



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, April 28, 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, Public Works Director Chris Lips, Finance Director Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Assistant Director of Code Compliance Terry-Ann Boyd, Assistant to the Town Manager Courtney Easley, Events and Marketing Manager Katie Anderson, and Town Clerk Melissa Vasami.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Malkoon requested that the following Items be heard immediately after Public Comments: 18.a, 19.a, and 13.a.

5. PRESENTATIONS

a. Mental Health Awareness Month Proclamation

Mayor Malkoon read a Proclamation designating May 2026 as Mental Health Awareness Month in Lauderdale-By-The-Sea. Susan Agemy, representing the Board of Directors for National Alliance on Mental Illness (NAMI) Broward County, accepted the Proclamation.

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6. PUBLIC COMMENTS

At this time, Mayor Malkoon opened public comment.

Mary Callahan, resident, expressed concern that residents of Lauderdale-By-The-Sea have lost trust in Town leadership due to the process of co-designating Sea Grape Drive after a sitting president, despite the objections of many residents. She saw no benefit to the Town in renaming a portion of Commercial Boulevard as described above.

Commissioner DeNapoli stated that all procedures were followed correctly by the Commission regarding the co-designation of the roadway.

Kimberly Bertsch, resident, recalled that during Public Comments at the April 14, 2026, Town Commission meeting, another resident had referred to an Agenda Report from May 2025, which had never been included on a Commission Agenda. The Item had been intended to accompany a Resolution for the co-designation of Sea Grape Drive.

Ms. Bertsch advised that the Agenda Report included recommendations which could have been helpful to the Commission and the public. She clarified that the April 14 speaker had not intended to suggest that votes taken in September 2025 or March 2026 were invalid, but to express concern with why the recommendations had not been followed. She emphasized the importance of public comment.

Mayor Malkoon stated that at the previous Town Commission meeting, the Town Attorney had reviewed the Commission's procedure regarding the co-designation and concluded that no improper actions occurred. He asserted that this issue has been decided and discouraged further discussion of the co-designation at public meetings.

Cristie Furth, resident, addressed proposed Charter changes, expressing concern with the following proposals and encouraging the Commission to vote against them:

- Increasing the Mayor's term of office from two to four years, which she cautioned could decrease accountability from Commissioners
- Reducing minimum residency requirements to six months, which she felt could encourage individuals with no deep local ties to run for office
- Replacing the Town's existing process for removing an elected official from office with the state of Florida's process

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- Requiring a majority vote rather than a supermajority vote to excuse absences by elected officials
- Modifying some of the terms used in establishing qualifications for office, including “domicile” and “residency”

Ms. Furth requested that the Commissioners vote against these proposed Charter amendments. She provided the Town Clerk with a question for the Town Attorney.

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

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

18. RESOLUTIONS – PUBLIC COMMENTS

- a. RESOLUTION 2026-14: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH CLEARGOV, INC. FOR BUDGETING AND DIGITAL BUDGET BOOK SOFTWARE SERVICES IN AN AMOUNT NOT TO EXCEED \$129,751.76; WAIVING THE TOWN’S PURCHASING MANUAL FOR THE PURCHASE OF THE SERVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE.

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

Finance Director Lucila Lang explained that this Agenda Item addresses a new law scheduled to take effect on January 1, 2027, which will require municipalities to enhance how budget information is presented as well as how this information is made available to the public. Requirements include posting the tentative budget, the adopted tentative budget, and the final budget on the Town's website in PDF or similar electronically accessible form.

Finance Director Lang noted that the Town's current procedure makes the budget available in Word and Excel digital formats, which are not interactive. Staff has researched the issue with potential companies that could provide this service. She advised that many of the companies approached by the Town are more expensive than

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the proposed contractor, which is ClearGov, Inc. Documentation has been sent to the Town Attorney for review.

Tyler Yehl and Ryan Guidry, representing ClearGov, Inc., gave a presentation on the proposed service, which would implement the requirements of Florida House Bill (HB) 1329. The Town will be required to publish the tentative, adopted, and final versions of its budget on the Town website in downloadable digital format.

HB 1329 also increases the amount of information that must be posted, which will include four fiscal years' worth of prior data such as revenues, expenditures, and fund balances, which must be broken down by departments and funds. Another new requirement will be a budget reduction scenario, which will require the Commission to provide a model budget reflecting a 10% reduction without affecting core services.

ClearGov provides a single integrated platform for building the budget with the new required level of detail as well as publishing budget documents in a manner that will make them more accessible to the public. Instead of managing information across multiple documents, Town Staff will be able to build, manage, update, and publish budget documents using one platform. The result will be a modern digital budget book including charts, narratives, historical comparisons, and department- and fund-level detail.

Many South Florida municipalities, including Coral Springs and Fort Lauderdale, have already adopted ClearGov's platform, which supports over 1,700 communities nationwide. Mr. Yehl reported that this platform has a 98% satisfaction rating through onboarding. He showed an example of the proposed new digital budget book, which is fully compliant with the Americans with Disabilities Act (ADA) as well as with the additional requirements of HB 1329.

