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TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Monday, April 18, 2022
5:00 PM

1. **CALL TO ORDER, MAYOR CHRIS VINCENT**

Mayor Chris Vincent called the meeting to order at 5:00 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Theo Poulopoulos, Commissioner Randy Strauss, Town Attorney Susan Trevarthen, Town Manager Linda Connors, and Assistant to the Town Manager Neysa Herrera.

2. **PLEDGE OF ALLEGIANCE**

3. **OLD BUSINESS**

   a. **Motion to reconsider appointments to the Planning and Zoning Board and the Firefighters Pension Trust Fund Board of Trustees made on April 12, 2022**

Town Manager Linda Connors explained that the Commission made their Board appointments to the Firefighters Pension Trust Fund Board of Trustees and the Planning and Zoning Board at the April 12, 2022 meeting. Following that meeting, it was discovered that a clerical error had occurred and some applications were not included in the Commissioners' information packets for their consideration. Commissioner Oldaker has requested that the Commission reconsider the Resolutions that led to their appointments so all applications may be properly considered.

Commissioner Oldaker further clarified that he had reached out to Town Staff to determine how to proceed with reconsideration in order to provide full transparency to the community. He requested that the Town Attorney revisit the issue of dual appointments, as one individual had submitted applications to both advisory bodies. Town Attorney Trevarthen explained that the Florida Constitution includes a provision which prevents the appointment of an individual to more than one Board which is considered an office. Appointments to both the Pension Trust Fund Board of Trustees and the Planning and Zoning Board may both be considered offices, as indicated by

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some of the opinions issued by the Florida Attorney General as well as the roles of both Boards under the Town Charter.

Mayor Vincent requested further clarification of the difference between a board on which service is considered office and an advisory board only, pointing out that the Town clearly considers the Planning and Zoning Board to be an advisory entity rather than representing an office. Town Attorney Trevarthen replied that the Florida Constitution considers membership to the Planning and Zoning Board to be an office due to its service as Local Planning Agency (LPA). While there have been multiple opinions on this issue by Attorneys General, it was her opinion and recommendation that service on both entities would constitute dual office, which is prohibited.

Mayor Vincent asked if the Town should consider changing the language in which its Charter refers to the Planning and Zoning Board in order to ensure it is considered only an advisory body in the future. Town Attorney Trevarthen replied that the Commission may bring back a Discussion Item on a future Agenda to discuss this possibility.

Commissioner Oldaker made a motion, seconded by Commissioner Poulopoulos, to reconsider the prior appointments to the Planning and Zoning Board. Motion carried 5-0.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to reconsider the prior appointments to the Firefighters Pension Trust Fund Board of Trustees. Motion carried 5-0.

4. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2022-15 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING RESIDENT MEMBERS TO THE FIREFIGHTERS PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

Ken Brenner, resident, stated that the size of Lauderdale-By-The-Sea means there is a limited pool of residents who may volunteer for service on any advisory bodies. He noted that there are municipalities of similar size throughout the country which have raised similar questions regarding board membership, and requested clarification of

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whether or not combined advisory entities, such as the Board of Adjustment and Planning and Zoning Board, constitute dual office. He concluded that while he would accept the opinion provided at tonight's meeting, he wished there to be greater clarity on this issue.

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

It was clarified that the Commissioners would follow the same appointment procedure as from the April 12, 2022 meeting.

Vice Mayor Malkoon nominated Ken Brenner to the Firefighters Pension Trust Fund Board. Commissioner Poulopoulos selected William Johansen.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, for the two appointments of Ken Brenner and William Johansen. Motion carried 5-0.

b. Resolution 2022-16 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING MEMBERS TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment, which he closed upon receiving non input.

Mayor Vincent nominated Wayne Dillistin to the Planning and Zoning Board. Commissioner Strauss nominated Randy Whitford, Commissioner Oldaker nominated Ron Piersante, Vice Mayor Malkoon nominated Howard Goldberg, and Commissioner Poulopoulos nominated Patricia Omana. Mayor Vincent nominated Denise Lambert as First Alternate, and Commissioner Strauss nominated Karen Sylvester as Second Alternate.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve the whole slate of BOA/Planning and Zoning Board nominees. Motion carried 5-0.

5. ADJOURNMENT

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Lauderdale-By-The-Sea
Special Town Commission Meeting
April 18, 2022

With no other business to come before the Commission at this time, the meeting was adjourned at 5:20 p.m.

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Mayor Chris Vincent

ATTEST:

DocuSigned by:
Katrina Adler
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6/2/2022

Town Clerk Date