



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

Tuesday, June 06, 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**

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

A. State Legislative Updates

Representative Peggy Gossett-Seidman, District 91

Senator Lori Berman, District 26

Lobbyist Jared Rosenstein with Capital City Consulting

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, all for three-year terms and

One (1) vacancy for an unexpired term ending September 21, 2024

Natural Resources Preservation
Advisory Board

Two (2) vacancies for unexpired terms ending April 30, 2024

Meetings and Events

June 08, 2023 - 9:30 A.M.

Planning Board Regular Meeting

June 13, 2023 - 1:00 P.M.

Code Enforcement Board Regular Meeting

June 20, 2023 - 1:30 PM

Town Commission Special 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. 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.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.[A.](#) Approval of Meeting Minutes

May 02, 2023 Town Commission Meeting Minutes

May 16, 2023 Town Commission Meeting Minutes

10. UNFINISHED BUSINESS[A.](#) Update on Planning Board's ongoing discussion of proposed changes ("amendment concepts") to the Accessory Marine Facility and seawall regulations of the Town Code

B. Fire Rescue Implementation Update

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

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

A. Resolution No. 2023-012

A Resolution of the Town Commission of the Town of Highland Beach, Florida amending its Fund Balance Policy to assign additional funds for the Fire Rescue Department.

B. Resolution No. 2023-013

A Resolution of the Town Commission of the Town of Highland Beach, Florida amending Resolution No. 2022-020, which appropriated funds for the 2022-2023 Fiscal Year budget, and providing an effective date.

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

15. ADJOURNMENT

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. Approval of Meeting Minutes

May 02, 2023 Town Commission Meeting Minutes

May 16, 2023 Town Commission Meeting Minutes



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

Library Community Room
3618 South Ocean Boulevard
Highland Beach, Florida 33487

Date: May 02, 2023
Time: 1:30 PM

1. CALL TO ORDER

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

2. ROLL CALL

Commissioner Judith M. Goldberg
Commissioner Donald Peters
Commissioner Evalyn David
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Glen Torcivia (arrived at 1:35 P.M.)
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: Stern/Goldberg - Moved to approve the agenda as presented which, passed unanimously 5 - 0.

5. PRESENTATIONS / PROCLAMATIONS

A. Resolution No. 2023-005 / Reappointment to the Financial Advisory Board

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. 2023-005. The purpose of this item was to reappoint Ronald Reame to the Financial Advisory Board.

MOTION: Stern/David - Moved to accept Resolution No. 2023-005 appointing Ronald Reame to the Financial Advisory Board, which passed unanimously 5 - 0.

B. Building Safety Month Proclamation

Mayor Moore presented the Building Safety Month Proclamation.

C. Professional Municipal Clerk Week Proclamation

Mayor Moore presented the Professional Municipal Clerk Week Proclamation.

D. Drinking Water Week Proclamation

Mayor Moore presented the Drinking Water Week Proclamation.

E. PRESENTATION

1. FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT 4 - STATE ROAD A1A RRR PROJECT

Mayor Moore read the title of this item.

Mr. Brad Salisbury, Design Project Manager with the Florida Department of Transportation (FDOT), District 4, gave a PowerPoint presentation on the State Road A1A RRR Project. The project limits are State Road A1A/Ocean Boulevard from South of Grand Court to South Linton Boulevard. Mr. Salisbury presented a synopsis of the history of the project regarding the 2019 - 2021 early project coordination, FDOT District Secretary Field Meeting on September 21, 2021, FDOT Field Meeting with Highland Beach on April 06, 2022, FDOT First Design Public Meeting on August 31, 2022, FDOT Second Design Public Meeting on March 13, 2023, the project overview, the existing and proposed conditions, the proposed pavement width, the adjacent resurfacing projects, the proposed drainage improvements, tree preservation, minimizing construction impacts on the community, and the project schedule. The project schedule is as follows: May 2023 – 90% plan submittals, August 2023 – 100% plan submittals, December 2023 – construction letting, Spring 2024 – construction public meeting, Spring 2024 – anticipated construction start, and Construction time estimate will be determined based on 90% plans submittal.

2. QUESTIONS AND ANSWERS

Following the presentation, the Questions and Answers session began between the public and Brad Salisbury.

Ms. Debbie Muller, 2375 South Ocean Boulevard, talked about the traffic flow in Highland Beach. She asked if traffic could be closed to local traffic only and when would the projects be completed in Boca Raton and Delray Beach. Mr. Salisbury

will look at the project timelines and provide that information later during the meeting. To address the maintenance of traffic and the local traffic only, FDOT will display message boards at Federal Highway and Spanish River Boulevard, Federal Highway and Linton Boulevard as well as on State Road A1A and each of those roads to inform the public of the project. State Road A1A is a public highway which cannot be restricted local traffic to one community. The local traffic only signage is not enforceable. FDOT will encourage the drivers to use an alternate route.

Mr. Paul Saunders, 2445 South Ocean Boulevard, spoke about the in-season traffic flow and 20-minute bridge schedule at Linton Boulevard. He expressed appreciation for expanding the bike lanes. Then he asked if there could be a barrier to separate the bike lanes from the vehicles and if the project would go quicker if they could work on sections longer than 1000 feet. As for the closure of lanes, Mr. Salisbury explained that it would speed the project up if they worked on longer stretches of the road but that it would back up traffic more. The restriction was not set in stone, it could be reevaluated, and he would look into how much expanding the length would speed up the project. He also explained that FDOT evaluated bike lane separations and the drawbacks are that there are 200 driveways along the roadway.

Then, Mr. Saunders mentioned that drivers get distracted and that barriers could encourage drivers to pay attention more. Mr. Salisbury mentioned that they would look at some type of reduced spacing again and the placement of flexible barriers.

Mr. Salisbury explained that the project has not been involved with bridge timing, which is controlled by the Coast Guard. Since this project is not on Linton Boulevard, he will speak with the project manager for the Linton Boulevard to Atlantic Avenue segment to find out if he/she is in coordination with the Coast Guard.

Ms. Chris Viegas, 3407 South Ocean Boulevard, suggested displaying a large map of the project in the Town Hall lobby area. She asked if there would be any sidewalk impact, and if so where, and could the 2024 spring meeting be held in March instead of April. Mr. Salisbury mentioned that he would speak with the office about holding the meeting in March 2024. He also spoke about the impact of the sidewalks that are being raised are ones that are flooding which will be put back in the same spot at the same width.

Town Manager Labadie questioned if the entirety of the sidewalk could be resurfaced and coordinated into one project. He mentioned that a detailed story board would be displayed at Town Hall for public viewing.

As for barriers and bicycle movement, Mr. Salisbury will explore plausible options for bike lanes and will supply a list to Town Manager Labadie. Once Mr. Labadie receives the list, he will speak with Chief of Police Craig Hartmann about the matter and involve the local bicycle group.

Mr. Jeff Schwartz, 3700 South Ocean Boulevard, mentioned that construction and delivery vehicles impede traffic, forcing bikers into the street. He asked if this would cause the trucks to park more in the bike lanes.

Ms. Muller spoke about delivery drivers stopping on the side of the road instead of pulling into driveways to deliver packages.

Mr. Anthony Philosophos, 3606 South Ocean Boulevard, voiced that he was in favor of some sort of division between bike and road. He questioned how many citations were given to cyclists in the last 10 years.

Mr. Saunders spoke about the bicyclists driving out onto the road. He mentioned that having an occasional post will keep bicyclists in their lane.

Mr. Bruce Rosenzweig, 3908 South Ocean Boulevard, spoke about separated bike lanes versus protected bike lanes. He asked if the extended turn lane on Linton Boulevard would be taken from the east or west side. Mr. Salisbury explained that the Linton widening would be widened to the west side.

Mr. Salisbury explained the widening would be to the east side. He explained that the adjacent projects in Boca Raton and Delray Beach will start in 2025.

Mr. Joel Leinson, 3740 South Ocean Boulevard, asked if there was a designated contractor area and what mitigating steps would be taken to put in drainage for the properties on the east side that generate the water coming down onto State Road A1A. Mr. Salisbury explained that the contractors would be working with construction staff to select the construction staging area. As for the drainage to accommodate the properties on the east side, FDOT has met with several of the property owners to talk about their drainage needs. There are several options: 1) repaving and grading the asphalt to better get it to the swales to accommodate the water, or 2) to add the improved drainage swales (the infiltration and rocks) to help percolate the water quickly to the soil.

Mr. Jack Halpern, 4511 South Ocean Boulevard, questioned if there would be work on the east side of State Road A1A as well as the west side. Mr. Salisbury explained that there would be some work on the east side of State Road A1A. Then, Mr. Halpern asked if there are intentions to put the French drainage on the east side of the road. He also commented on needing clarification about drainage. He asked if Boca Raton has five-foot bike lanes. Mr. Salisbury explained that the segment immediately south of the project does have them and that he would speak with the other project manager to find out further information.

Mayor Moore inquired about the safety engineer who would work on the project. Mr. Salisbury spoke about the safety engineers report. He mentioned that the bike lanes were recommended as a need to improve. Also, all drainage improvements and those French drainage areas are displayed on the plans.

Mr. Halpern asked how FDOT would handle Milani Park. He mentioned that he was not in favor of putting dividers in the road for aesthetic purposes.

Town Manager Labadie explained that Milani Park is a county park. He spoke about the wetland being enhanced with future development.