Finance Director Lang explained that by the next budget year, the Town will need to be fully compliant with HB 1329. ClearGov's annual fee is \$20,000, with a one-time setup fee of \$12,000. The Town has requested that the company prorate this year's costs, which means they will only need to pay for May 1 through September 30, 2026. The full \$20,000 fee will be charged in fiscal year (FY) 2026-2027, which begins on October 1, 2026. The fee carries an annual 3% increase.

Finance Director Lang continued that at least three months are anticipated to bring the Town up to speed on the ClearGov platform. Staff hopes to begin this process now in

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order to be fully acquainted with the new system in time to post the final budget for FY 2025-2026.

Commissioner DeNapoli observed that one goal of HB 1329 is to reduce expenses by requiring municipalities to perform and publish a budget reduction exercise identifying at least a 10% reduction scenario without impacting essential services. He asked if Staff already performs this exercise. Finance Director Lang explained that Staff use Word and Excel documents at present, which are not compliant with HB 1329. The new law mandates an interactive budget book that allows viewers to click on individual aspects of the budget.

Commissioner DeNapoli also expressed concern with early implementation of the platform, as well as with increases in fixed costs in advance of the Town's budget process. He suggested that this Item be brought back during the budget process, also asking if other platforms were considered.

Finance Director Lang advised that the Town currently provides the information required by HB 1329, although not in the format that will be required by the new law in 2027. She expressed concern that prices may increase if the platform is adopted closer to the state deadline of January 1, 2027. Staff has negotiated successfully with ClearGov to reduce the fee to \$20,000.

Commissioner DeNapoli asked if Staff had spoken with other provider firms. Finance Director Lang confirmed that Staff reached out to other firms, but their costs were significantly higher than ClearGov's proposal. She noted that ClearGov deals with many smaller municipalities, while other providers focused on larger towns and cities.

Town Manager Ken Rubach further clarified that implementing the new platform at this time would provide Staff with time to become familiar with it in advance of either the audit or budget processes. He noted that larger municipalities are more likely to have sufficient staff to fulfill the new requirements, while the Town's Finance Department consists of only three individuals, one of whom is dedicated to the process of accounts payable.

Town Manager Rubach added that one of the competing firms to which the Town had reached out was recently purchased by ClearGov. He concluded that there is a small market for these required services.

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Vice Mayor Strauss observed that he shared Commissioner DeNapoli's concerns and requested additional information from the ClearGov representatives on the anticipated learning curve for the platform. Mr. Guidry characterized implementation as a process in which most of the work is done up-front by ClearGov. They will meet weekly with Town Staff to ensure that processes are properly followed. During the latter portion of the implementation process, ClearGov will train Town Staff on how to use the product. 24-hour customer support will be available, as will a dedicated representative who will work with the Town throughout its tenure as a client.

Vice Mayor Strauss concluded that he understood the reasoning and process behind the proposal and understood the costs associated with the contract to be competitive.

Commissioner Graziano stated that he did not take issue with the proposed contractor, but was not comfortable with bypassing the bid process. He asked if a "piggyback" contract might be an option. Town Manager Rubach replied that Staff had negotiated a less expensive price than what was originally offered to them. Commissioner Graziano reiterated his concern regarding the bid process, suggesting that other nearby small municipalities may be able to offer piggyback options. He also emphasized the importance of including a convenience clause in any contract.

Town Manager Rubach advised that Staff had reviewed neighboring municipalities' contracts and determined that the piggybacking option would be less beneficial than the negotiated offer.

Commissioner Pouloupoulos commented that he had no previous knowledge of the industry in which ClearGov operates. He asked if contracts were presented to Staff by other providers, or if there are additional options the Town can review for comparison. Town Manager Rubach replied that Staff spoke with neighboring South Florida communities that use ClearGov, which indicated that they were satisfied with the system.

Commissioner Pouloupoulos concluded that he was in favor of entering into an agreement at present in order to ensure Staff is familiar with the new processes in time for budget season.

Commissioner Graziano again emphasized that while he may or may not vote in favor of Resolution 2026-14, he remained uncomfortable bypassing the bid or piggyback processes.

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Commissioner DeNapoli pointed out that there is no requirement under HB 1329 that the Town must purchase a platform to make the necessary changes. Town Manager Rubach confirmed this, but noted again that the Town lacks the capability to produce the required documentation in-house. He added that Staff had not looked into artificial intelligence (AI) options due to concerns that incorrect information could accidentally be posted if that process were adopted, which could make the Town vulnerable to repercussions from the state.

Commissioner DeNapoli concluded that he felt entering into a contract before the budgeting process begins would tie the Town to the fixed costs of a five-year contract immediately before budgeting, concluding that while HB 1329 would take effect on January 1, 2027, the Town's budgeting process would not start until some months after that date.

