



Town of Highland Beach

Notice of Public Meeting Protocol

The Town of Highland Beach is committed to serving the needs of the public while also working to ensure the safety and health of the town's staff, the community, and visitors alike.

The following information is guidance for preregistration for Zoom or telephone participation, and for viewing and providing public comments at the meeting:

ZOOM PARTICIPATION:

Online or Telephone Access – Access to the meeting will begin on the date and time of the meeting.

- To Join Meeting: All interested persons **must preregister** to participate by contacting Town Clerk Lanelda Gaskins at publiccomments@highlandbeach.us or by calling (561) 278-4548 no later than one (1) business day prior to the meeting date (**e.g. by 4:30 P.M. on a Monday if the meeting is scheduled for that Tuesday; and by 4:30 P.M.**).
- Meeting access information and instructions will be provided to those persons two hours prior to the meeting.
- The video camera display feature will only be enabled for Public Hearing Quasi-Judicial matters and during public comments only. The video camera display feature will be disabled for public use.

For additional information on using Zoom, please visit Zoom Support by click on the following link: <https://support.zoom.us/hc/en-us>.

Viewing Only - To view the meeting, preregistration is not required. The public can view the meeting on the following:

- Highland Beach TV Channel 99 online streaming on the Town's website and via Highland Beach YouTube at <https://www.youtube.com/channel/UCTAGr8WCa44Y3Q2Bb6UN2mw>.

PROVIDING PUBLIC COMMENT:

Persons desiring to provide public comments must do so by one of the methods listed below. Public comments will be limited to five minutes (three minutes for special Commission meeting items only) per person during the designated section of the agenda. If an interested person desires to provide written public comment, all comments must be directed to Lanelda Gaskins, Town Clerk as follows:

TO SEND COMMENTS IN ADVANCE VIA EMAIL:

- To submit public comments, click on the link <https://mmportal6.teamunicode.com/> to go to the Agendas and Meeting webpage. At the top of the page click on "Public Comments" to submit your comments, or
- Submit your comments to publiccomments@highlandbeach.us.
- The Town will receive such public comments no later than two (2) hours prior to the meeting. If timely received, Town staff will read the public comment at the meeting.

- Live Zoom Video Participation - If attending via Zoom online, please follow Zoom instructions above. Once the meeting gets to the applicable public comment period, the host of the meeting will allow public participants (audio only) into the meeting from the waiting room, to provide live public comment.
- Live Zoom Telephone Participation - If attending via Zoom by telephone, please follow the instructions above. Once the meeting gets to the appropriate public comment period, the host of the meeting will allow public participants into the meeting from the waiting room, to provide live public comment.

Should you have any questions, please feel free to contact the Town Clerk's Office at (561) 278-4548.



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

Tuesday, September 06, 2022 AT 1:30 PM

TOWN HALL COMMISSION CHAMBERS

3614 S. OCEAN BOULEVARD
HIGHLAND BEACH, FL 33487

Town Commission

Douglas Hillman	Mayor
Natasha Moore	Vice Mayor
Peggy Gossett-Seidman	Commissioner
Evalyn David	Commissioner
John Shoemaker	Commissioner
Marshall Labadie	Town Manager
Lanelda Gaskins	Town Clerk
Glen J. Torcivia	Town Attorney

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

None.

6. **PUBLIC COMMENTS**

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

7. **ANNOUNCEMENTS**

Board Vacancies

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

Meetings and Events

September 06, 2022 - 5:01 P.M. Town Commission Special First Public Hearing
Budget Meeting

September 13, 2022 - 1:00 P.M. Code Enforcement Board Regular Meeting

September 21, 2022 - 5:01 P.M. Town Commission Special Second Public Hearing
Budget Meeting

Board Action Report

None.

8. **ORDINANCES**

A. Ordinance No. 2022-006 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida amending the Town's Comprehensive Plan by adding a New Property Rights Element; providing for severability; providing for conflicts; and providing effective date (First Reading was June 07, 2022).

B. Ordinance No. 2022-007 (Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, readopting a small-scale amendment to the Town Comprehensive Plan to amend the Future Land Use designation of a 0.8315 acre parcel of land located in the Boca Raton Cove Development along South Ocean Boulevard approximately 300 feet south of Russell Drive, as more particularly described herein, from no Future Land Use Classification to Multi Family Low Density to correct a scrivener's error; providing for severability; providing for conflicts; and providing an effective date.

C. Ordinance No. 2022-008 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach; amending the administrative amendments to the 7th (2020) Edition of the Florida Building Code to update the requirements for reinspection and recertification of existing threshold buildings and other buildings owned by a condominium or cooperative association to conform with state law; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 02, 2022).

9. CONSENT AGENDA

- A. Consideration to approve and authorize the Mayor to execute the revised Interlocal Agreement between the Town of Highland Beach and the Town of Gulf Stream for Building Department Services.

10. UNFINISHED BUSINESS

- A. Fire Rescue Implementation Update

11. NEW BUSINESS

- A. Consideration of a request for a Town of Highland Beach Right-of-Way permit for the property located at 4005 South Ocean Boulevard.

- B. Resolution No. 2022-019

A Resolution of the Town Commission of the Town of Highland Beach, Florida, authorizing the Mayor to execute Amendment Number five (5) to the State of Florida Department of Transportation (FDOT) District Four (4) Landscape Inclusive Memorandum of Agreement on behalf of the Town of Highland Beach, Florida and providing for an effective date.

- C. Resolution No. 2022-023

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting the Fiscal Year 2022-2023 Schedule of Fees which establishes reasonable fees for Town services and other charges; providing for conflicts; and providing an effective date.

- D. Resolution No. 2022-024

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting the Fiscal Year 2022-2023 Schedule of Fees which establishes reasonable fees for Building and Land Development Services, providing for conflicts; and providing an effective date.

- E. Consideration to cancel the September 20, 2022 Town Commission Meeting.

- F. Consideration of the proposed Town Commission Meeting Schedule.

- G. Approval of Meeting Minutes

August 04, 2022 - Commission Meeting Special Minutes

August 16, 2022 - Commission Meeting Minutes

August 25, 2022 - Commission Meeting Special Minutes

12. TOWN COMMISSION COMMENTS

Commissioner John Shoemaker

Commissioner Evalyn David

Commissioner Peggy Gossett-Seidman

Vice Mayor Natasha Moore

Mayor Douglas Hillman

13. TOWN ATTORNEY'S REPORT**14. TOWN MANAGER'S REPORT****15. ADJOURNMENT**

NOTE: Any person, firm or corporation decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is to be based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such 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. Ordinance No. 2022-006 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida amending the Town's Comprehensive Plan by adding a New Property Rights Element; providing for severability; providing for conflicts; and providing effective date (First Reading was June 07, 2022).



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 6, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

On June 7, 2022, the Town Commission unanimously approved the transmittal (one of two required public hearings) of the above-referenced Comprehensive Plan amendment to the State Land Planning Agency – the Department of Economic Opportunity (DEO). In addition and pursuant to Section 163.3184(3), Florida Statutes, the amendment was simultaneously transmitted to the following review agencies:

- Department of Environmental Protection
- Department of State
- Department of Transportation
- Treasure Coast Regional Planning Council (TCRPC)
- South Florida Water Management District
- Palm Beach County

The Town received the following “technical assistance” comment from DEO (see Attachment No. 1) which it offered as a suggestion to strengthen the Town’s Comprehensive Plan in an effort to “...foster a vibrant, healthy community...” and to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.:

The proposed property rights element limits the consideration of property rights matters to “planning and development decisions” as opposed to considering them in all “local decision making.”

The Department strongly encourages the Town of Highland Beach, prior to adoption, to revise Goal 1 of the proposed amendment to consider private property rights in all of the Town’s local decision making.

Note that as indicated in the June 7, 2022 Commission Agenda Memorandum (First reading), the proposed goals, objectives and policies of the Property Rights Element were based on the model element authored by the 1000 Friends of Florida (dated July 20, 2021). The text referencing “planning and development decisions” came verbatim from the model element. That said, several municipalities in Palm Beach County were provided the same technical assistance comment, as noted above, from DEO. Staff has revised proposed Goal 1 of the Property Rights Element to reflect that property rights will be considered in local decision-making as follows (deletions are denoted by a ~~striethrough~~ and additions are denoted by an underline):

Goal 1

The Town will make local ~~planning and development~~ decisions with respect for property rights and with respect for people’s rights to participate in decisions that affect their lives and property.

The Town received no comments from the remaining review agencies noted above. Chapter 163, Florida Statutes, requires that the Regional Planning Council review local government Comprehensive Plan amendments prior to their adoption. On July 15, 2022, the TCRPC approved the proposed amendment.

FISCAL IMPACT:

NA

ATTACHMENTS:

Attachment No. 1 - DEO technical assistance comment, dated July 15, 2022.

Ordinance

Commission Agenda Memorandum, First Reading, June 7, 2022

RECOMMENDATION:

Adopt Comprehensive Plan amendment with changes.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

July 15, 2022

The Honorable Douglas Hillman
Mayor, Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Dear Mayor Hillman:

The Department of Economic Opportunity ("Department") has reviewed the Town of Highland Beach proposed comprehensive plan amendment (Amendment No. 22-01ESR), received on June 17, 2022, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the Town's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

- ***Section 163.3177(6)(i)1., F.S. (Ch. 2021-195, Laws of Fla.), requires each local government to include a property rights element in its comprehensive plan. The local government has proposed its own property rights element instead of the statement of rights provided by Section 163.3177(6)(i)1., F.S. The proposed property rights element limits the consideration of property rights matters to "planning and development decisions" as opposed to considering them in all "local decision making."***

The Department strongly encourages the Town of Highland Beach, prior to adoption, to revise Goal 1 of the proposed amendment to consider private property rights in all of the Town's local decision making.

Please be advised the property rights element adopted by the local government may not conflict with the statement of rights provided under Section 163.3177(6)(i)1., F.S. To ensure the adopted language does not conflict, the Department recommends that the local government consult with its legal department.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

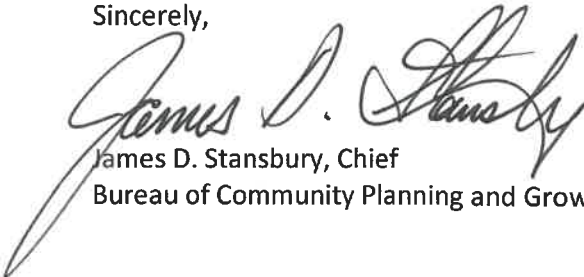
An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at matt.preston@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/mp

Enclosure(s): Procedures for Adoption

cc: Ingrid Allen, Town Planner, Town of Highland Beach

Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

From: [DEO Amendment Correspondence](#)
To: [Douglas Hillman](#); [Ingrid Allen](#); tlanahan@tcrpc.org; sheidt@tcrpc.org
Cc: [Preston, Matt](#); [Corvin, Kelly D.](#)
Subject: FW: DEO Response Letter
Date: Friday, July 15, 2022 9:02:10 AM
Attachments: [TWN. HIGHLAND BCH. 22-01ESR \(P.pdf\)](#)

Please see attached correspondence from the Department of Economic Opportunity regarding the above comprehensive plan amendment. In addition to this electronic message, a paper copy of the letter is being mailed to the addressee. Paper copies of the attached correspondence are available upon request. Please contact the Department planner identified in the attached letter if you have any questions or concerns. Thank You

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to DEO via email may be subject to disclosure. Under Florida law email addresses are public records.

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure. Under Florida law email addresses are public records.



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. 2022-006**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE
TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING
THE TOWN'S COMPREHENSIVE PLAN BY ADDING A
NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICTS; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, House Bill 59, effective July 1, 2021, updated Section 163.3177(6)(i)1, Florida Statutes, to require each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to amend its Comprehensive Plan in order to add such property rights element consistent with Section 163.3177(6)(i)1, Florida Statutes; and

WHEREAS, on May 12, 2022 the Planning Board, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendment to the Town's Comprehensive Plan and providing a recommendation to the Town Commission; and

WHEREAS, having conducted all of the duly advertised public hearings required by Chapter 163, Florida Statutes, the Town Commission wishes to amend its Comprehensive Plan and determines that the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents 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 Comprehensive Plan is hereby amended to create a "Property Rights Element," which shall read as follows:

Goal 1

The Town will make local ~~planning and development~~ decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1 The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1. The Town will consider the following rights in its decision making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

SECTION 2. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated.

SECTION 3. In accordance with Section 163.3184(3), Florida Statutes, Town staff is hereby directed to transmit the Comprehensive Plan amendment documents to the Department of Economic Opportunity and other agencies within ten (10) working days after the initial public hearing.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the Comprehensive Plan amendment package is complete or, if timely challenged, this Ordinance shall become effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The forgoing Ordinance, on first reading, was moved by Commissioner David, seconded by Vice Mayor Moore, and upon being put to a vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

PASSED on first reading at the Regular Commission meeting held on the 7th day of June 2022.

The forgoing Ordinance, on second reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

VOTES:

YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

PASSED and ADOPTED on second and final reading at the Regular Commission meeting held on the 6th day of September, 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

SUN-SENTINEL

Sold To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Bill To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Florida
County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11745-Other Legal Notices ,
Was published in said newspaper by print in the issues of, or by publication on the
newspaper's website, if authorized on Aug 30, 2022

Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

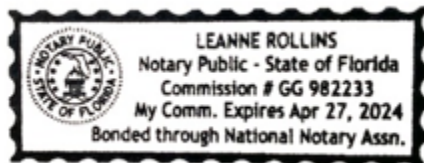


Signature of Affiant

Sworn to and subscribed before me this: August 31, 2022.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

Affidavit Delivery Method: E-Mail

Affidavit Email Address: lgaskins@highlandbeach.us
7268655

**TOWN OF HIGHLAND BEACH
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Town Commission of the Town of Highland Beach will conduct a Public Hearing on Tuesday, September 06, 2022 at 1:30 PM in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following:

ORDINANCE NO. 2022-006

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

A copy of the ordinance will be available for inspection in the Town Clerk's Office, Monday through Friday, during normal business hours 8:30 A.M. to 4:30 P.M. and on the Town's webpage at <https://mmportal6.teamunicode.com/> no later than Friday, September 02, 2022.

Public participation will be in the forms of in-person, Zoom or telephone call. Persons desiring to participate in the meeting must preregister by contacting Town Clerk Lanelda Gaskins at email address publiccomments@highlandbeach.us or by submitting public comment to the Town of Highland Beach's Agendas and Meetings webpage <https://mmportal6.teamunicode.com/>. At the top of the webpage, click on "Public Comments" complete the electronic form and click submit. The submitted comment will be read into record during the corresponding portion of the meeting. All request will be accepted up until 11:00 A.M. on Monday, September 05, 2022.

Any person that 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 of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771. For additional information, please contact the Town Planner at (561) 278-4540.
TOWN OF HIGHLAND BEACH, BUILDING
DEPARTMENT
8/30/2022 7268655

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH,
FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE
PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, House Bill 59, effective July 1, 2021, updated Section 163.3177(6)(i)1, Florida Statutes, to require each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to amend its Comprehensive Plan in order to add such property rights element consistent with Section 163.3177(6)(i)1, Florida Statutes; and

WHEREAS, on May 12, 2022 the Planning Board, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendment to the Town's Comprehensive Plan and providing a recommendation to the Town Commission; and

WHEREAS, having conducted all of the duly advertised public hearings required by Chapter 163, Florida Statutes, the Town Commission wishes to amend its Comprehensive Plan and determines that the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents 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 Comprehensive Plan is hereby amended to create a "Property Rights Element," which shall read as follows:

Goal 1

The Town will make local ~~planning and development~~ decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1 The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1. The Town will consider the following rights in its decision making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

SECTION 2. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated.

SECTION 3. In accordance with Section 163.3184(3), Florida Statutes, Town staff is hereby directed to transmit the Comprehensive Plan amendment documents to the Department of Economic Opportunity and other agencies within ten (10) working days after the initial public hearing.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the Comprehensive Plan amendment package is complete or, if timely challenged, this Ordinance shall become effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The forgoing Ordinance, on first reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Douglas Hillman	_____
Vice Mayor Natasha Moore	_____
Commissioner Peggy Gossett-Seidman	_____
Commissioner Evalyn David	_____
Commissioner John Shoemaker	_____

_____ on first reading at the Regular Commission meeting held on the ____ day of _____, 2022.

The forgoing Ordinance, on second reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Douglas Hillman _____
Vice Mayor Natasha Moore _____
Commissioner Peggy Gossett-Seidman _____
Commissioner Evalyn David _____
Commissioner John Shoemaker _____

_____ on second and final reading at the Regular Commission meeting held on the ____ day
of _____, 2022.

ATTEST:

Douglas Hillman, Mayor

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE June 7, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

House Bill 59 which became effective on July 1, 2021 updated Section 163.3177(6), Florida Statutes (F.S.) by requiring each local government to adopt a Property Rights Element into its Comprehensive Plan. Pursuant to Section 163.3177(6)(i), F.S., this new element must be adopted "by the earlier of the date of its adoption" of its next proposed Comprehensive Plan amendment that is initiated after July 1, 2021 or the date of the next scheduled evaluation and appraisal of the Comprehensive Plan (*Note that the next scheduled evaluation and appraisal of the Town Comprehensive Plan is January 1, 2025*).

