



# TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

**Tuesday, October 03, 2023 AT 1:30 PM**

**LIBRARY COMMUNITY ROOM, 3618 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  
Glen J. Torcivia**

**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. 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.

**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.

- 6. PUBLIC COMMENTS**

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

**7. ANNOUNCEMENTS**

Board Vacancies

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

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 P.M.    Code Enforcement Board Regular Meeting

October 12, 2023    9:30 A.M.    Planning Board Regular Meeting

October 17, 2023 1:30 P.M.    Town Commission Meeting

Board Action Report

None.

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

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.

**9. 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

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.

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

- A. Fire Rescue Implementation Update
- B. Florida Department of Transportation (FDOT) RRR Project Update
- C. Building Department Recertification Program Update
- D. Continued discussion on proposed referendum questions for the March 2024 election.

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 \_\_\_\_?

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)?

### 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?

### 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?

### 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)?

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

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.

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.

**12. TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Commissioner Evalyn David

Vice Mayor David Stern

Mayor Natasha Moore

**13. TOWN ATTORNEY'S REPORT****14. TOWN MANAGER'S REPORT**

1. Engagement of a Fiduciary Advisor to evaluate the Town's retirement plan options.

**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 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. 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.



## **RESOLUTION NO. 2023-028**

### **A RESOLUTION OF THE TOWN COMMISSION OF HIGHLAND BEACH, FLORIDA, RECOGNIZING AND COMMENDING FATHER D. BRIAN HORGAN FOR HIS 25TH ANNIVERSARY OF PRIESTLY ORDINATION.**

**WHEREAS**, the members of the Town of Highland Beach gather today to commemorate a significant milestone in the life and ministry of Father D. Brian Horgan;

**WHEREAS**, Father D. Brian Horgan was ordained to the Holy Priesthood on June 13, 1998, and has since dedicated his life to serving the spiritual needs of the community with unwavering devotion, faithfulness, and compassion;

**WHEREAS**, prior to becoming pastor at St. Lucy Catholic Church, Father Horgan accomplished a number of academic achievements; earning a Bachelor and Master's degree in Arts, and a Master of Divinity;

**WHEREAS**, after receiving various degrees, Father D. Brian Horgan joined the U.S. Air Force and attended Officer Candidate School becoming a commissioned officer providing support to members of all armed services;

**WHEREAS**, Father D. Brian Horgan continued his commitment to learning by earning Master's degree in Criminal Justice, a Master's degree in Social Work, a Doctorate degree in Philosophy, a Doctorate degree in Psychology and Psychology, while also rising to the rank of Major while in the Air Force;

**WHEREAS**, throughout the past twenty-five years, Father D. Brian Horgan has been a source of inspiration, guidance, and spiritual nourishment to all members of St. Lucy's Catholic Church, fostering spiritual growth, unity, and a deep sense of community;

**WHEREAS**, Father D. Brian Horgan has not only celebrated the Sacraments with great reverence but has also shown a remarkable commitment to pastoral care, providing solace, comfort, and support to those in times of need, and offering counsel and guidance to those seeking spiritual direction;

**WHEREAS**, Father D. Brian Horgan has tirelessly worked towards strengthening the bonds of love and fellowship, promoting inclusivity and understanding among the community;

**WHEREAS**, his sermons, homilies, and teachings have consistently been a source of enlightenment, fostering a deeper understanding of faith, and inspiration to live lives of purpose and virtue;

**WHEREAS**, Father D. Brian Horgan has, by his exemplary life and ministry, shown a path of faith, hope, and love, and has been a living embodiment of the values he has preached;

**WHEREAS**, Father D. Brian Horgan has been a beloved member of our community, not only as our spiritual leader but also as a friend, counselor, and confidant to many, sharing in joys and sorrows, and always being a source of strength;

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

BE IT FURTHER RESOLVED that the Town of Highland Beach does hereby extend its heartfelt congratulations and deepest gratitude to Father D. Brian Horgan on the occasion of his 25th Anniversary of Priestly Ordination;

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

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

**REVIEWED                      FOR                      LEGAL  
SUFFICIENCY**

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

\_\_\_\_\_  
Glen Torcivia, Town Attorney  
Town of Highland Beach

**VOTES:**

**YES    NO**

Mayor Natasha Moore  
Vice Mayor David Stern  
Commissioner Evalyn David  
Commissioner Don Peters  
Commissioner Judith Goldberg

**File Attachments for Item:**

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.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Commission Meeting  
**MEETING DATE** October 03, 2023  
**SUBMITTED BY:** Jaclyn DeHart, Deputy Town Clerk  
**THROUGH** Lanelda Gaskins, Town Clerk  
**SUBJECT:** 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.

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## **SUMMARY:**

Consideration of Resolution No. 2023-027 ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.

On September 01, 2020, the Town Commission appointed Ilyne Mendelson to the Planning Board to serve a three-year term and is seeking to serve a full three-year term ending October 02, 2026.

To conclude, Ms. Mendelson has met the qualifications for reappointment that a person shall be a resident of the Town domiciled within the corporate limits and has been a registered voter of Highland Beach for a year at least one year prior to reappointment. These results were corroborated by records from the Palm Beach County Property Appraiser and the Palm Beach County Supervisor of Elections Offices websites.

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## **FISCAL IMPACT:**

N/A

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## **ATTACHMENTS:**

Board Application of Ilyne Mendelson  
Resolution No. 2023-027

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## **RECOMMENDATION:**

With the Commission's consideration, Staff recommends the adoption of Resolution No. 2023-027 for the applicants to serve the following terms:

- A three-year term ending October 02, 2026



## **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.**

**WHEREAS**, Chapter 20, Article II, Sec. 20-26 of the Town's Code of Ordinances establishes the Planning Board and governs the membership, qualification, function, and rules of the Code Enforcement Board; and

**WHEREAS**, these provisions of the Code establish the selection, appointment, and terms of office of members of the Planning Board; and

**WHEREAS**, on September 01, 2020, Ilyne Mendelson was appointed by Town Commission to fill a three-year term ending August 31, 2023, and is eligible for reappointment for a three-year term; 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 chairperson of the Planning Board interviewed the applicants 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 Planning Board have submitted a board application 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 Planning Board for a full three-year term expiring October 02, 2026, as follows:

**Board Member** Ilyne Mendelson

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

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida, this **3rd** day of **October** 2023.

Natasha Moore, Mayor

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY:

Lanelda Gaskins, MMC  
Town Clerk

Glen Torcivia  
Town Attorney

**VOTES:**

**YES**

**NO**

Mayor Natasha Moore

Vice Mayor David Stern

Commissioner Evalyn David

Commissioner Donald Peters

Commissioner Judith Goldberg



**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: Ilyne Mendelson PHONE: 561-251-4465

HOME ADDRESS: 3740 S. Ocean Blvd APT. NO. 1210

SUBDIVISION: Toscana South EMAIL ADDRESS: msirm1@gmail.com

**PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 5, WITH 1 BEING YOUR FIRST CHOICE AND 5 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 type="checkbox"/> Natural Resources Preservation Board
<input checked="" type="checkbox"/> Planning Board	<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 checked="" type="checkbox"/> No <input type="checkbox"/>
Have you ever served on a Town Board/Committee?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If so, please indicate the Board(s)/Committee(s)? <u>Planning Board and Adjustment and Appeals</u>	Date of Service: _____
Are you willing to attend monthly board meetings? In Person / Telecom	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>



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

Attorney, Business Owner, Real Estate and I have been on the Planning Board for one term this time and before this for 2 terms and in between I was on the Board of Adjustment and Appeals

Please summarize your volunteer experience(s):

See above. Also Trustee of Temple Beth El of Boca Raton and also on the Board of Toscana South Condominium Association, Inc.

