



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, May 26, 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, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Events and Marketing Manager Katie Anderson, and Town Clerk Melissa Vasami.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Public Safety Complex Preliminary P3 Financial Considerations

Nicholas Tripician, representing Stifel, and Julie Santamaria, representing PFM, gave a presentation on preliminary financial considerations for the proposed public-private partnership (P3) to construct a new public safety complex for the Town.

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Ms. Santamaria explained that an analysis of the Town's credit has been made using criteria from the rating agency Moody's. The results showed an indicative rating of AAA, which is the highest available.

The Town has historically funded its capital expenditures from a combination of annual surplus revenues and reserves. Its average annual capital expenditure since 2020 is \$3.5 million, with an average excess of total revenues over expenditures, not including capital dollars and grants, of \$4.7 million. This was considered in order to estimate the discretionary funds available to the Town on an annual basis for new payments such as debt service or additional capital.

A variety of funding mechanisms were reviewed, including a bank loan, a P3 structure with conduit financing, and the issuance of publicly offered debt by the Town. The lowest overall cost would come from the issuance of the Town's own debt. The typical credit used in Florida is a covenant to budget and appropriate (CB&A) from legally available non-ad valorem revenues. Ms. Santamaria clarified that non-ad valorem revenues include all of the Town's general governmental revenues aside from property taxes.

CB&A financing requires an anti-dilution test, which measures how much additional debt can be issued and secured by these same revenues once bonds are purchased. In Florida, this is typically a minimum of 1.5x coverage of revenues over debt service, with adjustments to subtract restricted revenues that are not legally available.

When considering non-ad valorem revenues, subtracting property taxes, and subtracting general governmental and public safety expenditures, the resulting amount is the revenue that can be used toward debt service. The Town's Enterprise Funds were also included in this calculation; while they are usually restricted to funding the enterprises they support, they are considered because the Town uses revenue from the Parking Fund for ongoing capital.

Ms. Santamaria noted that the Town is considering a payment in the range of \$2 million to \$2.5 million. Based on the historical financial results reviewed, as well as the Town's annual capital spending, the team believes this is a reasonable amount. The funds would not be available for pay/go capital use or to fund other services, as they would be obligated to debt service.

Based on all financing structures reviewed, a publicly offered bond would result in the most cost-effective and affordable annual debt service, based on the ability to lock in

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annual debt service for 30 years at a fixed interest rate. This obligation could result in a credit rating of AA, which is one category below AAA, as the Town is smaller with a less diverse range of businesses than other coastal communities, and is also vulnerable to storm events and sea level rise.

Mr. Tripician advised that the team's analysis is based on the original unsolicited proposal received by the Town on September 17, 2025, for a project size of approximately \$43 million. These figures will be reviewed for greater accuracy.

Mr. Tripician reviewed potential costs associated with different levels of annual debt service, including interest rates and global market conditions. Rates are significantly higher at present than at the beginning of calendar year 2026. Costs were based on potential annual debt service, cost of the project, and up-front contribution from the Town, all based on 30-year fixed interest rates of 4.65%.

Mayor Malkoon noted that the presentation models the construction of a full Town Hall/public safety complex, which is larger than a public safety building alone. Mr. Tripician explained that the team's understanding was that the unsolicited proposal presented two options, one for a full campus and one for a public safety building only. The presentation was based on the full campus option.

Mayor Malkoon asked if the Town has evaluated a stand-alone or phased public safety complex option as well as the larger combined structure, as well as whether property sales or other funding sources could reduce the need for longer-term borrowing while addressing core public safety needs. He explained that this was the Town's original intent. Town Manager Ken Rubach advised that the unsolicited proposal provided the option of a public safety facility with development services, Town Hall, and BSO access, as well as the option of a full campus. The presentation began with the full campus option.

Mayor Malkoon noted that the presentation refers to an annual target payment of roughly \$2 million and requested clarification of which project scope and assumptions correspond to this target. He also asked for clarification of the projected annual obligation for the currently contemplated scope. Ms. Santamaria advised that the \$2 million annual payment would generate \$31.9 million. Mr. Tripician stated that the debt service for the full \$43 million project scope would be \$2.7 million annually, assuming no up-front contribution from the Town. At the \$31.9 million level, the question becomes

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whether the full project is pursued or if a phased approach or a project of lesser size is preferable.

Mayor Malkoon explained that his concern was that the \$42 million option would effectively double after 30 years due to debt servicing. Mr. Tripician confirmed this, pointing out that there would be an optional call feature on the debt service, which would allow it to be refinanced at approximately the 10-year mark or later, resulting in savings to the Town. The amount would double only if refinancing does not occur.

