



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: October 03, 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 lead the Pledge of Allegiance to the United State of America.

4. APPROVAL OF THE AGENDA

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

5. PRESENTATIONS / PROCLAMATIONS

A. Resolution No. 2023-028

A Resolution of the Town Commission of the Town of Highland Beach, Florida, recognizing and commending Father D. Brian Horgan for his 25th Anniversary of priestly ordination.

Mayor Moore recognized and commended Father D. Brian Horgan for his 25th Anniversary of priestly ordination.

MOTION: David/Goldberg – Moved to approve Resolution No. 2023-028, which passed unanimously 5 - 0.

B. Resolution No. 2023-027

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.

Mayor Moore read the title of Resolution No. 2023-027.

MOTION: David/Goldberg – Moved to approve Resolution No. 2023-027 (appointing Ilyne Mendelson), which passed unanimously 5 - 0.

6. PUBLIC COMMENTS

There were no public comments.

7. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

Board Vacancies

Board of Adjustment and Appeals	Two (2) vacancies, for a three-year term
	One (1) vacancy for an unexpired term ending September 21, 2024
Planning Board	One (1) upcoming vacancy for an unexpired term ending September 2025

Meetings and Events

October 09, 2023		Town Hall Closed in observance of Columbus Day
October 10, 2023	1:00 PM	Code Enforcement Board Regular Meeting
October 12, 2023	9:30 AM	Planning Board Regular Meeting
October 17, 2023	1:30 PM	Town Commission Meeting

Board Action Report

None.

8. ORDINANCES

A. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, amending the code of ordinances, at Chapter 33 "Acquisition of Goods and Services, "Section 33-2 "Methods of Acquisition"; Amending Section 33-3 "Town Commission Approval"; and for other purposes; providing for the repeal of all ordinances in conflict, codification, severability, and an effective date.

Mayor Moore mentioned that the Town Commission discussed this matter extensively at the September 19, 2023 meeting.

There were no public comments.

MOTION: David/Goldberg – Moved to approve the Proposed Ordinance, which passed unanimously 5 - 0.

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

A. Approval of Meeting Minutes

September 19, 2023 Town Commission Meeting Minutes

September 21, 2023 Town Commission Second Public Hearing Budget Meeting Minutes

B. Approve and authorize the Town Clerk to execute a Contract for Election Day between the Wendy Sartory Link Palm Beach County Supervisor of Elections and the Town of Highland Beach to use the Highland Beach Library Community Room as a polling location for the Presidential Preference Primary Election, Tuesday, March 19, 2024 and the Municipal Election, the Primary Election, Tuesday, August 20, 2024, and the General Election, Tuesday, November 5, 2024.

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

10. UNFINISHED BUSINESS

A. Fire Rescue Implementation Update

Mayor Moore read the title of Item 10.A.

Fire Chief Glenn Joseph provided an update on Fire Rescue Implementation as follows:

They are anticipating a covering ceremony towards the end of the month and are taking delivery of more construction material. They are on time and budget.

Recruiting process: Conditional job offers have been given to captain candidates. Background checks have been completed on firefighter drivers and they should be giving out conditional job offers this week. Firefighter paramedic interviews are scheduled for the second week of October.

Town Manager Labadie mentioned that the project is on schedule and on budget.

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

Mayor Moore read the title of Item 10.B.

Town Manager Labadie reported that there are not a lot of updates, and he will contact FDOT to confirm scheduling.

C. Building Department Recertification Program Update

Mayor Moore read the title of Item 10.C.

Building Official Remas provided an update on the Building Department Recertification Program as follows:

Dalton Place has completed all phases.

45 Ocean is under restoration construction, but they have not submitted reports.

Beachwalk East has missed the deadline and is nonresponsive to the Building Department. There is a Code Enforcement Case on this matter.

16 buildings have been given extensions which are up in December 2023 and 15 are still due.

They are working to obtain compliance with all buildings.

D. Continued discussion on proposed referendum questions for the March 2024 election.

Mayor Moore read the title of Item 10.D. and presented this item.

1. Referendum No. 1:

Ballot title. The ballot title which is the subject of this Referendum shall be captioned as “Financing and Implementation of Sanitary Sewer Lining Project.”

Ballot summary. The ballot summary of the proposed Charter amendment shall be:

SHALL THE TOWN OF HIGHLAND BEACH UNDERTAKE AND FUND A TOWNWIDE SANITARY SEWER LINING PROJECT FOR COST NOT EXCEEDING \$3,500,000 AND ISSUE BONDS NOT EXCEEDING SUCH AMOUNT, IN ONE OR MORE SERIES, BEARING INTEREST NOT EXCEEDING THE MAXIMUM LEGAL RATE, MATURING NOT LATER THAN ____ YEARS FROM ISSUANCE, PLEDGING THE TOWN'S FULL FAITH AND CREDIT AND AD VALOREM REVENUES COLLECTED TO PAY SUCH BONDS, ALL AS DESCRIBED IN RESOLUTION NUMBER ____?