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.

Ilyne Mendelson

Digitally signed by Ilyne Mendelson  
Date: 2020.07.21 16:40:32 -04'00'

Signature of Applicant

07/21/2020

Date

☒ Resume Attached.



**ILYNE R. MENDELSON**

3740 S. Ocean Blvd. #1210, Highland Beach, FL 33487 | 561-251-4465 | msirm1@gmail.com

**ADMITTED TO THE BARS OF:**

<b>ILLINOIS</b>	[INACTIVE STATUS]	1979
<b>NEW YORK</b>	[ACTIVE STATUS]	1983
<b>FLORIDA</b>	[ACTIVE STATUS]	2008

**EXPERIENCE**

<b>Inland Steel Urban Development Corp</b> , Chicago, IL Assistant General Counsel	1977-1978
<b>Equity Financial and Development Company</b> [Samuel Zell], Chicago, IL Assistant General Counsel	1978-1982
<b>Arthur G. Cohen Properties Inc.</b> , New York, NY General Counsel	1982-1996
<b>The ADCO Group</b> [Alvin Dworman], New York, NY In-house Legal Counsel and Real Estate Project Development	1996-2002
<b>The Coral Realty Group LLC</b> , Boca Raton, FL Member and Legal Counsel	2004-2009
<b>Pet Supplies Plus</b> , Nassau and Suffolk Counties Franchisee, NY [11 stores] One-Third Owner and Legal Counsel and HR Responsibility	1995-2014

**LICENSES**

**Real Estate Broker**, New York  
**Real Estate Broker-Associate**, Florida  
**Mortgage Loan Originator**, Florida  
**Entera Mortgage Lenders LLC, Mortgage Lender**, [50% owner] Florida

**EDUCATION**

<b>University of Michigan, Ann Arbor, MI</b> Bachelor in General Studies	1975
<b>Northwestern University</b> Juris Doctor	1978

**SERVICE**

<b>Town of Highland Beach</b> , Florida Member Planning Board Board of Adjustment and Appeals	2010-2016 2017 to present
<b>Toscana HOA and Toscana South Condominium, Highland Beach, Florida</b> Chair, HOA Architectural Committee and Member of South Board	2010/2013-present
<b>Temple Beth El</b> , Boca Raton, FL Member of Board and Chairs of Various Committees	2010-present



Admitted to the Bars of New York, Florida and Illinois, Ms. Mendelson served as Associate General Counsel for Equity Properties and Development Company in Chicago, headed by Samuel Zell; and as General Counsel for Arthur G. Cohen Properties, Inc., in New York City; and as legal/real estate consultant to Alvin Dworman, in New York City and Santa Barbara, California.

Her experience in coordinating hundreds of commercial real estate transactions covered acquisition and disposition, sales, leasing, borrowing and lending which involved many property types—including shopping centers, office and apartment buildings, and hotels; and through partnerships corporations, LLCs and single ownership. Her diverse projects ranged from the oversight of complex HUD refinancing transactions on multi-family apartment complexes, to the legal and permitting oversight relating to the development of the 400 room Bacara Resort and Spa in Santa Barbara, California. Ms. Mendelson was involved with the negotiation, restructuring and refinancing of loans (on behalf of borrowers and lenders). In addition to her oversight of the Bacara project, Ms. Mendelson has been involved in the legal oversight of many construction, renovation and rehabilitation programs. She was involved in various aspects of the conversion of thousands of cooperative and condominium units in New York City, and upon moving to Florida in 2004, became a part owner in a venture that converted 750 units to condominium ownership in South Florida. In over 25 years as General Counsel to three major real estate developers, Ms. Mendelson has supervised major law firms in numerous jurisdictions.

Ms. Mendelson was also a one-third owner in the Nassau and Suffolk County franchisee of Pet Supplies Plus, the third largest pet specialty retailer, growing from 1 store in 1995 to 11 by 2010. Until 2010 while actively involved in the representation of others and her real estate pursuits, Ms. Mendelson dealt with the legal and real estate issues of the business. In 2010, she and the other partners became more equally active in the day to day supervision of the operating business. She assumed control of the HR department and supervision of all legal matters in the company, as well as certain back office and administrative functions which were moved to Florida. The 11 franchised stores were sold in June, 2014 to the franchisor.

**File Attachments for Item:**

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.



# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** 10/3/2023

**SUBMITTED BY:** Eric Marmer, HR and Risk Management Director

**SUBJECT:** First Read of New Purchasing Policy Ordinance

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### **SUMMARY:**

Based on a thorough assessment of the current purchasing procedures and in consideration of best practices in procurement, the proposed changes will help enhance efficiency and accountability in the purchasing process. Additionally, it will promote fair competition among suppliers.

By implementing these changes, the Town will be able to obtain competitive pricing, ensure proper vendor selection, and protect public funds. The policy will provide clear guidelines for staff and vendors, facilitating smoother procurement transactions while adhering to legal and ethical standards.

The proposed policy has been carefully reviewed and is consistent with other municipalities' procurement practices. It has also been developed in consultation with relevant stakeholders, including the Finance Department, legal counsel, and purchasing professionals.

### 7/27/23 Staff Analysis:

On July 27<sup>th</sup>, 2023, the revised Purchasing Policy was presented to the Financial Advisory Board for initial review and discussion. The Board gave their recommendation that the revised Policy be presented to the Town Commission for approval and adoption with no adjustments to be made.

### 9/19/23 Staff Analysis:

On September 19<sup>th</sup>, 2023, the revised Purchasing Policy was presented to the Town Commission for final review and discussion before submitting the ordinance to adopt it. The Town Commission unanimously approved the Policy with no adjustments to be made.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

New Ordinance to adopt Purchasing Policy

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**RECOMMENDATION:**

First read of Ordinance





**TOWN OF HIGHLAND BEACH  
ORDINANCE NO 23-\_\_**

**AN ORDINANCE 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.**

**WHEREAS**, the Town of Highland Beach, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission wishes to update Chapter 33 “Acquisition of Goods and Services” to be consistent with updates made to the Town’s Purchasing Policy and Procedures; and

**WHEREAS**, it has been determined that this ordinance serves a public purpose and is in the best interest of the public health, safety, and welfare of the Town of Highland Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2.** The Town of Highland Beach Code of Ordinances, is hereby amended at Chapter 33, “Acquisition of Goods and Services,” to read as follows:

**Chapter 33 – ACQUISITION OF GOODS AND SERVICES**

**\* \* \***

**Sec. 33-2. – Methods of acquisition.**

(a) *Sealed competitive method.* Acquisitions of or contracts for non-real property, goods or services where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty-five thousand dollars (\$25,000.00)~~ or greater than fifty thousand dollars (\$50,000.00) shall be subject to a sealed competitive method, unless the town utilizes one of the methods that

is exempt from the sealed competitive method or from obtaining quotes, as provided in subsection 33-2(c).

(1) *Competitive bids.* Sealed competitive bids are utilized where price, responsiveness, and responsibility are the sole determining factors.

(2) *Requests for proposals, requests for qualifications, requests for letters of interest.* Requests for proposals, requests for qualifications, and requests for letters of interest are utilized where price, responsiveness, and responsibility are not the sole determining factors. The town manager may appoint a selection committee to review the submissions received by the town in response to requests for proposals, requests for qualifications, and requests for letters of interest and make a recommendation to the town commission. The selection committee shall terminate upon the award of the contract, or such other time as determined by the town commission.

