

AGENDA

NATURAL RESOURCES PRESERVATION ADVISORY BOARD ORGANIZATIONAL MEETING



Thursday, May 04, 2023 AT 11:00 AM

TOWN OF HIGHLAND BEACH, FLORIDA

3618 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: www.highlandbeach.us

LIBRARY COMMUNITY ROOM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **PUBLIC COMMENT** *(limited to three (3) minutes per speaker)*
6. **PRESENTATIONS**
 - A. Government in the Sunshine Law Orientation
7. **APPROVAL OF MINUTES**
 - A. February 02, 2023
8. **UNFINISHED BUSINESS**
 - A. Update from Chairperson Stansfield on Bucket Tree Outreach
9. **NEW BUSINESS**
 - A. Nomination of Vice-Chairperson
 - B. Board Member Updates
 1. Member Barbara Nestle

10. ANNOUNCEMENTS

May 09, 2023	1:00 P.M.	Code Enforcement Board Meeting
May 11, 2023	9:30 A.M.	Planning Board Regular Meeting
May 16, 2023	1:30 P.M.	Town Commission Meeting
August 02, 2023	10:00 A.M.	Natural Resources Preservation Advisory Board Meeting

Board Vacancies (Information Only)

Natural Resources Preservation Advisory Board - Three (3) vacancies for unexpired terms ending April 30, 2024

11. ADJOURNMENT

Any person that decides to appeal any decision made by the Natural Resources Preservation Advisory Board 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 based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.

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

File Attachments for Item:

A. Government in the Sunshine Law Orientation

**TORCIVIA, DONLON,
GODDEAU & RUBIN,
P.A.**

701 NORTHPOINT PARKWAY, SUITE 209
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GLEN J. TORCIVIA

LARA DONLON

CHRISTY L. GODDEAU*

LEONARD G. RUBIN*

JENNIFER H.R.
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SUSAN M. GARRETT

ELIZABETH V.
LENIHAN*

DENISE A.
MUTAMBA

KARA L. LAND

RUTH A. HOLMES

*FLORIDA BAR BOARD CERTIFIED
CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

**TOWN OF HIGHLAND BEACH
NATURAL RESOURCES PRESERVATION ADVISORY BOARD WORKSHOP**

GOVERNMENT IN THE SUNSHINE LAW

What is the Government in the Sunshine Law?

The Government in the Sunshine Law, as codified in section 286.011, Florida Statutes, provides a right of public access to governmental proceedings at the state and local levels.

When does the Sunshine Law apply?

- A. The Sunshine Law applies to any gathering of two or more members of the same municipal board to discuss some matter which foreseeably **may** come before that board for action.
- B. The Sunshine Law applies to advisory boards created by the Town Commission, even when the recommendations of such boards are not binding on the Commission.

What are the basic requirements of the Sunshine Law?

As applied to municipal boards, the Sunshine Law has three basic requirements:

A. All Meetings Must be Open to the Public

- (1) Public meeting cannot be held at any facility that discriminates on the basis of sex, age, race, creed, color, origin or economic status, or which operates in such a manner as to unreasonably restrict public access.
- (2) Public has right to record public meetings (video and audio) so long as such recording is not disruptive.

B. Public Must be Given Reasonable Notice of Such Meetings

- (1) No “bright line” test for what constitutes reasonable notice. Type of notice required depends on the particular facts and circumstances. In some instances, posting is sufficient. In others, publication in a newspaper may be necessary.
- (2) The Sunshine Law does not require that a public agency provide notice of each item to be discussed at a public meeting via a published agenda. Such a requirement would preclude access to meetings by members of the general public who wish to bring specific issues before a governmental body.

C. Minutes of the Meeting Must be Taken

- (1) Minutes of public meeting, including workshop meetings, must be promptly recorded and open for public inspection.
- (2) The use of the term “minutes” contemplates a brief summary or series of brief notes or memoranda reflecting the events of the meeting (also known as “action minutes”).
- (3) No requirement that meetings be recorded; however, once recordings have been made, they are public records and subject to public records retention schedule established by the Department of State.

What are the practical applications of the Sunshine Law to members of municipal boards?

- A. Two or more members of the **same board** cannot privately “discuss” any matter that will foreseeably come before the board for official action, regardless of when or where the discussions take place.

ALL CONVERSATIONS REGARDING BOARD BUSINESS MUST OCCUR DURING THE COURSE OF A PUBLIC MEETING.

- (1) This prohibition includes conversations at informal gatherings, all telephone conversations, and all exchanges of written communications, including e-mails and texts.
- (2) Members of the same board may not have any private discussions or communications relating to issues before the board before or after the board meeting. Additionally, such discussions are prohibited during the meeting (including recesses) if such discussions are not audible to the public attending the meeting. Such discussions or communications violate the letter and spirit of the Sunshine Law.

Note: This prohibition specifically includes any “off-microphone” discussions between board members and the exchange of written notes, e-mails or text messages during the course of a meeting.

- (3) Members of the same board are not precluded from attending social or business functions together so long as board matters are not addressed at such functions.
 - (4) Members of one board are not prohibited from attending meetings of another municipal board and commenting on agenda items that may subsequently come before their board for final action so long as the members do not discuss the items among themselves. For example, members of the Town Commission may attend advisory board meetings and comment upon items. AGO 00-68.
- B. Board members may discuss board matters with the Town Manager, members of Town Staff, legal counsel or a member of a different board (including members of the Town Commission). However, the Town Manager (or any other non-board member) may not act as a liaison for board members by circulating information and the thoughts of the individual board members. AGO 74-47.
- C. Members of a municipal advisory board are not prohibited from conducting “inspection trips” to view properties or other matters that are the subject of board action, but members may not take such trips together or discuss such inspections prior to the public meeting.
- E. A member of a Town board who is present at a meeting of that body at which an official decision, ruling or other official act is to be taken or adopted may **not** abstain from voting. A vote shall be recorded or counted for each such member present, *except when there is or appears to be a conflict of interest or voting conflict.* §286.012, Fla. Stat. Failure to vote, however, does not invalidate the proceeding. City of Hallandale v. Rayel Corporation, 313 So. 2d 113 (Fla. 4th DCA 1975).