Town Manager Rubach expressed concern with the potential impact of requiring Finance Department Staff to implement a new platform during the audit and/or budget processes of FY 2026-2027, including the requirement for a 10% budget reduction exercise. Adopting the platform in FY 2025-2026 would allow Staff to become familiar with the new system during this year's budget process.

Vice Mayor Strauss requested more information on the Item's convenience clause. Mr. Yehl replied that these clauses are typically addressed by the firm's contract team during negotiations with a prospective client. Both parties have signed off on a termination clause.

Town Attorney Susan Trevarthen referred the Commissioners to Subsection 5 of the contract's addendum, which provides two options for termination: one related to availability of funds, which would allow the Commission to terminate the contract upon 30 days' prior written notice if Town funds are unavailable, and a second clause allowing the Town to terminate for cause if ClearGov breaches the contract and fails to correct it within 10 days, following written notice.

Town Attorney Trevarthen concluded that there is no language conferring the ability to cancel the contract at will or for convenience. She noted that the Town may ask the vendor if they would be willing to add such a clause. Town Manager Rubach advised that ClearGov does not allow termination for convenience in their contracts.

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Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried 4-1 (Commissioner DeNapoli dissenting).

19. QUASI JUDICIAL PUBLIC HEARINGS

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

a. Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative Adjustments,” of the Town’s Code of Ordinances (the “Town Code,” the Applicant has requested an administrative adjustment from Section 30-313 (t)(2)(b)(1) “Permanent Generators” of the Town’s Code, to permit the encroachment of a generator one (1) foot , four (4) and one-quarter (1/4) inches into the required 5 foot side setback for the property located at 228 Imperial Lane (the “Property”).

Development Services Director Jhanelle Campbell stated that the request is for a Level 2 administrative adjustment that would allow a generator to encroach 1 ft. 4.25 in. into the required 5 ft. side setback. The property is a single-family structure located on a 9,473 sq. ft. lot in the RS-5 zoning district.

The generator was initially included in the Applicant’s construction documents but was denied in 2024 due to setback issues. Later on, conditional approval was granted; however, upon inspection, it was determined that the generator was installed outside the required setback area.

This Item was previously presented to the Planning and Zoning Board in July 2025. That advisory body recommended denial of the request due to potential impacts, and some residents opposed the Application as well. The Applicant reviewed their request and contacted the generator’s manufacturer, after which they submitted a revised Application which included sound-dampening technology and screening options. An adjacent neighbor who had originally opposed the Application withdrew his opposition following these changes. A letter from this individual documenting this withdrawal is included in the Staff Report accompanying the Item.

Section 30-128 of Town Code governs administrative adjustments and requires a 30% setback encroachment under the Level 2 category. The request is within this threshold.

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Staff finds that the request meets the requirements for recommendation of approval of the Application, as it does not increase density or height, impact easements or rights-of-way, is compatible with neighborhood character, does not adversely affect health and safety, and is consistent with the Town's Comprehensive Plan.

The initial concern regarding noise in proximity to adjacent properties was resolved. The Application was noticed in accordance with the Town's public notice requirements. No additional correspondence relating to the Application has been received. Staff recommends approval of the Application.

Mayor Malkoon emphasized that a neighbor to the property had withdrawn his original opposition to the Application, as he was satisfied with the measures taken by the Applicant.

Nectaria Chakas, representing the Applicant, advised that the Applicant had worked with their neighbor to determine appropriate mitigation measures. She noted that the generator's manufacturer had designed it with residential use in mind. Additional mitigation measures include a sound panel on the wall and screening on the fence. She reiterated that the neighbor was satisfied with these measures.

At this time Mayor Malkoon opened the public hearing. With no individuals wishing to speak on the Item, the Mayor closed the public hearing.

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

13. NEW BUSINESS

a. Mitigation of Fines – 230 Basin Drive (Marina)

Assistant Director of Code Compliance Terry-Ann Boyd stated that this Item is a mitigation request submitted by Marina-By-The-Sea for a property at 226-240 Basin Drive. The property was first cited in 2015 for seven violations, which included:

- Building maintenance issues
- Property maintenance issues
- Dock exceeding the maximum slope of 8%
- Dock maintenance issues

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The Code case remained in effect for 299 days, and fines accrued to a total of \$369,500. The new property owner brought the property into compliance; however, the fines were never addressed until tonight's mitigation Application was submitted. Permits submitted for the correction of the violations were entered into the record. Permit fees related to the correction of violations totaled \$1,852.

There have been two separate owners of the subject property throughout the life of the case. Seven additional cases were cited against the first property owner. Since the new owner acquired the property, there have only been two instances in which Code Compliance became involved. Both cases came into compliance, and no fines accrued.

Staff recommends that the Commission hear from the Applicant and determine whether or not the request to mitigate accrued fines to \$0 is appropriate. Assistant Director Boyd showed before-and-after photographs of the subject property.