Town Manager Labadie explained Referendum No. 1 must have statutory language and should the Town Commission move forward with this ballot question the maximum ballot language is 75 words.

There were discussions about communicating the referendum language to the community. Referendum Language will be added as a standing item on future Town Commission agendas. In addition, there were discussions about communicating to the community by placing an article in the Coastal Star Newspaper and the Town's website. It was also suggested to hold an educational public workshop with a question-and-answer section. Town Attorney Torcivia clarified that this ballot question only requires a resolution and not an ordinance.

The Town Commission discussed and suggested the below proposed ballot language:

SHALL THE TOWN OF HIGHLAND BEACH FUND A TOWNWIDE SANITARY SEWER LINING REHABILITATION PROJECT FOR COST NOT EXCEEDING \$3,500,000 AND ISSUE BONDS NOT EXCEEDING SUCH AMOUNT, IN ONE OR MORE SERIES, BEARING INTEREST NOT EXCEEDING THE MAXIMUM LEGAL RATE, MATURING NOT LATER THAN ____ YEARS FROM ISSUANCE, PLEDGING THE TOWN'S FULL FAITH AND CREDIT AND AD VALOREM REVENUES COLLECTED TO PAY SUCH BONDS, ALL AS DESCRIBED IN RESOLUTION NUMBER ____?

Town Attorney Torcivia explained that the ballot language for Referendum No. 1 and Referendum No. 3 would be resolutions because they are not changing the Town's charter. The proposed ordinance language will be for Referendum Nos. 2, 4, and 5.

Mayor Moore opened public comments.

Mr. Richard Greenwald spoke about this matter being on the ballot, wordsmithing the proposed ballot language, and engaging/educating the public.

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

It was the consensus of Commissioners Goldberg, Peters, David, Vice Mayor Stern, and Mayor Moore to move forward with the above-mentioned modified proposed ballot language. Town staff will bring the referendum ballot language back as a proposed resolution at the October 17, 2023 Town Commission meeting.

2. Referendum No. 2:

Ballot title. The ballot title, which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as “Funding Limitation.”

Ballot summary. The ballot summary of the proposed Charter amendment shall be:

SHALL THE FUNDING LIMITATION OF \$350,000, SET FORTH IN THE TOWN OF HIGHLAND BEACH CHARTER AT SECTION 2.01(30), BE ADJUSTED TO \$900,000 TO ACCOUNT FOR THE PAST 32 YEARS OF INFLATION AND BE ADJUSTED ANNUALLY THEREAFTER ON JUNE 1ST (BEGINNING IN 2025) IN ACCORDANCE WITH THE REGIONAL CONSUMER PRICE INDEX (METROPOLITAN STATISTICAL AREA)?

Mayor Moore introduced this item.

Town Commission discussions ensued about modifying the proposed ballot language and removing the wording “Metropolitan Statistical Area.”

Mayor Moore opened public comments.

Mr. Richard Greenwald voiced his reasons the ballot language was not a clean or an ideal solution.

Also, there were Town Commission discussions about the previous referendum ballot question concerning the funding limits and why the question failed to pass.

Mr. Jason Chudnofsky provided comments on community involvement.

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

Commissioners Goldberg, Peters, David, Vice Mayor Stern, and Mayor Moore agreed with the above-referenced proposed ballot language. Town staff will bring the referendum ballot language back as a proposed ordinance at the October 17, 2023 Town Commission meeting.

3. Referendum No. 3:

Ballot title. The ballot title, which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or

spoken of, shall be captioned as “Repurposing of Town’s Old Fire Station for Shared Use by Community and Fire Rescue Department.”

Ballot summary. The ballot summary of the proposed Charter amendment shall be:

SHALL THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH BE AUTHORIZED TO FINANCE AND IMPLEMENT THE DEMOLITION AND REPURPOSING OF THE TOWN’S OLD FIRE STATION FOR SHARED USE BY THE COMMUNITY AS A MULTIPURPOSE EVENT SPACE AND BY THE TOWN’S FIRE RESCUE DEPARTMENT FOR A NOT TO EXCEED COST OF \$1 MILLION DOLLARS?

Town Manager Labadie mentioned that when the initial budget for the fire station was approved it included renovation of the old fire station. Now it appears that there will be money available in the budget to demo the old station and repave. Town Manager Labadie presented preliminary renderings of the old fire station renovation.

Mr. Greenwald provided comments about this matter.

It was the consensus of the Town Commission to remove the referendum ballot language (Referendum No. 3) and not proceed with it as a ballot question.

4. Referendum No. 4:

Ballot title. The ballot title, which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as “Use of Countywide Palm Beach County Canvassing Board.”

Ballot summary. The ballot summary of the proposed Charter amendment shall be:

SHALL THE TOWN OF HIGHLAND BEACH AMEND ITS CHARTER AT SECTIONS 1.06(7) AND 1.06(8) TO DELEGATE CANVASSING DUTIES TO THE COUNTYWIDE CANVASSING BOARD FOR MORE EFFICIENTLY RUN MUNICIPAL ELECTIONS?