(3) *Submissions.* It shall be the sole responsibility of the bidder, proposer or responder to have the bid, proposal or response delivered before the specified closing date and time. Bids, proposals or responses received after the closing date and time shall not be considered and shall be returned unopened. The clock in the town clerk's office shall govern. All bids, proposals and responses submitted pursuant to a sealed competitive method shall remain sealed until they are opened publicly on the date and time and location stated in the notice to bidders, proposers or responders, or as may be amended by addendum.

(4) *Town's reservation of rights.* The town may utilize a sealed competitive method for any acquisition that the town deems appropriate regardless of the estimated cost of the acquisition. Until final award of contract, the town reserves the right to waive any informality or irregularity and to reject all bids, proposals and responses, with or without cause.

(b) *Purchasing policy.* Acquisitions equal to or less than fifty thousand dollars (\$50,000.00) ~~under twenty-five thousand dollars (\$25,000.00)~~ shall be governed by the town's purchasing policy.

(c) *Exemptions from purchasing by the sealed competitive method or by obtaining a written quote.*

(1) *Professional services.* Except as otherwise provided for in Florida law, contracts for professional services (which include but is not limited to services provided by architects, engineers, surveyors, attorneys, accountants, actuaries, lobbyists and financial advisors) may be made or entered into by the town manager without utilizing a sealed competitive method or obtaining written quotes. Acquisitions of professional services where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty five thousand dollars (\$25,000.00) or~~ greater than fifty thousand dollars (\$50,000.00) shall be subject to approval by the town commission.

(2) *Specialty goods and services.* Acquisitions of or contracts for specialty goods and services (including but not limited to performing artists, artwork, special events, entertainment, and food and beverage) may be made or entered into by the town manager without utilizing a sealed competitive method or obtaining written quotes. Acquisitions of specialty goods and services, where the expenditure by the town is estimated to be ~~twenty five thousand dollars (\$25,000) or~~ greater than fifty thousand dollars (\$50,000.00), shall be subject to approval by the town commission.

(3) *Emergency acquisitions.* The town manager may acquire or contract for non-real property, goods, or services required in contemplation of, preparation for, or during an emergency without utilizing a sealed competitive method or obtaining written quotes regardless of the amount. Emergency acquisitions of non-real property, goods or services where the expenditure by the town is estimated to be ~~twenty five thousand dollars (\$25,000.00) or~~ greater than fifty thousand dollars (\$50,000.00) shall be subject to ratification by the town commission as soon as practicable.

(4) *Sole source and town standard.*

a. *Sole source.* The town may acquire or contract for non-real property, goods or services that are available to the town from only one source without utilizing the sealed competitive method or obtaining written quotes. Sole source acquisitions where the expenditure by the town

(including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty-five thousand dollars (\$25,000.00)~~ or greater than fifty thousand dollars (\$50,000.00) shall be subject to approval by the town commission.

b. *Town standard.* Where the town has determined that a particular style, brand, make, or model is the only type that meets the town's requirements for performance, consistency, compatibility or other salient characteristics, and such determination has resulted in there being only one source available to the town, the town may acquire or contract for such goods without utilizing a sealed competitive method or obtaining written quotes. Town standard acquisitions where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty-five thousand dollars (\$25,000.00)~~ or greater than fifty thousand dollars (\$50,000.00) shall be subject to approval by the town commission.

(5) *Utilization of other governmental entities' contracts.*

a. The town may acquire or contract for non-real property, goods or services without utilizing a sealed competitive method or obtaining written quotes where the desired goods or services are the subject of a contract with the state, its political subdivisions or other local governmental entities in the state, with associations in Florida affiliated with state and/or local governmental entities or departments (such as the Florida Sheriffs' Association and the Florida Fire Chiefs' Association) or with the United States government or national cooperatives, provided that the contract is based strictly on competitive bidding and not on any preference, and provided that the form of the contract is acceptable to the town attorney. Acquisitions utilizing other governmental entities' contracts where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty-five thousand dollars (\$25,000.00)~~ or greater than

fifty thousand dollars (\$50,000.00) shall be subject to approval by the town commission.

b. Utilization of other government entities' contracts shall only be permitted during the term of the other governmental entity's contract or for one year from the date the other governmental entity awards the bid, whichever is longer.

c. If the town desires to utilize another governmental entity's contract, the town shall require the vendor to certify that the price or rate represents the lowest price or rate for the non-real property, goods or services of any contract between the vendor and any other governmental entity within the state.

(6) *Cooperative acquisitions.* The town may acquire or contract for non-real property, goods or services without utilizing a sealed competitive method or obtaining written quotes where the town participates in joint procurement of non-real property, goods or services with other public entities within the state, including, but not limited to acquisitions made pursuant to interlocal agreements entered into with other governmental entities in accordance with F.S. Ch. 163. Cooperative acquisitions where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty five thousand dollars (\$25,000.00) or greater~~ than fifty thousand dollars (\$50,000.00) shall be subject to approval by the town commission.

(7) *Utilities.* Water, sewer, gas, electrical, and other utility services may be acquired without utilizing a sealed competitive method or obtaining written quotes and without town commission approval.

(8) *Resale.* Food, beverages and merchandise purchased for resale, may be acquired without utilizing a sealed competitive method or obtaining written quotes and without town commission approval.

(9) *Employee benefits and health services.* Employee benefits and health related services may be procured/renewed directly through a negotiating process

conducted by town staff and/or an expert in the field, or to maintain continuity of employee-health records, and is not subject to competitive procurement methods.

(10) *Property, casualty, workers compensation, liability, automobile insurance.* Insurance may be procured/renewed directly through a negotiating process conducted by town staff and/or an expert in the field, or to maintain continuity of insurance records, and is not subject to competitive procurement methods.

(11) *Best interest acquisitions.* The town may acquire or contract for non-real property, goods or services without utilizing a sealed competitive method or obtaining written quotes where the town commission declares by at least a four-fifths ( $\frac{4}{5}$ ) affirmative vote that the sealed competitive method or obtaining written quotes is not in the best interest of the town. The town commission shall make specific factual findings that support its determination, and such contracts shall be placed on the regular town commission agenda. This provision may not be used when the purchasing or procurement method is prescribed by state law, such as F.S. § 287.055 or 255.20, as amended.

**Sec. 33-3. – Town commission approval.**

(a) ~~Acquisitions of twenty-five thousand dollars (\$25,000.00) or greater than fifty thousand dollars (\$50,000.00). Except as otherwise set forth in the Code, Acquisitions~~ of or contracts for non-real property, goods or services where the expenditure by the town (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be ~~twenty-five thousand dollars (\$25,000.00) or greater than fifty thousand dollars (\$50,000.00)~~ shall be subject to prior approval by the town commission; ~~except for emergency acquisitions, which are subject to subsequent ratification by the town commission pursuant to subsection 33-2(c)(3).~~

(b) ~~Multiple acquisitions from a vendor exceeding twenty-five~~ fifty thousand dollars (\$~~25~~50,000.00) in any fiscal year. Acquisitions of or contracts for non-real property, goods or services from the same vendor exceeding the aggregate sum of ~~twenty-five~~ fifty thousand dollars (\$~~25~~50,000.00), per project, shall not be permitted from the same vendor

during the course of any fiscal year, unless the acquisition is first approved by the town commission. This subsection shall not apply to utility acquisitions.