Development Services Director Campbell advised that over \$700,000 has been invested in property upgrades by the new owner, including floating dock renovations, utility infrastructure upgrades, and aesthetic upgrades. Renovation of the floating dock exceeded \$628,000, and installation of portable water, sewer, and fire service lines on the floating dock exceeded \$88,000. An open ornamental fence replaced a solid fence in order to enhance public views of the renovated marina, and associated landscaping improvements were made as well.

Marina-By-The-Sea continues to invest in enhancements of the property. In lieu of remitting payment to a negotiated settlement for the outstanding Code Compliance fine, the property owner has requested full mitigation of fines in exchange for installation of this skimmer on-site. The cost of the trash-skimming system is estimated at \$39,770, which will be maintained at the owner's expense.

The owner also requests that the Town consider the \$716,000 in improvements previously completed on the property, which reflect a substantial good-faith investment in the property.

Should the Commission determine that 100% mitigation is appropriate, Staff recommends that any reduction be expressly conditioned upon the specific installation, permitting, operational inspection, maintenance, recording, transfer, modification, default, and enforcement requirements set forth in the approved Mitigation Order, including but not limited to:

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- Requirement that the obligation run with the land
- No modification may occur without prior Development Services review
- Failure to comply with any condition would result in automatic reinstatement of the original lien amount

The outstanding lien shall be reduced to \$0 only upon the full installation, final inspection approval, and continued compliance with all conditions in the mitigation order.

Dylan Tannenbaum, applicant, advised that trash accumulates at the marina's end of the basin. He plans to invest in the trash skimmer to keep these waters clean going forward, including maintenance on a weekly basis or more often. Mayor Malkoon acknowledged that all of the fines had accrued under the previous property owner, and Mr. Tannenbaum has invested significantly in the property to correct issues.

Vice Mayor Strauss stated that the current owner purchased a marina in run-down condition, and had not only brought it into compliance, but had gone above and beyond what was expected. He was in favor of complete mitigation of fines.

Commissioner Pouloupoulos agreed, noting that the current owner had been aware of the lien when he purchased the property. He asked why the lien was only now being discussed more than 10 years later. Mr. Tannenbaum advised that he did not know all the reasons action might not have been taken, although he suggested that the COVID-19 pandemic may have played a role in the delay.

Development Services Director Campbell explained that once a lien has been recorded, the Town may not force an owner to come forward and request mitigation. She confirmed that she and the Assistant Director of Code Compliance are preparing a presentation for an upcoming Code workshop in May 2026, which will address other properties with outstanding fines or liens.

Commissioner Pouloupoulos indicated that he was also in favor of full mitigation in this case.

Commissioner Graziano advised that there should be recognition of the current owner's investment in the subject property, which has improved it significantly. He suggested a symbolic fine of \$1, as he was not in favor of 100% mitigation.

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Commissioner DeNapoli requested clarification of the amount the current owner has already invested in the property. Mr. Tannenbaum replied that the trash skimmer will cost over \$39,000. He has also made significant renovations to the property. Commissioner DeNapoli advised that it was only due to these investments that he was willing to approve full mitigation.

Commissioner DeNapoli also emphasized the need to encourage mitigation by current owners. He suggested that offers could be made to these owners in order to move the compliance process along and bring revenue to the Town.

Assistant Director of Code Compliance Boyd advised that Staff periodically sends cost-recovery letters to properties with outstanding fines. She offered to bring information on monies collected in response to these letters to the upcoming workshop.

At this time Mayor Malkoon opened public comment on the Item.

Ron Piersante, resident, stated that he lives in the neighborhood in which the marina is located. He thanked Mr. Tannenbaum for his renovation of the property and concluded that he was in favor of 100% mitigation in consideration of the owner's improvements.

With no other individuals wishing to speak on this Item, Mayor Malkoon closed public comment.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to mitigate the fine to \$1 and other Staff requirements. Motion carried 5-0.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Rubach thanked all who attended the April 15, 2026, Art in the Park/mural unveiling event in Friedt Family Park. A photo shoot is scheduled for that Park's new playground on Tuesday, May 12, 2026, from 4:30 to 5:30 p.m. Families with

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young children who are interested in participating in the photo shoot may contact Special Events and Marketing Manager Katie Anderson for more information.

The Town annually appoints a Commissioner to act as Chair of the Town's Fourth of July event, acting as liaison between the Commission and Staff to plan that event. Commissioner Pouloupoulos volunteered to serve as Chair for a second year.

The Town has purchased a Starlink device as part of its resiliency planning efforts in order to ensure communication with Broward County and/or other partners during an emergency if internet and telephone resources become unavailable. The purchase was made using a piggyback agreement on the City of Pompano Beach's purchase.

The City of Fort Lauderdale is upgrading its water meters to smart meters, which is expected to increase accuracy in reporting and detection of problems. Residents using these devices will be able to set up leak or high bill detection notifications. Representatives of Fort Lauderdale have offered to provide a presentation to the Town if the Commission wishes.