Mayor Malkoon asked how dependent the financing assumptions are on continued use of Parking Fund and non-ad valorem revenues, as well as whether any scenarios such as economic slowdowns, inflationary pressures, or reduced tourism activity were considered. Ms. Santamaria advised that this was taken into account when determining different coverage levels. She offered the example of the most conservative coverage level, which would only use governmental funds and would leave only \$2.7 million available for debt service.

Ms. Santamaria continued that one benefit of municipal financing is that it allows future residents and users of the proposed complex to help pay for its construction. Town Manager Rubach confirmed that continuing discussions will be specific to the P3 negotiations, reiterating that today's presentation provides an overview of what the Town can afford.

Mayor Malkoon advised that he has serious concerns regarding the possibility of the Town taking on debt, including future economic conditions for the state of Florida as well as potential economic downturns. He emphasized the urgency of the Town's public safety needs, as its current facilities are inadequate and do not meet current Codes.

Commissioner Graziano noted that the presentation did not reflect the results of the Town's fiscal year (FY) 2025 audit, instead using 2024 audit results. Town Manager Rubach explained that the Town must begin making its budget decisions now, as the Fire Rescue contract is upcoming and the Town will need to show potential partners that they are working toward a new public safety facility. Vendors have indicated that they would not serve the Town from its existing facility.

Commissioner Pouloupoulos asked what costs and fees are associated with bonds other than interest rates. Mr. Tripician replied that there are multiple structures in the market, and the P3 structure is associated with more costs and fees than many others due to

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the need to secure the transaction in a different way. Should the Town issue its own debt, the only other associated costs would be professional costs, which would be included in the financing rather than out-of-pocket. He estimated that this comes to 2% of the overall cost of borrowing.

Mr. Tripician continued that developer fees are also estimated in the presentation. The cost to the Town would be much lower if they undertook the project themselves from both an interest rate and a professional perspective.

Commissioner Poulopoulos emphasized the importance of public safety facilities as well as the preferences expressed by potential Fire Rescue vendors. He asserted that the Town should keep costs as low as possible and did not believe a \$41 million facility was necessary for a municipality of Lauderdale-By-The-Sea's size.

Commissioner DeNapoli asked if the team had explored private capital lending. Ms. Santamaria confirmed that they had considered bank loans, pointing out that one downside to this type of financing is that banks will only extend loans to 20 years at a fixed interest rate. This would result in a higher annual payment, although the interest costs would be lower over time. The presentation includes a draft report with these details.

Vice Mayor Strauss requested confirmation that the numbers will change accordingly as the process moves forward, including fluctuations in interest rates. Mr. Tripician and Ms. Santamaria confirmed this. Vice Mayor Strauss cautioned against waiting too long to proceed due to the pending Fire Rescue contract, which will require improvements to facilities.

Town Manager Rubach stated that he will continue to work with partners to refine numbers, including cost engineering for both options so the Commission can see the differences in their costs. He added that he was fully certain the top number of \$43 million would be reduced as discussions continue.

b. Solid Waste Authority of Broward County Presentation

Sam May, Interim Executive Director of the Broward Solid Waste Authority, and Daniel Dietch, representing SCS Engineers, gave a presentation on the Solid Waste Authority's proposed facilities amendment and Master Plan. Thus far, 15 Broward municipalities

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have signed an inter-local agreement (ILA) joining the Solid Waste Authority, as well as Broward County.

Mr. May explained that the intent of the Solid Waste Authority is to divert solid waste from landfills and waste-to-energy by forming a large cooperative entity. The current system for solid waste leaves all municipalities on their own to negotiate rates for disposal. The Authority can negotiate better rates by combining several Broward municipalities into one entity.

The Solid Waste Authority's (SWA's) plan is to increase the recycling rate by keeping recyclable items out of landfills in order to extract maximum value from the waste stream. They also hope to leverage purchasing power if several municipalities join together as a large group.

At present, almost five million tons of municipal solid waste (MSW) is collected throughout Broward County, including commercial debris and recycling debris. Only approximately 39% of MSW is currently recycled. The state's goal is to achieve 75% recycling.

The SWA will use the existing infrastructure in Broward County without constructing any new waste-to-energy facilities or landfills. Mr. May strongly emphasized the importance of all municipalities working together to achieve flow control as a unified group, which will result in the best pricing from those existing facilities. The average impact on a home is expected to be \$3/year, and participating municipalities will receive the best possible rates, with small municipalities receiving the same rates as larger ones.

A robust recycling education program is key to this effort. Eight convenient recycling drop-off locations will be constructed throughout Broward County to accept electronics, hazardous household waste, and recyclable materials.

