



# TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

**Tuesday, June 18, 2024 AT 1:30 PM**

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

## **Town Commission**

**Natasha Moore  
David Stern  
Evalyn David  
Donald Peters  
Judith M. Goldberg**

**Mayor  
Vice Mayor  
Commissioner  
Commissioner  
Commissioner**

**Marshall Labadie  
Lanelda Gaskins  
Leonard G. Rubin**

**Town Manager  
Town Clerk  
Town Attorney**

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- 1. CALL TO ORDER**
  - 2. ROLL CALL**
  - 3. PLEDGE OF ALLEGIANCE**
  - 4. APPROVAL OF THE AGENDA**
  - 5. PRESENTATIONS / PROCLAMATIONS**

**A.** Resolution No. 2024-015

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 Natural Resources Preservation Advisory Board; and providing for an effective date.

**B.** Proposed Operating Budget Presentation for Fiscal Year 2024-2025

- 6. PUBLIC COMMENTS**

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

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

A. None.

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

May 21, 2024 Town Commission Meeting Minutes

June 04, 2024 Town Commission Meeting Minutes

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

None.

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

[A.](#) Consideration of a Professional Services Agreement with Wagner Legal Services, PLLC for Special Magistrate Services.

11. **TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Commissioner Evalyn David

Vice Mayor David Stern

Mayor Natasha Moore

12. **TOWN ATTORNEY'S REPORT**

13. **TOWN MANAGER'S REPORT**

14. **ANNOUNCEMENTS**

**Board Vacancies**

Board of Adjustment and Appeals Board

One (1) vacancy for a three-year term

Natural Resources Preservation Advisory Board      One (1) vacancy for a three-year term

### **Meetings and Events**

June 19, 2024                      Town Hall Closed in Observance of Juneteenth

July 9, 2024    9:30 A.M.    Board of Adjustment and Appeals Regular Meeting

July 4, 2024                      Town Hall closed in observance of Independence Day

July 27, 2024    10:00 A.M.    Financial Advisory Board Regular Meeting

### **Board Action Report**

None.

- [1.](#) Certification of Inadequate Attendance and Automatic Removal of Member Michael Cherbini from the Code Enforcement Board effective May 14, 2024 **(Informational Only)**

## **15. ADJOURNMENT**

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NOTE: Any person, firm or corporation decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is to be based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such a record.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall 561-278-4548 within a reasonable time prior to this meeting in order to request such assistance.

**File Attachments for Item:**

A. Resolution No. 2024-015

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 Natural Resources Preservation Advisory Board; and providing for an effective date.



# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Commission Meeting  
**MEETING DATE** June 18, 2024  
**SUBMITTED BY:** Jaclyn DeHart, Deputy Town Clerk  
**THROUGH** Lanelda Gaskins, Town Clerk  
**SUBJECT:** Resolution No. 2024-015

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 Natural Resources Preservation Advisory Board; and providing for an effective date.

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### SUMMARY:

Consideration of Resolution No. 2024-015 ratifying the selection, appointments, and term of office of a member of the Natural Resources Preservation Advisory Board (NRPAB); and providing for an effective date.

On April 30, 2024 one (1) Board Members term ended which created one (1) vacancy for an three year term ending April 30, 2027.

The Town Clerk's Office received one (1) board application for Town Commission consideration. The applicant's name are as follows:

Karen Jones (Coco-De-Mer)

As set forth in Sec. 2-99, in the Town's code, terms for all boards shall be three (3) years and no board member may serve more than two (2) consecutive terms on the same board without first taking a one-year hiatus from the board. Appointments for partial terms shall not count toward the two-term limit. Additionally, in accordance with Resolution 19-029, the Human Resources Department reported preliminary background checks on all applicants to the Town Clerk's Office. The background check results disclosed there were no objectionable findings. There were 4 previous code cases with the most recent being in 2024.

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### FISCAL IMPACT:

N/A

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### ATTACHMENTS:

Karen Jones application and vetting form.  
Resolution No. 2024-015

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### RECOMMENDATION:

With the Commission's consideration, Staff recommends the adoption of Resolution No. 2024-015 for one applicant to serve a term as outlined in the resolution.



# MEMORANDUM

TO: Lanelda Gaskins, MMC, Town Clerk

FROM: Josh Davison

DATE: Vice Chairperson

SUBJECT: Initial Vetting of Applicant: Karen Jones

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On 5/1/24 (date), I met with Karen Jones (applicant's name) to discuss his/her community involvement, education, professional experiences and the positive impact he/she could bring to this Board for the betterment of the Highland Beach community.