Commissioner DeNapoli requested that Fort Lauderdale staff be invited to make a presentation to Lauderdale-By-The-Sea residents. Town Manager Rubach confirmed that the cost of the new meters will be included in future bills.

Vice Mayor Strauss added that he was interested in the possibility of installing dual meters for residents who water their lawns and vegetation. Town Manager Rubach replied that Development Services Staff has reached out to both Pompano Beach and Fort Lauderdale about this possibility.

The Town's first budget workshop of the year is scheduled for Wednesday, May 13, 2026, at 5 p.m. The first Capital Improvement Program (CIP) workshop will be held on Tuesday, June 9, 2026, at 5:30 p.m., preceding the regular Commission meeting.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen addressed comments made during Public Comments relating to the Town's naming policy for different types of locations. She clarified that the Resolution cited by a speaker specifically excludes streets from that policy.

10. APPROVAL OF MINUTES

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a. Approval of the Minutes from the February 10, 2026, and March 24, 2026, Regular Town Commission Meetings

Commissioner DeNapoli addressed p.16 of the March 24, 2026, regular meeting minutes, pointing out that both he and Vice Mayor Strauss had indicated their support for a study related to the possibility of the Town establishing its own Fire Department, both citing the reasons stated by Commissioner Pouloupoulos.

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

11. CONSENT AGENDA

- a. RESOLUTION 2026-13: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE TOWN'S FOURTH OF JULY FIREWORKS DISPLAY; FINDING THAT THE AGREEMENT IS IN THE BEST INTEREST OF THE TOWN AND EXEMPT FROM COMPETITIVE SOLICITATION PURSUANT TO SECTION I V.L OF THE TOWN'S PURCHASING MANUAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

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

The Commission took a brief recess at this time.

12. OLD BUSINESS

- a. Final Discussion of Charter Review Board and Commission Recommendations for Charter Questions**

At this time, Mayor Malkoon opened public comment on the Item.

Kimberly Bertsch, resident, expressed concern with the proposed Charter amendments, which she felt would shift power from residents of the Town and move them to the

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Commission and the state. She asserted that none of the proposed changes benefit residents.

Ms. Bertsch acknowledged that the Town's Charter currently includes conflicting language with regard to the six months' residency requirement for candidates for public office. She characterized the language recommended by the Commission as a means to invite outsiders to use the Town as a potential political stepping-stone. She was also concerned with the replacement of the term "domicile" with "residency," which she felt would create ambiguity and allow non-full-time residents to qualify for office.

Ms. Bertsch continued that she did not understand why power would be shifted from the Commission to the state with respect to the removal of a Commissioner from office. She was also concerned with the proposal to extend the Mayor's term of office from two to four years, which she felt took power away from voting residents. She encouraged the Commission to choose what is best for residents of the Town.

With no other individuals wishing to speak on the Item, Mayor Malkoon closed public comment.

Town Attorney Trevarthen explained that the changes proposed by the Commission during previous Charter discussions would be presented as first and second readings of Ordinances, with the intent of placing approved questions on the November 3, 2026, ballot.

The Charter review process began with the involvement of the Town's Charter Review Board (CRB) in accordance with Charter requirements to revisit the Charter at least every 12 years. The CRB's recommendations were brought forward in fall 2025 but were deferred until February 2026. Substantive discussions of potential Charter amendments were held at the February 24 and March 24, 2026, meetings. Ordinances addressing Charter amendments must be adopted and provided to the Broward County Supervisor of Elections by June 8, 2026, for inclusion on the November ballot.

The issues discussed by the Commission as potential Charter amendments were as follows:

- Residency requirement: the Commission agreed by consensus to retain the current six-month residency requirement and clarify that this time frame is measured from the date of election

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- Standardization of the term “residency” rather than “domicile”: while there are some distinctions between the definitions of these terms, the Charter’s specific use of “residency” differs slightly from its formal definition in context, and most references within the Charter use this term instead of “domicile”; a Mayor or Commissioner must reside in the Town throughout their term of office, and a Commissioner must reside within their district
- Mayoral term changes: the Commission agreed by consensus to amend the Mayor’s term of office from three two-year terms to two four-year terms beginning in 2028, with any service immediately prior to that year counting as one term; to accommodate the change in total years in office from six to eight, the Mayor’s overall term limit would be amended to 16 years
- Term limit clarifications: retain the two-year break in service required once an individual reaches their term limit, but allow the appointment of a former elected official who has not yet completed this two-year break; allow a Mayor who has not previously served as Commissioner to run for the office of Commissioner
- Amend language from “be a candidate” to “appear on the ballot”; add language clarifying how the additional months of service between March and November 2026 affect the calculation of the overall term limit
- Commission districts: retain the structure of two Commission districts, but define the boundary and remove the boundary revision process from the Charter
- Time frames: include additional time for the review of petitions and use calendar days to clarify these time periods
- Audit deadline: extend this deadline to align with state law
- Allow online notices
- Address minor “cleanup” items, including statutory references

Town Attorney Trevarthen recalled that in March 2026, the Commission had also discussed how to address forfeiture of office. The proposed changes would limit the required qualifications for purposes of considering forfeiture to Sections 6.3 and 6.4. In the case of forfeiture due to medical issues, a requirement of medical certification and court order would be added for disability removal. In the case of removal due to an ethics issue, the proposed language would require this issue to be determined by the Florida Commission on Ethics rather than by the Town Commission.