On January 18, 2022, the Town Commission adopted a small-scale amendment to the Comprehensive Plan in order to correct a scrivener's error pertaining to the Future Land Use designation of a 0.8315 acre parcel located in the Boca Cove development. The latter parcel was not designated with the Multi Family Low Density Future Land Use classification which corresponds to all other parcels within the Boca Cove development. Upon transmitting a copy of the adopted small-scale amendment to the State Land Planning Agency (Department of Economic Opportunity), staff received an acknowledgement letter from Department indicating that their records did not reflect that the Town adopted a Property Rights Element and therefore the Town should consult with legal staff to determine if the adopted amendment should be rescinded and readopted after the Property Rights Element is adopted. Staff advised the Department that given the small-scale amendment was to correct a scrivener's error, the consideration of a Property Rights Element was not triggered as a result of this amendment. The Department restated their position, as noted above, and the Town Attorney has indicated that the small-scale amendment to correct a scrivener's error can be re-adopted after the Town adoption of the Property Rights Element.

The following proposed goals, objectives, and policies of the Property Rights Element are based on the model element authored by the 1000 Friends of Florida (dated July 20, 2021) as well as the requirements of Section 163.3177(6)(i)1, F.S.:

Goal 1

The Town will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1 The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1. The Town will consider the following rights in its decision making.

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*
- 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*
- 3. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.*
- 4. The right of a property owner to dispose of his or her property through sale or gift.*

Pursuant to Section 163.3184(3) Florida Statutes, this proposed amendment to the Comprehensive Plan requires both a transmittal and adoption public hearing under the Expedited State Review Process. Should the Town Commission agree to transmit the item, the State Land Planning Agency along with other State agencies shall have 30 days to provide comments. A second and final hearing (adoption hearing) is anticipated in August 2022.

PLANNING BOARD ACTION:

At the May 12, 2022 Planning Board meeting, the Board recommended approval of the Comprehensive Plan amendment to add a new Property Rights element (motion carried 7-0).

FISCAL IMPACT:

NA

ATTACHMENTS:

Ordinance

Department of Economic Opportunity acknowledgement letter

RECOMMENDATION:

Approve transmittal of Comprehensive Plan amendment to the State Land Planning Agency.

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH,
FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE
PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, House Bill 59, effective July 1, 2021, updated Section 163.3177(6)(i)1, Florida Statutes, to require each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to amend its Comprehensive Plan in order to add such property rights element consistent with Section 163.3177(6)(i)1, Florida Statutes; and

WHEREAS, on May 12, 2022 the Planning Board, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendment to the Town's Comprehensive Plan and providing a recommendation to the Town Commission; and

WHEREAS, having conducted all of the duly advertised public hearings required by Chapter 163, Florida Statutes, the Town Commission wishes to amend its Comprehensive Plan and determines that the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents 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 Comprehensive Plan is hereby amended to create a "Property Rights Element," which shall read as follows:

Goal 1

The Town will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1 The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1. The Town will consider the following rights in its decision making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

SECTION 2. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated.

SECTION 3. In accordance with Section 163.3184(3), Florida Statutes, Town staff is hereby directed to transmit the Comprehensive Plan amendment documents to the Department of Economic Opportunity and other agencies within ten (10) working days after the initial public hearing.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the Comprehensive Plan amendment package is complete or, if timely challenged, this Ordinance shall become effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The forgoing Ordinance, on first reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Douglas Hillman	_____
Vice Mayor Natasha Moore	_____
Commissioner Peggy Gossett-Seidman	_____
Commissioner Evalyn David	_____
Commissioner John Shoemaker	_____

_____ on first reading at the Regular Commission meeting held on the ____ day of _____, 2022.

The forgoing Ordinance, on second reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Douglas Hillman _____
Vice Mayor Natasha Moore _____
Commissioner Peggy Gossett-Seidman _____
Commissioner Evalyn David _____
Commissioner John Shoemaker _____

_____ on second and final reading at the Regular Commission meeting held on the ____ day
of _____, 2022.

ATTEST:

Douglas Hillman, Mayor

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

Property Rights Element

Goal 1

The Town will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1

The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1.

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2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

January 24, 2022

Ms. Ingrid Allen
Town Planner
Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Dear Ms. Allen:

Thank you for submitting copies of the Town of Highland Beach's Small Scale Development Plan Amendment, adopted by Ordinance No. 2022-001 on January 18, 2022, for our records. The reference number for this amendment package is DEO# 22S01.

The State Land Planning Agency **will not** conduct a compliance review or issue a Notice of Intent regarding the adopted small scale development plan amendment in accordance with procedures contained in Section 163.3187(1), Florida Statutes.

Please be aware that Chapter No. 2021-195 Laws of Florida adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is now required to adopt a property rights element into its comprehensive plan. The Department's records do not reflect that the property rights element has been adopted and therefore you may wish to consult with your legal department to determine if the adopted small scale amendment should be rescinded and readopted after the property rights element is adopted.

If you have any questions, please contact me for the DRI and Plan Processing Section at (850) 717-8483.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Ray Eubanks', is written over a horizontal line.

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

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Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

January 20, 2022

Ray Eubanks
Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adoption of small-scale amendment to the Future Land Use Map of the Town of Highland Beach Comprehensive Plan to correct a scrivener's error.

Dear Mr. Eubanks:

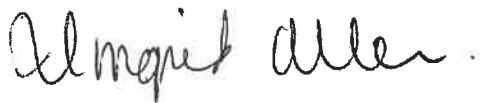
The Town of Highland Beach is submitting an adopted small-scale amendment pursuant to Section 163.3187(1), F.S. Enclosed please find a consolidated PDF document (pursuant to DEO's new electronic submittal platform) pertaining to this adopted small-scale amendment to the Future Land Use Map of the Town's Comprehensive Plan. This small-scale amendment corrects a scrivener's error for a 0.8315 acre parcel located within the Boca Cove development that did not have a future land use designation (see attached adopted Ordinance No. 2022-001). The following information is provided in accordance with the *Comprehensive Plan and Plan Amendment Processing and Submittal Guidelines* provided by the DEO's Community Planning Bureau:

1. The Town Commission held an adoption hearing on January 18, 2022 and voted unanimously (5-0) to approve the amendment (Ordinance No. 2022-001).
2. The Town of Highland Beach has only approved this small-scale amendment for this calendar year and therefore, the cumulative total number of acres for Town approved small-scale amendments is 0.8315.
3. The adopted small-scale amendment is not within an area of critical state concern and does not involve a site within a rural area of opportunity.

Please contact me regarding any questions pertaining to this amendment as follows:

Ingrid Allen, Town Planner
3614 South Ocean Boulevard
Highland Beach, FL 33487
561-637-2012
iallen@highlandbeach.us

Sincerely,

A handwritten signature in black ink that reads "Ingrid Allen". The signature is written in a cursive, flowing style.

Ingrid Allen
Town Planner

Enclosure

cc: Marshall Labadie, Town Manager

Property Rights Element

Goal 1

The Town will make local ~~planning and development~~ decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1

The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1.

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2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

File Attachments for Item:

B. Ordinance No. 2022-007 (Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, readopting a small-scale amendment to the Town Comprehensive Plan to amend the Future Land Use designation of a 0.8315 acre parcel of land located in the Boca Raton Cove Development along South Ocean Boulevard approximately 300 feet south of Russell Drive, as more particularly described herein, from no Future Land Use Classification to Multi Family Low Density to correct a scrivener's error; providing for severability; providing for conflicts; and providing an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 6, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, READOPTING A SMALL-SCALE AMENDMENT TO THE TOWN COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE DESIGNATION OF A 0.8315 ACRE PARCEL OF LAND LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO FUTURE LAND USE CLASSIFICATION TO MULTI FAMILY LOW DENSITY TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

On January 18, 2022, the Town Commission unanimously adopted a small-scale amendment to the Comprehensive Plan in order to correct a scrivener's error pertaining to the Future Land Use designation of a 0.8315 acre parcel located in the Boca Cove development (Ordinance No. 2022-001). The latter parcel was not designated with the Multi Family Low Density Future Land Use classification which corresponds to all other parcels within the Boca Cove development.

Upon transmitting a copy of the adopted small-scale amendment to the State Land Planning Agency (Department of Economic Opportunity - DEO), staff received an acknowledgement letter from Department indicating that their records did not reflect that the Town adopted a Property Rights Element and therefore the Town should consult with legal staff to determine if the adopted amendment should be rescinded and readopted after the Property Rights Element is adopted. Staff advised the Department that given the small-scale amendment was to correct a scrivener's error, the consideration of a Property Rights Element was not triggered at a result of this amendment. The Department restated their position, as noted above, and the Town Attorney has indicated that the small-scale amendment to correct a scrivener's error can be readopted after the Town adoption of the Property Rights Element. Note that the Commission will be considering the adoption of the Property Rights Element on the same meeting agenda but prior to considering the readoption of the small-scale amendment.

Pursuant to Section 163.3187(2) Florida Statutes, small-scale amendments to the Comprehensive Plan require only one (1) public hearing which shall be an adoption hearing.

PLANNING BOARD ACTION:

At the December 9, 2021 Planning Board ("Board") meeting, the Board recommended approval of the small-scale amendment to the Town Comprehensive Plan which corrects a scrivener's error to the Future Land Use designation of parcel control number 24-43-47-04-01-000-1128 from no designation to Multi Family Low Density (motion carried 6-0).

FISCAL IMPACT:

None.

ATTACHMENTS:

Ordinance

Commission Agenda Memorandum, January 18, 2022, regarding adoption of small-scale amendment to correct a scrivener's error pertaining to a 0.8315 acre parcel.

DEO acknowledgement letter dated January 24, 2022.

RECOMMENDATION:

Approval of Ordinance.



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. 2022-007**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, READOPTING A SMALL-SCALE AMENDMENT TO THE TOWN COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE DESIGNATION OF A 0.8315 ACRE PARCEL OF LAND LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO FUTURE LAND USE CLASSIFICATION TO MULTI FAMILY LOW DENSITY TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Comprehensive Plan was adopted in 1989 (Ordinance No. 581); and

WHEREAS, in January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels including parcel control number 24434704010001128 located within the Boca Cove development had no zoning district designation; and

WHEREAS, upon further research by staff, it was determined that of the three (3) parcels, only parcel control number 24-43-47-04-01-000-1128 did not have a corresponding Future Land Use designation; and

WHEREAS, according to the Future Land Use Map of the Town Comprehensive Plan, all the parcels located within the Boca Cove development, with the exception of parcel control number 24-43-47-04-01-000-1128, have a Future Land Use designation of Multi Family Low Density; and

WHEREAS, upon review of the Future Land Use Map adopted by Ordinance 581, as well as subsequent amendments to the Future Land Use Map, parcel control number 24-43-47-04-01-000-1128 was located within the Future Land Use designation of Multi Family Low Density; however, this Future Land use designation is not reflected on the current Future Land Use Map of the Town Comprehensive Plan; and

WHEREAS, the proposed correction of a scrivener's error to the Future Land Use Map is consistent with the Town Comprehensive Plan; and

WHEREAS, Section 163.3187, Florida Statutes, provides procedures for small-scale amendments to the Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3177(6)(i), Florida Statutes, each local government is required to adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021 or the date of the next scheduled evaluation and appraisal of its comprehensive plan; and

WHEREAS, readoption of the small-scale amendment to correct a scrivener's error is required given the amendment was initially adopted on January 18, 2022 (Ordinance No. 2022-001) prior to the Town's adoption of a property rights element; and

WHEREAS, on June 7, 2022, the Town Commission authorized the transmittal of the property rights element to the Department of Economic Opportunity and will be considering the adoption of a property rights element into the Comprehensive Plan (via a separate Ordinance) prior to readopting the small-scale amendment; and

WHEREAS, the Town Planning Board, as the designated Local Planning Agency, conducted a public hearing on the proposed Future Land Use Amendment and provided its recommendation to the Town Commission; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to correct this scrivener's error to the Future Land Use Map of the Town Comprehensive Plan and determines that the readoption of this Ordinance is in the best interests of the residents and citizens of the Town of Highland Beach; and

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. In order to correct the scrivener's error, the Town Commission readopts a small-scale amendment to the Town Comprehensive Plan by readopting an amendment to the Future Land Use Map, as set forth in Exhibit "A" attached hereto and incorporated herein by reference. The amendment specifically reflects the correct and corresponding Future Land Use designation for parcel control number 24-43-47-04-01-000-1128. The Future Land Use Map adopted in Exhibit "A" shall be substituted for and replace in total the previously adopted Future Land Use Map.

SECTION 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete or, if timely challenged, this Ordinance shall be effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The forgoing Ordinance was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

VOTES:

YES NO

Mayor Douglas Hillman

Vice Mayor Natasha Moore

Commissioner Peggy Gossett-Seidman

Commissioner Evalyn David

Commissioner John Shoemaker

PASSED AND ADOPTED on final reading at the Regular Commission meeting held on the 6th day of October 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED
SUFFICIENCY**

FOR

LEGAL

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach



TOWN OF HIGHLAND BEACH NOTICE OF PUBLIC HEARING

YOU ARE HEREBY NOTIFIED that the Town Commission of the Town of Highland Beach will conduct a Public Hearing on **Tuesday, September 06, 2022 at 1:30 PM** in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following:

ORDINANCE NO. 2022-007

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, READOPTING A SMALL-SCALE AMENDMENT TO THE TOWN COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE DESIGNATION OF A 0.8315 ACRE PARCEL OF LAND LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO FUTURE LAND USE CLASSIFICATION TO MULTI FAMILY LOW DENSITY TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.



A copy of the ordinance will be available for inspection in the Town Clerk's Office, Monday through Friday, during normal business hours 8:30 A.M. to 4:30 P.M. and on the Town's webpage at <https://mmportal6.teamunicode.com/> no later than Friday, September 02, 2022.

Public participation will be in the forms of in-person, Zoom or telephone call. Persons desiring to participate in the meeting must preregister by contacting Town Clerk Lanelda Gaskins at email address publiccomments@highlandbeach.us or by submitting public comment to the Town of Highland Beach's Agendas and Meetings webpage <https://mmportal6.teamunicode.com/>. At the top of the webpage, click on "Public Comments" complete the electronic form and click submit. The submitted comment will be read into record during the corresponding portion of the meeting. All requests will be accepted up until 11:00 A.M. on Monday, September 05, 2022.

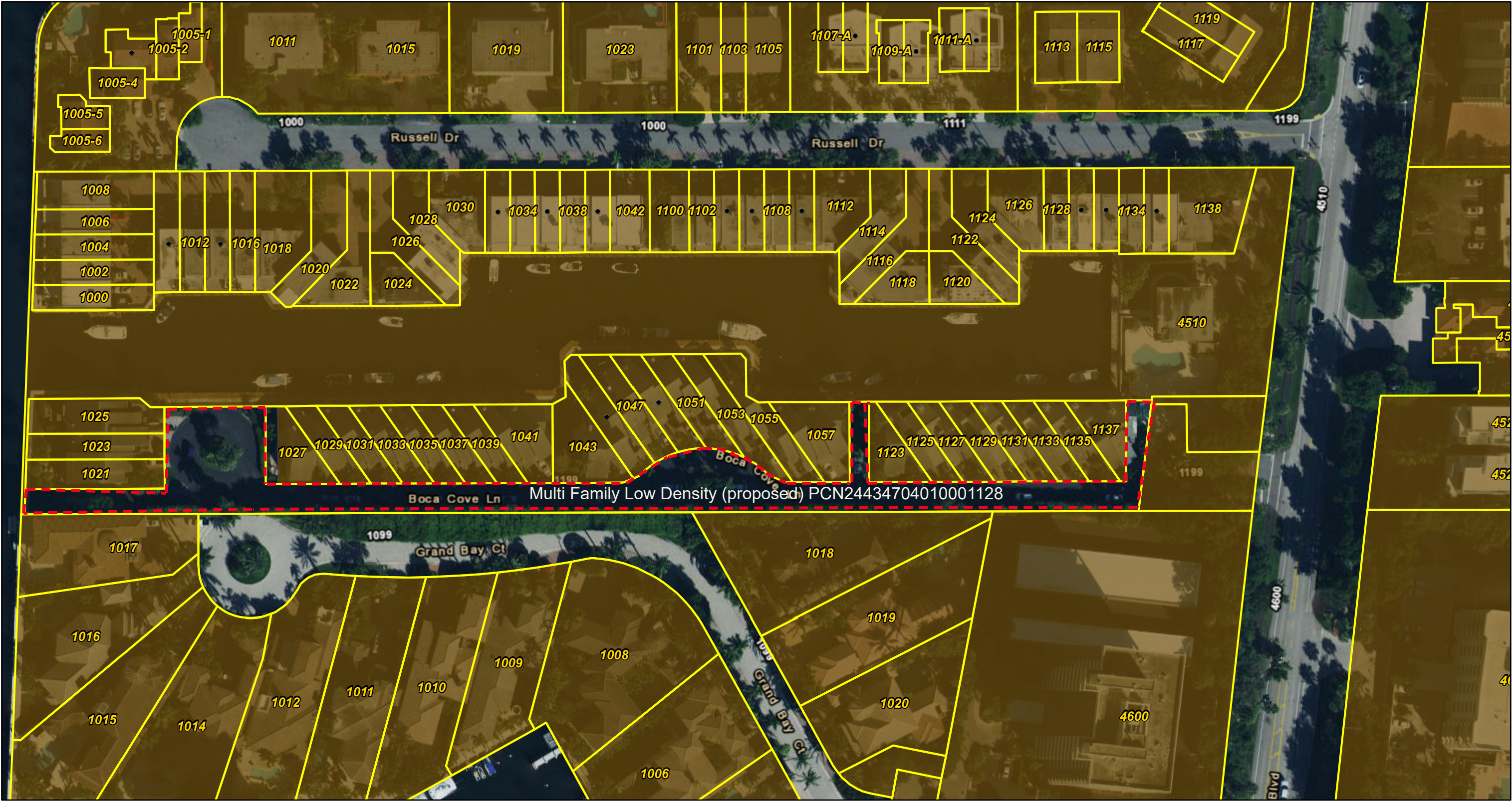
Any person that decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.