Mr. Ted Fried, 3401 SOB, questioned if FDOT or the Town have leverage on bike lane safety. Mr. Salisbury explained that he was not aware of any active projects in Ocean Ridge or Gulf Stream. FDOT was working with the Town of Palm Beach for a resurfacing project.

Mr. John Shoemaker, 3407 South Ocean Boulevard, commented on the need for five-foot bike lanes for safety issues. He suggested adding temporary lanes to Spanish River Boulevard to alleviate traffic.

Mr. Salisbury clarified the suggestion about adding a temporary lane northbound between or at Spanish River Boulevard and State Road A1A. Town Manager Labadie explained it would be the extension of the southbound turning lane at State Road A1A and Spanish River Boulevard.

Town Clerk Gaskins mentioned that Mr. David Kaufman requested to attend the meeting on Zoom. Mr. Kaufman was not audible by Zoom.

Town Manager Labadie read public comments from Mr. Edward McDonald who had concerns related to flooding on the east side related to 3419 through 3421 South Ocean Boulevard. Mr. Labadie will send the email to Mr. Salisbury. concerns read in public comments from Edward McDonald. He encouraged anyone watching on YouTube, online or zoom to email their questions or comments to Town staff or send them directly to FDOT.

Mayor Moore asked how the percentage of additional pavement area was calculated. Mr. Salisbury explained that a survey of the project was done, and the percentage was calculated based on that data. It would only be a 2.8% increase in pavement area.

Mayor Moore asked about the improvement of the slope. Mr. Salisbury mentioned that the target slope was two percent (2%) and will improve the drainage and safety. The areas were extensively measured to resolve the drainage issues.

In regard to the project starting in May 2024 and continuing for 15 months, Mayor Moore asked how much of that length of time will the roadway be down to a single lane at certain times. Mr. Salisbury mentioned that when the work is contained to the swales the roads will not be closed. Also, the project will be in phases. The goal is to close the lanes as little as possible. He hopes to have a more defined estimate of the lane closure time in the future.

Commissioner Goldberg asked if there are any adjustments on the time of day specific to lane closures. Mr. Salisbury mentioned that construction hours are not restricted to allow the contractors the ability to work longer and get the project done faster. Currently, the only restrictions are the during the day, which is defined as 8:00 a.m. to 8:00 p.m. The lane closure length is limited to 1,000 feet. At night from 8:00 p.m. to 8:00 a.m., they can extend the lane closure length up to 2,500 feet. The contractors will have several options. He mentioned that the Town could request some restrictions on the construction time.

Commissioner Goldberg inquired about pedestrians and the bike path being impacted. Mr. Salisbury explained that may be a temporary path for pedestrians around the work area. There will be times when the bike lanes are closed, and cyclists will have to use the traveling lane to pass the construction. She then asked if there was any way to limit the large groups of bikes traveling along the roadway? Town Manager Labadie mentioned it would be communicated with the bicyclists or bike groups. She suggested communicating with the bicycle clubs to reduce the travel traffic. She also asked about large transport trucks and how that would be handled. Mr. Salisbury mentioned that the contractors were familiar with handling large trucks and emergency vehicles.

Commissioner Peters asked if the existing turning lanes will remain intact, and Mr. Salisbury replied yes. Commissioner Peters then inquired about the narrow roadway near Linton Boulevard and if widening the roadway would affect the sidewalk. Mr. Salisbury responded that there would still be swales separating the sidewalk and the roadway.

Commissioner David mentioned the transport vehicles are not allowed to stop in the Town. Mr. Salisbury mentioned that it is usually not a major issue. Commissioner David thanked Mr. Salisbury for his efforts.

Vice Mayor Stern questioned if this project would be Monday through Friday and what the 15-month timeline was based on. Mr. Salisbury mentioned that they only restrictions were requested by St. Lucy Church and the construction timeline estimate was based on a 40-hour work week.

Commissioner David mentioned that residents would not want noisy construction overnight. Mr. Salisbury mentioned that he would be meeting with Boca and Delray project managers to unify the hours of work and that he would work with the Town on timelines and schedules.

Mr. Terry Narcisco, 3221 South Ocean Boulevard, asked where the equipment will be placed and where will the workers park their trucks. Mr. Salisbury mentioned the construction staging area will be decided by the construction project manager.

Mayor Moore expressed appreciation as it relates to their meetings and FDOT's accommodations that they made based on feedback from residents.

6. PUBLIC COMMENTS (NON-AGENDA ITEMS ONLY)

Mayor Moore opened public comments.

Mr. Jack Halpern, 4511 South Ocean Boulevard, spoke about lessons learned as it relates to the September 2021 meeting.

7. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

Board Vacancies

Board of Adjustment and Appeals:	Two (2) vacancies for three-year terms
Natural Resources Preservation Advisory Board:	Three (3) vacancies for unexpired terms ending April 30, 2024

Meetings and Events

May 04, 2023	11:00 A.M.	Natural Resources Preservation Advisory Board Organizational Meeting
May 09, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
May 11, 2023	9:30 A.M.	Planning Board Regular Meeting
May 16, 2023	1:30 P.M.	Town Commission Meeting
May 23, 2023	1:30 P.M.	Town Commission Special Meeting

Board Action Report

None.

8. ORDINANCES

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

April 04, 2023 Town Commission Meeting Minutes

B. Approval of Canvassing Board Meeting Minutes

February 22, 2023 Pre-Election Canvassing Board Meeting Minutes
March 03, 2023 Logic and Accuracy Test Meeting Minutes
March 10, 2023 Canvassing Board Meeting Minutes
March 13, 2023 Canvassing Board Meeting Minutes
March 14, 2023 Canvassing Board Meeting Minutes
March 16, 2023 Canvassing Board Meeting Minutes
March 23, 2023 Canvassing Board Meeting Minutes for Post-Election Audit

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

10. UNFINISHED BUSINESS

A. None.

11. NEW BUSINESS

A. None.

12. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg spoke about the meeting participants.

Commissioner Donald Peters appreciated the public attending the meeting as well as FDOT staff members and Brad answering questions.

Commissioner Evalyn David mentioned that with any construction project, there will be some sort of inconvenience. This is a good project overall and FDOT is taking the Town's input seriously.

Vice Mayor David Stern commented that this was a really good meeting and thanked everyone for coming.

Mayor Natasha Moore thanked everyone for coming to the meeting.

13. TOWN ATTORNEY'S REPORT

Town Attorney Torcivia had no comments.

14. TOWN MANAGER'S REPORT

Town Manger Labadie reported the following:

He spoke about the agenda items for the upcoming Town Commission meetings. He mentioned that the annual budget cycle is starting soon.

Demolition day for the new Fire Station starts tomorrow, May 03, 2023.

Skender Coma, Management Analyst provided a PowerPoint presentation on the new Town website and mentioned that May 17 is the go-live date.

15. ADJOURNMENT

The meeting adjourned at 3:32 PM.

APPROVED: June 06, 2023, Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

06/06/2023

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.municodem meetings.com/>.



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: May 16, 2023
Time: 1:30 PM

1. CALL TO ORDER

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

2. ROLL CALL

Commissioner Judith M. Goldberg
Commissioner Donald Peters
Commissioner Evalyn David
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Leonard Rubin
Deputy Town Clerk Jaclyn DeHart

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF THE AGENDA

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

5. PRESENTATIONS / PROCLAMATIONS

A. National Safety Boating Week Proclamation

Mayor Moore presented the National Safety Boating Week Proclamation to Refael Baez, Immediate Past Flotilla Commander - Flotilla 36 and Philip Petito of the United States Coast Guard Auxiliary, District 7, Division 3. Mr. Baez and Mr. Petito provided comments on the importance of safe boating.

B. Memorial Day Proclamation

Mayor Moore presented the Memorial Day Proclamation.

John Shoemaker provided information about Memorial Day. He encouraged residents to reach out to him if they are a Veteran and want to be interviewed for the website.

C. Resolution No. 2023-010

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.

Mayor Moore read the title of Resolution No. 2023-010.

Applicant Christine Viegas provided a brief introduction of herself including experience in Michigan. The Town Commission interviewed applicant Christine Viegas followed by a motion.

MOTION: Peters/Stern – Moved to appoint Christine Viegas to the Natural Resources Preservation Advisory Board (Resolution No. 2023-010), which passed unanimously 5 – 0.

6. PUBLIC COMMENTS

There were no public comments.

7. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

Board Vacancies

Board of Adjustment and Appeals	Two (2) vacancies, all for three-year terms
	One (1) vacancy for an unexpired term ending September 21, 2024
Natural Resources Preservation Advisory Board	Two (2) vacancies for unexpired terms ending April 30, 2024

Meetings and Events

May 23, 2023 -	1:30 P.M.	Town Commission Special Meeting
May 29, 2023	Town Hall closed in observance of Memorial Day	
June 06, 2023	1:30 P.M.	Town Commission Meeting

Board Action Report

None.

8. ORDINANCES

None.

9. CONSENT AGENDA

None.

10. UNFINISHED BUSINESS

A. Fire Rescue Implementation Update

Mayor Moore read the title.

Town Manager Labadie provided an update on the construction of the new fire station as it pertains to demolition, tree removals and relocations, identified pile locations, issues and relocation of water/sewer lines. The Town hired an Assistant Fire Chief of Community Risk Reduction.

