



TOWN OF HIGHLAND BEACH TOWN COMMISSION SPECIAL MEETING MINUTES

LIBRARY COMMUNITY ROOM,
3618 S. OCEAN BLVD.,
HIGHLAND BEACH, FL

Date: May 23, 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 Goldberg
Commissioner Donald Peters
Commissioner Evalyn David
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Glen Torcivia
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

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

5. PUBLIC COMMENTS (NON-AGENDA ITEMS ONLY)

There were no public comments.

6. ORDINANCE

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 read the title of the proposed ordinance.

Town Manager Labadie introduced this item.

Town Planner Allen presented this item along with a PowerPoint Presentation on the proposed sea turtle protection lighting standards (source: Florida Fish and Wild Life Commission. The presentation highlighted the unshielded and shielded bulb, long wavelength light, additional examples of turtle friendly lighting with wall fixtures, pole fixtures, bulbs, walkway fixtures (FWC certified wildlife lighting standards).

She also presented the proposed language changes previously suggested by the Town Commission at the April 4, 2023 meeting. The language changes were as follows:

Sec. 4-8(e), Standards for exterior and interior lighting affixed to new structures, new construction and improvements to existing structures that require a building permit.

Sec. 4-8(j)(1), Existing Exterior and Interior Lighting. Upon replacement and only if a building permit is required, the reduction or elimination of the negative effects of existing exterior artificial lighting shall be required through the use of the following measures (measures remains the same); and

Sec. 4-8(j)(2), Existing structures are encouraged to implement the following suggested remedial measures, etcetera.

Additionally, Ms. Allen spoke about sea turtle lighting regulations for existing exterior and interior lighting in both Palm Beach County and the City of Boca Raton.

Mayor Moore opened the item for public comments.

Joanne Ryan, the Florida Fish and Wildlife Sea Turtle Permit Holder, spoke about a letter that she received from the Sea Turtle Conservancy, a non-profit organization. She also provided Town Clerk Gaskins with a brochure from the

Sea Turtle Conservancy concerning sea turtles and lighting for distribution to the Town Commission.

There being no further comments, Mayor Moore closed public comments.

There was conversation about window shade covering, tinting, and lighting.

Commissioner David mentioned if one slider breaks, and it must be replaced then there would be one tinted slider and one slider not tinted. There was discussion about permit requirements for replacing a window.

Town Manager Labadie explained that there could be some additional language related to window tint visible light transmittance.

Mayor Moore inquired about the state requirements and if the state requirements have any impact on Highland Beach properties. Ms. Allen explained the state requirements do not impact Highland Beach properties. Town Manager Labadie explained that there was confusion over permitting in regard to what could be done. There is also a need to protect the high volume of nesting sea turtles but also balance that with the ability to still develop properties.

Mayor Moore explained that she received feedback from a condo manager of an existing condo that amber lighting is well received by the residents and that condo owners of that building were willing to install the 45% tint (turtle glass).

Barbara James, 3201 South Ocean Boulevard, provided comments about window tinting.

Beverly Knight, sea turtle monitor, explained how the sea turtle program started.

Commissioner Goldberg asked that the word nighttime be clearly defined. She inquired if Delray Sands had communicated anything about the proposed ordinance.

Town Planner Allen replied that they have not. The ordinance is not specific to residential properties and Delray Sands would have to comply with it. Town Manager Labadie said he would meet with Delray Sands and get their input.

Commissioner David explained that it must be clearer as it relates to a triggering event.

Town Planner Allen talked about existing structures and new structures. She mentioned that changes will be made to differentiate between existing structures making improvements versus replacement.

Next steps are to try and get a physical sample of the tint, reach out to Delray Sands, define nighttime, and bring clarity to existing structures.

Commissioner David mentioned that she would like to know which buildings on the west side of the road have lighting that could be seen on the beach.

Commissioner Goldberg commented on construction after dusk as it relates to the RRR project. She also asked what the penalty would be. Town Manager Labadie explained the penalty would go through the civil infraction process and the Code Enforcement Board would establish the penalty.

Commissioner David asked about light dimmers. Joanne Ryan said there are a few and mentioned that the bright white lights from the west side could be fixed with amber lightning.

Town Planner Allen explained that the state does not have a remedial requirement related to dimming of lighting.

7. New Business

A. Ratification of the Collective Bargaining Agreement between the Town of Highland Beach and Palm Beach County Police Benevolent Association, Inc. related to the law enforcement agreement effective October 1, 2023 through September 30, 2026.

Mayor Moore read the title of Item 7.A.

Town Manager Labadie presented and spoke about the agreement.

There were discussions about the fairness of the agreement, and comparable compensation. The Town Commission was supportive of the collective bargaining agreement with Palm Beach County Police Benevolent Association, Inc.

MOTION: David/Stern - Moved to approve the Collective Bargaining Agreement between the Town of Highland Beach and Palm Beach County Police Benevolent Association Inc. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion carried 5 to 0.