\* \* \*

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

**VOTES:**

**YES NO**

Mayor Natasha Moore  
Vice Mayor David Stern  
Commissioner Evalyn David  
Commissioner Donald Peters  
Commissioner Judith M. Goldberg

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

**VOTES:**

**YES NO**

Mayor Natasha Moore  
Vice Mayor David Stern  
Commissioner Evalyn David  
Commissioner Donald Peters

ORDINANCE No. 23-\_\_\_\_\_

Commissioner Judith M. Goldberg

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

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

**REVIEWED FOR LEGAL  
SUFFICIENCY:**

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

\_\_\_\_\_  
Glen Torcivia, Town Attorney  
Town of Highland Beach



**File Attachments for Item:**

A. Approval of Meeting Minutes

September 19, 2023 Town Commission Meeting Minutes

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



## TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: September 19, 2023  
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 Evalyn David  
Vice Mayor David Stern  
Mayor Natasha Moore  
Town Manager Marshall Labadie  
Town Attorney Glen Torcivia  
Town Clerk Lanelda Gaskins

#### **ABSENT**

Commissioner Donald Peters

### **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 4 to 0.

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

#### **A. Resolution No. 2023-026**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, recognizing and commending Leland "Butch" Harpel for thirty years of service to the Town of Highland Beach.**

Mayor Moore read the title of Resolution No. 2023-026.

**MOTION:** David/Goldberg – Moved to approve Resolution No. 2023-026 which passed unanimously 4 to 0.

**B. Palm Beach County Coastal Management Presentation**

Mayor Moore read the title of Item 5.B.

Andy Studt, Palm Beach County Environmental Resources, provided a PowerPoint presentation highlighting present and future challenges, countywide beaches funding, public accessibility, and environmental considerations.

Discussion ensued about sand dredging, changes in the length of the beach over time and dune restoration.

**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**

September 21, 2023	9:30 A.M.	Planning Board Regular Meeting
September 21, 2023	5:01 P.M.	Town Commission Special Second Public Hearing Budget Meeting
October 03, 2023	1:30 PM	Town Commission Meeting

**Board Action Report**

None.

**8. ORDINANCES**

A. None.

**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**

August 15, 2023 Town Commission Meeting

September 05, 2023 Town Commission Meeting

September 05, 2023 Town Commission Special First Public Hearing Budget Meeting

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

**10. UNFINISHED BUSINESS**

**A. Fire Rescue Implementation Update**

Mayor Moore read the title of Item 10.A.

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

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

Recruiting process: Three captain candidates are going through the background and employment background check. They are scheduling interviews for the firefighter drivers and expect to have 6 candidates. Paramedic Firefighters interviews will be in mid-October. They will interview 39 candidates.

Hydrant testing will be on October 9th for Delray Beach ISO inspection in January 2024. Information will go out to residents.

Fire Rescue Building construction is progressing, the second floor was poured, and they will be pouring for the beam on the bay side later on this week. The station should be covered by the end of October or early November. The Kaufman Lynn tradition is when they put the cover on the structure, they have a covering ceremony.

There was a dialogue about a top-out ceremony in mid-October. However, Kaufmann Lynn does not have a definitive date at this point. Fire Chief Joseph will inform Town Manager Labadie when they have a date.

Assistant Fire Chief Welhaf explained that Vice Mayor Stern contacted him and Fire Chief Joseph concerning smoke alarms in his building. Assistant Fire Chief Welhaf did research and he spoke about the Florida Fire Prevention Code as it pertains to smoke alarms.

He attended a Fire Symposium last week and spoke about what he has learned in regard to lithium batteries in electric vehicles. He will be disbursing information to the community about electric scooters, etcetera.

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

Mayor Moore read the title of Item 10.B.

Town Manager Labadie contacted Brad with FDOT and there are no additional updates.

**C. Building Department Recertification Program Update**

Mayor Moore read the title of Item 10.C.

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

Out of the 53 buildings one is complete, one has submitted all their reports and they are approved and moving forward.

Four buildings have submitted partial information.

Seven buildings have submitted everything, and they are being reviewed. He excluded two because they are currently undergoing restoration.

Five buildings are moving forward with Code Compliance Cases.

13 Buildings (25%) have requested an extension and they were granted.

28% are within their due date and letters have been sent.

He explained that phase one report is a visual, phase two report is done during the restoration and then at the end of the restoration they get closeout paperwork from the engineers.

**11. NEW BUSINESS**

Town Manager Labadie asked the Town Commission if they would move Items 11.C. and 11.D. before Items 11.A. and 11. B.

**MOTION:** David/Stern – Moved to amend the agenda (New Business), which passed unanimously 4 to 0.

**A. Consideration of a request for a Town of Highland Beach Right-of-Way (ROW) permit for the property located at 3521 South Ocean Boulevard. (Formally 11.C.)**

Mayor Moore read the title of Item 11.A.

Town Planner Ingrid Allen presented this item.

Mayor Moore opened the item for public comments and after hearing none she closed public comments.

**MOTION:** David/Stern – Moved to approve the Right-of-Way (ROW) permit for 3521 South Ocean Boulevard, which passed unanimously 4 to 0.

**B. Resolution No. 2023-016 / 3521 South Ocean Blvd. (Formally Item 11.D.)**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, authorizing the Mayor to execute amendment number seven (7) of the State of Florida Department of Transportation (FDOT) District Four (4) Landscape Inclusive Memorandum of Agreement on behalf of the Town of Highland Beach, Florida and providing for an effective date. (The actual resolution number is No. 2023-025)**

**MOTION:** David/Goldberg – Moved to approve Resolution No. 2023-025, which passed unanimously 4 to 0.

**C. Discussion on proposed referendum questions for the March 2024 election. (Formally Item 11.A.)**

Mayor Moore read the title of Item 11.C.

Town Manager Labadie presented this item, followed by Town Commission discussions of the potential referendum ballot titles and summaries as follows:

*1. Referendum No. 1:*

*Ballot title. The ballot title, which is the subject of this Referendum shall be captioned as “Funding 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 BE AUTHORIZED TO FINANCE AND IMPLEMENT A TOWN-WIDE SANITARY SEWER LINING PROJECT FOR A NOT TO EXCEED COST OF \$3.5 MILLION DOLLARS TO HELP REPAIR AND PREVENT STRUCTURAL DAMAGES TO THE SEWER LINES?**

There was discussion about the sewers in Highland Beach and it was the suggestion of the Town Commission to reword the ballot language to read as follows.

SHALL THE TOWN OF HIGHLAND BEACH BE AUTHORIZED TO FINANCE AND IMPLEMENT A TOWN-WIDE SANITARY SEWER LINING PROJECT TO REPAIR, REPLACE, AND PREVENT STRUCTURAL DAMAGE TO THE SEWER LINES FOR A NOT TO EXCEED COST OF \$3.5 MILLION DOLLARS?

The Town Commission agreed that this should be brought back for a first read of the ordinance.

*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:*

*RECOGNIZING THE INCREASE IN THE COSTS OF MUNICIPAL OPERATIONS OVER THE LAST THIRTY YEARS, INCLUDING BUT NOT LIMITED TO THE MAINTENANCE OF PUBLIC STREETS, STORMWATER SYSTEMS, PARKS, AND SEWER SYSTEMS, SHALL THE TOWN OF HIGHLAND BEACH AMEND ITS CHARTER AT SECTION 2.01(30) TO AUTHORIZE AN INCREASE IN THE FUNDING LIMIT FROM \$350,000 TO \$\_\_\_\_\_ FOR TOWN PROJECTS AND THE EXTENSION OF TOWN SERVICES?*

The Town Commission discussed the wording of the question, number of projects, and the costs of inflation.