Detail Explanation:

After our quarterly board meeting, I met with Karen at the Town Hall to learn about her desire to join the board and background. I believe she would be an integral long-term member of our board and help to extend our educational reach to our community.

Based upon my review of the Resume', the Board Application and the Interview today, my recommendation is as follows:



For the Appointment of this Applicant



Against the Appointment of this Applicant

Joshua Davison  
Signature of Board Chairperson



RECEIVED

APR 12 2024

Town of Highland Beach, FL  
Town Clerk's Office

Town of Highland Beach  
Town Clerk's Office  
3614 S. Ocean Boulevard  
Highland Beach, Florida 33487  
Phone: (561) 278-4548 Fax: (561) 265-3582

**BOARDS AND COMMITTEES APPLICATION**

This information is for consideration of appointment to a Town Board. Please complete and return this form to the Town Clerk, along with your *resume and proof of residency such as a government issued identification or voter registration card.*

**PLEASE NOTE:** Florida Public Records Law is very broad. Documents relevant to town business is public records and is subject to public disclosure upon request. Your information provided within this application may therefore be subject to public disclosure.

NAME: Karen J. Jones PHONE: 954-328-0677  
HOME ADDRESS: 4307 - S OCEAN Blvd APT. NO. 102  
SUBDIVISION: CoCo de Mer EMAIL ADDRESS: kjj310@aol.com

**PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 7, WITH 1 BEING YOUR FIRST CHOICE AND 7 THE LEAST CHOICE.** (A description of the responsibilities of each Board is on the back of this application.)

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Adjustment & Appeals | <input type="checkbox"/> Code Enforcement Board                          |
| <input type="checkbox"/> Financial Advisory Board      | <input checked="" type="checkbox"/> Natural Resources Preservation Board |
| <input type="checkbox"/> Planning Board                | <input type="checkbox"/> Town Commission *** <b>(If vacancy)</b>         |
|  | <input type="checkbox"/> Other Board /Committee                          |

**PLEASE MARK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS:**

Are you a resident of Highland Beach?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Are you a registered voter in Highland Beach/Palm Beach County, FL?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Are you currently serving on a Town Board?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Have you ever served on a Town Board/Committee?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

If Yes, please indicate the Board(s)/Committee(s) and dates of service:

Are you willing to attend monthly board meetings? In (Person / Teleconference) Yes ☒ No ☐

Per Town Code of Ordinance, I understand any member absence from three (3) consecutive meetings will be considered as resignation from the board/committee. Yes ☒ No ☐

REV. 10-2022 CLERK-LG

Please list any special talent, qualification, education, or professional experience that would contribute to your service on the Board/Committee you have selected?

Dune & Beach maintenance as a homeowner  
for 27 yrs.

Please summarize your volunteer experience(s):


"Achievement Center Foundation" Charity Fashion Shows w/ Boston Proper  
"Delray Bch"  
"Breathe a little Bit" charity for children w/  
respiratory illness. Organized events

Florida Law requires appointed members on the Planning and Board of Adjustment and Appeals Boards to file a Form 1 - Statement of Financial Interests Disclosure form on an annual basis.

Vetting by the Board Chairperson. The Chairperson of each Board shall interview the applicant and submit a memorandum of recommendation to the Town Clerk's Office 14 days prior to the Town Commission Workshop Meeting for final appointment.

Palm Beach County Commission on Ethics requires appointed members to take the Code of Ethics Training every two (2) years.

I hereby certify that the statements and answers provided are true and accurate to the best of my knowledge.

  
Signature of Applicant

4/9/24  
Date

☐ Resume Attached



## **RESOLUTION NO. 2024-015**

### **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 NATURAL RESOURCES PRESERVATION ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2, Article V, Division 3, Sec. 2-135 of the Town's Code of Ordinances establishes the Natural Resources Preservation Advisory Board and governs the membership, qualification, function, and rules of the Natural Resources Preservation Advisory Board; and

**WHEREAS**, these provisions of the Code establish the selection, appointment, and terms of office of members of the Natural Resources Preservation Advisory Board; and

**WHEREAS**, on April 30, 2024, one (1) member's term ended, thereby opening one (1) vacancy on the Board; and

**WHEREAS**, the Town Clerk's Office received one (1) application for consideration; and

**WHEREAS**, pursuant to Sec. 2-99(1)(a) of the Town's Code of Ordinances, the chairperson of each board shall interview applicants for the board and provide a recommendation to the Town Commission; and

**WHEREAS**, the Vice Chairperson of the Natural Resources Preservation Advisory Board interviewed the applicant and recommends that the Town Commission appoint one applicant to the Board; and

**WHEREAS**, Town residents interested in serving on or continuing to serve on the Natural Resources Preservation Advisory Board have submitted board applications for the Town Commission's consideration.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Commission.

