



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, January 27, 2026
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:34 p.m. Also present were Vice Mayor Randy Strauss (via Zoom), Commissioner Richard DeNapoli (via Zoom), Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Ken Rubach, Town Attorney Susan Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Assistant to the Town Manager/Acting Town Clerk 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

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Jill and Steve Diller, residents, requested that the Town place a new sign in front of its tennis/pickleball courts displaying updated rules, as the current signage is outdated and specific to tennis. Because only one of the courts is lined for pickleball, those players do not have the option of playing both courts. There is also confusion regarding how many players may be on the court at the same time, which has led to tension among users of the courts.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

Town Manager Ken Rubach confirmed that Staff will look into the signage and the net adjustment.

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

Town Manager Rubach reported that Friday Night Music began on Friday, January 23, 2026 and was well-attended. He recognized Events and Marketing Manager Katie Anderson for her work in organizing this event. The next concert is scheduled for Friday, February 27, 2026.

Work has begun on the Friedt Family Park Mural and is expected to be complete within the next two to three weeks, weather permitting.

The next Party in the Park series event is scheduled for Thursday, February 19, 2026 from 5 p.m. until 6:30 p.m. in Friedt Family Park and has a theme of "Oceans of Love." It will include character appearances, treats, and kid-friendly activities.

Town Manager Rubach concluded that he has provided parking passes for Broward County monitoring during the sea turtle nesting season.

Mayor Malkoon requested an update on the Town's search for a new Town Clerk and Public Works Director. Town Manager Rubach replied that final interviews have been completed, although decisions have not yet been made.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen reminded the Commission that the Town's Charter Review Board met in 2025 and their recommendations were presented to the Commission in December of that year. At that time, Staff was directed to bring these

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

recommendations back in February 2026. They will be brought forward at the second meeting in February.

Town Attorney Trevarthen added that if the Commissioners have recommendations they would like to bring forward as well, she can meet with any of them individually in advance of the second February meeting. The deadline for submittal of ballot questions for the November 2026 elections is June 8, 2026.

10. APPROVAL OF MINUTES

- a. Approval of Minutes for Regular Town Commission Meeting held on December 9, 2025.**

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

11. CONSENT AGENDA

- a. Special Event Application: Seaside Players March 2026 Performance**

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Paws + Palms Canine Walk Club**

Events and Marketing Manager Katie Anderson proposed the creation of a new Town function, the Paws + Palms Canine Walk Club, which was inspired by the many residents who walk their dogs Downtown, in the Town's parks, and in the Town's various neighborhoods. The Club is intended to create a welcoming space for dog owners to socialize.

The Club is proposed as a monthly event, held on one Saturday per month, beginning in February 2026. They will meet at a designated location and walk their dogs in a loop with

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

a different ending location each month. Staff hopes to partner with Town businesses to determine the ending locations. In addition to welcoming dog owners, the intent is to re-introduce residents to the Town's businesses.

All attendees must meet the conditions of Town Code regarding well-behaved and leashed dogs and will be required to carry waste bags. They will also be asked to sign an indemnity agreement for each walk.

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

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano reported that the Garden Club will hold a rummage sale on Saturday, January 31, 2026 in Jarvis Hall. He also attended a ribbon-cutting ceremony for the new Beach Bun Bakery, and noted the success of the Farmers Market and Friday Night Music.

Commissioner Graziano continued that he is still working to identify a way to light the Town's mural at night, and recognized Town Manager Rubach and Development Services Director Jhanelle Campbell for their assistance. This will be a privately funded project.

A meeting between Commissioner Graziano, State Representative Chip LaMarca, State Senator Jason Pizzo, and Florida Power and Light (FPL) is scheduled for next week to discuss the potential undergrounding of utilities. FPL has indicated they would provide the Town with data on the Storm Secure Underground Program (SSUP), including eligibility criteria. If Lauderdale-By-The-Sea is approved for this program, the state would pay the costs of undergrounding in vulnerable neighborhoods. At present, the Town is over 20 years from consideration for the program.