Each single-family home in Broward County generates roughly 1.3 tons of waste per year. Multiplied by \$2.20 per ton, this comes to \$2.89 per household unit. Lauderdale-By-The-Sea generates slightly less than this average at one ton per year, which means the cost would be \$2.14 per unit. This amount would be added to the Town's quarterly maintenance bill at a rate of 54 cents per quarter.

Funding for the SWA will be based on population in the beginning. The second phase will be from 2028 to 2030 and will be based on tonnage and a tipping fee at the disposal

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facility, which will charge waste haulers, who then charge the municipalities. The tipping fee will be charged to the SWA. Phase three will begin in FY 2031 with a non-ad valorem assessment and will be a solid waste assessment on the tax bill. It is expected to be \$2.72 for the Town by this third phase.

The SWA expects to see lower or comparable processing and disposal costs, stabilization of predictability due to long-term agreements with disposal facilities, expanded programs for yard, bulk, food, and hazardous waste through the drop-off centers, improved environmental stewardship, and maintenance of control of collection services. The Town will be able to maintain its collection services.

The SWA will establish a surcharge infrastructure, develop and staff the eight permanent drop-off recycling sites, secure binding prices for processing and disposal, standardize recycling rules across all member communities, expand programs for yard, bulk, C&D, and food waste, maintain education and outreach programs to sustain behavioral changes, and build capital reserves for future infrastructure needs.

Key points of the facilities amendment include clarification of what the SWA cannot do, such as building new landfills or waste-to-energy facilities. They will be able to build transfer stations, recycling facilities, and drop-off centers. The amendment must be approved by 80% of the population, and all members have the right to inspect facilities. Member service charges will be established in the Master Plan, and increases will require approval by the Executive Committee and Governing Board, as well as County and 2/3 population approval. There will also be a "wind-down" provision to determine how assets will be equitably divided when the SWA sunsets. This is a key aspect of the facilities amendment.

An additional amendment could give municipalities the ability to opt out of the SWA once requests for proposals (RFPs) are issued for disposal services. This is expected to occur at the end of 2027. Some municipalities have indicated that they would like a second opt-out opportunity at the 25-year mark, which would be 2048. This will be discussed further at the June 15, 2026, Governing Board and Executive Committee meeting; if it passes, it will come back to the municipalities as a second amendment.

Commissioner Pouloupoulos asked where non-C&D waste will go once the Monarch facility ceases to accept it. Mr. May replied that part of this will go to the waste-to-energy facility, while the remainder will be sent to a facility at Okeechobee and possibly other locations outside Broward County.

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Vice Mayor Strauss asked for clarification of the closest drop-off facility for hazardous waste. Mr. Dietch explained that sites have not yet been identified for drop-off centers. If the SWA moves forward, it will focus on the operational aspects of the Master Plan. The drop-off facilities will not process recyclables themselves, but will serve as areas where the public can take materials. Vice Mayor Strauss emphasized the importance of convenience to this process.

Mayor Malkoon requested clarification of next steps. Mr. May replied that the next step will be to vote on the proposed amendment to the ILA. Town Manager Rubach explained that no vote is before the Commission at tonight's meeting; the opportunity to vote will come at the next meeting.

Commissioner DeNapoli requested more information on the second amendment. Mr. May stated that this is an additional opt-out amendment at the 25-year mark, requested by some municipalities who wanted this opportunity if they do not wish to be locked into a 40-year process. The second amendment will be voted upon at the Governing Board's June 15, 2026, meeting; if approved, it will then be voted on by all participating municipalities.

Town Manager Rubach emphasized the importance of economies of scale for a town the size of Lauderdale-By-The-Sea, which typically does not see the same level of savings that would be available to multiple communities through the SWA.

c. The Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2026

David Caplivski, representing Grau and Associates, provided an overview of the Town's Annual Comprehensive Financial Report, for which the Town received an unmodified opinion on financial statements. This is the best possible opinion and means the statements were properly stated according to governmental accounting standards. There were no issues of noncompliance, nor of control deficiencies. The Town's financial net position is strong with respect to both governmental funds and business activities. The results were also positive, with both the Town's net position and the fund balance reflecting increases.

Commissioner DeNapoli requested a review of financial highlights. Mr. Caplivski stated that as of September 30, 2025, the Town's net position was \$45.6 million, including

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capital assets as well as the effects of long-term liabilities. At the fund level, the ending balance of the General Fund was \$12.3 million. All governmental funds combined came to \$18.3 million. There was a \$3.5 million increase in governmental funds from the beginning of FY 2024-2025 to the end of that year.

Enterprise Funds, such as the Sewer and Parking Funds, totaled \$27 million, of which \$18.8 million is in capital assets. \$8.3 million of this amount represents financial assets. The increase in net position of the Sewer and Parking Funds was \$1.3 million. The overall budget showed higher revenues and lower expenses than budgeted.

