



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, May 12, 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 (by phone), 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 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

It was requested that any individuals who are willing to donate platelets to local resident Jose Reyes contact Memorial Hospital West, the Mayor, or Town Offices, for more information. A matching blood type is not necessary for the donation.

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. National Safe Boating Week Proclamation

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Mayor Malkoon read a Proclamation recognizing the week of May 16-22, 2026, as National Safe Boating Week.

b. National Police Week and National Peace Officers Memorial Day Proclamation

Mayor Malkoon read a Proclamation designating the week of May 10-16, 2026, as National Police Week and May 15, 2026, as National Peace Officers Memorial Day.

c. National Public Works Week Proclamation

Mayor Malkoon read a Proclamation recognizing the week of May 17-23, 2026, as National Public Works Week.

d. Smart Water Meters Presentation

Ingrid Kindbom, representing Fort Lauderdale's Utility Services Department, gave a presentation on smart water meters, which will modernize utility infrastructure by replacing the former mechanical water meters. They can be read remotely over radio frequency and allow residents to more closely monitor their water usage. The devices will be installed in Lauderdale-By-The-Sea by summer 2027.

Ms. Kindbom explained that residents will have access to a portal within the new system, which will allow them to view their water consumption as well as information on any unusual consumption patterns. Once consumption is read, the information is downloaded to the billing office and the customer portals.

Installation of smart meters began in late December 2025. Fort Lauderdale is on track to replace approximately 65,000 meters through summer 2027. When installation is complete, a contractor will perform maintenance and operations of the system.

Prior to the installation of smart meters, Fort Lauderdale performed an audit of all existing water meter boxes. The operations team is working to clear up any issues or obstructions before the new meters are installed.

Sheryl Dickey, a consultant working with Fort Lauderdale's Utility Services Department, advised that roughly 1,600 meters will be replaced in Lauderdale-By-The-Sea. Weather permitting, this process is expected to take approximately one month. Postcards will be

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sent to customers, so they are aware of the process. The contractor's team will alert residents that installation is underway if they are home; if not, they will provide door hangers stating that meters have been installed.

Ms. Dickey emphasized the importance of ensuring that customers feel connected through the new system. She encouraged residents to call or email with additional questions.

Mayor Malkoon requested confirmation that the contractors installing the devices will be identifiable. Ms. Dickey confirmed that they will wear identifying insignia.

Commissioner DeNapoli asked how the new meters and their installation are funded. Ms. Kindbom replied that the Utility Services Department is aware that there have been billing issues in Lauderdale-By-The-Sea in the past and moved the Town to an earlier position in the installation cycle to address this. Costs will eventually be reflected in customers' rates in Lauderdale-By-The-Sea as well as in Fort Lauderdale.

Vice Mayor Strauss continued that he had become aware of issues in which average cost billing was used instead of directly reading meters. Ms. Kindbom replied that some bills have been estimated in the past when existing mechanical meters could not be read; however, smart meters will be read remotely, which will prevent further estimates.

Vice Mayor Strauss requested information on the mitigation process if a meter shows a spike in usage, a broken pipe, or another issue. Ms. Kindbom replied that if an adjustment is needed to a bill, this can be done for all charges, which include wastewater as well as water. Homeowners seeking a pool credit, separate meters, or other mitigation must apply for the adjustment. If a property has both domestic and irrigation meters, both will be replaced with smart meters.

Commissioner Graziano asked if smart meters have been shown to stabilize, decrease, or increase rates over the long term in municipalities where they are used. Ms. Kindbom replied that it is unlikely for rates to decrease. The smart meters are being implemented with the intent of modernization and improved customer service.

Commissioner DeNapoli asked if eventual household costs could be estimated. Ms. Kindbom replied that the cost per household will depend on consumption. She did not have information at hand regarding the cost of installation. The user portal will be accessible to customers by summer 2027.

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Commissioner DeNapoli asked if the new meters will provide alerts in the event of leaks or other unusual activity. Ms. Kindbom explained that customers may set up their own notification thresholds within the system. One mitigation per year will be allowed, which is also the current policy.

Commissioner DeNapoli asked if the billing cycle will be normalized. Ms. Kindbom confirmed this, stating that there will be neither delayed billing nor “skips” when the new meters are deployed.

