



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, March 24, 2026
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 Ken Rubach, Town Attorney Susan Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Town Planner Alex Battle, Assistant to the Town Manager Courtney Easley, and Town Clerk Melissa Vasami.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Strauss requested that Item 11.c be pulled from the Consent Agenda for discussion and possible deferral.

Commissioner DeNapoli requested that Items 12.b and 12.c be discussed together, as they are related.

Commissioner Graziano requested that Items 11.a and 11.c be pulled from the Consent Agenda for discussion.

5. PRESENTATIONS

a. Vulnerability Assessment Presentation

Assistant to the Town Manager Courtney Easley recalled that in 2024, Lauderdale-By-The-Sea was awarded a \$200,000 grant through the Florida Department of Environmental Protection's (FDEP's) Resilient Florida Program, to be used toward

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completion of a comprehensive vulnerability assessment for the Town. The Commission approved a continuing services contract and work authorization with engineering firm Baxter and Woodman to carry out this effort.

The resulting assessment includes an exposure and sensitivity analysis, which will identify areas of vulnerability in the Town and help guide future resilience planning and infrastructure investments. Use of FDEP grant funds will open additional opportunities for the Town to apply for future vulnerability- and infrastructure-related grants.

Alexis Shotton, representing engineering firm Baxter and Woodman, explained that the purpose of the study was to identify critical and important assets within the Town, review flood scenarios, and address mitigation strategies.

A sea level rise vulnerability assessment is administered by Florida's Office of Resilience and Coastal Protection to assess the impacts of sea level rise on all assets owned by municipalities. This helps municipalities prepare for and mitigate any future flooding impacts due to sea level rise. Requirements under Florida Statutes include data collection, including census data, assets, sea level rise/storm intensity projections, and hydrologic information. Flood analyses for 2050 and 2080 are examined, as are tailwater effects from storms.

The assessment also includes an exposure analysis of the depths of flooding at each of the Town's critical assets. The final requirement is public outreach, which is addressed through tonight's meeting.

Critical assets in multiple categories include:

- Transportation assets: the Commercial Boulevard Bridge, North and South Ocean Boulevard, Commercial Boulevard, and North Ocean Drive
- Wastewater infrastructure assets: gravity mains, manholes, force mains, system valves, and lift stations
- Stormwater infrastructure assets: drainage pipes, manholes, curb inlets, outfalls, and catch basins
- Water infrastructure assets: water mains, fire hydrants, and system valves
- Community and emergency assets: two Fire Stations, one local governmental facility (Town Hall), one law enforcement facility, and the community center
- Natural, cultural, and historic assets: parks and natural areas within the Town

The Town's sea level rise is already 6 in. above its level in the year 2000 and continues to increase throughout the projection periods of 2050 and 2080. Scenarios evaluated

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included mean high tides, king tides, and a variety of storms, totaling 25 scenarios. Results are being compiled into a final report and use flood depth maps to measure predictions. The western portion of the Town is more significantly impacted within these scenarios than the eastern portion. Depth of flooding is estimated at each asset under each scenario.

Once the exposure analysis is complete, the next step is sensitivity analysis, which determines how sensitive each type of asset is to the amount of flooding. Ms. Shotton emphasized that water infrastructure is typically constructed to withstand some level of flooding. Governmental facilities are not significantly impacted by flooding under all scenarios.

While 2050 impacts are estimated to be minimal, they are expected to be more severe by 2080, particularly in the western portion of the Town. Mitigation efforts are recommended prior to 2050. Mitigation responsibility is shared between the Town, home- and business owners, and developers.

A Stormwater Master Plan was prepared for the Town in 2020 to outline specific projects and priority areas. Working with neighboring communities on projects that affect multiple municipalities is also recommended, as is continued monitoring of state and federal resiliency efforts. The vulnerability study positions the Town for grant assistance to be used toward stormwater projects to mitigate flooding.

Specific mitigation strategies found in the Stormwater Master Plan include:

- Pipe improvements
- Pump stations
- Exfiltration trenches
- In-line check valves
- Swale restoration
- Green infrastructure

All of these projects have been subject to the study's stormwater model and can reduce the impact of flooding in various areas within the Town. Green infrastructure in particular can be implemented by residents and developers as well as Town government.

Mayor Malkoon requested clarification of the top three projects identified and their estimated costs. Ms. Shotton referred to the Stormwater Master Plan, noting that one prioritized project is in the Terra Mar neighborhood. Town Manager Ken Rubach reviewed projects located on Codrington Drive and planned for Bougainvillea Drive and

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Poinciana Street, including the upsizing of pipes. He emphasized the importance of continuing this work into the future.

6. PUBLIC COMMENTS

New Town Clerk Melissa Vasami introduced herself at this time.

At this time Mayor Malkoon opened public comment.

Marc Furth, resident, stated that Town residents are preparing a proposed Charter Amendment, and expressed displeasure that the Commission directed the Town Attorney to have no further contact with residents regarding this effort. He asserted that elected officials are not doing the right thing for Town residents.

Vincent Cordero, resident, expressed concern with honoring individuals who are still living.

Cristie Furth, resident, requested clarification that public comment does not have to address specific Agenda Items but can be given on any issues related to the Town. Town Attorney Susan Trevarthen advised that speakers may not address the same issue twice, but may provide general comments as well as commenting on a specific Item later on the Agenda.

Ms. Furth stated that referenda may be brought forward by citizens in response to actions they feel are threats to their quality of life, including the current concern that the Town's non-partisan status may be negatively affected by special interests. Ms. Furth hoped that the Commission and Town Attorney would be able to help place the proposed "No Politics in Paradise" referendum on the November 2026 ballot.

Kimberly Bertsch, resident, addressed a proposed Charter Amendment discussed at the previous two Commission meetings. She noted that the Town has spent \$11,729 on signage for an existing co-designation of Sea Grape Drive, and emphasized the importance of fiscal responsibility to the Town. She questioned the choice to spend taxpayer funds on additional legal review.

Ms. Bertsch also asked if previous citizen initiatives were subject to outside legal review, as well as whether such review prevented any controversy at those times.

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

There was Commission consensus to hear Item 19.a at this time.

