



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 N. Ocean Drive
Tuesday, October 14, 2025
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:33 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Interim Town Manager Ken Rubach, Town Attorney Susan L. Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner St. Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/ Assistant to the Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Malkoon requested that Items 19.a, 19.b, and 19.c be heard immediately following the Consent Agenda.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

Mayor Malkoon advised that Public Comments are limited to Items on tonight's Agenda in accordance with Florida Statute 286.0114.

At this time Mayor Malkoon opened public comment.

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Patrick Ucci, resident, addressed public safety, particularly automobile thefts, which have increased by 100% year-to-date. Burglaries in residences have increased by 150% year-to-date as well. He requested an active discussion on a plan to reverse these trends.

Ken Brenner, chair of the Lauderdale-By-The-Sea Volunteer Fire Department's Pension Board, thanked the Town Commission for placing a Resolution on tonight's Agenda which would address funds due from a revenue share from Florida Statute Chapter 135.

Dorothy Seibert, resident, addressed the Ocean Treasure hotel, which is the subject of quasi-judicial Item 19. She requested clarification of whether the proposed balconies would be located on the north side of the building.

Mayor Malkoon clarified that the north balconies are no longer planned for the proposed building.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO September 2025 Public Safety Report

Broward Sheriff's Office (BSO) Captain Christopher Sutter reported that on September 6, 2025, Executive Officer Chris Palmer was assigned to BSO as the Captain's second-in-command for the Lauderdale-By-The-Sea district. Officer Palmer has significant experience in different aspects of law enforcement from throughout Broward County.

Deputy Kyran Ramcharan is Employee of the Month for September 2025 in recognition of his handling of an incident that occurred in the Downtown Pavilion area.

Captain Sutter continued that other recent incidents include a business burglary on September 18, 2025, for which a suspect has been identified. He also noted that an occupied burglary auto theft occurred on September 24. The vehicle was later recovered. He advised that video evidence, including Town and individual cameras as well as license plate reader (LPR) cameras, contributed to the response to these incidents.

Captain Sutter advised that crime statistics are compiled in a different format from previous years. When multiple crimes occur during the same incident, they are categorized individually, which helps to show statistical increases. He acknowledged that

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there is an increase in auto thefts throughout Broward County. Directed patrols are attempting to address this trend.

During a similar increase earlier in the season, BSO collaborated with the Town to provide signage reminding residents not to leave key fobs in their cars, as this can contribute to thefts.

Commissioner Pouloupoulos noted that some incidents have occurred in the Bel Air neighborhood, and requested clarification of where cameras are located in or near the ingress/egress points to that community. Captain Sutter replied that both of these locations are accessible through Town cameras; however, the cameras are not constantly monitored, as that would require a dedicated BSO Staff member.

Commissioner Pouloupoulos asked if there are ways to provide greater control of neighborhoods such as Terra Mar and Bel Air, whether through cameras, signage, or other campaigns. He also suggested meeting either one-on-one or in a roundtable setting with law enforcement to discuss these issues further. Captain Sutter recalled that the Town and BSO partnered for a signage campaign earlier in the year which cautioned residents to secure their key fobs.

Commissioner Graziano recalled that some Fort Lauderdale communities have monthly paid arrangements with Fort Lauderdale Police Officers who patrol individual neighborhoods using Police vehicles. Homes in those communities often post signage referring to these patrols in order to discourage crime. He suggested that the Town look into possibilities such as these.

Commissioner Graziano continued that the Terra Mar neighborhood has authorized the purchase of new cameras, and there are BSO LPR cameras in the area as well.

Commissioner DeNapoli recalled that at a previous meeting, Mayor Malkoon had indicated he would schedule a roundtable meeting to address public safety, and encouraged Captain Sutter to participate if possible.

8. TOWN MANAGER REPORT

a. Town Manager Report

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Interim Town Manager Ken Rubach advised that Boo!-By-The-Sea is scheduled for Saturday, October 25, 2025 from 10 a.m. until 1 p.m. in the West Business Plaza. The event is designed for children 11 years old or younger and will include candy and games.

Transportation provider Circuit now includes the ability to use Apple Pay and Google Pay on its mobile app. Regular credit cards are also still accepted.