Note: When a member of a local advisory board is required to abstain, the member is disqualified from voting and may not be counted for the purposes of determining a quorum. AGO 86-61.

5. What are the consequences for a violation of the Sunshine Law?

- A. *Criminal penalties:* A knowing violation of the Sunshine Law is a second-degree misdemeanor and is punishable by up to 60 days in jail and/or a fine not exceeding \$500.00.
- B. *Civil penalties:* Noncriminal violations of the Sunshine Law are punishable by a fine not exceeding \$500.00. The state attorney may pursue such actions on behalf of the state. AGO 91-38.
- C. *Attorney's fees:* Attorney's fees may be assessed against both the board and the individual members when sued for a Sunshine Law violation (except that the individual board members are not liable for attorney's fees where the board sought, and took, the advice of its attorney).
- D. *Effect on board action:* Any action taken by a board in violation of the Sunshine Law is invalid and of no effect. A violation can be cured by independent final action (as opposed to mere ratification) in the sunshine. Tolar v. School Board of Liberty County, 398 So. 2d 427 (Fla. 1981).
- E. *Civil action for declaratory or injunctive relief:* A civil action for declaration or injunctive relief can be pursued by any citizen of the state. The mere showing that the Sunshine Law has been violated constitutes "irreparable injury."

PUBLIC RECORDS LAW

1. What are public records?

- A. Public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission **made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.** §119.011(11), Fla. Stat.
- B. This definition encompasses all materials made or received by the Town or Town officials in connection with official business which are used to perpetuate, communicate or formalize knowledge. Shevin v. Byron, Harless, Schaffer, Reid and Associates, 379 So. 2d 633 (Fla. 1980). All such records, irrespective of whether they are in final form, are open to public inspection unless the Legislature has exempted them from disclosure. Wait v. Florida Power & Light Co., 372 So. 2d 420 (Fla. 1979).

2. **How does this apply to communications by members of the Natural Resources Board?**

A. Notes and Draft Documents

The scope of the Public Records Act includes any materials received or created by a member of the Board that relate to Town business, including draft documents and hand-written notes if intended to communicate, perpetuate or formalize knowledge of some type. See AGO 05-23 (handwritten notes prepared by assistant city labor attorney during interviews with city personnel are public records when those notes are used to communicate information with the labor attorney). Notes are only exempt if they are designed for the employee's or officer's **own personal use**. Coleman v. Austin, 521 So. 2d 247 (Fla. 1st DCA 1988).

B. Mail

All materials received by the Town or by a member of a Town Board that relate to official Town business are public records and subject to disclosure and inspection by members of the public in the absence of an exemption.

Note: Once mail addressed to a member of a Town board is received by the Town, the Town has an obligation to open such mail and determine whether it constitutes a public record. If it does constitute a public record, the Town must maintain a copy. See AGO 2004-43 (mail addressed to a mayor or city council member at city hall and received at city hall may not be forwarded unopened to the private residence of the mayor or council member).

C. Electronic Mail and Text Messages

Electronic mail or text messages made or received in connection with official business are public records and subject to disclosure in the absence of an exemption. E-mail addresses are public records once they are received by a public agency, public employee or public official in connection with agency business.

*Note: The Florida Supreme Court has ruled that private e-mail stored on government computers does **not** automatically become a public record by virtue of that storage. State v. City of Clearwater, 863 So. 2d 149 (Fla. 2003).*

D. Attorney-Client Communications

The Public Records Act applies to communications between attorneys and government agencies; there is no judicially created privilege that exempts these documents from disclosure. City of North Miami v. Miami Herald Publishing Co., 468 So. 2d 218 (Fla. 1985). There is a limited exemption for attorney work product, specifically defined as:

A public record that was prepared by an agency attorney or prepared at the attorney's express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial proceedings. § 119.071(1)(d)1, Fla. Stat.

Note: Work product developed by the public employer in preparation for collective bargaining negotiations, and during negotiations, shall be confidential and exempt from disclosure pursuant to the Public Records Law. §447.605(3), Fla. Stat.

D. Contact Information

Home addresses and telephone numbers of members of the Board are not exempt from disclosure unless another exemption applies, such as the exemptions applicable to current or former law enforcement personnel, state attorneys, or human resource personnel. However, social security numbers held by an agency are exempt.

ROLE OF THE BOARD

Sec. 2-139. - Purpose.

The purpose of the natural resources preservation advisory board shall be to provide constructive advice and counsel to town departments and boards, and to the town commission, with a broad outlook toward environmental and natural resources preservation, protection, and conservation.

The Board was created by the Town Commission and only has such power and authority delegated to the Board by the Town Commission.

Sec. 2-140. - Powers and duties.

The powers and duties of the natural resources preservation advisory board shall include the following:

- (a) Coordinate activities related to regular beach clean-up events.

- (b) Assist the sea turtle program with activities related to the program and recruitment of volunteers.
- (c) Review existing and proposed town ordinances which affect the environment, and advise the town commission regarding the need for modifications or changes to such ordinances.
- (d) Assist in the effort to encourage homeowners and associations to keep adequate levels of vegetation on the beach in order to avoid erosion.
- (e) Promoting green landscaping and advocating environmental concerns relating to plastics, etc.
- (f) Make recommendations about regulations related to beach cleaning as the board sees fit.
- (g) Assist the town commission, upon the commission request, with items and issues related to waterways within the corporate limits of the town including boat wakes, manatee protection and mangroves.
- (h) Perform other reviews as assigned or requested by the town commission.

Sec. 2-141. - Advisory capacity.

The actions decisions and recommendations of the natural resources preservation advisory board shall not be final or binding on the town commission but shall be advisory only.

PARLIAMENTARY PROCEDURE

All Town boards operate in accordance with the basic principles of parliamentary procedure.

All recommendations from the Board to the Town Commission must be accomplished via motion. A motion requires two people: a “mover” and a “seconder.”

To the extent possible, motions should be clear and concise and follow the following basic steps:

1. A member is recognized by the Chair.
2. The member makes a motion.
3. The Chair asks if there is a second to the motion.