Commissioner Graziano advised that Grau and Associates was very responsive to the Audit Committee on which he had served with Former Mayor Roseann Minnet and Christina Cuomo.

6. PUBLIC COMMENTS

At this time, Mayor Malkoon opened public comment.

James Espada, owner of the Open Air Art Studio, explained that his business hopes to offer open-air art sessions to guests in multiple settings, including the Town's beach and parks. He requested to work with Code Compliance to determine how these events can be staged, as the Zoning Department does not explicitly permit this type of business use under existing Code.

Kimberly Bertsch, resident, spoke highly of the recent IPW Conference 2026 event held in Lauderdale-By-The-Sea, and recommended that more off-season events be held.

Cristie Furth, resident, addressed comments made at the May 12, 2026, Commission meeting between Mayor Malkoon and Commissioner Graziano, expressing concern that remarks were made in an unprofessional manner on a personal issue. She observed that the Mayor had taken responsibility for his comments at a later Commission workshop.

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

7. PUBLIC SAFETY DISCUSSION

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None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Events and Marketing Manager Katie Anderson stated that Miami is one of the 11 U.S. cities that will host upcoming World Cup programming. Broward County has opened a 2026 World Cup Municipal Event Support Grant Program, which will provide financial assistance to Broward municipalities so they may encourage community engagement and attract residents and visitors to the area.

Applications for the grant opportunity opened on May 21, 2026, and funding will be awarded on an as-available basis. Eligible events must be held on municipal or County-owned properties, must be free and open to the public, and must be held by July 19, 2026. The County is offering up to \$12,500 per municipality on a reimbursement basis. A one-to-one cash match is required for municipalities.

Town Staff proposes a Lauderdale-By-The-Sea watch party event, with the date to be determined. This event will be scheduled around County-hosted events and is proposed in a four-hour time frame, which will be further narrowed down depending upon selected matches. Staff would close the horseshoe area Downtown, using the Dunes and Ocean Plazas, for the celebration.

Anticipated costs include a video wall for game display, sound system, and family-friendly entertainment in the Plaza. Additional high-top tables would be provided, as well as the Town's tables. Marketing deliverables and Broward Sheriff's Office (BSO) costs would be included in the event. Events and Marketing Manager Anderson estimated that the overall cost would be \$11,500.

Town Staff is also considering the development of sponsorship tiers for members of the community who would like to contribute toward the event and further offset Town costs. Opportunities would include logo inclusion on event collateral and social media marketing, among other activations.

To date, Staff has used approximately 65% of the special events budget for the current fiscal year, with July 4 remaining as the only large-scale event. Funding is available to contribute toward the Town's one-to-one matching costs.

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Staff requests direction on the following:

- Submittal of a grant application for a World Cup Watch Party
- If grant funding is approved, Staff requests approval to create and promote the event
- If grant funding is not approved, Staff requests clarification of whether or not the Commission would like the Town to move forward using special events funding

Mayor Malkoon stated that he was in favor of exploring the grant opportunity. It was clarified that no specific dates have been set thus far, although the event must be completed by July 19, 2026.

Commissioner Graziano requested more information on the proposed event. Events and Marketing Manager Anderson advised that several businesses have expressed interest in seeing and/or contributing to World Cup programming during the season, although no concrete information is available thus far.

There was Commission consensus to move forward with this event.

Town Manager Rubach reported that Staff has met with BSO to discuss the new contract. The Town has also received a new consideration letter, which is roughly \$500,000 less than anticipated. Staff will continue to work with the County on this item and will bring it before the Commission at a later date.

Dive Into Summer will be held on Friday and Saturday, May 22-23, 2026, and will include a dive log program similar to the badge program from the IPW event. Town Manager Rubach encouraged attendance at this upcoming expanded event.

Town Manager Rubach recognized Town employee James Wilson, who has reached 20 years' service to Lauderdale-By-The-Sea.

b. February 2026 Finance Report

c. March 2026 Finance Report

Assistant Finance Director Edner Saint-Jean presented the February and March 2026 Finance Reports, adding that the Town's investment interest rate has increased from

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3.83% to 3.84%. He thanked all involved with the recent audit, including Staff, elected officials, and the Audit Committee, on behalf of the Town's Finance team.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes of the April 28, 2026, Regular Town Commission Meeting

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Discussion and Direction – Potential Expansion of Beach Uses

Development Services Director Jhanelle Campbell requested policy direction from the Commission regarding potential expansion and/or clarification of allowable beach-related activities within Lauderdale-By-The-Sea. This discussion stems from operational issues encountered by Staff and from requests by local businesses seeking greater flexibility for beach-based services.