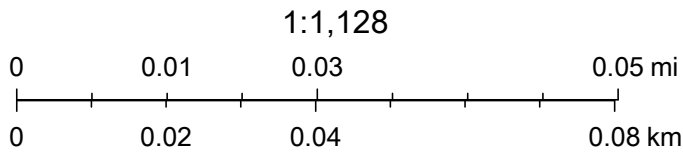
Future Land Use Map

EXHIBIT "A"



9/17/2021, 9:34:23 AM

- World Transportation
- Highland Beach Address Points
- Highland Beach Parcels
- Future Land Use
- Multi Family Low Density



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, State of Florida, Maxar, Microsoft



Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

January 24, 2022

Ms. Ingrid Allen
Town Planner
Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Dear Ms. Allen:

Thank you for submitting copies of the Town of Highland Beach's Small Scale Development Plan Amendment, adopted by Ordinance No. 2022-001 on January 18, 2022, for our records. The reference number for this amendment package is DEO# 22S01.

The State Land Planning Agency **will not** conduct a compliance review or issue a Notice of Intent regarding the adopted small scale development plan amendment in accordance with procedures contained in Section 163.3187(1), Florida Statutes.

Please be aware that Chapter No. 2021-195 Laws of Florida adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is now required to adopt a property rights element into its comprehensive plan. The Department's records do not reflect that the property rights element has been adopted and therefore you may wish to consult with your legal department to determine if the adopted small scale amendment should be rescinded and readopted after the property rights element is adopted.

If you have any questions, please contact me for the DRI and Plan Processing Section at (850) 717-8483.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

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Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

January 20, 2022

Ray Eubanks
Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adoption of small-scale amendment to the Future Land Use Map of the Town of Highland Beach Comprehensive Plan to correct a scrivener's error.

Dear Mr. Eubanks:

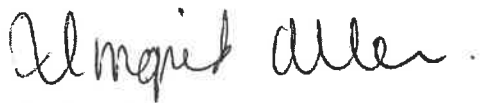
The Town of Highland Beach is submitting an adopted small-scale amendment pursuant to Section 163.3187(1), F.S. Enclosed please find a consolidated PDF document (pursuant to DEO's new electronic submittal platform) pertaining to this adopted small-scale amendment to the Future Land Use Map of the Town's Comprehensive Plan. This small-scale amendment corrects a scrivener's error for a 0.8315 acre parcel located within the Boca Cove development that did not have a future land use designation (see attached adopted Ordinance No. 2022-001). The following information is provided in accordance with the *Comprehensive Plan and Plan Amendment Processing and Submittal Guidelines* provided by the DEO's Community Planning Bureau:

1. The Town Commission held an adoption hearing on January 18, 2022 and voted unanimously (5-0) to approve the amendment (Ordinance No. 2022-001).
2. The Town of Highland Beach has only approved this small-scale amendment for this calendar year and therefore, the cumulative total number of acres for Town approved small-scale amendments is 0.8315.
3. The adopted small-scale amendment is not within an area of critical state concern and does not involve a site within a rural area of opportunity.

Please contact me regarding any questions pertaining to this amendment as follows:

Ingrid Allen, Town Planner
3614 South Ocean Boulevard
Highland Beach, FL 33487
561-637-2012
iallen@highlandbeach.us

Sincerely,

A handwritten signature in black ink that reads "Ingrid Allen". The signature is written in a cursive, flowing style.

Ingrid Allen
Town Planner

Enclosure

cc: Marshall Labadie, Town Manager



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE 1/18/2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A SMALL-SCALE AMENDMENT TO THE TOWN COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE DESIGNATION OF A 0.8315 ACRE PARCEL OF LAND LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO FUTURE LAND USE CLASSIFICATION TO MULTI FAMILY LOW DENSITY TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

In January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels including parcel control number 24-43-47-04-01-000-1128 located within the Boca Cove development had no zoning district designation. Upon further research by staff, it was determined that of the three (3) parcels with no zoning district designation, only parcel control number (24-43-47-04-01-000-1128) did not have a corresponding Future Land Use designation. According to the Future Land Use Map of the Town Comprehensive Plan, all parcels located within the Boca Cove development, with the exception of parcel control number 24-43-47-04-01-000-1128, have a Future Land Use designation of Multi Family Low Density. Parcel control number 24-43-47-04-01-000-1128 is a 0.8315 acre parcel that is owned by the Boca Cove Property HOA and includes a private roadway as well as common areas.

Upon review of the Future Land Use Map adopted by Ordinance No. 581 (Attachment No. 1), as well as subsequent amendments to the Future Land Use Map, parcel control number 24-43-47-04-01-000-1128 was located within the Future Land Use designation of Multi Family Low Density; however, in error, this Future Land use designation is not reflected on the current Future Land Use Map of the Town Comprehensive Plan (which is in a different mapping format than the Future Land Use Map adopted under Ordinance No. 581). In order to correct this scrivener's error to the Future Land Use Map, a small-scale amendment to the Town's Comprehensive Plan is required. *Note a separate Ordinance is provided concurrently with this*

amendment that corrects a scrivener's error pertaining to the zoning district designation for three (3) parcels located within the Boca Cove development).

As a courtesy, Town staff reached out (via telephone and certified letter) to the Boca Cove property management company (Vesta Property Services, Inc.) prior to the scheduling of public hearings to advise them of the scrivener's error as it pertains to both the Zoning and Future Land Use Maps (Attachment No. 2). Town staff did not receive any comments from Boca Cove residents or the property management company as it pertained to the courtesy letter.

Pursuant to Section 163.3187(2) Florida Statutes, small-scale amendments to the Comprehensive Plan require only one (1) public hearing which shall be an adoption hearing.

PLANNING BOARD ACTION:

At the December 9, 2021 Planning Board ("Board") meeting, the Board recommended approval of the small-scale amendment to the Town Comprehensive Plan which corrects a scrivener's error to the Future Land Use designation of parcel control number 24-43-47-04-01-000-1128 from no designation to Multi Family Low Density (motion carried 6-0).

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment No. 1 – Future Land Use Map (adopted via Ord. No. 581 on 9-19-1989).
Attachment No. 2 – Letter to Boca Cove property management company.
Ordinance (includes proposed Future Land Use Map changes – Exhibit A).

RECOMMENDATION:

Approval of Ordinance.

ATTACHMENT NO. 1

ORDINANCE NO. 581

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 163, PART II, OF THE LAWS OF THE STATE OF FLORIDA.

WHEREAS, Chapter 163, Part II, Laws of Florida (Local Government Comprehensive Planning and Land Development Regulation Act), requires that each municipality prepare and adopt a Comprehensive Plan of the type and manner as set out in that Act; and

WHEREAS, the Town of Highland Beach has prepared a Comprehensive Plan of the type and in the manner as set out in that Act and the administrative rules promulgated by the Department of Community Affairs pursuant to said Act, including public hearings with due public notice by the Town of Highland Beach Planning Board as the local planning agency for the Town and including advertised public hearings on the proposed Comprehensive Plan by the Planning Board and Town Commission of the Town of Highland Beach; and

WHEREAS, the Town Commission deems it necessary to adopt such Comprehensive Plan for the Town to promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, morals, and the general welfare; to conserve the value of land, buildings and resources, and to protect the character and maintain the stability of this residential community and to promote its orderly development.

NOW THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Highland Beach, Florida:

The Comprehensive Plan for the Town of Highland Beach, entitled "Comprehensive Plan Town of Highland Beach, Florida", dated September 19, 1989, a copy of which is attached hereto as Exhibit "A" to this Ordinance and incorporated herein by reference, is hereby adopted for the area of jurisdiction of the Town of Highland Beach pursuant to the Chapter 163, Part II, of the the Laws of the State of Florida.

PASSED AND ADOPTED by the Town Commission of the Town of
Highland Beach this 19TH day of SEPTEMBER, 1989. This
Ordinance to be effective on the 19TH day of SEPTEMBER,
1989.

ATTEST:

Mary Ann Mariano
TOWN CLERK

9/5/89

FIRST READING

Joseph A. Boulay
JOSEPH A. BOULAY, MAYOR

John J. Basso
JOHN J. BASSO, COMMISSIONER
VICE MAYOR

9/6/89

POSTED AFTER FIRST READING

-ABSENT -

MARVIN WALDMAN, COMMISSIONER

9/14/89

PUBLISHED

Doris R. Rome
DORIS R. ROME, COMMISSIONER

9/19/89

FINAL READING

Betty Jean Stewart
BETTY JEAN STEWART, COMMISSIONER

9/20/89

POSTED AFTER FINAL READING

9/19/89

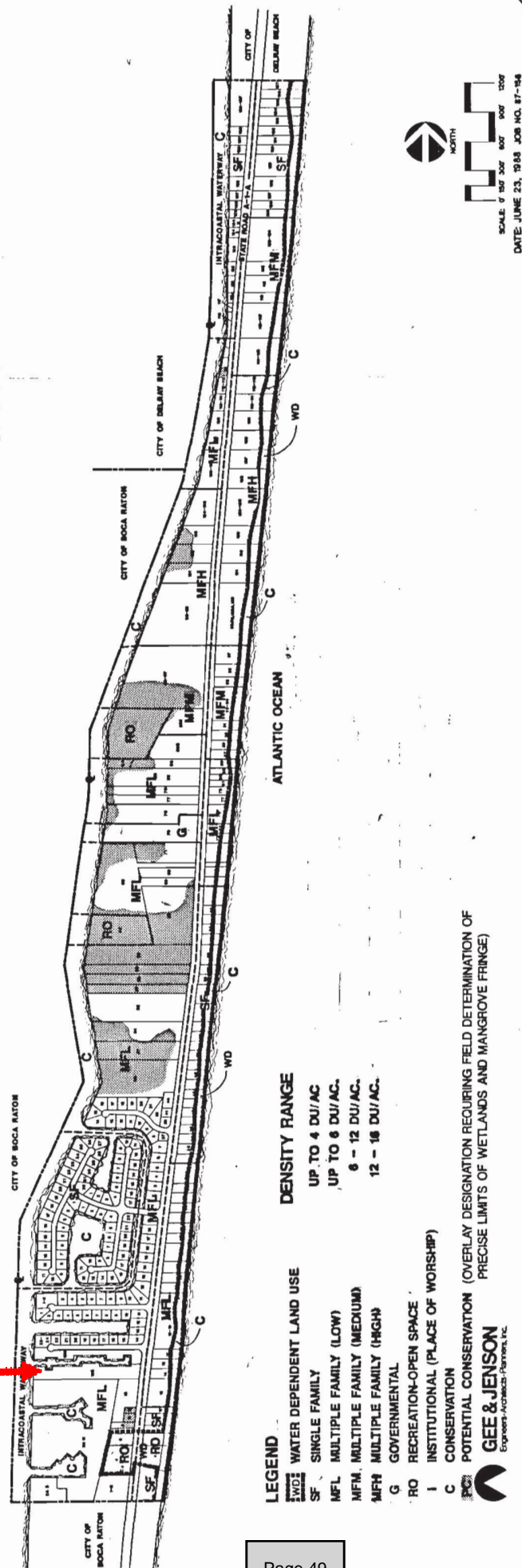
PUBLIC HEARINGS HELD

Adopted as part of
the 1989
Comprehensive Plan
(Ord. No. 581)

Boca Cove

TOWN OF HIGHLAND BEACH, FLORIDA

FUTURE LAND USE YEAR 2000



LEGEND

- WD WATER DEPENDENT LAND USE
- SF SINGLE FAMILY
- MFL MULTIPLE FAMILY (LOW)
- MFM MULTIPLE FAMILY (MEDIUM)
- MFM MULTIPLE FAMILY (HIGH)
- G GOVERNMENTAL
- RO RECREATION-OPEN SPACE
- I INSTITUTIONAL (PLACE OF WORSHIP)
- C CONSERVATION

- DENSITY RANGE
- UP TO 4 DU/AC
- UP TO 6 DU/AC
- 6 - 12 DU/AC
- 12 - 16 DU/AC

(OVERLAY DESIGNATION REQUIRING FIELD DETERMINATION OF
PRECISE LIMITS OF WETLANDS AND MANGROVE FRINGE)

GEE & JENSON
Engineers-Architects-Planners, Inc.

FIGURE IV-B



Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

August 16, 2021

Mr. James Demos
Vesta Property Services, Inc.
751 Park of Commerce Drive, Suite 118
Boca Raton, FL 33487

Dear Mr. Demos:

Earlier this year, the Town of Highland Beach was advised by the Palm Beach County Property Appraiser that the following parcel control numbers (PCNs) located within the Boca Cove development do not have a designated zoning district:

PCN	PARCEL ADDRESS	PROPERTY OWNER
24434704010001131	1123 Boca Cove Lane	Bonnie H and Michael K Mazor
24434704000060250	NA	Boca Cove HOA
24434704010001128	NA	Boca Cove HOA

According to the Town's Zoning Map, all the parcels located within the Boca Cove development (with the exception of the parcels noted above) are zoned RML - Residential Multiple Family Low Density (Attachment No. 1). Upon review of Town Ordinance No. 594, which adopted the Zoning Map in 1990, it is clear that these three (3) parcels were located within the RML Zoning District (Attachment No. 2); however, in error, the current Zoning Map (which is in a different mapping format than the Zoning Map adopted under Ordinance No. 594) does not provide any zoning designation for these parcels. In order to remedy this Zoning Map scrivener's error, Town staff will draft an Ordinance that will correctly designate RML as the applicable zoning district for the above referenced PCNs. The Ordinance will be reviewed and considered in a public hearing format (to be determined) by both the Planning Board and the Town Commission.

In addition, PCN 24434704010001128 does not have a corresponding Future Land Use designation as provided in the Town's Comprehensive Plan (Attachment No. 3). The remaining two (2) parcels, as noted above, as well as the entire Boca Cove community has a Future Land Use designation of Multi Family Low Density. Therefore, an amendment to the Future Land Use Map of the Town Comprehensive Plan will be required to correct this additional scrivener's error pertaining only to PCN 24434704010001128.

According to Section 30-46 of the Town Code of Ordinances, amendments to the Zoning and Future Land Use Maps requires that written notice of the scheduled public hearings be provided to each property owner located within 500 feet of the parcels in question. In anticipation of the latter, I am reaching out to you as a courtesy and in advance of such public notice requirements

so that you may advise the community of the map errors that the Town will be correcting. I will be glad to meet with the HOA to address any questions regarding the anticipated correction of these scrivener's errors. Note, there will be no cost to the HOA or individual property owners to correct the Zoning and Future Land Use maps.

Please feel free to contact me at 561-278-4540 (press option 3) if you or any residents should have any questions regarding this matter.

Sincerely,



Ingrid Allen
Town Planner

cc: Marshall Labadie, Town Manager

Attachment No. 1 – Town Zoning Map

Attachment No. 2 – Town Ordinance No. 594

Attachment No. 3 - Town Future Land Use Map

TOWN OF HIGHLAND BEACH OFFICIAL ZONING MAP

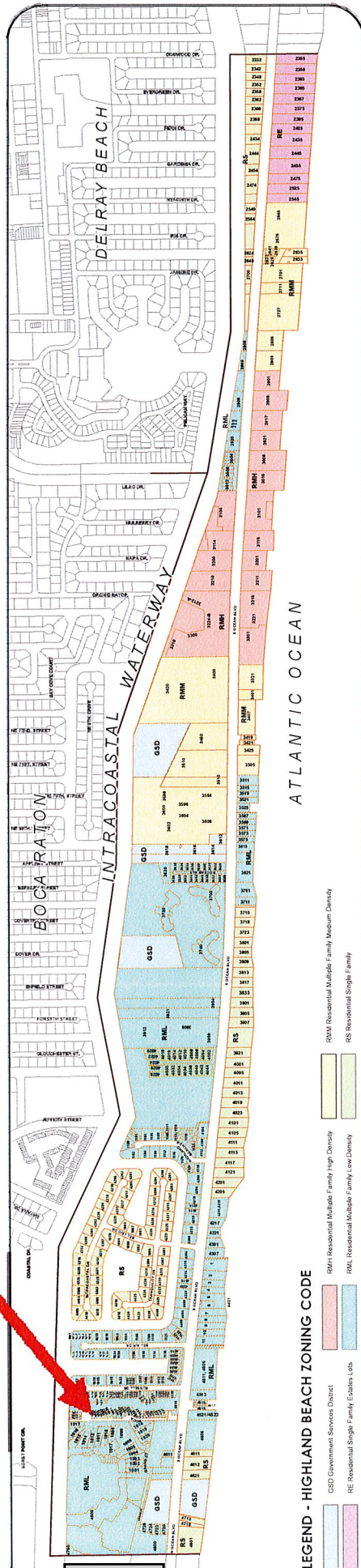


SCALE



1 inch = 500 feet

Boca Cove Development



LEGEND - HIGHLAND BEACH ZONING CODE



TOWN COMMISSION
 BERNARD FEATHERMAN, Mayor
 WILLIAM WEITZ, PhD, Vice Mayor
 LOUIS P. STERN, Comm.
 CARL FELDMAN, Comm.
 RHODA ZELNIKER, Comm.

