



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: April 04, 2023
Time: 1:30 PM

1. CALL TO ORDER

Mayor Moore called the meeting to order at 1:30 P.M.

2. ROLL CALL

Commissioner Judith M. Goldberg
Commissioner Donald Peters (Virtually)
Commissioner Evalyn David
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Leonard Rubin
Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

The Town Commission led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

Item 11.C., Guaranteed Maximum Price Amendment to the Construction Manager at Risk Agreement after Item 10.A, Fire Rescue Implementation Update.

MOTION: Stern/David – Moved to approve the agenda as amended, which passed unanimously 5 to 0.

5. PRESENTATIONS / PROCLAMATIONS

A. Water Conservation Month Proclamation

Mayor Moore read the Water Conservation Proclamation and presented it to Public Works Director Pat Roman.

B. Presentation by Staff of Town Sign Entry Signage Finalist

Mayor Moore read the title.

Management Analyst Skender Coma presented a PowerPoint of the Town entry signage design contest results. Design #1 by artist Barry Donaldson was the winner.

The next steps are to authorize Town Manager Labadie to get a landscape architect onboard to start the renderings, colored take offs, landscape designs, plans, and cost estimates for the entry signage project. Town Manager Labadie will present the renderings and cost estimates to the Town Commission at a future meeting.

MOTION: David/Stern - Moved to authorize Town Manager Labadie to move forward with getting proposals to install the new sign. The motion passed unanimously 5 - 0.

6. PUBLIC COMMENTS

Mayor Moore opened public comments.

Todd Lleras of 1108 Russell Drive commented about the costs associated with staffing personnel for the Fire Rescue Department and mutual aid assistances. He provided a handout to the Town Commission.

7. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

Board Vacancies

Board of Adjustment and Appeals	Two (2) vacancies, all for three-year terms
	One (1) vacancy for an unexpired term ending September 21, 2024
Natural Resources Preservation Advisory Board	Three (3) vacancies for unexpired terms ending April 30, 2024

Meetings and Events

April 11, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
April 13, 2023	9:30 A.M.	Planning Board Regular Meeting
April 18, 2023	1:30 PM	Town Commission Special Meeting

8. ORDINANCES

A. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, amending Section 4-8 "Lighting Restrictions for Protection of Sea Turtles" and Section 30-85 "Coastal Lighting" of the Town Code of Ordinances to incorporate lighting regulations for new and existing coastal structures in order to minimize the affect of artificial light on sea turtle populations; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing an effective date.

Mayor Moore announced Item 8.A. She opened Public Comments.

Rick Greenwald of Bel Lido spoke about the proposed ordinance as it relates to Section (j) Existing Exterior and Interior Lighting of the ordinance.

Town Planner Allen presented the item and provided extensive background information regarding this matter. She explained that the proposed ordinance is based on the State of Florida Model Lighting Ordinance for Sea Turtle Protection. She provided a PowerPoint presentation depicting images of shielded and unshielded lightings, and light transmittance. She explained, at the February 1, 2023, Natural Resources Preservation Advisory Board meeting, the Board made a motion to approve the proposed ordinance with the following changes: remove the word 'televisions' from Section 4-8(j)(2)b, and add the "Use of opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights, light emitting screens including televisions and computers from the beach to Section 4-8(j)(2)c. At the March 9, 2023 Planning Board Regular meeting, the Board made a motion to approve the proposed ordinance.

Joann Ryan, Turtle Permit Holder, spoke about the bright white lights that she sees on the beach and how they distract the hatchlings. She also spoke about the nest and crawls data from last year.

Commissioner David explained that the proposed ordinance was convoluted and confusing. She spoke about striking a balance between people being able to see where they are going and protecting the turtles. In addition, she spoke about enforcement of the ordinance and the cost to owners. She questioned if this would only affect new construction or existing construction.

There was discussion about the percentage of transmittance, street lights, parking lot lighting, and public safety.

Vice Mayor Stern spoke about the need to protect the turtles, and about common condo area lighting.

