

DRAFT



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

TOWN HALL COMMISSION CHAMBERS
3614 S. OCEAN BLVD., HIGHLAND BEACH, FL

Date: September 01, 2026
Time: 1:30 PM

1. CALL TO ORDER

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

2. ROLL CALL

Commissioner Jason Chudnofsky
Commissioner Judith Goldberg
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Leonard Rubin
Town Clerk Lanelda Gaskins

ABSENT
Commissioner Donald Peters

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF THE AGENDA

There were no changes to the agenda.

MOTION: Goldberg/Stern - A motion was made and seconded to approve the agenda as presented. The motion passed unanimously, 5 to 0.

5. PRESENTATIONS / PROCLAMATIONS

A. State of Education Report by School Board Member Erica Whitfield, District 4, School District of Palm Beach County

School Board Member Erica Whitfield delivered the annual State of Education report, noting this would be her final presentation as she is concluding her term on the School Board in November and transitioning to a newly elected position on the Palm Beach County Board of Commission, effective November 17, 2026. During her report she highlighted the district performance, enrollment decline,

local schools serving the Highland Beach area, the upcoming referendum related to the Proposed Constitutional Amendment 3 and its potential impact on Palm Beach County School Board.

Commissioner Goldberg raised questions regarding the potential fiscal impact of Amendment 3, the proposed state constitutional property tax change, on school funding. Ms. Whitfield acknowledged that the amendment would have a negative impact on the District regardless of provisions intended to protect school funding, noting that state per-pupil funding of approximately \$9,000—which ranks Florida 46th in the nation—already constrains operations. She explained that 80 percent of the District's budget is staffing, meaning any funding reductions necessarily translates to personnel cuts affecting student services, ESE supports, guidance counseling, and college preparation resources. She expressed concern that the amendment would limit local government financial flexibility and shift burdens to other revenue sources.

Mayor Moore and Commissioners thanked Ms. Whitfield for her years of service and her consistent engagement with the Highland Beach community. The Mayor noted that many families in the community have directly benefited from the public school system and expressed hope that funding for critical programs would be sustained.

6. PUBLIC COMMENTS (Public Comments will be limited to five (5) minutes per speaker.)

The following individuals provided public comments:

Mr. Dana Hurst

Mr. Timothy Ruotolo

7. ORDINANCES (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. Ordinance No. 2026-003 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, consolidating and updating the Town's regulations for the protection of the ocean ridge; amending Article V, "Seawalls; Bulkheads; Retaining Walls," of Chapter 6, "Buildings and Structures," of the Town Code of Ordinances by amending Section 6-127, "Construction," to remove conflicting regulations; amending Article V, "Natural Resources," of Chapter 30, "Zoning Code," of the Town Code of Ordinances by amending Section 30-83, "Bulkheads, Seawalls, and Groins," to clarify and update the regulations applicable to all construction activities east of State Road A1A; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 11, 2026.)

Mayor Moore read the title of Ordinance No. 2026-003 followed by Town Manager Labadie presentation.

Town Manager Labadie provided a detailed overview of the ordinance's history and the concerns that had emerged since the first reading on August 11, 2026. The ordinance originated approximately six months prior, when staff identified archaic language in the Town's seawall ordinance that effectively prohibited all construction east of the Coastal Construction Control Line (CCCL) — a prohibition that, for much of the Town, meant no new construction east of State Road A1A. To correct this, staff worked with the Planning Board to revise the relevant provisions of Chapter 6 and the Zoning Code to remove the prohibition and instead defer to Department of Environmental Protection (DEP) permitting, consistent with state law, subject to Planning Board review.

At first reading, the Commission reinserted a "lowest living floor" provision that the Planning Board had deliberately recommended removing. This reinsertion subsequently generated community concern, as residents and professionals began linking the lowest living floor language to a broader, unresolved policy discussion about the construction of breakaway walls and garage-level spaces within the dune complex—a separate and more complex issue that the Commission had not yet formally addressed. The result was widespread emails and communications from residents requesting postponement of the entire ordinance.

Discussion ensued regarding this matter. The Town Commission noted that the lowest living floor requirement is already embedded in existing regulations through the Florida Building Code and the Town's floodplain ordinance, and that the original intent of including it was to provide clarity to applicants so they would not encounter the requirement unexpectedly during the permitting process. Town Commission further emphasized that the ordinance as a whole was principally a corrective measure to align the Town's code with prevailing state and federal law and expressed that the practical buildability of oceanfront lots depends on resolving the CCCL prohibition without delay.

Town Attorney Rubin provided comments regarding this matter. He confirmed that making any provision more restrictive would not be permissible under Senate Bill 180 until its sunset.

Mayor Moore opened public comments, and the following individuals provided comments:

Mr. Timothy Ruotolo

Mr. Randall Stauff of Stauff Architectural Group, Delray Beach

Mr. George Hegidges of Structural Systems, Inc., Deerfield Beach

Ms. Jennifer Chapkin, an attorney

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

Following public comments and Town Commission discussion, the consensus was to continue the second reading to the October 20, 2026 regular meeting, with the version presented at that time to reflect the Planning Board's original recommendation—removing the expanded lowest living floor language and restoring the simpler reference to the Florida Building Code and Town floodplain regulations. Town Commission directed Town Manager Labadie to issue comprehensive communication to all oceanfront property owners prior to the October 20 meeting, explaining the purpose and scope of the ordinance. Mayor Moore also requested that Town Attorney Rubin prepare a written legal opinion confirming that the ordinance, as revised, solely corrects the CCCL buildability issue and does not impose any new restrictions on property development. The discussion of breakaway walls, dune construction practices, and related policy questions was acknowledged as a legitimate future topic to be addressed through a separate, deliberate process.