The following Item was 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. Application Number: 2025-CUS-01: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article VIII, “Sign Regulations,” Section 30-502(d)(4), “Exempt Signs,” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Conditional Use Permit (2025-CUS-01) to allow installation of a new Mid-Century Modern style sign including address numbers measuring two (2) feet, eight (8) inches in height where the Code provides for a six (6) inch maximum letter height, and a sign totaling 34.98 square feet in sign area, where the code does not allow for address signs to exceed two (2) square feet in sign area in the RM-25 Zoning District for the property located at 1541 S. Ocean Boulevard.**

Town Planner Alex Battle presented the Item, which requests conditional use relief from Code requirements for a new sign in the Mid-century Modern style. The proposed sign would exceed letter height and square footage, using 2 ft. 8 in. letters where only 6 in. letters are allowed by Code, as well as a total square footage of 34.98 ft. where only 2 sq. ft. are allowed.

A citizen participation meeting was held on February 5, 2026. Eight attendees were present in addition to the Applicant and Town Staff, and no objections to the sign were raised.

The Town’s consulting architect has reviewed the sign and determined that it meets the characteristics of the Mid-century Modern style. Town Planner Battle also showed a rendering of the sign and its proposed placement on the building. The sign will be lit internally and no adjacent properties would be adversely affected by the lighting. The

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Applicant will be subject to lighting regulations as stated in Town Code. Staff recommends approval of the Application.

Melissa Weatherwax, representing Art Sign, stated that Staff has been very thorough in reviewing the proposed sign for approximately one year. They have discussed lighting and illumination requirements for the sign in light of proximity to sea turtle nests. The large size is proposed because the sign would be the only information posted on the building.

Commissioner Graziano asked if neighbors to the property expressed any objections to the sign. Town Planner Battle replied that no objections were raised at the citizen participation meeting or elsewhere. Notice was sent to properties within a 300 ft. radius of the subject property.

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

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Rubach welcomed new Town Clerk Melissa Vasami, noting her previous experience.

The annual Easter Egg Hunt is planned for Saturday, March 28, 2026, at Friedt Family Park north of the tennis courts. The event begins at 9:00 a.m. Children ages 5 and under may participate in the event at 9:30 a.m., followed by another hunt for children ages 6-11.

The final Friday Night Music event is scheduled for Friday, March 27, 2026, at 7:00 p.m. Downtown.

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The Town has provided notice to the Florida Department of Transportation (FDOT) that the bridge will be locked in the Down position during the annual July 4 festival.

The final performance of *Sea Shorts* is scheduled for the upcoming weekend.

The Taste of the Beach event was a success. Town Manager Rubach recognized the owner and staff of Aruba Beach Café for their assistance.

Upcoming meetings include the following:

- Code Compliance Hearing: Thursday, March 26, 2026, at 5:00 p.m.
- Planning and Zoning Board: Wednesday, April 1, 2026, at 6:00 p.m.
- Town Commission: Tuesday, April 14, 2026, at 6:30 p.m.

Development Services Director Jhanelle Campbell advised that the Town has received a conditional use application for an existing business to rent both motorized and non-motorized watercraft from a tent on the beach. They do not plan to solicit business, but would remain at the tent, set up rentals, and review safety rules.

Because several sections of Town Code conflict with this request, Staff will need to evaluate and bring back a report for the Commission outlining those conflicts and requesting Commission direction regarding potential Code changes.

Commissioner DeNapoli requested clarification of where the tent would be located. Development Services Director Campbell replied that the request was not more specific than “on the beach.” The business is currently located on Commercial Boulevard and rents watercrafts from that location. The request includes scuba diving equipment as well as watercraft rentals.

Development Services Campbell further clarified that the Town Code regarding vendors and beach waterway regulations are in conflict with the request. Conditional use approval would also be required in order to rent the apparatus. More information on conflicts, as well as supplemental information on what is permitted in other municipalities, would be brought back to a subsequent meeting for comprehensive review.

Development Services Director Campbell confirmed that she would reach out to the business for more information on their proposed beach location.

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Commissioner Graziano stated that he has also spoken to representatives of the business, and recalled that he had suggested they reach out to appropriate businesses on the beach to determine whether or not they can “piggyback” onto those other businesses’ locations. Development Services Director Campbell advised that the business previously brought forward a request to operate from the pier under a slightly different business model. The Town had not been able to approve that request.

Commissioner Graziano requested that staff determine what other avenues the business might have explored before making their request, including arrangements with other beach businesses.

Commissioner Pouloupoulos requested confirmation that the request is compliant with state laws. Development Services Director Campbell replied that this would be one of the conditions of approval of the request.

Town Attorney Trevarthen also recalled that this request was first made several years ago, at which time the Town had requested advice from FDEP, as the public beach appears to be owned and regulated by that entity. FDEP had indicated that local government was expected to administer these decisions.

Vice Mayor Strauss recalled that when the request was brought forward in the past, the Commission’s primary concern had been the staging of equipment on the beach, as they wished to prevent the appearance of clutter. He recommended that this be considered by the business if they choose to submit an application.

Commissioner DeNapoli requested clarification of how the business is currently operating. Development Services Director Campbell replied that transactions are limited to their physical address or outside of the Town. Commissioner DeNapoli shared the Vice Mayor’s concerns for clutter on the beach.

Commissioner Pouloupoulos stated that he was in favor of the request, citing the proximity of the Town’s reef as one way Lauderdale-By-The-Sea is set apart from other local municipalities with public beaches. He suggested consideration of providing for a limited number of licenses open to beach vendors.

Town Manager Rubach concluded that staff would provide the Commission with information and a list of options regarding the request.

b. January 2026 Finance Report

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Finance Director Lucila Lang reminded the Commission that the proposed Fire Assessment rate must be approved by the first Commission meeting of July 2026. The final rate will be set at the first budget meeting in September.

Finance Director Lang also requested additional feedback on the budget process, recalling that in previous years, staff has scheduled workshops and special meetings with the Commission. The Commission chose not to schedule those additional meetings in 2025. She noted that the fiscal year (FY) 2026-2027 budget may require discussion of several issues, including significant expenses for the Town as well as possible bills at the state level which would impact the Town's revenues, and requested direction on this year's budget process.

Commissioner Pouloupoulos stated that he was in favor of workshops as a means to freely discuss budget issues and ideas before the full budget process begins. Commissioner Graziano agreed, noting that workshops also provide the public with an opportunity to provide guidance.

Town Manager Malkoon recalled that in the past, the Town has historically held two budget workshops: one focusing on the budget itself, and another specifically addressing the Capital Improvement Program (CIP). He requested direction on the number of workshops to be scheduled. Commissioner Pouloupoulos advised that he was in favor of two workshops broken down as described above.

It was determined that staff would bring prospective workshop dates back to the first meeting in April 2026.

9. TOWN ATTORNEY REPORT

Mayor Malkoon requested that the Town Attorney address some of the comments made during Public Comment.