The Town has received a public-private partnership (P3) solicitation. As part of this process, the Town released a request for proposal (RFP) on October 6, 2025, as required by State Statutes. The RFP has a deadline of Monday, October 27, 2025. Staff anticipates bringing forward an Agenda Item to discuss the proposal at the October 28, 2025 Commission meeting. Subsequent solicitations, if received, will be presented at later meetings. He recommended that the proposal also be discussed during the public safety roundtable meeting.

Interim Town Manager Rubach requested Commission consensus on a parking rate modification pilot project. He explained that Town businesses have requested this assistance during the slower season. Staff proposes a pilot program which would offer “early bird” and “happy hour” specials Mondays through Thursdays from 6 a.m. until 10 a.m. and 3 p.m. to 7 p.m. The program would reduce the parking rate from \$4/hour to \$2.50/hour through the end of November 2025. It would be publicized across the Town’s social media platforms as well as through signage.

Mayor Malkoon proposed a flat fee of \$2/hour through the remainder of this quarter, with exceptions for events such as Christmas-By-The-Sea. He agreed to bring this item forward as part of the upcoming roundtable discussion and suggested moving forward with the \$2/hour proposal for full days on Mondays through Fridays.

Vice Mayor Strauss was in favor of the proposal, adding that there are also several areas where parking is privately owned, and individuals who park there are charged as well as ticketed at different rates that are unrelated to Town policy. He recommended that additional signage be placed in or near those areas. Interim Town Manager Rubach confirmed that he would work with the Town Attorney’s Office to ensure all signage follows required regulations.

Commissioner Graziano pointed out that Resolution 2025-48 would allow the Interim Town Manager to establish the times and places when different rates would be in effect, and advised that he also opposed that proposal, as it would affect the Town’s budget. He recommended revisiting the budget process and making any necessary changes to

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accommodate businesses through that process rather than placing those decisions in the hands of Staff.

Commissioner DeNapoli advised that he was in favor of the pilot proposal, and felt the Interim Town Manager should be able to modify parking rates as proposed in Resolution 2025-48 during certain time frames. He pointed out that the Interim Town Manager would continue to regularly report parking revenue to the Commission throughout the year, and the rates could be adjusted if revenue falls below the desired level.

Commissioner Poulopoulos stated that while the lower rates could attract more business to the Town, he also wished to ensure that taxpayers are not paying the bill to bring in visitors. He noted that the Parking Fund is a major source of revenue for the Town, and if parking revenue is lost, funds will need to come from other sources.

Commissioner Poulopoulos continued that he was comfortable with trying the suggested pilot program, but emphasized that the Commission is ultimately responsible for setting the Town's parking rates and should monitor them.

Mayor Malkoon commented that the Parking Fund is currently very healthy, while business during the current season is slow. He was in favor of taking steps to support the businesses, and concluded that he was in favor of the proposed program, and that Downtown businesses have responded positively to the idea.

Interim Town Manager Rubach advised that he would bring back data on the potential impacts on revenue to the next Commission meeting before any proposed program is implemented. Commissioner Graziano reiterated that he did not agree with a proposal for any party other than the Commission to set the Town's parking rates.

Commissioner DeNapoli suggested implementing the pilot program for a two-month time frame to observe its impact on the Parking Fund. He emphasized that the pilot program was not proposed as a permanent policy, but would have an expiration date which would bring it before the Commission again in the future.

Commissioner Graziano requested clarification of the legality of the proposal. Town Attorney Susan Trevarthen replied that Resolution 2025-48 does not disturb the parking rates adopted by the Commission, but provides for the Commission to delegate authority for flexible rates under certain circumstances to the Town Manager. She emphasized that the permanent parking rates are set by the Commission and would not be disturbed by

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allowing temporary adjustments. She further clarified that rates may be lowered with Staff discretion, but may not be increased.

Interim Town Manager Rubach recommended that in light of the Commissioner's concerns, it may be necessary to modify Resolution 2025-48 to require Commission consensus before moving to modify rates. Otherwise, the process could require a new Resolution whenever rate modifications are proposed. Commissioner Graziano confirmed that he was open to this suggestion.

Commissioner DeNapoli recommended that if the Commission elects to move forward with Resolution 2025-48, they also bring it back to the time certain of December 9, 2025, which will be the only meeting scheduled in that month. This will provide time to determine the impact of the program and discuss it at that meeting.

