

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, June 10, 2025

6:30 PM



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

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Vice Mayor Randy Strauss
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos

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

Regular Town Commission

Tuesday, June 10, 2025, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **Moment of Silence**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. IPW Conference 2026
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
 - 8.b. Development Services Report
 - 8.c. Visitor Center Quarterly Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
 - 10.a. Approval of Minutes for May 13, 2025 Regular Commission Meeting.
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**
18. **RESOLUTIONS – PUBLIC COMMENTS**
 - 18.a. Resolution 2025-26 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING AN AUDITOR SELECTION COMMITTEE TO ASSIST THE TOWN COMMISSION IN SELECTING AN AUDITOR TO CONDUCT THE ANNUAL FINANCIAL AUDIT; APPOINTING COMMITTEE MEMBERS; PROVIDING FOR DISSOLUTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

19. QUASI JUDICIAL PUBLIC HEARINGS

20. ADJOURNMENT

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: 5.a.

Town Commission Agenda Item Report

Meeting Date: June 10, 2025

Submitted By: Katie Anderson, Events & Marketing Manager

Submitting Department: Administration

Item Type: Presentations

Agenda Section: PRESENTATIONS

Subject Title: IPW Conference 2026

Explanation: Stacy Ritter will present information about the upcoming IPW conference.

Recommendation: N/A

Exhibits: None



Town Commission Agenda Item Report

Meeting Date: June 10, 2025

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation:

The Town Manager's report for June 10th follows.

1. Formalizing HOA Approval Requirement for Condominium Renovation Permits

The Town has historically required applicants seeking renovation permits within condominium buildings to provide written approval from their Homeowners Association (HOA) as part of the permit intake process. This long-standing practice has helped prevent internal disputes and ensured that proposed work aligns with association rules.

However, this requirement is not currently codified in the Town Code. As the volume and complexity of condominium renovations increase, staff recommends establishing clear and enforceable language in the Code to formally require HOA approval as part of any permit application for properties governed by an association. Staff seeks Commission direction on whether to codify this requirement to provide clarity for applicants and consistency in enforcement.

Commission Action: Provide staff direction

2. Overnight Parking

The Commission has approved all parking fees and policies by resolution or ordinance.

Currently, the Town allows for the purchase of overnight parking for the A1A parking lot and the Visitor Center parking lot. There are no restrictions on the use of this overnight parking. We have been having an issue with a permit holder regularly sleeping in their car. The staff is suggesting that we review our overnight permit policy to prohibit overnight sleeping in public parking lots. We also suggest that overnight parking passes are limited to residents or hotel guests.

Commission Action: Provide staff direction

3. Fee Adjustment and Ordinance Update for Time Limit Extensions (Section 6-12)

Section 6-12 of the Town Code establishes time limits for the correction of code violations and outlines a process by which applicants may request an extension of time. Currently, this section applies only to new construction. Staff seeks Commission direction on whether this section of the ordinance can be amended to include substantial renovations, particularly in cases where projects involve major structural, electrical, or mechanical work comparable in scope and impact to new construction.

Additionally, the application fee for a construction time extension is \$500. Given the staff time involved in reviewing these requests, the staff recommends increasing the fee to \$750 to reflect the administrative and technical review required more accurately.

Commission Action: Provide staff direction

4. No Smoking on Patio

The Town has a policy for no smoking in the parks, but is silent about smoking in our recreational facilities. The Town's Community Center regularly uses the Jarvis Hall patio for exercise classes. Smoking in that area would be detrimental to the community center participants. A quick survey of the community center members supported the no smoking idea. If the Commission approves, staff will move forward with an ordinance amending the code.

Commission Action: Provide staff direction



4. Friedt Park Progress

Although it looks like a mess, we are making progress with the new children's playground. The old playground equipment and ground covering have been removed, footers have been prepped, and are prepared for density testing. The density testing will take a few weeks, and work will halt until the testing is completed. While this is ongoing, we are also completing budgeted improvements to the tennis courts. Staff have removed the fence surrounding the

tennis court, pressure-cleaned the courts, and are preparing the fence posts for painting. We will also be moving forward with some bathroom repairs at the park. By summer's end, we expect our long-overdue park upgrades to be complete!

5. Thank You, Captain Wesolowski!

After 40.5 years in law enforcement, with nine being served in Lauderdale-By-The-Sea, I would like to extend my sincere congratulations to Captain Bill Wesolowski on his retirement effective August 8th. His years of service and significant contributions to the Town have made a lasting impact, and his presence will truly be missed. While we are saddened to see him leave, I have asked BSO to promote Lt. Sutter to captain this August. Working with Lt. Sutter over the past few years, I know that we will be in good hands with him as our executive in command. That being said, BSO has the option to honor our request or submit three candidates for me to interview. They are a big organization and I expect them to take a bit of time to respond to my request.

6. 4th of July

The Town's annual July 4th celebration is taking place on Friday, July 4th. The event will feature the morning parade, family fun day in El Prado Park, and fireworks in the evening. We'd love for our local businesses to join us in the fun! The parade is a great way for the community to get in front of our residents and neighbors. There's no cost to participate. To confirm your participation, we ask that you complete the parade form, which can be found on our website - www.discoverlbt.com/events - and return to Katie Anderson, our Events & Marketing Manager. There are also sponsorship opportunities available for additional exposure during the event. We are grateful for everyone's support and are looking forward to a fun-filled day with everyone!

7. Ring Camera Grant Program

A big thank you to Lt. Sutter for researching opportunities to enhance safety in Lauderdale-By-The-Sea. He has found a program sponsored by the Area Agency on Aging in Broward County that provides free doorbell Ring cameras to seniors aged 60 and above. The program is currently active and requires the following:

- Recipient must be 60 years or older;
- Recipient must have working Wi-Fi with high-speed internet;
- Recipient must own a mobile device or a table with internet access and the capability to download and run the Ring App (available on iOS, Android and Fire OS devices); and
- Recipient must not already own a Ring Doorbell.

There is a small monthly fee to connect to the Ring programming. If anyone is interested, please visit <https://www.adrcbroward.org/ring-community-program>.