PLANNING BOARD
 CAROL STERN, Chair
 ILYNE MENDELSON, Vice Chair
 RONALD CLARK
 STEPHEN GOLDING
 HARVEY MART
 CHARLES SHANE
 WILLIAM SVENSTRUP

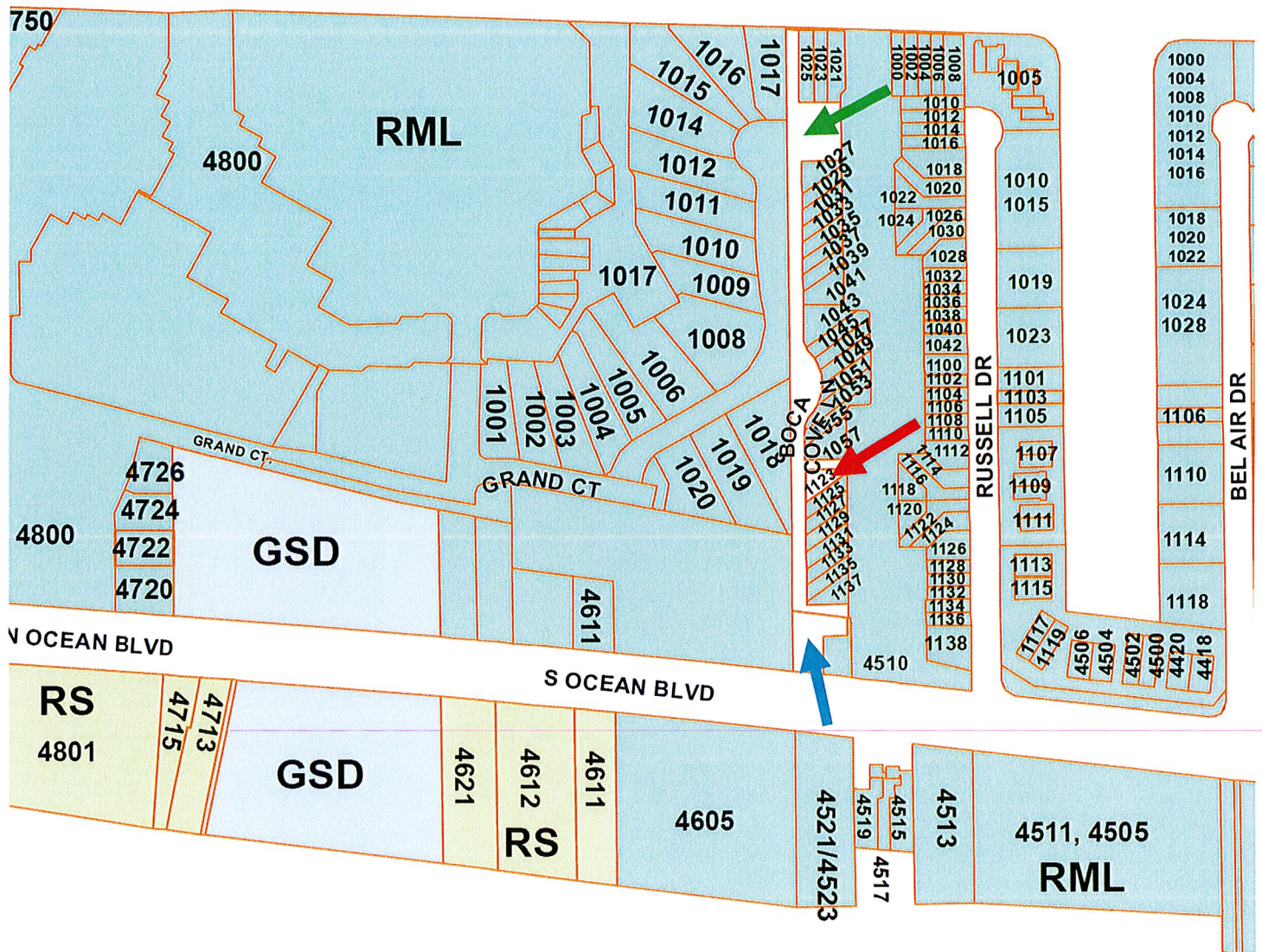
ATTESTATION
 VALERIE OAKES, Town Clerk
 ADOPTED
 ORDINANCE NO.

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWN OF HIGHLAND BEACH AS ADOPTED BY ORDINANCE NO. 584, AND IS AN AMENDMENT OF THE OFFICIAL ZONING MAP REFERRED IN SECTION ONE OF ORDINANCE NO. 503 OF THE TOWN OF HIGHLAND BEACH, FLORIDA.



Boca Cove: Zoning Map

scrivener's errors to be corrected



LEGEND - HIGHLAND BEACH ZONING CODE

	GSD Government Services District		RMH Residential Multiple Family High Density		RMI Residential Multiple Family Medium Density
	RE Residential Single Family Estates Lots		RML Residential Multiple Family Low Density		RS Residential Single Family

Green arrow = PCN #24434704010001128 (0.8315 acres)

Red arrow = PCN #24434704010001131 (1123 Boca Cove Lane) (0.05 acres)

Blue arrow = PCN #24434704000060250 (0.15 acres)

Source: Palm Beach County Property Appraiser

ORDINANCE NO. 594

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA RELATING TO REZONING, PROVIDING FOR THE AMENDMENT OF THE "OFFICIAL ZONING MAP" OF THE TOWN OF HIGHLAND BEACH AS INCORPORATED BY REFERENCE IN ORDINANCE NO. 503; PROVIDING FOR THE APPROPRIATE REVISION OF THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Board, after notice and public hearing has reviewed the Town's current Comprehensive Plan to determine what changes should be made to "Official Zoning Map" of the Town of Highland Beach as incorporated by reference in Ordinance No. 503, in order that the zoning of properties in the Town will be consistent with the Comprehensive Plan as mandated by Florida Statute § 163.3194(b); and

WHEREAS, the Planning Board has found, after receiving recommendations from the Town's land planners, that the zoning depicted on the map attached hereto as Exhibit "A" is consistent with the Comprehensive Plan, and has recommended that the Town Commission approve such zoning for the land located within the corporate limits of the Town of Highland Beach; and

WHEREAS, the Town Commission has taken the recommendation of the Planning Board into consideration, and has also considered the appropriateness of the zoning for the properties located within the Town; and

WHEREAS, the Town Commission deems it necessary to amend the "Official Zoning Map" as incorporated by reference in Ordinance No. 503, to reflect the zoning depicted on the map attached hereto as Exhibit "A" in order that the zoning of all properties within the Town will be consistent with the Comprehensive Plan;

WHEREAS, all applicable requirements of Chapters 163 and 166 Florida Statutes and Chapter 30 of the Town's Code of Ordinances has been met:

NOW THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Highland Beach that:

1. The "Official Zoning Map" incorporated by reference in Ordinance No. 503 is hereby amended to reflect the zoning

depicted on the map attached to this ordinance as Exhibit "A".

2. The Town Manager is hereby directed to cause the "Official Zoning Map" of the Town of Highland Beach as incorporated by reference in Ordinance No. 503 to be amended in accordance with this ordinance.

3. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Highland Beach this 22nd day of August, 1990.

ATTEST:

Anne M. Kovale
TOWN CLERK

Joseph A. Boulay
JOSEPH A. BOULAY, MAYOR

August 7, 1990
FIRST READING

William E. Paul
WILLIAM E. PAUL, COMMISSIONER
VICE MAYOR

August 7, 1990
POSTED AFTER FIRST READING

Marvin Waldman
MARVIN WALDMAN, COMMISSIONER

August 8, 1990
PUBLISHED

(Absent)
Betty Jean Stewart COMMISSIONER

August 22, 1990
FINAL READING

Harold C. Chambers
HAROLD C. CHAMBERS, COMMISSIONER

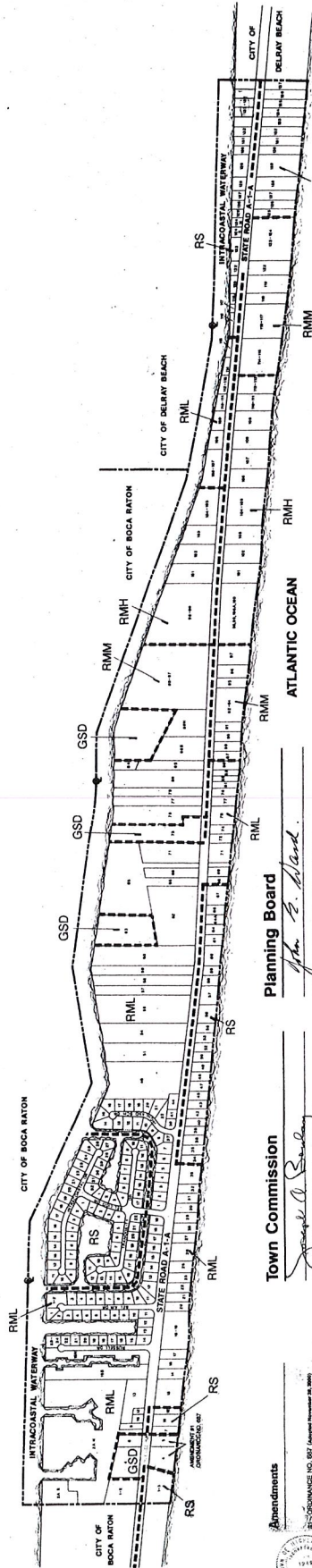
August 22, 1990
POSTED AFTER FINAL READING

August 7 and August 22, 1990
PUBLIC HEARING HELD

TOWN OF HIGHLAND BEACH, FLORIDA

OFFICIAL ZONING MAP

- LEGEND**
- RE RESIDENTIAL SINGLE FAMILY ESTATE LOTS
 - RS RESIDENTIAL SINGLE FAMILY
 - RML RESIDENTIAL MULTIPLE FAMILY LOW DENSITY
 - RMM RESIDENTIAL MULTIPLE FAMILY MEDIUM DENSITY
 - RMH RESIDENTIAL MULTIPLE FAMILY HIGH DENSITY
 - GSD GOVERNMENT SERVICE DISTRICT



Town Commission

JOSEPH A. BOULAY, MAYOR
WILLIAM E. PAUL, VICE MAYOR
HAROLD C. CHAMBERS, COMMISSIONER
BETTY JEAN STEWART, COMMISSIONER
MARVIN A. WALDMAN, COMMISSIONER

Planning Board

JOHN E. WARD, CHAIRMAN
AMELIE LENG
ARTHUR R. KELLER
HAROLD R. HAGELMANN

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWN OF HIGHLAND BEACH AS ADOPTED BY ORDINANCE NO. 594, PASSED AND ENACTED BY THE TOWN BOARD OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REFERRED TO IN SECTION 1 OF ORDINANCE NO. 594 OF THE TOWN OF HIGHLAND BEACH, FLORIDA.



SCALE: 1" = 300' 600' 900' 1200'

ATTESTATION: *[Signature]* TOWN CLERK
ADOPTED: *[Signature]* 23, 1992
ORDINANCE NO. 594

GEE & JENSON
Engineers - Architects - Planners, Inc.

Future Land Use Map

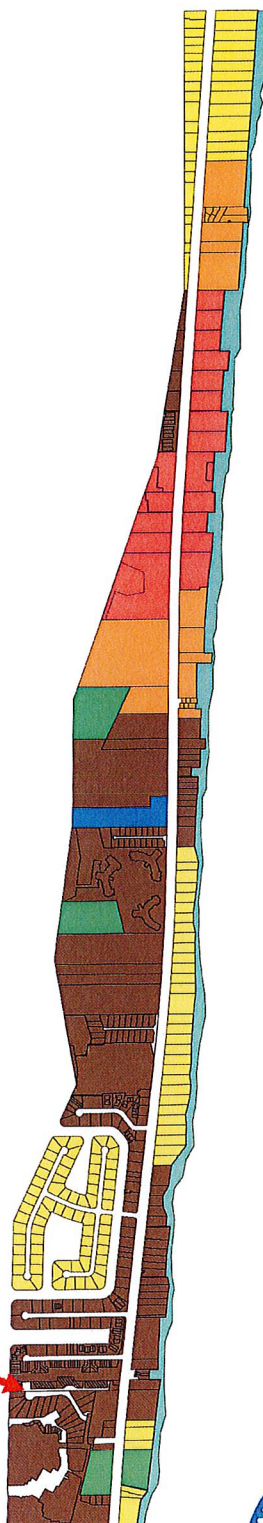
Year 2030

Legend

- Government
- Multi Family High Density
- Multi Family Low Density
- Multi Family Medium Density
- Recreational Open Space
- Single Family
- Conservation

Boca Cove Development

Proposed Multi Family Low Density designation for PCN #24434704010001128



7018 3090 0002 0478 4791

U.S. Postal Service TM	
CERTIFIED MAIL [®] RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com [®] .	
OFFICIAL USE	
Certified Mail Fee	\$ 3.60
Extra Services & Fees (check box, add fees as appropriate)	2.85
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	1.40
Total Postage and Fees	1.85
Sent To: James DeMoss Vesta Property Services	
Street and Apt. No. or PO Box No. 751 Park of Commerce Dr. STE 118	
City, State, ZIP+4 [®] DUCK LAKEN, FL 33487	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	





ORDINANCE NO. 2022-001

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A SMALL-SCALE AMENDMENT TO THE TOWN COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE DESIGNATION OF A 0.8315 ACRE PARCEL OF LAND LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO FUTURE LAND USE CLASSIFICATION TO MULTI FAMILY LOW DENSITY TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Comprehensive Plan was adopted in 1989 (Ordinance No. 581); and

WHEREAS, in January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels including parcel control number 24434704010001128 located within the Boca Cove development had no zoning district designation; and

WHEREAS, upon further research by staff, it was determined that of the three (3) parcels, only parcel control number 24-43-47-04-01-000-1128 did not have a corresponding Future Land Use designation; and

WHEREAS, according to the Future Land Use Map of the Town Comprehensive Plan, all the parcels located within the Boca Cove development, with the exception of parcel control number 24-43-47-04-01-000-1128, have a Future Land Use designation of Multi Family Low Density; and

WHEREAS, upon review of the Future Land Use Map adopted by Ordinance 581, as well as subsequent amendments to the Future Land Use Map, parcel control number 24-43-47-04-01-000-1128 was located within the Future Land Use designation of Multi Family Low Density; however, this Future Land use designation is not reflected on the current Future Land Use Map of the Town Comprehensive Plan; and

WHEREAS, the proposed correction of a scrivener's error to the Future Land Use Map is consistent with the Town Comprehensive Plan; and

WHEREAS, Section 163.3187 Florida Statutes provides procedures for small-scale amendments to the Comprehensive Plan; and

WHEREAS, the Town Planning Board, as the designated Local Planning Agency, conducted a public hearing on the proposed Future Land Use Amendment and provided its recommendation to the Town Commission; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to correct this scrivener's error to the Future Land Use Map of the Town Comprehensive Plan and determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Town of Highland Beach; and

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. In order to correct the scrivener's error, the Town Commission adopts a small-scale amendment to the Town Comprehensive Plan by adopting an amendment to the Future Land Use Map, as set forth in Exhibit "A" attached hereto and incorporated herein by reference. The amendment specifically reflects the correct and corresponding Future Land Use designation for parcel control number 24-43-47-04-01-000-1128. The Future Land Use Map adopted in Exhibit "A" shall be substituted for and replace in total the previously adopted Future Land Use Map.

SECTION 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete or, if timely challenged, this Ordinance shall be effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The foregoing Ordinance was moved by Commissioner David, seconded by Vice Mayor Moore and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

PASSED on first reading at the Regular Commission meeting held on this 4th day of January, 2021.

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

VOTES:	YES	NO
Mayor Douglas Hillman		
Vice Mayor Natasha Moore		
Commissioner Peggy Gossett-Seidman		
Commissioner Evalyn David		
Commissioner John Shoemaker		

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 18th day of January, 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

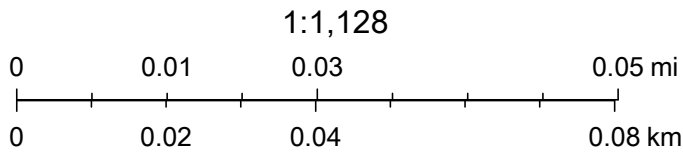
Future Land Use Map

EXHIBIT "A"



9/17/2021, 9:34:23 AM

- World Transportation
- Highland Beach Address Points
- Highland Beach Parcels
- Future Land Use
 - Multi Family Low Density



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, State of Florida, Maxar, Microsoft



File Attachments for Item:

C. Ordinance No. 2022-008 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach; amending the administrative amendments to the 7th (2020) Edition of the Florida Building Code to update the requirements for reinspection and recertification of existing threshold buildings and other buildings owned by a condominium or cooperative association to conform with state law; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 02, 2022).