Commissioner Pouloupoulos advised that negotiations between the Interim Town Manager and himself as Commission liaison are proceeding. He has met with counsel and reviewed contracts, and will meet with the Interim Town Manager later this week to continue the discussion.

b. June 2025 Finance Report

c. July 2025 Finance Report

d. August 2025 Finance Report

Finance Director Lucila Lang reported that through the month of August 2025, expenditures and revenues remained mostly within budget, with a couple of minor expenses that have not yet been posted. Staff is working diligently to ensure that all expenses are posted through the end of fiscal year (FY) 2024-2025.

Finance Director Lang added that she, Interim Town Manager Rubach, and Assistant Finance Director Edner St. Jean have met with Truist Bank to request a review of the Town's relationship with that institution and whether or not better rates might be available to the Town. A new relationship manager has been assigned to the Town.

Paperwork has been completed for the investments with South State Bank discussed at the September 24, 2025 meeting.

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Commissioner DeNapoli asked if the Town has moved forward to invest additional funds in money markets. Finance Director Lang confirmed that this has been completed with South State Bank. She is awaiting a response from Truist regarding potential investment of Parking Fund monies. She is also working to determine what entity offers the best possible rates.

Commissioner DeNapoli noted that some figures included in the Finance Report are listed at over 100%. Finance Director Lang explained that most of these line items are expected to balance out. The Town budgets for 95% in these line items, which means it is possible to exceed that amount.

Commissioner DeNapoli also addressed Town health insurance, asking if the Town has looked into potential options. Finance Director Lang explained that the Town has a health insurance broker who considers different policies. Each summer, the broker estimates the expected increase, which for FY 2025-2026 was quoted as 16%. The Town considered different carriers, but ultimately chose to remain with United Healthcare. The Town has also left its previous Florida Municipal Insurance Trust (FMIT) grouping, which lowered the increase to approximately 12%.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of minutes for September 2025 Meetings

Vice Mayor Strauss requested clarification of whether the four minutes documents presented for approval were from Regular Commission Meetings or Special Meetings for budget deliberations. It was confirmed that the headers of the Special Meeting documents would need to clarify that they were not regular meetings.

Commissioner DeNapoli noted that the date of the September 24, 2025 Regular Meeting should be corrected on the page header as well.

Vice Mayor Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve, subject to the changes noted above. Motion carried 5-0.

11. CONSENT AGENDA

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None.

The following Items were taken out of order on the Agenda.

19. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen reviewed the requirements for quasi-judicial items, and any individuals wishing to speak on these Items were sworn in. The Commissioners disclosed any ex parte communications related to the Items.

- a. **Request 1: Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).**
- b. **Request 2: Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, “Variances,” the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30-122 (a)(1)b.2.ii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.**
- c. **Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments to the Code – Procedures and Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern**

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**side yard setback to 10.8 feet where 15.5 feet is required for the
Property located at 4312 El Mar Drive.**

Development Services Director Jhanelle Campbell stated that there are three requests made for the subject property, 4312 El Mar Drive:

- Site Plan approval for the construction of a new hotel
- Variance request to reduce the required view corridor from 13 ft. to 10.8 ft., reduce the parking setback on the north side of the property from 5 ft. to 2 ft. 4 in., and reduce the vehicular use area perimeter and landscape buffer from 2 ft. 6 in. to 2 ft. 4 in.
- Administrative adjustment to reduce the required northern setback from 15.5 ft. to 10.8 ft.

The property is located on El Mar Drive and adjacent to the existing Ocean Treasure Hotel and the Oriana property. Plans for the site include unification of the subject property and the existing Ocean Treasure.

The Applicant held a required public participation meeting on August 18, 2025. The primary issue that arose from that meeting was concern with the northern-facing balconies. The developer has agreed to remove these balconies and has re-submitted plans showing this change.

The Applicant proposes to demolish the existing Courtyard Hotel on El Mar Drive and replace it with a new three-story hotel. The two hotel buildings combined will have a total of 22 units. The plans also include unification of the two parking lots for a shared-access driveway and redistribution of density across two lots. The result will be a unified two-building hotel complex.

The property meets Town Code requirements in a variety of ways:

- Height is 33 ft. with a parapet wall at 37 ft., as allowed by Code
- Elevator shaft is 41 ft. in height; these are exempt from height requirements
- Building length of 129.8 ft.
- Front setback is 52.7 ft.
- Rear setback is 182.4 ft.