The Town Commission discussed and suggested the following language:

SHALL THE TOWN OF HIGHLAND BEACH AMEND ITS CHARTER AT SECTIONS 1.06(7) AND 1.06(8) TO AUTHORIZE THE COMMISSION BY RESOLUTION TO DELEGATE OR RETAIN CANVASSING DUTIES TO THE COUNTYWIDE CANVASSING BOARD FOR MORE EFFICIENTLY RUN MUNICIPAL ELECTIONS?

There were no public comments.

Commissioners Goldberg, Peters, David, Vice Mayor Stern, and Mayor Moore agreed with the above-referenced proposed ballot language. Town staff will bring the referendum ballot language back as a proposed ordinance at the October 17, 2023 Town Commission meeting.

5. Referendum No. 5:

Ballot title. The ballot title, which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as “Adjustment of Salaries for Town Mayor and Commissioners.”

Ballot summary. The ballot summary of the proposed Charter amendment shall be:

SHALL THE TOWN OF HIGHLAND BEACH AMEND ITS CHARTER AT SECTION 3.05 TO PROVIDE THAT, COMMENCING JUNE 1, 2024, THE SALARIES OF THE MAYOR AND COMMISSIONERS SHALL BE ADJUSTED TO ACCOUNT FOR THE PAST 20 YEARS OF INFLATION TO \$2,290 PER MONTH FOR THE MAYOR AND \$1,832 FOR EACH COMMISSIONER, AND, THEREAFTER, BE ADJUSTED ANNUALLY ON JUNE 1ST IN ACCORDANCE WITH THE REGIONAL CONSUMER PRICE INDEX (METROPOLITAN STATISTICAL AREA)?

There were discussions about the salaries of the Mayor and Commissioners.

Mayor Moore opened public comments.

Mr. Greenwald provided comments about salaries of the Town Commission. He suggested putting this question aside for now and look at it another time.

Commissioner Peters, Commissioner David and Mayor Moore agreed to remove the proposed referendum ballot language. Commissioner Goldberg was in favor of keeping it on the ballot but changing the wording and lessening the salary. Vice Mayor Stern was against removing the question unless the Town Commission agrees that it would be reintroduced in the following election (year 2025).

There was no consensus on moving forward with the proposed referendum ballot language.

11. NEW BUSINESS

- A. Approve and authorize the second draw on the Synovus Bank Loan in the amount of \$4,997,900 as forecasted, planned and budget for fiscal year 2023-2024 to complete the construction phase of the Fire Rescue project, and authorize the Town staff to execute the certificate relevant to the draw.**

Mayor Moore read the title of Item 11.A.

Town Manager Labadie mentioned this would be the second and final draw for the fire rescue project.

There was discussion about the flexibility of the loan and being able to pay it down early.

MOTION: David/Stern – Moved to approve and authorize the second draw on the Synovus Bank Loan in the amount of \$4,997,900. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

B. Resolution No. 2023-029

A Resolution of the Town Commission of the Town of Highland Beach, Florida, expressing support for the extension and continuation of the Palm Beach County One-Cent Sales Tax to fund local infrastructure projects through December 31, 2036; providing an effective date; and for other purposes.

Mayor Moore read the title of Resolution No. 2023-029. Town Manager Labadie spoke about the Palm Beach County One-Cent Sales Tax to fund local infrastructure projects.

MOTION: David/Goldberg – Moved to approve Resolution No. 2023-029. Upon roll call: Commissioner David (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); Vice Mayor Stern (Yes); and Mayor Moore (Yes). The motion passed unanimously 5 to 0.

12. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg will be attending the Florida League of Cities Legislative Policy Committee meeting this week (October 6, 2023).

Commissioner Donald Peters encouraged the residents to reach out Town Commission concerning their thoughts on the proposed referendum ballot questions.

Commissioner Evalyn David agreed with everything said and had nothing to add.

Vice Mayor David Stern mentioned it was a great meeting today.

Mayor Natasha Moore spoke about the Bel Lido community roads under water due to the king tide. Town Manager Labadie explained that there could be some adjustments to the roads in the future.

Mayor Moore allowed public comments.

Mr. Richard Greenwald spoke about the water in the Bel Lido community.

Mayor Moore suggested looking at high tide. She also mentioned that the Town Commission received an email today about more resistance regarding Milani Park. There will be a public meeting in February of 2024.

Town Manager Labadie explained that Milani Park will become a standing agenda item.

Commissioner David suggested exploring every avenue open to the Town.

Commissioner Goldberg commented on the effects on the climate, contiguous plots, and the safety issue in regard to the Milani Park project.

13. TOWN ATTORNEY'S REPORT

Town Attorney Torcivia will prepare the proposed ordinances and resolution regarding the referendum ballot language.

14. TOWN MANAGER'S REPORT

Town Manager Labadie spoke about ICMA which has been sold to Mission Square which provides retirement plans. They are moving forward with Fiduciary Advisor to evaluate the Town's retirement plan options.

15. ADJOURNMENT

The meeting adjourned at 4:17 P.M.

APPROVED: October 17, 2023, Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Jaclyn DeHart and Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

10/17/2023

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/>.