**Section 2.** Consistent with the Town's Code of Ordinances, one (1) member has been selected by the Town Commission to serve on the Natural Resources Preservation Advisory Board for a three year term ending April 30, 2027, as follows:

**Board Member**      Karen Jones

**Section 3.** This Resolution shall become effective upon adoption.

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida, this **18th** day of **June** 2024.

**ATTEST:**

\_\_\_\_\_  
Natasha Moore, Mayor

**REVIEWED FOR LEGAL  
SUFFICIENCY**

\_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

\_\_\_\_\_  
Leonard Rubin, Town Attorney  
Town of Highland Beach

**VOTES:**

**YES   NO**

Mayor Moore

Vice Mayor David Stern

Commissioner Evalyn David

Commissioner Don Peters

Commissioner Judith Goldberg

**File Attachments for Item:**

A. Approval of Meeting Minutes

May 21, 2024 Town Commission Meeting Minutes

June 04, 2024 Town Commission Meeting Minutes



## TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: May 21, 2024  
Time: 1:30 PM

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### **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 Leonard Rubin

ABSENT:

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 accept the agenda as presented, which passed unanimously 5 to 0.

### **5. PRESENTATIONS / PROCLAMATIONS**

#### **A. Resolution No. 2024-013**

**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 Financial Advisory Board; and providing for an effective date.**

Mayor Moore read the title of Resolution No. 2024-013.

Applicant Margarita Chappelear was present and interviewed by the Town Commission.

**MOTION:** David/Stern - Moved to approve Resolution No. 2024-013. Upon roll call: Commissioner David (Yes); Vice Mayor David Stern (Yes); Commissioner Judith Goldberg (Yes); Commissioner Donald Peters (Yes); and Mayor Natasha Moore (Yes).

**B. Recognizing and Commending Town Manager Marshall Labadie**

Chief of Police Craig Hartmann introduced this item.

Mayor Moore read a proclamation recognizing and commending Town Manager Labadie for his leadership involving the implementation of the Highland Beach Fire-Rescue Department and presented him with the proclamation.

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

The following individuals provided public comments:

Ms. Nikki Isaacson of Boynton Beach, Florida.

Ms. Candace Rojas of Boynton Beach, Florida.

Ms. Maggie Chappelear of 1016 Bel Lido Drive, Highland Beach.

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

A. None.

**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**

**March 26, 2024 Town Commission Special Meeting Minutes**

**B. Approve and authorize the renewal of the permit Class V Injection Well System.**

**C. Approve and authorize the Mayor to execute contracts with the top five (5) ranked firms for Request for Qualification (RFQ) NO. 24-001 for Continuing Professional Engineering, Architectural, Surveying and Mapping Consulting Services (CCNA).**

**Baxter & Woodman, Inc.**  
**Hazen and Sawyer**  
**Colliers Engineering & Design**  
**Craig A. Smith & Associates**  
**Caulfield & Wheeler Inc.**

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

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

**A. Final Fire Rescue Implementation Update**

Fire Chief Glenn Joseph presented the final Fire Rescue Implementation updates on the operations of the Highland Beach Fire Rescue Department.

Mayor Moore opened the item for public comments.

Mr. Richard Greenwald provided comments.

Hearing no further comments, Mayor Moore closed the public comments.

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

**C. Resolution No. 2024-008**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, dedicating the Highland Beach Fire Rescue Department, Station No. 120 in honor of Former Mayor Douglas Hillman; and providing for an effective date.**

Mayor Moore read the title of Resolution No. 2024-008 followed by a motion.

**MOTION:** David/Stern - Moved to approve Resolution No. 2024-008. Upon Roll call: Commissioner David (Yes), Commission Goldberg (Yes), Commissioner Peter (Yes), Vice Mayor Stern (Yes), and Mayor Moore (Yes). The motion passed unanimously on a 5 to 0 vote.

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

**A. Approve and authorize Town Staff to proceed with a purchase order for the rehabilitation and media replacement for two (2) scrubbers and one (1) degasifier at Water Treatment Plant in accordance with the Town Standard Procurement.**

Mayor Moore read the title of this item.

Water Treatment Plan Superintendent Dave Richards presented this item.

**MOTION:** David/Goldberg - Moved to approve the purchase order for the rehabilitation and media replacement for two (2) scrubbers and one (1) degasifier for the Water Treatment Plant.