6. PUBLIC COMMENTS

Mayor Malkoon read a statement clarifying that members of the public may address any Agenda Item, Resolution, or Ordinance either during general Public Comments or when that Item is presented later in the meeting, but not both. Repetitive or duplicative comments may be limited in accordance with the Commission's rules and procedures. Speakers are limited to three minutes' speaking time and are asked to state their name and whether or not they are Town residents.

At this time, Mayor Malkoon opened public comment.

Kimberly Bertsch, resident, addressed statements made at the April 28, 2026, Town Commission meeting, which indicated that public comments should not be used to advance “ongoing political agendas.” She found it offensive to suggest that voicing concerns and asking questions were politically motivated, adding that both elected officials and residents are expected to remain respectful in their comments. She concluded that residents continue to challenge and hold governments accountable and deserve transparent processes.

Mayor Malkoon observed that the processes followed by the Commission have been and remain transparent.

Karen Sylvester, resident, addressed proposed Town Charter amendments, stating that she did not support allowing determinations to be made by the Florida Commission on Ethics, as this would remove local authority. She also recalled that the Town's Charter Review Committee had recommended extending the minimum residency for candidates for office from six months to one year and was in favor of bringing this recommendation before the voters.

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Ms. Sylvester also addressed the use of the terms “residency” and “domicile,” asserting that the Charter should use the term “domicile” in order to ensure that candidates are part of the community. She noted that this term should also be defined within the Charter itself. She continued that the Commission should eliminate the north and south voting districts as recommended by the Charter Review Board and concluded that while the Commission and the Charter Review Board recommended a four-year rather than a two-year mayoral term, she believed the two-year term preserves accountability.

Cristie Furth, resident, also addressed proposed Charter amendments, stating that most of the changes proposed by the Commission for inclusion on the November 2026 ballot were not “housekeeping” measures but are considered controversial. She asserted that the Charter amendment proposals relax the standards currently written into that document, take rights from voters, and erode home rule. She encouraged residents to vote against the proposed ballot questions in November.

Commissioner DeNapoli commented that he did not see presenting questions to voters as a compromise of voters' rights.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO April 2026 Public Safety Report

Broward Sheriff's Office (BSO) Captain Christopher Sutter reported that Detective Ben Koos is the Employee of the Month for April 2026, citing his work in resolving a recent burglary. He recognized the role played by the Town's surveillance system in addressing this case as well.

Captain Sutter continued that there has been a pattern of recent thefts and strongly encouraged residents to keep doors and vehicles locked.

Recent events with a BSO presence include the Shred-a-Thon held on April 11, 2026, which shredded paper documents and destroyed controlled and non-controlled substances. They also attended the recent Farmers Market and raised funds for the local Special Olympics Law Enforcement Torch Run. Captain Sutter thanked all

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residents who donated and participated in this event. BSO also attended the April 15, 2026, Art in the Park event.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Ken Rubach reported that Staff is preparing items for a Code Compliance workshop with the Town Commission. There was consensus to schedule this workshop for 5:30 p.m. on Wednesday, June 3, 2026.

Additional upcoming events include:

- Coffee with a Cop on Friday, May 22, 2026, from 9:00 a.m. until 11:00 a.m. at the pavilion
- Dive Into Summer begins on Friday, May 29, 2026, from 5:00 p.m. until 9:00 p.m. and carries over into Saturday, May 30 from 5:00 p.m. to 10:00 p.m. in El Prado Park; events include bands, a vendor village, and a dining village; additional activities, including a dive log, will promote Town businesses and are available at Town Hall or at participating businesses, which are listed on the Town's website

The Farmer's Market has concluded for the season.

The International Pow-Wow (IPW) Conference 2026 will be held in Fort Lauderdale beginning May 17, 2026. Lauderdale-By-The-Sea will provide a tent at the Convention Center to promote the Town, and a concert is planned on Wednesday, May 20, for IPW participants. A "Show Your Badge" campaign will offer promotions to participants.

The first Town Commission Budget Workshop is scheduled for Wednesday, May 13, 2026, at 5 p.m. No action will be taken at this workshop. The Commission will also meet on Tuesday, June 9, 2026, at 5:30 p.m. to discuss capital improvements.

Mayor Malkoon asked if the Town's concert is an advertised event for the IPW. Events and Marketing Manager Katie Anderson confirmed this, clarifying that the concert is advertised on the IPW website, the Visit Lauderdale channels, and the Town's booth at the Convention Center.

9. TOWN ATTORNEY REPORT

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None.