Recommendation:

Exhibits: None



Agenda Item No: 8.b.

Town Commission Agenda Item Report

Meeting Date: June 10, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentations

Agenda Section: TOWN MANAGER REPORT

Subject Title: Development Services Report

Explanation: See attached report

Recommendation:

Exhibits:

1. DSD QUARTERLY REPORT - FY 25-FINAL



DEVELOPMENT SERVICES QUARTERLY REPORT JANUARY - APRIL 2025



Business Tax Receipt Activities

- 14 New businesses opened; 10 applications were received.

New Businesses Opened

BTR License Number	Type of Business	Date Opened	Business Name	Street Number	Street Name	Suite
2886	Rental	1/6/2025	La Mer Properties LLC	224	Hibiscus Ave	253
2914	Vacation Rental	1/7/2025	Donna Prior	2073	Windward Dr	
2917	Hotel	1/22/2025	Sea Glass Beach Place	4245	N. Ocean Dr	
2918	Home Office	1/22/2025	The Sailfish Group Consulting	4445	El Mar Dr	2212
2879	Short Term Rental	2/26/2025	Cheeky's Beach House LLC	4620	Seagrape Dr	
2922	Restaurant	3/7/2025	Sushi Sake	4350	N. Ocean Dr	
2919	Rental	3/11/2025	Marion Stefaniu	1500	S. Ocean Blvd	102
2901	Vacation Rental	4/1/2025	3261 Seaward Dr LLC	3261	Seaward Dr	
2921	Vacation Rental	4/1/2025	Jason Smith	245	Algiers Ave	
2925	Vacation Rental	4/7/2025	Asia and Laura Cooper	226	Pine Ave	
2924	Vacation Rental	4/8/2025	Guy Favart	284	Imperial Lane	
2926	Restaurant	4/9/2025	Beach Buns Bakery	222	Commercial Blvd	102
2860	Business	4/11/2025	The Event Agency	4401	W. Tradewinds Ave	220
2920	Short Term Rental	4/30/2025	Gregg Ficery	4313	W. Tradewinds Ave	1-2

Development Updates- The following projects are currently being reviewed by the Development Services Department.

- 4628 Bougainvilla- Conditional Use for the construction of a duplex
- 255 E Commercial- Flex unit allocation and mixed-use project
- 4312 El Mar Drive- New hotel site plan
- 230 Lake Court- Level 2 Site Plan modification
- 4225 El Mar Drive- Level 2 Site Plan modification

Other Applications

Development Services Applications

Type	Number
ROW Permit	4
Lien Search Requests	121
Landscape Permit	7
Sign Permit	9
Conditional Use	2
Administrative Adjustment	3
Architectural Review	3

CODE COMPLIANCE ACTIVITIES

Code Compliance hearings are held on the 4th Thursday of every month.

Code Activity Summary	
Case Inspections	
New Incidents Investigated	196
Total Inspections Completed	309
Cases with Active Violations	
Under Magistrate Jurisdiction	50
Under Code Office Jurisdiction	86
Recorded Liens with Active Violations	9
Total Cases with Active Violations	154
Vacation and Short-Term Rentals	
Registered Units	144

BUILDING DEPARTMENT AND ZONING ACTIVITIES

A list of the Building Department permits activity and fees collected during the reporting is noted below. The total amount of funds collected was \$458,024.19.

	January 2025- April 2025
Permit Applications	424
Permits Issued	374
Permits over \$100,000	12
Inspections Completed	2,972
Funds Collected	\$458,024.19

PERMITS WITH JOB COST OVER \$100,000				
Address	Work Description	Owner	Valuation	Fees Collected
5000 NORTH OCEAN BOULEVARD #511-512	Interior Remodel Permit	STERNE, BEVERLEY RUBY	\$ 244,700.00	\$ 8,112.30
1900 EAST TERRA MAR DRIVE	Swimming Pool	ARMSTRONG, MICHAEL TREVOR	\$ 155,900.00	\$ 3,125.87
4341-4343 BOUGAINVILLE DRIVE	Commercial Alterations	BREZA, THOMAS S	\$ 217,403.00	\$ 1,747.13
1398 S OCEAN BLVD	Residential Alterations	MALULANI CORPORATION	\$ 418,915.00	\$ 13,920.00
2012 WINDWARD DRIVE	Addition Permit	HAGEN, LINDA L KALINOSKI, JOSEPH	\$ 517,000.00	\$ 16,976.11
1850 SOUTH OCEAN BOULEVARD	Swimming Pool	CRANE CREST APTS	\$ 135,792.00	\$ 2,348.27
1572 BLUE WATER TERRACE N	Interior Remodel Permit	HOFFMAN, MATTHEW & CHRISTA	\$ 150,000.00	\$ 2,696.79
4228 EL MAR DRIVE	Roofing	EL MAR CONDOMINIUM	\$ 267,028.00	\$ 4,362.27
2073 COCO PALM PLACE	Interior Remodel Permit	GOLDSTEIN, MARNEY LARNED, JOSHUA M	\$ 100,235.00	\$ 3,510.00
9 SUNSET LANE	Residential New Construction	SUTTON, JOHN E	\$ 2,014,450.00	\$ 42,160.81
4900 NORTH OCEAN BOULEVARD	Plumbing	SEA RANCH CLUB ASSOC -	\$ 495,760.00	\$ 13,064.00
1770 S OCEAN BOULEVARD (OCEAN SOUNDS)	Roofing	OCEAN SOUND	\$ 370,903.00	\$ 6,106.72

BUILDING SAFETY INSPECTION STATUS		
Address	Code Case #	Status of Completion
1620 S OCEAN BLVD	21100022	Property cited. Report has been done, however repairs are required. Property is working to correct issues.
1850 S OCEAN BLVD, LAUDERDALE BY THE SEA, FL 33062	21100051	Property cited. Report has been done, however repairs are required. Property is working to correct issues.
3900 N OCEAN DR, LAUDERDALE BY THE SEA, FL 33308	21120018	Property cited. Report has been done, however repairs are required. Property is working to correct issues
4051 N OCEAN DR, LAUDERDALE BY THE SEA, FL 33308	22050006	Property was non-responsive and a lien was placed on the property October 4, 2022. Balance as of March 14, 2025 is \$205,600.00. Per the property owner, the extensive renovation of the property will be complete in the upcoming weeks. Once the renovations are complete, the property owner will move forward with completion of the building safety inspection report. The property is currently unoccupied by any residents.
1480 S OCEAN BLVD, LAUDERDALE BY THE SEA, FL 33062	25050002	At the last hearing, a final order was issued for compliance by 6-25 otherwise \$250/day would begin accruing. Compliance is reached by submitting the required report to the Town.