4. A member seconds the motion.
5. The Chair repeats the motion (and may restate the motion for clarity).
6. The Chair opens the floor for discussion.
7. All members should be given a chance to discuss the motion and no member should speak for a second time until all members have had a chance to speak.
8. If there is an amendment proposed to a motion, it should also be accomplished by motion (requires a motion to amend and a second). In the alternative, the mover and seconder can agree to the amendment. If the amendment is passed or agreed upon, discussion on the motion, as amended, can continue.
9. When everyone has had a chance to speak, the Chair should restate the motion and call for a vote by the Board.



**TOWN OF HIGHLAND BEACH
ORDINANCE NO 18-004 O**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION", BY ENACTING A NEW ARTICLE V "BOARDS AND COMMITTEES" TO CREATE UNIFORM RULES AND REGULATIONS RELATED TO THE VARIOUS TOWN BOARDS; BY AMENDING AND RENUMBERING ARTICLE V "CODE ENFORCEMENT BOARD"; BY CREATING A NATURAL RESOURCES PRESERVATION ADVISORY BOARD WITH RESPONSIBILITIES; BY CREATING A FINANCIAL ADVISORY BOARD WITH RESPONSIBILITIES; BY AMENDING CHAPTER 20 "PLANNING AND DEVELOPMENT" TO AMEND ARTICLE II "PLANNING BOARD" AND ARTICLE III "BOARD OF ADJUSTMENT AND APPEALS; ADMINISTRATION" IN ORDER TO CLARIFY RULES AND REGULATIONS RELATED TO THE BOARDS; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Commission wishes to modify, clarify, and create regulations governing its various boards; and

WHEREAS, the Town Commission hereby creates regulations applying to all boards, creates regulations relating to its existing Financial Advisory Board which was created by resolution, creates a new board called the Natural Resources Preservation Advisory Board, and modifies and clarifies regulations relating to its Code Enforcement Board, its Planning Board, and the Board of Adjustment and Appeals; and

WHEREAS, the Town Commission believes the amendments to the Town of Highland Beach Code of Ordinances as specified in this Ordinance are in the best interest of the Town of Highland Beach.

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

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

Section 2. The Town of Highland Beach Code of Ordinances, Chapter 2 “Administration”, is hereby amended to create a new Article V “Boards and Committees” to read as follows:

ARTICLE V. – BOARDS AND COMMITTEES

DIVISION 1. - GENERALLY

Sec. 2-96. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Board” or “board” shall mean and include any board or committee of the town, both regulatory and advisory, at least one (1) member of whom is appointed by the town commission, and which is established by ordinance or resolution. Board shall not be construed to include the town commission.

“Inadequate attendance” shall mean a member’s absence at three (3) or more consecutive regular meetings of a board. A member shall be deemed absent if the member attends less than 70% of a meeting, or a member is absent at 30% or more of the regularly scheduled meetings of a board during a calendar year.

“Member” shall mean an individual selected to serve on any board, whether regular or alternate, as appointed by the town commission.

Sec. 2-97. - Scope.

The provisions of this article shall apply to all boards, both regulatory and advisory, of the town and shall govern all members thereof, both regular and alternate.

Sec. 2-98. – Attendance at town commission meetings by the chairperson.

The chairperson of each town board shall be required to attend all town commission workshops and regular town commission meetings. In the event the chairperson is not able to attend a town commission workshop or regular meeting it is the duty of the chairperson to appoint a replacement member to attend. If the chairperson is unable to attend, the chairperson shall attempt to appoint the vice chairperson to attend the workshop or meeting and thereafter board members based on seniority. If there is not a representative from a board at a town commission workshop or regular town commission meeting, such absence shall be counted against the chairperson. The town commission workshops and regular town commission meetings shall be deemed regular meetings of the board as it relates to absences.

Sec. 2-99. - Removal of board members.

- (1) The town clerk shall certify to the town commission the inadequate attendance of any member and that the member has received written notification of the member's inadequate attendance. A member who has inadequate attendance shall be deemed automatically removed as a member of the board on the date that the town clerk provides certification to the town commission. The vacancy shall be filled in the same manner as the original selection.
- (2) (a) Except as provided under subsection (1), and except as otherwise provided by general or special law, a member of a board shall serve at the pleasure of the town commission notwithstanding that the member's appointment may be for a specified term. No member derives any property rights in the position on the board.
(b) The town commission may remove a board member appointed by the town commission for any reason or no reason by a majority vote of the membership of the town commission. The removal shall take effect immediately or upon any later date which the town commission may specify.
(c) The vacancy of an appointed board member shall be filled in the same manner as the original selection.

Sec. 2-100. - Procedure for appointment and filling vacancies; qualification for membership of boards and committees; terms.

- (1) Except as otherwise provided in this Code, appointments to boards shall be filled by the town commission in accordance with the following procedure:
 - (a) The chairperson of each board shall interview new applicants and reappointment applicants for the board and provide a recommendation to the town commission. Such recommendation shall be provided to the town clerk within a time frame so as to provide for the efficient appointment of board members.
 - (b) The town commission shall interview board members who desire reappointment and/or new applicants, regarding the vacancy to be filled.
 - (c) After the town commission has completed such interviews, it shall, in public session, select the person needed to fill such vacancy. A motion appointing a person to a town board shall require an affirmative vote of not less than a majority of the town commission.
- (2) As a condition of eligibility for appointment and to serve as a member of any board, a person shall be a resident of the town and shall meet such other eligibility requirements as may be established by ordinance or resolution. However, residency in the town shall not be required for membership by any town employee on a board.
- (3) A board member may become eligible for appointment to a different board by filing his/her conditional resignation with the town clerk, the effective date of which resignation shall be immediately upon appointment to a different board.
- (4) Unless otherwise provided in this Article, the term for all boards shall be three (3) years and no board member may serve more than two (2) consecutive terms on the same board without first taking a one (1) year hiatus from the board. Appointments for partial terms shall not count toward the two term limit.

Sec. 2-101. - Attendance records.

The town clerk shall maintain an attendance record of the members of all town boards which shall be furnished to the town clerk on a quarterly basis by each board.