Development Services Director Campbell advised that at present, no view corridor exists on the subject site. This means while the Applicant is requesting a reduction of the required view corridor, the plans represent a significant improvement over what exists today.

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The existing parking area is a gravel lot from which cars back out onto El Mar Drive. The plans provide much safer circulation for cars entering and exiting the lot and allow safe access to emergency vehicles.

Town Code has seven criteria Staff must consider when evaluating a variance application. Staff feels that all seven criteria have been met and recommends approval of the variance request. Staff has also determined that all criteria have been met for a Level 2 administrative adjustment to justify the 30% reduction and side yard setback.

Staff recommends approval of all three requests with the conditions outlined in the respective Development Orders, which are included in the Staff Report. The project was also reviewed and approved by the Town's Architect.

Commissioner DeNapoli confirmed that the proposed project's height limits are consistent with the requirements of the Town's Charter, and the Applicant has made the changes requested by neighboring residents. He concluded that the project appears to be an improvement to the community.

Vice Mayor Strauss observed that the project exemplifies beautification and modernization of beach properties, and commended the Applicant for their proposal.

Commissioner Graziano commented that while the proposed changes are minor, they will significantly improve the area.

Commissioner Poulopoulos also felt the project represented an update for the Town.

Mayor Malkoon stated that he was happy with the plans, which show that the Town can be redeveloped appropriately in a way that is satisfactory to residents. He recognized the Applicant for working with the residents who had provided suggestions, and was pleased with the proposed design.

At this time Mayor Malkoon opened the public hearing on the Items.

Dorothy Seibert, resident, thanked the Applicant for adjusting the project to residents' concerns. She added that she was pleased there had been no request to increase the building's height, and requested confirmation that the new building would be adjacent to the existing structure. This was confirmed.

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With no other individuals wishing to speak on the Items, Mayor Malkoon closed the public hearing.

Town Attorney Trevarthen advised that the Commission may make a single motion including all three requests if they wish.

Commissioner Poulopoulos made a motion, seconded by Commissioner DeNapoli, to approve all three requests. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Consideration of “Similar Use” Determination: Nail Salons in the B-1 Zoning District at 222 E Commercial Blvd

Development Services Director Campbell explained that Staff received an application for a nail salon at the subject address; however, nail salons are not explicitly listed as a permitted use in the Town’s B-1 zoning district. Town Code requires that when Staff wishes to determine a particular use is a similar use, this proposal must be presented to the Commission for consideration.

Staff requests the Commission’s opinion on whether or not a nail salon may be considered similar to a hair salon and/or barbershop, which are personal service stores allowed within the B-1 district. These uses are regulated by the Florida Department of Business and Professional Regulation. Neighboring municipalities, including Fort Lauderdale, Pompano Beach, and Wilton Manors, treat nail salons similarly to hair salons and barbershops.

If the Commission chooses to designate nail salons as a similar use, Staff would require the salon to provide requisite air filtering mechanisms to ensure no odor is transmitted to neighboring bays.

Development Services Director Campbell further clarified that the subject space was previously occupied by a hair salon. The Town has not previously been home to a nail salon.

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Commissioner DeNapoli stated that he found the use to be similar as long as it is compliant with environmental regulations.

Vice Mayor Strauss asked if the proposal of similar use would mean hair salons are considered in the same manner as nail salons in the future. Development Services Director Campbell confirmed this, adding that no future applications for nail salons would come before the Commission.

Commissioner Graziano characterized the request as common sense.

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

b. Discussion on Code Amendments to Support Redevelopment

Development Services Director Campbell advised that due to recently submitted requests, Staff has identified Code Sections which may unintentionally restrict opportunities for redevelopment. These provisions are located in the following Sections:

- Section 30-27(1): B-1 mixed-use zoning district
- Section 30-242: RM-25 zoning district for lots smaller than 60 ft. located west of or fronting Bougainvillea Drive

At present, Code only allows parcels within 250 ft. of Commercial Boulevard to be eligible for mixed-use redevelopment. Residential floor area in mixed-use projects is limited to 50% of total gross floor area. The Code issues, based on a recently received request, show that the 250 ft. rule excludes the redevelopment of parcels which are still part of the B-1 zoning district and function as such, although they share the same parking access and pedestrian connections. There is no rationale for this distinction in Code. In addition, while the 50% residential cap protects commercial uses, it could also present difficulty for development or redevelopment of projects.