Fire Chief Joseph gave an update advertising the fire rescue positions, the hiring process, and the rationale behind leaving employment application window open longer. The Assistant Fire Chief of Community Risk Reduction has been hired and will start on June 5, 2023. In addition, he provided an overview of the timeline for bringing on staff in March or April of 2024. The construction is on track.

There was discussion on the timeline to hire and onboard the fire rescue personnel, the benefits of having an Assistant Fire Chief of Community Risk Reduction on staff and how community safety outreach will work in the future.

Town Manager Labadie mentioned that he will present a budget amendment to the Town Commission at the June 6 meeting to start paying for the construction.

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

Mayor Moore read the title.

Town Manager Labadie gave an update on the RRR Project as follows:

The laminated plans for the project are outside of the Manager's Office for public viewing and Town staff would be available to answer any questions.

Public safety comments that were submitted after the previous Town Commission meeting will be addressed. Public safety is the number one priority.

The next set of drawings should come in for viewing in the next few months.

Mayor Moore opened public comments.

Mr. Jack Halpern, 4511 S. Ocean Blvd, spoke about the RRR project concerning pavement coverage. He thanked the Town for changing the format of public comments during the Commission Meetings.

C. Approve and authorize the Mayor to execute the Franchise Agreement with Waste Management Inc. of Florida, the top-ranked firm for Solid Waste and Recycling Collection Services in accordance with the Request for Proposal (RFP) No. 23-001.

Mayor Moore read the title of the item.

Town Manager Labadie presented the item and gave background information on the agreement, summarizing the events that have occurred since the last Commission Meeting.

Commissioner David inquired about the collection rate schedule in regard to cost increases for condo associations.

Town Manager Labadie explained the collection rate schedule and the cost increases. He mentioned that the Town would work with the condo associations to help them budget for the increase.

There were discussions on the rate increases, rate schedules, rate adjustments, and past agreement differences.

Motion: David/Goldberg - Moved to accept the proposal by Waste Management for RFP No. 23-001, which passed unanimously 5 to 0.

11. NEW BUSINESS

A. Discussion of Milani (Highlands Beach Real Estate Holdings, LLC) Settlement Agreement Extension (Non-Park Property) for Eastern Parcel Only.

Mayor Moore read the title of the item.

Town Manager Labadie gave background on the settlement agreement and reviewed the request for the extension.

Ms. Lucia Milani, 4612 South Ocean Boulevard, spoke about the history of the property, previous restrictions on the property, the previous lawsuit, and the extension request.

There were discussions about the history of the agreement, extending the agreement and what that would mean legally for the Town. The Town Commission requested the Town Attorney to do a legal review of extending the agreement and bring back the information to the Town Commission in July or August of this year.

Motion: David/Peters - Moved to turn the question of legality of extending Mrs. Milani's agreement for 10 years over to legal counsel, which passed unanimously 5 to 0.

B. Discussion of the Troiano Family request regarding lot split at 4611 So. Ocean Blvd.

Mayor Moore read the title of the item.

Town Manager Labadie introduced the item and gave background on the property as it pertains to the current ordinance.

Laura Troiano, 4611 South Ocean Boulevard, provided comments about splitting the lot and building a home on the west side of A1A.

There was discussion about the process of splitting the lots, making sure the public can comment on it, and legal ramifications for the Town.

Motion: David/Peters – Moved for a legal review and come back with potential language about how to deal with Mrs. Troiano's request, which passed unanimously 5 to 0.

Mayor Moore opened public comments.

Mr. Halpern, 4511 South Ocean Boulevard, made comments about public input on the two previous items.

C. Approve and authorize the Mayor to executed Amendment No. 001 to the Interlocal Cooperation Agreement between Palm Beach County and the Town of Highland Beach enabling the Town to continue to participate in Palm Beach County's Urban County Program for Fiscal Years 2024-2026.

Mayor Moore read the title of the item.

Town Planner Allen presented this item.

Motion: David/Peters – Moved to accept Amendment No. 001 to the Interlocal Cooperation Agreement between Palm Beach County and the Town of Highland Beach enabling the Town to continue to participate in Palm Beach County's Urban County Program for Fiscal Years 2024-2026, which passed unanimously 5 to 0.

D. Resolution No. 2023-011

A Resolution of the Town Commission of the Town of Highland Beach, Florida, amending Fiscal Year 2022-2023 Schedule of Fees for Solid Waste and Recycling Collection Services, providing for conflicts, providing for severability, and providing for an effective date.

Mayor Moore read the title of Resolution No. 2023-011.

Town Manager Labadie presented this item and explained that the resolution effectuates Solid Waste rates which the Town Commission authorized by approving the contract with Waste Management Inc. of Florida (Item 10.C.).

Motion: David/Goldberg - Moved to approve Resolution No. 2023-011, which passed unanimously 5 to 0.

E. Water Sewer Update

Mayor Moore read in the title of the item.

Finance Director DiLena presented the new interactive tool that will be on the Town's website to show water and sewer information.

12. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg commented on the eventful full agenda.

Commissioner Donald Peters thanked Finance Director DiLena for the presentation.

Commissioner Evalyn David had no comments.

Vice Mayor David Stern commented that he is meeting with a Florida Power & Light (FPL) External Affairs Manager and will provide an update at the next Town Commission Meeting. He mentioned that he attended a new community group meeting that was formed by presidents of medium sized condominiums.

Mayor Natasha Moore thanked everyone for coming.

13. TOWN ATTORNEY'S REPORT

Town Attorney Rubin had no comments.

14. TOWN MANAGER'S REPORT

Town Manager Labadie reported the following.

The Police Benevolent Association (PBA) contract will be brought for ratification at the next Town Commission meeting.

He thanked the Town Commission for allowing him to hire talented individuals to work for Highland Beach.

Jared Rosenstein, Capital Consulting, will be coming to the June 06, 2023 Town Commission Meeting to discuss appropriations for the lift station, give a session update and answer any questions the Board has.

Budget presentations will start in June.

Dorthey Jacks, Property Appraiser, will provide the numbers in two weeks.

15. ADJOURNMENT

The meeting adjourned at 4:05 P.M.

APPROVED: June 06, 2023, Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Jaclyn DeHart and Lanelda Gaskins

Jaclyn DeHart,
Deputy Town Clerk

06/06/2023
Date

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File Attachments for Item:

A. Update on Planning Board's ongoing discussion of proposed changes ("amendment concepts") to the Accessory Marine Facility and seawall regulations of the Town Code



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE June 6, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Update on Planning Board's ongoing discussion of proposed changes ("amendment concepts") to the Accessory Marine Facility and seawall regulations of the Town Code

SUMMARY:

At the February 7, 2023 Town Commission meeting, the Commission considered a discussion item pertaining to the December 2022 Accessory Marine-related Public Input Meetings including a summary of the public input received and next steps. Consensus from the Commission was to have the Planning Board review the proposed amendment concepts (noted below) and provide their recommendations to the Commission. The Commission emphasized that the process for the Board's review not be rushed. Therefore, since March 2023, the proposed amendment concepts have been a continuing item of discussion on the Board's meeting agendas. It is anticipated that this ongoing discussion will ensue for an approximate 8-12 month timeframe.

The proposed "amendment concepts" were first introduced to the Town Commission on March 15, 2022. The Commission memorandum from this March meeting (attached) provides an introductory review and analysis of the amendment concepts. Note that after the March 15, 2022 meeting, an additional proposed change to the Town Code pertaining to a "maximum seawall height" was added to the list of amendment concepts. The latter concept was presented at the Public Input Meetings held in December 2022. Currently, the Town Code does not have a maximum seawall height requirement; however, Section 6-128 of the Town Code requires that all seawalls west of State Road A1A be at Base Flood Elevation or higher as provided by the FEMA FIRM maps.

The Planning Board's ongoing discussion and commentary on the proposed amendment concepts are provided in the tables below:

May 11, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
NA	Consider mooring setback to address moored boats extending beyond individual property lines.
10-foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	<p>-Maintain current accessory marine facility setbacks for those single-family properties located within Byrd Beach (if majority of Byrd Beach residents agree).</p> <p>-What was the intent for the proposed change to the accessory marine facility setback?</p> <p>-Requesting additional Board site visit on the Town's marine patrol vessel to assess existing docks in multifamily zoning districts and how they may be impacted by this proposed amendment concept.</p>

April 13, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
Maximum height for AMF = BFE plus 7 feet.	There should be limit, look to Board member Brown for input.
Require a ladder for every 50 feet of dock.	Reasonable for health and safety. Consider requirement not just for docks but include seawalls. Location of ladder should not interfere with the docking or mooring of vessel.
10-foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	Agree to apply setback for multifamily zoning districts as proposed.
NA	Floating docks should be part of the amendment (<i>Note that according to Section 30-68(h)(6) of the Town Code, floating docks are subject to conformance with all zoning requirements</i>). Town Attorney, Len Rubin, indicated that there may be some leeway in regulating setbacks for "floating vessel platforms" and "floating boat lifts" for which Florida Statutes currently provides an exemption. Mr. Rubin will update the Board on this matter at the May 11 th meeting.
Maximum seawall height	Expert to testify. Staff has reached out to the Town's marine expert, ATM, and will advise the Board on their availability to appear at a Board meeting.
Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to the property line)	Measure from closest landward position (to accommodate PL in the water). Apply 25 feet or 25% encroachment to canals and lakes only exclude Intracoastal Waterway.