Jhanelle M. Campbell

Jhanelle Campbell, Development Services Director





Town Commission Agenda Item Report

Meeting Date: June 10, 2025

Submitted By: Courtney Easley, Assistant to Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: TOWN MANAGER REPORT

Subject Title: Visitor Center Quarterly Report

Explanation: The following is a summary of Visitor Center activity for the first quarter of 2025.

Quarter at a Glance:

- **Returning Visitors:** First quarter 2025 had -5.47% fewer guests than 2024. The reason for the decline is that we didn't open the Center on Wednesdays until the third full week in February. In 2024, we opened the third week of January. The variance was 127 guests. The **month of March had 11.01% more visitors** than the prior year.
- **Town Topic Sign-Ups:** For the 1st quarter we processed **38** forms. Both locals and visitors want to know what is happening in Town.
- **New Souvenirs:** The Visitor Center replenished LBTS branded merchandise, including caps, beach towels, magnets, and stickers to name a few.
- **1st Quarter 2025 Merchandise Sales:** Locals and visitors bought \$3,244.00 of Town souvenirs for the quarter.
- **Big Chair Pics:** The "big chair" continues to be a draw for visitors and locals. We sent **14** big chair photos for Social Media consideration in the 1st Quarter.
- **Chamber Referrals:** We had **five** Chamber referrals in the 1st quarter.
- **Town Event Support:** The Visitor Center continued to staff at the Farmers Market nearly every Sunday.
- **Free Little Libraries:** We are always in need of books!
- **Looking forward:** It's always fun to help with the spring and summer events! We look forward to greeting returning guests next season.

Quarterly Stats & Insights

Daily Walk In Tally

For 1st quarter, Tuesday and Thursday were the busiest days. Saturday continues to be

staffed from 9am to Noon.

1st Quarter 2025 Walk In Total									
Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total	Calls	Web
0	0	0	46	52	62		160	10	1
96	120	28	117	111	62		534	35	3
106	84	34	131	118	47		520	30	5
69	109	85	140	119	49		571	43	8
123	122	62	115	121	19		562	38	2
394	435	209	549	521	239		2347	156	19

Month over Month

Below is a **month over month** comparison of walk-in guests for 1st Quarter in 2024 vs. 2025. We continue to see consistent traffic in our center, many from word of mouth and our discoverlbs.com website.

Mos	2024	2025	Change
Jan	855	665	-22.22%
Feb	902	876	-2.88%
Mar	726	806	11.01%

Part-Time and Volunteer Staff

Combined Staff and Volunteer hours were consistent from 2024 to 2025. We appreciate the staff and volunteers.

Q1 25	Part-Time	Volunteers	Total
	430	95.45	525.45

Merchandise Sales

With the Farmers Market opening in December and more tourists, sales increased.

Jan	\$ 1,306.00
Feb	\$ 1,327.00
Mar	\$ 611.00
Total	\$ 3,244.00

Recommendation:

Exhibits: None



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: June 10, 2025

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

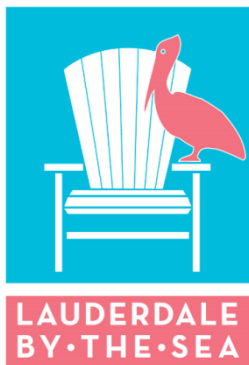
Subject Title: Approval of Minutes for May 13, 2025 Regular Commission Meeting.

Explanation: Approval of Minutes for the 5-13-25 Regular Commission Meeting.

Recommendation: Accept/Approve

Exhibits:

1. 5-13-25 Regular Commission Meeting Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, May 13, 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, Development Services Director Jhanelle Campbell, Assistant Development Services/Code Compliance Director Terry-Ann Boyd, 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Manager Linda Connors requested that Item 5.a, a presentation on the 2026 IPW Conference, be rescheduled to a later date.

5. PRESENTATIONS

a. IPW Conference 2026

This Item was rescheduled.

b. National Safe Boating Week Proclamation

Mayor Malkoon read a Proclamation designating May 17-23, 2025 as National Safe Boating Week.

c. Proclamation for “National Police Week” and “National Peace Officers Memorial Day”

Mayor Malkoon read a Proclamation recognizing May 15, 2025 as National Peace Officers Memorial Day and the week of May 11-17, 2025 as National Police Week.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Tiffany Coquis, resident, stated that she will represent Lauderdale-By-The-Sea in the upcoming Miss Florida pageant. She invited all present to a fundraising event on Sunday, May 18, 2025 at Aruba Beach Café, and thanked the community for their support and generosity.

Mayor Malkoon suggested that Town Staff prepare a basket to be raffled at the upcoming event.

Commissioner Graziano requested additional information on the fundraising event. Ms. Coquis explained that the event is free of charge and will raise funds for pageant expenses through raffles, donations, and sponsorships.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Broward Sheriff’s Office (BSO) Captain Bill Wesolowski addressed car thefts in and near the Town, emphasizing that this is a widespread problem affecting the county, state, and nation as well as Lauderdale-By-The-Sea. Since the beginning of 2025, there have been approximately 1240 reported auto thefts in Broward County, including nine thefts in the Town.

Captain Wesolowski noted that current and former Town Commissions have taken steps to address this issue, including the implementation of a Town-wide camera system as well as license plate reader (LPR) cameras. These tools allow BSO to follow key leads that can assist in the recovery of vehicles.

The Town's LPR system is tied to other such systems throughout the county which allow for the tracking of license plates once a car leaves the Town. BSO has committed numerous units to addressing the problem of auto theft, including its Burglary Apprehension Team (BAT), Real-Time Crime Center, Strategic Investigations Analytical Unit, Covert Surveillance Unit, the State Attorney's Office, and the Crime Lab.