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE 09/06/2022

SUBMITTED BY: Lanelda Gaskins, Town Clerk's Office

SUBJECT: Ordinance No. 2022-008 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach; amending the administrative amendments to the 7th (2020) Edition of the Florida Building Code to update the requirements for reinspection and recertification of existing threshold buildings and other buildings owned by a condominium or cooperative association to conform with state law; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 02, 2022).

SUMMARY:

At the August 02, 2022 meeting, Town Commission unanimously approved the proposed ordinance amending the administrative amendments to the 7th (2020) Edition of the Florida Building Code to update the requirements for reinspection and recertification of existing threshold buildings and other buildings owned by a condominium or cooperative association to conform with state law.

Ordinance No. 2022-008 was advertised in accordance with Florida Statutes on August 30, 2022. Therefore Ordinance No. 2022-008 is before Town Commission for adoption on second/final reading.

FISCAL IMPACT:

ATTACHMENTS:

Ordinance No. 2022-008, August 02, 2022 Agenda Memorandum, and Proposed Ordinance

RECOMMENDATION:

Adopt Ordinance No. 2022-008 on second/final reading.



**TOWN OF HIGHLAND BEACH
ORDINANCE NO 2022-008**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE ADMINISTRATIVE AMENDMENTS TO THE 7TH (2020) EDITION OF THE FLORIDA BUILDING CODE TO UPDATE THE REQUIREMENTS FOR REINSPECTION AND RECERTIFICATION OF EXISTING THRESHOLD BUILDINGS AND OTHER BUILDINGS OWNED BY A CONDOMINIUM OR COOPERATIVE ASSOCIATION TO CONFORM WITH STATE LAW; 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 (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, through the adoption of Ordinance No. 2021-011 on November 16, 2021, the Town adopted Administrative Amendments to the 7th (2020) Edition of the Florida Building Code to provide for the periodic reinspection and recertification of certain types of existing buildings to assess structural soundness and require building owners to address unsafe conditions as determined by a professional structural and/or electrical engineer; and

WHEREAS, through the adoption of Chapter 2022-269, Laws of Florida, on May 26, 2022, the Florida Legislature adopted certain inspection requirements for buildings owned by condominium associations and cooperative associations, and the Town wishes to amend its Administrative Amendments to the Florida Building Code to conform to the state law requirements; and

WHEREAS, the Town Commission determines that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare of the Town of Highland Beach.

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

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

Section 2. The Town of Highland Beach hereby amends the Administrative Amendments to the 7th (2020) Edition of the Florida Building Code, by amending Section 110, “Inspections,” of Chapter 1, to adopt a new Subsection 110.9, to read as follows (additional language is underlined and deleted language is ~~stricken through~~):

110.9 Recertification of buildings and components:

(1) *In General*

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

“Association building” means any building that does not fall within the definition of a threshold building and is owned by a condominium association or cooperative association, is three stories or more in height and contains at least four dwelling units.

"Building age" shall mean the time period since the issuance of the original certificate of occupancy or, where adequate records are not available to determine when the original certificate of occupancy was issued, the building age shall be determined by the Building Official based on the best available evidence.

"Owner" shall mean the fee simple title holder of the land on which a building subject to recertification is situated or, in the case of condominium or cooperative type of ownership, shall mean the person or entity responsible for the structure and common systems of a building subject to recertification.

“Phase one milestone inspection” shall mean a visual inspection of the habitable and nonhabitable areas of a building, including the major structural components of a building and a qualitative assessment of the structural conditions of the building. A phase one milestone inspection shall also include an inspection by a professional electrical engineer certifying and attesting that such building is electrically safe or identifying any major or critical deficiencies in the electrical system and the repairs or alterations necessary to make the building electrically safe, including a recommended

timeframe for such repairs. At a minimum, the following electrical components/equipment, where present, shall be evaluated: electrical service, branch circuits, conduit raceways and emergency lighting.

“Phase two milestone inspection” shall mean an inspection involving destructive or non-destructive testing, at the inspector’s discretion, necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and shall include recommendations for fully assessing and repairing distressed and damaged portions of the building.

"Threshold building" means any building which is greater than three stories or fifty (50) feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds five thousand square feet in area and an occupant content of greater than five hundred (500) persons as defined in Section 553.71(12), Florida Statutes, as may be amended from time to time.

“Recertification” means the completion of a phase one milestone inspection and, where required, the completion of a phase two milestone inspection and all necessary major or critical repairs as determined by the applicable inspector in accordance with the terms of this section.

- (b) Any threshold building or association building that has a building age of twenty-five (25) years or more shall be subject to recertification as provided in this section. Subsequent recertification shall be required at intervals of ten (10) years from the date the first such recertification was required for threshold buildings with a building age of up to forty (40) years and at intervals of seven (7) years for threshold buildings with a building age of more than forty (40) years.
- (c) Beginning on October 19, 2021 ~~[Effective Date of Ordinance]~~, due to the initial backlog of buildings required to be recertified, the Building Official shall establish a completion schedule for recertification, which shall be based upon factors that may include, but shall not be limited to, the age, location, construction materials, occupancy load, and function of a building.

This completion schedule shall include a recertification deadline for each building for which recertification is required and may be amended by the Building Official as necessary or advisable. If recertification is required for a building for which a certificate of occupancy was issued on or before July 1, 1997, the phase one milestone inspection must be performed before December 31, 2024.

- (d) Nothing in this section shall be construed to prevent or limit the Building Official's authority to inspect, order inspections or reports, or abate unsafe conditions at existing buildings outside of the requirements of this section, including but not limited to, the Building Official's authority pursuant to Section 116 of this chapter regarding Unsafe Structures and Equipment or any other provision in the Town Code of Ordinances. The Building Official retains the authority set forth in Section 116 to declare a structure, building or an electrical, gas, mechanical or plumbing system as unsafe in accordance with the criteria set forth in that section.

(2) *Procedure.*

- (a) The Building Official shall issue a Notice of Required Inspection, via certified mail, to the Owner of each building required to be recertified pursuant to subsection (1) above, not less than ~~three hundred and sixty-five~~ one hundred and eighty (180) days prior to the scheduled deadline for the filing of a ~~written recertification inspection report as set forth in subsection (b) below~~ phase one milestone inspection report. In the event that the Notice of Required Inspection is returned unclaimed, said Notice shall be posted by the Building Official at the building. Failure to receive notice of any required inspection shall not relieve the Owner of its obligations pursuant to this section.
- (b) The Owner of a building or structure subject to recertification shall submit, or cause to be submitted, to the Building Official, no later than the recertification deadline, a phase one milestone inspection ~~written recertification inspection~~ report ("Phase One Report"). If the Phase One Report reveals no signs of substantial structural deterioration to any

building components under visual examination, no phase two milestone inspection report shall be required, provided, however, that the Owner must still correct any major or critical deficiencies in the electrical system within the recommended timeframe., which shall include:

- (c) Inspections of threshold buildings shall be performed by a certified special inspector of threshold buildings (a professional or structural engineer or architect registered in the State of Florida and qualified by training and experience). Inspections of association buildings may be performed by a licensed architect or engineer registered in the State of Florida. All reports shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the certified special inspector, engineer or architect who has performed the inspection. Electronically signed and sealed documents shall meet all applicable statutory and administrative code requirements.
- ~~i.—A report prepared by a certified special inspector of threshold buildings (a professional structural engineer or architect registered in the State of Florida and qualified by training and experience) certifying and attesting that each such building or structure is structurally safe or identifying any major or critical structural deficiencies, as determined by the special inspector, and the repairs or alterations necessary to make the building structurally safe. The certified special inspector of threshold buildings shall provide a recommended timeframe for such repairs. Such report shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the responsible certified special inspector who has performed the inspection, and shall be in conformance with the standards for such report otherwise set forth in this section.~~
- ~~ii.—A report prepared by a professional electrical engineer registered in the State of Florida and qualified by training and experience as an electrical engineer certifying and attesting that each such building or structure is electrically safe or identifying any major or critical deficiencies identified in the electrical system, as determined by the~~

~~engineer, and the repairs or alterations necessary to make the building electrically safe. The electrical engineer shall provide a recommended timeframe for such repairs. Such report shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the responsible professional electrical engineer who has performed the inspection, and shall be in conformance with the standards for such report otherwise set forth in this section.~~

~~iii. — Electronically signed and sealed documents shall meet all applicable statutory and administrative code requirements.~~

~~iv. — All elements of the required Report (both structural and electrical) shall be submitted simultaneously.~~

- (ed) If any substantial structural deterioration is identified in the Phase One Report, the Owner shall be required to undergo a phase two milestone inspection and file a phase two milestone inspection report (“Phase Two Report”) within one hundred and eighty (180) days. The Phase Two Report shall note the location address and property control number of the building, describe the type of construction and general characteristics of the building (including but not limited to total floor area, height and number of stories, building footprint and similar characteristics), the existence of drawings and location thereof, history of the building to the extent reasonably known, and describe the type and manner of the inspection, noting areas any issues of concern, and shall include recommendations for repairs required to maintain the structural integrity and electrical safety of the building, and the estimated time of completion of said repairs or modifications. The Phase Two Report must take into account two basic structural considerations: (1) movement of structural components with respect to each other; and (2) deterioration of materials and any effect on the structural integrity of the building. The Phase Two Report shall include the manner in which the inspection occurred of the following structural elements, as applicable: foundation, masonry bearing walls, steel framing system, floor systems,

roof systems, concrete framing systems, windows, wood framing, and loading. The Town is not mandating any particular inspection method; however, the Phase Two Report shall discuss the use or non-use of the standard structural inspection methods and the reasoning behind their use or non-use. These methods may include, but not be limited to: the visual examination method; the testing method; and the manual (forensic inspection) method. For major structure elements such as foundations, masonry bearing walls, steel framing systems, roof systems, and concrete framing systems, manual (forensic inspection) methods, such as chipping small areas of concrete and surface finishes for closer examination, are strongly encouraged. ~~At a minimum, the following electrical components/equipment, where present, shall be evaluated: electrical service, branch circuits, conduit raceways, and emergency lighting.~~

(~~d~~e) The use of the manual (forensic inspection) method for certain structural elements as encouraged above shall be documented by photographic or other similar evidence, which shall be included in the Phase Two Report.

(3) *Building Official Review of ~~Recertification Inspection~~ Phase Two Report.* Once the Phase Two Report has been submitted to the Building Official, the Building Official will perform an administrative review of the Report to determine whether it satisfied the requirements of this section. The Building Official will not review or otherwise assess the architect or engineer's technical findings. If the Building Official determines that the Phase Two Report does not satisfy the requirements of this section, the Owner shall make any changes to the Phase Two Report as needed and resubmit it no later than thirty (30) days after the Building Official's determination. The Phase Two Report may be resubmitted in this manner up to two (2) additional times after the initial submission until the Phase Two Report is determined to have satisfied the requirements of this section. If the Building Official determines after a third submittal that the Phase Two Report does not satisfy the requirements of this section, this shall be deemed a failure to submit the require recertification inspection report, and shall subject the Owner to the remedies prescribed in subsection (5) of this section. The Building Official's

determination shall be in writing and shall be provided to the Owner via certified and first-class mail.

(4) *Timeframe to Make Repairs or Modifications.*

The Owner shall correct all major or critical structural or electrical deficiencies identified in the Phase Two Report in accordance with the ~~certified-special threshold~~ inspector's or engineer's recommended timeframe. Notwithstanding the foregoing, all repairs shall be completed within a maximum of three hundred and sixty-five (365) days from the date the Building Official accepts a complete Phase Two Report satisfying the requirements of this section. Once the repairs or modifications have been completed, the ~~certified-special threshold~~ inspector or engineer shall reinspect the areas noted on the original report and shall provide the owner a signed and sealed letter stating that the repairs or modifications have all been completed. The owner shall submit that letter to the Building Official. Depending on the scope of work, the Building Official may grant extensions to the either the recommended or maximum timeframes to allow the work to be completed in phases or when justified by the totality of the circumstances and no request for extension shall be unreasonably denied. The Building Official's decision regarding an Owner's request for an extension shall be in writing and provided to the Owner via certified and first-class mail. If, at any time, the Building Official determines that structural and/or electrical deficiencies exist that present an immediate danger to human life or safety, the Building Official may take such actions determined necessary pursuant to Section 116 of this chapter regarding Unsafe Structures and Equipment, regardless of the procedural requirements or timeframes specified in this section.

(5) *Failure to Submit a Recertification Inspection Report or Timely Make Repairs/Modifications.*

In the event the owner fails to submit ~~the~~ any required Report by the ~~required~~ specified deadline, fails to make changes and resubmit the Phase Two Report within the required timeframes upon a determination that the Phase Two Report does not satisfy the requirements of this section, or fails to complete (subject to all required permits) any major or critical repairs or modifications within the required

timeframes, the Building Official may seek an order of enforcement through the Town's code enforcement process or any other legal or equitable remedy provided by law.

(6) *Appeals.*

The Building Official's written determination, after three submittals, that the ~~recertification inspection~~ Phase Two Report submitted pursuant to subsection (3) above did not satisfy the requirements of that section and/or the Building Official's written denial of an extension to the requested timeframe for completion of repairs or modifications pursuant to subsection (4) above shall be final, subject only to the filing of a Petition for Writ of Certiorari in the Circuit Court in and for Palm Beach County, Florida within thirty (30) days of the date of the written determination or written denial.

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

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

Section 5. Codification. Sections 2 and 3 of the Ordinance shall be made a part of the Town of Highland Beach Administrative Code, Chapter 1 for the 7th (2020) Edition of the Florida Building Code and may be re-numbered or re-lettered to accomplish such.

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

[Remainder of page intentionally blank]

The foregoing Ordinance was moved by Commissioner David, seconded by Commissioner Gossett-Seidman and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

PASSED on first reading at the Regular Commission meeting held on this 2nd day of August, 2022.

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

VOTES:	YES	NO
Mayor Douglas Hillman		
Vice Mayor Natasha Moore		
Commissioner Peggy Gossett-Seidman		
Commissioner Evalyn David		
Commissioner John Shoemaker	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 6th day of September 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

SUN-SENTINEL

Sold To:

Highland Beach Town Hall - CU00354279
3614 S Ocean Blvd
Boca Raton, FL 33487

Bill To:

Highland Beach Town Hall - CU00354279
3614 S Ocean Blvd
Boca Raton, FL 33487

Published Daily

**Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida**

State Of Florida

County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11745-Other Legal Notices ,
Was published in said newspaper by print in the issues of, or by publication on the
newspaper's website, if authorized on Aug 30, 2022

Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

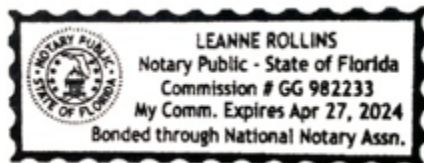


Signature of Affiant

Sworn to and subscribed before me this: August 31, 2022.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

Affidavit Delivery Method: E-Mail

Affidavit Email Address: lgaskins@highlandbeach.us
7272740

**TOWN OF HIGHLAND BEACH
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Town Commission of the Town of Highland Beach will conduct a Public Hearing on Tuesday, September 06, 2022 at 1:30 PM in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following:

ORDINANCE NO. 2022-008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE ADMINISTRATIVE AMENDMENTS TO THE 7 TH (2020) EDITION OF THE FLORIDA BUILDING CODE TO UPDATE THE REQUIREMENTS FOR REINSPECTION AND RECERTIFICATION OF EXISTING THRESHOLD BUILDINGS AND OTHER BUILDINGS OWNED BY A CONDOMINIUM OR COOPERATIVE ASSOCIATION TO CONFORM WITH STATE LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of the ordinance will be available for inspection in the Town Clerk's Office, Monday through Friday, during normal business hours 8:30 A.M. to 4:30 P.M. and on the Town's webpage at <https://mmportal6.teamunicode.com/> no later than Friday, September 02, 2022.

Public participation will be in the forms of in-person, Zoom or telephone call. Persons desiring to participate in the meeting must preregister by contacting Town Clerk Lanelda Gaskins at email address publiccomments@highlandbeach.us or by submitting public comment to the Town of Highland Beach's Agendas and Meetings webpage <https://mmportal6.teamunicode.com/>. At the top of the webpage, click on "Public Comments" complete the electronic form and click submit. The submitted comment will be read into record during the corresponding portion of the meeting. All requests will be accepted up until 11:00 A.M. on Monday, September 05, 2022.

Any person that 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 of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record. In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-

SUN-SENTINEL

955-8770 or 1-800-955-8771.