While a majority rather than a unanimous vote would be required to excuse an absence, a unanimous vote would still be required for discretionary forfeiture decisions. The proposed language would also clarify that there would be no need for the Commission

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to vote if forfeiture is mandated by a court order or other mandatory circumstance in which the Commission no longer has the ability to speak to the issue.

Town Attorney Trevarthen recalled that the Commissioners had generally expressed support to proceed with these changes; however, she pointed out that another way to address the existing conflict between language in Section 3.3 and Section 6 would be to remove those conflicts rather than amend the Charter. She explained that the measurement used in Section 3.3 includes the phrase “prior to qualifying,” while in Sections 6.3 and 6.4 the Charter uses “prior to date of election.” The Commission had previously indicated willingness to clarify this measurement to the date of election. There is also some overlap between Section 3.3 and Section 6 regarding district residency, age, or registered voter status.

Town Attorney Trevarthen proposed that the two sentences in Section 3.3 which refer to “prior to qualifying” and age, district residency, and registration be removed, which would leave the six-month residency requirement, registered voter requirement, and district residency requirement in place. Article 6 refers to these same requirements. She emphasized the importance of clarity and consistency in the Charter's language.

The final two sentences of Section 3.3 are unique and have meaning within the Charter. These two sentences would be retained but moved to Section 6.3 so all qualifications for office can be found in the same place within the document. The loss of district residency while in office would result in forfeiture, and any future changes to the districts' boundaries would not shorten a term of office.

Commissioner DeNapoli stated that the Commission had previously discussed the proposed changes and agreed with the Town Attorney's proposal.

Commissioner DeNapoli made a motion to approve what has already been voted upon with respect to Charter amendments, and to approve the Town Attorney's recommendations as described above.

Commissioner DeNapoli continued that there had been Commission consensus on the 16-year total term limit to provide clarity. He offered to work with the Town Attorney on ballot language prior to the next scheduled Commission meeting.

Commissioner Graziano noted that if language is standardized to refer to six months prior to election rather than prior to qualifying, this could mean an individual could move

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into the Town in May and be able to run for office in November of that same year. He stated that he did not believe this was the actual intent of the Charter and opposed the change to consistent language referring to six months prior to election.

Town Attorney Trevarthen confirmed that the direction she had previously received from the Commission was to proceed with the change to six months prior to the date of election. If no alternative direction is provided, she would draft this change into an Ordinance for first reading in May 2026.

Commissioner Graziano also addressed language which would defer aspects of forfeiture to the state, asserting that he was not in favor of allowing the state of Florida to make decisions that should be made by the Commission. Town Attorney Trevarthen clarified that the current Charter language states the Town Commission acts as judge of its own membership across the board; the proposed language would mean if an ethical issue affects a Commissioner's or Mayor's qualification for office, determination on that issue would be made by the Florida Commission on Ethics rather than the Town Commission.

Commissioner Graziano asserted that the authors of the original Charter were Town residents who wished to hold the Commission accountable by allowing the elected officials to monitor themselves. He did not feel they would have wanted to cede this authority to the state and reiterated his opposition to the proposed change.

Commissioner Pouloupoulos commented that he was in favor of the changes reflected in the Town Attorney's presentation. He pointed out that candidates for state office in Florida have no minimum residency requirements for the districts they represent; an individual must only have been a resident of Florida for at least two years prior to election. He concluded that all the proposed changes will be voted upon by Town voters in November 2026.

Commissioner DeNapoli observed that all the Commissioners signed the six-month residency oath prior to the date of election when they stood as candidates for office, adding that the intent was to conform the Charter with this oath. He briefly reviewed previous Commission votes on the proposed Charter amendments, noting that the item addressing removal from office had carried by a 5-0 vote. The language addressing forfeiture of office was intended to clarify how and when an elected official could be removed from office; the proposed involvement of the Florida Commission on Ethics

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was suggested due to the vagueness of terms in the current Charter, which he cautioned could allow for the politically motivated removal of an elected official.

Commissioner DeNapoli cited the phrase “incapable of performing the duties of the office for a period of more than three months” as one example of vague language, noting that his proposed language would require certification from a licensed medical professional or a final court order. The requirement for a unanimous vote would be retained in all cases with the exception of excused absences, which would require only a majority vote.

Vice Mayor Strauss advised that he shared Commissioner Graziano's concerns with inserting state authority into Town matters. He did not see any issue with the existing language and procedures, which maintained local authority, which have been in effect for at least 20 years. He characterized the proposal as bringing big government into the Town rather than maintaining local independence.