The Town Commission agreed that the language should be as follows:

SHALL THE FUNDING LIMITATION OF \$ 350,000 SET FORTH IN THE CHARTER AT SECTION 2.01(30) BE ADJUSTED TO \$900.000 TO ACCOUNT FOR THIRTY-TWO YEARS OF INFLATION AND ANNUALLY INCREASED BASED ON THE REGIONAL CONSUMER PRICE INDEX.

Finance Director David DiLena suggested including the MCPI language in the ordinance. The language will be brought back for a first read.

*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 "Rehabilitation of Old Town Fire Station for Community*

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

*SHALL THE TOWN OF HIGHLAND BEACH BE AUTHORIZED TO FINANCE AND IMPLEMENT THE REHABILITATION OF THE TOWN’S OLD FIRE STATION FOR USE AS AN OUTDOOR COMMUNITY AREA PROJECT AT A NOT TO EXCEED COST OF \$1 MILLION DOLLARS?*

The Town Commission suggested removing the word "Outdoor" from the language title.

*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 Palm Beach County Countywide 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 agreed to change the wording to and/or so they would have the option of using the County Canvassing Board or the Town Canvassing Board.

*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 “Limitation on Increases in Salaries for 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 THE SALARIES OF THE MAYOR AND COMMISSIONERS MAY NOT BE INCREASED MORE THAN 5% IN ANY SINGLE FISCAL YEAR?*

There was discussion about surrounding areas salaries, adding in specific numbers to the question, inflation, and the number of questions on the ballot. They hope to get resident feedback on the questions. All five questions will be brought back at the next Town Commission meeting as ordinance first reads.



**D. Milani Park Update (Formally Item 11.B.)**

Mayor Moore read the title of Item 11.D.

Mayor Moore mentioned that she and the Town Manager met with Palm Beach County Commissioner Marci Woodward, the Director of Parks and Recreation for Palm Beach County, the Director of Facilities Development and Operations, and the Assistant County Administrator. They are moving forward with the design of the park, and they do not want to defer the development of the park.

Palm Beach County is willing to hold public outreach meetings at the Highland Beach Library Community Room during the week of January 20 or January 29, 2024.

Mayor Moore's recommendation is that the Town Commission come up with a date.

Town Manager Labadie explained that the Town will allow the County to facilitate the meeting and the meeting will not be a Town Commission meeting. He explained that he and Commissioner Goldberg spoke with the Town of Ocean Ridge Town Manager about their park, and they have not had any issues with their park.

Mayor Moore recommended February 1, 2024 at 6 P.M.

Town Manager Labadie will contact Father Reverend Horgan about overflow parking. Once the meeting date is confirmed with the County, Town Manager Labadie will have Skender Coma communicate the information to the public.

**E. Approve and authorize the Mayor to execute contract with U.S. Water Service Corporation in an amount of \$428,238.21 for Lift Station No. 3 Rehabilitation Project in accordance with Invitation to Bid (ITB) No. 23-005.**

Mayor Moore read the title of Item 11.E.

Skender Coma, Management Analyst, presented this item. It was recommended to execute an agreement with U.S. Water Services Corporation for the Lift Station No. 3 Rehabilitation Project in accordance with Invitation to Bid (ITB) No. 23-005.

There were no public comments.

**MOTION:** David/Goldberg – Moved to authorize the Mayor to execute the contract with U.S. Water Service Corporation for Invitation to Bid No. 23-005, which passed unanimously 4 to 0.

**F. Discussion of the Financial Advisory Board's recommendation of New Purchasing Policy and Proposed Ordinance.**

Mayor Moore read the title of Item 11.F.

Eric Marmer, Human Resources and Risk Manager Director presented this item.

There was discussion about the new purchasing policy, and it will be brought back as an ordinance first read at a future Town Commission meeting.

**12. TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg has been participating in the Florida League of Cities Legislative Policy Committees. She is serving on the Finance Taxation and Personal Committee. She spoke about the upcoming meetings. She asked the Town Commission to support her in attending the National League of Cities Annual Conference in November 2023. It was the consensus of the Town Commission to support Commissioner Goldberg.

Commissioner Donald Peters was not present.

Commissioner Evalyn David had no comments.

Vice Mayor David Stern had no comments.

Mayor Natasha Moore inquired about the dune study as mentioned by Andy Studt. She inquired about the status of the dune study report. Assistant Town Manager Cuebas indicated that the report should be available within the next two months.

**13. TOWN ATTORNEY'S REPORT**

Town Attorney Torcivia thanked Eric Marmer for collaborating with Attorney Jennifer.

**14. TOWN MANAGER'S REPORT**

Town Manager Labadie announced the September 21 Second Special Public Hearing Budget Meeting.

**15. ADJOURNMENT**

The meeting adjourned at 4:29 p.m.

**APPROVED:** October 3, 2023, Town Commission Meeting.

ATTEST:

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

Transcribed by  
Jaclyn DeHart and Lanelda Gaskins

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

\_\_\_\_\_  
10/03/2023  
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 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 SECOND PUBLIC HEARING BUDGET MEETING MINUTES

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

Date: September 21, 2023  
Time: 5:01 PM

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

Mayor Moore called the meeting to order at 5:01 P.M.

### **2. ROLL CALL**

Commissioner Judith Goldberg  
Commissioner Evalyn David  
Vice Mayor David Stern  
Mayor Natasha Moore  
Town Manager Marshall Labadie  
Town Clerk Lanelda Gaskins

#### **ABSENT**

Commissioner Donald Peters

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

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

### **4. ADDITIONS, DELETIONS, AND APPROVAL OF THE AGENDA**

**MOTION:** David/Stern – Moved to approve the agenda as presented, which passed unanimously 4 to 0.

### **5. PRESENTATIONS**

There were none.

### **6. SECOND READINGS / PUBLIC HEARINGS:**

#### **A. Resolution No. 2023-022**

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Millage Rate of 3.4182 Mils for the Town's General Operating Funds for the fiscal year beginning October 1, 2023, and ending September 30, 2024; providing that the Final Millage Rate of 3.4182 Mils is

**19.3006 percent greater than the computed rolled back rate of 2.8652 Mills; providing for severability, conflicts, and an effective date.**

Mayor Moore read the title of Resolution No. 2023-022. She opened the item for public comments and hearing none she closed the public hearing.

**MOTION:** David/Goldberg – Moved to adopt Resolution No. 2023-022 on second/final reading. Upon roll call: Commissioner David (Yes); Commissioner Goldberg (Yes), Vice Mayor Stern (Yes) and Mayor Moore (Yes). The motion passed 4 to 0.

**B. Resolution No. 2023-023**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024; determining and fixing the amounts necessary to carry on the government of the Town for the ensuing year; providing for severability, conflicts, and an effective date.**

Mayor Moore read the title of Resolution No. 2023-023. She opened the item for public comments and hearing none she closed the public hearing.

**MOTION:** David/Goldberg – Moved to adopt Resolution No. 2023-023 on second/final reading. Upon roll call: Commissioner David (Yes), Commissioner Goldberg (Yes), Vice Mayor Stern (Yes), and Mayor Moore (Yes). The motion passed 4 to 0.

**7. TOWN MANAGER REPORTS**

Town Manager Labadie reported that Assistant Town Manager Terisha Cuebas will be working on a resolution regarding the one (1) percent infrastructure sales tax.

**8. COMMISSION MEETINGS**

Mayor Moore read the announcements as follows:

October 03, 2023	1:30 PM	Town Commission Meeting
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**9. ADJOURNMENT**

The meeting adjourned at 5:06 P.M.