Lanelda Gaskins, MMC
Town Clerk
8/30/2022 7272740

Order # - 7272740



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE *August 2, 2022*

SUBMITTED BY: Jeff Remas, Building Official

SUBJECT: **AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE ADMINISTRATIVE AMENDMENTS TO THE 7TH (2020) EDITION OF THE FLORIDA BUILDING CODE TO UPDATE THE REQUIREMENTS FOR REINSPECTION AND RECERTIFICATION OF EXISTING THRESHOLD BUILDINGS AND OTHER BUILDINGS OWNED BY A CONDOMINIUM OR COOPERATIVE ASSOCIATION TO CONFORM WITH STATE LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

SUMMARY:

On May 26, 2022, SB 4-D Building Safety was signed by Governor DeSantis into law. The Milestone Inspection portion of this law directly impacts our existing recertification ordinance, and the ordinance presented makes the necessary changes to comply with SB 4-D. The changes have a minimal impact and do not compromise the integrity of our existing ordinance.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Revised Ordinance

RECOMMENDATION:

Approval of the ordinance



**TOWN OF HIGHLAND BEACH
ORDINANCE NO 22-__**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE ADMINISTRATIVE AMENDMENTS TO THE 7TH (2020) EDITION OF THE FLORIDA BUILDING CODE TO UPDATE THE REQUIREMENTS FOR REINSPECTION AND RECERTIFICATION OF EXISTING THRESHOLD BUILDINGS AND OTHER BUILDINGS OWNED BY A CONDOMINIUM OR COOPERATIVE ASSOCIATION TO CONFORM WITH STATE LAW; 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 (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, through the adoption of Ordinance No. 2021-011 on November 16, 2021, the Town adopted Administrative Amendments to the 7th (2020) Edition of the Florida Building Code to provide for the periodic reinspection and recertification of certain types of existing buildings to assess structural soundness and require building owners to address unsafe conditions as determined by a professional structural and/or electrical engineer; and

WHEREAS, through the adoption of Chapter 2022-269, Laws of Florida, on May 26, 2022, the Florida Legislature adopted certain inspection requirements for buildings owned by condominium associations and cooperative associations, and the Town wishes to amend its Administrative Amendments to the Florida Building Code to conform to the state law requirements; and

WHEREAS, the Town Commission determines that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare of the Town of Highland Beach.

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

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

Section 2. The Town of Highland Beach hereby amends the Administrative Amendments to the 7th (2020) Edition of the Florida Building Code, by amending Section 110, “Inspections,” of Chapter 1, to adopt a new Subsection 110.9, to read as follows (additional language is underlined and deleted language is ~~stricken through~~):

110.9 Recertification of buildings and components:

(1) *In General*

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

“Association building” means any building that does not fall within the definition of a threshold building and is owned by a condominium association or cooperative association, is three stories or more in height and contains at least four dwelling units.

"Building age" shall mean the time period since the issuance of the original certificate of occupancy or, where adequate records are not available to determine when the original certificate of occupancy was issued, the building age shall be determined by the Building Official based on the best available evidence.

"Owner" shall mean the fee simple title holder of the land on which a building subject to recertification is situated or, in the case of condominium or cooperative type of ownership, shall mean the person or entity responsible for the structure and common systems of a building subject to recertification.

“Phase one milestone inspection” shall mean a visual inspection of the habitable and nonhabitable areas of a building, including the major structural components of a building and a qualitative assessment of the structural conditions of the building. A phase one milestone inspection shall also include an inspection by a professional electrical engineer certifying and attesting that such building is electrically safe or identifying any major or critical deficiencies in the electrical system and the repairs or alterations necessary to make the building electrically safe, including a recommended

timeframe for such repairs. At a minimum, the following electrical components/equipment, where present, shall be evaluated: electrical service, branch circuits, conduit raceways and emergency lighting.

“Phase two milestone inspection” shall mean an inspection involving destructive or non-destructive testing, at the inspector’s discretion, necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and shall include recommendations for fully assessing and repairing distressed and damaged portions of the building.

"Threshold building" means any building which is greater than three stories or fifty (50) feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds five thousand square feet in area and an occupant content of greater than five hundred (500) persons as defined in Section 553.71(12), Florida Statutes, as may be amended from time to time.

“Recertification” means the completion of a phase one milestone inspection and, where required, the completion of a phase two milestone inspection and all necessary major or critical repairs as determined by the applicable inspector in accordance with the terms of this section.

- (b) Any threshold building or association building that has a building age of twenty-five (25) years or more shall be subject to recertification as provided in this section. Subsequent recertification shall be required at intervals of ten (10) years from the date the first such recertification was required for threshold buildings with a building age of up to forty (40) years and at intervals of seven (7) years for threshold buildings with a building age of more than forty (40) years.
- (c) Beginning on October 19, 2021 ~~[Effective Date of Ordinance]~~, due to the initial backlog of buildings required to be recertified, the Building Official shall establish a completion schedule for recertification, which shall be based upon factors that may include, but shall not be limited to, the age, location, construction materials, occupancy load, and function of a building.

This completion schedule shall include a recertification deadline for each building for which recertification is required and may be amended by the Building Official as necessary or advisable. If recertification is required for a building for which a certificate of occupancy was issued on or before July 1, 1997, the phase one milestone inspection must be performed before December 31, 2024.

- (d) Nothing in this section shall be construed to prevent or limit the Building Official's authority to inspect, order inspections or reports, or abate unsafe conditions at existing buildings outside of the requirements of this section, including but not limited to, the Building Official's authority pursuant to Section 116 of this chapter regarding Unsafe Structures and Equipment or any other provision in the Town Code of Ordinances. The Building Official retains the authority set forth in Section 116 to declare a structure, building or an electrical, gas, mechanical or plumbing system as unsafe in accordance with the criteria set forth in that section.

(2) *Procedure.*

- (a) The Building Official shall issue a Notice of Required Inspection, via certified mail, to the Owner of each building required to be recertified pursuant to subsection (1) above, not less than ~~three hundred and sixty-five~~ one hundred and eighty (180) days prior to the scheduled deadline for the filing of a ~~written recertification inspection report as set forth in subsection (b) below~~ phase one milestone inspection report. In the event that the Notice of Required Inspection is returned unclaimed, said Notice shall be posted by the Building Official at the building. Failure to receive notice of any required inspection shall not relieve the Owner of its obligations pursuant to this section.
- (b) The Owner of a building or structure subject to recertification shall submit, or cause to be submitted, to the Building Official, no later than the recertification deadline, a phase one milestone inspection ~~written recertification inspection~~ report ("Phase One Report"). If the Phase One Report reveals no signs of substantial structural deterioration to any

building components under visual examination, no phase two milestone inspection report shall be required, provided, however, that the Owner must still correct any major or critical deficiencies in the electrical system within the recommended timeframe., which shall include:

- (c) Inspections of threshold buildings shall be performed by a certified special inspector of threshold buildings (a professional or structural engineer or architect registered in the State of Florida and qualified by training and experience). Inspections of association buildings may be performed by a licensed architect or engineer registered in the State of Florida. All reports shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the certified special inspector, engineer or architect who has performed the inspection. Electronically signed and sealed documents shall meet all applicable statutory and administrative code requirements.
- ~~i.—A report prepared by a certified special inspector of threshold buildings (a professional structural engineer or architect registered in the State of Florida and qualified by training and experience) certifying and attesting that each such building or structure is structurally safe or identifying any major or critical structural deficiencies, as determined by the special inspector, and the repairs or alterations necessary to make the building structurally safe. The certified special inspector of threshold buildings shall provide a recommended timeframe for such repairs. Such report shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the responsible certified special inspector who has performed the inspection, and shall be in conformance with the standards for such report otherwise set forth in this section.~~
- ~~ii.—A report prepared by a professional electrical engineer registered in the State of Florida and qualified by training and experience as an electrical engineer certifying and attesting that each such building or structure is electrically safe or identifying any major or critical deficiencies identified in the electrical system, as determined by the~~

~~engineer, and the repairs or alterations necessary to make the building electrically safe. The electrical engineer shall provide a recommended timeframe for such repairs. Such report shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the responsible professional electrical engineer who has performed the inspection, and shall be in conformance with the standards for such report otherwise set forth in this section.~~

iii. ~~Electronically signed and sealed documents shall meet all applicable statutory and administrative code requirements.~~

iv. ~~All elements of the required Report (both structural and electrical) shall be submitted simultaneously.~~

(ed) If any substantial structural deterioration is identified in the Phase One Report, the Owner shall be required to undergo a phase two milestone inspection and file a phase two milestone inspection report (“Phase Two Report”) within one hundred and eighty (180) days. The Phase Two Report shall note the location address and property control number of the building, describe the type of construction and general characteristics of the building (including but not limited to total floor area, height and number of stories, building footprint and similar characteristics), the existence of drawings and location thereof, history of the building to the extent reasonably known, and describe the type and manner of the inspection, noting areas any issues of concern, and shall include recommendations for repairs required to maintain the structural integrity and electrical safety of the building, and the estimated time of completion of said repairs or modifications. The Phase Two Report must take into account two basic structural considerations: (1) movement of structural components with respect to each other; and (2) deterioration of materials and any effect on the structural integrity of the building. The Phase Two Report shall include the manner in which the inspection occurred of the following structural elements, as applicable: foundation, masonry bearing walls, steel framing system, floor systems,

roof systems, concrete framing systems, windows, wood framing, and loading. The Town is not mandating any particular inspection method; however, the Phase Two Report shall discuss the use or non-use of the standard structural inspection methods and the reasoning behind their use or non-use. These methods may include, but not be limited to: the visual examination method; the testing method; and the manual (forensic inspection) method. For major structure elements such as foundations, masonry bearing walls, steel framing systems, roof systems, and concrete framing systems, manual (forensic inspection) methods, such as chipping small areas of concrete and surface finishes for closer examination, are strongly encouraged. ~~At a minimum, the following electrical components/equipment, where present, shall be evaluated: electrical service, branch circuits, conduit raceways, and emergency lighting.~~

(~~de~~) The use of the manual (forensic inspection) method for certain structural elements as encouraged above shall be documented by photographic or other similar evidence, which shall be included in the Phase Two Report.

(3) *Building Official Review of ~~Recertification Inspection~~ Phase Two Report.*

Once the Phase Two Report has been submitted to the Building Official, the Building Official will perform an administrative review of the Report to determine whether it satisfied the requirements of this section. The Building Official will not review or otherwise assess the architect or engineer's technical findings. If the Building Official determines that the Phase Two Report does not satisfy the requirements of this section, the Owner shall make any changes to the Phase Two Report as needed and resubmit it no later than thirty (30) days after the Building Official's determination. The Phase Two Report may be resubmitted in this manner up to two (2) additional times after the initial submission until the Phase Two Report is determined to have satisfied the requirements of this section. If the Building Official determines after a third submittal that the Phase Two Report does not satisfy the requirements of this section, this shall be deemed a failure to submit the required recertification inspection report, and shall subject the Owner to the remedies prescribed in subsection (5) of this section. The Building Official's

determination shall be in writing and shall be provided to the Owner via certified and first-class mail.

(4) *Timeframe to Make Repairs or Modifications.*

The Owner shall correct all major or critical structural or electrical deficiencies identified in the Phase Two Report in accordance with the ~~certified-special threshold~~ inspector's or engineer's recommended timeframe. Notwithstanding the foregoing, all repairs shall be completed within a maximum of three hundred and sixty-five (365) days from the date the Building Official accepts a complete Phase Two Report satisfying the requirements of this section. Once the repairs or modifications have been completed, the ~~certified-special threshold~~ inspector or engineer shall reinspect the areas noted on the original report and shall provide the owner a signed and sealed letter stating that the repairs or modifications have all been completed. The owner shall submit that letter to the Building Official. Depending on the scope of work, the Building Official may grant extensions to the either the recommended or maximum timeframes to allow the work to be completed in phases or when justified by the totality of the circumstances and no request for extension shall be unreasonably denied. The Building Official's decision regarding an Owner's request for an extension shall be in writing and provided to the Owner via certified and first-class mail. If, at any time, the Building Official determines that structural and/or electrical deficiencies exist that present an immediate danger to human life or safety, the Building Official may take such actions determined necessary pursuant to Section 116 of this chapter regarding Unsafe Structures and Equipment, regardless of the procedural requirements or timeframes specified in this section.

(5) *Failure to Submit a Recertification Inspection Report or Timely Make Repairs/Modifications.*

In the event the owner fails to submit ~~the~~ any required Report by the ~~required~~ specified deadline, fails to make changes and resubmit the Phase Two Report within the required timeframes upon a determination that the Phase Two Report does not satisfy the requirements of this section, or fails to complete (subject to all required permits) any major or critical repairs or modifications within the required

timeframes, the Building Official may seek an order of enforcement through the Town's code enforcement process or any other legal or equitable remedy provided by law.

(6) *Appeals.*

The Building Official's written determination, after three submittals, that the ~~recertification inspection~~ Phase Two Report submitted pursuant to subsection (3) above did not satisfy the requirements of that section and/or the Building Official's written denial of an extension to the requested timeframe for completion of repairs or modifications pursuant to subsection (4) above shall be final, subject only to the filing of a Petition for Writ of Certiorari in the Circuit Court in and for Palm Beach County, Florida within thirty (30) days of the date of the written determination or written denial.

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

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

Section 5. Codification. Sections 2 and 3 of the Ordinance shall be made a part of the Town of Highland Beach Administrative Code, Chapter 1 for the 7th (2020) Edition of the Florida Building Code and may be re-numbered or re-lettered to accomplish such.

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

[Remainder of page intentionally blank]

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

	AYE	NAY
Mayor Doug Hillman	_____	_____
Vice Mayor Natasha Moore	_____	_____
Commissioner Peggy Gossett-Seidman	_____	_____
Commissioner John Shoemaker	_____	_____
Commissioner Evalyn David	_____	_____

PASSED on first reading at the Regular Commission meeting held on this _____ day of _____, 2022.

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

	AYE	NAY
Mayor Doug Hillman	_____	_____
Vice Mayor Natasha Moore	_____	_____
Commissioner Peggy Gossett-Seidman	_____	_____
Commissioner John Shoemaker	_____	_____
Commissioner Evalyn David	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this _____ day of _____, 2022.

ATTEST:

By: _____
Lanelda Gaskins, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Glen J. Torcivia, Town Attorney

File Attachments for Item:

A. Consideration to approve and authorize the Mayor to execute the revised Interlocal Agreement between the Town of Highland Beach and the Town of Gulf Stream for Building Department Services.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE 09/06/2022

SUBMITTED BY: Town Manager's Office

SUBJECT: Revised Interlocal Agreement between the Town of Highland Beach and the Town of Gulf Stream for Building Department Services

SUMMARY:

At the August 25, 2022 Special Meeting, Town Commission discussed and unanimously forming the expanded building department enterprise (providing building plan review and inspection services) and requested a few changes to the interlocal agreement between the Town of Highland Beach and the Town of Gulf Stream. The changes included clarifying termination language and insurance information. The Town Attorney from both municipalities worked together to make the changes to the agreement.

Attached for consideration and approval is the revised interlocal agreement.

FISCAL IMPACT:

ATTACHMENTS:

Interlocal Agreement and Insurance Information

RECOMMENDATION:

Approve and authorize the Mayor to execute the amended interlocal agreement.

INTERLOCAL AGREEMENT BETWEEN THE TOWN OF HIGHLAND BEACH AND THE TOWN OF GULF STREAM FOR BUILDING DEPARTMENT SERVICES

THIS AGREEMENT for Florida Building Code and other land development plan review and inspection services ("Agreement") Is made and entered into this _____ day of _____, 2022 by and between the TOWN OF HIGHLAND BEACH, FLORIDA, a Florida municipal corporation located at 3614 South Ocean Blvd., Highland Beach, FL 33487, ("Highland Beach"), and the TOWN OF GULF STREAM, FLORIDA, a Florida municipal corporation located at 100 Sea Road, Gulf Stream, FL 33483 ("Gulf Stream") (collectively, the "Parties").

W I T N E S S E T H:

WHEREAS, pursuant to Section 163.01, Florida Statutes, Highland Beach and Gulf Stream have the authority to enter into agreements for sharing of certain governmental powers and obligations; and

WHEREAS, Gulf Stream wants to contract with Highland Beach to provide building department and related services, as further set forth herein; and

WHEREAS, Highland Beach agrees to provide said building department and related services in accordance with the terms of this Agreement; and

WHEREAS, the health, safety, and welfare of the residents of both Highland Beach and Gulf Stream will best be served by Highland Beach performing plan review and inspections for projects located within Gulf Stream's Town limits; and

WHEREAS, this Agreement evidences the intentions of the respective Parties to cooperate with each other in the furtherance of the public's interest.

NOW THEREFORE, in consideration of the foregoing, and of the mutual covenants and conditions set forth herein, Highland Beach and Gulf Stream hereby agree as follows:

Section 1. Definitions

Building Official: When used herein, the term "Building Official" shall mean the Chief Building Official for Highland Beach.

Code: When used herein, the term "Code" shall mean the Florida Building Code as amended, in addition to all applicable codes that require plan review and inspection.

Department: When used herein, the term “Department” shall mean the Highland Beach Building Department.

Fee(s): When used herein, the term “Fee” or “Fees” shall mean the fee(s) charged as a condition for plan review of Florida Building Code permits and/or the inspection fee charged for inspection of work; both made a part hereof.

Inspector: When used herein, the term “inspector” shall mean any Building Inspector in the employ of or hired by Highland Beach to perform inspection services for the Department.

Permit(s): When used herein, the term “permit” or “permits” shall mean permit(s) issued by Highland Beach for any construction work.

Permittee: When used herein, the term “permittee” shall mean any individual, corporation or other business entity applying for and/or holding a valid permit.