At present, Town Code allows certain watercraft-related businesses in the B-1 zoning district through conditional use approval. These approvals, however, apply only to commercial properties and not to the beach itself. Chapter 5 of Town Code generally prohibits commercial activities, solicitation, and certain motorized watercraft operations on the beach unless specifically authorized by waiver.

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Examples of beach services by existing Town businesses include SCUBA operators seeking temporary tents, staging areas, or service points on the beach. Considerations for discussion of this topic include the preservation of the character of the Town's beaches, potential commercialization over time, fairness and consistency among businesses, and visual, operational, and congestion-related impacts.

Another discussion topic is the allowance of low-speed motorized watercraft. Current Code permits passive non-motorized recreational uses, such as paddleboards and kayaks, but generally prohibits motorized watercraft on the beach. Some devices have been developed since the adoption of the current Code, which are hybrid motorized and non-motorized items. Considerations include swimmer and public safety, enforcement challenges, whether low-speed devices should be treated differently from traditional motorized watercraft, and potential operational standards such as speed limits, launch areas, and Commission-approved processes.

A third discussion item addresses mobile or roving businesses. Some businesses come to the Town and operate on the beach without a current business tax receipt; with no brick-and-mortar business, no money is exchanged with the Town. The Commission is asked whether the Town should regulate those businesses operating on the beach or using public beach access points, even if operations occur off-site. Setup of a tent or staging area is prohibited by Code Compliance.

The final discussion item is the potential expansion of hotel food and beverage service. In 2024, the Commission passed a Resolution that allowed limited food and beverage service, including alcohol, for hotel patrons on the beach. This Resolution applied only to hotels with more than 100 rooms and was intended to serve as a pilot program. Town Staff received no complaints about this operation, which is executed on private property. Considerations include continuing this program, which has currently expired, as well as whether or not smaller hotels should also be eligible and whether to apply the Resolution to other businesses within the Town.

Staff requests direction on four items:

- Allowing limited on-beach services by established Town businesses
- Permitting low-speed motorized watercraft under defined standards
- Regulating mobile or roving businesses using beach access points
- Reinstating or expanding the hotel beach food service program

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Development Services Director Campbell addressed the first item, clarifying that traditional brick-and-mortar businesses would be required to secure conditional use permits to operate on the beach. This would involve the setup of a tent or kiosk.

Vice Mayor Strauss recalled that this has been discussed by previous Commissions, including the possibility of staging areas with tables, chairs, or umbrellas. The current system allows businesses to bring pre-ordered equipment to the beach each morning and remove it at the end of the day. He noted that this ensures the beach is clean at night and expressed concern that allowing several vendors to populate the beach would compromise the ocean view.

Vice Mayor Strauss continued that other vendors walk up and down the beach offering items for sale, which can be an annoyance to beachgoers. He was opposed to both of these possibilities, although he did not object to local businesses promoting services from their stores and bringing equipment to the beach for their customers.

Mayor Malkoon emphasized the importance of local hotels and businesses to the Town's economy. He shared the Vice Mayor's concerns that beach services should be limited, pointing out that the proliferation of vendors on limited beach space could compromise the Town's relaxing atmosphere. He suggested that a program of this nature allow only a limited number of licenses. Operational standards would need to be made very clear.

Commissioner Pouloupoulos agreed with the Mayor and Vice Mayor and requested clarification that beach services would be limited to businesses with preexisting brick-and-mortar locations within the Town. Development Services Director Campbell confirmed this. Commissioner Pouloupoulos suggested that this activity be limited in scope to the types of businesses that can set up on the beach, such as water sport- or entertainment-related businesses, such as a SCUBA-based business.

Commissioner Pouloupoulos further clarified that he would not be in favor of these businesses setting up large tents on the beach or leaving their tents or other items overnight. The businesses would be subject to regulation of tent size, business hours, safety considerations, and more.

Development Services Director Campbell explained that roving businesses have the advantage of offering bookings through their websites and taking customers out into the water. Brick-and-mortar businesses are not permitted to operate in the same manner.

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Commissioner Pouloupoulos observed that his proposal would reward existing businesses with BTRs in the Town by allowing them to compete equitably with roving businesses that lack BTRs. He emphasized enforcement and regulations to govern this activity.

Vice Mayor Strauss stated that his concern was to prevent kiosks on the beach. He was in favor of allowing existing physical Town businesses to stage and meet customers on the beach.

Commissioner Graziano advised that he was in favor of extending this option to brick-and-mortar businesses, as it establishes controlled conditions for these local businesses. Development Services Director Campbell clarified that all watercraft and equipment rental stores have conditional use permits, and the proposed program would be tied to those permits.