Town Attorney Trevarthen explained that the Town Commission had provided direction regarding further interaction between Town Staff and the residents advancing a petition. This direction does not conflict with any language in the Town's Charter. She has provided a legal memorandum to the petitioners' group as well as to the Commission which notes that Article 4 procedures apply only to referenda and initiatives for Ordinances that would change Town Code. Previous responses to the Charter amendment process were guided by the requirements of Florida Statutes 166 and 101,

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which address how a referendum question must be worded. The Town has no legal obligation to provide additional guidance.

Town Attorney Trevarthen continued that the petitioners are able to move forward with their own resources regarding the petition, including collection of signatures and approval by the Broward County Supervisor of Elections in time for the item to be placed on the ballot.

Commissioner Pouloupoulos advised that the Commission's direction to the Town Attorney allows the petitioners to secure their own counsel rather than using taxpayer money by seeking guidance from the Town Attorney.

Commissioner DeNapoli recalled that this issue had been discussed exhaustively at the March 10, 2026 Commission meeting, reiterating that the Town is not obligated to respond to petitioners or provide legal advice.

Town Attorney Trevarthen asked if the Commission wished to schedule an ethics training session in 2026, which traditionally has involved two hours' training in the spring and another two hours in the fall. There was Commission consensus to schedule dates for in-person training.

Town Attorney Trevarthen also reported that bills passed by the Florida Legislature are now being signed into law by the Governor, and she will update the Commission as this process moves forward.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

Mayor Malkoon noted that Commissioner Graziano and Vice Mayor Strauss had requested that Consent Items 11.a and 11.c be pulled for discussion.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve Consent Item 11.b. Motion carried 5-0.

- a. RESOLUTION 2026-09: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,**

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SUPPORTING ADVOCACY EFFORTS WITH FLORIDA POWER & LIGHT AND STATE OFFICIALS TO EXPEDITE CONSIDERATION OF LAUDERDALE-BY-THE-SEA FOR ELIGIBILITY AND PRIORITIZATION UNDER THE STORM SECURE UNDERGROUND PROGRAM (SSUP); PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Graziano explained that since before his election to the Town Commission, he has recommended that the Town push for approval of underground utilities, particularly in its most vulnerable neighborhoods, which are eligible for funding from Florida Power and Light's (FPL's) Storm Secure Underground Program (SSUP). He advised that he has met multiple times with various stakeholders, including FPL officials, State Senator Jason Pizzo, and State Representative Chip LaMarca, and this effort is making progress.

Commissioner Graziano continued that the Bel Air and Terra Mar neighborhoods are not expected to be part of the SSUP until roughly 2032; he and representatives of those neighborhoods have requested reconsideration of this timeline, which uses projections rather than current data. They have asked that the date for inclusion in the program be re-established at 2028.

Commissioner Graziano emphasized the importance of the Town's support in requesting this shortened timeline, and recalled that when FPL addressed the full Commission, the Commission indicated their support for inclusion of vulnerable neighborhoods in the SSUP.

Commissioner Graziano expressed concern that the Resolution's language does not clearly indicate Commission support, suggesting that the Mayor wished to take over efforts involving FPL. Mayor Malkoon asserted that he is supportive of a Commissioner-led effort and did not propose taking advocacy away from any other Commissioner or community representative.

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to approve Consent Item 11.a. Motion carried 4-1 (Commissioner Graziano dissenting).

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- b. RESOLUTION 2026-10: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) CONDUCT A TRAFFIC SIGNAL WARRANT AND SAFETY STUDY AT THE INTERSECTION OF BEL AIR DRIVE AND SOUTH OCEAN BLVD.; PROVIDING FOR FINDINGS, SUPPORTING RATIONALE, AND AN EFFECTIVE DATE.**
- c. RESOLUTION 2026-11: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REQUESTING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC) TO EVALUATE BOATING SAFETY CONDITIONS ALONG THE INTRACOASTAL WATERWAY WITHIN THE TOWN'S JURISDICTION; REQUESTING CONSIDERATION OF APPROPRIATE SAFETY MEASURES, INCLUDING SLOW-SPEED OR MINIMUM-WAKE ZONES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment.

William Harter, resident of Sea Ranch Lakes, advised that his home fronts onto the Intracoastal Waterway. He expressed great concern with speeding on this waterway, including boats moving at extremely high speeds, and pointed out that the Broward Sheriff's Office (BSO) Marine Unit provides little to no enforcement, nor does the City of Fort Lauderdale's Marine Unit or the Florida Fish and Wildlife Conservation Commission (FWC).

Mr. Harter strongly emphasized that conditions on the Intracoastal Waterway should be remedied, pointing out that seawalls along the waterway are being damaged from high wakes. He requested that the Town address illegal speeding the section of the waterway between Commercial Boulevard and Atlantic Boulevard in particular.

Mary Hayes, resident, advised that following renovations to Basin Drive, larger boats now access the waterway more often and often speed through the area, creating high wakes that can damage other watercraft as well as seawalls.

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

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Mayor Malkoon reiterated the intent of Resolution 2026-11, which requests that FWC conduct a formal boating safety evaluation of the Intracoastal Waterway within and adjacent to the Town's jurisdiction.

Vice Mayor Strauss stated that while he did not object to an FWC study, he wished to remind residents that Lauderdale-By-The-Sea is both a beach community and a boating community. He recommended caution in what is being requested by the proposed study. He felt enforcement of the 25 mile per hour (MPH) speed limit is the key issue and should be improved.

Vice Mayor Strauss continued that during manatee season, the Intracoastal Waterway requires boats to travel at less than 25 MPH, which increases travel time on waterways. He concluded that there could be unforeseen consequences to the Resolution for boaters and marine businesses.

Mayor Malkoon recalled that the Commission has previously discussed excessive speed and wakes, with an emphasis on the excessive nature of these violations. Vice Mayor Strauss agreed these should be subject to enforcement.

Commissioner Graziano observed that boats using the Intracoastal Waterway to access marinas often reach excessive speeds, and noted that the Pompano Beach Marine Advisory Board includes marina representatives as well as law enforcement. He suggested that this group be contacted with regard to the proposed study.

Commissioner Pouloupoulos asked if approval of the Resolution would indicate to FWC that the Town wants slower speeds, or to conduct a study to examine speeds. Town Manager Rubach replied that BSO is currently gathering its own data and will request data from FWC and the City of Fort Lauderdale as well. FWC will consider the data and determine whether or not the area qualifies for a speed zone change.

Town Manager Rubach concluded that the Resolution could be read to indicate the Town is supportive of efforts to reduce speeds along sections of the waterway if the study suggests reductions are appropriate. Vice Mayor Strauss suggested that he would be willing to support the Resolution if its language is modified to show there is no automatic agreement with reduction of speed.