Structures: When used herein, the term “structures” shall mean any and all above-ground, in-ground, and/or underground structures, and any and all construction, mechanical, electrical and/or plumbing work for which a permit must be obtained.

Zoning Code: The Zoning Code and Land Development Regulations of the Town of Gulf Stream.

Section 2. Building Department Plan Review and Inspection Services

- A. The purpose of this Agreement is to provide Gulf Stream with the expertise and assistance of the Department for the inspection and permitting of certain construction projects within Gulf Stream for compliance with the Code. The City of Highland Beach, by and through the Department, shall serve to provide all building construction related services, in their entirety, except for the review of Gulf Stream’s zoning code, which shall continue to be the responsibility of Gulf Stream.
- B. The method by which this purpose will be accomplished is as follows:
 - 1. Gulf Stream shall adopt an ordinance which vests the responsibility for reviewing plans for compliance with the Code, issuing permits, and performing inspections within Gulf Stream in the Department.
 - 2. Applications for approval will be submitted and processed as follows:
 - a. Plans for Construction shall be submitted to Gulf Stream via the Gulf Stream online Building Department Portal by the applicant, and upon

payment of all applicable Zoning Code fees, shall be reviewed by Gulf Stream for compliance with Gulf Stream's Zoning Code. The applicant will be required to submit any Zoning Code payment to Gulf Stream, and ensure that the construction plans comply with the Zoning Code and are approved by Gulf Stream before the permits will be released to Highland Beach, through the online Building Department Portal, for review by the Department. NPDES inspections and paperwork needed to compile yearly reports will be provided to Gulf Stream at the end of the year for state reporting purposes.

- b. The Department shall review and process all plans submitted in the manner above, checking the same for compliance with the Code, and determine the subsidiary permits necessary and the amount of Fees. For processing and the inspection service, Highland Beach shall receive one hundred percent (100%) of the permit Fee, which shall be in accordance with building department Fees charged under the Town of Highland Beach Schedule of Fees. All permits shall be procceed in a timely manner pursuant to Section 553.72 and Section 553.792, Florida Statutes. After reviewing and processing said construction plans, Highland Beach shall indicate approval in Gulf Stream's online Building Department Portal, which will notify Gulf Stream and the Permittee regarding the approval status of the construction plans.
- c. Applications for all permits shall be submitted to Highland Beach on Highland Beach approved forms using Gulf Stream's online Building Department Portal, as approved by the Department. Highland Beach shall process and prepare all permits within Gulf Stream, once the permit application has received Gulf Stream approval consistent with those requirements set forth herein. Any authorized individual may request the Department to inspect a project on a given time and date. The permit inspection card and construction plans shall be on the construction site at all times, and the inspector, upon the completion of his inspection, will mark the card either as to acceptance and the date thereof, or will note reason for rejection and the date thereof.
- d. Upon satisfactory completion of the project and final inspection, the Building Official will prepare the Certificate of Occupancy and will

forward said Certificate of Occupancy to Gulf Stream, which will release the Certificate of Occupancy to the permittee, or authorized agent thereof, upon confirming compliance with the Zoning Code. A copy of the Certificate of Occupancy will be provided to Highland Beach. Highland Beach shall not issue any Certificate(s) of Occupancy directly to any Permittee.

3. Gulf Stream shall be solely responsible for the enforcement of violations of the provisions of said Code by persons, firms, or corporations engaged in construction within Gulf Stream.
4. Gulf Stream shall assume responsibility for the administration of all consumer inquiries. The Building Official will assist Gulf Stream to answer inquiries that require input from the Department.
5. The Building Official shall have the right to refuse to perform any inspection within Gulf Stream should they deem it in the best interest of Highland Beach.
6. Subject to the limitations of 768.28 *Florida Statutes*, Gulf Stream shall hold harmless and indemnify Highland Beach against any and all claims for damages of every kind and nature including but not limited to claims for property damage, personal injury or death, arising out of the plan review and inspection process. Nothing contained in this provision shall be construed or interpreted as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, *Florida Statutes* by either Highland Beach or Gulf Stream.
7. Gulf Stream shall annually supply Highland Beach with a Certificate of Insurance from Gulf Stream's insurance carrier evidencing all the necessary insurance coverage for Highland Beach and employees of the Department. Highland Beach will be named as an additional insured on the liability portion of Gulf Stream's insurance policy.
8. In the event a dispute arises out of or relates to this Agreement, the Parties agree that disputes will be resolved in accordance with Florida Statutes Section 44.1011 et. seq. including mediation.

Section 3. Duration and Notice

This Agreement shall be a continuing nature unless cancelled by either party for any reason and without penalty, on no less than ninety (90) days written notice. In the event the Agreement is terminated, Permits that were filed with Highland Beach will be processed to

completion and shall be covered by the terms of this Agreement. Any Fees paid to Highland Beach where inspection services are not completed shall be prorated in accordance with the percentage of inspection completed and any excess shall be refunded to Gulf Stream. Notice shall be considered sufficient when sent by certified mail or hand delivered to the other party during regular business hours at the following addresses:

Gulf Stream	Highland Beach
Town of Gulf Stream c/o Town Manager 100 Sea Road Gulf Stream, FL 33483	Town of Highland Beach c/o Town Manager 3614 South Ocean Blvd Highland Beach, FL 33487

Section 4. Miscellaneous

- A. This Interlocal Agreement shall be filed pursuant to the requirements of Section 163.01(11) of the Florida Statutes.
- B. This Agreement shall be governed by and in accordance with the Laws of Florida. The venue for any action arising from this Agreement shall be in Palm Beach County, Florida.
- C. Neither party shall assign or transfer any rights or interest in this Agreement without the written consent of the other party.
- D. This six (6) page Agreement constitutes the entire agreement between the Parties; no modification shall be made to this Agreement unless such modification is in writing, agreed to by both Parties and attached hereto as an addendum to this Agreement.
- E. Should any provision contained within this Agreement be determined by a court of competent jurisdiction to be unenforceable, such determination will not affect the validity or enforceability of any other section or part herein.
- F. This Agreement shall not be valid until signed by the Mayor and the Town Clerk of each party.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their duly authorized officers on the date set forth above.

TOWN OF HIGHLAND BEACH

ATTEST:

Mayor

Town Clerk

Approved as to form:

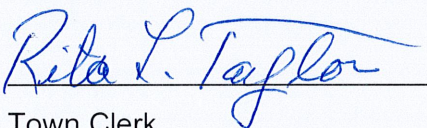
Town Attorney

TOWN OF GULF STREAM

ATTEST:



Mayor



Town Clerk

Approved as to form:



Town Attorney

CERTIFICATE OF COVERAGE**Certificate Holder**

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487

Administrator

Issue Date 8/26/22

Florida League of Cities, Inc.
Department of Insurance Services
P.O. Box 538135
Orlando, Florida 32853-8135

COVERAGES

THIS IS TO CERTIFY THAT THE AGREEMENT BELOW HAS BEEN ISSUED TO THE DESIGNATED MEMBER FOR THE COVERAGE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE COVERAGE AFFORDED BY THE AGREEMENT DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH AGREEMENT

COVERAGE PROVIDED BY:

FLORIDA MUNICIPAL INSURANCE TRUST**AGREEMENT NUMBER:** FMIT 0228**COVERAGE PERIOD:** FROM 10/1/21**COVERAGE PERIOD:** TO 10/1/22 12:01 AM STANDARD TIME**TYPE OF COVERAGE - LIABILITY****General Liability**

- ☒ Comprehensive General Liability, Bodily Injury, Property Damage, Personal Injury and Advertising Injury
- ☒ Errors and Omissions Liability
- ☒ Employment Practices Liability
- ☒ Employee Benefits Program Administration Liability
- ☒ Medical Attendants/Medical Directors' Malpractice Liability
- ☒ Broad Form Property Damage
- ☒ Law Enforcement Liability
- ☒ Underground, Explosion & Collapse Hazard

Limits of Liability

* Combined Single Limit

Deductible N/A

Automobile Liability

- ☒ All owned Autos (Private Passenger)
- ☒ All owned Autos (Other than Private Passenger)
- ☒ Hired Autos
- ☒ Non-Owned Autos

Limits of Liability

* Combined Single Limit

Deductible N/A

TYPE OF COVERAGE - PROPERTY☒ **Buildings**

- ☐ Basic Form
- ☒ Special Form

☒ **Personal Property**

- ☐ Basic Form
- ☒ Special Form

☒ Agreed Amount☒ Deductible \$1,000☒ Coinsurance 100%☒ Blanket☐ Specific☒ Replacement Cost☐ Actual Cash Value☒ **Miscellaneous**

- ☒ Inland Marine
- ☒ Electronic Data Processing
- ☒ Bond

Limits of Liability on File with Administrator**TYPE OF COVERAGE - WORKERS' COMPENSATION**☒ Statutory Workers' Compensation

- ☒ Employers Liability \$1,000,000 Each Accident
\$1,000,000 By Disease
\$1,000,000 Aggregate By Disease

☐ Deductible N/A☐ SIR Deductible N/A**Automobile/Equipment - Deductible**

- ☒ Physical Damage Per Schedule - Comprehensive - Auto Per Schedule - Collision - Auto Per Schedule - Miscellaneous Equipment

Other

* The limit of liability is \$200,000 Bodily Injury and/or Property Damage per person or \$300,000 Bodily Injury and/or Property Damage per occurrence. These specific limits of liability are increased to \$5,000,000 (combined single limit) per occurrence, solely for any liability resulting from entry of a claims bill pursuant to Section 768.28 (5) Florida Statutes or liability/settlement for which no claims bill has been filed or liability imposed pursuant to Federal Law or actions outside the State of Florida.

Description of Operations/Locations/Vehicles/Special Items

RE: Interlocal Agreement

The certificate holder is hereby added as an additional insured, except for Workers' Compensation and Employers Liability, as respects the member's liability for the above described event.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE AGREEMENT ABOVE.

Designated Member

Town of Gulf Stream
100 Sea Road
Gulf Stream FL 33483

Cancellations

SHOULD ANY PART OF THE ABOVE DESCRIBED AGREEMENT BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 45 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED ABOVE, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE PROGRAM, ITS AGENTS OR REPRESENTATIVES.



File Attachments for Item:

A. Consideration of a request for a Town of Highland Beach Right-of-Way permit for the property located at 4005 South Ocean Boulevard.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 6, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Request for a Town of Highland Beach right-of-way permit for the property located at 4005 South Ocean Boulevard

SUMMARY:

On December 7, 2021, the Town Commission adopted Ordinance No. 2021-018 which provides for the protection of the public right-of-way while also allowing certain improvements. Pursuant to Section 25-1 of the Town Code, it shall be unlawful to construct improvements or install new trees in new locations within the public right-of-way including swales without first obtaining a right-of-way permit from the Town Building Department unless waived or otherwise determined as not required by the Town's Public Works Director. At the same Town Commission meeting, Resolution No. 2021-041 was adopted which requires Town Commission review and approval of right-of-way permits for construction of improvements or placement of trees in new locations within State Road A1A right-of-way. The latter review and approval is applicable until the Florida Department of Transportation's (FDOT) Resurfacing, Restoration and Rehabilitation Project ("RRR Project") is completed.

The Applicant has received a driveway connection permit (Permit No. 2022-A-496-00041) from FDOT (Attachment No. 1). This permit superseded a previously approved 2017 FDOT driveway connection permit (Permit No. 2017-A-496-061). The Town's Public Works Director, Pat Roman, has indicated that the driveway plan submitted as part of the FDOT permit does not conflict with existing Town utilities.

Given the construction of a single-family residence at the property is nearly complete, some of the conditions provided below that would normally apply with the issuance of a Town right-of-way permit may no longer be applicable:

- Pre-Construction Meeting must be held with assigned Town Staff and the contractor(s)
 - Reasonable lighting shall be provided to secured work area(s) and shall be maintained until final inspection is granted by the Building Department.
 - Work areas shall be properly secured and left in a reasonably safe condition at the end of the work day as determined by Town staff at the pre-construction meeting. All measures required to be in place, as determined by Town Staff, shall be documented and added to the permit file.
-

- Town staff shall conduct weekly inspections of the work with inspection notes added to the permit file.

Concurrent with this request for a Town right-of-way permit, is an amendment to FDOT's Landscape Inclusive Memorandum of Agreement ("Agreement") for the same property. This amendment to the Agreement is for the purpose of maintaining new landscape improvements installed in FDOT's right-of-way along State Road A1A adjacent to 4005 South Ocean Boulevard.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Attachment No. 1 - FDOT driveway connection permit (No. 2022-A-496-00041).

RECOMMENDATION:

At the discretion of the Town Commission.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**DRIVEWAY CONNECTION PERMIT
 FOR ALL CATEGORIES**

PART 1: PERMIT INFORMATION

APPLICATION NUMBER: 2022-A-496-00041

Permit Category: A - less than 20 VTPD Access Classification: _____

Project: Oceanfront Residence 4005 S Ocean Blvd, Highland Bch

Permittee: Pascal Nicolai

Section/Mile Post: / State Road: _____

Section/Mile Post: / State Road: _____

PART 2: PERMITTEE INFORMATION

Permittee Name: Pascal Nicolai

Permittee Mailing Address: 170 SE 14th Street, Suite 1002

City, State, Zip: Miami, Florida 33131

Telephone: (772) 770-9622 ext. _____

Engineer/Consultant/or Project Manager: _____

Engineer responsible for construction inspection: _____
NAME P.E. #

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ FAX, Mobile Phone, etc. Fax: / Mobile: _____

PART 3: PERMIT APPROVAL

The above application has been reviewed and is hereby approved subject to all Provisions as attached.

Permit Number: 2022-A-496-00041
Department of Transportation

Signature: Rosie Evert Title: PERMITS COORDINATOR II

Department Representative's Printed Name Rosie Evert

Temporary Permit ☐ YES ☒ NO (If temporary, this permit is only valid for 6 months)

Special provisions attached ☐ YES ☒ NO

Date of Issuance: 6/22/2022

If this is a normal (non-temporary) permit it authorizes construction for one year from the date of issuance. This can only be extended by the Department as specified in 14-96.007(6).

See following pages for _____ and Special Provisions

Approved
 2022-A-496-00041
 Rosie Evert
 6/22/2022

PART 4: GENERAL PROVISIONS

1. Notify the Department of Transportation Maintenance Office at least 48 hours in advance of starting proposed work.
Phone: 7863146067 , Attention: Paul Donovan
2. A copy of the approved permit must be displayed in a prominent location in the immediate vicinity of the connection construction.
3. Comply with Rule 14-96.008(1), F.A.C., Disruption of Traffic.
4. Comply with Rule 14-96.008(7), F.A.C., on Utility Notification Requirements.
5. All work performed in the Department's right of way shall be done in accordance with the most current Department standards, specifications and the permit provisions.
6. The permittee shall not commence use of the connection prior to a final inspection and acceptance by the Department.
7. Comply with Rule 14-96.003(3)(a), F.A.C., Cost of Construction.
8. If a Significant Change of the permittee's land use, as defined in Section 335.182, Florida Statutes, occurs, the Permittee must contact the Department.
9. Medians may be added and median openings may be changed by the Department as part of a Construction Project or Safety Project. The provision for a median might change the operation of the connection to be for right turns only.
10. All conditions in NOTICE OF INTENT WILL APPLY unless specifically changed by the Department.
11. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
12. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove or modify any present or future transportation control feature or device in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.
13. The Permittee for him/herself, his/her heirs, his/her assigns and successors in interest, binds and is bound and obligated to save and hold the State of Florida, and the Department, its agents and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect, or omission by the applicant, his/her heirs, assigns and successors in interest that may occur by reason of this facility design, construction, maintenance, or continuing existence of the connection facility, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
14. The Permittee shall be responsible for determining and notify all other users of the right of way.
15. Starting work on the State Right of Way means that I am accepting all conditions on the Permit.

PART 5: SPECIAL PROVISIONSNON-CONFORMING CONNECTIONS: ☐ YES ☒ NO

If this is a non-conforming connection permit, as defined in Rule Chapters 14-96 and 14-97, then the following shall be a part of this permit.

1. The non-conforming connection(s) described in this permit is (are) not permitted for traffic volumes exceeding the Permit Category on page 1 of this permit, or as specified in "Other Special Provisions" below.
2. All non-conforming connections will be subject to closure or relocation when reasonable access becomes available in the future.

OTHER SPECIAL PROVISIONS:
SEE ATTACHMENT 'A'

PART 6: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57 (1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.