March 9, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
Maximum height for AMF = BFE plus 7 feet	<i>Maybe the proposed "7 feet" is not high enough but there should be a limit.</i>
Require a ladder for every 50 feet of dock	<i>Require ladders on seawall and docks and consider adjustable ladders whereby the length of the ladder needs to be in the water at low mean tide.</i>
10-foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	<i>10-foot setback for Multi-Family Zoning Districts needs more discussion. Consider setback for mooring of boats.</i>

For reference purposes, a brief history on hearings held (and other related matters) relating to proposed accessory marine facility amendments to the Town Code are provided below:

November 17, 2020 - Town Commission authorized Vice-Mayor Greg Babij to sponsor the review and propose any amendment(s) to the accessory marine structure ordinance provisions (motion carried 5-0).

March 15, 2022 – Town Commission considers introduction to proposed amendment concepts regarding the accessory marine facility provisions of the Town Code. Commission consensus was to establish a process for review of such amendment concepts to include public participation and review by the Planning Board.

April 19, 2022 – Town Commission provides direction in establishing a process for review of amendment concepts as follows:

1. Requests that the Planning Board watch the April 19, 2022 Town Commission discussion on such item (Number 10D).
2. Requests that the Planning Board physically observe the various canal/lot widths and existing accessory marine facilities including boat lifts located within the Town.
3. Create maps of the various waterway widths (including canal and lakes).
4. Once Board site observations are complete, staff is to send out notices to all waterfront property owners (west of State Road A1A) prior to the Planning Board meeting where the Board will discuss proposed amendment concepts as provided to the Town Commission on March 15, 2022.

May 12, 2022 – Planning Board considers the April 19, 2022 direction provided by the Town Commission regarding Board review process for proposed amendments to the Accessory Marine Facility regulations of the Town Code.

May 23-27, 2022 – Individual Board site observations, as noted above, are conducted via the Police Department's Marine Patrol Unit (for those Board members who do not have access to a boat). Note five (5) of the seven (7) Board members conducted their observations on the Marine Patrol Unit vessel.

June 21, 2022 – Town Commission considers a discussion on a "review timeline" for proposed amendment concepts. Consensus from the Commission was to hold neighborhood meetings at the Town library in an effort to engage input from residents on

the proposed changes, and that such meetings commence in October or November upon return of seasonal residents

August 16, 2022 - Town Commission considers a discussion on a “review timeline” for proposed amendment concepts. Consensus from the Commission is to hold three (3) evening meetings in early November 2022.

December 5, 7, 13, 2022 – Public Input Meetings regarding proposed changes (“amendment concepts”) to the Accessory Marine Facility and seawall regulations of the Town Code of Ordinances were held at the Town Library.

ATTACHMENTS:

- March 15, 2022 Town Commission memorandum regarding introduction to proposed changes to Accessory Marine Facility regulations.

RECOMMENDATION:

At the discretion of the Town Commission.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE March 15, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Introduction to a proposed amendment to the Town Code of Ordinances regarding Accessory Marine Facilities.

SUMMARY:

Former Vice-Mayor, Greg Babij, is sponsoring an amendment to the Accessory Marine Facilities regulations found in Section 30-68(g) and (h) of the Town Code. This proposed amendment is further detailed in Mr. Babij's attached draft report (Attachment No. 1). Staff has prepared the following table which compares each proposed change with any current Town Code regulation that may apply:

Proposed amendment	Current Town Code regulation
1. Maximum height for accessory marine facilities at Base Flood Elevation (BFE) plus 7 feet.	Town Code is silent on maximum height for accessory marine facilities; however, the definition of "boat lift" requires that in no case shall the lift be higher than the superstructure of the boat when lifted (Sec. 30-131).
2. Exempt personal watercraft (PWC) lifts (as defined in Sec. 30-131) from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" or remove requirement from Town Code. <i>Note that given the low profile of such PWCs, compliance is problematic unless a variance is sought by Applicant.</i>	Boat Lift is defined as "the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted." (Sec. 30-131). Personal Watercraft lift (PWL) includes a mechanical/electrical device for lifting jet skis, canoes, kayaks or other small watercraft out of the water. (Sec. 30-131).

Proposed amendment	Current Town Code regulation
3. Maximum seawall cap width of 3 feet and maximum 8 foot width for seawall cap plus dock, as measured from the property line.	In waterways not regulated by the U.S. Army Corps of Engineers, docks and mooring structures shall not extend into any waterway more than five (5) feet. In waterways regulated by the U.S. Army Corps of Engineers, docks and mooring structures may extend to that distance allowed by said agency (Sec. 30-68(g)a. and b.). <i>Note that USACE regulates Intracoastal Waterway, canals and lakes in Town.</i>
4. Encroachment into water is 25 ft or 25% of waterway width (measured from the shortest distance adjacent to property line) whichever is less.	See No. 3 above.
5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	Single-family zoning districts: 25 foot side setback. For lots with a width of 50 feet or more but less than 70 feet, 15 foot side setback. For lots with less than fifty feet abutting the water, the planning board may grant a special exception for the installation of a seawall mounted davit type lifting device (but not a dock structure) after being satisfied as to the protection of neighboring property and no infringement of standard navigation practices. Multi-family Zoning districts are exempt from side setback (Sec. 30-68(g)(6)d.)
6. Require a ladder for every 50 feet of dock.	Town Code is silent on ladders.

Note that at the September 10, 2020 Planning Board meeting, staff provided, at the request of the Planning Board Chair, a discussion item that included other municipal piling height limits. Given the proposed amendment to the Town Code includes a maximum height for accessory marine facilities, the Commission may find the discussion memorandum helpful in the review and consideration of this introduction item (Attachment No. 2). Staff has also prepared a table that lists recent Town boat lift requests and their corresponding piling height and extension into the waterway (Attachment No. 3). The table also compares the applicable extension requirements for both the Cities of Pompano Beach and Boca Raton.

The proposed amendment was reviewed by Applied Technology & Management, Inc. (ATM), a coastal and marine engineering consultant who has a Professional Services Agreement with the Town. A report was provided by Dr. Michael G. Jenkins, ATM's Coastal Engineering Principal (Attachment No. 4). Dr. Jenkins indicates under item No. 1 of his report, that the Town's requirement that all accessory marine facilities receive Planning Board approval (Sec. 30-68(g)) is not a common requirement and that Board approval is typically reserved for sites with special and unique circumstances. Note that Section 30-46 of the Town Code currently requires public notice for Planning Board hearings. Although not included in Mr. Babij's

proposed amendment, the Town Commission should be mindful that if Commission consideration is given to reserving Planning Board approval only for those sites with special and unique circumstances, public notice provisions and public comment would only then apply to such special and unique sites. Those accessory marine facility requests that are not special and unique sites would be administratively approved by staff so long as they are consistent with Town Code regulations.

For reference purposes, attached are the current regulations applicable to accessory marine facilities found in Section 30-68 (g) and (h) of the Town Code (Attachment No. 5).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Attachment No. 1 – Draft report from Greg Babij

Attachment No. 2 - Planning Board discussion memorandum – September 10, 2020

Attachment No. 3 - Recent Town boat lift requests table

Attachment No. 4 - ATM report

Attachment No. 5 - Section 30-68 (g) and (h) Town Code of Ordinances

Ordinance Process flowchart

RECOMMENDATION:

At the discretion of the Commission.

ATTACHMENT NO. 1

DRAFT Proposed Revisions to Marine Accessory Ordinances

Abstract:

The existing marine accessory ordinances lack some detail and it is recommended they are enhanced to provide clarity on topics that have been a source of ambiguity and contention. Items like maximum allowable height of marine accessories, ambiguity around jetski lifts vs. boat lifts, and the process of dealing with marine accessories in where there is a discontinuity in the waterway (i.e corner lots, end of canals) have all been points of contention between residents and the Building Department, due to lack of detail.

Additionally, this is an opportune time to consider revising certain other components of the current ordinances to address anticipated future conflicts or in some cases better conform with code used by surrounding towns.

While reviewing the recommended changes, it may be beneficial to envision the concept of a 3-dimensional box that sits on the rear property line of any waterfront lot. Marine accessories must completely fit within the box to be permissible. Otherwise, they would be required to go through the process of obtaining a variance.

Summary of Recommendations

1) Define a Maximum Allowable Height of Marine Accessories:

Recommended Maximum Height: Base Flood Elevation plus 7 feet.

There have been multiple debates around what is an acceptable height of boat lifts. The current codes only state that a boat lift shall not be higher than the superstructure of the boat when lifted, but is silent on how high up in the air the combined boat lift and boat can be. This leaves open the potential for installing boatlifts on top of excessively high pilings, as long as the boat lift is fully retracted so the boat will be higher than the lift itself.

It is recommended that the “height” of the 3 dimensional box behind any waterfront property be Base Flood Elevation plus 7 feet. Referencing Base Flood Elevation allows the ordinance to be dynamic with sea level rise, as it is a reference datum that has been occasionally revised higher by the US Government in conjunction with the sea level. Pilings, and also the boat lift components must not be higher than this recommended maximum allowable height.

2) Amend existing language related to Jetski (Personal Watercraft) Lifts

The current codes are excessively onerous for jetski lifts, relative to boat lifts. As Section 30-131 is written, the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation, and in no case shall the lift be higher than the superstructure of the boat when lifted.