Vice Mayor Strauss asked what the Town would need to do to bring more enforcement to its waterways. BSO Captain Christopher Sutter advised that Pompano Beach pays for additional Deputies to patrol specific areas of its waterway.

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Captain Sutter continued that FWC's process involves gathering five years' worth of data, including tickets, accidents, and information on boat involvement on specific portions of the Intracoastal Waterway. The subject area is patrolled by FWC, BSO, and Fort Lauderdale, which means data must be gathered from all three jurisdictions. He has begun the process of collecting data from BSO and will submit a Freedom of Information Act (FOIA) request for data from the other two agencies.

Vice Mayor Strauss asked if the Commission should wait until the data has been collected and review it before making any decisions on involving FWC. Captain Sutter replied that FWC will be responsible for the final decision; whether or not the Town wants the speed zone change may be taken into consideration.

Vice Mayor Strauss stated that he would like to know what it would cost the Town to hire a Deputy to focus specifically on Lauderdale-By-The-Sea's portion of the waterway before requesting a study that could affect boaters. He also wished to see additional data from FWC and Fort Lauderdale when it is available. Town Manager Rubach confirmed that when the Town begins contract renewal negotiations with BSO, they will request the estimated cost of an additional Deputy.

Vice Mayor Strauss asserted that he did not feel it was necessary to take this issue to FWC at this time.

Mayor Malkoon asked if the Commission would need to approve a Slow or No Wake zone if FWC determines it is warranted. Town Attorney Trevarthen replied that Section 3 of Resolution 2026-11 states that the Town requests FWC consider the appropriateness of implementing boating safety measures, which may include slow speed or minimum wake zones. This language could be modified if that is the Commission's wish.

Commissioner DeNapoli recalled that there was significant advocacy for speed reduction when the speed zone was changed in Fort Lauderdale. He suggested that the Resolution's language could be made more neutral before proceeding so it does not request any action other than a study.

Vice Mayor Strauss recommended that Town Staff review the BSO data gathered by Captain Sutter, but not submit it to FWC in the absence of a strong need.

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Mayor Malkoon emphasized that speed zone change is only one aspect of the Resolution. He acknowledged concerns on both sides of the issue, adding that the Town would be unlikely to determine the need for a change if they review the data.

Town Attorney Trevarthen advised that if an Ordinance changing the speed zone were adopted, it must also be adopted at the state level before it takes effect.

The Commission agreed by consensus to see the data collected from BSO, Fort Lauderdale, and FWC when it is available. The information will include boating accidents as well as issuance of tickets. FWC will conduct additional research, including some on-site research, as well.

Town Manager Rubach concluded that the Town would seek an opinion from FWC regarding whether or not the data from the three agencies meets their threshold for a speed zone change. Staff will provide this informal opinion to the Commission. If the threshold is not met, there would be no need to discuss the matter further.

The Commission took a brief recess at this time.

12. OLD BUSINESS

a. Fire Rescue Services

Town Manager Rubach recalled that at the March 10, 2026, meeting, the Commission had discussed undertaking a study to consider the formation of a Fire Department within the Town, as presented under Item 18.a. The study will take approximately 14 weeks to prepare. He requested additional direction from the Commission regarding ongoing negotiations with two other potential partners, BSO and the City of Fort Lauderdale, for these services.

Mayor Malkoon expressed concern with the time frame for the proposed study, requesting additional feedback from the Commissioners on this issue.

Commissioner DeNapoli was in favor of continuing negotiations with both parties, but questioned whether or not the Town should spend roughly \$30,000 on the study when forming a separate Fire Department will most likely lead to higher costs.

Commissioner Pouloupoulos stated that he had previously suggested proceeding with the study because residents have expressed interest in the Town possibly re-starting its

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own Fire Department, and a study would support whether or not this is a reasonable alternative. He was also in favor of continuing negotiations with BSO and Fort Lauderdale while the study is being prepared.

Vice Mayor Strauss observed that he was not in favor of the expense of a study that would almost certainly show it was not financially feasible for the Town to begin its own Fire Department.

Commissioner Pouloupoulos pointed out that in a previous year, the Commission had invested in a study to determine whether or not Town residents felt the Town should have lifeguards. He emphasized that the proposed study is a much larger issue, and many residents feel a separate Fire Department is a realistic option.

Vice Mayor Strauss and Commissioner DeNapoli stated that they were in favor of the study due to the reasons cited by Commissioner Pouloupoulos.

Mayor Malkoon concluded that the Town Manager was to continue negotiations with BSO and Fort Lauderdale, and the study would be discussed further under Item 18.a.

b. Charter Review Board Recommendations and Commission Discussion

c. Charter Review Additional Commission Discussion Items

It was noted that Items 12.b and 12.c would be discussed together.

At this time Mayor Malkoon opened public comment.

Kimberly Bertsch, resident, noted that one of the items to be discussed from the Town Charter was language in Section 3.3, which addresses eligibility requirements for candidates for office. She expressed disappointment that the Commission did not take up the Charter Review Board's suggestion to extend the residency requirement from six months to 12 months, and cautioned against allowing residents to run for office when they have only lived in the Town for a short time.

Ms. Bertsch added that she was not in favor of changes to the Mayor's term of office. She characterized shorter terms as a citizen's check on the government, as they hold elected officials accountable. She concluded that both the changes she had addressed would move the Town in the wrong direction.

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Karen Sylvester, resident, addressed residential district boundaries in the Town's Charter, requesting that the Commission consider elimination of these boundaries as recommended by the Charter Review Board (CRB). She felt representation is less about geography and more about engagement, accessibility, and effectiveness.

Ms. Sylvester continued that she was concerned the current approach could permanently enshrine the district boundaries, although there is no data to show that they improve representation or outcomes. She felt the elimination of districts would allow voters to choose the strongest candidates available.

Cristie Furth, resident, addressed the CRB recommendation to increase the Mayor's term from two to four years, stating that this proposed change could favor incumbent candidates and ensure concentration of power within the Commission without providing any benefit to citizens. She emphasized that the current term lengths and term limits provide benefits to residents by holding elected officials accountable.

Ms. Furth continued that she opposed the proposed Town Charter modifications out of concern for the erosion of democracy through local capture, which refers to local officials' decision-making processes that are unduly influenced by special interests or specific groups which make changes to their own benefit.