#### **11. TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg spoke about Highland Beach being a beautiful and a safe place to live.

Commissioner Donald Peters spoke about the fire rescue department and personnel as well as Highland Beach being a safe community.

Commissioner Evalyn David also spoke about Highland Beach being a safety and beautiful community.

Vice Mayor David Stern expressed concerns regarding batteries, trickle chargers and bicycles, and want to make sure the town has uniform guidelines related to this matter. Fire Chief Joseph explained the National Fire Protection Association (NFPA), the standard body in the fire protection industry is coming up with some new guidelines. Additionally, Chief Joseph explained why electric vehicles explained that the e (1.07)

Mayor Natasha Moore had no comments.

#### **12. TOWN ATTORNEY'S REPORT**

The Town Attorney Rubin provided an update on the bills passed during the 2024 legislative session that could impact the Town.

#### **13. TOWN MANAGER'S REPORT**

Town Manager Labadie talked about FDOT. He will contact State Representative Gossett-Seidman about FDOT and hopes to get more details. Town staff will plan for the Town's 75<sup>th</sup> anniversary. Lastly, he thanked the Town Commission for the proclamation.

#### **14. ANNOUNCEMENTS**

##### **Board Vacancies**

##### **Meetings and Events**

May 27, 2024            Town Hall Closed in Observance of Memorial Day

June 04, 2024    1:30 P.M.    Town Commission Meeting

June 11, 2024    1:00 P.M.    Code Enforcement Board Regular Meeting

June 14, 2024 9:30 A.M. Planning Board Regular Meeting

**Board Action Report**

None.

**15. ADJOURNMENT**

**APPROVED:** June 18, 2024, Town Commission Meeting.

Signed Minutes on file in the  
Town Clerk's Office.

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ATTEST:

Natasha Moore, Mayor

Transcribed by  
Lanelda Gaskins

06/18/2024

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Lanelda Gaskins, MMC  
Town Clerk

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/>.



## TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: June 04, 2024  
Time: 1:30 PM

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### **1. CALL TO ORDER**

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

### **2. ROLL CALL**

Commissioner Donald Peters  
Commissioner Evalyn David  
Vice Mayor David Stern  
Mayor Natasha Moore  
Town Manager Marshall Labadie  
Deputy Town Clerk Jaclyn DeHart

### **ABSENT**

Commissioner Judith Goldberg

### **3. PLEDGE OF ALLEGIANCE**

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

### **4. APPROVAL OF THE AGENDA**

Mayor Moore made the proposed changes to Section 5:

Moved Item 5.E., Resolution No. 2024-014 as the first item followed by Item 5.B., Palm Beach County Commission on Ethics Presentation by Rhonda Giger, General Counsel as the second item.

**MOTION:** David/ Stern - Moved to approve the agenda as amended unanimously 4 to 0.

**5. PRESENTATIONS / PROCLAMATIONS**

**A. Resolution No. 2024-014 (Formally Item 5.E.)**

**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 Adjustments and Appeals; and providing for an effective date.**

Mayor Moore read the title of Resolution No. 2024-014.

Applicant Jeffrey Gordon was present and interviewed by the Town Commission. Mr. Gordon provided background information about his professional experiences.

**MOTION:** David/Stern - Moved to accept Resolution No. 2024-014 appointing Jeffrey Gordon to the Board of Adjustments and Appeals (as outlined in the resolution). The motion passed unanimously on a 4 to 0 vote.

**B. Palm Beach County Commission on Ethics Presentation by Rhonda Giger, General Counsel**

Ms. Rhonda Giger, General Counsel with the Palm Beach County Commission on Ethics, provided a brief presentation on ethics and mentioned that they like to be proactive not reactive.

**C. Red Cross Services Presentation by Johan Reyes, Representative (Formally item 5.B.)**

Ms. Johan Reyes, Disaster Program Manager with the Red Cross for Palm Beach and Treasure Coast Red Cross, introduced herself and spoke about the services that the Red Cross provides to the community.

**D. Hurricane Preparedness by Fire Chief Glenn Joseph (Formally item 5.C.)**

Glenn Joseph, Fire Chief, gave a presentation on hurricane preparedness and mentioned that the 2024 Town of Highland Beach Hurricane Preparation Manual is published and available.

**E. Preferred TIPS Check Presentation by Christopher Kittleson, Director with Public Risk Underwriters of Florida, Inc. (Formally item 5.D.)**

Christopher Kittleson, Director of Loss Control Technical Services, presented Fire Chief Glenn Joseph with a TIPS grant check for \$ 5,000. He explained that the TIPS program provides reimbursement for Safety or Risk Management initiatives.

