



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Thursday, June 6, 2024
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, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Jackie Bonanni Rubino, resident, addressed the Charter amendment proposed under Item 16.b, stating that she was in favor of moving the Town's municipal elections to November, as this change was likely to increase voter turnout and would save the Town money.

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Lori Lenoble, resident, agreed with Ms. Rubino's comments regarding moving Town elections to November, including increased voter turnout and savings to the Town. She was in favor of letting the voters make this decision.

Brian Kuszmar, resident, advised that the only downside to changing the Town's election cycle was that it would result in a one-time increase in the Commission's terms by a few months, while the upside was greater participation in the democratic process. He was in favor of this change.

Bob Fleishman, resident, stated that he and most Terra Mar residents are in favor of changing the Town's elections from March to November, as this would result in cost savings for the Town and increase voter turnout. He was also in favor of this change.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

None.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Mayor Malkoon – Commission Meeting Policies

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Mayor Malkoon explained that he had added this Item so the new Commissioners could review meeting procedures, including how to add Items to the Agenda.

Commissioner DeNapoli suggested that Commissioners be allowed to add stand-alone presentations or reports rather than including them under Commissioner Comments or Presentations. He added that these items would include topics that would not require a vote.

There was consensus by the Commissioners to look into this option. Town Manager Connors stated that she would work with the Town Attorney to draft a Resolution addressing this change and bring it to the Commission for a vote.

Commissioner DeNapoli also noted a section of meeting procedures addressing motions to reconsider items that were previously brought before the Commission, particularly the requirement that a motion to reconsider can only be made by a Commissioner who voted on the prevailing side of the original motion. He requested additional explanation of this requirement. Town Attorney Susan Trevarthen advised that this is consistent with *Robert's Rules of Order* as well as with many other communities. It can be changed if that is the will of the Commission.

Town Attorney Trevarthen also pointed out that reconsideration must be brought forward by the next regular or special Commission meeting following the meeting at which the original motion is made. If there is a determination to reconsider the issue, the actual decision on reconsideration would happen at a future meeting. This is so the public is aware that what they may have perceived as settled business would be back on the Agenda.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Commissioner Pouloupoulos cheered on the Florida Panthers in the Stanley Cup playoffs.

Commissioner Graziano noted that the Town recently celebrated Memorial Day as a federal holiday and emphasized that more federal holidays are coming up.

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Vice Mayor Strauss praised the Dive Into Summer event, which benefits the nonprofit SCUBA For Good.

Mayor Malkoon also thanked Town Staff for their work on the Dive Into Summer event.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

- a. Ordinance 2024-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 “BEACHES AND WATERWAYS,” ARTICLE II “BEACH REGULATIONS” OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 5-38 “RECREATIONAL EXCAVATION OF SAND FROM THE DUNE OR BEACH;” PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

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

Town Manager Connors recalled that at the April 30, 2024 Commission meeting, the Commissioners had voted unanimously in favor of Ordinance 2024-04, which would prohibit digging on or removal of sand from the beach. After that meeting, a number of minor revisions were made to the Ordinance’s language in order to provide additional clarity. These changes include:

- Removal of language addressing recreational excavation of sand
- Removal of the words “other excavation in” from Section 5.38.2
- Removal of the phrase “it shall be unlawful”
- Removal of the definitions for “hole,” “trench,” “depression,” and “excavation”

Code creates three separate violations:

- Section 3: creates a violation for leaving an unsafe hole behind
- Section 2: prohibits digging a hole deeper than 18 in.
- Section 1: prohibits removal of sand

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If sand is removed, but the remaining sand is rearranged so there is no longer an unsafe hole, the individual would violate only Section 1; however, if they removed sand and left the hole, the violation would fall under both Sections 1 and 3.

Commissioner DeNapoli asked why the removal of sand would constitute a violation in itself, and requested clarification if the building of a sandcastle would violate the Ordinance. Town Attorney Trevarthen replied that it would not, as the sand would remain on the beach. She added that many cities with similar Ordinances are concerned with protecting their natural resources, including sand.