Captain Wesolowski provided background information on the BAT, which recognizes a nexus between car thefts and home break-ins. The team uses advanced technology to locate stolen vehicles and to catch individuals in the act of breaking into homes after stealing cars. When an auto theft is reported, BSO Detectives contact the BAT and provides them with information so they can establish patterns whenever possible. The team and Detectives work with regional partners addressing similar incidents.

Captain Wesolowski requested assistance from the community in combating this crime, including basic precautions such as locking vehicles and securing key fobs inside residences. Some residents have added secondary tracking devices to their vehicles. Other precautions against car theft include parking in well-lighted areas or garages. There is a 30% to 40% recovery rate for stolen vehicles.

Commissioner DeNapoli asked if all perpetrators of thefts in the Town have been apprehended. Captain Wesolowski replied that while they have not, BSO has leads on many cases. He strongly emphasized that even after a vehicle is recovered, investigations remain active and include the processing of physical evidence to identify leads.

Town Manager Connors reported that the Water Taxi now stops at the Blue Moon Fish Co., and residents will soon be able to purchase Water Taxi tickets at Town Hall and the Visitor Center. She will speak with the Town's hoteliers' association to let them know how they can coordinate with the Water Taxi as well.

Demolition and replacement of children's playground equipment at Friedt Park is underway. A new playground is expected to be complete by midsummer.

The Farmers Market has concluded for the year. Town Manager Connors thanked provider Community Markets of South Florida and anticipated their return in December 2025.

The Broward County City Managers Association recently completed its review of the third amendment to the inter-local agreement regarding Broward's transportation surtax. The proposed agreement will standardize funding available to municipalities based on their number of center line roadway miles. It also allows municipalities to use surtax funding for microtransit, such as the Town's Circuit program, as well as repair and maintenance projects.

Town Manager Connors explained that in the past, all Broward municipal transportation projects competed against one another for surtax funding. This meant the Town was unable to receive funding, as the majority of its programs are related to repairs and maintenance and its larger roadways are owned by the county or state. The amendment means the Town will be able to receive over \$130,000 per year. The Broward County Board of County Commissioners will review the amendment at their first meeting in June 2025; if it passes, the Town Commission will see this item on its June 24, 2025 meeting agenda.

Town Manager Connors advised that the Broward County City Managers Association is currently accepting applications for its scholarship program. Eligible participants must be enrolled by summer/fall and must be pursuing a Bachelor's or Master's Degree in public administration, political science, or another government-related field.

The Broward League of Cities will host its annual gala on June 7, 2025, at which its Board of Directors and Alternates will be installed. The Town is represented by Mayor Malkoon, with Commissioner DeNapoli as first alternate and Commissioner Pouloupoulos as second alternate. The Town supports the Broward League of Cities by purchasing a table at the event. She requested that the Commissioners let Staff know whether or not they plan to attend the gala.

The Commission reviewed prospective dates available for their annual ethics training. They will provide the Town Clerk with responses regarding availability and the training session will be scheduled accordingly.

Town Manager Connors recalled that the Commission's policy regarding Agenda Items involves their providing Staff with forms listing items they would like to include, followed by Commission consensus on whether or not to move forward with those items. If they

indicate interest in moving forward, the items are placed on an upcoming agenda for discussion. This process allows Staff to compile additional information if necessary. Past items brought forward under this procedure included Ordinance amendments, Resolutions, and other items for discussion.

Town Manager Connors requested confirmation that the Commission is comfortable with this policy, or if they would prefer to discuss the policy further.

Commissioner DeNapoli stated that he felt if a Commissioner wishes to place an item on an agenda, it should be brought forward for a vote. He did not believe proposals generated by elected officials should require consensus followed by a second meeting at which a vote is taken.

Mayor Malkoon recalled that he has raised issues with meeting procedures in the past, citing the inclusion of the Commissioner Presentations Item as one example. He advised that his intent regarding this issue is to preserve the independence of the Commission.

Vice Mayor Strauss expressed concern with the possibility that the Commissioners could be blindsided by issues that are not reflected in an agenda for review prior to the meeting. If this information is provided, the Commissioners would then have an opportunity to make an educated decision on that item. This would also ensure the public has an opportunity to consider the item as well, and to express any concerns or opinions. He felt the appropriate procedure was to reach consensus on whether or not to place the item on the next agenda with backup information.

Commissioner Pouloupoulos requested clarification of what is legally required of the Commission regarding advanced notice to the public and other elected officials. Town Attorney Susan Trevarthen explained that this discussion does not address any items that can only be accomplished by Ordinance, as there must be published notice and two readings of those items. Tonight's discussion addresses items that do not require an Ordinance, but deal with other items of business for which Commissioners submit requests for placement on agendas, with appropriate backup. If no legal steps are necessary, the Commission may vote on whether or not to proceed with that item.

Town Attorney Trevarthen continued that there is an alternative scenario in which issues may be brought forward with no advance warning to the Commissioners. It is permissible to add, delete, or defer agenda items at regular Commission meetings; in the case of special meetings, however, this is not permitted, and the item must be included on the agenda in order to be heard. Proposing an item for addition, deletion, or deferral provides

the Commission with the opportunity for consensus. If a Commissioner is concerned that an item is significant and would like the public to have a chance to opine, they may object to that item's addition, or, if a vote is taken on the added item, may vote against it.

Commissioner Pouloupoulos stated that he also did not feel consensus was required in order for a Commissioner to bring a new issue forward at a meeting. If a Commissioner wishes to address an issue, they should first discuss it with Staff so a proper report can be prepared in advance, and appropriate notice must be provided. He was not in favor of presenting new business at a Commission meeting without advance or published notice that it will be discussed.

Commissioner DeNapoli noted that there seemed to be Commission consensus that a Commissioner may place an item on the agenda of an upcoming meeting, to be followed by a vote on that item. He did not feel it was necessary for the Commission to reach consensus on an agenda item at one meeting but delay a vote until the next meeting.