**6. PUBLIC COMMENTS ON NON-AGENDA ITEMS** (Public Comments will be limited to five (5) minutes per speaker.)

Mayor Moore opened Public Comments.

Mr. Fred Rosen provided comments.

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

A. None.

**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**

April 02, 2024 Town Commission Meeting Minutes

April 16, 2024 Town Commission Meeting Minutes

**MOTION:** David/Stern - Moved to accept the Consent Agenda as presented, which passed unanimously 4 to 0.

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

**A. Building Department Recertification Program Update**

Building Official Jeff Remas provided updates regarding the Building Recertification Program as follows: Five buildings are in full compliance and have received their framed certificates, twelve building are in review, twenty-two buildings have submitted documents but are incomplete, four buildings missed the deadline, and they will move to code compliance. Of those four buildings, one has not submitted any paperwork. Seven buildings have paperwork not due till the end of the year.

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

A. None.

**11. TOWN COMMISSION COMMENTS**

Commissioner Donald Peters wished everyone a happy summer and thanked residents for coming to the county meeting.

Commissioner Evalyn David wished everyone a good summer and to stay safe.

Vice Mayor David Stern wished everyone a good summer and to stay safe.

Mayor Natasha Moore had no comments.

**12. TOWN ATTORNEY'S REPORT**

Town Attorney Len Rubin was not present.

**13. TOWN MANAGER'S REPORT**

Town Manager Labadie talked about the Annual Comprehensive Financial Report that was completed two months early. The budget for next year is being worked on and there will be a preliminary presentation at the next meeting. Capital projects are being updated and the Town is still waiting to hear about two State appropriation requests. There will be forthcoming information about a special magistrate for Code Enforcement.

David Delina, Finance Director, spoke briefly about the upcoming budget presentation and the replacement of water meters.

**14. ANNOUNCEMENTS**

**Board Vacancies**

Board of Adjustment and Appeals Board	One (1) vacancy for an unexpired term ending September 21, 2024
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Natural Resources Preservation Advisory Board	One (1) vacancy for a three-year term
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**Meetings and Events**

June 11, 2024	1:00 P.M.	Code Enforcement Board Regular Meeting
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June 14, 2024	9:30 A.M.	Planning Board Regular Meeting
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June 18, 2024	1:30 PM	Town Commission Meeting
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**Board Action Report**

None.

**15. ADJOURNMENT**

The meeting was adjourned at 2:18 P.M.

**APPROVED:** June 18, 2024 Town Commission Meeting.

Signed Minutes on file in the Town  
Clerk's Office.

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ATTEST:

Natasha Moore, Mayor

Transcribed by  
Jaclyn DeHart

06/18/2024

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Jaclyn DeHart  
Deputy Town Clerk

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/>.

**File Attachments for Item:**

A. Consideration of a Professional Services Agreement with Wagner Legal Services, PLLC for Special Magistrate Services.



# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** June 18, 2024

**SUBMITTED BY:** Town Manager's Office

**SUBJECT:** Consideration of Professional Services Agreement with Wagner Legal Services, PLLC for Special Magistrate Services.

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### SUMMARY:

The Town is in need of a Special Magistrate to handle, and/or supplement Code Enforcement duties, as discussed in the June 4, 2024, Commission Meeting. This need arises due to two main reasons:

1. **Insufficient Code Enforcement Board Members:** There will be a period when the Town will lack enough Code Enforcement Board members.
2. **Technical and High-Risk Cases:** Some future cases are expected to be highly technical and pose significant risk exposure, potentially exceeding the expertise of the current code enforcement members.

To address these issues, it is recommended that the Town Commission approve a Professional Services Agreement with Wagner Legal Services, PLLC. This will ensure the continued operation and effectiveness of the code enforcement functions.

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### FISCAL IMPACT:

N/A

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### ATTACHMENTS:

Professional Services Agreement with Wagner Legal Services, PLLC (Kevin Wagner) for Special Magistrate Services

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### RECOMMENDATION:

Approval of Professional Service Agreement with Wagner Legal Services, PLLC.



**AGREEMENT**  
**(Special Magistrate Services)**

**THIS AGREEMENT** ("Agreement") is entered into by and between the **Town of Highland Beach**, a Florida municipal corporation ("City") and **Wagner Legal Services, PLLC (Kevin M. Wagner)**, an attorney licensed and practicing in the State of Florida, effective this \_\_\_\_ day of \_\_\_\_\_, 2024.

