners regarding Town business, the Commissioner should provide such information directly to the Town Manager with a request for distribution.



Town of Lauderdale-By-The-Sea Personal Code of Conduct for The Town Commission

Statements of opinion or of preferred policy should be submitted in the form of an agenda item request for consideration on a Town Commission meeting agenda.

ENFORCEMENT

The Commission shall be the sole judge of any deviations from the Code of Conduct. The sole remedy for such a deviation shall be a vote of censure by a supermajority of the Commission (4 out of 5 votes), following notice of the alleged deviation and an opportunity for the Commissioner whose conduct is being questioned to be heard by the Commission regarding the alleged deviation.

The undersigned Commissioners hereby agree to follow this Code of Conduct during the term of office from 2024 to 2026, and to be accountable to each other for their compliance.

Edmund Malkoon, Mayor

Richard DeNapoli, Commissioner

John A. Graziano, Commissioner

Randy Strauss, Commissioner

Theo Pouloupoulos, Commissioner