MOTION: Goldberg/Stern - A motion was made and seconded to continue the Second Reading/Public Hearing to the October 20, 2026 Town Commission meeting with the inclusion of the Planning Board recommendations. Upon Roll Call: Commissioner Goldberg (Yes); Mayor Moore (Yes); Commissioner Chudnofsky (Yes); and Vice Mayor Stern (Yes). The motion passed on a 4 to 0 vote.

8. **CONSENT AGENDA (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.**

A. Approval of Meeting Minutes

August 11, 2026 Town Commission Meeting Minutes

B. Resolution No. 2026-012

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 Board of Adjustment and Appeals; and providing for an effective date.

Todd Weiss (Reappointment)

MOTION: Goldberg/Stern - A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously, 4-0.

9. UNFINISHED BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Continued discussion of a Proposed Ordinance regarding regulation of e-bikes within the Town, specifically along the State Road A1A shared use path.

Town Manager Labadie reported following directions from the Town Commission at prior meetings, and staff contacted the Florida Department of Transportation (FDOT). FDOT confirmed it has no objection to the Town developing, implementing, and enforcing a motorized vehicle use ordinance on the shared use pathway, provided that sign permits are obtained for any posted signage. This cleared the primary regulatory hurdle the Commission had been monitoring.

The Town Commission discussed the goals of the proposed ordinance. They emphasized that the primary motivation is public safety, particularly for the Town's older population of pedestrians, dog walkers, and families using the shared path during season. The core policy direction that emerged from the discussion was a prohibition on all motorized vehicles—including e-bikes and scooters—on the Town's sidewalks and shared use pathway, with explicit exceptions for motorized wheelchairs and other mobility devices.

Town Attorney Rubin noted that the Town cannot meaningfully restrict conventional bicycles from the shared path under state statute, as bicycles are generally permitted wherever pedestrians may travel. However, the Town has clear authority to prohibit motorized vehicles. The County's recently adopted e-bike ordinance, which includes speed restrictions and a minimum age of 15 for e-bike operation, was referenced as one model. The Town Commission conveyed a preference for a simpler, more enforceable approach focused on the motorized versus non-motorized distinction rather than speed thresholds.

Police Chief Hartman was present and addressed the Town Commission regarding enforcement. He noted that the most acute e-bike-related concerns among other Palm Beach County communities tend to occur near schools and parks and confirmed that the Town's police department would work with whatever framework the Town Commission establishes, utilizing code enforcement citation procedures under the Town's existing fine schedule. Enforcement would be conducted primarily by officers on patrol, supported by signage.

The Town Commission directed staff to prepare a draft ordinance for a first reading in November 2026, allowing time for advance community communications through the Town's email blast system, the manager's monthly newsletter, the Coastal Star, and direct outreach to condominium managers and neighboring municipalities (Delray Beach and Boca Raton) and the Boca/Delray/Highland Beach regional cooperative (BCA). Implementation following any adopted ordinance would include a period of approximately 45 days to allow for sign installation and public education. Mayor Moore recognized Vice Mayor Stern for his sustained advocacy on this public safety issue.

10. NEW BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Consider a request to reschedule October 6, 2026 Town Commission Meeting to October 20, 2026 at 1:30 P.M.

MOTION: Goldberg/Moore - A motion was made and seconded to reschedule the October 6 meeting to October 20, 2026. The motion passed unanimously, 4 - 0.

Commissioner Goldberg also requested that the December 1, 2026 regular meeting be considered for rescheduling to December 8, 2026 due to a scheduling conflict. The Town Commission agreed to place this item on the agenda for the September 10, 2026 special meeting.

11. TOWN COMMISSION COMMENTS

Commissioner Jason Chudnofsky had no additional comments.

Commissioner Judith M. Goldberg reported that the Palm Beach County League of Cities, a nonpartisan organization representing all 39 Palm Beach County municipalities, has issued a public statement opposing Amendment 3, the proposed state constitutional property tax change. The League's position is that the amendment fails to provide a dedicated state funding source to replace lost local revenue, limits local governments' financial flexibility, and effectively shifts the financial burden to renters, businesses, and alternative tax sources, potentially compromising resident services, public safety, and infrastructure.

Vice Mayor David Stern had no additional comments.

Mayor Natasha Moore had no additional comments.

12. TOWN ATTORNEY'S REPORT

Town Attorney Rubin had no comments.

13. TOWN MANAGER'S REPORT

Town Manager Labadie had no additional report but requested that the Town Commission remain for a closed session following adjournment.

14. ANNOUNCEMENTS

Mayor Moore read the announcement as follows:

Board Vacancies

Code Enforcement Board

One (1) vacancy for a three-year term

Financial Advisory Board

One (1) vacancy for a three-year term

Natural Resources Preservation Advisory Board One (1) Vacancy for an unexpired term ending April 2027

Planning Board

One (1) vacancy for a three year term

Meetings and Events

September 07, 2026 Town Hall Closed in observance of Labor Day

September 08, 2026 1:00 P.M. Special Magistrate Hearing

September 10, 2026 5:01 P.M. Town Commission Special/First Public Hearing Budget Meeting

September 24, 2026 5:01 P.M. Town Commission Special/First Public Hearing Budget Meeting

Board Action Report

None.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:27 P.M.

APPROVED: October 20, 2026, Town Commission Meeting

Signed Minutes on file in the
Town Clerk's Office

ATTEST:

Natasha Moore, Mayor

Lanelda Gaskins, MMC
Town Clerk

10/20/2026

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 audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.