Because of the low vertical profile of a jetski (3 feet) relative to the vertical profile of a boat lift (7 feet), a boat lift can be installed to hold a boat, but the very same boat lift would not be permissible if it is used to instead lift a jetski.

It is recommended the current code be amended by either by removing the section that states *in no case shall the lift be higher than the superstructure of the boat when lifted*, or simply exempt jet skis (personal watercraft) from this code.

**3) Define a maximum width of a seawall cap and also a maximum width of a dock out into the water.
Recommended maximum new seawall cap width of 3 feet as measured from the property line
Recommended maximum dock plus seawall cap width of 8 feet as measured from the property line**

As properties are redeveloped and seawalls are replaced, there exists the potential for residents to look to “extend” their effective usable property out into the water by building a new seawall outside of the existing seawall. There is also the potential for properties to get extended by pouring excessively wide seawall caps on top of new seawalls and building excessively wide docks.

By limiting the maximum seawall cap width from the property line, and also the maximum distance the seawall cap plus dock can extend from the property line, the risk of one property owner effectively creating their own peninsula is minimized.

It is recommended that the waterside edge of any new seawall cap be limited to 3 feet from the property line, whether it is on top of a new wall, or is a cap raise on top of an existing wall.

Additionally, it is recommended that any new dock built is limited to a maximum distance of 8 feet out into the water as measured from the property line. This would allow for the outer edge of neighboring docks to all be limited to the same distance from the property line regardless of seawall cap size. For example, if a property has a 2 foot wide seawall cap, then that property would be allowed to have a 6 foot wide dock, and meet the maximum combined width of 8 feet. While if a neighboring property has a 3 foot wide seawall cap, they would be limited to a dock width of 5 feet.

Lastly it is recommended that language be added into the code to limit the installation of no more than 1 new seawall outside of the original property seawall that abuts the property line. This eliminates the risk that new seawalls are repeatedly installed on the waters edge side of existing seawalls, which would effectively create a man-made peninsula.

**4) Define a Maximum Distance that Marine Accessories can Extend into the Water
Recommended Maximum Distance: The lesser of 25 feet from the property line or 25% of the waterway width.**

This recommendation can be thought of as the perpendicular edge of the 3 dimensional box, as measured from the property line straight out into the water.

The town codes [Sec. 30-68(g)(6)a and b] simply defer to the Army Core of Engineers for approval of distance into water. It is recommended that the maximum distance be limited to the lesser of 25 feet or

25% of the width of the canal or waterway. Additionally, this distance will be measured from the shortest distance between the two properties in question.

This maximum distance of 25 feet is not an arbitrary value. It was chosen to allow residents to mix and match combinations of seawall cap widths, dock widths and boat lift widths of reasonable size without having to obtain a variance.

The chart below shows the various widths of boatlifts ranging from small boats to very large boats. For illustration, a typical 40 ft powerboat may weigh 30,000 to 40,000 lbs., and that lift is 16 ft wide (center to center) which is 17 ft wide when measured to the outsides of all pilings.

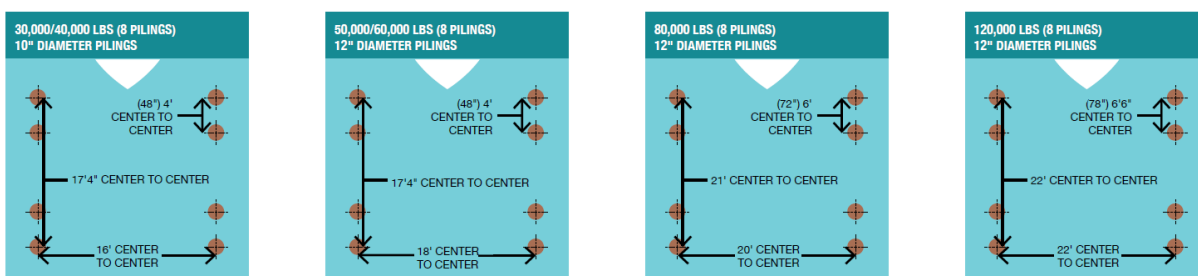
This very standard lift size could be installed at any home that has also conformed to the recommended seawall cap and dock widths, and stay at the 25 ft maximum distance:
3 ft seawall cap + 5 foot dock + 17 foot boatlift = 25 ft.

On the larger end of the spectrum, a 120,000 lb boatlift could hold about the largest size boat an owner would probably want to be able to lift behind a residential property. That boatlift is 22 ft wide center to center, which would be 23 feet wide to the outsides of the pilings. This “mega lift” could still fit in a back yard, but it would have to be right up against a seawall cap, as there is no room for a dock. Early seawall caps were 2 feet wide, and newer caps are 2.5 feet to 3 feet wide. Also note this lift could be installed at a property that has a 3 foot new cap, by notching out 1 foot where the inside pilings are installed. And again this is an extreme outlier example.

A much more typical boat lift for very large boats would be a 50,000 or 60,000 or even possibly an 80,000 lb. lift and the widths there easily stay within the maximum 25 foot threshold with a 3 foot wide seawall cap.

I am not sure Highland Beach has ever had a request to install an 80,000 or 120,000 lb. boatlift, as those are a very rare size.

Piling Setting Dimensions for Yacht Lifts



5) Amend Side setbacks to utilize a smoothed definition instead of the complicated step function definition. Additionally apply the new definition to all property types.

The current town codes utilize a step function where the side setbacks jump at discrete intervals. For example, if a single family zoned property is 71 feet wide, the side setbacks are 25 feet on each side. Comparatively, if a single family zoned property is 69 feet wide, the side setbacks are 15 feet on each

side. Additionally, there exists a different set of side setbacks for single family zoning vs multi-family zoning. Multi-family zoning has a zero foot setback.

It is recommended that the side setbacks be a smoothed function and are less for smaller properties so as to enhance the ability to utilize the water frontage. It is also recommended that the same set of rules apply to all properties equally, regardless of zoning.

Recommendations for Side setbacks:

-For properties with waterline length of 100 feet or more: 10 foot side setback on either side. This setback matches surrounding towns such as Boca Raton, Hillsboro Beach, and Ocean Ridge.

-For properties with waterline length of less than 100 feet: the side setbacks are proposed to be 10% of property waterline length on either side, with a minimum setback of 5 feet, on either side.

Utilizing this framework, a 71 foot wide property would have side setbacks of 7.1 feet, and a 69 foot property would have side setbacks of 6.9 feet.

Lastly, it is recommended that the current code clarify that with measurements will be made based on the assumption that a lot line is extended beyond said property line on a line perpendicular to the seawall or bulkhead. This clarification will provide clarity when measurements are being made with properties that have lot lines that are not perpendicular to the seawall, such as pie shaped lots.

6) Require a Ladder for every 50 feet of dock.

This is simply a requirement in most surrounding towns and our code is silent.

7) Strengthen existing language on the approval process of marine accessories in areas where there is a discontinuity in the waterway by acknowledging that they are a “special case” and external expertise will be utilized.

The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, end of canals, or corner lots or lots that extend into a waterway. The current code is a bit nebulous around these more complicated properties, and in some cases boatlifts have previously been installed in locations where one property owner is inadvertently restricting or blocking an adjacent property owner of the ability to also install a boatlift.

This situation was discussed extensively with the Marine Consultant, and in his expert opinion, no code can be written to address every possible potential scenario within the town. His recommend course of action is to treat any property that has a small water frontage (perhaps less than 50 feet) or that has a discontinuity in the waterway as “a special case.” In these special cases, the standard procedure will be to consult with a marine expert who will make recommendations to the planning board on locations and maximum permissible sizes of marine accessories, with the intention of making sure all surrounding property owners are not having their ability to also utilize the waterway restricted. The code already allows for outside experts for review of development approval requests via Sec. 30-12. The recommended code change is simply to clarify to all parties that a consultation with a marine consultant along with a consultant recommendation to the planning board will be part of the approval process in these special cases.

The planning board can then decide what will be permitted. If a resident disagrees with the planning board's approval, and feels that their access is being restricted as a result of a marine accessory installation, they can seek remedy through the court system.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Virtual Planning Board Meeting

MEETING DATE 9/10/2020

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Discussion on piling height limits and Town Code deficiencies pertaining to accessory marine facilities.

BACKGROUND:

On August 15, 2020, Planning Board Chairperson, David Axelrod, made the following two inquiries to Town staff:

1. Whether other local municipal codes provide height limits on pilings; and
2. Whether there are any other deficiencies in the Town Code as it pertains to accessory marine facilities.

Staff was directed by Town Manager, Marshall Labadie, to proceed with preliminary research on these inquiries.

SUMMARY:

Height limits on pilings:

The Town of Highland Beach's Code of Ordinances does not provide height limits for boat lift pilings. Upon staff review of the municipal codes for Boca Raton, Delray Beach, Manalapan, North Palm Beach and Ocean Ridge, no provisions for lift piling height were found. The municipal codes of Sanibel and Cape Coral both provide height provisions for mooring pilings as provided in Table 1 below (Note that Cape Coral also provides a maximum elevation provision for "pilings"). Jupiter Island's municipal code states for pilings supporting a dock or used in conjunction therewith shall not be higher than eight feet above mean high water. Moreover, Jupiter Island provides hoisting and daviting provisions for boats as follows:

Section 3.07F.(b) No boat shall be hoisted or davited to such a height that the top of the main superstructure, but not including masts, antennas, outriggers or other attachments to said boat, shall be more than eight feet above mean high water, and no boat exceeding 31 feet in overall length shall be hoisted or davited from the water and supported by a dock, unless approved by the impact review committee using the standards set forth in article X, division II, section 2.04 (see Attachment No. 1)

The municipal code for Lighthouse Point contains provisions for the number of individual pilings which may be installed adjacent to any property as provided in Table 2 below.