Vice Mayor Strauss continued that he did not feel there was a compelling reason to make changes which would give the state more power over the Town. He added that he was also concerned with the six-month residency requirement prior to the date of election, which could mean an individual who may not understand what is happening in the Town could run for office. He also noted that with respect to the residency requirements for state representatives, local offices typically reflect a more personal connection between the elected individual and the residents they represent, particularly in a smaller municipality.

Vice Mayor Strauss observed that while he had voted for the proposed changes at a previous meeting, he still had concerns regarding the proposed changes. He did not feel a one-year residency requirement, or a six-month requirement prior to the date of qualification, was unreasonable.

Mayor Malkoon acknowledged the points made during discussion of this Item, adding that he felt the proposed forfeiture language would neither place the issue in the state's hands or compromise local authority. Any allegation brought to the state would first be made at the local level and would require a vote by the Commission. He also noted that the proposed language replaces the term “ethics,” which can be seen as vague, with specific criteria and standards.

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Mayor Malkoon continued that the proposed change would allow medical issues to be addressed by medical professionals, again based on specific criteria. He added that the state of Florida has experts in the field of ethics who could assist in determining what is or is not ethical. He did not feel the involvement of these experts would take any decisions away from the Commission.

Commissioner DeNapoli commented that no coastal municipalities in the area, with the exception of Pompano Beach, require a year's residency, and pointed out that requiring residency six months prior to qualifying would mean 11 months' residency. He emphasized the importance of due process with regard to ethical issues, stating that rather than giving more authority to the state, the involvement of the Florida Commission on Ethics would provide a neutral third party.

Commissioner Pouloupoulos noted that the proposed Charter amendments would not change the current residency oath or requirement. He did not believe there was a risk of "big government" involvement in Town matters, as the Town is already subject to state and county controls. The Florida Commission on Ethics would represent a neutral third party to serve as arbitrator in instances of ethical issues.

Commissioner Pouloupoulos concluded that he felt the issue of Charter amendments was beginning to "turn political" when it did not need to.

Commissioner Graziano stated that he did not see this issue as political, and reiterated that he felt an elected official should live in the Town for longer than the six-month requirement prior to election. He asserted again that he did not want to cede any local authority to the state, and concluded that the Commission would vote on the proposed changes once Ordinances are brought forward.

Commissioner DeNapoli requested clarification of whether or not a motion was necessary to move the Item forward. Town Attorney Trevarthen explained that she had hoped to confirm Commission consensus; if the Commission wished to offer a motion, that would also be appropriate. The Ordinance(s) would be brought back for first and second readings and votes by the Commission.

Commissioner DeNapoli **restated** his **motion** as follows: **for an omnibus motion to approve what was presented by the Town Attorney, which conforms to what was already voted upon at the March 24, 2026, meeting.**

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Commissioner Pouloupoulos seconded the motion. Motion carried 3-2 (Vice Mayor Strauss and Commissioner Graziano dissenting).

14.COMMISSIONER PRESENTATIONS

None.

15.COMMISSIONER COMMENTS

Commissioner DeNapoli recalled that at the April 14, 2026, meeting, Commissioner Graziano had cast a dissenting vote regarding amendments to the March 10, 2026, minutes. He noted that meeting minutes are presented in draft form so they may be corrected at meetings if necessary; due to the circumstances of his attendance at the April 14 meeting, he had presented his proposed amendments in written form so they were easier to understand.

With regard to remarks made during Public Comments at today's meeting, Commissioner DeNapoli stated that these statements were inaccurate with respect to both himself and the Commission. He added that the issue in question has been resolved by the Commission and expressed concern that Commission meetings should not serve as a stage for ongoing political commentary on items with no further action scheduled or contemplated. He added that Florida Statute 286.0114 does not require local governments to continue to hear matters that have already been decided.

Commissioner DeNapoli also directly addressed the public comments made by Ms. Furth, asserting that she has repeatedly made inaccurate statements about him and about the Commission during Public Comments. He felt statements that approach the level of defamation required him to defend himself and correct inaccuracies in those statements. He described Ms. Furth's comments as incomplete and misleading with respect to a draft memorandum from Staff, noting that the matter raised by Ms. Furth was properly noted and voted upon with appropriate transparency and has not been brought forward for further action or reconsideration.

Commissioner DeNapoli concluded that if comments of this nature persist, he would continue to correct inaccuracies as necessary.

Commissioner DeNapoli noted that Dive Into Summer is scheduled for May 29-30, 2026, followed by the Town's Fourth of July celebration. He added that there are a

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number of new members of the Chamber of Commerce, including businesses in Fort Lauderdale and Lauderhill. The *Town Topics* newsletter also includes information on hurricane season, and encouraged residents to read the most recent edition.

Commissioner Graziano stated that Florida Power and Light (FPL) has provided him with new data regarding possible undergrounding of utilities in vulnerable Town neighborhoods. He thanked the utility for providing this information and indicated that he was hopeful the address of vulnerable areas would be able to move forward in a reasonable amount of time.