Section 2. The Town of Highland Beach Code of Ordinances, Chapter 2 “Administration”, Article V “Boards and Committees” is amended by creating Divisions 2, 3, and 4 as follows:

~~ARTICLE V. CODE ENFORCEMENT BOARD⁽⁴⁾~~

DIVISION 2. - CODE ENFORCEMENT BOARD

Sec. 2-~~96~~110. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement officer means any authorized agent or employee of the town whose duty it is to ensure code compliance.

Enforcement board means the town code enforcement board.

Special magistrate means an attorney admitted to the Florida Bar who possesses experience in zoning and land use law, building control and administrative law, and has been designated by the town commission with the power and authority to hold hearings and assess fines against violators of the town codes. In such instances, the special magistrate shall act in lieu of the code enforcement board.

Sec. 2-~~97~~111. - Intent

It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens of the town by providing an equitable, expeditious, effective and inexpensive method of enforcing the hereinafter described codes of the town.

Sec. 2-~~98~~112. - Applicability.

- (a) The code enforcement board or special magistrate shall enforce and have jurisdiction to enforce all technical codes in force in the town, including, but not limited to, occupational license, fire, building, zoning and sign codes. Effective with the adoption of Ordinance No. 11-001-O, the code enforcement board shall be reestablished and shall have jurisdiction to enforce all technical codes in force in the town in place of the special magistrate.
- (b) The code enforcement officer may, in his/her discretion, refer violations of this Code to the court having jurisdiction in the county.

Sec. 2-~~99~~113. - Organization.

- (a) *Generally.* The town commission shall appoint a seven-member code enforcement board and legal counsel for the board or, may appoint a special magistrate in place of the code enforcement board.
- (b) *Residency requirement; appointments.* Members of the enforcement board shall be residents of the town. Appointments shall be made on the basis of experience or interest in the fields of zoning and building control. The membership of the enforcement board shall, whenever possible, include:
 - (1) An architect;
 - (2) A businessman;
 - (3) An engineer;
 - (4) A general contractor;
 - (5) A subcontractor; and
 - (6) A realtor.
- (c) *Terms of office; vacancies; absence from meetings.* All appointments to the enforcement board shall be made for staggered terms of three (3) years. A member may be reappointed for one successive term upon approval of the town commission, except that no member may serve for more than six (6) consecutive years. Appointments to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. ~~If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the enforcement board shall declare the member's office vacant, and the town commission shall promptly fill such vacancy.~~
- (d) ~~*Chairman*~~*Chairperson; quorum; compensation.* The members of the enforcement board shall elect a ~~chairman~~ chairperson, who shall be a voting member, from among its members. The presence of four (4) or more members shall constitute a quorum of the enforcement board. ~~Members shall serve without compensation, but may be reimbursed for such travel expenses, mileage expenses, per diem expenses and such honorariums as are received by members of other appointed boards, as may be authorized by the town commission.~~
- (e) *Counsel.* The town attorney firm shall either be counsel to the enforcement board or ~~shall~~ may assist staff in represent the town by presenting cases before the board.
- (f) *Special magistrate.* A special magistrate shall be an attorney admitted to the Florida Bar who possesses experience in zoning and land use law, building control, code enforcement, and administrative law. A special magistrate shall not be a town employee, but shall enter into an agreement to provide professional services at a rate established by the town commission. The town shall provide necessary and reasonable clerical and administrative support to enable a special magistrate to perform his or her duties. A special magistrate shall not be authorized to hire or use the services of any other person except those provided by the town to assist him or her in the performance of his or her duties.

Sec. 2-10014. - Enforcement procedure.

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances; however, no member of the enforcement board nor the special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsection (c), if a violation of the codes or ordinances is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer may utilize whatever powers are available to him under the town building code and related codes or may notify the enforcement board or the special magistrate and request a hearing pursuant to the procedure in section 2-10415. Written notice of such hearing shall be mailed or delivered to the violator, and posted, as provided in section 2-10620. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the enforcement board or the special magistrate even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (c) If the code enforcement officer has a reason to believe a violation presents a serious threat to the public health, safety and welfare, the code enforcement officer shall make a reasonable effort to notify the violator and may utilize whatever powers are available to him under the town building code and related codes or may proceed directly to the procedure in section 2-10415.

Sec. 2-10415. - Conduct of hearing.

- (a) Upon request of the code enforcement officer, the town manager may call hearings of the enforcement board. Minutes shall be kept of all hearings by the enforcement board or the special magistrate and all hearings shall be open to the public. The town clerk shall provide clerical and administrative personnel as may be reasonably required by the enforcement board or the special magistrate.
- (b) Each case before the enforcement board or the special magistrate shall be presented by either the town attorney firm or by a member of the town's administrative staff.
- (c) The enforcement board or the special magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board or the special magistrate shall take testimony from the code enforcement officer and the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (d) At the conclusion of the hearing, the enforcement board or the special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by that date.

Sec. 2-10216. - Powers.

The enforcement board or the special magistrate shall have the power to:

- (1) Adopt rules for the conduct of its hearings;

- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the town's police department;
- (3) Subpoena evidence;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance;
- (6) Perform such other duties, in an advisory capacity, as directed by the Town Commission.

Sec. 2-10317. - Administrative fines.