TABLE 1

MUNICIPALITY	PILING HEIGHT PROVISION	NOTES
Sanibel	Height of mooring pilings, maximum ten feet above mean high water (Sec. 126-886).	"Mooring Piling" is not defined in Sanibel's Municipal Code.
Cape Coral	Mooring Pilings shall not be higher than eight feet above mean high water (Section 5.4.5.).	"Mooring Piling" is not defined in Cape Coral's Municipal Code.
	The elevation of pilings shall not exceed 10 feet above the seawall cap or, if no seawall exists, 13 feet above mean water level (Section 5.4.2.).	
Jupiter Island	Pilings supporting a dock or used in conjunction therewith shall not be higher than eight feet above mean high water (Section 3.07C1.b.)	

TABLE 2

LIGHTHOUSE POINT: Section 42-380(d)(1) The number of individual pilings which may be installed adjacent to any property shall be as follows:

Properties With Eight (8) Foot Side Setbacks		Properties With Seven and One-Half (7½) Foot Side Setbacks	
Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed	Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed
0—60	0	0—60	0
Over 60—136	2	Over 60—135	2
Over 136—176	3	Over 135—175	3
Over 176 +	4	Over 175 +	4

Deficiencies:

Section 30-68 (g)(6)d.2. of the Town Code provides for a contradictory provision regarding the side yard setback requirement for accessory marine facilities in multifamily zoning districts. This section currently reads as follows:

Multifamily zoning districts: Five (5) feet, measured from the perimeter property lines. In multifamily residential zoning districts, marine facilities shall be exempt from side yard setback requirements for all interior lot lines.

Initially, the provision states that a five (5) foot setback is applicable; however, the second sentence exempts multifamily residential zoning districts from the side yard setback requirement. While this conflicting text could be addressed independently from the other accessory marine facility regulations, staff suggests that a marine consultant be retained to holistically assess the current Town Code regulations pertaining to accessory marine facilities and determine deficiencies. Marine consultant considerations could include whether provisions for lift piling height or hoisting of boats, along with corresponding definitions, should be incorporated into the Town Code.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Attachment No. 1 – Jupiter Island standards for impact review.

RECOMMENDATION:

Board discussion.

Sec. 2.04. - Standards for impact review of hoisted boats in excess of 31 feet in length or in excess of eight feet in height above mean high water.

The decision-maker shall approve an application for a hoisted boat that exceeds the maximum length and/or height if the applicant demonstrates that:

- A. The proposed hoisted boat will not adversely affect the public interest; and
- B. The proposed hoisted boat is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed hoisted boat from public rights-of-way and adjacent properties is minimized in a manner that is consistent with the surrounding neighborhood character; and
- D. The landscape buffer along the side property lines minimizes the visibility of the proposed hoisted boat; and
- E. The proposed hoisted boat will not cause substantial injury to the value of any other property in the neighborhood where it is to be located; and
- F. The proposed hoisted boat will be compatible with adjoining properties and the intended purpose of the district in which it is to be located; and
- G. The proposed hoisted boat will not result in an obvious departure from the aesthetic character of the neighborhood; and
- H. The proposed hoisted boat is situated in a manner that does not materially obstruct the waterfront views from neighboring property; and
- I. The proposed hoisted boat will be associated with a dock which is conforming to all town regulations; and
- J. The proposed hoisted boat does not exceed 41 feet in length or contain more than two levels.

(Ord. No. 342, § 2, 9-17-13)

ATTACHMENT NO. 3

BOAT LIFTS REQUESTS

ADDRESS	# OF PILINGS	HEIGHT OF PILING/TOP OF LIFT BEAM ¹	LIFT EXTENDS INTO WATERWAY (FROM PL)	POMPANO BCH REGULATIONS FOR EXTENDING INTO WATERWAY (FT) ²	BOCA RATON REGULATIONS FOR EXTENDING INTO WATERWAY (FT) ³	NOTES
2021						
4205 Intracoastal Dr <i>APPROVED</i>	8	5'/6'6"	25'	20 (Approx. 145 ft width of waterway)	20	
4408 Intracoastal Dr <i>APPROVED</i>	0	0/6'6"	18'	18.6 (Approx. 93 ft width of waterway)	20	
4206 Intracoastal Dr <i>APPROVED</i>	4	5'/6'6"	18.5'	20 (Approx. 100 ft width of waterway)	20	
1118 Bel Air Dr <i>APPROVED</i>	0	0/7'8"	16	20(Approx. 155 ft width of waterway)	20	
2020						
1006 Grand Ct <i>DENIED</i>	10	7'/8'6"	18'6"	20 (Approx. 150 ft width of waterway)	20	
4318 S Ocean Blvd <i>APPROVED</i>	0	0/7'3"	20'	20 (Approx. 100 ft width of waterway)	20	
2019						
2727 S. Ocean Blvd (slip 5A and 5B) <i>APPROVED</i>	4	Not provided on plans	33'9" (SEE NOTES)	20 (Approx. 316 ft width across ICW)	20	Extension into waterway was measured from seawall. Note that property line is west of seawall, in the water.
4014 S. Ocean Blvd <i>APPROVED</i>	4	Not provided on plans	21'6" (SEE NOTES)	20 (Approx. 337 ft width across ICW to dock)	20	Extension into waterway was measured from dock. Note that property line is west of dock, in the water.

¹Measured from the dock.

²Pompano Beach allows lift to extend to a distance **20%** of the width of the waterway or 20 feet, whichever is less.

³Boca Raton allows lift to extend to a distance **25%** of the width of the waterway or 20 feet, whichever is less. For portions of a boat lift constructed beyond 20 percent of the width of the canal, only wood pilings may be utilized and no part of a boat lift structure shall extend beyond the face of the wood pilings nearest the canal center.

PL – Property Line

FT – Feet

Note: Neither Pompano Beach nor Boca Raton code regulations provide for _____ m piling height.

ATTACHMENT NO. 4



2/11/22

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach, FL 33487

**Re: Accessory Marine Facility Code Amendments Relative to Boat Lifts
 Town of Highland Beach**

Ms. Allen,

This correspondence is provided as additional discussion and opinion regarding changes to Town of Highland Beach code relative to 'Accessory Marine Structures' and specifically boat lifts as defined within sec. 30-68 of municipal code. Items are discussed relative to potential changes to specific requirements of the current code.

1. Requirement for Accessory Marine Facilities to receive Planning Board approval

The requirement that all accessory marine facilities receive planning board approval (ref. Sec. 30-68 Supplemental district regulations (g)(3)) is not a common requirement within coastal communities. Boat lifts are generally allowed with restrictions without planning board approval. Board approval is typically reserved for sites with special and unique circumstance (see item 6. below) or for variance requests from the standard provisions defined in code. The requirements for lift installation are generally defined by code in terms of limitations to the location (setback) and overall size of the structure. These limitations meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view.

2. Requirement of setbacks for all zoning districts

Requirements for minimum setbacks for all zoning districts are a standard practice and are a key provision to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize visual impacts. The zero-foot setback for multi-family zoning within the Town's current code is anomalous and does not provide a sufficient setback to meet the intent. Required minimum setbacks for boatlifts and docks vary considerably by jurisdiction. The nominal width of lots within a municipality are generally relevant to this provision. Areas with larger lots tend to have larger setback requirements, while areas with smaller lots have lesser setback requirements to allow for reasonable use.

3. Limits to waterway encroachment

Limitations to the distance structures can encroach into a waterway are a standard practice and meet the intent to allow for safe navigation and minimize impacts to adjacent properties and views. Encroachment maximum distances on the order of 25 feet (relative to the waterway edge) are fairly common, though additional restrictions for narrow waterways are also common practice. In general, a fifty-foot effective fairway width is a common design standard for residential canals.

4. Limitations to pile maximum height

Limitations to maximum pile height is not a common practice but does meet the intent to minimize impacts to view. This approach also addresses a related issue relative to overall vessel size. Limitations to pile height restrict the ability to lift vessels beyond a certain size which addressed both issues of view and waterway navigability. In terms of maximum height, it should be defined relative to a fixed vertical datum. Pile heights generally on the order of 12 feet (NAVD 88) (which equates to something on the order of 8 feet above dock height) meet the lifting requirements for most vessels.

5. Limits to seawall cap and dock width

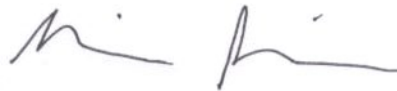
Limitations to Seawall cap and dock total width meets the intent to limit impacts to adjacent properties, waterway navigability and view. A total width of 8 feet (inclusive of the seawall cap and dock) is consistent with general practice.

6. Special and unique circumstances - Sewall discontinuities and corner lots

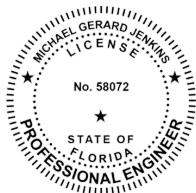
Regulation of boat lifts through minimum setbacks, size and height limitations are generally sufficient to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view for waterways that are generally uniform in dimension adjacent to the regulated property. The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, corner lots or lots that extend into a waterway. Application of uniform code provisions to address these areas are problematic as each circumstance is unique and requires consideration of the specific current and intended use and access to the waterway. These issues are further complicated by the range of boat types, sizes and performance characteristics which may be germane to both the use and potential for impact to adjacent properties. Such instances likely warrant further consideration by the Planning Board.