10. APPROVAL OF MINUTES

a. Approval of Minutes of April 14, 2026, Regular Town Commission Meeting

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

11. CONSENT AGENDA

a. Special Event Application: International Coastal Cleanup September 2026

b. RESOLUTION 2026-17: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT AMONG BROWARD COUNTY AND OTHER BROWARD MUNICIPALITIES FOR SHARING RESOURCE BURDENS OF THE SYSTEM-WIDE NPDES MS4 PERMIT AND AUTHORIZING BROWARD COUNTY TO CONDUCT TECHNICAL ACTIVITIES REQUIRED BY THE NPDES MS4 PERMIT

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. COMMISSIONER PRESENTATIONS

None.

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15.COMMISSIONER COMMENTS

Commissioner Graziano reported that he remains in communication with Florida Power and Light (FPL) regarding the utility's Storm Secure Underground Program (SSUP). FPL has provided the Town with data which confirms that Lauderdale-By-The-Sea's northern district is eligible for this program, and the Town has requested consideration of inclusion on the list of SSUP communities for 2030.

Commissioner Graziano requested that in the future, the Town consider adopting a more relaxed policy for parking along the beaches during events such as Fort Lauderdale's recent Air Show.

Commissioner DeNapoli stated that his focus during upcoming budget discussions is to protect taxpayers, demand accountability, and ensure that major decisions are subject to rigorous analysis and transparent discussion. He briefly reviewed upcoming events, including the IPW concert and Dive Into Summer, noting that 100% of proceeds from Dive Into Summer will support the nonprofit entity SCUBA for Good.

Vice Mayor Strauss announced that he will be a candidate for Mayor in the fall and anticipated honest debate about Town issues in the future.

16.ORDINANCES 1st Reading

a. ORDINANCE NO. 2026-04: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, CONCERNING AMENDMENTS TO CHANGE THE TOWN'S CHARTER TO EXTEND AND CLARIFY CHARTER TIMEFRAMES FOR CERTIFICATION OF CITIZEN PETITIONS RELATED TO ORDINANCES, ESTABLISH TWO FOUR YEAR MAYOR-COMMISSIONER TERMS, ALLOW MAYOR-COMMISSIONER TO RUN FOR COMMISSIONER AT THE CONCLUSION OF THEIR SERVICE AS MAYOR-COMMISSIONER, ALLOW APPOINTMENTS FOR COMMISSION VACANCIES WITHOUT A TWO-YEAR BREAK IN SERVICE, ESTABLISH CURRENT COMMISSION DISTRICT BOUNDARIES, REVISE AND CLARIFY STANDARDS FOR FORFEITURE OF OFFICES OF COMMISSIONER AND MAYOR-COMMISSIONER, INCORPORATE STATE LAW GOVERNING ELECTIONS, PUBLIC NOTICES,

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AND AUDITS, AND CORRECT ERRORS, RESOLVE INCONSISTENCIES, AND UPDATE PROVISIONS TO CLEAN UP CHARTER LANGUAGE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 3RD DAY OF NOVEMBER 2026, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Mayor Malkoon advised that the Town's Charter requires Lauderdale-By-The-Sea to undertake the Charter review process at least every 10 years. A Charter Review Board (CRB) met in 2025 and proposed a number of potential Charter amendments, which were considered by the Commission. The Agenda Items presented in Ordinance 2026-04 are the final result of the review process. The Mayor concluded that the purpose of tonight's consideration of the Ordinance is to review the proposed language to ensure clarity for voters, who will then be able to vote on the proposals in November 2026.

Mayor Malkoon thanked the CRB members for their service and dedication to the Town and the Charter review process.

At this time, Mayor Malkoon opened public comment.

Kimberly Bertsch, resident, addressed comments made at the April 28, 2026, Town Commission meeting regarding the Charter requirement for six months' residency. She advised that information provided by Town Staff at the February 24, 2026, Commission meeting shows that Dania Beach, Hallandale Beach, and Pompano Beach each require one year's residency before an election. Both Hollywood and Deerfield Beach require six months' residency before an individual may qualify as a candidate. Only Fort Lauderdale requires six months' residency prior to the election only.

Ms. Bertsch continued that she did not believe comparisons to other coastal municipalities should determine what is best for Lauderdale-By-The-Sea. She added that voters will not be given the opportunity to consider extending the Town's residency requirement to one year. She also did not agree with the description of the Charter's ethics language as "vague" and concluded that none of the proposed Charter amendments benefit the Town.