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

Town Attorney Trevarthen briefly reviewed the decisions made by the Commission at the February 24, 2026, meeting regarding CRB proposals, which included:

- Rejection of the CRB recommendation to require one year's residency
- Discussion of two sections of the Charter which are in conflict regarding qualifications and elections
- Further discussion of whether to lengthen the processes by which the Town Clerk can respond to initiatives and referenda
- Further discussion of whether to allow mayors to serve two four-year terms
- Endorsement of changing the deadline for the Town's audit
- Endorsement of incorporating state election law
- Endorsement of changing notice requirements
- Endorsement of Charter "cleanup" items
- Rejection of the CRB's proposal to eliminate district boundaries, and retaining language to freeze these current boundaries

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Town Attorney Trevarthen noted that Commissioner DeNapoli had brought forward additional items addressing prospective Charter changes, which would fall under Item 12.c.

Commissioner DeNapoli addressed public comment, recalling that the Mayor had pointed out a discrepancy in the candidates' qualifying period which needed to be corrected in the Charter. He pointed out that candidates for office must sign a document referenced in Section 6.4 of the Charter, which is the more controlling of the two Sections. This language requires residency for at least six months prior to the date of election.

Town Attorney Trevarthen requested clarification of the will of the Commission regarding whether the residency requirement should be measured from the date of election or from the date of qualifying, as both are currently included in the Charter. Commissioner DeNapoli advised that at the February 24 meeting, he had believed the Commission had agreed to clarify this requirement as measured from the date of election. If the requirement were measured from the date of qualifying, this would effectively result in an 11-month requirement. He reiterated that candidates for office are required to sign a document affirming residency six months before the date of election.

Commissioner Pouloupoulos recalled that the Commission had previously indicated they were not in favor of requiring 12 months' residency prior to standing for election and did not wish to exclude potential candidates for office. He stated that he was in favor of the qualifying date of six months prior to election.

Commissioner Graziano advised that he felt 12 months' residency was an appropriate time frame, which was consistent with the CRB's recommendations, and encouraged the other Commissioners to reconsider their stances on this issue in favor of a longer time frame.

Vice Mayor Strauss stated that he also agreed with the 12-month recommendation of the CRB, expressing concern that a new resident could run for office shortly after relocating. He felt it was important for candidates to understand the nuances of the Town.

Mayor Malkoon asked if there is data on other municipalities' requirements of this nature. Town Attorney Trevarthen recalled that a chart had been attached to this Item for the February 24 meeting which indicated the majority of local governments in

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Broward County had a one-year residency requirement; however, many Broward communities required only six months' residency. She did not recall whether that information had addressed measuring the requirement from the date of election or the date of qualification.

Commissioner DeNapoli recalled that the backup material for the February 24 meeting had indicated Lauderdale-By-The-Sea would be Broward's only coastal community to require 12 months' residency, with the sole exception of Pompano Beach.

Commissioner DeNapoli also noted corrections within the Charter language related to the word "domicile," and recommended changing them to "resident" and "residence" respectively. He concluded that language in Section 3.3 would be changed to "six months preceding the date of election" in order to provide consistency.

Mayor Malkoon commented that he did not know why the CRB had recommended the change to a year's residency requirement, but noted that there have been no problems related to the current six months' residency requirement. He was in favor of making no change to this requirement.

Commissioner Pouloupoulos emphasized that providing conformity of Charter language would not make any changes to existing policy.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to conform the language of Sections 6.4 and 3.3 of the Charter to refer to six months' residency from the date of election. Motion carried 4-1 (Commissioner Graziano dissenting).

Commissioner DeNapoli provided the Commissioners with a handout addressing additional changes. He first addressed term limits, noting that the Town's current term lengths are two years for the Mayor and four years for Commissioners, limited to three terms (six years) for the Mayor and two terms (eight years) for Commissioners. An elected official may presently serve a total maximum of 14 years, with a required two-year break in service. It is not currently permitted for a Mayor who did not previously serve as a Commissioner to subsequently serve as a Commissioner.

Commissioner DeNapoli noted that the CRB's recommendation was to change the Mayor's term from two to four years beginning with the 2026 election, which would mean a Mayor running for reelection this year would not know prior to the election

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whether they would serve a two- or four-year term, depending upon the passage of a Charter Amendment on referendum.

Commissioner DeNapoli also provided a handout which listed the CRB's proposal. Town Attorney Trevarthen clarified that the CRB's recommendation was for a Mayor to serve two four-year terms or three two-year terms.

Commissioner DeNapoli provided an additional handout with a chart showing potential terms that could be served by a Mayor with or without the proposed CRB changes, as well as showing options for implementing the change in 2026 or 2028. He distributed another handout showing his own initial recommendation from the February 24 meeting, which proposed changing the start date for four-year Mayoral terms, if approved, to 2028. A candidate elected as Mayor in 2026 would serve a two-year term, while a Mayor elected in 2028 would serve a four-year term.

Commissioner DeNapoli also suggested that the Town may wish to further amend Charter language for consistency with State Statutes, recommending clarification of Charter language to amend "no person may be a candidate" to "no person may appear on the ballot."

Commissioner DeNapoli noted that his proposed language would address the possibility of candidates who may attempt to "restart the clock" following resignation, deletes the required two-year service break, and allows a candidate to serve eight years as Mayor before serving as Commissioner.

Mayor Malkoon observed that while he did not wish to advocate for one option over another, he found it more sensible for a four-year Mayoral term to begin in 2028 rather than 2026, if approved on referendum.

Commissioner DeNapoli also pointed out that state requirements do not necessitate a break period, but provide that if an individual enters a break from service, they could be appointed in the event of a vacancy. He emphasized that his proposals were brought forward for purposes of discussion.

Vice Mayor Strauss commented that he was in favor of term limits, as well as of the two-year Mayoral term with a maximum of three terms/six years. He continued that two-year Mayoral terms have worked well for the Town and did not see a reason to change those terms.

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Vice Mayor Strauss advised that he was in favor of amending the Charter so a Mayor who has served the maximum number of years in that position could subsequently serve as a Commissioner if they have not previously done so. He also addressed the maximum of 14 or 16 years of service, stating that he felt 14 years were “a reasonable amount.” He endorsed the requirement for a break in service as well.

Commissioner Pouloupoulos stated that he was also in favor of the two-year break in service, as well as the ability for a Mayor to subsequently serve as Commissioner. He noted that the Mayor does not have powers that the Commissioners do not, such as a veto or a weighted vote, and all five members of the Commission are essentially equal. For this reason, he felt the Mayor’s term should be four years, limited to two terms, and a maximum total of 16 years’ service.