Commissioner Pouloupoulos added that the Town will need to ensure any potential loopholes in the proposed program are closed. Development Services Director Campbell explained that the conditional use permits under which existing Town businesses operate are tied to stores located in the B-1 zoning district, which have secured conditional use approval. This would exclude hotels or other types of businesses.

Development Services Director Campbell clarified that the Commission's response would allow existing brick-and-mortar businesses with conditional use permits to establish tents on the beach within specific parameters. She would bring back more information at a later date.

Town Manager Rubach suggested allowing businesses to have customers reserve equipment online rather than requiring them to first visit a physical store location. He pointed out that this is a loophole that has been exploited by non-physical businesses that are not located in Town. Commissioner Pouloupoulos agreed that this would save time for both businesses and customers.

The discussion moved on to low-speed motorized watercraft, which are not permitted on the Town's beach by the current Code. Development Services Director Campbell advised that since the last time this portion of Code was modified in 2014, the available types of motorized watercraft have changed. She requested Commission direction on speed, designated launch areas, or any other prospective changes.

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Development Services Director Campbell advised that a waiver provision requires the establishment of an operational lane for the use of motorized watercraft and recommended that this be maintained in order to prevent interaction between motorized devices and swimmers. She further clarified, however, that the waiver provision does not contemplate the use of compact underwater motorized devices associated with SCUBA diving, and the requirement of a lane would prohibit their use.

Vice Mayor Strauss observed that it was unlikely this type of device would interfere with swimmers, as they will be deeper underwater. Development Services Director Campbell explained that there would be no issue with the use of very low-speed underwater devices, but a faster-moving device could potentially create problems. She also acknowledged that enforcement could be an issue for these devices, recommending that the Town consider limiting the use of these items to a specific maximum speed.

Vice Mayor Strauss continued that there are other items to be considered, including motorized surfboards, and asked how these would be addressed. Development Services Director Campbell replied that Staff would have to examine this and other options depending upon Commission direction. Town Manager Rubach added that another possibility could be to require vendors to submit an inventory of the items they plan to make available for rental.

Vice Mayor Strauss noted that private users may also wish to use motorized devices on the beach. Development Services Director Campbell clarified that she had listed this issue with the rental of motorized devices in mind so they could be tied to a specific business, which would make enforcement easier.

Commissioner Pouloupoulos addressed the establishment of lanes, pointing out that motorized low-speed watercraft are typically not dangerous to swimmers. Development Services Director Campbell explained that the current waiver is written with the intent of establishing lanes and would need to be changed to address these watercraft. Commissioner Pouloupoulos was in favor of this change.

Commissioner DeNapoli was also in favor of distinguishing between low-speed SCUBA devices and surface devices that can reach higher speeds. He recommended caution in crafting updated waiver language to prevent the use of other motorized watercraft at lower speeds.

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Town Attorney Susan Trevarthen suggested that low-speed motorized devices be prohibited from activation until the user is a certain distance from shore, which could further separate this use from beachgoers in the shallows.

The Commission next addressed roving or mobile businesses that do not exchange money in the Town, but set up, operate on the beach, and then leave. Development Services Director Campbell requested Commission direction on how these businesses be regulated, even if bookings occur outside Town or online. She pointed out that there can be a distinction between roving businesses and brick-and-mortar Town businesses.

Commissioner DeNapoli recalled that this had been addressed during Public Comments. Development Services Director Campbell clarified that the comment had referred to an art experience which would be located under a tent. Similar services include beach picnics, and not all business models use a tent.

Vice Mayor Strauss observed that there are also roving businesses that provide experiences such as snorkeling tours off the beach, clarifying that he did not wish to prevent these activities. He requested clarification on what type of permit would be required of these businesses. Development Services Director Campbell advised that these operators would need a business tax receipt (BTR) and would be required to provide the Town with a license and proof of insurance.

Vice Mayor Strauss expressed concern that beach picnics, for example, could be perceived as taking business away from Town restaurants; however, at the same time, it offers the benefit of bringing people to the Town. He concluded that he would like more time to consider this issue in greater depth before taking action on it.

Town Manager Rubach offered the example of a non-Town-based business that cannot obtain a BTR because they do not have a brick-and-mortar facility in Town; however, they are willing to pay for the privilege of serving the Lauderdale-By-The-Sea beach. He suggested that these types of businesses could be licensed. Vice Mayor Strauss recommended keeping this process simple and reasonably priced in order to encourage roving businesses to follow this process. Code Compliance could enforce the process if the operator is required to have a permit.

Development Services Director Campbell asked if a list of permitted beach uses should be established, similar to the clarification of permitted uses in business districts. Town Manager Rubach added that the list could specify relatively common beach uses. Vice

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Mayor Strauss stated that he would like to see a sample application and further discuss pricing as well.