- (a) *Generally.* The code enforcement board or the special magistrate, upon notification by the code enforcement officer that an order of the code enforcement board or the special master has not been complied with by the set time, or upon the finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer.
- (b) *Amount of fines.*
 - (1) A fine imposed pursuant to this section shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation. If the code enforcement board or the special magistrate finds the violation to be irreparable or irreversible in nature, the code enforcement board or the special magistrate may impose a fine not to exceed five thousand dollars (\$5,000.00) per violation.
 - (2) In determining the amount of the fine, if any, the code enforcement board or the special magistrate shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation; and
 - c. Any previous violations committed by the violator.
 - (3) The code enforcement board or the special magistrate may reduce a fine imposed pursuant to this section.
- (c) *Administrative costs related to the prosecution of code enforcement cases.* Costs incurred by the town in the successful prosecution of a code enforcement case shall be assessed against the violator pursuant to F.S. § 162.07(2). The amount of these costs shall be set from time to time by resolution of the town commission. The code enforcement board or the special magistrate shall not have authority to reduce or eliminate the administrative costs assessed against a violator pursuant to this section.
- (d) *Fine imposed.* A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of

this state, including levy against personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the town, and the mayor may execute a satisfaction or release of lien entered pursuant to this section. However, the town commission shall not review an order of the code enforcement board or special magistrate. Only the code enforcement board or the special magistrate have the power to reduce code enforcement liens (but not administrative costs) pursuant to the provisions contained in this article. The mayor shall execute a satisfaction or release of lien upon direction of the building official. After three (3) months from the filing of any such lien which remains unpaid, the code enforcement board or the special magistrate may authorize the town attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead property under Section 4, Article X of the Florida State Constitution.

Sec. 2-10418. - Duration of lien.

No lien provided under this article shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Sec. 2-10519. - Appeals.

An aggrieved party, including the town commission, may appeal a final administrative order of the enforcement board or the special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board or the special magistrate. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

Sec. 2-10620. - Notices.

All notices required by this article shall be by certified mail, return receipt requested; by hand delivery by the code enforcement officer, sheriff or other law enforcement officer, or other person designated by the commission; and/or by other methods provided for in F.S. § 162.12, including posting, publication and substitute service.

Sec. 2-10721. - Provisions of Local Government Code Enforcement Boards Act supplemental.

It is the legislative intent of F.S. §§ 162.01—162.12 to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in such sections shall prohibit the town commission from enforcing its codes by any other means.

DIVISION 3. – NATURAL RESOURCES PRESERVATION ADVISORY BOARD

Sec. 2-135. - Created; composition; terms of office.

A natural resources preservation advisory board is hereby created, consisting of seven (7) members, each of whom shall be appointed by the town commission for a term of three (3) years. The regular term of a board member shall commence on May 1 and shall expire on April 30 of the third year following appointment. Each member of the board shall serve until the expiration of the member's term, or until a successor is appointed. The town commission shall initially appoint members for staggered terms; however, no terms shall extend beyond six (6) consecutive years. In the event a member is appointed for a term that will continue beyond the six (6) consecutive years limit, the member shall be allowed to complete the term.

Sec. 2-136. - Qualifications for membership.

Members of the natural resources preservation advisory board shall be appointed from the residents of the town who shall be knowledgeable concerning environmental issues and problems, and concerned with the need to effect reasonable solutions thereto. Membership of the board may be composed of both laymen and professional representatives from such related fields of study as are pertinent to the scope of environmental problems, including the fields of law, biology, chemistry and engineering.

Sec. 2-137. - Vacancies.

Vacancies on the natural resources preservation advisory board shall be filled by appointment of the town commission for the unexpired term of the membership vacated pursuant to section 2-100 et seq.

Sec. 2-138. - Organization; rules of procedure; quorum; records.

- (a) An organizational meeting of the natural resources preservation advisory board shall be held on May 1 of each year, or as soon thereafter as is practicable, for the purpose of electing officers for the ensuing year. A chairperson and vice-chairperson shall be elected for a one year term by the board. The board may adopt rules of procedure to govern the conduct of its business. At least one (1) regular meeting of the board shall be held each quarter, and special meetings may be called by the chairperson or by any three (3) members of the board.
- (b) Four (4) members in attendance shall constitute a quorum.
- (c) Minutes shall be kept of the proceedings at each meeting and shall record the official acts taken by the board. All meetings, records and files of the board shall be open and available to the public.

Sec. 2-139. - Purpose.

The purpose of the natural resources preservation advisory board shall be to provide constructive advice and counsel to town departments and boards, and to the town commission, with a broad outlook toward environmental and natural resources preservation, protection, and conservation.

Sec. 2-140. - Powers and duties.

The powers and duties of the natural resources preservation advisory board shall include the following:

- (a) Coordinate activities related to regular beach clean-up events.
- (b) Assist the Sea Turtle program with activities related to the program and recruitment of volunteers.
- (c) Review existing and proposed town ordinances which affect the environment, and advise the town commission regarding the need for modifications or changes to such ordinances.
- (d) Assist in the effort to encourage homeowners and associations to keep adequate levels of vegetation on the beach in order to avoid erosion.
- (e) Promoting green landscaping and advocating environmental concerns relating to plastics, etc.
- (f) Make recommendations about regulations related to beach cleaning as the board sees fit.
- (g) Assist the town commission, upon the commission request, with items and issues related to waterways within the corporate limits of Highland Beach including boat wakes, manatee protection and mangroves.
- (h) Perform other reviews as assigned or requested by the town commission.

Sec. 2-141. - Advisory capacity.

The actions decisions and recommendations of the natural resources preservation advisory board shall not be final or binding on the town commission but shall be advisory only.

DIVISION 4. - FINANCIAL ADVISORY BOARD

Sec. 2-155. - Created; composition; terms of office.

A financial advisory board is hereby created, consisting of seven (7) members, each of whom shall be appointed by the town commission for a term of three (3) years. The regular term of a board member shall commence on May 1 and shall expire on April 30 of the third year following appointment. Each member of the board shall serve until the expiration of the member's term, or until a successor is appointed. The town commission shall initially appoint members for staggered terms; however, no terms shall extend beyond six (6) consecutive years. In the event a member is appointed for a term that will continue beyond the six (6) consecutive years limit, the member shall be allowed to complete the term.

Sec. 2-156. - Qualifications for membership.

Members of the financial advisory board shall be appointed from the residents of the town who shall have expertise applicable to municipal finance issues and problems and who shall be concerned with the need to effect reasonable solutions thereto. Membership of the board may be composed of both laymen and professional representatives from such related fields of study as are pertinent to the scope of municipal finance, including the fields of law, accounting, and finance.

Sec. 2-157. - Vacancies.

Vacancies on the financial advisory board shall be filled by appointment of the town commission for the unexpired term of the membership vacated pursuant to section 2-100 et seq.

Sec. 2-158. - Organization; rules of procedure; quorum; records.