Proposed considerations are as follows:

- Remove the 250 ft. required distance rule to unify the B-1 zoning district and more accurately reflect the Town's development patterns
- Reevaluate the 50% residential floor area to allow flexibility, including modest increases or decreases; additional Staff review would be necessary to craft this language, which would come back before the Commission for approval
- Safeguards such as conditional use approval, architectural review, and other Town approval mechanisms would remain

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Staff requests the Commission's opinion and consideration of the proposed changes.

Commissioner DeNapoli requested clarification of the locations that would be affected by the change. Development Services Director Campbell clarified the subject area, pointing out that it is specific to the B-1 zoning district and would not affect residential neighborhoods. The change would extend south of A1A to the Walgreen's location.

Commissioner Graziano stated that he was pleased to see this type of evaluation brought forward by Staff, asserting that without sensible zoning regulations, growth would not be possible. The farthest extension of the 250 ft. rule was further clarified.

Vice Mayor also saw the proposal as positive, noting that there is no documented reason for the existing boundaries. He also commended Staff for their research.

Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, directing Staff to bring back an Ordinance addressing the two issues. Motion carried 5-0.

Development Services Director Campbell continued that the next proposed change affects the RM-25 zoning district as specifically listed in Code Section 30-242. This Section states that properties of less than 60 ft. in width, located west of or fronting onto Bougainvillea Drive and having existed as of September 13, 2000, are limited to single-family and duplex redevelopment only.

Development Services Director Campbell explained that the requested change would move this redevelopment line. She recalled that an existing property had wished to add a second story, but was not permitted to do so because the property was less than 60 ft. in width and fronted onto Bougainvillea Drive. The owner was prohibited from making any modification to their building.

Upon reviewing Code, Staff felt a reasonable change would be to clarify that the restriction applies only to properties west of Bougainvillea Drive but not fronting onto it. There are already several two-story properties on that street. The location is also adjacent to RM-25 zoning, which allows three-story hotels. The proposed change would be consistent with nearby development patterns.

Development Services Director Campbell confirmed that the proposed change would be consistent with the height limits included in the Town's Charter. A property currently

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located on the east side of Bougainvilla Drive and less than 60 ft. in width would be permitted to add a second story, while a property on the west side would not.

Vice Mayor Strauss asked if multi-family properties just west of the subject area are restricted to existing requirements. Development Services Director Campbell explained that these are restricted if they are less than 60 ft. wide; however, there is a rationale for this, as the RD-10 zoning district, which is much more residential in nature, is located to the west.

Vice Mayor Strauss advised that another concern was the possibility that an owner who wished to add a second story to their property might also wish to add a third story. Development Services Director Campbell confirmed that the RM-25 district permits three stories, and suggested that height for buildings less than 60 ft. in width and fronting onto Bougainvilla Drive could be limited to two stories. She added that language could be crafted to restrict redevelopment to two stories rather than three in the subject location.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to bring back an Ordinance on this issue which limits height to two stories in the subject area. Motion carried 5-0.

c. Special Event Application: Santa Paws December 2025

Events and Marketing Manager Katie Anderson explained that the owner of Wild Berry Salon, a business located in the West Plaza district, has submitted a special event application to host the first annual Santa Paws celebration. Events are planned for Friday, December 12, 2025 and Friday, December 19, 2025. They would be held in front of the Wild Berry Salon and Big Cat Bikes storefronts and adjacent breezeway.

Santa Paws would be a four-hour event from 4 p.m. to 8 p.m., with holiday-themed photo backdrops for attendees and their pets. Additional activities would include raffles and complimentary refreshments. The Applicant anticipates approximately 30 guests on a flow, with volunteers to remain on-site and assist in setup, execution, and cleanup. Funds raised would cover event costs and benefit Ruff Rescue Transport, which is a 501(c)(3) organization.

The Applicant requests use of some Town Adirondack chairs. Any additional décor provided by the Town would be approved by Staff and the Town Manager. The Applicant also requests use of two electrical outlets for the event, one for the photo setup and another for amplified sound or acoustic music. Resolution 2024-29 allows the waiver of

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one electrical fee for the West Plaza area; the Applicant requests a waiver of the fee for the second electrical outlet, which would be \$50.