Commissioner Graziano recognized Events and Marketing Manager Katie Anderson and members of her team for the success of the recent Friedt Family Park mural event. He noted that the Chamber of Commerce recently held a successful event at Coast Boutique, and encouraged residents to attend the Farmers Market before the end of its season.

Commissioner Graziano concluded that he hoped the Town would soon be able to make progress toward a Fire services contract, and asked if an update was available. Town Manager Rubach replied that the study addressing the possibility of the Town establishing its own Fire Department is expected to be complete this summer. Staff continues discussions with the other potential service providers.

Vice Mayor Strauss strongly emphasized the rights of Town residents to respectfully express their opinions and concerns on any matters.

Mayor Malkoon recalled that the Town recently held an Arbor Day event at which a blue jacaranda tree was planted in honor of the late Tiana Ganswith, who served the Town as Assistant to the Public Works Director. The Garden Club was a sponsor of this event.

Mayor Malkoon continued that there have been ongoing discussions with microtransit provider Circuit, which have led to a better understanding of the service's operations. He has also scheduled a meeting with representatives of Nova Southeastern University, which previously monitored plantings of staghorn coral off the Town's shores. He hoped that this type of program could be reinstated in the future to protect the environment.

Mayor Malkoon also noted that the Town is looking into the provision of a code to supplement ride-sharing costs to or from Commercial Boulevard. This may provide a

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benefit to Town businesses during the off-season. He will meet with the Chamber of Commerce during the next month to share ideas.

Commissioner DeNapoli emphasized his belief in free speech and clarified that his intent was to correct the public record when misleading comments are made.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

b. RESOLUTION 2026-15: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ART SIGN COMPANY, INC. FOR THE DESIGN, FABRICATION, AND INSTALLATION OF DIRECTORY SIGNAGE AS PART OF THE WEST PLAZA REFURBISHMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$76,264.00; WAIVING THE TOWN'S PURCHASING MANUAL FOR THE PURCHASE OF THE SERVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND FOR AN EFFECTIVE DATE.

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

Commissioner DeNapoli spoke in favor of consistency between new and existing signage and stated he was in favor of Resolution 2026-15.

Town Manager Rubach explained that Art Sign Company had originally worked with the Town in 2023 on Downtown signage, which serves as the basis for the proposed additional signage. He emphasized the importance of consistency of design and materials, which was why the vendor was recommended. They were selected through the bid process in 2023 as part of the Downtown enhancement project.

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Commissioner Graziano expressed concern that the proposed Item would not go through the request for proposal (RFP) process, particularly for larger contracts. Town Manager Rubach explained that Staff had recommended approval of this Resolution based on the vendor's history with the Town and construction of custom signage. He concluded that this recommendation was the exception rather than the rule.

Commissioner Pouloupoulos asked where the proposed signage would be placed. Town Manager Rubach replied that the four signs would be placed in each of the Town's four plazas and will identify the businesses in those locations. They will be placed in the plazas' parking lots and will include backlighting for improved visibility. The list of tenant buildings can be changed if necessary.

Commissioner Pouloupoulos concluded that he was in favor of the Resolution in this instance due to the need for consistency in signage, but noted that he would otherwise share Commissioner Graziano's preference for the RFP process.

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

Commissioner Graziano requested clarification of where the signs would be placed, pointing out that there is now more pedestrian traffic from the western side. He suggested that more than four signs could be necessary. Town Manager Rubach replied that Staff would review the signs' locations to ensure they are placed where it makes most sense.

Events and Marketing Manager Katie Anderson explained that Staff has identified potential locations for the new signs throughout all four plazas, with the intent of placing the signs near landscaped areas for ease of access and to minimize cost. The areas will be highly visible to those parking in the plazas. Town Manager Rubach advised that he could provide additional information on these locations, emphasizing that the signs are designed for visibility by pedestrians.

- c. RESOLUTION 2026-16: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE AND INSTALLATION OF DECORATIVE BOLLARD AND LIGHT COLUMN FIXTURES FOR THE WEST PLAZA REFURBISHMENT PROJECT PURSUANT TO A PIGGYBACK AGREEMENT WITH KILOWATT ELECTRIC

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COMPANY IN AN AMOUNT NOT TO EXCEED \$220,238.00; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE.

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

Town Manager Rubach explained that many of the existing bollards in the Downtown area are unlit or not consistently functional. Resolution 2026-16 would add more than 60 new fixtures to the subject area. The proposed LED lights are changeable in color and can assist in the promotion of nearby businesses, particularly those in the western portion of the Downtown.

Commissioner DeNapoli noted that this Item was contemplated in the Town's previously approved CIP and can be fulfilled through a piggyback agreement.

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

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:15 p.m.



Mayor Edmund Malkoon

ATTEST:



Melissa Vasami, Town Clerk

5/28/2026 | 10:23 AM PDT

Date