Town Attorney Trevarthen further clarified that the process governing meeting procedures currently asks Commissioners to submit their requests for preparation of agenda items, which would be placed under New Business. She advised that the language of the process itself is silent on this issue.

Town Manager Connors explained that Staff has historically relied on language which states "[O]nce heard, the request shall not be acted upon until approved." She requested that the Commission further clarify this language.

Mayor Malkoon stated that his interpretation was that an agenda item can be acted upon. Town Manager Connors advised that her understanding was that "acted upon" referred to Staff preparing the agenda item, as Staff has different responsibilities and perspectives from the Commissioners.

Town Attorney Trevarthen observed that her understanding was that discussing an item was not sufficient; there would need to be a motion and second, followed by majority vote. The language is silent on when that motion and vote may occur, whether at the same meeting as presentation of the item or at a later meeting.

Town Manager Connors advised that going forward, if a Commissioner proposes an agenda item, Staff would prepare an agenda memo on that item, and the proposing Commissioner would prepare any supporting documentation as well. If the item requires significant Staff review and interpretation, such as preparation of an Ordinance, she

recommended that there be Commission consensus to proceed before continuing on the path to approval of the item.

Commissioner Graziano stated that he was comfortable voting on an item if he has all the necessary information about it prior to the meeting, which is typically included in the Commissioners' agenda packets. He encouraged residents to review the Agenda packets made available each Thursday prior to a Commission meeting so they are aware of the items on which the Commission may vote.

Commissioner DeNapoli asked if the clarification that consensus is not required at a meeting prior to the meeting at which an item is voted upon should be presented for a vote at this time. Mayor Malkoon stated that he felt the Commission's consensus was clear. Town Manager Connors noted that the language regarding meeting procedures can be clarified in the future to ensure the understanding that this applies to simple issues rather than more complicated items or Ordinances.

Mayor Malkoon emphasized the importance of preserving the authority and independence of the Commission in their Commission/Manager form of government.

Commissioner Pouloupoulos addressed the Water Taxi update mentioned earlier in the Town Manager Report, asking if the Town planned to take any steps to promote that service. Town Manager Connors explained that once service has been established, Staff will include it in an email blast. They will also encourage the Water Taxi to advertise in the *Town Topics* publication, and the Water Taxi schedule will be posted at Town Hall and the Visitor Center.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen reported that the Florida Legislature has yet to resolve some of its budget and tax issues; however, a number of bills in which the Commission has expressed interest have been resolved. These include changes to the Live Local Act, which were ultimately less significant than originally proposed. These changes allow a municipality to hear applications from owners of property on which houses of worship are located who also wish to construct housing there, with the requirement that at least 10% of that housing be affordable. These applications could be entertained regardless of the parcel's zoning.

Other changes to the Live Local Act include the possibility of projects in different zoning districts, as well as modifications to how preemptions may be applied. Another addition

is a requirement to reduce parking for projects brought forward under the Live Local Act. Courts are required to prioritize challenges under the Live Local Act, and may require payment of the prevailing entity's attorneys' fees if municipalities do not comply.

Another change is a prohibition on any moratoria which may affect projects brought forward under the Live Local Act. There is also a new reporting requirement that each municipality and county in Florida provide the state with information on what has happened in their jurisdictions under the Live Local Act. A policy statement has been issued regarding affordable/workforce housing for employees of hospitals, health care facilities, and governmental entities.

Town Attorney Trevarthen concluded that while these changes are relatively mild in comparison to the amendments proposed earlier in the legislative session, they increase the number of mandates that apply to local communities.

Mayor Malkoon asked if the changes are subject to municipalities' Charters. Town Attorney Trevarthen explained that the power of the Live Local Act comes from a project's ability to take advantage of existing uses, which may allow, for example, different height restrictions or densities for different uses. These heights or densities could effectively be moved to new locations. Because the Town requires a uniformly low height, there is no economic motive to apply the Live Local Act in that way.

Town Attorney Trevarthen continued that Commissioner Graziano had expressed interest in the Recovery Residences Bill, which has passed the Florida Legislature. This bill applies only to recovery residences that are certified under state law. It requires the Town to adopt an Ordinance which creates procedures for reasonable accommodation requests for recovery residences. These procedures must comply with the federal Fair Housing Act as well as the Americans with Disabilities Act (ADA). This bill also establishes that any questions from the Town on this issue must be resolved within 30 days, and a final decision must be made within 60 days.

Town Attorney Trevarthen also called the Commission's attention to Senate Bill (SB) 180, which includes an emergency management package. It provides for planning, training, and preparation to improve emergency management; however, this bill was amended to prohibit all local government-initiated Ordinances which impose more restrictive or burdensome requirements or standards through Comprehensive Plans, land development regulations, or other procedures which affect individual projects. This prohibition is retroactive to August 1, 2024 and prospective through October 1, 2027 for

all counties and municipalities in the state of Florida. This prohibition effectively strips home rule in the form of land use power from most local governments.

SB 180 has not yet been sent to the Governor for signature. A violation of the bill would require the payment of prevailing attorneys' fees.

Commissioner DeNapoli asked if any information is available regarding a property tax proposal. Town Attorney Trevarthen replied that the Town's lobbyist has provided an email commenting on very recent legislative developments, which include a breakdown between the State House of Representatives and the State Senate. The House has extended the legislative session through June 30, 2025, although the Senate has not committed to any extension beyond June 6.

Town Manager Connors advised that Staff has reviewed the Town's Ordinances and determined that there are currently none which would be voided by the passage of SB 180; however, SB 180 would preclude the Town from being able to pass related legislation through October 1, 2027. She cited the Town's Landscape Code as one possible example, as SB 180's intent for the phrase "more restrictive" is not clearly defined.

Commissioner DeNapoli commented that he would also be cautious that changes to the Town's Charter could be challenged if they are perceived as new. Town Attorney Trevarthen noted that this concern applies to Article 7.1 of the Charter, which includes land use-related items such as height restrictions. The remainder of the Charter, however, would not be affected by SB 180, as that bill is specific to land use and zoning regulations. The Charter Review Board has not yet addressed Article 7 in its review process.