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

Commissioner DeNapoli stated that Ms. Bertsch's interpretation of his previous comments was a mischaracterization, pointing out that he had cited several examples of coastal communities which require six months' residency or less. He asserted that when factually incorrect assertions were made, it was his duty to point them out.

Mayor Malkoon requested correction of a grammatical error on line 400 in the ballot question's language addressing vacancy appointments: "...if that person would otherwise be required by the Town Charter *to* take..."

Vice Mayor Strauss commented that he did not agree with the proposed change from a two-year to a four-year mayoral term, the proposed minimum residency requirement, or the standards proposed in the event of forfeiture of office. He did not feel the changes were necessary and concluded that he would, as in previous meetings, vote against the proposed amendments.

Commissioner Pouloupoulos observed that while some comments from the public and the Commission have suggested the Charter not be changed, the comments appeared to depend on the speakers' viewpoints. He recalled that the proposed amendments have been discussed over several Commission meetings, and he felt they will improve clarity and/or consistency.

Mayor Malkoon addressed forfeiture of office, pointing out that this can occur due to a broad range of circumstances. He felt the inclusion of standards for forfeiture would ensure a fairer process. With regard to the proposed change from a two-year mayoral term to a four-year term, he noted that it can be exhausting for a candidate to mount a campaign every two years.

Commissioner Graziano advised that he did not feel the Charter was in need of change because it has lasted for several years in which only a minimal number of Charter-related issues have occurred. He felt fewer changes should be made than are proposed, and requested clarification of how the referendum process would work with regard to the multiple issues addressed.

Town Attorney Susan Trevarthen explained that Ordinance 2026-04 is a package. If it is the Commission's desire, a motion can be made to determine whether or not the

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Ordinance should be changed prior to second reading. If this is the case, the Ordinance would be modified to make the requested change(s) to any of the details in the Ordinance. The form of the Ordinance approved upon second reading will be included on the November ballot to be decided by the voters.

Commissioner Graziano restated his objection to the six months' required residency and asked if the issue of terminology between "residence" and "domicile" required more attention. Town Attorney Trevarthen replied that Ordinance 2026-04 consistently uses the word "residence" as a means of resolving that conflict, as directed by the prior consensus of the Commission.

Commissioner Graziano also expressed concern with ceding any authority regarding ethics, which are currently the responsibility of the Commission, to a state entity. He asserted that all ethics are local and recommended that this authority be maintained in the Town.

Mayor Malkoon commented that the proposed change would not remove a Commission's ability to allege wrongdoing but would provide an opportunity for impartial judgment of those allegations. Commissioner Graziano stated that he did not believe any action taken by the Commission should be arbitrary and would rely on all the Commissioners to make their feelings known when an issue is discussed.

Vice Chair Strauss requested clarification that comments made by the Mayor, which addressed the ability to perform the duties of elected office while undergoing medical treatment, had not been made by a sitting member of the Commission. Mayor Malkoon asserted that a member of the current Commission had inquired into the potential procedure for removal in the case of debilitating illness. However, not Vice Mayor Strauss.

Commissioner DeNapoli commented that there have been multiple votes on the proposed Charter amendments, and briefly reviewed the recommendations brought forward by the CRB and the modifications made to some of those recommendations by the Commission. With regard to the proposed ethics amendment, he pointed out that, in addition to the recommendation which would allow involvement by the Florida Commission on Ethics, there are multiple other methods by which an individual Commissioner could be removed from office.

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Commissioner DeNapoli spoke in favor of ensuring that due process is available in the event of an ethical issue. He concluded that the Ordinance's language was clear and the voters should be allowed to decide on the items.

Commissioner DeNapoli made an omnibus motion, seconded by Commissioner Pouloupoulos, to move all the proposed amendments forward to second reading.

Commissioner DeNapoli clarified that his **motion** would include the grammatical correction pointed out by the Mayor.

Motion carried 3-2 (Vice Mayor Strauss and Commissioner Graziano dissenting).

17. ORDINANCES 2nd Reading

None.

18. RESOLUTIONS – PUBLIC COMMENTS

None.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:15 p.m.

Mayor Edmund Malkoon

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ATTEST:

Melissa Vasami

Melissa Vasami, Town Clerk

6/10/2026 | 3:05 PM EDT

Date