Sincerely,

Applied Technology & Management, Inc.



Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal



**Michael
G Jenkins**

Digitally signed by
Michael G Jenkins
Date: 2022.02.24
09:00:36 -05'00'

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

ATTACHMENT NO. 5

→ Sec. 30-68. - Supplemental district regulations.

(g) *Accessory marine facilities:*

- (1) *Accessory use.* Accessory marine facilities, including docks, piers, launching facilities, boat basins, freestanding pilings and lifting and mooring devices, are permitted as accessory uses in all residential zoning districts. Accessory marine facilities shall be reviewed as special exceptions by the planning board which shall be the final authority on all applications unless the accessory marine facility is part of a site plan submittal or other application requiring town commission approval as provided for in section 30-36.
 - a. Accessory marine facilities shall not be used for commercial purposes.
 - b. Accessory marine facilities shall be used only by residents or their guests, and shall not be rented or leased to nonresidents or any other person other than owners or residents of the principal dwelling or dwellings. For the purpose of this section, the term guest shall mean a person or persons residing in a dwelling unit for a limited period of time, not to exceed a period of sixty (60) days within one calendar year, at the invitation of the owner or resident of the dwelling.
 - c. Accessory marine facilities shall not be a hazard to navigation.
- (2) *Boat basins.* Boat basins are allowed in all zoning districts and reviewed by a special exception, subject to the additional standards listed below:
 - a. The edge of any improvements associated with a boat basin shall be located at least twenty-five (25) feet from side property lines.
 - b. The total length of improvements associated with a boat basin shall not exceed one-third (33.3%) of the length of the property line in which the basin is located.
 - c. Not more than twenty-five (25) percent of any boat moored in a boat basin may extend waterward of property line in which the basin is located.
 - d. The town, at the expense of the applicant, may utilize appropriate marine, engineering, construction, and related professionals to review all aspects of such application. Such professionals shall be utilized to ensure compliance with the requirements herein, to ensure a proposed basin will not be a hazard to navigation, and to ensure a proposed boat basin will not pose a potential hazard, via erosion or other action, to the stability of neighboring properties.
- (3) *Lifting devices.* The installation of lifting devices or other means of securing boats (but not a boat dock) is allowed in all zoning districts. In addition to the requirements for a special exception, the planning board must also find that the lifting device will provide adequate protection of neighboring property and that there is no infringement of standard navigational practices.
- (4) *Boats and setbacks.* When moored, any portion of a boat shall not extend beyond any property line, as extended waterward.
- (5) *Enclosures.* Accessory marine facilities shall not be enclosed with walls, roofs, or any other structures or improvements.
- (6) *Installation.* Accessory marine facilities shall comply with the installation standards listed below:
 - a. In waterways not regulated by the U.S. Army Corps of Engineers, docks and mooring structures shall not extend into any waterway more than five (5) feet.
 - b. In waterways regulated by the U.S. Army Corps of Engineers, docks and mooring structures may extend to that distance allowed by said agency.

- c. Measurement of the width or length of a dock, as applicable, shall be made from the property line.
 - d. Marine facilities shall comply with the side yard setbacks listed below.
 - 1. *Single-family zoning districts:* Twenty-five (25) feet; provided, however, the side yard setback shall be fifteen (15) feet for any single-family lot with a lot width of fifty (50) feet or more but less than seventy (70) feet. For those lots with less than fifty (50) feet abutting the water, the planning board may grant a special exception for the installation of a seawall mounted davit type lifting device (but not a dock structure) after being satisfied as to the protection of neighboring property and no infringement of standard navigation practices.
 - 2. *Multifamily zoning districts:* Five (5) feet, measured from the perimeter property lines. In multifamily residential zoning districts, marine facilities shall be exempt from side yard setback requirements for all interior lot lines.
- (7) *Perpendicular docking.* Unless otherwise provided herein, boats shall not be moored or docked perpendicular to the property at which they are located.
- a. A boat moored at the landward end of a canal constructed for boat docking purposes may be moored perpendicular to the property line, provided such mooring does not impede the navigation of adjacent property owners.
 - b. A boat moored in the Intracoastal Waterway may be moored perpendicular to the property line, subject to approval by the U.S. Army Corps of Engineers.
 - c. A request for perpendicular docking of a boat in a canal shall be considered as a special exception by the planning board. Applications for development order approval of perpendicular docking of boats shall be subject to all standards applicable to a special exception request, and the additional criteria contained herein:
 - 1. Location of docks, docked boats, and relation to side setbacks shall be established by the waterward extension of property lines.
 - 2. Perpendicular docking of boats shall not interfere with navigation of other boats within the affected canal, and will not be a hazard to navigation.
 - 3. Perpendicular docking of boats shall comply with all setbacks required for accessory marine facilities.
 - 4. Docks or accessory mooring facilities approved by the planning board for perpendicular docking of boats may exceed the maximum extension into a waterway allowed for accessory marine facilities.
 - 5. The building official or planning board may request evidence, prepared by a recognized marine expert, demonstrating the following:
 - i. Proposed perpendicular docking and related accessory marine facilities will not reasonably deny or otherwise limit the ability of abutting or adjacent property owners to construct accessory marine facilities;
 - ii. Proposed perpendicular docking and related accessory marine facilities will not reasonably deny or otherwise limit the normal ability of abutting or adjacent property owners to moor, maneuver, use or otherwise move a boat; and
 - iii. Proposed perpendicular docking and related accessory marine facilities will not deny reasonable visual access of abutting property owners to public waterways.

- (h) *Dolphins, freestanding pilings, boat lifts, docks, and moorings:*
- (1) *Installation.* In order to be installed, dolphins, freestanding pilings, boat lifts, docks, and moorings (collectively "mooring facilities") shall comply with all standards listed below:
- a. The installation shall be subject to special exception approval by the planning board at an advertised public hearing.
 - b. The mooring facilities will be located in a canal or waterway at least eighty (80) feet in width.
 - c. The mooring facilities will not create a hazardous interference with navigation, endanger life or property, or deny the public reasonable visual access to public waterways.
 - d. Construction of all mooring facilities shall require a building permit.
- (2) *Public notice.* In addition to the requirements of section 30-46, written notice must be provided by first class mail to owners of property abutting the canal and located within five hundred (500) feet, as measured from both property lines along the canal bank, of the property in question.
- (3) *Documentation.* The building official or planning board may request evidence, prepared by a recognized marine expert, demonstrating the proposed mooring facilities will not be a hazard to navigation and will not deny reasonable visual access to public waterways.
- (4) *Adjacent property.* Installation of the mooring facilities shall not cause a hazardous interference with navigation, endanger life or property, or deny the adjacent property owners or public reasonable visual access to the public waterway.
- (5) *Navigation.* Installation of such mooring facilities shall not infringe upon standard navigational practices that are or may be used by abutting property owners.
- (6) *Floating docks.* Floating docks are permitted, subject to conformance with all zoning code requirements herein and compliance with all applicable building codes.

→ Sec. 30-131. - Definitions of terms.

Boat lifts means the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted.

Note that Section 30-131 has several accessory marine facility-related definitions including "dock, residential," "dolphin pilings," etc.

ORDINANCE INITIATION

The initiation of a new ordinance may originate from several different sources:

- Commissioner/Staff initiative
- Citizen concerns expressed through public comments
- Response to state and federal actions
- Advisory Board Initiative

INTRODUCTION TOWN COMMISSION

A proposal for a new ordinance is presented to the commission for consideration. If approved in concept, the commission directs Town Manager and Town Attorney to research the subject matter and create a draft ordinance. Draft ordinance forwarded to the appropriate Advisory Board for recommendation.

Staff/Legal Team
Research & Draft
Ordinance

ADVISORY BOARD(S)

The appropriate advisory board review and proposes any edits draft ordinance. This process may involve multiple meetings for review and to solicit public comments. Once a draft is settled upon, the advisory board provides a recommendation with the final draft to the commission for consideration for a First reading.

TOWN COMMISSION -- 1st READING

Commission discusses the public merits of the ordinance along with the recommendations of the assigned advisory board(s). Public input provided. Commission may move forward to 2nd Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

TOWN COMMISSION -- 2nd READING/PUBLIC HEARING

After public hearing and final discussion, the commission votes to approve and enact ordinance. The Commission may request additional modifications.

TOWN STAFF -- ADOPTION & IMPLEMENTATION

File Attachments for Item:

A. Resolution No. 2023-012

A Resolution of the Town Commission of the Town of Highland Beach, Florida amending its Fund Balance Policy to assign additional funds for the Fire Rescue Department.



RESOLUTION NO. 2023-012

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ITS FUND BALANCE POLICY TO ASSIGN ADDITIONAL FUNDS FOR THE FIRE RESCUE DEPARTMENT.