Town Attorney Trevarthen also noted that the Governor has multiple options when legislation is sent to his office: he may allow it to become law, sign it into law, or veto it. If the bill is vetoed, it can be sent back to the State Legislature, which has an opportunity to override the veto.

Town Attorney Trevarthen added that the only land use-related changes it may be safe for the Town to consider would be those that are less restrictive, which may not be the changes the community wishes to make.

10. APPROVAL OF MINUTES

a. Approval of Minutes

It was clarified that minutes from the following meetings were presented for approval:

- March 26, 2025 Commission Workshop
- April 8, 2025 Regular Commission Meeting
- April 22, 2025 Commission Workshop
- April 22, 2025 Regular Commission Meeting

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Application for Relief of Code Compliance Lien – Whittier Towers Condominium – 1439 S. Ocean Drive, Lauderdale-By-The-Sea, FL, 33308

Assistant Development Services/Code Compliance Director Terry-Ann Boyd stated that the lien mitigation request comes from Whittier Towers, a multi-family property including 50 units. There is an outstanding fine of \$203,300, which arose from a Code case concerning violations for work done without permits on a new piling dock, floating dock, and concrete seawall restoration.

The case began in 2021 and was resolved in 2023. Once issues of ownership were resolved, permits were requested from and approved by the Town. The Applicant requests mitigation of the full amount of the fine. Mayor Malkoon noted that \$3839.80 has accrued in legal fees related to the case.

Ryan Willits, representing Whittier Towers, explained that the Town's Code Compliance Department had identified life safety issues on the property as well as its seawall. When permit 18-008072 was issued, the building's owners began work to address these issues. While this work was underway, an allegation was made which called Whittier Towers' access to the canal into question.

Attorney Willits requested that when considering mitigation, the Commission consider the severity of the violation, the actions taken by the Applicant to bring the property into compliance, and the impacts of any previous violations. He pointed out that the cooperative consistently acted in a responsible manner to resolve the life safety issues. He reviewed additional aspects of the case, including questions of title, issues related to the original permit, the good faith efforts of the Applicant to bring the property into compliance, and special assessments on the unit owners.

Attorney Willits requested that the Commission either mitigate the entirety of the lien or allow the Applicant to pay legal and administrative costs only.

It was clarified that the subject property was out of compliance for 812 days, which is approximately two and one-half years, totaling \$203,300 in fines.

Vice Mayor Strauss observed that the crux of the issue was the lack of clarity regarding ownership of a portion of the property. Whittier Towers, the Palm Club, and a third property located to the east each have some type of claim on ownership. Attorney Willits explained that Whittier Towers has never claimed to own the property, but is the lessee of a ground lease.

It was also clarified that Whittier Towers pulled a permit to make the necessary repairs to the dock and seawall and correct the violation. Attorney Willits added that Whittier Towers was informed that the permits were closed in summer 2022. The company that reconstructed the dock did so under one of the permits.

Assistant Development Services/Code Compliance Director Boyd explained that Staff's information indicates that Permit LBS18-008072 was for preliminary review only. A subsequent permit, LBS19-0088, applied to the seawall and dock restoration; however, that permit was denied due to the question of ownership interest.

Assistant Development Services/Code Compliance Director Boyd continued that in 2021, the property was cited for work on the piling dock, floating dock, and seawall restoration, all of which was done without permits. A different permit was issued, but was held up once again due to the ownership issues. Ultimately this permit was closed, which closed the 2021 case and brought the property into compliance. The closure of the permit indicates that work on the site was properly completed.

Town Manager Connors further clarified that while the results of the ownership issue were pending, Whittier Towers built the dock in question without a permit. Attorney Willits reiterated that the work was done under permit 18-08072, which was accompanied by an “early start” letter from the Building Official at that time.

Assistant Development Services/Code Compliance Director Boyd added that there is documentation indicating that the Building Official withdrew the early start permit he had issued. It is presumed that this withdrawal was made in response to the ongoing ownership issues.

Alan Gabriel, representing firm Weiss Serota Helfman Cole & Bierman, explained that he was also involved in this ongoing issue, and provided additional information on the history of the property and its ownership. He advised that he had requested a title opinion in July 2022, but this was not provided until February 2024, with no information indicating the reason for that length of time.

Attorney Gabriel continued that the work done by Whittier Towers included more than correction of life safety issues, as it included the addition of dock pilings and a floating dock, also without permits. He concluded that the Town had not been provided with all necessary information on the ownership issue.

Attorney Gabriel also noted that the expenses identified by the Applicant were related to the cost of the work itself, not the violation issued by the Town.

Commissioner Graziano commented that little of the information presented by the Applicant related to the Town’s case against the Applicant. While he was not in favor of passing the costs of mitigation on to the cooperative owners through assessments, he felt there should be some type of penalty.

Commissioner DeNapoli asked if the Town would allow the issuance of a permit to a sub-lease owner to do work. It was clarified that they would not take this step. Town Manager Connors explained that the Applicant removed the dock, which addressed the life safety issue; afterward, they rebuilt the dock without the permit, which led to the violation.

Attorney Willits also addressed the earlier clarification that the Town would not issue a permit to a ground lessee, pointing out that the Town issued permits in relation to a building and parking lot on the Whittier Towers property. He declared that because the Applicant is entitled to the riparian upland, they could receive a permit for the seawall and dock maintenance.

Assistant Development Services/Code Compliance Director Boyd stated that all the information gathered by the Town from the Broward County Property Appraiser's Office indicates that Whittier Towers was not the property owner, which meant the permit could not be issued. The other items for which they submitted permits were approved because the Town was able to verify ownership by Whittier Towers.

Commissioner DeNapoli concluded that it was preferable for the Applicant to have done the work to repair the unsafe dock. Town Manager Connors clarified that while the removal of the dock corrected the violation, the construction of a replacement dock was completed without a permit.

Commissioner Pouloupoulos observed that after the life safety issues were addressed, the Town became aware of the floating dock which had been built without a permit. Attorney Willits noted that the floating dock was tethered to the marginal dock which was attached to the seawall. When Whittier Towers was issued the violation for the floating dock, the structure was immediately removed and a permit was sought. This was also the time at which issues of ownership and access to the canal arose for Whittier Towers.