**RECITALS**

**WHEREAS**, the Town wishes to retain the services of Kevin M. Wagner to serve as the Town's Code Enforcement Special Magistrate, and he is willing, qualified, and able to provide such professional services.

**NOW, THEREFORE**, in consideration of the premises and mutual covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, the Town and Special Magistrate agree as follows:

**SECTION 1: SPECIAL MAGISTRATE'S SERVICES.** Kevin Wagner ("Special Magistrate") shall serve as a special magistrate for code enforcement hearings and other related hearings as requested by the Town. The Town will notify Special Magistrate of such hearings and the dates upon which the Town seeks Special Magistrate to serve. This is not an exclusive contract. The parties agree that Special Magistrate shall serve in an ex officio capacity if Special Magistrate serves other local governments as a special magistrate, and that such service to other local governments does not create duties inconsistent with serving as the special magistrate to the Town.

**SECTION 2: COMPENSATION.**

- a. Payments. The Town agrees to compensate Special Magistrate for services provided in the amount of One Hundred Ninety Dollars (\$190.00) per hour. The Special Magistrate shall not charge for travel time to and from the hearings.
- b. Invoices. Special Magistrate shall render monthly invoices to the Town for services that have been rendered in conformity with this Agreement in the previous month (to the nearest one-tenth (1/10) of an hour). Invoices will normally be paid within thirty (30) days following the Town's receipt of the Special Magistrate's invoice, in accordance with the Local Government Prompt Payment Act. Invoices shall be submitted to the address established below for the Town.

**SECTION 3: TERM AND TERMINATION.**

- a. Term. The term of this Agreement is for three (3) years with two (2) one (1) year extensions. The extensions may be exercised by the Town Manager on behalf of the Town.
- b. Termination with or without cause. Either party may terminate this Agreement at any time with or without cause by giving not less than thirty (30) days prior written notice of termination. Termination of this Agreement shall not affect any rights, obligations, and liabilities of the parties arising out of transactions which occurred prior to termination. Town shall pay Special Magistrate for all services satisfactorily provided up to the date of termination.

**SECTION 4: GENERAL PROVISIONS.**

4.1 Independent Contractor. The relationship between the Town and Special Magistrate is that of independent contractors, and neither shall be considered a joint venturer, partner, employee, agent, representative or other relationship of the other for any purpose expressly or by implication. The Special Magistrate shall be responsible for the payment of all payroll taxes, including, but not limited to, federal income tax, FICA, and federal and state unemployment taxes.

4.2 Compliance. The proceedings and duties of the Special Magistrate hereunder are pursuant to and shall be in accordance with Florida Statutes, including, but not limited to, Chapter 162, Florida Statutes, applicable case law, and the Town's Charter and Code of Ordinances. Each of the parties agrees to perform its responsibilities under this Agreement in conformance with all laws, regulations and administrative instructions that relate to the parties' performance of this Agreement.

4.3 Law, Venue, Remedies, Waiver of Jury Trial, Sovereign Immunity. This Agreement shall be governed by the laws of the State of Florida. All legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof. TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THIS AGREEMENT. Nothing contained in this Agreement shall be construed or interpreted as consent by the Town to be sued, nor as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as amended from time to time. The provisions and limitations of Section 768.28 are deemed to apply to this Agreement to claims or actions arising in tort and/or contract.

4.4 Authority to Practice. Special Magistrate hereby represents and warrants that he has and will continue to maintain all licenses and approvals required to conduct his business and provide the services required under this Agreement, and that he will always conduct his business and provide the services under this Agreement in a reputable manner.

4.5 Severability, Waiver, Preparation; Assignment. If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, to remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law. Failure of a party to enforce or exercise any of its right(s) under this Agreement shall not be deemed a waiver of that parties' right to enforce or exercise said right(s) at any time thereafter. This Agreement shall not be construed more strongly against either party regardless of who was more responsible for its preparation. This Agreement may not be assigned without prior written consent of all parties to this Agreement.

4.6 Public Entity Crimes. Special Magistrate acknowledges and agrees that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier or sub-contractor under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list. The Special Magistrate will advise the Town immediately if he becomes aware of any violation of this statute.

4.7 Notices. All notices required in this Agreement shall be sent by certified mail, return receipt requested, or by nationally recognized overnight courier, and if sent to the Town shall be sent to:

Town of Highland Beach  
Attn: Town Manager  
3614 S. Ocean Boulevard  
Highland Beach, Florida 33487

and if sent to the Special Magistrate, shall be sent to:

Kevin M. Wagner, Esq.  
8129 Bautista Way  
Palm Beach Gardens, FL 33418  
[kyven@netscape.net](mailto:kyven@netscape.net)

The foregoing names and addresses may be changed if such change is provided in writing to the other party.