**APPROVED:** October 3, 2023, Town Commission Meeting.

ATTEST:

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Natasha Moore, Mayor

Transcribed by  
Lanelda Gaskins

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Lanelda Gaskins, MMC  
Town Clerk

---

10/03/2023

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 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:**

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.





### CONTRACT FOR ELECTION DAY

This Contract is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Palm Beach County Supervisor of Elections, a Political Subdivision of the State of Florida, by and through the Palm Beach County Board of County Commissioners, hereinafter referred to as SUPERVISOR, and **HIGHLAND BEACH LIBRARY c/o the Town of Highland Beach**, 3618 S OCEAN BLVD HIGHLAND BEACH, FL 33487, ("FACILITY/MUNICIPALITY") to do business in the State of Florida.

**Precinct(s): 2801**

**\*Precinct number (s) subject to change**

In consideration of the mutual promises contained herein, SUPERVISOR and FACILITY/MUNICIPALITY agree as follows:

#### **ARTICLE 1 - SERVICES**

FACILITY/MUNICIPALITY'S responsibility under this Contract is to provide Election Day polling location services for the following Presidential Preference Primary Election, Primary Election and General Election Days scheduled for the countywide 2024 Election Cycle, as well as make a good faith effort to accommodate any additional Special Election Days that may be required due to unforeseen circumstances.

- A. Presidential Preference Primary (PPP) Election Day Tuesday, March 19<sup>th</sup>, 2024 from 7:00 A.M. to 7:00 P.M.**
- B. Primary Election Day Tuesday, August 20<sup>th</sup>, 2024, from 7:00 A.M. to 7:00 P.M.**
- C. General Election Day Tuesday, November 5<sup>th</sup>, 2024, from 7:00 A.M. to 7:00 P.M.**

SUPERVISOR'S representatives/liaisons during the performance of this contract shall be:

**Ghitza Serrano-Velez**, (561)656-6211/ (772)631-5969 or [Ghitza@votepalmbeach.gov](mailto:Ghitza@votepalmbeach.gov)

**Rachel West**, (561)656-6237/ (772)631-6309 or [Rachel@votepalmbeach.gov](mailto:Rachel@votepalmbeach.gov).

**FACILITY/MUNICIPALITY'S** representative/liaison during the performance of this contract shall be:

Name/Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_



## Wendy Sartory Link

Palm Beach County Supervisor of Elections



@VotePalmBeach

VotePalmBeach.gov



240 South Military Trail, West Palm Beach, FL 33415



561.656.6200



561.656.6287

### Contact person at Polling Place on Election Day:

Name/Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Cell Phone Number (for emergency purposes): \_\_\_\_\_

### Alternate contact:

Name/Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Cell Phone Number (for emergency purposes): \_\_\_\_\_

### Emergency contact:

Name/ Title: \_\_\_\_\_

Email Address: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Home Phone Number (for emergency purposes): \_\_\_\_\_



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561.656.6200



561.656.6287

### ARTICLE 2 – SCHEDULE

FACILITY/MUNICIPALITY shall agree to allow voters, poll workers, poll watchers, other designated campaign representatives, and representatives of the SUPERVISOR to enter and exit premises **without delay or screening of any kind** during Election Day, until completion of voting. This shall include but is not limited to:

A. None of the above shall be required to present identification upon entry, including at any gate.

B. None of the above shall be required to undergo health screening upon entry.

FACILITY/MUNICIPALITY shall agree to accept delivery of equipment and supplies at a time and date to be determined by FACILITY/MUNICIPALITY and SUPERVISOR prior to Election Day. FACILITY/MUNICIPALITY and SUPERVISOR will also determine a date and time for SUPERVISOR to remove equipment and supplies.

Please provide the days and hours of operation at the location when access to the premises will be available for delivery and pickup of voting equipment. An election official will contact you to make arrangements:

Location hours of operation in **March**: \_\_\_\_\_

Location hours of operation in **August**: \_\_\_\_\_

Location hours of operation in **November**: \_\_\_\_\_

FACILITY/MUNICIPALITY shall agree to provide a secure location to store Elections Equipment upon delivery to Polling Location and until removal.

Please indicate where election equipment will be stored and how it will be secured:

\_\_\_\_\_  
\_\_\_\_\_

**Current assessed polling room: MULTIPURPOSE ROOM**

FACILITY/MUNICIPALITY shall agree to use the currently assessed polling room for all scheduled elections. If the polling room will **NOT** be available for an election, notice must be given to the SUPERVISOR for approval. Any new polling rooms not currently assessed will require an in-person site visit to confirm ADA accessibility.



## Wendy Sartory Link

Palm Beach County Supervisor of Elections

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📍 240 South Military Trail, West Palm Beach, FL 33415 📞 561.656.6200 📠 561.656.6287

FACILITY/MUNICIPALITY shall agree to allow SUPERVISOR or SUPERVISOR's designee(s) to inspect and set up the designated Polling Room on the **Monday prior to Election Day** (Monday March 18<sup>th</sup>, 2024, for the PPP, Monday August 19<sup>th</sup>, 2024 for the Primary, and Monday November 4<sup>th</sup>, 2024 for the General Election).

FACILITY/MUNICIPALITY shall agree (initial one):

\_\_\_\_\_ To open the Polling Location and Polling Room/bathrooms no later than **5:30 A.M** on Election Day.

\_\_\_\_\_ To provide SUPERVISOR or its assignee (Clerk) with a key to the Polling Room.

Please indicate contact information and instructions for delivery of key:

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FACILITY/MUNICIPALITY shall agree to provide:

- Chairs for election workers (number of chairs provided \_\_\_\_\_).
- Tables for election workers (number of tables provided \_\_\_\_\_).
- Use of restroom facilities.
- Air conditioning.

### **ARTICLE 3 – REMEDIES**

This contract shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Contract will be held in a court of competent jurisdiction located in Palm Beach County, Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every 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, 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.

### **ARTICLE 4 - EXCUSABLE DELAYS**

FACILITY/MUNICIPALITY shall not be considered in default by reason of any failure in performance if such failure arises out of causes reasonably beyond the control of FACILITY/MUNICIPALITY or its subcontractors and without their fault or negligence. Such causes include, but are not limited to, acts of God, force majeure, natural or public health emergencies which have been classified by



## Wendy Sartory Link

Palm Beach County Supervisor of Elections

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Emergency Order by the Governor of Florida or the President of the United States as a State of Emergency, allowing for the specific breach of this contract (i.e. an order specifically disallowing use of this or this kind of facility by the public), and abnormally severe and unusual weather conditions which render the Early Voting/Election Day site unusable.

Upon FACILITY/MUNICIPALITY'S request, SUPERVISOR shall consider the facts and extent of any failure to perform the work and, if FACILITY/MUNICIPALITY'S failure to perform was without its fault or negligence, the Contract Schedule or any other affected provision of this Contract shall be revised accordingly, subject to SUPERVISOR'S rights to change or terminate this Contract at any time.

### **ARTICLE 5 - ENTIRETY OF CONTRACTUAL AGREEMENT**

SUPERVISOR and FACILITY/MUNICIPALITY agree that this contract 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 contract may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties.

### **ARTICLE 6 - PUBLIC RECORDS**

Notwithstanding anything contained herein, as provided under Section 119.0701, F.S., if the FACILITY: (i) provides a service; and (ii) acts on behalf of the SUPERVISOR as provided under Section 119.011(2) F.S., the FACILITY/MUNICIPALITY shall comply with the requirements of Section 119.0701, Florida Statutes, as it may be amended from time to time. All agreements between FACILITY/MUNICIPALITY and SUPERVISOR are subject to the requirements provided under Section 119.0701, F.S.