Restrooms at Big Cat Bikes and Wild Berry Salon would be available for attendees, and parking would operate per normal Town standards. Staff recommends approval of the event.

Mayor Malkoon recalled that when previous events have been held in the subject location, parking for an adjacent restaurant was affected. He asked if it would be possible to mark off some parking spaces for that adjacent business. Interim Town Manager Rubach replied that Staff can look into this.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve the Application, subject to looking into assistance for the adjacent business. Motion carried 5-0.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner DeNapoli encouraged residents with children to attend the upcoming Boo!-By-The-Sea event on Saturday, October 25, 2025 from 10 a.m. to 1 p.m. He was also happy to discuss the proposed parking modification later on tonight's Agenda, and to test other options through the pilot program.

Commissioner Graziano stated that he recently represented the Town at a Columbus Day event at Port Everglades. He recalled that the previous year, the Town had passed a Resolution to include Columbus Day/Indigenous Peoples Day among holidays recognized by the Town.

Commissioner Graziano added that he would like to designate a Commissioner as liaison to the Town's business community, and volunteered to serve in this role.

Vice Mayor Strauss advised that he represents the Lauderdale-By-The-Sea Commission on the Hillsboro Inlet District, and noted that this Inlet is safe for use when attending the upcoming Fort Lauderdale International Boat Show. Depths are cited on the Hillsboro Inlet District's website, which is regularly updated.

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Vice Mayor Strauss also spoke positively of the recent improvements to Friedt Family Park, and pointed out that activity has increased at this facility. He requested that those bringing children to the park make sure that children are not climbing shade trees.

Mayor Malkoon stated that he recently attended the Greater Fort Lauderdale Mayors' Breakfast, where all present discussed issues affecting Broward County municipalities and beaches.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2025-47: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ELECTING TO PERMANENTLY WAIVE THE ABILITY TO SEEK FUNDING FOR COMMUNITY SHUTTLE, THE GRANT MATCH PROGRAM, AND FOR NEW MUNICIPAL CAPITAL PROJECTS FOR THE TERM OF THE 2025 AMENDED AND RESTATED TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER TO WAIVE EXERCISE SUCH WAIVER IN FUTURE YEARS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

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

Interim Town Manager Rubach explained that this Resolution refers to Broward County's surtax program, which passed on referendum in 2018. The Commission passed the third amendment to this program earlier in 2025, which changed municipalities' access to surtax funding. Smaller communities have historically had difficulty accessing funds for programs such as community shuttles, which are geared toward the needs of larger communities.

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The total amount anticipated by Lauderdale-By-The-Sea in 2025 is \$172,000, which exceeds the \$119,000 the Town would have received under the program's initial proposal. The additional funds are due to the waiver noted in Resolution 2025-47. These funds will fluctuate from year to year as more surtax revenue becomes available.

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

b. Resolution 2025-48: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO TEMPORARILY ADJUST THE PARKING FEES AND METER RATES TO SUPPORT ECONOMIC AND SEASONAL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Interim Town Manager Rubach recalled that this proposal was discussed earlier in tonight's meeting. Resolution 2025-48 would allow the lowering of hourly, daily, and special event rates for a period of up to 120 days. Any duration exceeding 120 days would require Commission authorization. The Town Manager would be permitted to lower the rate by up to 50% of the rate established by the most recent Commission Resolution. The Town Manager would have no authority to raise rates.

Commissioner DeNapoli asked if the Resolution provides any specificity regarding rates, or if it leaves the issue open-ended. He also noted that the proposed pilot program would come back to the Commission at their December 9, 2025 meeting, which is in less than 60 days.

Interim Town Manager Rubach advised that the Mayor had indicated the program would not apply to special events such as Boo!-By-The-Sea and Christmas-By-The-Sea.

Commissioner Graziano stated that he had understood the Commission would establish both the parking rate and the time period for the pilot program at \$2/hour, as recommended by the Mayor, and setting December 9, 2025 as a date certain for further discussion. He asserted that he opposed allowing Staff the authority to establish parking rates, and would prefer that the Commission do so at this time.