Commissioner Graziano continued that he had received a series of suggestions from a Commercial Boulevard property owner on how to help Town businesses. These items will be brought forward for Commission discussion in the future.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

Mayor Malkoon emphasized the activity in the Town and its positive effects on hotel bookings. He added that he, Town Manager Rubach, and Events and Marketing Manager Anderson were recently interviewed by a visiting blogger. He was also invited to participate in a feature with Invest Greater Fort Lauderdale to discuss the Town and its potential for investment.

Mayor Malkoon continued that Staff has been working to prepare a State of the Town presentation. He concluded that he looked forward to the upcoming tourist season.

16. ORDINANCES 1ST READING

- a. **ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES” OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND TO CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Development Services Director Jhanelle Campbell explained that this Ordinance amends Chapter 30 of the Town’s Unified Land Development Regulations (ULDR) to comply with Senate Bill (SB) 954 by formalizing and streamlining the local review process for certified recovery residences, including requests for reasonable accommodations under state and federal law.

Recovery residences serve individuals who are recovering from substance abuse disorders, which are recognized as disabilities protected under the Fair Housing Act as well as the Americans with Disabilities Act (ADA) and Florida law. These residences’ right to locate within the Town already exists; Ordinance 2026-03 does not expand or restrict the right to locate, but establishes a process as outlined by SB 954.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

Key provisions in the Ordinance include:

- Renaming Division 9
- Establishing an administrative review and approval process for certified recovery residence applications
- Allowing applicants to request reasonable accommodations from strict land use requirements where legally required
- Establishing parameters and timelines in which the Development Services Director must review and approve applications

The Ordinance also establishes an appeal process, which would be decided by the Town Manager. No public hearings are required due to the limited scope of lawful discretion.

The adoption of Ordinance 2026-03 is mandatory in order to comply with state law. The Ordinance reflects best practices and minimizes legal risk by aligning with state and federal requirements.

Next steps include taking the Ordinance before the Town's Planning and Zoning Board, followed by second reading before the Commission with any recommendations the Planning and Zoning Board may have made.

Mayor Malkoon noted that the Ordinance was intended to have been passed and implemented by municipalities by January 1, 2026. Town Attorney Trevarthen advised that there is no penalty; a number of cities began the approval process prior to January 1, while others did not, but are moving forward in good faith to comply with the new mandate. Staff began working on the Ordinance in fall 2025, including analysis of the Statute and processes. The Ordinance was not brought forward at that time in order to ensure the Commissioners had the opportunity to learn from other municipalities' actions.

Mayor Malkoon asked what process the Town has used with respect to certified recovery residences since January 1. Town Attorney Trevarthen explained that all municipalities are subject to federal law. Case law and federal guidance on this issue clearly indicate the steps a municipality must take to provide reasonable accommodation for this use, and the Town has taken these steps in the past.

Town Attorney Trevarthen pointed out, however, that roughly 10 years ago, the Town included zoning relief procedures in Code, which were intended to apply to the full range of individuals with federally protected rights, including those in certified recovery residences. These individuals may have been protected under the ADA, the Fair Housing

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

Act, or other Constitutional rights, such as religious rights. If the Town had received this type of request, Staff would have followed the process outlined in Code.

Mayor Malkoon asked if there might be a better way to ensure that the Town is aware of bills which carry mandatory requirements in the future so the Town can meet all necessary deadlines. Town Attorney Trevarthen stated that Staff was aware of the bill, noting that the Town was required only to refine its existing Ordinance rather than implementing a new Ordinance. Waiting until other municipalities had taken action allowed the Town to learn from their experiences. She emphasized that had the deadline been enforced with a penalty, it would have been brought forward for adoption before the deadline.