4.8 Public Records. Special Magistrate shall comply with Florida's Public Records Act, Chapter 119, Florida Statutes (§119.0701), and, if determined to be acting on behalf of the Town as provided under section 119.011(2), Florida Statutes, specifically agrees to:

- a. Keep and maintain public records required by the Town to perform the service.
- b. Upon request from the Town's custodian of public records or designee, provide the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement and following completion of this Agreement if Special Magistrate does not transfer the records to the Town.
- d. Upon completion of this Agreement, transfer, at no cost, to the Town all public records in possession of Special Magistrate or keep and maintain public records required by the Town to perform the service. If Special Magistrate transfers all public records to the Town upon completion of the Agreement, Special Magistrate shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Special Magistrate keeps and maintains public records upon completion of the Agreement, Special Magistrate shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Town, upon request from the Town's custodian of public records or designee, in a format that is compatible with the information technology systems of the Town.

**IF SPECIAL MAGISTRATE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SPECIAL MAGISTRATE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT: ATTENTION TOWN CLERK, (561) 278-4548 OR**

4.9 Entirety of Agreement; Counterparts. The Town and Special Magistrate agree that this Agreement sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded, or otherwise altered, except by written instrument executed by the parties hereto. This Agreement may be executed in one or more counterparts (in electronic form or otherwise), each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Agreement.

4.10 Palm Beach County IG. In accordance with Palm Beach County ordinance number 2011-009, Special Magistrate acknowledges that this Agreement may be subject to investigation and/or audit by the Palm Beach County Inspector General. Special Magistrate has reviewed Palm Beach County ordinance number 2011-009 and is aware of his rights and/or obligations under such ordinance.

4.11 Scrutinized Companies. As provided in Section 287.135, Florida Statutes, as amended from time to time, by entering into this Agreement, Special Magistrate certifies that it is not participating in a boycott of Israel. The Town and Special Magistrate agree that the Town will have the right to terminate this Agreement if Special Magistrate is found to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel. The Special Magistrate is under a continuing obligation for the term of this Agreement to immediately notify the Town of any violation of this provision.

4.12 E-Verify. Pursuant to Section 448.095(5), Florida Statutes, Special Magistrate shall to the extent applicable:

- a. Register with and use the E-Verify system to verify the work authorization status of all newly hired employees and require all sub-contractors (providing services or receiving funding under this Agreement) to register with and use the E-Verify system to verify the work authorization status of all the sub-contractor's newly hired employees;
- b. Secure an affidavit from all sub-contractors (providing services or receiving funding under this Agreement) stating that the sub-contractor does not employ, contract with, or subcontract with unauthorized aliens;
- c. Maintain copies of all sub-contractor affidavits for the duration of this Agreement;\
- d. Comply fully, and ensure all of its subcontractors comply fully, with Section 448.095, Florida Statutes;
- e. Be aware that a violation of Section 448.09, Florida Statutes (Unauthorized aliens; employment prohibited) shall be grounds for termination of this Agreement; and
- f. Be aware that if the Town terminates this Agreement under Section 448.095(5)(c), Florida Statutes, Special Magistrate may not be awarded a public contract for at least one (1) year after the date on which this Agreement is terminated and will be liable for any additional costs incurred by the Town as a result of termination of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Professional Services Agreement as of the day and year set forth below by the Town.

**TOWN OF HIGHLAND BEACH**

ATTESTS:

By: \_\_\_\_\_  
Lanelda Gaskins, MMC, Town Clerk

By: \_\_\_\_\_  
Natasha Moore, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Leonard G. Rubin, Town Attorney

**SPECIAL MAGISTRATE:**

By: \_\_\_\_\_  
Kevin M. Wagner, Esq.  
Florida Bar No.: 88838

**File Attachments for Item:**

1. Certification of Inadequate Attendance and Automatic Removal of Member Michael Cherbini from the Code Enforcement Board effective May 14, 2024 **(Informational Only)**



# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission

**MEETING DATE** 06/18/2024

**SUBMITTED BY:** Lanelda Gaskins, Town Clerk's Office

**SUBJECT:** Certification of Inadequate Attendance and Automatic Removal of Member Michael Cherbini from the Code Enforcement Board effective May 14, 2024

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### SUMMARY:

On February 04, 2020, Mr. Michael Cherbini was appointed by the Town Commission to fill an unexpired term on the Code Enforcement Board. At the May 17, 2022, meeting, Town Commission approved Resolution No. 2022-010 reappointing Mr. Cheribini to the Code Enforcement Board (CEB) for a three- year term ending May 30, 2025. He has served on the CEB for approximately four years. Recently, he has had three (3) consecutive absences.