Mayor Moore agreed with the comments and suggested changing the 'shall' to suggested remedial measures. She questioned if the regulations would be onerous for new construction.

Town Planner Allen spoke about encouraging people who come into the Building Department to install sea turtle friendly lighting such as amber lighting, and about downward facing lighting.

Commissioner David suggested more information is necessary about the west side lighting, and that some parts of the ordinance should have a phase in option.

Commissioner Goldberg agreed with the comments said so far and questioned what the economic impact would be. She questioned if new construction applied to renovations. She was interested in what Code Enforcement thinks of the proposed ordinance and the enforcement process.

Town Manager Labadie spoke about the streetlights, what is objectionable, and replacement of lighting. He explained that under the current ordinance white lights on the beach must be turned off.

Commissioner David inquired about the 100 feet back wording. Town Planner Allen explained that the 100 feet back from the beach was Gumbo Limbo's suggestion.

Commissioner Peters questioned if condo height makes a difference in regard to lighting.

Mayor Moore indicated she was in favor of making the changes suggested by fellow Commissioners.

It was the consensus of the Town Commission for Town Planner Allen to make the suggested changes to the proposed ordinance. Town Planner Allen will bring the proposed changes back to the Town Commissioners at the next meeting.

9. CONSENT AGENDA (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group).

Mayor Moore read the title.

A. Approval of Meeting Minutes

March 07, 2023 - Commission Meeting Minutes

March 21, 2023 – Commission Special Meeting Minutes

March 24, 2023 – Commission Special Meeting Minutes

March 28, 2023 - Commission Special Meeting Minutes

MOTION: Stern/David - Moved to approve the Meeting Minutes (Consent Agenda) as presented, which passed unanimously 5 - 0.

10. UNFINISHED BUSINESS

A. Fire Rescue Implementation Update

Mayor Moore read the title.

Town Manager Labadie presented this item updating the Town Commission on the recruitment/hiring process, and the status of the fire rescue vehicles. He spoke about the change in parking and moving the mailbox to the roundabout at the library. The parking plan has been posted and sent out to residents.

Fire Chief Joseph gave updates on the computer software vendors, installation of radios, truck painting status, and EMS licenses. They are beginning the processes of recruiting and accepting applications for certain positions. He addressed the earlier comments about overtime and explained that the overage for the overtime does not exist.

Finance Director David DiLena spoke about current lease costs, the percentage charged by Delray Beach, and being charged for profit.

Finance Director DiLena will present the Fire Rescue Budget at the next Town Commission meeting.

B. Florida Department of Transportation (FDOT) RRR Project Update

1. Discussion on public forum. Vice Mayor Stern

Mayor Moore read the title.

Vice Mayor Stern suggested holding a public forum meeting with Zoom options.

Town Manager Labadie explained that he spoke with the Florida Department of Transportation (FDOT) about hosting a public meeting. FDOT is willing to have a public meeting to accommodate a large volume of people. It would take FDOT four to six months to organize a public meeting. They could also come in and speak at a Commission meeting. FDOT evaluated 676 trees, and 34 trees are scheduled to be removed but not all are in Highland Beach. The drainage work proposed does not result in the removal of any trees. He spoke about the widening of the road in regard to turning lanes. Bushes on the edge of the payment will be removed.

Town Clerk Gaskins handed out a letter from Representative Peggy Gossett-Seidman, District 91 and Representative Caruso, District 87. Town Manager Labadie spoke about the letter and that they would like to see the FDOT project completed as designed.

Mayor Moore was in favor of having FDOT join a Commission Meeting as an Agenda item.

Commissioner David was in favor of a Special Commission meeting with FDOT.

There was discussion about setting up an overflow room in the Town's Library for the meeting.

Commissioner Peters supports a meeting with FDOT to answer people's questions.

Commissioner David indicated that most people are concerned with what is happening in front of their home and that they should bring a map for residents to view.