### **ARTICLE 7 - STATEMENT OF INDEMNITY**

SUPERVISOR shall be responsible for damages, as found legally liable for and to the extent permitted by law, arising out of injury or damage to persons or property caused by or resulting from the negligence of the SUPERVISOR or any of its officers or employees. Nothing in this provision shall constitute as a waiver of sovereign immunity.

IN WITNESS WHEREOF, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SUPERVISOR and FACILITY/MUNICIPALITY for purposes of executing this Contract on the dates set forth below.

---

Wendy Sartory Link, Palm Beach County Supervisor of Elections (Signature)

Date

---

FACILITY/MUNICIPALITY Representative (Signature)

Date

**File Attachments for Item:**

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

**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 \_\_\_\_?

**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)?

**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?

**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?

**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)?



# TOWN OF HIGHLAND BEACH EXISTING FIRE STATION RENOVATION

PGAL

Highland Beach, Florida

09.26.2023

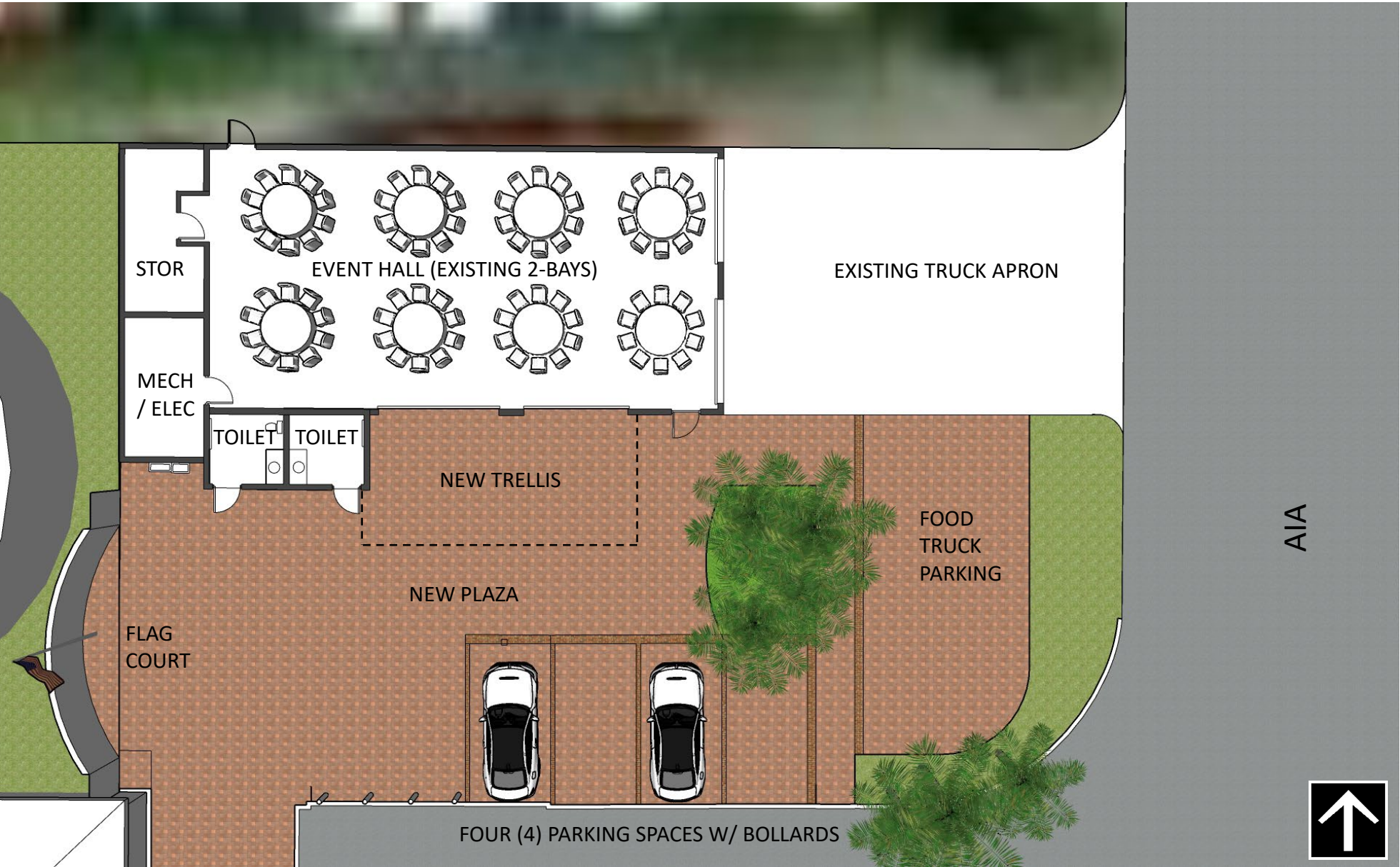


























# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** October 3, 2023

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

**SUBJECT:** Continued discussion on proposed referendum questions for the March 2024 election

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### SUMMARY:

At the September 5, 2023, and September 19, 2023, Commission meetings, the Commission began discussing possible referendum questions for the March election. The Commission directed the Town Manager and Town Attorney to provide draft language for the following five topics:

1. Funding and implementation of sanitary sewer lining project.
2. Funding limitation.
3. Repurposing of Town's Old Fire Station for Shared Use by Community and Fire Rescue Department.
4. Use of Palm Beach County Countywide Canvassing Board.
5. Adjustment of Salaries for Town Mayor and Commissioners.

Once the Commission is comfortable with the language, the questions will be included on the next Commission agenda for consideration and formal action to be taken. Pursuant to Section 166.031, Florida Statutes, referendums that seek to amend the Town's Charter are required to be in the form of an ordinance. Otherwise, Section 101.161(1), Florida Statutes, allows a referendum question to be adopted in an "enabling resolution." The referendums that seek to approve the sanitary sewer project and the rehab of the old fire station will take the form of a resolution since they do not involve the amendment of the Charter.

It is important to keep in mind, the final language must be submitted to the Supervisor of Election's (SOE) office no later than Friday, December 15, 2023. Please note, this date is subject to change per the SOE.

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### FISCAL IMPACT:

N/A

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### ATTACHMENTS:

Referendum ballot titles and summaries.

Old Fire Station Renovation Concept.

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**RECOMMENDATION:**

Commission discussion.



## **Referendum Ballot Titles and Summaries**

### **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 \_\_\_\_?**

\_\_\_\_\_ **YES (FOR APPROVAL)**

\_\_\_\_\_ **NO (AGAINST APPROVAL)**

### **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)?**

\_\_\_\_\_ **YES (FOR APPROVAL)**

\_\_\_\_\_ **NO (AGAINST APPROVAL)**

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?**

\_\_\_\_\_ **YES (FOR APPROVAL)**

\_\_\_\_\_ **NO (AGAINST APPROVAL)**

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?**

\_\_\_\_\_ **YES (FOR APPROVAL)**

\_\_\_\_\_ **NO (AGAINST APPROVAL)**

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)?**

\_\_\_\_\_ **YES (FOR APPROVAL)**

\_\_\_\_\_ **NO (AGAINST APPROVAL)**

DRAFT

**File Attachments for Item:**

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.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting  
**MEETING DATE:** 10/03/2023  
**SUBMITTED BY:** David M. DiLena, Finance Director  
**SUBJECT:** 2<sup>nd</sup> Synovus Bank Loan Draw Request

Staff is requesting Commission authorization of the second and final draw on the Synovus Bank Loan dated June 9, 2022, as forecasted, planned, and budgeted. As we continue to navigate our strategic plan with purpose and focus, this draw will provide us with essential capital to finish the Fire Rescue Project by May 2024.