Mayor Malkoon suggested that in order to further streamline the approval process and reduce the risk of delay, the following language be added to the Ordinance:

- Section 30-138(b)(1): add "...no additional public hearings shall be required as part of this reasonable accommodation process beyond the minimum hearing requirements, if any, required by law."
- Section 30-138(b)(5): add "...any accommodation granted, including any conditions of approval, shall be limited to the minimum reasonable accommodation necessary to provide equal opportunity and to comply with applicable federal and state law."
- With respect to review time, include language referring to "proof of certification at intake," as well as language stating "...application shall include a copy of the current valid certificate of compliance evidencing the residence's status as a certified recovery residence."
- Add "The Town shall request only that additional information which is reasonably necessary to determine whether the application is complete and to evaluate the request under the criteria and Subsection 5(b).
- Add "This review and appeal process is administrative in nature and shall not be referred to any Board or the Town Commission unless specifically required by law."

Commissioner DeNapoli requested confirmation that the proposed Ordinance does not change any of the Town's existing zoning regulations such as height limits. Town Attorney Trevarthen confirmed that it does not.

Commissioner DeNapoli also requested the Town Attorney's feedback on the additional language proposed by the Mayor. Town Attorney Trevarthen replied that Staff will examine the suggested language in detail prior to second reading, although she noted that none of the language seemed likely to create any issues.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

Mayor Malkoon recommended that the Commission approve Ordinance 2026-03 as presented, with Staff to review the additional language and incorporate what is legally possible before second reading.

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

17. ORDINANCES 2ND READING

- a. ORDINANCE 2026-01: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

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

Development Services Director Campbell explained that Ordinance 2026-01 would modernize outdated building regulations, resolve recurring permitting and enforcement issues, improve emergency response, and align Town Code with state law and operational realities.

Key updates of Ordinance 2026-01 include:

- Addition of a requirement for properties with waterway access to install address numbers on the waterway side
- Modest increases to fines established in Chapter 6
- Reinforcement of construction and repair time limits, and inclusion of substantial renovations
- Addition of a provision for association authorization for permits, which would clarify documentation requirements for homeowners associations' approval
- Addition of requirements for inspections by private providers

The Ordinance was presented to the Commission for first reading on January 13, 2026 and was recommended for approval with no suggested changes. Staff recommends adoption upon second reading as presented.

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

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

- b. ORDINANCE 2026-02: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING,” DIVISION 2 “DISTRICTS,” “SUBDIVISION I. – RM-25 DISTRICT REGULATIONS,” “SUBDIVISION M. – B-1 DISTRICT REGULATIONS,” AND “SUBDIVISION Q. – SUPPLEMENTAL REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

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

Development Services Director Campbell advised that Ordinance 2026-02 includes key amendments since its first reading, including correction of a scrivener’s error in the Subsection addressing the B-1 zoning district, removal of a 250 ft. distance limitation for mixed-use projects, and flexibility for residential floor area caps. The flexibility will be determined by the Town Commission on a case-by-case basis.

The Ordinance also removes some redevelopment constraints along Bougainvillea Drive to allow for the redevelopment of lots qualifying under the appropriate zoning category. It clarifies fence height measurement issues related to the Federal Emergency Management Agency (FEMA) new flood elevation regulations for new construction.

The Planning and Zoning Board reviewed the suggested revisions at their December 10, 2026 meeting and recommended approval. The Ordinance was presented for first reading at the January 13, 2026 Commission meeting, where suggested changes were discussed. Staff recommends adoption upon second reading as presented.

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

18. RESOLUTIONS – PUBLIC COMMENTS

- a. RESOLUTION 2026-02: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH EDJ TREE SERVICE LLC FOR TREE TRIMMING SERVICES; AUTHORIZING THE**

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 27, 2026

TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

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

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:16 p.m.

Mayor Edmund Malkoon

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ATTEST:

Courtney Easley

Courtney Easley, Acting Town Clerk

3/16/2026 | 3:59 PM EDT

Date