B. Consideration of Memorandum of Understanding Between the Town of Highland Beach and the Palm Beach County Police Benevolent Association, Inc.

Mayor Moore read the title of Item 7B.

Town Manager Labadie presented this item.

Chief of Police Craig Hartman provided comments concerning this matter and thanked the Town Commission for working in an agreeable fashion.

MOTION: David/Stern - Moved to approve the Memorandum of Understanding Between the Town of Highland Beach and the Palm Beach County Police Benevolent Association, Inc. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion carried 5 to 0.

C. Discussion on Update to the 2013 Beach Restoration Feasibility Study.

Town Manager Labadie explained that this is a critical strategic priority item, and that will show the areas that need to be focused on.

Town Planner Allen explained that on November 21, 2022, the Chairperson of the Natural Resources Preservation Board came before the Town Commission to give an update on their educational outreach. After that Town Planner Allen reached out to the firm that would conduct the study. There was discussion about what the study would entail.

Mr. Douglas W. Mann, P.E., D.CE., Lead Coastal Engineer with Aptim Environmental & Infrastructure, LLC joined the meeting via Zoom and gave comments on the proposal cost.

Town Manager Labadie will contact Palm Beach County Environmental Department for a future presentation and other resources.

MOTION: David/Peters - Moved to approve the Proposal for the Beach Restoration Feasibility Study to include the Town's Standard Addendum. Upon roll call: Commissioner David (Yes); Commissioner Peters (Yes); Commissioner Goldberg (Yes); Vice Mayor Stern (Yes); and Mayor Moore (Yes). The motion carried 5 to 0.

D. Sea Turtle Presentation by Joanne Ryan

Joanne Ryan, Florida Fish and Wildlife Sea Turtle Permit Holder, presented a video of the Sea Turtle Monitoring Program. She announced that the program is called the Highland Beach Sea Turtle Team Inc., which is a 501(c)3 non-profit organization.

1. Consideration of \$2,500 donation to Highland Beach Sea Turtle Team, Inc.

The Town Commission was in support of donating \$2,500 to the Highland Beach Sea Turtle Team, Inc. They thanked Ms. Ryan, the organization, and volunteers for their hard work with the sea turtle program.

Ms. Ryan explained that going forward the organization would like to participate in future projects with the Town.

MOTION: David/ Peter - Moved to contribute \$2,500 to the Highland Beach Sea Turtle Team Inc, which passed unanimously 5 to 0.

E. Hurricane Season Presentation by Chief of Police Craig Hartmann

Chief of Police Craig Hartmann provided a PowerPoint presentation concerning hurricane season, the impact to other areas in Florida, and spoke about emergency operations. He encouraged the public to have a plan and be prepared.

Commissioner David spoke about Hurricane Sandy. She encouraged the residents to pay attention to the media during hurricane season, be prepared, and have a to-go packet for pets. She asked what to say to those residents who do not want to evaluate. Chief Hartmann explained that they can educate the residents.

Commissioner Peters spoke about two bed ridden residents in his building. Chief Hartmann explained that there is a form for that. He also explained that there is a special needs shelter in Palm Beach County that people can preregister for.

Mayor Moore inquired about how to sign up for CodeRed. Chief Hartmann explained anyone can sign up on the Town's website, or at Town Hall.

Vice Mayor Stern suggested including the CodeRed form in the new resident's packet.

Chief Hartmann explained the staff deployment process for hurricanes, including check points in and out of the jurisdiction.

8. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

May 29, 2023 Town Hall closed in observance of Memorial Day

June 06, 2023 1:30 P.M. Town Commission Meeting

9. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg had no comments.

Commissioner Donald Peters mentioned that this was a great meeting.

Commissioner Evalyn David asked Town Manager Labadie about the Fire Rescue Update.

Town Manager Labadie gave an update on the Fire Rescue Implementation as follows:

The recruitment process is progressing along, and the new Fire Marshall starts next week.

Channel 99 Highland Beach TV will be out of service due to equipment relocation for the pilings that are starting to go in.

At the next meeting there will be two resolutions on the agenda. One of the resolutions will be to adjust the Fund Balance going from 4 to 5 million and the other resolution will be a budget transfer to move money into the general fund.

Vice Mayor Stern met with Kate Cotner, FP&L External Affairs Manager, who gave him an overview of services and support. He mentioned that she was meeting with Fire Chief Joseph, and he suggested setting up an appointment with the Town Manager to discuss opportunities for the town. He also said that the new Town website is outstanding.

Mayor Natasha Moore agreed that the new Town website is very easy to navigate.

Town Manager Labadie spoke about the Boca Bash event and the Marine Patrol activities related to the event. The new full-time Marine Patrol officer was recently sworn in.

10. ADJOURNMENT

The meeting was adjourned at 3:47 P.M.

APPROVED: June 20, 2023, Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Jaclyn DeHart and Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

06/20/2023
Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim

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