Assistant Development Services/Code Compliance Director Boyd advised that Broward County, like the Town, also had an issue with the issuance of a permit to Whittier Towers due to the ownership question. Attorney Willits asserted that the County was provided with a copy of an easement, after which time they issued their permit.

Commissioner Pouloupoulos asked if, when the initial notice of violation was issued in 2018, the Town had taken any issue with the property's ownership. Attorney Gabriel stated that the ownership issue did not arise until 2021, when it was identified to the Town by a neighboring property owner. The Town had no involvement in the action between the parties related to ownership.

Commissioner Pouloupoulos asked if the Town makes a determination on the ownership of a property before issuing a violation. Attorney Gabriel explained that ownership of property is determined by the Broward County Property Appraiser's Office. The owner of the property was originally identified as Whittier Towers; however, the Town was later advised that there were issues of ownership which could not be clarified.

Attorney Gabriel continued that when a violation is identified, Staff looks for the best information available at that time. He added that Whittier Towers never indicated that they were not the owner of the subject property, and provided documentation to the Town

which indicated they were the owner. The Town then requested a title opinion in order to determine the actual owner, which was later issued.

Commissioner DeNapoli commented that there is room for significant mitigation due to the questions of ownership of various parcels in the subject area, and proposed that the Applicant be required to mitigate attorneys' fees only. Vice Mayor Strauss observed that Whittier Towers had also been subject to a number of restrictions through no fault of its own, and concluded that he agreed with Commissioner DeNapoli's proposal regarding payment of attorneys' fees.

Commissioner Poulopoulos requested clarification of the total administrative costs related to these proceedings. Assistant Development Services/Code Compliance Director Boyd replied that the only outstanding fees at this time are attorneys' fees for review and attendance of the case at Special Magistrate hearings. These total \$3839.

Commissioner Graziano made a motion that the Town accept the mitigation of \$3839, or 1.9% of the total amount.

Assistant Development Services/Code Compliance Director Boyd advised that the payment would be due in 30 days.

Commissioner Poulopoulos commented that mitigation hearings can be very difficult for the Commission due to the wide range of applicants that come before them. He shared Commissioner Graziano's reticence to penalize the residents of Whittier Towers significantly. Commissioner DeNapoli agreed as well.

Commissioner Poulopoulos seconded the motion. Motion carried 5-0.

b. Dive into Summer 2025

Events and Marketing Manager Katie Anderson stated that the 2025 Dive Into Summer music festival is scheduled for Saturday, June 7 in the El Prado Park and parking lot from 3 p.m. until 9 p.m. The event will include musical performances, food, a local artisan village, and other family-friendly entertainment.

The Town works closely with nonprofit SCUBA for Good to produce the event. Staff recommends using the El Mar Drive median for event parking at the \$21 event day rate to offset the loss of parking spaces in the El Prado Park lot. Additional ADA-compliant

parking spaces will be designated along that median. Staff recommends approval of the event.

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

c. Fourth of July 2025

Events and Marketing Manager Anderson continued that the Town's annual Fourth of July celebration is scheduled for Friday, July 4, 2025 and will include a parade, Family Fun Day in El Prado Park, and an evening fireworks display. The parade will begin behind Town Hall and will run from 10 a.m. to approximately 11 a.m. Family Fun Day will be held from 11 a.m. until 2 p.m. and will include food, a water slide, and other family-friendly entertainment. The fireworks display will begin at 9 p.m. and will last roughly 20 minutes.

Staff recommends allowing parking along the portion of the El Mar Drive median that is not included in the parade route at the \$21 event rate. Staff recommends approval of the Fourth of July celebration.

Mayor Malkoon recommended ensuring that BSO has a presence at the A1A intersection.

Commissioner Graziano requested that Staff evaluate the option of a drone show at next year's event. Events and Marketing Manager Anderson confirmed that this would be done.

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

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano encouraged the Town to show its support for Miss Lauderdale-By-The-Sea Tiffany Coquis at the fundraising event at Aruba Beach Café on Sunday, May 18, 2025 beginning at 2 p.m.

Commissioner Graziano added that he continues to work with representatives of Florida Power and Light (FPL) to address the undergrounding of utilities.

Vice Mayor Strauss stated that he is looking forward to next year's Farmers Market, and thanked the Town Attorney and members of her firm for the recent Commission workshop on public-private partnerships. He hoped the Town could use this form of partnership to construct a new public safety building.

Mayor Malkoon advised that the Town recently hosted a luncheon for the Broward League of Cities' Board of Directors.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

- a. Ordinance 2025-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS,” ARTICLE I, “IN GENERAL,” SECTION 5-7, “FISHING REGULATED; EXHIBITING FISH ON BEACH AND SPEARFISHING PROHIBITED,” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment.

Brian Kuszmar, resident, explained that the recent increase in fishing is the result of the seasonal migration of pompano fish. This included many local sustenance fishermen. He added that spearfishing is not an issue, and emphasized the importance of tourism to Lauderdale-By-The-Sea. He concluded that he was not in favor of placing additional restrictions on fishing on the beach.

Terry Lee, resident, thanked the Vice Mayor for a recent social media post addressing fishing on the beach. He strongly opposed the proposed Ordinance, which he felt was an infringement upon his right to use the beach for fishing at any time.

Lori Lenoble, resident, advised that the Vice Mayor's social media post indicated that Staff had suggested amending the Town's Code. She felt this should have instead been

brought forward by residents. She also pointed out that most fishermen are present before beachgoers arrive, and felt there was no justification for changing fishing hours later in the day, which could negatively affect turtle nesting season.

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

Mayor Malkoon explained that the Ordinance was originally brought forward due to concerns with the sudden influx of fishermen on the beach without understanding the reason for it. As the seasonal migration of pompano has ended, he did not feel it was necessary to change the Town's existing Ordinance regulating fishing.

Commissioner DeNapoli agreed, stating that he would vote against any change to the existing Ordinance.

Vice Mayor Strauss advised that he was not in favor of making changes that could effectively ban fishing during daylight hours. He felt the proposed Ordinance would prohibit all fishing from the beach, which would negatively affect both residents and tourists.