Vice Mayor Strauss continued that the Town benefits from this exposure to visitors, and pointed out that operators and visitors also pay for parking while they are here. He again emphasized the need for simplicity in this process. Town Manager Rubach noted that requiring a licensing or permitting fee would offer parity with Town businesses, which have BTRs.

Mayor Malkoon recommended caution with any incremental changes, which may seem reasonable on an individual basis but could collectively alter the character of the Town's beaches. Town Manager Rubach advised that more information, including a list of prospective permitted uses, could be brought back for further discussion before Staff prepares a Resolution.

Commissioner Graziano was also in favor of further consideration of this topic and suggested that vendors who might be affected attend the Commission's upcoming Code workshop and provide comments. This would allow the Commission and Staff to make more informed decisions.

Town Attorney Trevarthen advised that at present, there are lists of permitted uses within specific zoning districts, as well as a provision for determining similar uses. She emphasized that the Commission retains control over approving each similar use. It will be necessary to clarify whether the Commission or Staff makes a decision on beach uses.

Development Services Director Campbell addressed the final issue, noting that in 2024, the Commission passed a Resolution that allows for hotels with more than 100 rooms to provide food and beverage service on the beach. At present, this affects only one hotel within the Town. This pilot program has since expired. Staff did not observe any issues with trash or other problems related to this service. At present, beach service occurs on private property. She requested Commission direction on whether to reinstate and/or expand this service.

Development Services Director Campbell continued that one other Town hotel has secured a conditional use permit under old Code for beach food and beverage service. There have been no issues with that business.

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Commissioner Poulopoulos expressed concern that while allowing this service helps the hotels, it can take business away from restaurants Downtown. He requested more time to consider this item.

Vice Mayor Strauss advised that he did not see an issue with the limited expansion of the program with some monitoring. He recalled previously existing businesses that offered similar services and noted that the program continues to be successful with two participating hotels. He recommended allowing other hotels to offer similar service if they wish.

Development Services Director Campbell further clarified that the Resolution, which allowed hotels to provide this service, required a trash management plan, as well as a requirement for requisite food and beverage licenses. Service would only occur on private property, not on the public beach.

Development Services Director Campbell also noted that regular beach patrons are not currently permitted to walk up to the provider hotel and purchase food and beverages. The service is limited to hotel guests only; others purchasing food would have to enter the hotel restaurant. It was clarified that this would continue.

Commissioner DeNapoli requested clarification of whether hotels are currently operating under the 2024 Resolution, although it has expired. Development Services Director Campbell replied that the only hotel that fits within the Resolution's parameters is continuing this service. Commissioner DeNapoli noted that this would mean the Commission must vote to extend the Resolution for this hotel; extension is not necessary for the hotel with the conditional use permit, as it is grandfathered.

Commissioner DeNapoli made a motion, seconded by Commissioner Poulopoulos, to extend the Resolution and existing pilot program for another year for the Plunge hotel, specifically under the current terminology, retroactive from the time of expiration and until one year from today.

Development Services Director Campbell added that Staff will bring back prospective changes to the program for Commission consideration of potential expansion.

Motion carried 5-0.

The Commission took a brief recess until 9:05 p.m.

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14.COMMISSIONER PRESENTATIONS

None.

15.COMMISSIONER COMMENTS

Commissioner Graziano reported that there has been no progress in discussions with Florida Power and Light (FPL) regarding the inclusion of Town neighborhoods in the utility's Storm Secure Underground Program (SSUP). FPL continues to indicate these neighborhoods would be included in the program a number of years into the future. He noted that these neighborhoods experience the same vulnerabilities as other local areas, which have already been approved for the program.

Commissioner Graziano encouraged residents and businesses to attend the upcoming Code Compliance workshop, which will be held on Wednesday, June 3, 2026.

Commissioner Graziano also addressed the lighting of the Town's mural, stating that he has reached out to a philanthropic organization to request that they consider funding the proposed lighting. He emphasized the mural's importance in welcoming visitors to the Town's beach and commercial area.

Commissioner DeNapoli addressed the budget process, emphasizing the importance of protecting taxpayers and ensuring that decisions are subject to fact-based analysis and transparent public discussion.

Commissioner DeNapoli also encouraged attendance at the Town's Dive Into Summer event, which will be held on Friday and Saturday, May 29-30, 2026, in El Prado Park. He noted that 100% of event proceeds will go toward Scuba4Good, which is a nonprofit entity that provides SCUBA opportunities to individuals with disabilities.

Commissioner Pouloupoulos briefly reflected on the activities discussed at tonight's meeting, including the P3 financing presentation. He noted that the Town's AAA rating is the highest possible rating, which demonstrates the fiscal responsibility exhibited by this and previous Commissions.