Commissioner DeNapoli pointed out that an individual serving a required two-year break could not be appointed to office in the event of a vacancy. Commissioner Pouloupoulos suggested that a caveat could be added to the break requirement to address this possibility in the event of an emergency. Town Attorney Trevarthen confirmed that this caveat could be drafted separately.

Town Attorney Trevarthen clarified that the Mayor would be able to vote on issues relating to the Mayoral term, as there is no financial conflict of interest. The Mayor also has the option of choosing not to vote, although he is not prohibited from voting.

Commissioner Graziano stated that he had no issue with the required two-year break in service, nor with a Mayor “cycling down” to the office of Commissioner. He added that he was in favor of retaining the three two-year Mayoral terms currently reflected in the Charter, which would make the decision of whether new term lengths began in 2026 or 2028 irrelevant.

Commissioner DeNapoli stated that he was in favor of allowing Mayors to later serve as Commissioners, beginning four-year Mayoral terms in 2028 with a maximum of two terms, and term limits of 16 years. He concluded that as a majority of the Commission had indicated support for the two-year break, he would be in favor of a caveat to address emergency appointments to fill vacancies.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, for a four-year Mayoral terms with a maximum of two terms. Motion carried 3-2 (Vice Mayor Strauss and Commissioner Graziano dissenting).

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Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, for the new four-year Mayoral term to begin in 2028. Motion carried 4-1 (Commissioner Graziano dissenting).

Town Attorney Trevarthen pointed out that the 14- or 16-year maximum is immaterial if there is a requirement for a two-year break in service, as the two are interrelated. Commissioner DeNapoli asked if this would be affected by the proposed caveat for appointment. Town Attorney Trevarthen advised that the caveat would operate as a separate rule.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to retain the two-year break in service requirement, with a “carve-out” related to vacancy appointment. Motion carried 5-0.

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to allow cycling from the office of Mayor to that of Commissioner, which is currently prohibited without a break in service. Motion carried 5-0.

Commissioner DeNapoli concluded that he would revisit the language addressing the 14- or 16-year maximum years of service with the Town Attorney for greater clarity.

Commissioner DeNapoli asked if the Town Attorney could also bring back additional language regarding election date alignment. Town Attorney Trevarthen pointed out that while the existing language is sufficient, she would bring back this additional clarification if that was the Commission’s direction. She clarified that the subject language is found in Agenda Memo 12.b, Item 4.

Commissioner DeNapoli explained that his intent was to ensure that the eight-year maximum service length for the Mayor would not be affected by the change of the Commission’s election date from March to November in 2024.

Commissioner DeNapoli also addressed language related to changing the Mayor’s maximum service to two four-year terms beginning in 2028, recommending the addition of language indicating that any individual serving as Mayor immediately prior to November 2028 shall be deemed to have served one term, as he would have served two two-year terms for a total of four.

Commissioner DeNapoli made a motion to add the following language: “For the purposes of calculating eligibility under this Section, any individual who has

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served as Mayor immediately prior to November 2028 shall be deemed to have served one term under this Section.”

Town Attorney Trevarthen clarified that should the above **motion** pass, the language would be re-drafted and brought back before the Commission for first and second readings, providing additional time for review by the Commissioners.

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

Commissioner DeNapoli moved on to Sections 6.6 and 6.7 of the Charter, which address forfeitures of office. He proposed the addition of language to clarify when and how a Mayor or Commissioner may be removed from office. The recommended language would replace existing terms with objective criteria based on state law and court determination while retaining local safeguards, such as the existing requirement for a unanimous vote.

Commissioner DeNapoli continued that his proposed language would also require the Florida Commission on Ethics to find an elected official guilty of violation. It maintains references to felony convictions and failure to attend four consecutive regular meetings, and ties the language addressing “becomes incapable of performing the duties of the office for a period of more than three months” to a requirement of an opinion from a medical professional or a court order.

Commissioner DeNapoli also noted that an absence from a meeting currently requires unanimous approval of an excuse, and recommended making this requirement a majority rather than a unanimous vote. A unanimous vote would still be required in the event of a discretionary forfeiture. He concluded that the proposed language offers greater clarity than the current language, which he cautioned was vague and could be abused.

Vice Mayor Strauss advised that while the proposed language adds specific triggers for forfeiture, it would also take forfeiture out of the Town’s hands and place the decision in the hands of another party, such as a court, medical professional, or the Florida Department of Ethics. He cautioned against ceding control of this process to outside sources rather than allowing the Commission to make the decision themselves.

Mayor Malkoon commented that an accusation would have to come before the Commission before the proposed standards are triggered. Vice Mayor Strauss noted

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that a Commission hearing would be required, but the Commission would not make the decision on what happens next.

Commissioner DeNapoli stated that the reference to physical or mental incapacity is only in one clause; other clauses already in the Charter would still apply. He characterized the proposed language as a way to ensure an accused individual receives due process, pointing out that the same language is used in other municipalities that have implemented additional safeguards.

Vice Mayor Strauss stated that he did not take issue with having a medical professional or court participate in the process as long as the final decision ultimately came back to the Commission. Commissioner DeNapoli stated that this decision would come back to the Commission, pointing out a reference to a unanimous vote. The only automatic removal would occur if the Florida Commission on Ethics acts to remove an elected official.

Town Attorney Trevarthen observed that the language also includes a reference to a court order "in all matters," which she cautioned could be read as referring back to a previous mention of a court order. Vice Mayor Strauss suggested that this could be clarified by amending the language to state that all matters would come back to the Commission for a final decision. Commissioner DeNapoli offered the alternative of removing the phrase "or a court order" from the "all matters" paragraph.

Commissioner Pouloupoulos stated that he supported this proposed change, agreeing that the existing language is vague and could allow opportunities for abuse. He also recommended removal of the reference to a court order from the "all matters" paragraph.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to include the proposed language with the deletion of the words "or a court order." Motion carried 5-0.

Commissioner DeNapoli also recommended changing language which states "no person may be a candidate" to "no person may appear on the ballot." Town Attorney Trevarthen advised that this could be clarified without an additional vote.

Town Attorney Trevarthen continued that one remaining item was a change allowing the Town Clerk additional time to complete work if a petition is brought forward under Article 4. She recalled that the Commission had previously requested that this be discussed

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further. It was clarified that this time frame would be changed from 20 days to 30 days and from five days to 10 days.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve the proposed amendments to Article 4 extending the timeframes for the Town Clerk to complete work related to petitions. Motion carried 5-0.

The following Item was taken out of order on the Agenda.