Our attendance records show that you have been absent during the three (3) consecutive regular Code Enforcement Board meetings of March 12, April 9, and May 14, 2024. According to Ordinance No. 18-004 O, Sec. 2-96, and Sec. 2-99, Inadequate Attendance, of the Town's code of ordinance, members absence at three (3) or more consecutive regular meetings of a board, a member who has inadequate attendance shall be deemed automatically removed as a member of the board on the date that the Town Clerk provides certification to the Town Commission.

Additionally, it is the responsibility of the Town Clerk's Office to notify a board member of inadequate attendance. Therefore, in May 2024, the Town Clerk spoke with Mr. Cherbini about attendance and the Town's code pertaining to automatic removal from the board. On June 14, 2024, a letter was emailed to Mr. Michael Cheribini advising him of the three consecutive documented absences from the Code Enforcement Board meetings and his automatic removal from the board, as outlined in the ordinance. This creates a vacancy on the Financial Advisory board for an unexpired term ending May 30, 2025. At the June 04, 2024, meeting, the Town Commission appointed a new member to fill the unexpired term.

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### FISCAL IMPACT:

None.

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### ATTACHMENTS:

Letter to Mr. Michael Cheribini and Code Enforcement Board 2024 Attendance Records  
Report

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**RECOMMENDATION:**

None.



# Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

Email: [mcherbini@verizon.net](mailto:mcherbini@verizon.net)

June 14, 2024

Michael Cherbini  
3740 S. Ocean Blvd. Apt. #1102  
Highland Beach, FL 33487

**Re: Inadequate Attendance**

Dear Mr. Cherbini:

Our attendance records show that you have been absent during the three (3) consecutive regular Code Enforcement Board meetings of March 12, April 9, and May 14, 2024. According to Ordinance No. 18-004 O, Sec. 2-96, and Sec. 2-99 of the Town's code of ordinance, it is the responsibility of the Town Clerk's Office to notify a board member of inadequate attendance. Therefore, based on your inadequate attendance, you are deemed automatically removed from the board, as a board member, effective May 14, 2024.

You are required to file the Statement of Financial Disclosure – Form 1 2023 with the Florida Commission on Ethics by July 1, 2024 via the On behalf of the Highland Beach Town Commission, I want to thank you for your past service to the Town, as a member of the Code Enforcement Board. Volunteer services from citizens such as yourself are very important to the Town and help to make Highland Beach one of the finest communities in South Florida.

A final statement of financial interests (Form 1F 2024) must be filed within 60 days of leaving a public position in 2024. Also, a statement of financial interests for calendar year 2023 must be filed by July 1, 2024. Both forms must be filed with the Florida Commission on Ethics (FEC) via the Electronic Financial Disclosure Management System (EFDMS). Please click the link <https://disclosure.floridaethics.gov/> to access FEC system and they can be reached at (850) 488-7864. Enclosed are instructions and a sample regarding final disclosures.

Again, we greatly appreciate the time and effort you have devoted to the betterment of the Town of Highland Beach.

Sincerely,

Lanelda Gaskins, MMC, Town Clerk  
TOWN OF HIGHLAND BEACH

cc: Jaclyn DeHart, Deputy Town Clerk  
File  
Enclosures

**CODE ENFORCEMENT ADVISORY BOARD  
2024 MEMBERS ATTENDANCE RECORDS REPORT**

<u>MEMBERS</u>	9-Jan	13-Feb	12-Mar		9-Apr	14-May	11-Jun		9-Jul	13-Aug	10-Sep		8-Oct	12-Nov	10-Dec					
Cherbini, Michael	P	P	A		A	A														
Lasorsa, Robert	P	P	P		P	P	P													
Murray, James	A	A	P																	
Perlow, Jane (VCP)	P	P	P		P	P	P													
Schlam, Myles (CP)	P	P	P		P	P	P													
Perilman, Bryan	P	P	P		P	P	A													
Kaufman, David	P	P	P	P	A	P														
<u>ATTORNEYS</u>																				
Rubin, Leonard	P	P	P																	
Lenihan, Elizabeth					P	P														
A = Absent, CP= Chairperson, E/A= Excused Absent, N/A = Not Applicable, P= Present, VP= Vice Chairperson																				