Mayor Malkoon recalled a recent incident on the Town's beach involving adults who were digging trenches on the beach. The Police had no jurisdiction to advise them against digging, as the Ordinance was not yet in place.

At this time Mayor Malkoon reopened public comment.

Lori Lenoble, resident, requested clarification of the prohibition against removing sand from the beach, pointing out that the Town does not provide sandbags during hurricanes and the public cannot procure them in other municipalities. She asked if filling sandbags from the beach would be permitted, and if not, recommended that the Town provide these bags.

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

Town Attorney Trevarthen confirmed that prohibiting sand removal was the point of the Ordinance, as it would be harmful to the beach's ecosystem to remove sand. She acknowledged that this is a policy choice by the Town.

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

- b. Ordinance 2024-05: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, TO CHANGE THE TOWN'S GENERAL ELECTION FROM MARCH TO NOVEMBER; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER**

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AMENDMENTS TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER 2024, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE

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

Town Manager Connors recalled that at a previous Commission meeting, the Town Attorney was asked to address timelines applicable to the Town's Charter review process, including an explanation of when Charter amendments that may emerge from that process could be placed on the ballot.

The deadline for submission of ballot questions to the Broward County Supervisor of Elections is June 10, 2024, which meant if the Commission wished to make any changes for the current election cycle, the Town would need to hold the first and second readings of the proposed Ordinance before that date. The Commission provided consensus for Staff to proceed with the preparation of an Ordinance for first reading which would preserve the possibility of placing a question on the November 5, 2024 ballot.

The Ordinance was considered on May 14, 2024, at which time the Commission discussed the Item and approved modifications to the Charter amendment in the form of a ballot summary. The revised language included the following:

- Moving the election dates to the November general election date rather than the second Tuesday in March
- Provided summary information on what would happen with respect to existing terms of office for the Mayor and Commissioners

Information was also provided regarding election turnout in both March and November, as well as costs. Turnout is substantially higher in November than in March, and costs are substantially lower.

Vice Mayor Strauss advised that while a savings of roughly \$20,000 had been mentioned during Public Comment, the most money spent on March elections was in March 2022, which cost \$15,700. Town Manager Connors reviewed costs from previous

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March and November elections, adding that the Supervisor of Elections has recently placed more of these actual costs on the municipalities. This was why the cost of the March 2022 election was significantly higher than other March elections in recent memory. The Supervisor's estimated cost for the Town's November 2024 election is \$3880.

Vice Mayor Strauss requested clarification of how much the Town would actually save by moving its elections to November. Town Manager Connors estimated that this may be close to \$10,000. It was noted that the Supervisor of Elections has not yet billed the Town for its March 2024 election, but has provided an estimate of \$3880.

Commissioner DeNapoli emphasized that holding Town elections on the same date as a presidential preference primary, as in March 2024, results in lower costs; for the March 2022 stand-alone election, however, the cost was \$15,700, which could be subject to further increases. Expected November election costs will always be lower, as there will always be a larger-scale election at that time.

Commissioner Pouloupoulos noted that while cost savings were important, he was in favor of this change in order to encourage greater voter participation. He noted that in previous elections, the difference in turnout between March and November participation ranged from 29% to 47%. He felt this was sufficient reason to make the proposed change regardless of costs.

Commissioner DeNapoli asked if the ballot form is appropriate with no further changes. Town Attorney Trevarthen confirmed this, stating that she did not recommend additional changes to the Ordinance's language at this time.

Commissioner DeNapoli also asked if the Broward County Supervisor of Elections has any impact on the Town's proposal. Town Attorney Trevarthen replied that the Town has double-checked this with the Supervisor's office, who is not performing an independent review of the language either proposed for the Charter or included in the ballot question.

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

17. RESOLUTIONS – PUBLIC COMMENTS

None.

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18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:09 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

7/2/2024 | 4:28 PM EDT

Date