2. Additional Information. Mayor Moore

Mayor Moore spoke about historical correspondence that was included in the agenda packet in regard to this project. The Committee to Save Highland Beach's emails were included from 2019 and 2020 which highlighted the residents' concerns with drainage. There was also correspondence from Representative Gossett-Seidman and Senator Polsky. She spoke about the grand efforts that have been made on behalf of the residents to make this project happen. She expressed concern that the project should not be scaled back. The percent increase is only 2.76% in surface area.

Commissioner Goldberg spoke about the studies that have been done on the roadway in regard to public safety.

Next steps will be to have FDOT representatives come to a future Commission meeting.

11. NEW BUSINESS

A. Designation of the Town's Voting Delegates to Palm Beach County League of Cities for 2023/2024

Mayor Moore read the title.

Town Manager Labadie introduced this item.

MOTION: Moore/David - Moved to designate Commissioner Goldberg as the voting delegate for the Town of Highland Beach.

MOTION: Moore/Stern - Moved to designate Commissioner David as the alternate voting delegate for the Town of Highland Beach.

B. Authorize staff to initiate negotiations with the top ranked firm, Waste Management Inc. of Florida, in accordance with the Request for Proposals (RFP) No. 23-001 for Solid Waste and Recycling Collection Services.

Mayor Moore read the title.

Management Analyst Skender Coma presented this item and spoke about the selection committee meeting and the rankings of the two firms. They were unanimous in ranking Waste Management first. He spoke about the three different service models that were proposed.

Vice Mayor Stern proposed that the Town Commission accept the staff's recommendations to enter into negotiations with Waste Management. The Town Commission was in favor of moving forward with negotiations and keeping the service plan the Town has now.

There was discussion about rate increases, different service models, length of contract, recycling, and the level of satisfaction with the current service plan.

Ms. Barbara Herrera with Waste Management Inc. of Florida introduced the operations team and provided comments in regard to the increase in costs, staffing issues, and recycling.

MOTION: David/Stern - Moved to authorize to initiate negotiations with the top ranked firm, Request for Proposals (RFP) No. 23-001, for Solid Waste and Recycling Collection Services, which passed unanimously 5 - 0.

C. Approve and authorize the Mayor to execute a Guaranteed Maximum Price Amendment to the Construction Manager at Risk agreement between the Town of Highland Beach and Kaufman Lynn Construction. (*This item was moved to after 10.A.*)

Mayor Moore read the title of the item.

Town Manager Labadie introduced this item.

Jeff Zalkin, Vice President of Development for Kaufman Lynn Construction, provided comments about Town Staff working hard to save the town money, and how money not spent goes back to the Town.

Attorney Leonard Rubin also provided comments regarding the agreement and that he had fully reviewed the entire document.

There was discussion about the substantial finish date.

MOTION: David/Stern - Moved to approve and authorize the Mayor to execute a Guaranteed Maximum Price Amendment to the Construction

Manager at Risk Agreement between the Town and Kaufmann Lyn Construction.

12. PUBLIC COMMENTS

Mayor Moore opened public comments.

Mr. Rick Greenwald, Bel Lido. appreciate the discussion regarding the sea turtles. He stated that he is tired of hearing about FDOT, and he does not want a project being derailed by a few scattered public voices.

13. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg commented about the agenda and that it was a productive Commission meeting.

Commissioner Donald Peters commented it was a busy agenda and the meeting with FDOT will be good.

Commissioner Evalyn David had no comments.

Vice Mayor David Stern suggested getting a current sign in the Commission Chambers with the new Town Logo.

Mayor Natasha Moore congratulated the Town Sign winner.

14. TOWN ATTORNEY'S REPORT

Town Attorney Leonard Rubi had no comments.

15. TOWN MANAGER'S REPORT

Town Manager Labadie recognized Sergeant Shersty and Officer Cataldo for their performance on a recent call.

16. ADJOURNMENT

The meeting was adjourned at 3:55 P.M.

APPROVED: May 02, 2023, Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

05/02/2023
Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.