(a) An organizational meeting of the financial advisory board shall be held on May 1 of each year, or as soon thereafter as is practicable, for the purpose of electing officers for the ensuing year. A chairperson and vice-chairperson shall be elected for a one year term by the board. The board may adopt rules of procedure to govern the conduct of its business. At least one (1) regular meeting of the board shall be held each quarter, and special meetings may be called by the chairperson or by any three (3) members of the board.

(b) Four (4) members in attendance shall constitute a quorum.

(c) Minutes shall be kept of the proceedings at each meeting and shall record the official acts taken by the board. All meetings, records and files of the board shall be open and available to the public.

Sec. 2-159. - Purpose.

The purpose of the financial advisory board shall be to provide constructive advice and counsel to town departments and boards, and to the town commission regarding the budget, capital improvement programs and recommendations regarding practices and procedures related to benefiting the financial condition of the town.

Sec. 2-160. - Duties and powers.

(1) The financial advisory board shall have the following duties, powers and responsibilities:

(a) Conduct ongoing, selective review of the annual budget and capital improvement programs with a view towards recommendations on format and content.

(b) Review the annual financial audit report and management letter concerning the town's fiscal status, practices and procedures. Copies of the report shall be forwarded by the town manager to the board promptly after receipt from the auditor. The board shall provide its comments and recommendations, including any pertinent comments relative to the status of all town special and reserve funds, within thirty (30) days after receipt of the audit report from the town manager.

(c) Perform special studies upon the board's own initiative or upon the request of the town commission on matters that could either directly or potentially have financial impact upon

the town or could provide financial aid or assistance to the town. Such studies may include, but not be limited to, the interim as well as long-term aspects of the budgetary process, proposed legislation, programs, policies or regulations of other governmental bodies or agencies.

- (2) Except as may be specifically provided by other ordinances of the town, the actions, decisions and recommendations of the financial advisory board shall not be final or binding on the town commission but shall be advisory only.

Section 4. The Town of Highland Beach Code of Ordinances, is hereby amended by amending Chapter 20 “Planning and Development”, Article II “Planning Board” and Article III “Board of Adjustment and Appeals; Administration” as follows:

ARTICLE II. - PLANNING BOARD

Sec. 20-26. - Established; membership; function.

- (a) A planning board is hereby established. Such board shall consist of seven (7) regular members appointed by the town commission. Prior to appointment, all applicants must complete the town's application form and must be residents of the town. The members shall serve staggered terms commencing with the date of their appointment. All regular appointments shall be made for a term of three (3) years. ~~No member shall serve for more than six (6) consecutive years. Members may miss no more than three (3) consecutive regular meetings. Unexcused absence from three (3) consecutive regular meetings will be considered as resignation subject to automatic acceptance. Excused absences may be given in the discretion of the chairman and must be noted in the minutes of the missed meeting or the meeting immediately thereafter.~~
- (b) The planning board shall review all matters of community planning, site plan reviews, plat reviews for subdivisions and any other division of land, with a recommendation of approval, approval with conditions or disapproval by a majority vote being submitted to the building official for transmittal to the town commission. Prior to such submittal, all plans shall be signed by the members, with their voting noted, and dated. ~~Acting as the local planning agency, the planning board shall be responsible for annual reviews of the comprehensive plan and zoning code, making recommendations to the town commission.~~
- (c) The planning board shall process plans in the manner described in Chapter 30 of this Code. See also Chapter 30 regarding application for building permit and regarding certificates of occupancy.
- (d) The planning board shall keep minutes of all meetings. The minutes shall be signed by all members of the planning board and retained in the ~~building department of the town clerk's office.~~ A ~~chairman~~ chairperson and other officers deemed necessary to the operation of the board shall be elected yearly for one-year terms by the planning board members.
- (e) Meetings of the planning board shall be held at the call of the town manager.

Sec. 20-27. - Qualifications; filling vacancies; compensation; rules.

The town commission shall by resolution establish qualifications of planning board members, provide for filling vacancies and removal, provide for compensation, and provide for rules governing the proceedings of the planning board.

Sec. 20-28. - Designation of local planning agency.

- (a) The town hereby declares its intent to exercise authority granted by F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).
- (b) The planning board is hereby designated as the local planning agency pursuant to F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).
- (c) The local planning agency shall prepare a comprehensive plan pursuant to F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), after hearings to be held after due public notice and shall make recommendations to the town commission regarding the adoption of such plan or element or portion thereof.

ARTICLE III. - BOARD OF ADJUSTMENT AND APPEALS; ADMINISTRATION

Sec. 20-46. - Membership; terms; removal; filling of vacancies.

A board of adjustment and appeals having been established pursuant to the town's adoption of F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), shall consist of seven (7) members designated as such to be appointed by the town commission, each for a term of ~~at least three (3) years, but not more than five (5) years.~~ No member shall serve for more than six (6) consecutive years. ~~Members of the board may be removed from office for cause by the town commission on written charges and after a public hearing. Appointed members may miss no more than three (3) consecutive meetings unexcused. Absence from three (3) consecutive meetings will be considered as resignation subject to automatic acceptance. Excused absences may be given in the discretion of the chairman and must be noted in the minutes of the missed meeting or the meeting immediately thereafter.~~ Vacancies shall be filled by the town commission within thirty (30) days after the vacancy occurs for the unexpired term of the member affected. No member of the board shall be an official or employee of the town.

Sec. 20-47. - Organization; rules; records.

The board of adjustment and appeals shall elect a ~~chairman~~person and vice-~~chairman~~person and shall appoint a secretary who may be an officer or employee of the town. Terms of all officers shall be for one year with eligibility for reelection. The board shall adopt rules for transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be public record. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote indicating such fact.

Sec. 20-48. - Meetings; filing of minutes.

Meetings of the board of adjustment and appeals shall be held at the call of the town manager. Minutes of the board shall be filed promptly ~~by the secretary in a secure place with the~~ Town Clerk.

Sec. 20-49. - Copies of all business; distribution.

Copies of every application and appeal, notice of public hearing, and resolution of the board of adjustment and appeals shall be forwarded to each member of the town commission and planning ~~commission~~ board if the development will be presented to the town commission or planning board.

Sec. 20-50. - Funding; establishment of fees.

The town commission is authorized and empowered to appropriate such funds as it may see fit for honoraria, fees and expenses necessary in the conduct of the work of the board of adjustment and appeals. The town commission is authorized and empowered to establish a schedule of fees to be charged by the board.

Sec. 20-51. - Inspections.

The board of adjustment and appeals ~~shall~~ may conduct on-site inspections in conjunction with all applications for variances and for administrative review.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of Laws in Conflict. All ordinances or parts of ordinances, or all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 8. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by Commissioner Riesa, seconded by Commissioner Zelniker and upon being put to the vote, the vote was as follows:

	AYE	NAY	
Mayor Carl Feldman	<u> </u>	<u>X</u>	<u>Carl Feldman</u>
Vice Mayor Alysén A. Nila	<u>X</u>	<u> </u>	<u>Alysén A. Nila</u>
Commissioner Rhoda Zelniker	<u>X</u>	<u> </u>	<u>Rhoda Zelniker</u>
Commissioner Elyse Riesa	<u>X</u>	<u> </u>	<u>Elyse Riesa</u>
Commissioner Peggy Gossett-Seidman	<u>X</u>	<u> </u>	<u>Peggy Gossett-Seidman</u>

PASSED on first reading at the Regular Commission meeting held on this 1st day of May, 2018.

The foregoing Ordinance was moved by Commissioner Zelniker, seconded by Commissioner Riesa and upon being put to the vote, the vote was as follows:

	AYE	NAY	
Mayor Carl Feldman	<u> </u>	<u>✓</u>	<u>Carl Feldman</u>
Vice Mayor Alysén A. Nila	<u>✓</u>	<u> </u>	<u>Alysén A. Nila</u>
Commissioner Rhoda Zelniker	<u>✓</u>	<u> </u>	<u>Rhoda Zelniker</u>
Commissioner Elyse Riesa	<u>✓</u>	<u> </u>	<u>Elyse Riesa</u>
Commissioner Peggy Gossett-Seidman	<u>✓</u>	<u> </u>	<u>Peggy Gossett-Seidman</u>

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 5th day of June, 2018.

ATTEST:

By: Lanelda Gaskins
Lanelda Gaskins, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: Pamela H. Ryan
Pamela H. Ryan, Town Attorney

File Attachments for Item:

A. February 02, 2023



TOWN OF HIGHLAND BEACH NATURAL RESOURCES PRESERVATION ADVISORY BOARD REGULAR MEETING MINUTES

Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: February 01, 2023
Time: 10:00 AM

1. CALL TO ORDER

Chairperson Stansfield called the meeting to order at 10:00 A.M.

2. ROLL CALL

Member Joshua Davison
Member Barbara Nestle
Vice Chairperson Margarita Chappellear
Chairperson Nicole Stansfield
Administrative Support Specialist Ganelle Thompson

ABSENT

Member Diane Matthewman

ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

3. PLEDGE OF ALLEGIANCE

The Board led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: Davison/Chappellear – Moved to accept the agenda as presented, which passed unanimously 4 to 0.

5. PUBLIC COMMENT

There were no public comments.

6. PRESENTATIONS

A. Updates from Town Planner Allen

Town Planner Allen provided the following updates based on comments made at a previous meeting held in November 2022:

The Board's letter to the residents regarding Dune Management Resources was published in the November 2022 edition of the Manager's Monthly.

The Dune Restoration Outreach meeting is scheduled to be held at the Highland Beach Library on March 01, 2023, at 6:00 p.m. Ms. Allen mentioned that a handout from speaker Robert Barron was placed on the dais. She also provided a PowerPoint presentation depicting an image of a draft showing the Natural Resources Preservation Advisory Board article regarding the March 1st meeting. The article will be published in the February Manager's Monthly.

She mentioned the outreach bucket tree project with regards to the Board taking on the responsibility to contact the condominium property management companies and homeowner associations (HOA).

The Beach Erosion Study is on the Town Commission 2022 Strategic Priorities Plan. She contacted the firm that did the study in 2013, and they will provide Town staff with a scope within two weeks for the updated Beach Erosion Study.

She also spoke about electric leaf blowers as it related to an ordinance.

Ms. Thompson provided an update about the metrics regarding the number of viewers on the Natural Resources Preservation webpage before and after the food truck events.

7. APPROVAL OF MINUTES

A. November 02, 2022

MOTION: Chappellear/Davison – Moved to approve the minutes, as presented which passed 4 to 0.

8. UNFINISHED BUSINESS

There was no unfinished business.

9. NEW BUSINESS

A. Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

Town Planner Allen introduced this item and provided a PowerPoint presentation highlighting the Proposed Sea Turtle Protection Lighting Standards. She spoke about the following: the Town Commission memorandum of October 18, 2022, related to sea turtle lighting, the State of Florida Model Lighting Ordinance for Sea Turtle Protection, the Town's proposed ordinance regarding lighting standards (Section 4-8), and the Town's 2022 Strategic Priorities Plan.

JoAnn Ryan, Sea Turtle permit holder, was present and spoke about sea turtle nesting surveys.

The Board discussed the enforcement of possible window treatments or films and the percentage of exposure.

Building Official Remas talked about the timeline as it relates to a code issue to be remedied.

David Neuman asked about the timeline of sea turtle hatchlings.

JoAnn Ryan provided additional information on sea turtle hatching. She also provided comments about code enforcement and the permit holders monitoring the lighting.

Town Planner Allen discussed the enforcement penalty in the current Code of Ordinances.

The Board also discussed including more stringent compliance during nesting season in the ordinance. In addition, the Board requested to add the proposed changes as follows: “light emitting screens including televisions and computers” after the word “lights” and remove the word “television” from Sec. 4-8. – Lighting restrictions for protection of sea turtles, (j) 2B Existing Exterior and Interior Lighting of the proposed ordinance.

MOTION: Davison/Chappelear - moved to approve the proposed ordinance with the proposed changes.

B. Board Member Updates on Assigned Projects

1. Member Barbara Nestle

Member Nestle provided updates on the following:

She contacted the Universal and Beach Rakers. They responded and would like to know when violations exist. She suggested that the Board should encourage the residents to contact the companies to report violations.

There was discussion about including a timeframe for the beach rakers to access the beach.

Joann Ryan provided comments about the timeline of beach raking during turtle season.

The Board discussed adding additional language on the town’s website to encourage residents to clean the beach prior to 9:00 A.M. when the Beach rakers clean the beach.

David Neuman provided comments about the beach raking on the beach.

The Board requested a copy of the license for the beach rakers. They also proposed an enforcement component.

2. Member Joshua Davison

Member Davison provided an update as follows:

He reached out to *4Ocean* regarding collaboration on keeping our and was advised they are short-staffed. He will provide an update at a later date.

3. Member Diane Matthewman

Member Matthew was not present.

4. Vice Chairperson Margarita Chappellear

Vice Chairperson Chappellear provided an update on the upcoming Dune Restoration Outreach Meeting. She mentioned that Mr. Rob Barron will be the guest speaker.

5. Chairperson Nicole Stansfield

Chairperson Stansfield provided the following updates:

She mentioned that Rich Pollack of the *Coastal Star* will be present at the upcoming Dune Restoration Outreach Meeting.

She discussed the bucket trees and mentioned that the Board can take over the communication aspect and reach out to HOAs. Town Planner Allen will provide the Board with the HOA list.

She mentioned the Dune Restoration Outreach Meeting and asked who would be attending the event. She also inquired if the promotion of the event can be included in the library communications.

The Board discussed placing seating in rows, parking, and attendance at other meetings.

Town Planner Allen mentioned an important point regarding planting on the dunes. She mentioned that the dunes are protected and if anyone is going to be planting on the dune to reach out to the Florida Department of Environmental Protection first.

She requested advertisement for the Dune Restoration Outreach Meeting be added to the scrolling on the Town of Highland Beach webpage or in the weekly email blasts.

The Board requested an RSVP registration link for the Dune Restoration Meeting and possible deliverables/handouts to residents for attendance at the event.

Town Planner Allen mentioned she will talk to the Town Manager regarding these requests from the Board pertaining to the Dune Restoration Outreach Meeting and possibly refreshments being provided.

The Board discussed a possible raffle to entice residents to attend, including making the meeting a catered event, or commissioning a food truck.

C. Follow up on the December 15, 2022, Town of Highland Beach Food Truck Event

The Board discussed the web results.

Member Davison thanked volunteers and to everyone for attending.

There were no additional updates.

D. Discussion on the Dune Restoration Outreach Event

This item was discussed during Chairperson Stansfield's updates.

10. ANNOUNCEMENTS

February 07, 2023	1:30 P.M	Town Commission Meeting
February 09, 2023	9:30 A.M.	Planning Board Regular Meeting
February 14, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
February 20, 2023	Town Hall closed in observance of Presidents Day	
February 21, 2023	1:30 P.M.	Town Commission Meeting

Board Vacancies (Information Only)

Board of Adjustment and Appeals - Two (2) vacancies for three-year terms

Financial Advisory Board - One (1) vacancy for an unexpired term ending April 30, 2023, and One (1) vacancy for an unexpired term ending April 30, 2024

Natural Resources Preservation Advisory Board - Two (2) vacancies for unexpired terms ending April 30, 2024

11. ADJOURNMENT

The meeting adjourned at 12:06 P.M.

APPROVED at the May 04, 2023, Natural Resources Preservation Advisory Board Regular Meeting.

ATTEST:

Chairperson Nicole Stansfield

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

Date May 04, 2023

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>

File Attachments for Item:

A. Nomination of Vice-Chairperson



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Natural Resources Preservation Advisory Board Regular Meeting

MEETING DATE 05/04/2023

SUBMITTED BY: Jaclyn DeHart, Administrative Support Specialist

SUBJECT: **Nomination of Vice-Chairperson**

SUMMARY:

As of March 14, 2023, Ms. Margarita Chappelle resigned from her role as a member and Vice- Chairperson of the Natural Resources Preservation Advisory Board. The Board will need to nominate a Vice-Chairperson.

According to Resolution No. 19-029 R, - Advisory Board and Committees Appointment Process Policy, Section 9, it should be common practice that no member shall serve as chair until he or she has served for one full year on the advisory board unless no existing member is willing to serve as chairperson or vice-chairperson.

FISCAL IMPACT:

None.

ATTACHMENTS:

Board Members List

RECOMMENDATION:

Staff recommends the nomination of a Vice-Chairperson to serve for one year, ending May 04, 2023.

TOWN OF HIGHLAND BEACH
Town Commissioners Advisory Board Members
Contact Information

NATURAL RESOURCES PRESERVATION ADVISORY BOARD <i>Regular Meetings held Quarterly - February, May, August & November (as needed)</i> <i>1st Wednesday at 1:00 PM</i>						
Names	Addresses	Home Numbers	Cellular Numbers	Email Addresses	Date of Appointment	Date Term End
Diane Matthewman				Dmat7200@bellsouth.net	6/15/2021 Reappointed	4/30/2024
Nicole Stansfield Chairperson 08/10/22				stansnikki@outlook.com	9/21/2021	4/30/2024
Joshua Davison				jdavison0815@gmail.com	5/17/2022	4/30/2025
Barbara Nestle				nesbarb@gmail.com	8/2/2022 (Unexpired term)	4/30/2024
Three Unexpired Vacancies						4/30/2024

File Attachments for Item:

B. Board Member Updates

1. Member Barbara Nestle

From: Barb Nes <nesbarb@googlemail.com>

Sent: Friday, April 21, 2023 9:35 AM

To: Ingrid Allen <iallen@highlandbeach.us>; Barbara Nestle <NESBARB@gmail.com>

Subject: Praise to resident

Dear Mrs Allen

This resident on the south side spent money and sweat to restore their dunes. Could we pls put this on agenda as good example? I also like to inform the board about our goal to fix the dune on the very south in collaboration with neighbors? By the way our expert Robert never got back to me. Sadly.

Best wishes Barbara Nestle