18. RESOLUTIONS – PUBLIC COMMENTS

- c. RESOLUTION 2026-07: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH CIRCUIT TRANSIT INC. FOR THE PROVISION OF POINT TO POINT TRANSPORTATION SERVICES WITHIN THE TOWN, UTILIZING THE TERMS AND CONDITIONS OF THE CITY OF POMPANO BEACH AGREEMENT AWARDED PURSUANT TO RFP 25-015; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PIGGYBACK AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Assistant to the Town Manager Easley explained that the Town's current contract with Circuit for microtransit services began in 2023 and expired at the end of February 2026. At the February 24, 2026, meeting, the Commission approved an extension of the contract so staff could negotiate new terms. The new agreement, if approved, is for a five-year term and allows for advertising on Circuit vehicles. The service rate will be changed from \$2 per ride to \$2 per rider. Both of these changes are intended to offset operational costs.

The Town will receive 50% of net advertising revenue, which, with other enhancements, is projected to generate approximately \$93,000 in annual savings. The Town is also projected to receive roughly \$172,000 in surtax funding to further offset the costs of the Circuit program.

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Mayor Malkoon recalled that he and the Town Manager had met with representatives of Circuit prior to tonight's meeting. Jason Bagley, representing Circuit, replied that the data requested by the Mayor was forthcoming, adding that during the previous week Circuit had moved 2,874 individuals, which was a 12% increase over the same week in 2025. They saw 6.6 passengers per revenue hour, which is due in part to the high density and compact area of Town service.

Mr. Bagley continued that Circuit is meeting demand with three vehicles when demand indicates they could provide up to 12. He acknowledged that the 3 p.m. to 8 p.m. time frame is the busiest, and recalled there was discussion of flexibility to add more service hours to meet this demand. He felt this will be offset to some extent by the increased fares, and suggested the possible addition of another vehicle during the peak winter months.

Commissioner Graziano recalled that he had previously raised the issue of Circuit use by residents accessing local hospitals and requested an update on whether this service could be provided and at what price. Mr. Bagley replied that Circuit would be willing to partner with either Holy Cross or Imperial Point/Broward Health to discuss service to those facilities. Because there is a need for funding to provide this service, they are open to allowing the hospital or hospitals to brand a specific vehicle used to connect patients to the facilities.

Vice Mayor Strauss requested additional information regarding advertising, recalling that the Commission had previously discussed giving priority to advertisers based in Lauderdale-By-The-Sea and adding that there had also been agreement not to allow advertisements for alcohol, vaping products, or adult entertainment. Mr. Bagley confirmed that all advertising would be subject to the Town Manager's approval.

Commissioner DeNapoli made a motion to approve Resolution 2026-07.

Mayor Malkoon requested clarification of how projected revenues were estimated, and how the Town will be billed. Mr. Bagley replied that billing would be based on ridership, with discounts or credits provided for both advertising and fare revenue.

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

13. NEW BUSINESS

a. Broward League of Cities Board of Director Appointments

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Town Manager Rubach explained that in accordance with the by-laws of the Broward League of Cities, municipalities must appoint a Director, Alternate, and Second Alternate to represent them at Board of Directors and general membership meetings. Representatives are responsible for attending meetings, reporting on Broward League of Cities matters, communicating actions and issues with their municipalities, and bringing forward issues of collective importance. The Alternate and Second Alternate are authorized to vote on the Town's behalf in the event of an absence by the Director and/or First Alternate.

The Commissioners determined the following appointments would be retained through the next year:

- Director: Mayor Malkoon
- Alternate: Commissioner DeNapoli
- Second Alternate: Vice Mayor Strauss

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to reappoint the same slate. Motion carried 5-0.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Graziano recognized Commissioner DeNapoli's work on language proposed for the Town Charter, and requested that any future materials handed out to the Commissioners include backup information for greater clarity.

Commissioner Graziano continued that he appreciated the Mayor's interest in the campaign for undergrounding of utilities for the Town's vulnerable neighborhoods, and noted that several residents are also involved in this effort, as well as Florida Representative Chip LaMarca. He added that he would provide the Mayor with materials related to the campaign.

Commissioner Graziano added that with regard to speed zones on the Intracoastal Waterway, he had reached out to members of Pompano Beach's Marine Advisory Board, who include marine business owners as well as boaters. These members

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indicated that they might be willing to consider abatement of vessel speed on weekends or late at night.

Commissioner Graziano continued that he is still working to raise funds for the lighting of the Town's mural on Commercial Boulevard. He also mentioned a news article which discussed the lien amnesty program offered by the City of Wilton Manors, which includes parameters for properties that are eligible for that program. He noted that Town Staff are taking a closer look at this program as well.

Commissioner DeNapoli advised that the handouts with additional information and explanation, which he had provided during the Charter discussion, were created earlier in the day, while the proposals themselves were submitted earlier. He reiterated that with respect to a prospective petition, the Town is not obligated to provide the petitioners with legal advice.

Commissioner DeNapoli continued that with regard to the potential cost of an additional legal opinion, this cost was offset by savings he had helped the Town to realize, including interest on cash reserves as well as the potential public-private partnership (P3) for a new public safety building. He concluded that the petitioners have not been prevented from any activities.

Commissioner DeNapoli also addressed concerns regarding the honoring of living individuals through co-designation, pointing out that this has been done in Lauderdale-By-The-Sea as well as throughout Broward County and the state of Florida. He cited Florida Statute 286.0114, which addresses public comments not related to Agenda Items, and suggested that the Town may wish to refer to this statute in its procedures.

Commissioner DeNapoli continued that because several vendors had dropped out of the recent Taste of the Beach event, the Town may want to reconsider relocating this event to the Downtown area in front of participating restaurants. This could alleviate the restaurants' need to bring in more staff for the event.

Commissioner Pouloupoulos wished all residents a happy Easter and Passover season, and confirmed that he would seek reelection later this year.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to extend the meeting until 11:15 p.m. Motion carried 5-0.

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Mayor Malkoon stated that his intent was to support Commissioner Graziano's efforts with respect to undergrounding of utilities, and he had no plans to take over participation in those discussions. He emphasized that he had meant to help those ongoing efforts.

Mayor Malkoon thanked Events and Marketing Manager Katie Anderson and Town Staff for their work on Taste of the Beach, and wished all present happy upcoming holidays and related activities.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. **RESOLUTION 2026-05: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE AGREEMENT WITH MATRIX CG INC. D/B/A MATRIX CONSULTING GROUP, LTD. FOR PROFESSIONAL CONSULTING SERVICES TO CONDUCT A STUDY ON THE FORMATION OF A TOWN FIRE RESCUE AND EMERGENCY MEDICAL SERVICES DEPARTMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Town Manager Rubach advised that this is the fire services study discussed earlier in tonight's meeting, which will take 14 weeks to complete at a cost of \$30,000. He added that the Fire Assessment number that will be discussed at upcoming budget workshops will most likely be current numbers from the City of Fort Lauderdale, with consideration of numbers related to the P3, as placeholders, since no contract has been signed thus far.