## **Background:**

The Synovus Bank Loan, originally established on June 9, 2022, has proven instrumental in meeting our short-term and long-term financial requirements. The first draw from this facility (\$52,100) was utilized to cover closing costs as required within the loan documents. The terms and conditions of this loan have remained favorable allowing us to as we have successfully minimized interest expense. Staff will diligently adhere to the agreed-upon repayment schedule in the future and other loan covenants.

## **Purpose of the Second Draw:**

The second draw on the Synovus Bank Loan of \$4,997,900 is necessary to complete construction by the May 2024 deadline. It will primarily be used for the following purposes, as forecasted, planned, and budgeted to complete the construction phase of the Fire Rescue Project based on the contractors draw schedule.

## **Loan Terms:**

The terms and conditions of this second draw will remain consistent with the original loan agreement dated June 9, 2022, which includes:

- Loan Amount: \$5,050,000
- Interest Rate: 3.26% per annum
- Repayment Schedule: Beginning March 30, 2024, and every March 30<sup>th</sup> and September 30<sup>th</sup>

- Maturity Date: March 30, 2032
- Other: No full or partial Prepayment Penalty

**Recommendation:**

Staff recommend that the Board authorize the second draw on the Synovus Bank Loan as outlined above in the amount of \$4,997,900 aligning with our forecasted, planned, and budget for FY2024.

I have attached the draw request form for your review.



# Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

October 3, 2023

Synovus Bank  
7768 Ozark Drive, Suite 100  
Jacksonville, FL 32256  
Attn: Andy LaFear  
Government Banking Solutions

The undersigned officer of the Town of Highland Beach, Florida (the “Town”) DOES HEREBY CERTIFY THAT:

1. This certificate is being provided to Synovus Bank (the “Lender”) in accordance with Section 4.02 of that certain Loan Agreement dated June 9, 2022, between the Town and the Lender (the “Loan Agreement”), in order to permit the Town to make a draw on the Note issued thereunder (the “Note”). Draws are permitted in the aggregate amount not to exceed \$5,050,000.

2. The Town hereby requests a draw in the amount of **\$4,997,900**. The proceeds of this draw will be used to pay the costs of the Project (as defined in the Loan Agreement). After this draw, the Town will have **\$0.00** available to be drawn.

3. As of the date of this certificate, the undersigned is the duly appointed and serving [Town Manager] [Finance Director] (circle one) of the Town as such is authorized to execute this certificate on behalf of the Town.

4. No Event of Default has occurred under the Loan Agreement and no event has occurred and is continuing under the provisions of the Loan Agreement which, with the lapse of time or the giving of notice, or both, would constitute an Event of Default thereunder.

WITNESS my hand and the corporate seal of the Town this \_\_\_\_ day of \_\_\_\_\_.

TOWN OF HIGHLAND BEACH,  
FLORIDA

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[SEAL]

**File Attachments for Item:**

**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.





# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** October 3, 2023

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

**SUBJECT:** A RESOLUTION OF THE TOWN COMMISSION OF HIGHLAND BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE EXTENSION AND CONTINUATION OF THE PALM BEACH COUNTY ONE-CENT SALES SURTAX TO FUND LOCAL INFRASTRUCTURE PROJECTS THROUGH DECEMBER 31, 2036; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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## **SUMMARY:**

In November 2016, the voters of Palm Beach County approved a one-cent increase to the local sales tax, to provide the School District, the County and the 39 municipalities with the revenue earmarked to fund infrastructure and other capital improvements.

In January 2017, the surtax became effective and will automatically sunset either December 3, 2026, or upon the generation of \$2.7 billion in total revenue. The revenue may only be used for infrastructure projects such as roads, sidewalks, bridges, schools, parks, and government buildings and facilities.

To date, the Town has received \$1,801,731.66 from the one-cent surtax and the Town recognizes the direct benefit the revenue provides to the County, School Board and surrounding municipalities. The attached resolution expresses the Commission's support to renew the one-cent sales tax program in collaboration with the School Board, County, and surrounding municipalities. Renewal requires voter approval for the extension of the one-cent surtax until December 31, 2036.

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## **FISCAL IMPACT:**

N/A

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## **ATTACHMENTS:**

Resolution No. 2023-029

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## **RECOMMENDATION:**

Commission discussion and approval of Resolution No. 2023-029.



## **RESOLUTION NO. 2023-029**

**A RESOLUTION OF THE TOWN COMMISSION OF HIGHLAND BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE EXTENSION AND CONTINUATION OF THE PALM BEACH COUNTY ONE-CENT SALES SURTAX TO FUND LOCAL INFRASTRUCTURE PROJECTS THROUGH DECEMBER 31, 2036; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, in November 2016, the voters of Palm Beach County approved an increase to the local sales tax from 6 cents per dollar to 7 cents per dollar; and

**WHEREAS**, the one-cent sales surtax increase became effective on January 1, 2017, and will automatically sunset upon the earlier occurrence of either December 31, 2026, or the generation of \$2.7 billion in total revenue; and

**WHEREAS**, the generated one-cent sales surtax revenue is divided between the School District of Palm Beach County (50%), Palm Beach County (30%), and the 39 Palm Beach County municipalities (20% shared amongst them); and

**WHEREAS**, the generated one-cent sales surtax revenue may only be utilized for infrastructure projects such as roads, sidewalks, bridges, schools, parks, and government buildings and facilities; and

**WHEREAS**, infrastructure projects provide access to clean water, electricity, transportation, and other essential services, which directly impact the health and well-being of individuals, families, and the wider community; and

**WHEREAS**, the Town of Highland Beach has received one-cent sales surtax revenue in the amount of \$1,801,731.66 since January 1, 2017, which has allowed the Town to improve its infrastructure facilities and simultaneously maintain a lower property tax millage rate; and

**WHEREAS**, the Town of Highland Beach recognizes the direct and beneficial impact the one-cent sales surtax revenue for infrastructure projects has provided to Highland Beach residents, as well as the schools of Palm Beach County and the surrounding communities; and

**WHEREAS**, the Town of Highland Beach supports a collaboration with the School District of Palm Beach County, Palm Beach County, and the other municipalities of Palm Beach County to extend and continue the one-cent sales surtax revenue for infrastructure projects beyond its current automatic sunset deadlines; and

**WHEREAS**, the Town of Highland Beach specifically supports seeking voter approval to continue the one-cent sales surtax revenue for infrastructure projects until December 31, 2036.

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

Section 1. The above recitals are true and correct and are hereby incorporated into this section of this resolution as it fully set forth herein.

Section 2. The Town Commission of the Town of Highland Beach hereby expresses its support for seeking voter approval to continue the one-cent sales surtax revenue for infrastructure projects until December 31, 2026.

Section 3. The Town Manager is directed to forward this Resolution to each of the Palm Beach County Commissioners with a copy to the Palm Beach County Administrator, the Palm Beach County League of Cities, and the School District of Palm Beach County.

Section 4. This resolution shall be effective immediately upon adoption.

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

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

**REVIEWED                      FOR                      LEGAL  
SUFFICIENCY**

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

\_\_\_\_\_  
Glen Torcivia, Town Attorney  
Town of Highland Beach

**VOTES:**

**YES    NO**

Mayor Natasha Moore  
Vice Mayor David Stern  
Commissioner Evalyn David  
Commissioner Don Peters  
Commissioner Judith Goldberg