Vice Mayor Strauss added that the Town's five beach portals are examples of where fishing can occur without any effect on the more populated areas of the beach. He suggested the Commission may wish to consider opening the portals to all-day fishing. Another potential compromise could be placing a limit on the number of rods each individual fisherman may use.

Commissioner Graziano commented that he was not in favor of any time limits on fishing from the beach. He advised, however, that he was not in favor of allowing an excessive number of rods that can take up several feet of shoreline space.

Commissioner Pouloupoulos recalled that the Ordinance was proposed due to a large influx of fishermen on the Town's beach, many of whom used multiple rods. He was not certain, however, that all-day fishing should be permitted due to the possibility of accidents involving swimmers.

The proposed Ordinance died for lack of motion.

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 9:17 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



Town Commission Agenda Item Report

Meeting Date: June 10, 2025

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: Resolution 2025-26 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING AN AUDITOR SELECTION COMMITTEE TO ASSIST THE TOWN COMMISSION IN SELECTING AN AUDITOR TO CONDUCT THE ANNUAL FINANCIAL AUDIT; APPOINTING COMMITTEE MEMBERS; PROVIDING FOR DISSOLUTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation:

The Town's current contract for external auditing services will expire on July 31, 2025. As required by Florida Statutes, the Town must initiate the auditor selection process in accordance with Section 218.391, Florida Statutes, to procure auditing services for future fiscal years.

Per statutory requirements, the Town must establish an Auditor Selection Committee composed of at least three members. One member must be a member of the Town Commission, who will serve as the Chair of the Committee. Employees of the Town may not serve as members of the Committee but may participate in an advisory capacity.

At its April 9, 2024, meeting, the Town Commission adopted Resolution 2024-13, appointing the following individuals to serve on the Audit Committee: Roseann Minnet, Jeff Goldman, Christina Cuomo, and Brian Kuszmar. The primary responsibilities of the Audit Committee include meeting with the external auditor to review the Annual Comprehensive Financial Report and carrying out any additional duties as assigned by the Town Commission.

In accordance with Florida Statutes, the Town must now initiate the auditor selection process. The Commission may appoint two or all of the existing Audit Committee members to serve on the Auditor Selection Committee. Additionally, the Commission must designate one of its members to serve as Chair of the Auditor Selection Committee.

The Auditor Selection Committee will be responsible for the following:

- Establishing the evaluation criteria for ranking proposals;
- Publicly announcing the issuance of the RFP;
- Providing interested firms with the RFP document;
- Evaluating proposals submitted by qualified firms;
- Ranking and recommending, in order of preference, no fewer than three firms deemed most qualified to perform the audit services. If fewer than three firms respond, the Committee shall recommend those deemed most qualified.

Following the Committee's recommendation, the Town Commission will select an auditor. They will then engage with the selected firm(s) to determine the basis of compensation and enter into a formal agreement. All audit procurements must be evidenced by a written contract outlining all terms and conditions. An executed engagement letter signed by both parties shall serve as the binding contract.

Recommendation: Staff recommends initiating the auditor selection process by establishing the Auditor Selection Committee in accordance with Florida Statutes. This includes appointing one member of the governing body to serve as Chair, along with at least two additional members, to ensure timely compliance with statutory requirements and a smooth transition of audit services through the issuance of a Request for Proposals (RFP).

Exhibits:

1. Resolution 2025-26- Appointing An Audit Selection Committee

RESOLUTION NO. 2025- 26

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING AN AUDITOR SELECTION COMMITTEE TO ASSIST THE TOWN COMMISSION IN SELECTING AN AUDITOR TO CONDUCT THE ANNUAL FINANCIAL AUDIT; APPOINTING COMMITTEE MEMBERS; PROVIDING FOR DISSOLUTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Town of Lauderdale-By-The-Sea (the “Town”) desires to issue a request for proposals (“RFP”) to obtain proposals from certified public accounting firms (“Respondents”) for the Town’s annual financial audit required pursuant to Section 218.39, Florida Statutes, single audits, and such other financial auditing services as may be needed by the Town (the “Services”); and

WHEREAS, pursuant to Section 218.391(2), Florida Statutes, the Town Commission is required to establish an auditor selection committee (the “Committee”), the primary purpose of which is to assist the Town Commission in selecting an auditor to conduct the annual financial audit required in section 218.39, Florida Statutes; and

WHEREAS, the Committee must consist of at least three (3) members, including one member of the Town Commission that will serve as the Committee chair; and

WHEREAS, Section 218.391(2)(c), Florida Statutes, provides that an employee, chief executive officer, or chief financial officer of the Town may not serve as a member of the Committee; however, the Town Commission may designate a Town employee to serve in an advisory capacity to the Committee; and

WHEREAS, the Town Commission desires to establish the Committee and appoint Committee members; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. **Committee Established.** The Town Commission hereby establishes the Committee pursuant to section 218.391, Florida Statutes. The Committee shall have the primary purpose of assisting the Town Commission in selecting a certified public accounting firm to conduct the Town's annual financial audit required pursuant to section 218.39, Florida Statutes, single audits, and such other financial auditing services as may be needed by the Town. The Committee shall have those responsibilities set forth in section 218.391(3), Florida Statutes.

Section 3. **Appointment.** The Town Commission hereby appoints the following individuals to the Committee:

1. Committee Member No. 1 (Committee Chair): Commissioner
2. Committee Member No. 2: _____
3. Committee Member No. 3: _____
4. [Additional Committee Members may serve add if applicable]

The Town Commission hereby further designates Finance Director to serve in an advisory capacity to the Committee.

Section 4. **Dissolution.** The Committee shall exist until it completes its evaluation of RFP responses and ranks and recommends, in order of preference, the most highly qualified Respondent to perform the Services; provided, however, that the Town Commission may, by an affirmative motion or resolution, dissolve or extend the term of the Committee.

Section 5. **Implementation.** The Town Commission hereby authorizes the Town Manager to take any action which is reasonably necessary to implement the purpose of this Resolution.

Section 6. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Mayor Edmund Malkoon

Attest:

Katrina Adler, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney