



# TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

**Tuesday, September 17, 2024 AT 1:30 PM**

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

## **Town Commission**

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

**Mayor  
Vice Mayor  
Commissioner  
Commissioner  
Commissioner**

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

**Town Manager  
Town Clerk  
Town Attorney**

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

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

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

None.

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

A. Discussion of the Proposed Draft Ordinance amendments to the Accessory Marine Facilities (AMF) and seawall regulations of the Town Code.

B. Sanitary Sewer Lining Rehabilitation Project Update

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

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

[A.](#) Approval of Meeting Minutes

September 03, 2024 Town Commission Meeting Minutes

September 03, 2024 Town Commission First Public Hearing Budget Meeting

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

[A.](#) Resolution No. 2024-020

A Resolution of the Town Commission of the Town of Highland Beach, Florida approving an application with Synovus Bank for credit card services with line of \$100,000.00 and authorizing Town Administration to execute all required documents; and providing for an effective date.

11. **TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Commissioner Evalyn David

Vice Mayor David Stern

Mayor Natasha Moore

12. **TOWN ATTORNEY'S REPORT**

13. **TOWN MANAGER'S REPORT**

**14. ANNOUNCEMENTS****Board Vacancies**

Board of Adjustment and Appeals Board                      One (1) vacancy for a three-year term

**Meetings and Events**

September 18, 2024      5:01 P.M.      Town Commission Second Public Hearing  
Budget Meeting

October 01, 2024              1:30 P.M.      Town Commission Meeting

**Board Action Report**

None.

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

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

**File Attachments for Item:**

A. Discussion of the Proposed Draft Ordinance amendments to the Accessory Marine Facilities (AMF) and seawall regulations of the Town Code.



# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission

**MEETING DATE** September 17, 2024

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** Draft of proposed amendments to the Accessory Marine Facilities (AMF) and seawall regulations of the Town Code.

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### SUMMARY:

At the April 2, 2024 Town Commission meeting, the Commission considered a discussion item on the proposed amendment concepts to the AMF and seawall regulations of the Town Code of Ordinances ("Town Code"). Consensus from the Town Commission was to proceed with amendment concept numbers 1 through 4, and 6 while a "no action" option was provided for concept numbers 5 and 7 (see table below). The Commission directed staff to draft an Ordinance on the selected amendment concepts (see attached):

<b>PROPOSED AMENDMENT CONCEPT</b>	<b>PLANNING BOARD ("Board") RECOMMENDATION</b>	<b>TOWN COMMISSION (4-2-24)</b>
<b>1. Maximum height for AMFs: Base Flood Elevation (BFE) plus 7 feet.</b>	Maximum height for AMFs: BFE plus 8 feet.	Agree with Board recommendation, include definition of "top of boat lift."
<b>2. Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" OR remove requirement.</b>	Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted."	Agree with Board recommendation.
<b>3. Maximum seawall cap width = 3 feet; maximum seawall cap plus dock width = 8 feet.</b>	Maximum seawall cap plus dock width at eight (8) feet.	Agree with Board recommendation.
<b>4. Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).</b>	Encroachment into water for AMFs at 25 feet or 25 percent of the waterway width, whichever is less, (excludes AMFs along the Intracoastal Waterway) to be measured from <i>wetface of seawall or bulkhead</i> .	Agree with Board recommendation.

<b>PROPOSED AMENDMENT CONCEPT</b>	<b>PLANNING BOARD ("Board") RECOMMENDATION</b>	<b>TOWN COMMISSION (4-2-24)</b>
<b>5. 10 foot side setback for all zoning districts. For lots &lt; 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.</b>	No side setback for docks Townwide. A minimum 10-foot side setback for all other AMFs Town wide (For lots less than 100 feet in width, setback is 10% of width, setback cannot be less than 5 feet). Such recommendation does not apply to floating vessel platforms which are regulated by Florida Statute.	No action.
<b>6. Require a ladder for every 50 feet of dock.</b>	Provide one (1) ladder for each 100 feet abutting waterway, canal or lake, for properties less than 100 feet, provide one ladder. The ladder shall be either adjustable or fixed and shall extend into the water at mean low tide. Ladder requirement would be triggered as part of a special exception request.	Provide two (2) versions of amendment to include a ladder "requirement" verses a ladder "encouragement." In addition, exempt single-family residences located on the Intracoastal Waterway from any ladder provision.
<b>7. Maximum seawall height (additional concept, not included in initial proposal)</b>	Maximum seawall height: BFE plus one (1) foot.	No action.

As directed by the Town Commission, a ladder provision that "encourages" the use of marine-related ladders has been incorporated into the draft Ordinance. A proposed ladder "requirement" is provided below for consideration. For reference purposes, a table of other municipal regulations pertaining to marine-related ladders is attached.

Section 30-68(g)(8):

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All properties, with the exception of single-family residences (located within a single-family zoning district) that abut the Intracoastal Waterway, shall provide one (1) ladder for each 100 feet abutting waterway, canal or lake. For properties less than 100 feet, provide one ladder. Such ladder requirements shall coincide with a request for special exception. The ladder shall be either adjustable or fixed and shall extend into the water at mean low waterline.

At the request of the Town Manager, the proposed amendment to the Town Code includes a requirement that residential floating vessel platforms and residential floating boat lifts shall comply with the marine side yard setbacks provided for single-family zoning districts as provided below (additional language underlined):

Section 30-68(g)(6)d. Marine facilities, including residential floating vessel platforms and residential floating boat lifts, 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.*

A brief history on hearings held and other related matters pertaining to the proposed amendment concepts 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 AMF 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 AMFs 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 AMF regulations of the Town Code.

May 23-27, 2022 – Planning Board participates in individual site observations of the Town waterways 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 AMF and seawall regulations of the Town Code of Ordinances were held at the Town Library.

February 7, 2023 – Town Commission discussion on December 2022 Public Input Meetings to include summary and next steps.

February 23, 2023 - At the request of the Bel Lido HOA president, staff presented the proposed amendment concepts at the Bel Lido HOA meeting.

June 6, 2023 – At the request of the Town Commission, an update on the Planning Board's ongoing discussion of the amendments concepts was provided to the Commission.

June – July 2023 - At the request of the Planning Board, an additional round of individual Board member site observations of the Town waterways was conducted via the Police Department's Marine Patrol Unit. Note five (5) of the seven (7) Board members participated.

September 21, 2023 and October 12, 2023 – The Planning Board approved recommendations on the proposed amendment concepts. *For Amendment Concept No. 1, motion carried 5-2 (October 12, 2023), and for Amendment Concepts 2-7 motion carried 6-0 (September 21, 2023).*

November 7, 2023 – The Planning Board's recommendations were presented to the Town Commission by the Planning Board Chairperson, Eric Goldberg.

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#### **ATTACHMENTS:**

Ordinance.

Other municipal regulations pertaining to marine-related ladders.

Draft report from Greg Babij.

ATM report, 2/11/2022.

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#### **RECOMMENDATION:**

At the discretion of the Town Commission.



**ORDINANCE NO. 2024-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 6, “BUILDINGS AND STRUCTURES,” OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-128, “APPROVAL REQUIRED FOR BULKHEADS, SEAWALLS, RETAINING WALLS; REQUIRED NOTIFICATION OF ABUTTING PROPERTY OWNERS,” TO PROVIDE A MAXIMUM SEAWALL CAP AND DOCK WIDTH; AMENDING CHAPTER 30, “ZONING,” BY AMENDING SECTION 30-68, “SUPPLEMENTAL DISTRICT REGULATIONS,” TO PROVIDE A MAXIMUM HEIGHT FOR BOAT LIFTS, A MAXIMUM EXTENSION FOR ACCESSORY MARINE FACILITIES INTO CANALS AND LAKES, A MAXIMUM SEAWALL CAP AND DOCK WIDTH, AND LADDER REGULATIONS AND AMENDING SECTION 30-131, “DEFINITION OF TERMS,” TO PROVIDE DEFINITIONS THAT PERTAIN TO ACCESSORY MARINE FACILITIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; 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**, on November 17, 2020, the Town Commission authorized Vice-Mayor Greg Babij to sponsor a review and propose any amendment(s) to the accessory marine structure ordinance provisions; and

**WHEREAS**, on March 15, 2022, the Town Commission considered an introduction to proposed amendment concepts regarding the accessory marine facility provisions of the Town Code; and

**WHEREAS**, on April 19, 2022, the Town Commission provided direction in establishing a process for review of the amendment concepts; and

**WHEREAS**, on June 21, 2022 and August 16, 2022, the Town Commission considered a discussion on a review timeline for the proposed amendment concepts and agreed to hold three (3) evening meetings at the Town Library in an effort to engage input from residents; and

**WHEREAS**, on December 5, 7, and 13, 2022, Public Input Meetings were held on the proposed amendment concepts to the accessory marine facility and seawall regulations of the Town Code of Ordinances; and

**WHEREAS**, on February 7, 2023, the Town Commission agreed to have the Planning Board review the proposed amendment concepts and provide their recommendations to the Town Commission; and

**WHEREAS**, on September 21 and October 12, 2023, the Planning Board provided their recommendations on the proposed amendment concepts to the Town Commission; and

**WHEREAS**, on April 2, 2024, the Town Commission agreed to move forward with five (5) of the seven (7) amendment concepts, and directed staff to draft an Ordinance accordingly; and

**WHEREAS**, the Town Commission of the Town of Highland Beach has determined that the amendment to the Code of Ordinances is 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 that:**

**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 Commission hereby amends Chapter 6 “Buildings and Structures,” Article V “Seawalls; Bulkheads; Retaining Walls,” Section 6-128 “Approval required for bulkheads, seawalls, retaining walls; required notification of abutting property owners” to read as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 6-128. - Approval required for bulkheads, seawalls, retaining walls; required notification of abutting property owners.**

(a) No bulkhead, seawall, or retaining wall shall be erected or constructed in any water, canal or lake, or on land abutting thereon, within the limits of the town, unless plans and specifications have been submitted to and approved by all federal, state and county agencies with jurisdiction over such construction activities, the planning board and the town consulting engineer, with a copy of such plans and specifications being filed with the town. The planning board shall review applications under this section as special exceptions.

(b) All seawalls west of State Road A1A shall be at base flood elevation (BFE) or higher as provided by the FEMA FIRM maps. The maximum combined seawall cap and dock width shall

not exceed eight (8) feet as provided in Section 30-68(g)(6)b. All seawalls on the Intracoastal Waterway and the Atlantic Ocean shall, at the discretion of the town engineer, have rip rap at the base to dissipate the wave energy and to protect the berm.

**SECTION 3.** The Town Commission hereby amends Chapter 30 "Zoning Code," Article IV "Zoning Districts," Section 30-68 "Supplemental district regulations" to read as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 30-68. – Supplemental district regulations.**

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(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. The maximum height for lifting devices shall be at base flood elevation (BFE), as provided by the FEMA FIRM maps, plus eight (8) feet. Lifting device height shall be measured to the top of the lift structure including mechanical equipment. 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 or other governmental regulatory agency, docks and mooring ~~facilities structures~~ shall not extend into the water more than twenty-five feet (25') or twenty-five percent (25%) of the waterway width, whichever is less (excludes docks and mooring facilities located along the Intracoastal Waterway), measured from the wet face of the seawall or bulkhead ~~not extend into any waterway more than five (5) feet.~~

b. ~~In waterways regulated by the U.S. Army Corps of Engineers,~~ The maximum combined seawall cap and dock width shall not exceed eight (8) feet. ~~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, including residential floating vessel platforms and residential floating boat lifts, 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.

(8) Ladders are permitted on docks, seawalls, finger piers or other mooring facilities.

(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, in the exercise of their discretion, 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.

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**SECTION 4.** The Town Commission hereby amends Chapter 30 "Zoning Code," Article VIII "Definitions," Section 30-131 "Definitions of terms" to read as follows (additional language underlined and deleted language stricken through):

**Sec. 30-131. – Definitions of terms.**

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*Boat lifts* means the bottom of the keel of any boat shall not be hoisted greater than one foot above the existing ~~minimum~~ seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted except for personal watercraft including jet skis.

*Dolphin pilings* means that the dolphin piling shall be marine grade wood pilings with a minimum butt diameter of twelve (12) inches. Concrete pile is prohibited. Dolphin pilings shall not extend into the water more than ~~A maximum of~~ twenty-five (25') feet or twenty-five percent (25%) ~~thirty (30) percent~~ of the waterway canal width, whichever is less (excluding such pilings located along the Intracoastal Waterway), shall be allowed, measured from the wet face of the seawall or bulkhead property line. Setback shall be no further than the primary structures side yard setback. The minimum height shall be six (6) feet above mean high water (MHW) and the maximum shall be eight (8) feet above MHW. All pilings shall have a reflective tape no more than two (2) inches below the top of the piling and should be four (4) inches in width of the complete circumference.

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**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 in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7. Codification.** Section 2 of the Ordinance shall 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 and shall only apply prospectively.

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

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Donald Peters	_____	_____
Commissioner Judith M. Goldberg	_____	_____

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Donald Peters	_____	_____
Commissioner Judith M. Goldberg	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

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

**REVIEWED FOR LEGAL SUFFICIENCY**

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

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



## MARINE LADDER REGULATIONS

MUNICIPALITY	CODE REGULATION
Boca Raton	For docks, provide at least 1 ladder extending from dock surface to 2 feet below mean low water. For docks in excess of 50 ft in length, 2 ladders shall be provided.
Manalapan	Ladders are permitted on docks.
Gulf Stream	For docks in single-family residential district, ancillary structures such as swim ladders are permitted
Delray Beach	<p>For a dock, at least one ladder extending from the dock surface to two feet below the mean low waterline.</p> <p>For <b>finger piers</b> and <b>docking facilities for 2 or more boats</b>, at least 1 ladder for each 50 feet of finger pier length or major fraction (over 50%) thereof, extending from the dock surface to 2 ft below the mean low waterline. Where 2 finger piers or more are on the same property, at least 1 ladder shall be provided for each finger pier.</p> <p>For a <b>dock, or combination of docks serving the same property and exceeding 50 ft in aggregate length</b>, at least one ladder for each 50 feet of dock length or major fraction (over 50%) thereof extending from the dock surface to two feet below the mean low waterline. Where two or more docks serve the same property, at least one ladder shall be provided for each dock.</p>
Lighthouse Point	All docks shall be provided with safety ladders from the dock or pier to the low-water mark of the canal.

-Note, Juno Beach and Jupiter have no code provisions specific to marine ladders.

**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 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:

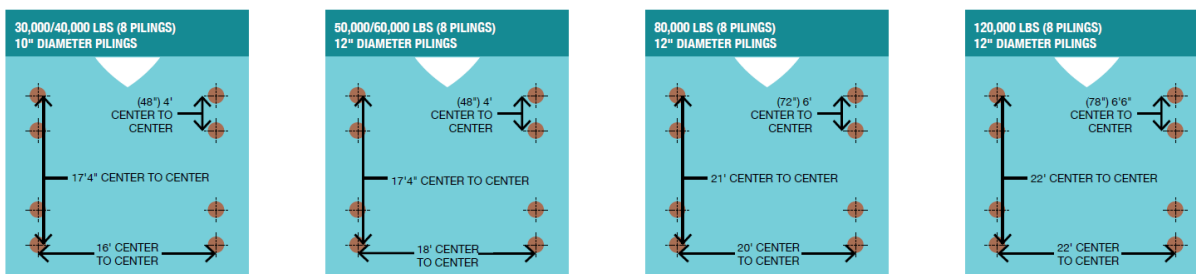
3 ft seawall cap + 5 foot dock + 17 foot boatlift = 25 ft.

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.





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

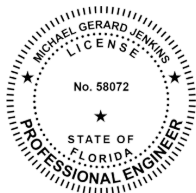
Regulation of boat lifts through minimum setbacks, size and height limitations are generally sufficient to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view for waterways that are generally uniform in dimension adjacent to the regulated 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.*

**File Attachments for Item:**

A. Approval of Meeting Minutes

September 03, 2024 Town Commission Meeting Minutes

September 03, 2024 Town Commission First Public Hearing Budget Meeting

# DRAFT



## TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: September 03, 2024  
Time: 1:30 PM

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

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

### **2. ROLL CALL**

Commissioner Judith Goldberg  
Commissioner Donald Peters  
Commissioner Evalyn David  
Vice Mayor David Stern  
Mayor Natasha Moore  
Town Manager Marshall Labadie  
Town Attorney Leonard G. Rubin  
Town Clerk Lanelda Gaskins

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

The Town Commission lead 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. Resolution No. 2024-021**

**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. 2024-021.

Applicant David Newman was present and provided background information about his professional experiences. He was interviewed by the Town Commission concerning his interest in serving on this board.

**MOTION:** David/Goldberg - Moved to approve Resolution No. 2024-021. Upon roll call: Commission David (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); Vice Mayor Stern (Yes); and Mayor Moore (Yes). The motion passed unanimously on a 5 to 0 vote.

**B. Fiscal Year 2024-2025 Budget Presentation Recap**

Finance Director David DiLena provided a PowerPoint presentation highlighting Fiscal Year 2024-2025 Budget presentation.

Town Manager Labadie talked about the open items such as the sewer lining project (unfunded), internal fund loans, the SRF loan, 75th Anniversary Celebration (price limit), Old Fire Station (\$1M budgeted), and police vehicles (partially budgeted). Discretionary Sales tax (funds).

Mr. David Newman provided comments.

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

Fire Chief Glenn Joseph and the Fire Rescue Department presented Town Manager Labadie with an official firefighter helmet.

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

A. None.

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

**A. Approval of Meeting Minutes**

**August 06, 2024 Town Commission Meeting Minutes**

Mayor Moore noted minor changes to the minutes and forwarded them to the Town Clerk.

**MOTION:** David/Stern - Moved to accept the Consent Agenda with the minor changes, which passed unanimously 5 to 0.

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

**A. Building Department Recertification Program Update**

Building Official Jeff Remas provided updates as follows:

Fifty-three buildings are qualified under the milestone inspection. Nineteen percent of the buildings are currently certified.

Currently staff are reviewing three phase one milestone inspection reports.

Staff have reviewed nine buildings' milestone inspection reports. However additional information was pending.

Four buildings have complied with the milestone report but are overdue in completing the required work; town staff will scheduled meet with one building's condominium association this Friday.

Restoration is currently underway for nineteen buildings, while one building missed its deadline and must submit the electrical report.

Notifications were mailed to three buildings, but their reports are not due yet.

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

Assistant Public Works Director Sergio Gonzales reported that the RRR project is proceeding as planned. There were discussions about FDOT response time for fixing broken gas lines and sprinklers, when needed. Additional conversations focused on the project's anticipated completion, the construction plan and design, and addressing the potential traffic congestion near the turn lane on Linton Boulevard. Mr. Gonzales will gather the specifics regarding the turn lane on Linton Boulevard and provide the information to the Town Manager.

**C. Sanitary Sewer Lining Rehabilitation Project Update**

Assistant Public Works Director Gonzales reported that he and Public Works Director Pat Roman have met with three (3) vendors. The vendors have contracts with other municipalities, and he is working to obtain the best pricing for this project.

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

**A. Approve and authorize the Town Manager to sign a service agreement with Pantropic Power in an amount of \$133,278.33 for emergency repair and maintenance to the town's generator to ensure the generator's long-term operation and reliability.**

Mayor Moore read the title for Item 10.A.

Assistant Public Works Director Gonzales presented this item. He talked about the emergency repair and maintenance to the town's generator.

**MOTION:** David/Stern - Moved to authorize the Town Manager to sign an agreement with Pantropic Power in the amount of \$133,278.33 for emergency repair and maintenance to the town's generator. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion carried 5 to 0.

**B. Resolution No. 2024-022**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, terminating the Town's 401(A) Defined Contribution Plan.**

Mayor Moore read the title of Resolution No. 2024-022.

Town Manager Labadie presented this item and explained the reason for terminating the Town's 401(A) defined contribution plan and transitioning to Lincoln Financial.

**MOTION:** David/Goldberg - Moved to approve Resolution No. 2024-22, which passed unanimously 5 to 0.

**C. Resolution 2024-023**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida providing for Annual Training for members of town boards; and providing for an effective date.**

Mayor Moore read the title of Resolution No. 2024-023.

Town Attorney Rubin presented this item and explained that the resolution provides annual training for all advisory boards on an annual basis.

Mayor Moore opened the item for public comments.

Mr. Richard Greenwald of Tranquility Drive provided comments.

Mr. Jason Chudnofsky provided comments.

There were no further comments from the public.

**MOTION:** David/Vice Mayor Stern - Moved to approve Resolution No. 2024-23. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion carried 5 to 0 vote.

**11. TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg talked about the annual training. She commended Town Manager Labadie for an outstanding job.

Commissioner Donald Peters commended Finance Director David DiLena for being conservative. He talked about the 75<sup>th</sup> Anniversary Committee meeting that he recently attended and provided the following update: Mr. Jason Chudnofsky, of the Highland Beach Police and Fire Foundation, will look into the foundation assisting with the Town's 75<sup>th</sup> Anniversary Celebration; and the Committee is looking to make the Mingle Jingle event better and more organized this year.

Town Manager Labadie mentioned that Reverend Father Horgan of St. Lucy Church was reviewing his calendar. He also mentioned that a professional event planner will be effective in planning the town's Anniversary events.

Commissioner Evalyn David talked about the annual training for the advisory boards. She mentioned that it is great to be in such a good financial state, love that the Town has reserves, and it is comforting to know that the Town provides big city services. She also likes that the Town has reserves and are thinking about the future.

Vice Mayor David Stern congratulated Town Manager Labadie on the firefighter helmet. He talked about an interview that he had with that he had an interview with Mr. Rich Pollack of The Coastal Stars about electric vehicles.

Mayor Natasha Moore had no comments.

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

Town Attorney Rubin had no comments.

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

Town Manager Labadie reported the following:

The Florida League of Cities Policy Committee meeting will start in October. He serves on Municipal Administration and Commissioner Goldberg serves on Finance and Taxation and they help convenience the legislator to keep home rule at the forefront and the Town's interest alive in Tallahassee.

He thanked the Fire Rescue Department for the fire rescue helmet. He talked about good call response, prompt response, a small fire incident that occurred at Ambassador, and providing accommodations to the firefighters who went above and beyond to assist a young lady concerning her living environment.

Town staff is collaborating with the architect concerning plans for the old fire station and post office space. This information is forthcoming.

The Marina Accessory Facilities item will be on the September 17 Town Commission agenda for discussion. The Town Planner and Town Attorney are working together on this matter.

He thanked Finance Director DiLena for the presentation and announced that the First Public Hearing Budget Meeting is today at 5:01 PM.

**14. ANNOUNCEMENTS**

**Board Vacancies**

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

**Meetings and Events**

September 03, 2024	5:01 P.M.	Town Commission First Public Hearing Budget Meeting
September 04, 2024	11:00 A.M.	Natural Resources Preservation Advisory Board Regular Meeting
September 10, 2024	1:00 P.M.	Code Enforcement Board Regular Meeting
September 12, 2024	9:30 A.M.	Planning Board Regular Meeting
September 17, 2024	1:30 P.M.	Town Commission Meeting
September 18, 2024	5:01 P.M.	Town Commission Second Public Hearing Budget Meeting

**Board Action Report**

None.



**15. ADJOURNMENT**

The meeting adjourned at 3:14 P.M.

**APPROVED:** September 17, 2024 Town Commission Meeting.

Signed Minutes on file in the Town  
Clerk's Office

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ATTEST:

Natasha Moore, Mayor

Transcribed by  
Lanelda Gaskins

09/17/2024

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Lanelda Gaskins, MMC  
Town Clerk

Date

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

# DRAFT



## TOWN OF HIGHLAND BEACH TOWN TOWN COMMISSION FIRST PUBLIC HEARING BUDGET MEETING MINUTES

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

Date: September 03, 2024  
Time: 5:01 PM

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

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

### **2. ROLL CALL**

Commissioner Judith Goldberg  
Commissioner Donald Peters  
Commissioner Evalyn David Vice Mayor David Stern  
Mayor Natasha Moore  
Town Manager Marshall Labadie  
Town Attorney Leonard G. Rubin (virtually)  
Town Clerk Lanelda Gaskins

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

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

### **4. FIRST READINGS / PUBLIC HEARINGS:**

#### **A. Resolution No. 2024-024**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Millage Rate of 3.4040 Mills for the Town's Generating Operating Funds for the fiscal year beginning October 1, 2024, and ending September 30, 2025; providing that the Final Millage Rate 3.4040 Mills is 8.0900 percent greater than the computed rolled back rate of 3.1491 Mills; providing for severability; conflicts, and an effective date.**

Mayor Moore read the title of Resolution No. 2024-024.

Finance Director David DiLena presented this item.

Mayor Moore opened the public hearing for public comments. Hearing none, she closed the public hearing.

**MOTION:** David/Stern - Moved to approve Resolution No. 2024-024 setting a Final Millage Rate of 3.4040 Mils. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion carried 5 to 0.

**B. Resolution No. 2024-025**

**A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a Final Budget for the fiscal year beginning October 1, 2024, and ending September 30, 2025; determining and fixing the amounts necessary to carry on the government of the Town for the ensuing year; providing for severalty, conflicts, and an effective date.**

Mayor Moore read the title of Resolution No. 2024-025.

Finance Director David DiLena also presented this item.

Mayor Moore opened the public hearing for public comments. Hearing none, she closed the public hearing.

**MOTION:** David/Stern - Moved to approve Resolution No. 2024-025 adopting a Final Budget for the fiscal year beginning October 1, 2024, and ending September 30, 2025. Upon roll call: Commissioner David (Yes); Vice Mayor Stern (Yes); Commissioner Goldberg (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion carried 5 to 0.

**5. TOWN MANAGER'S REVIEW**

Town Manager Labadie presented this item. He met with each Town Commission individually in person and discussed his performance and objectives. Additionally, he did a self-review and prepared a statement on what the Commission expects to be done next year. The Town Commission praised Town Manager Labadie for an outstanding job performance, being a strong leader, as well as retaining talented employees for the town and overseeing the implementation of the Fire Rescue Department. It was the consensus of the Town Commission that Town Manager Labadie receives the highest rate increase in accordance with his employment contract, which is a ten percent (10%) increase.

**MOTION:** David/Peters - Moved to approve the highest rate allowed by the contract for an increase for Marshall Labadie's salary. Upon roll call: Commissioner David (Yes); Commissioner Peters (Yes); Commissioner Goldberg (Yes); Vice Mayor Stern (Yes); and Mayor Moore (Yes). The motion passed 5 to 0.

**6. COMMISSION MEETINGS**

September 17, 2024 1:30 P.M. Town Commission Meeting  
September 18, 2024 5:01 P.M. Town Commission Second Public Hearing  
Budget Meeting

**7. ADJOURNMENT**

The meeting adjourned at 5:13 P.M.

**APPROVED:** September 17, 2024 Town Commission Meeting.

ATTEST:

Signed Minutes on file in the  
Town Clerk's Office

---

Natasha Moore, Mayor

Transcribed by  
Lanelda Gaskins

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Lanelda Gaskins, MMC  
Town Clerk

09/17/2024

---

Date

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

**File Attachments for Item:**

A. Resolution No. 2024-020

A Resolution of the Town Commission of the Town of Highland Beach, Florida approving an application with Synovus Bank for credit card services with line of \$100,000.00 and authorizing Town Administration to execute all required documents; and providing for an effective date.



**TOWN OF HIGHLAND BEACH  
RESOLUTION NO. 2024-020**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, APPROVING AN APPLICATION WITH SYNOVUS BANK FOR CREDIT CARD SERVICES WITH A CREDIT LINE OF \$100,000 AND AUTHORIZING TOWN ADMINISTRATION TO EXECUTE ALL REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Town Staff requested authorization to apply for credit card services with Synovus Bank with a credit line of \$100,000; and

**WHEREAS**, the Town Commission wishes to approve the filing of such application and determines that the adoption of this Resolution is in the best interests of the Town and its residents.

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

**Section 1.** The foregoing recitals are ratified and incorporated herein.

**Section 2.** The Town Commission hereby approves the filing of a credit card application with Synovus Bank with a credit line of \$100,000, and authorizes the Town Manager and the appropriate members of Town Staff to execute all documents necessary to effectuate this transaction, including, but not limited to: (1) the Synovus Bank Borrowing Resolution for Churches, Other Nonprofit Organizations, and Other Organizations; and (2) the Synovus Treasury Management Visa Purchasing Credit Card Application.

**Section 3.** This Resolution shall be effective immediately upon adoption.

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

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

**REVIEWED FOR LEGAL  
SUFFICIENCY:**

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

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

**VOTES:**

**YES   NO**

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

# SYNOVUS<sup>®</sup>

## BORROWING RESOLUTION FOR CHURCHES, OTHER NONPROFIT ORGANIZATIONS AND OTHER ORGANIZATIONS

TO: **SYNOVUS BANK**  
(referred to in this document as the "Financial Institution")

BY: Town of Highland Beach, FL  
(referred to in this document as the "Organization")

---

### 1) ACCOUNT INFORMATION

Employer Identification Number  
59-0951822

Account number

---

### 2) GOVERNING DOCUMENTS

The undersigned certifies that the above named organization is duly organized under the laws of Florida (state) and that the undersigned has delivered or, contemporaneously herewith, will deliver to the Financial Institution true, correct and complete copies of the Organization's organizational and governing documents (e.g., Articles of Incorporation or Organization, Bylaws, Operating Agreements) to the extent said documents exist and that the powers granted in this resolution are not in contravention with the Organization's governing documents.

---

### 3) AUTHORIZING RESOLUTION

The undersigned hereby certifies that the following resolutions were properly adopted in accordance with the governing documents of the Organization.

**The governing body of the Organization hereby resolves that:**

- a) The Organization desires to enter into a financial transaction with the Financial Institution and the governing body of the Organization has deemed it to be in the best interests of the Organization to enter into a financial transaction with the Financial Institution.
- b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and accepted by the Financial Institution. Any and all prior resolutions adopted by the governing body of the Organization relating to the Financial Institution as governing the operation of the Organization's account(s), are, and shall continue (except as expressly modified hereby), in full force and effect, until the Financial Institution receives and acknowledges express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for such changes.
- c) Any and all actions heretofore taken by any Authorized Person named herein in obtaining loans, lines of credit or other indebtedness or in executing guaranties or the pledging of collateral on behalf of the Organization with the Financial Institution and in exercise of the authority and powers granted herein prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- d) Any of the persons named in Section 4 below (each, an "Authorized Person") are hereby authorized to enter into an agreement with the Financial Institution and/or its affiliates, providing for loans or other extensions of credit to be made to the Organization (including obtaining credit cards issued by the Financial Institution) which shall bear interest, require payment of fees and have such other terms and conditions as approved and deemed necessary, appropriate or desirable by the Authorized Person executing the same agreement, the execution thereof by such Authorized Person to be conclusive evidence of such approval and determination.
- e) The Authorized Persons are each independently and without the need of any other Authorized Person hereby authorized (i) to execute and deliver to the Financial Institution such notes or other evidences of indebtedness of the Organization for the monies so borrowed, with interest thereon, as the Financial Institution may require, and to execute and deliver from time to time renewals or extensions of such notes or other evidences of indebtedness; (ii) to convey, grant, assign, transfer, pledge, mortgage, grant a security interest in, or otherwise hypothecate and deliver by such instruments in writing or otherwise as may be demanded by the Financial Institution, any of the property of the Organization as may be required by the Financial Institution to secure the payment of any notes or other indebtedness of the Organization to the Financial Institution, whether arising pursuant to this resolution or otherwise; and (iii) to perform all acts and execute and deliver all instruments which the Financial Institution may deem necessary or desirable to carry out the purposes of these resolutions.
- f) The Authorized Persons are hereby authorized (i) to execute and deliver to the Financial Institution a guaranty or guaranties as required by Financial Institution to guaranty the payment of any notes or other indebtedness of any other party to Financial Institution and (ii) to convey, grant, assign, transfer, pledge, mortgage, grant a security interest in, or otherwise hypothecate and deliver by such instruments in writing or otherwise as may be demanded by the Financial Institution, any of the property of the Organization as may be required by the Financial Institution to secure (a) the guaranty and/or (b) the payment of any notes or other indebtedness of any other party to the Financial Institution, whether arising pursuant to this resolution or otherwise.



- g) The Authorized Persons are hereby authorized to discount with or sell to the Financial Institution conditional sales contracts, notes, acceptances, draft, receivables, and other evidences of indebtedness payable to the Organization, upon such terms as may be agreed upon by such Authorized Person and the Financial Institution, and to endorse in the name of the Organization said conditional sales contracts, notes, acceptances, drafts, receivables and other evidences of indebtedness so discounted, and to guarantee the payment of the same to the Financial Institution.
- h) The Authorized Persons are hereby authorized to apply for and obtain from the Financial Institution letters of credit in such amounts, for such fees and on such terms and conditions as the Authorized Persons and the Financial Institution may agree and in connection therewith to execute such agreements, applications, trust receipts, pledge agreements, notes, guaranties, indemnities, reimbursement agreements, and other financial undertakings as the Financial Institution may require.
- i) Any and all notes, other evidences of indebtedness, applications for letters of credit, security agreements, mortgages, security deeds, deeds of trust, assignments, guaranties, pledge agreements, and hypothecation agreements heretofore executed and delivered to the Financial Institution for or in the name of the Organization by any Authorized Person are hereby ratified, approved and confirmed, and the actions of any Authorized Person in executing the same and borrowing the money, obtaining letters of credit, guaranteeing and/or granting a security interest in, mortgaging, assigning, pledging or otherwise hypothecating the Organization's property evidenced thereby are hereby ratified, approved and confirmed.

**4) AUTHORIZED PERSON SIGNATURES**

The undersigned further certifies that each of the following persons are deemed Authorized Persons of the Organization and have all of the powers indicated above. Each Authorized Person may independently bind the Organization without the need of any other Authorized Person. The Financial Institution is hereby authorized to rely on any of the signatures subscribed hereto relating to borrowing/pledging/guarantying transactions on the Organization's account(s).

Name and Title or Position

Signature

A. Marshall Labadie, Town Manager

B. David DiLena, Finance Director

C.

D.

E.

**5) EFFECT ON PREVIOUS RESOLUTIONS**

All prior resolutions of record at the Financial Institution remain in effect unless the Organization notifies Financial Institution as provided herein. To the extent this resolution conflicts with any Authorization Resolution on file with the Financial Institution, the terms of this resolution shall control.

**6) CERTIFICATION OF AUTHORITY**

The undersigned further certifies that the governing body of the Organization has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolution and to confer the powers granted to the persons named above who have full power and lawful authority to exercise the same.

IN WITNESS WHEREOF, I (i) have subscribed my name and affixed the seal of the Organization on the date(s) set forth below and (ii) hereby certify that, in accordance with 18 USC § 1344 and other applicable law, that on the date(s) set forth below, I am fully authorized to act on behalf of the Organization and nothing herein is false, misleading or fraudulent nor intended to defraud the Financial Institution [and agree that to the extent the forgoing is false acknowledge that I will be held personally liable].

UNDERSIGNED

ATTEST BY ONE OTHER OFFICER

Signature:

Signature:

Name:

Name:

Title:

Title:

Date:

Date:

**FOR FINANCIAL INSTITUTION USE ONLY**

Acknowledged and received on \_\_\_\_\_ (date) by \_\_\_\_\_ (initials) ☐ This resolution is superseded by resolution dated \_\_\_\_\_.

# Synovus Treasury Management Visa® Purchasing Credit Card Application

Please fax completed and signed application to the designated TM Specialist

Market ID #\* 398

Branch Name 614 - North Cape Coral

Date 6/5/2024

Synovus Bank Branch #

RM/Banker Name Andy LaFear

TMSO Name Matthew Farzanrad

RM/Banker 5 Digit ID

TMSO 5 Digit ID

## Important Applicant Information (May be used for Non-Profit Organizations)

Federal law requires financial institutions to obtain sufficient information to verify your identity. You may be asked several questions and asked to provide one or more forms of identification to fulfill this requirement. In some instances we may use outside sources to confirm the information. The information you provide is protected by our privacy policy and federal law.

TO SYNOVUS BANK, COLUMBUS, GEORGIA and/or any agent bank concerned. The Company named below (in the "Business Information" portion of this form) by the signature of its undersigned owner(s), partner(s) or other Authorized Officer(s), and the Guarantor(s) named below, by his/her/its/their signature(s) below in the Guaranty of Payment, hereby (1) affirms his/her/its/their requests that a commercial card account be opened by you in the name of Company and that cards be issued on that account initially as indicated on this application and as otherwise directed by Company from time to time; (2) authorizes you to make any credit and/or investigative inquiries you deem necessary for this application and the transactions herein contemplated, including obtaining consumer reports on the undersigned individuals signing below as Authorized Officer and on the Individuals signing below as Guarantor (upon such an individual's request the individual will be informed whether or not a consumer report was requested and, if such report was requested, informed of the name and address of the consumer reporting agency that furnished the report), and to exchange credit information with others regarding your credit dealings with Company; (3) agrees to be bound by all terms and conditions of the Commercial Credit Card Agreement (which, as amended from time to time, is referred to herein as the "Cardholder Agreement" or "Agreement"), including but not limited to its provisions regarding Company's liability for the payment of debt incurred through use of the cards, and acknowledges receiving a copy of the Cardholder Agreement (including any such amendments), and agrees that notwithstanding any contrary provisions in the Agreement (or in any Summary of Terms or Card Carrier referred to therein or used therewith), the Agreement is hereby modified to reflect that (i) the "Minimum Payment" is the entire New Balance as provided below under "Billing Structure", and must be paid in full by the payment due date shown on the monthly statement, and (ii) if the "3 Day Grace Period" option is selected below, all references to 20 days in any provisions referring either to the monthly due date for payment or to the grace period, are deemed amended to refer instead to 1 day; (4) agrees that all extensions of credit using the account will be primarily for a business, commercial or agricultural purpose; (5) agrees that, unless otherwise directed by Company in writing, all monthly statements and other notices from time to time given by you may be mailed to Company at its address shown below herein; (6) represents that all financial information herein and otherwise provided by Company is and will be true and correct; and (7) agrees to provide an annual financial statement on the Company and a personal financial statement on the Guarantor(s) from time to time hereafter should either or both be requested by said bank.

Name of Company: Town of Highland Beach, FL

By:

(Signature of Authorized Officer)

Date of Application: 9-4-24

Print Name & Title: Marshall Labadie, Town Manager

## Business Information\*

Business Name Town of Highland Beach, FL	Contact Person David DiLena	Taxpayer ID #
Business Street Address* 3614 S Ocean Blvd	City, State & Zip Code Highland Beach FL 33487	Type of Business Government
Billing Address (if different)	City, State & Zip Code	Credit Line Requested \$100,000.00
Email Address ddilena@highlandbeach.us	Business Telephone #* 561-278-4548	Beneficial Owners Status* Exempt
Time in Business* Years 75 Months	Annual Sales N/A	

## Account Information\*

Business name as it will appear on card: (Maximum of 25 characters) Town of Highland Beach

## Please list all Business Owners below who have 20% or more ownership of this business\*

Owner 1	Full Name: N/A	% of Ownership: %
Owner 2	Full Name:	% of Ownership: %
Owner 3	Full Name:	% of Ownership: %
Owner 4	Full Name:	% of Ownership: %
Owner 5	Full Name:	% of Ownership: %

## Beneficial Ownership - To be completed by Synovus bank representative only

To be completed by Synovus banking representative to confirm Beneficial Ownership status

Beneficial ownership status (One box must be checked)

Complete: ☒ Exempt: ☐ Pending: ☐ Information Needed: ☐

Important: Application cannot be processed if Beneficial Ownership status is "Information Needed." An ID will be required for any Beneficial Owner of 25% or more of the entity.

# SYNOVUS Treasury Management Visa® Purchasing Credit Card Application

## Guarantor Information

Please provide information about each Guarantor for this account. Any owner can be a guarantor, however, when no owner has more than 50% ownership, all owners with 20% or more ownership MUST guarantee the account. Each Guarantor must read the Guaranty of Payment and agree to the terms by signing on Page 2. Please note that ALL Guarantors, no matter their percent of ownership, are each responsible for 100% of the debt incurred when using this account.

1. Guarantor Full Name* N/A		Social Security #* - -	
Home Street Address*		City, State & Zip Code*	
Check here if you want a card mailed to you <input type="checkbox"/>	Date of Birth* (MM/DD/YYYY)	Home Phone #* ( ) <input type="checkbox"/> Mobile	Mobile Phone # ( )
Email Address:		Annual Gross Income* (Alimony, child support or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.) \$	
2. Guarantor Full Name*		Social Security #* - -	
Home Street Address*		City, State & Zip Code*	
Check here if you want a card mailed to you <input type="checkbox"/>	Date of Birth* (MM/DD/YYYY)	Home Phone #* ( ) <input type="checkbox"/> Mobile	Mobile Phone # ( )
Email Address:		Annual Gross Income* (Alimony, child support or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.) \$	
3. Guarantor Full Name*		Social Security #* - -	
Home Street Address*		City, State & Zip Code*	
Check here if you want a card mailed to you <input type="checkbox"/>	Date of Birth* (MM/DD/YYYY)	Home Phone #* ( ) <input type="checkbox"/> Mobile	Mobile Phone # ( )
Email Address:		Annual Gross Income* (Alimony, child support or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.) \$	
4. Guarantor Full Name*		Social Security #* - -	
Home Street Address*		City, State & Zip Code*	
Check here if you want a card mailed to you <input type="checkbox"/>	Date of Birth* (MM/DD/YYYY)	Home Phone #* ( ) <input type="checkbox"/> Mobile	Mobile Phone # ( )
Email Address:		Annual Gross Income* (Alimony, child support or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.) \$	
5. Guarantor Full Name*		Social Security #* - -	
Home Street Address*		City, State & Zip Code*	
Check here if you want a card mailed to you <input type="checkbox"/>	Date of Birth* (MM/DD/YYYY)	Home Phone #* ( ) <input type="checkbox"/> Mobile	Mobile Phone # ( )
Email Address:		Annual Gross Income* (Alimony, child support or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.) \$	

+PLEASE NOTE: Alimony, child support or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.

**GUARANTY OF PAYMENT:** For purposes of this Guaranty, the Company named below under "Business Information" in the portion of this Credit Card Application which follows this Guaranty, who is entering into the Cardholder Agreement with Synovus Bank is hereinafter called "Debtor," said bank, together with its successors and assigns, is hereinafter called "Bank," and the undersigned is sometimes hereinafter called "Guarantor." Said Credit Card Application and Cardholder Agreement are incorporated into this Guaranty by this reference. For value received, and for the purpose of inducing Bank to issue credit cards and extend credit to Debtor as provided in said Agreement, Guarantor hereby unconditionally guarantees payment of all indebtedness of Debtor to Bank at any time or times incurred or arising within the contemplation of said Agreement, whether for issuance or use of any such credit cards, for any such extensions of credit or for any other reason whatsoever, together with all expenses (including attorneys' fees) incurred by Bank in the collection of said indebtedness and/or enforcement of the Guaranty. Guarantor agrees to be bound by all terms and conditions of said Agreement, and without waiving the generality of the foregoing, Guarantor expressly waives notice of the existence or creation of any such indebtedness of Debtor, and notice of Bank's acceptance of this Guaranty. Guarantor expressly waives demand, presentment, notice of dishonor and protest, and all other notices whatsoever; agrees that Bank from time to time may amend said Agreement as provided in said Agreement, may surrender, compromise, substitute or exchange all or any part of any collateral described therein, and may grant any releases, compromises or indulgences with respect to said Agreement or any extension or renewal thereof or any security therefor to any party liable thereunder or hereunder (including but not limited to failure or refusal to exercise one or more of the rights or remedies provided by said Agreement) all without notice or consent of the undersigned (or any of them, if there be more than one) and without affecting the liability of the undersigned hereunder, any of whom may be sued by Bank, with or without joining Debtor or any other person liable on said Agreement or hereunder and without first or contemporaneously suing such other persons or otherwise seeking or proceeding to collect from them, all rights of the undersigned (and each of them) under O.C.G.A. 10-7-24 being hereby expressly waived and relinquished. If more than one party shall execute this Guaranty, the terms "Guarantor" and "undersigned" as used above shall mean each and all of them, who shall be jointly and severally obligated hereunder. I agree that the Cardholder Agreement (including any such amendments) and the Account shall be governed by Georgia and federal law.

Given under the hand and seal of the undersigned this \_\_\_\_\_ day of \_\_\_\_\_

X \_\_\_\_\_ (Signature of Guarantor 1)  
 X \_\_\_\_\_ (Signature of Guarantor 2)  
 X \_\_\_\_\_ (Signature of Guarantor 3)  
 X \_\_\_\_\_ (Signature of Guarantor 4)  
 X \_\_\_\_\_ (Signature of Guarantor 5)

**SYNOVUS Treasury Management Visa® Purchasing Credit Card Application**Business Name: Town of Highland Beach**List Individual Cardholders:** Each will have a unique account number assigned - *List Attached*

Cardholder Name	Social Security #	Date of Birth	Credit Line Per Card	Business Phone #	MCC Table Name

Attach list if more cards are needed.

**Billing Structure**

Your account will be set up as a **Corporate Bill account**, which means your company will receive one monthly statement and, notwithstanding anything to the contrary in the Commercial Credit Card Agreement relating to minimum payment due, or payment due dates, or the length of the grace period on purchases, you agree to make one monthly payment of the entire New Balance shown on the statement so that it is received by the due date shown on the statement, which will be at least that number of days after the closing date shown on the statement. The statement will display a summary of all employee cardholder accounts and the total balance will be due in full each month. Individual cardholders' credit availability will refresh at billing date. Individual card billing is available upon request. Your account and card numbers will change, and new or changed fees, and other changed terms will apply if you change your billing option from a corporate bill account to an alternate billing structure.

**Statement Grace Period and Cycle Date Options** (Must select one)☒ **Monthly Cycle with 20 Day Grace Period on Purchases** ☐ **Monthly Cycle with 1 Day Grace Period on Purchases**

(for this option you must participate in the automatic monthly payment service below)

Select when your cycle date should be assigned: ☐ 15th of Month (approx.) ☒ End of Month (approx.)

**Automatic Monthly Payment Service:** Cycle Date may vary from date selected for various reasons, such as to avoid a non-business day, etc.  
Auto pay is required for 1 day grace period accounts and optional with accounts with a 20 day grace period.

I understand and agree that the automatic monthly payment will take place each month on the payment due date and that the privileges attached to said coverage are contingent upon my maintaining and properly handling both the Checking Account and the Credit Card Account, and will terminate immediately upon the closing of either account for any reason. Synovus Bank may review the accounts involved in this agreement and withdraw any privileges previously granted. If I have authorized Synovus Bank to pay my credit card bill automatically from my checking account, I can stop the payment. To stop the payment my letter must reach Synovus Bank three business days before the automatic payment is scheduled to occur. I request and authorize Synovus Bank to automatically deduct from my designated commercial purpose checking account my monthly credit card payment, equal to the full amount of the "New Balance" for the Credit Card Account and I agree that (notwithstanding anything to the contrary in the Cardholder Agreement), if a 1 Day Grace Period is selected (see above), any termination of this automatic payment service for any reason constitutes a default under the Cardholder Agreement.

Balance will be paid in full on payment due date.

Commercial Bank Account Number:

Account Routing Number:

**IMPORTANT: A VOIDED CHECK MUST BE ATTACHED FOR AUTOMATIC MONTHLY PAYMENT TO BE SET UP.**

Authorized Signature of Commercial Account

Date

(Optional) Authorized Signature of Commercial Account

Date

**Merchant Category Code Tables (MCC)**

Note: Synovus will attempt to decline authorization requests from the MCC's you provide but cannot assure that all authorizations can be prevented in every instance. Your request for card use restrictions in this Application does not relieve your company of the need to review each transaction on your monthly statement.

MCC Table Name	MCC Table Description

## Customer to Retain for Personal Records

VISA® PURCHASING CARD SUMMARY OF CREDIT TERMS	
Annual Percentage Rate (APR)	15.15% for PURCHASES
Other APRs	15.15% for BALANCE TRANSFERS 23.24% for CASH ADVANCES
Variable Rate Information	Your APR for purchases, balance transfers and cash advances may vary. The regular APR for purchases and balance transfers is determined each billing cycle by adding a margin of 6.90% for purchases and/or balance transfers and 14.99% for cash advances to the current Prime Rate*
Grace Period for Repayment of Purchase Balances	You will have at least a 1-day or 20-day (whichever you have selected – see above in this Application) grace period to repay the New Balance (if any) shown on your statement for any Billing Cycle to avoid incurring an additional finance charge on purchases. No grace period is given on cash advances or balance transfers.
Method of Computing the Balance For Purchases	Average Daily Balance (including new purchases)
Annual Fee	None
Minimum Finance Charge	\$1.00
Transaction Fee for Cash Advances Late	3% of the Cash Advance (\$10 minimum)
Payment Fee	Based on balance as of Closing Date of Billing Cycle during which payment is late as follows: balances less than or equal to \$100 = \$15; balances of \$100.01 up to \$500 = \$29; and balances greater than \$500 = \$39
Overlimit Fee	\$29
Returned Check	\$29
Foreign Transaction Fee	3% of the transaction amount (includes transactions made in U.S. Dollars and cross border transactions)
<p>*The Prime Rate used is the highest Prime Rate published in The Wall Street Journal on either (a) the first calendar month in which the Billing Cycle begins (or if not published on that day, on the date of its next publication following that date), or (B) the last day of the calendar month in which the Billing Cycle begins (or if not published on that day, on the date of its next publication following that date), whichever produces the higher Prime Rate.</p> <p>The terms and conditions described in this application are accurate as of May 31, 2023 but are subject to change. To find out what may have changed, please call us at 1-888-SYNOVUS (796-6887) or write to us at Card Services, P. O. Box 23061, Columbus, Georgia 31902.</p> <p>IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING NEW ACCOUNT: Federal law requires financial institutions to obtain, verify, and record information that identifies each person or entity that opens an account. What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We may use outside sources to confirm this information.</p> <p>CONTACT BY TELEPHONE AND EMAIL: You authorize us or any of our agents to contact you at any telephone numbers you provide on your credit application or that you provide to us thereafter, including a ported landline, cellular phone, mobile phone or similar device, regarding payments due, Account activity, Account information or for other purposes we deem necessary. You authorize those contacts to be made using an automated telephone dialing system and/or prerecorded messages and/or text messages. You authorize us to send email to the addresses you provide us on your credit application or otherwise. You may be charged by your wireless provider for data, phone usage or minutes. By providing your mobile number you are agreeing to receive alerts for information related to your account, including fraud notifications from Synovus. Message frequency depends on account activity. Free messages from short code 74233. For more information, please visit <a href="http://www.synovus.com/fraudfaq">www.synovus.com/fraudfaq</a>. For privacy policy, please visit <a href="http://www.synovus.com/privacy">www.synovus.com/privacy</a></p>	