WHEREAS, the Governmental Accounting Standards issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, in order to clarify the meaning of fund balance on financial statements; and,

WHEREAS, the Town's reserve policies are based on sound fiscal principles and best practices designed to allow the Town to maintain continuity of operations in adverse conditions while being mindful of the fiduciary responsibility to taxpayers, both current and future generations; and,

WHEREAS, the Town realized that adequate fund balance levels are an essential component of the Town's overall financial management strategy and a key factor in external credit rating agencies' measurement of the Town's financial strength; and,

WHEREAS, on March 1, 2022, the Town amended its Fund Balance Policy for the General Fund to assign \$4,000,000 pursuant to Resolution 22-005 for the establishment of the Highland Beach Fire Rescue Department; and,

WHEREAS, the estimated construction price levels has experienced substantial increases since March 1, 2022, affecting the cost of construction and COVID related supply chain limitations; and

WHEREAS, the Fire Rescue Project has emerged as a critical priority that requires additional funding to ensure the safety and well-being of the community; and

WHEREAS, considering these inflationary trends, it is essential to update the assigned amount mentioned from \$4,000,000 to \$6,500,000 to align with the current market conditions and reflect the prevailing price levels; and

WHEREAS, the General Fund reserves have been maintained to provide stability and flexibility, allocating an additional **\$1,000,000** to this critical priority project from the General Fund; and

WHEREAS, the ARPA Grant funds allocated for the Water and Sewer funds were originally designated for specific projects but have become available for re-appropriation; and

WHEREAS, reallocating **\$1,500,000** of the \$1,961,344 ARPA Grant funds from the Water and Sewer funds to the Fire Rescue Project would enable the timely completion of essential fire rescue infrastructure and enhance emergency response capabilities; and

Now, therefore, it is hereby resolved to re-appropriate the ARPA Grant funds from the Water and Sewer funds to the Fire Rescue Project, in accordance with the guidelines and regulations outlined by the grant program.

WHEREAS, such a policy has been prepared and Amended thereof is attached as Exhibit “A”.

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

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this resolution.

Section 2: The Town Commission of the Town of Highland Beach hereby adopts the “Town of Highland Beach Fund Balance Policy for the General Fund”, attached hereto as “Exhibit A”, and directs the Town Manager to implement said policy.

Section 3: All Resolutions or parts of Resolutions, insofar as they are inconsistent or in conflict with the provisions of this Resolution, are hereby repealed.

Section 4: This Resolution shall take effect on June 06, 2023.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this **6th** day of **June 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 Donald Peters
Commissioner Judith M. Goldberg

EXHIBIT A – RESOLUTION NO. 2023-012

TOWN OF HIGHLAND BEACH

as of June 6, 2023

FUND BALANCE POLICY FOR COMPLIANCE WITH GASB STATEMENT NO. 54

A. Fund Balance Policy

The Town hereby establishes and will maintain reservations of Fund Balance, as defined herein, in accordance with Governmental Accounting and Financial Standards Board (GASB) Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions*. This Policy shall only apply to the Town's General Fund unless otherwise noted. Fund Balance shall be composed of restricted, committed, assigned, non-spendable, and unassigned amounts.

Fund Balance information is used to identify the available resources to repay long-term debt, stabilize property tax rates, add and/or expand governmental programs and services, , or protect and enhance the financial position of the Town, in accordance with policies established by the Town Commission.

B. Fund Type Definitions

The following definitions will be used in reporting activity in governmental funds of the Town. The Town may or may not report all fund types in any given reporting period based on actual circumstances and activity.

The general fund is used to account for all financial resources not accounted for and reported in another fund.

Special revenue funds are used to account and report the proceeds of *specific revenue sources* that are *restricted* or *committed* to expenditure for *specific purposes* other than debt service or capital projects.

Debt service funds are used to account for all financial resources restricted, committed, or assigned to expenditure for principal and interest.

Capital projects funds are used to account for all financial resources restricted, committed, or assigned to expenditure for the acquisition or construction of capital assets.

Permanent funds are used to account for resources restricted to the extent that only earnings, and not principal, may be used for purposes that support the Town's purposes.

C. Fund Balance Definitions

Fund Balance – The difference between fund assets and fund liabilities in the governmental funds balance sheet and is referred to as “fund equity”.

Non-Spendable Fund Balance – Amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (e.g., principal of an endowment fund)

Restricted Fund Balance – Amounts that can be spent only for the specific purposes stipulated by external resource providers (such as grantors), or enabling legislation. Restrictions may be changed or lifted only with the consent of the resource providers.

Committed Fund Balance – Amounts that can be used only for the specific purposes determined by a formal action of the Town Commission, the Town’s highest level of decision making authority. Commitments may be changed or lifted only by the Town Commission taking the same formal action.

Assigned Fund Balance – Amounts that the Town intends to use for a specific purpose; the intent shall be expressed by the Town Commission or may be delegated to the Town Manager.

Unassigned Fund Balance – The residual classification for the general fund and includes amounts that are not contained in the other classifications. Unassigned amounts are the portion of fund balance which is not obligated or specifically designated and is available for general purposes.

D. Reservations of Fund Balance

1. Assigned Fund Balance- Budget Stabilization

The Town Commission hereby establishes the following assigned fund balance reserves in the General Fund:

a. Budget Stabilization

This assignment protects the general fund against cash flow shortfalls related to timing of projected revenue receipts. The targeted assignment amount shall be 16.7%, or two months of General Fund operating expenditures, net of funds set aside for reserves. The amount reserved shall be adjusted annually on October 1st with a transfer from the Unassigned Fund Balance.

2. Assigned Fund Balance- Disaster Recovery

a. Disaster Recovery

In order to provide the resources necessary to ensure continued operations and maintenance of services to the public, the Town shall assign a fund balance reserve for emergency preparedness in the General Fund. The targeted assignment amount shall be 16.7%, or two months of General Fund operating expenditures, net of funds set aside for reserves. The amount reserved shall be adjusted annually on October 1st with a transfer from the Unassigned Fund Balance.

3. Assigned Fund Balance – Public Safety Services

a. Establishment of Fire Rescue Department

This assignment provides funds to assist with the costs associated with the establishment and operation of the Highland Beach Fire Rescue Department. The funds may be utilized to reconstruct the existing fire station, procure fire response apparatus, recruit and train fire rescue personnel and purchase specialized fire rescue equipment. The fixed amount of the assignment is ~~\$4,000,000~~ \$6,500,000.

E. Disbursement of Fund Balance Reserves

1. Disbursement of funds within the fund balance reserves shall be authorized by a resolution of the Town Commission and may be approved by inclusion in the approved annual budget (and amendments thereto), or shall be authorized pursuant to any ordinances, resolutions or procedures adopted by the Town Commission (such as the Town's procurement code).
2. Prioritization of fund balance use – When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Town to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the Town that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

F. Annual Review and Determination of Fund Balance Reserve Amounts

Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process, and the amounts of non-spendable, restricted, committed, and assigned fund balance shall be determined during this process.

File Attachments for Item:

B. Resolution No. 2023-013

A Resolution of the Town Commission of the Town of Highland Beach, Florida amending Resolution No. 2022-020, which appropriated funds for the 2022-2023 Fiscal Year budget, and providing an effective date.



RESOLUTION NO. 2023-013

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING RESOLUTION NO. 2022-020, WHICH APPROPRIATED FUNDS FOR THE 2022-2023 FISCAL YEAR BUDGET, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission adopted its 2022-2023 Fiscal Year Budget effective October 1, 2022; and

WHEREAS, the Town passed Resolution No. 2021-023 to establish, operate, and fund a Highland Beach Fire and Rescue Department: and,

WHEREAS, the Town amended its Fund Balance Policy for the General Fund to assign funds for the establishment of the Highland Beach Fire Rescue Department Resolution No. 2023-012 fund balance policy; and,

WHEREAS, staff estimated the expenditures based on construction draw schedule through fiscal yearend and for equipment, and professional fees relating to the establishment of the Fire Rescue Department as set forth in the attached Exhibit 1; and,

WHEREAS, the Town Commission has determined that it is in the best interest of the residents of the Town of Highland Beach to amend the 2022-2023 Fiscal Year Budget through the adjustments set forth in the attached Exhibit 1.

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

Section 1. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2. That the Amendment of funding to the 2022-2023 Budget for the Town’s General Fund Operations (Fund 001) for the Fiscal Year beginning October 1, 2022, and as set forth in Exhibit 1 is adopted and authorized as an Amendment to the General Fund Operations of the Town of Highland Beach, Florida for Fiscal Year 2023.

Section 3. This Resolution shall become effective upon its passage and approval.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida,
this **6th** day of **JUNE** 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 Donald Peters
Commissioner Judith M. Goldberg

EXHIBIT 1
FUND 001 – GENERAL FUND OPERATIONS
AMENDMENT TO
FY 2023 OPERATING BUDGET

The following item is an amendment to the existing FY 2023 General Fund Budget to recognize an additional Appropriation from Fire Rescue Reserve based on estimated construction draw schedule and additional Equipment and Professional Services expenditures.

REVENUES

Account Number	Description	Amount
001-310.000-389.900	Appropriation from Reserve	<u>\$4,988,858</u>
Total Revenues		<u>\$4,988,858</u>

EXPENDITURES

Account Number	Description	Amount
001-522.000-562.000	Building CIP	\$4,574,858 [a]
001-522.000-564.000	Machinery and Equipment	414,000 [b]
Total Expenditures		<u>\$4,988,858</u>

[a] Based on estimated contractors cash draw schedule.

[b] Self-Contained Breathing Apparatus	\$350,000
EMS Equipment	<u>64,000</u>
	\$414,000