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Town Attorney Trevarthen explained that previous discussion of this Item at tonight's meeting had indicated that the Interim Town Manager would come to the Commission for approval before changing rates rather than reporting a change after the fact. The Interim Town Manager would only implement the change once the Commission had approved it at a meeting.

Town Attorney Trevarthen continued that the process she had just described would differ from an amendment to the Resolution to specify a time certain program set to expire on December 9, 2025 and carrying a rate of \$2/hour. It was further clarified that the \$2/hour rate would only apply Monday through Friday.

Mayor Malkoon asked if Resolution 2025-48 meant the Interim Town Manager would come before the Commission before enacting any change. Interim Town Manager Rubach confirmed that he would seek consensus from the Commission before proceeding with changes. This would allow parking rates to be updated without requiring a Resolution for each change.

Town Attorney Trevarthen explained that Resolution 2025-48 provides the requested flexibility through delegation of authority. The alternative would be adoption of a short-term lower parking rate which changes the fee schedule to \$2/hour at specific times through December 9, 2025.

Town Attorney Trevarthen also pointed out that the backup materials for Resolution 2025-48 state the Interim Town Manager would report back to the Commission. The proposal at tonight's meeting would have the Interim Town Manager request Commission consensus before making any changes.

Interim Town Manager Rubach continued that at tonight's meeting, he would request Commission consensus to enact the pilot program through December 9, 2025 at the dates, times, and amounts approved by the Commission.

Commissioner DeNapoli reviewed the Commission's options as follows:

- Establish a time certain expiration for a set price determined at tonight's meeting, with pricing to revert to the previous fee schedule on December 9, 2025
- Delegate authority to the Interim Town Manager until the time certain of December 9, 2025 to determine the fee schedule on his own

Commissioner DeNapoli continued that the Resolution could be retitled to refer to a parking fee holiday from the present through December 9, 2025.

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Interim Town Manager Rubach suggested that the proposal would mean there is no requirement for a Resolution whenever they wish to make changes to the parking rates; the Interim Town Manager may instead request Commission consensus on changes that he may propose.

Town Attorney Trevarthen suggested that Resolution 2025-48 can be revised to reflect the Commission's vote at tonight's meeting. She requested clarification of whether the Commission wished to actually change the rate with an expiration date of December 9, 2025, or if they wished to delegate authority to the Interim Town Manager, with the delegation set to expire on the same date.

The Commissioners discussed these options, with Vice Mayor Strauss recommending delegation of authority to the Interim Town Manager. He emphasized that the Commission has the option of deciding that the delegation is not working as intended.

Town Attorney Trevarthen confirmed that the only change to the Resolution would be the addition of a time certain for expiration.

Commissioner Graziano stated that while the Commission acknowledges the Interim Town Manager has the Town's best interests in mind, he felt it was the Commission's obligation to make decisions on any budget items. He spoke in favor of the option which would have the Commission establish a parking rate for a specific period of time, to be reevaluated by the Commission at their December 9, 2025 meeting.

Interim Town Manager Rubach noted that either option would require Commission approval, either through consensus or by Resolution. Commissioner DeNapoli reiterated that the Commission may revisit their decision at any time.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to amend Item 18.b to be titled Parking Fee Holiday, immediately effective, at \$2/hour from Monday through Friday, all day, expiring December 9, 2025, to be set for a time certain on that date and at that meeting to come back to the Commission for further determination. Motion carried 5-0.

It was clarified that the pilot program would automatically expire on December 9, 2025; if the Commission wishes to extend the program, Resolution 2025-48 would be brought back to the Commission in the same form.

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- c. Resolution 2025-49: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH POMPANO BEACH TO REALLOCATE 2023 CHAPTER 175 MONIES FROM POMPANO BEACH TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

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

Interim Town Manager Rubach explained that the 175 monies due to Lauderdale-By-The-Sea's Volunteer Fire Department (VFD) were inadvertently sent to Pompano Beach. The correction of this error has been approved by the VFD Pension Board as well as the Pompano Beach City Commission. Once the Lauderdale-By-The-Sea Town Commission signs off on the correction, the funds can be distributed properly.

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

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:35 p.m.

Mayor Edmund Malkoon

Mayor Edmund Malkoon

ATTEST:

Courtney Easley

Courtney Easley, Acting Town Clerk

11/21/2025 | 1:49 PM EST

Date