Commissioner Pouloupoulos continued that while there is a need for a new public safety complex, the price is steep. He emphasized that his continued focus on public safety

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will consider service as well as facilities and reassured residents that no decisions have been made thus far.

Commissioner Pouloupoulos added that BSO has informed the Town that they will save approximately \$500,000 in FY 2026-2027 and thanked BSO for the service they provide. He noted that an off-duty BSO Officer recently saved a child from drowning at a local pool.

Commissioner Pouloupoulos also advised that the results of the Town's audit show proper fiscal management and commended Town Staff for their work in keeping Town expenses low. He asserted that he will continue to support the Town's current building height restrictions and is running for reelection because he loves contributing to the Town.

Vice Mayor Strauss congratulated Events and Marketing Manager Anderson and Town Staff on the success of the recent IPW event. He advised that there is a good deal of seaweed washing up onto the Town's shores and confirmed that Staff is collecting this debris and keeping the beaches clean.

Vice Mayor Strauss also encouraged attendance at Dive Into Summer and thanked Town Staff for their work on this upcoming event, emphasizing that it benefits a good cause.

Vice Mayor Strauss continued that the Hillsboro Inlet is seeing more sand due to the same weather patterns responsible for the seaweed. He cautioned boaters using this inlet to be aware of conditions. The Hillsboro Inlet district regularly posts depth charts on its website.

Vice Mayor Strauss concluded that June 1 is the beginning of hurricane season and strongly encouraged residents to take inventory of their property and observe hurricane preparedness. Roughly 13 to 14 hurricanes are predicted to make landfall this year.

Mayor Malkoon addressed the recent near-drowning incident at a pool in Town, recognizing Firefighter/Paramedic Espinoza for his quick and lifesaving actions. A Proclamation recognizing his actions is forthcoming.

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Mayor Malkoon again thanked Staff for their work on the successful IPW event, as well as the individuals who served as ambassadors for the Town. He emphasized the importance of Town events during the off-season.

Mayor Malkoon continued that he has recently met with several Town residents and plans to schedule similar "Meet the Mayor" events with Town condominiums in order to continue open communications.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND 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, 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.

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

Commissioner DeNapoli stated that he would like to match the ballot language of each Charter amendment question with the concomitant language above it as follows:

- Extend and clarify Charter time frames for certification of citizen petitions: Section 4.4
- Establish two four-year Mayor-Commissioner terms: change begins at line 155
- Allow Mayor-Commissioner to run for Commissioner at the conclusion of their service as Mayor: Section 6.3.2
- Allow appointments for Commission vacancies without a two-year break in service: included in the provision related to vacancies: lines 224 and 228, Sections 6.3.2 and 6.3.3
- Establish current Commission district boundaries: lines 208-215
- Revise and clarify standards for forfeiture of office: Sections 6.6 and 6.7, lines 281 and 308
- Incorporate state law governing elections, public notices, and audits: lines 147 and 276, Section 5.5
- Correct errors resulting in inconsistencies as related to deletions and insertions: line 312

Town Attorney Trevarthen addressed appointments to fill vacancies, explaining that both Sections 6.3.2 and 6.3.3 prohibit an individual from being appointed to fill a vacancy if they have served during the two preceding terms as Commissioner or three preceding terms as Mayor. The effect of removing this language from lines 224 and 228 is to make it possible for an individual who has previously served in either role to be appointed. She clarified that the question of whether to implement four-year Mayoral terms is a separate question.

Town Attorney Trevarthen added that line 233 also includes the same language addressing appointments to fill vacancies. This language would be removed. Section 6.8 of the Charter is a separate provision that addresses how a vacancy would be filled, requiring that the individual to be appointed possess all qualifications necessary to be a member of the Town Commission. The qualifications will be reiterated to ensure that there is no misunderstanding or perceived conflict.

Town Attorney Trevarthen read the exact change into the record as Section 6.8, Subsection 1, second sentence: The person or persons so appointed must possess all

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of the required qualifications to be a member of the Town Commission. The change would insert the following language at the end of that sentence: "...except that the Town Commission may appoint a qualified person to fill a vacancy in the office of Mayor-Commissioner or Commissioner even if that person would otherwise be required by the Town Charter to take a two-year break in service."

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to adopt with the change to Section 6.8 as read above. Motion carried 3-2 (Vice Mayor Strauss and Commissioner Graziano dissenting).

Town Attorney Trevarthen advised that the Ordinance would be finalized for signature and forwarded to the Broward County Supervisor of Elections by June 8, 2026.

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 9:20 p.m.

Mayor Edmund Malkoon

Mayor Edmund Malkoon

ATTEST:

Melissa Vasami

Melissa Vasami, Town Clerk

6/24/2026 | 12:59 PM EDT

Date