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The study will consider the costs associated with fire rescue staff, apparatus, and ancillary staff associated with the formation of a Town Fire Rescue Department. The fire department would be a unionized entity, with additional costs associated with pensions.

Commissioner Graziano requested clarification that while the study is underway, the Town would continue its negotiations with Fort Lauderdale and BSO for Fire Rescue services. Town Manager Rubach confirmed this, estimating that the study will be complete in July 2026. Recruiting, staffing, and training for any entity providing these services will take additional time once the Town has made a decision. It was estimated that the service provider could be operational by mid-2027.

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

b. RESOLUTION 2026-06: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING AND APPROVING THE PROPOSED PAY PLAN AND PAY RANGES; PROVIDING FOR IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.

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

Katie Bush of HR Compensation Consultants (via Zoom), who performed the pay plan study for the Town, recalled that the original pay plan for Lauderdale-By-The-Sea was developed in 2020 and previously updated in 2023. The goal is to ensure that the Town's compensation program is internally equitable and externally competitive as well as fiscally responsible.

The study reviewed documentation, analyzed jobs, conducted a salary survey, and modeled implementation costs, all of which ensure market accuracy and internal consistency. Ms. Bush briefly reviewed the methodology used for the study. The competitive market survey included several additional municipalities as well as a private sector data element.

New ranges show an approximately 10% average upward movement in wages. These ranges are current, although the new structure would not be implemented before October 2026. The plan also evaluates where each employee fits within the structure.

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Ms. Bush stated that the updated pay plan would only impact eight employees whose pay currently falls below the minimum range, with an estimated impact of roughly \$29,000 or 1.1% of payroll. She suggested that adjustments be made in July 2026 to bring employees into line with the new ranges, with the ranges to be implemented in October 2026. Another suggestion was the creation of a merit budget pool of 5% to reward individual performances.

Mayor Malkoon asked if the pay plan addresses issues such as compression and retention. Ms. Bush replied that compression is addressed through the pay ranges, adding that the Town is managing pay compression over time, and no additional issues were identified.

Commissioner DeNapoli requested clarification of who would activate future staffing needs that are currently unfunded. Town Manager Rubach replied that this would be part of the budgeting process; Staff would make recommendations, which the Commission would approve or deny.

Commissioner DeNapoli asked why the Town does not have an automatic cost-of-living adjustment (COLA). Town Manager Rubach explained that the Town's COLA is based on the study. This year's COLA is recommended at 2.5% to 3%. The COLA is not automatically applied every year, as raises are typically based on merit alone. The COLA is applied in the years in which a study is done.

Commissioner DeNapoli also requested clarification of how merit increases are determined and how much has historically been given. Town Manager Rubach replied that this can be up to 5% based on individual evaluations by Department heads or direct supervisors, which are then reviewed by senior Staff.

Commissioner DeNapoli asked if all the positions listed are needed by a relatively small Town. Town Manager Rubach advised that as Staff is developed, the models of certain Departments will change, citing examples from the Public Works Department.

Commissioner Graziano requested clarification that the 10% movement mentioned early in the presentation referred to increases. Ms. Bush confirmed that this movement referred to changes in the labor market between 2023 and the present. Commissioner Graziano added that he would be supportive of implementing an annual COLA in order to ensure that staff is properly compensated.

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Town Manager Rubach explained that the consultant's role is to adjust pay ranges according to cost-of-living changes; for example, a 2.5% increase in the cost of living would mean both the minimum and maximum of the pay range would increase by 2.5% as well. He emphasized the importance of this change for recruiting.

Ms. Bush advised that the study recommends a COLA of at least 2.5% for the coming year, or 3% if that is affordable. The minimum cost impact to the eight employees cited earlier is just under \$29,000. She recommended continuing use of the 5% merit pool, which is a best practice, as well as the 2.5% or 3% COLA, which would move employee pay into the correct ranges to prevent pay compression related to new hires.

Assistant to the Town Manager Easley further clarified that a 2.5% COLA would result in a \$14,902.97 increase, while 3% would result in a \$17,883.56. Both costs would apply from July 1 through September 30, 2026.

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to extend the meeting until 11:20 p.m. Motion carried 5-0.

Commissioner Graziano asked if the proposed COLA would apply to the full Town Staff. Assistant to the Town Manager Easley confirmed this, noting that the amounts exclude the Commission's and the Town Manager's salaries. Commissioner Graziano reiterated his support for an annual COLA, also noting that he was not in favor of applying the increase to the final quarter of a budget year that has already been approved, but was in favor of awarding the COLA at the outset of the next fiscal year on October 1, 2026.

Town Manager Rubach added that the Town realized some significant cost savings in FY 2025-2026, as the positions of Town Manager and Town Clerk were vacant for several months. He anticipated that the Town would finish the year under budget in salaries.

Mayor Malkoon observed that the increase is not only needed as a COLA, but in order for the Town to remain competitive within the market. Commissioner Graziano pointed out that there are other options for increases as well, including merit-based increases and other means of rewarding employees.

Town Manager Rubach recommended a COLA of 2.5% as well as adoption of the proposed pay plan, effective July 1, 2026.

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Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried 3-2 (Commissioner DeNapoli and Commissioner Graziano dissenting).

d. RESOLUTION 2026-08: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH THE SUPERVISOR OF ELECTIONS OF BROWARD COUNTY TO CONDUCT THE TOWN'S MUNICIPAL ELECTION ON NOVEMBER 3, 2026; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner DeNapoli asked why this Item was brought forward as a Resolution rather than as part of the Town Manager Report. Town Attorney Trevarthen advised that it is the Town's practice to adopt Resolutions which address agreements.

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

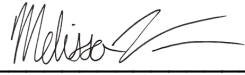
20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 11:19 p.m.



Mayor Edmund Malkoon

ATTEST:



Melissa Vasami, Town Clerk

4/29/2026 | 8:28 AM PDT

Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Malkoon Edmund Fred</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Commission</i>
MAILING ADDRESS <i>2093 Ocean Mist Dr. Broward</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Land-By-Sea, FL 33062</i>	NAME OF POLITICAL SUBDIVISION: <i>Mayor</i>
DATE ON WHICH VOTE OCCURRED <i>3-24-26</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Edmund Malkoon, hereby disclose that on 03-24, 20 26

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of Employment, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4-20-26
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.