Image capture: Apr 2022 © 2022 Google

Highland Beach, Florida

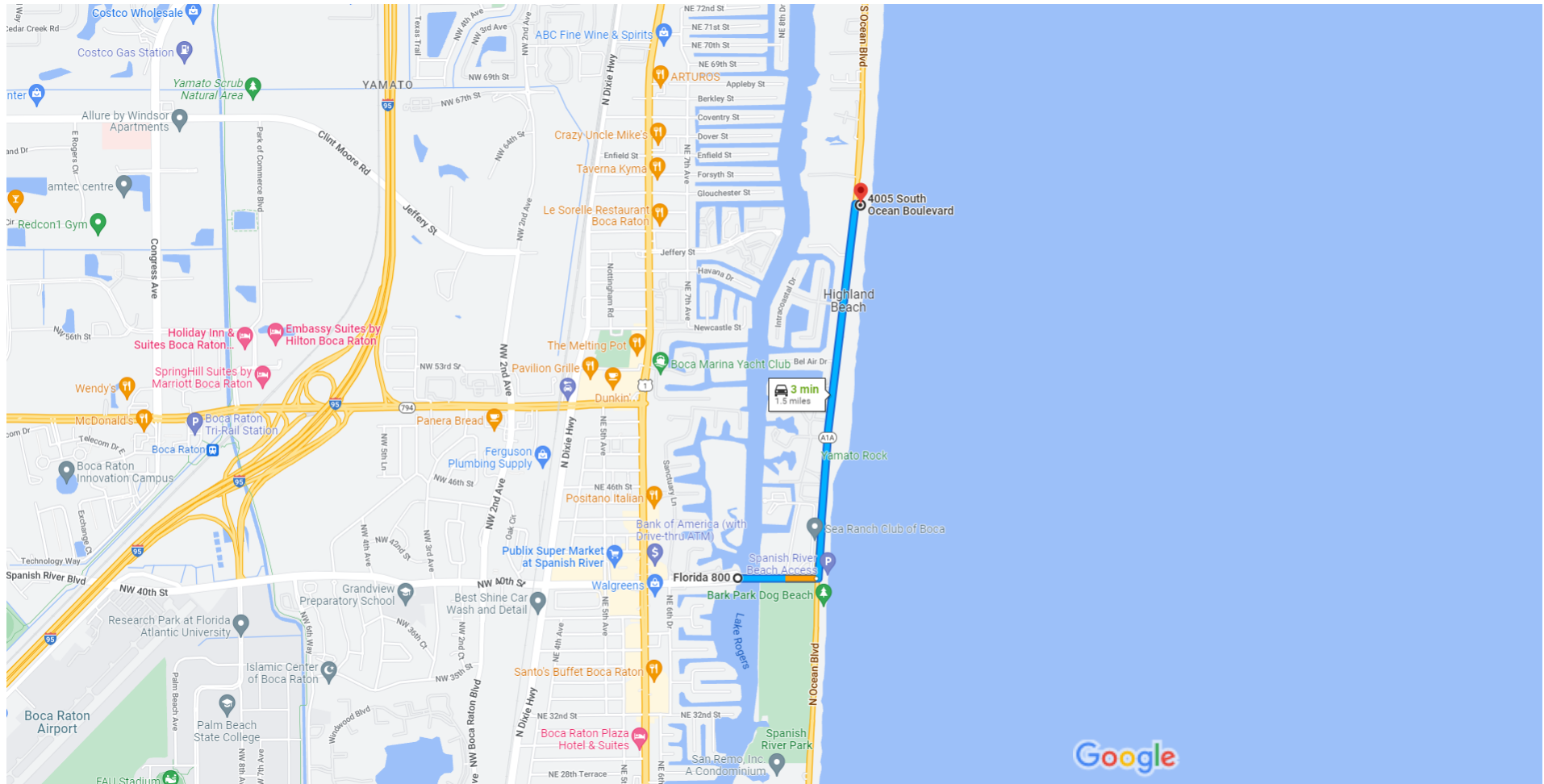
Google

Street View - Apr 2022



FL-800, Boca Raton, FL 33431 to 4005 S Ocean Blvd, Highland Beach, FL 33487

Drive 1.5 miles, 3 min



Map data ©2022 1000 ft



via N Ocean Blvd

3 min

Fastest route now due to traffic conditions

1.5 miles

Explore 4005 S Ocean Blvd

Approved
2022-A-496-00041
Rosie Evert
6/22/2022

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L16000137514
FILED 8:00 AM
July 21, 2016
Sec. Of State
cewilson

Article I

The name of the Limited Liability Company is:

4005 OCEAN BLVD LLC

Article II

The street address of the principal office of the Limited Liability Company is:

170 SE 14TH STREET
SUITE 1002
MIAMI, FL. US 33131

The mailing address of the Limited Liability Company is:

170 SE 14TH STREET
SUITE 1002
MIAMI, FL. US 33131

Article III

The name and Florida street address of the registered agent is:

PASCAL NICOLAI
170 SE 14TH STREET
SUITE 1002
MIAMI, FL. 33131

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: PASCAL NICOLAI

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
PASCAL NICOLAI
170 SE 14TH STREET, SUITE 1002
MIAMI, FL. 33131 US

L16000137514
FILED 8:00 AM
July 21, 2016
Sec. Of State
cewilson

Article V

The effective date for this Limited Liability Company shall be:

07/18/2016

Signature of member or an authorized representative

Electronic Signature: PASCAL NICOLAI

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

File No. 2160288/ln
Prepared by and Return to:
Dorri J. Kolbert Klein, Esq.
Patch Reef Title Company, Inc.
6100 Glades Road, Suite 204
Boca Raton, Florida 33434

Parcel No. 24-43-47-04-00-005-0010

WARRANTY DEED

This Indenture made this 8th day of August, 2016, BETWEEN **John Ferber, a married man**, whose post office address is: 6009 Old Ocean Blvd, Ocean Ridge, FL 33435

Grantor*,
and

4005 OCEAN BLVD LLC, a Florida limited liability company
whose post office address is: 170 SE 14th St, Ste 1002, Miami, FL 33131
Grantee*.

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) Dollars and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee and Grantee's heirs and assigns forever the following described land situate, lying and being in Palm Beach County, Florida, to-wit:

The South 100 feet of the North 2150 feet (both measured at right angles) of Section 4, Township 47 South, Range 43 East, lying East of the center line of State Road A1A, the right of way of which road was conveyed to State of Florida by deed recorded in Deed Book 578, Page 129, Palm Beach County Records, which property situated in Palm Beach County, Florida.

SUBJECT TO restrictions, reservations, covenants and easements of record which are not reimposed by this deed; taxes for the year 2016 and years subsequent thereto; and all applicable zoning ordinances.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

WARRANTY DEED
PAGE 2 OF 2

Grantor hereby certifies that he does not reside at the subject property and that the subject property is not his homestead; that neither he, nor his spouse, nor any minor children reside on the property; and that the subject property is not contiguous to his homestead; and that he permanently resides

6009 Old Ocean Blvd, Ocean Ridge, FL 33435

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness: Jason Bashoff
(Please print name below signature)

[Signature]
Witness: RUSSELL LEWIS
(Please print name below signature)

[Signature]
John Ferber

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 26 day of July, 2016 by John Ferber, who is personally known to me or who has produced a _____ as identification.



My Commission expires: MAY 25, 2018

[Signature]
Notary Public
Deborah Ledbetter
(Please print name of Notary)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DRIVEWAY/CONNECTION PERMIT
FOR ALL CATEGORIES

PART 1: PERMIT INFORMATION

Application Number: _____

Permit Category: A Access Classification: _____

Project: 4005 S Ocean Boulevard, Highland Beach

Permittee: 4005 Ocean Blvd, LLC

Section/Mile Post: _____ State Road: _____

Section/Mile Post: _____ State Road: _____

PART 2: PERMITTEE INFORMATION

Permittee Name: 4005 Ocean Blvd, LLC

Permittee Mailing Address: 170 SE 14th Street, Suite 1002

City, State, Zip: Miami, FL 33131

Telephone: 954-921-5333

Engineer/Consultant/or Project Manager: Schulke, Bittle & Stoddard, LLC

Engineer responsible for construction inspection: William P. Stoddard, Ph.D., P.E. 57605
 NAME P.E. #

Mailing Address: 1717 Indian River Blvd, Suite 201

City, State, Zip: Vero Beach, FL 32960

Telephone: 772-770-9622 FAX: 772-770-9496

PART 3: PERMIT APPROVAL

The above application has been reviewed and is hereby approved subject to all Provisions as attached.

Permit Number: _____
 Department of Transportation

Signature: _____ Title: _____

Department Representative's Name: _____

Temporary Permit: ☐ YES ☐ NO (If temporary, this permit is only valid for 6 months)

Special provisions attached: ☐ YES ☐ NO

Date of Issuance: _____

If this is a normal (non-temporary) permit it authorizes construction for one year from the date of issuance. This can only be extended by the Department as specific in 14-96.007(6).

See following pages for General and Special Provisions

Approved
 2022-A-496-00041
 Rosie Evert
 6/22/2022

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DRIVEWAY/CONNECTION PERMIT
FOR ALL CATEGORIES**PART 4: GENERAL PROVISIONS**

1. Notify the Department of Transportation Maintenance Office at least 48 hours in advance of starting proposed work.
Phone: _____, Attention: _____
2. A copy of the approved permit must be displayed in a prominent location in the immediate vicinity of the connection of construction.
3. Comply with Rule 14-96.008(1), F.A.C., Disruption of Traffic.
4. Comply with Rule 14-96.008(7), F.A.C., on Utility Notification Requirements.
5. All work performed in the Department's right of way shall be done in accordance with the most current Department standards, specifications and the permit provisions.
6. The permittee shall not commence use of the connection prior to a final inspection and acceptance by the Department.
7. Comply with Rule 14-96.003(3)(a), F.A.C., Cost of Construction.
8. If a Significant Change of the permittee's land use, as defined in Section 335.182, Florida Statutes, occurs, the Permittee must contact the Department.
9. Medians may be added and median openings may be changed by the Department as part of a Construction Project or Safety Project. The provision for a median might change the operation of the connection to be for right turns only.
10. All conditions in NOTICE OF INTENT WILL APPLY unless specifically changed by the Department.
11. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
12. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove or modify any present or future transportation control feature or device in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.
13. The Permittee for him/herself, his/her heirs, his/her assigns and successors in interest, binds and is bound and obligated to save and hold the State of Florida, and the Department, its agents and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect, or omission by the applicant, his/her heirs, assigns and successors in interest that may occur by reason of this facility design, construction, maintenance, or continuing existence of the connection facility, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
14. The Permittee shall be responsible for determining and notify all other users of the right of way.
15. Starting work on the State Right of Way means that I am accepting all conditions on the Permit.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DRIVEWAY/CONNECTION PERMIT
FOR ALL CATEGORIES

PART 5: SPECIAL PROVISIONS

NON-CONFORMING CONNECTIONS: ☐ YES ☒ NO

If this is a non-conforming connection permit, as defined in Rule Chapters 14-96 and 14-97, then the following shall be a part of this permit.

1. The non-conforming connection(s) described in this permit is (are) not permitted for traffic volumes exceeding the Permit Category on page 1 of this permit, or as specified in "Other Special Provisions" below.
2. All non-conforming connections will be subject to closure or relocation when reasonable access becomes available in the future.

OTHER SPECIAL PROVISIONS:

PART 6: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings
 Department of Transportation
 Haydon Burns Building
 605 Suwannee Street, M.S. 58
 Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

***SPECIAL PROVISIONS/CONDITIONS
ROADWAY ACCESS PERMITS
ATTACHMENT "A"***

Permittee will provide the necessary densities in accordance with the Department's current edition of the Standard Specifications for Road & Bridge Construction prior to final acceptance by the Department.

It is the Permittee's responsibility to obtain final acceptance of permitted work (completed) and the restoration of the Right of Way from the Department prior to usage.

All maintenance of traffic (MOT) will be in accordance with the Department's current edition of the Standard Plans (102-600 series). The Operations Engineer or his designee reserves the right to direct the removal/relocation modification of any traffic device(s) at the Permittee's sole expense.

Restricted Hours for Single Lane Closures:

9 am to 3: 30 pm & 7 pm to 6 am, Monday through Friday, (No Weekends)

Multi-Lane Closure must occur during nighttime hours only, Monday through Friday, (No Weekends) unless otherwise approved by the Local Operations Engineer or designee.

Permittee will restore the Right of Way as a minimum, to its original condition or better in accordance w/FDOT's Standard Specifications for Road & Bridge Construction or as directed by the Resident Operations Engineer.

Permittee will construct the first five (5') feet of The driveway connection adjacent to E.O.P. From the travel lane consisting of 15" limerock base on compacted subsoil and 3" of Type SP 12.5 asphalt. Grade from E.O.P. will be at 6% to the center of swale.

PERMITTEE: PLEASE NOTE:

Permittee's contractors that are performing permitted work activities shall provide the Department (Permits Office) proof of a proper State contractor's license and certificate of liability insurance prior to any commencement of permitted work.

Permittee shall coordinate all work with Louis Berger @ 1-888-238-6215, Extension 701 or email: US1-A1A-Permits@louisberger.com
Coordination will include a Pre-construction meeting.

SEE ATTACHMENT C

ATTACHMENT C

LCIS LANGUAGE FOR PLANNED LANE CLOSURES

Prior to any work requiring **planned lane closures, mobile operations, or traffic pacing operations** the Contractor or Permittee shall submit a request to the LCIS system. Each request will be reviewed by the appropriate Department personnel for compliance with permit requirements, and **coordination with adjacent projects or work activities**.

All lane closure approvals **shall be obtained prior** to establishing pre work meetings in the field. All submissions should be made a **minimum of 14 days prior to proposed closure date** and must be approved by the Department before work requiring the closure may begin within FDOT Right of Way.

LCIS SYSTEM

Please register all requests at <https://LCISV2.com/home>. See guidelines below:

- Create new Username and Password

you will receive status updates via email which may be routed to users' junk mail.
- Select N/A for proposed County and City (**not set up currently**)
- Select state roadway # (**EX. SR786**)
- All attachments uploaded **shall be in PDF format only**
- Work events lasting longer than 2 weeks, should include a detailed work schedule (**PDF**)
- Select timeframe. **Time will automatically default to 5AM unless manually changed.** Select the pencil on the top right to edit work event times.

work event hours, and road closures cannot be requested for more than 7 hours per day.
- Closure locations must be detailed. (**EX. Eastbound Glades Rd at the intersection of St. Andrews BLVD.**)
- Work description shall include the following:
 1. Full FDOT permit number associated with lane closure (**EX. 2018-H-496-0001-93001**)
 2. Type of work being performed (**EX. gas line installation or directional bore**)
 3. Contact information for Agent in field as well as Project Manager

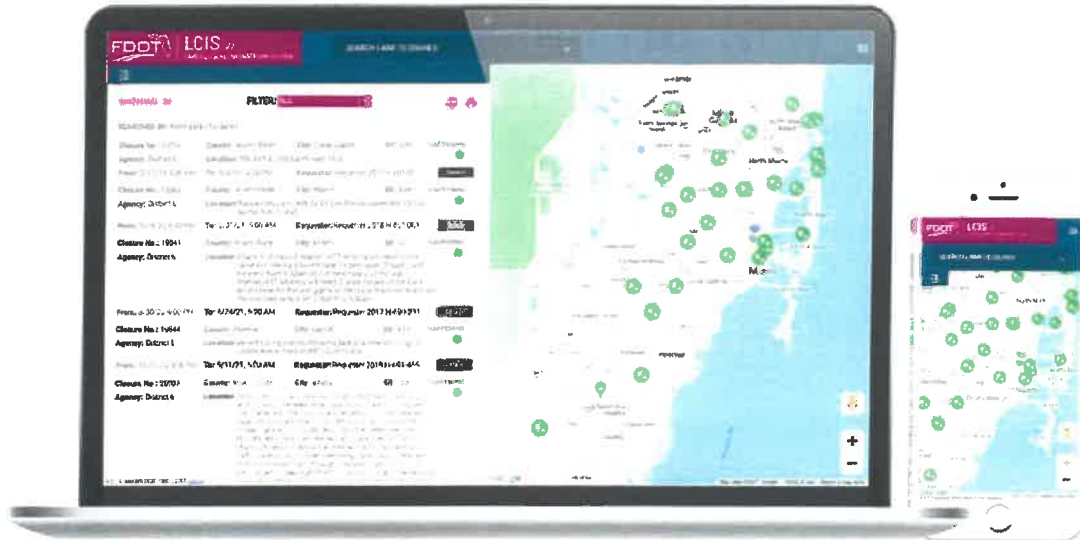
****PLEASE NOTE****

Requests are for Palm Beach County **ONLY**

Contact Carmen Beltran for questions or assistance. Email : Carmen.beltran@dot.state.fl.us Phone: (954)847-2785

May 2021

INTRODUCING THE NEW LANE CLOSURE INFORMATION SYSTEM (LCISv2)



The Traffic Operations team is pleased to announce the soft launch of LCISv2 (Beta 2.1), improving the system used so far. Please note that the system is still under test and there are many closures used as a test mode.

VISIT LCISv2

TO START USING THE SYSTEM FOLLOW THE STEPS BELOW:

STEP 1

In your browser visit:
<https://LCISv2.com>, then click on "Register" at top right, to register. Please use a real email address.

STEP 2

Then, to create a request, click on "New Request", complete the required fields and submit your request. Note that to submit your request, you need to select who will be your first Reviewer. The system will send you a confirmation to your email address.

STEP 3

After receiving the email confirmation, you can check the status of your request by clicking on the "Dashboard". Here you will be able to see all the closures related to your user.

Note that without logging into the system, you can view all closures that have already been approved by our office.

FOR QUESTIONS OR COMMENTS, PLEASE CONTACT:

✉ Alejandro Diaz, Sr. Software Engineer & System Administrator
Alejandro.Diaz@dot.state.fl.us

✉ Saud Khan, District Six Maintenance of Traffic Specialist
Saud.Khan@dot.state.fl.us

NON-UTILITY WORK PERMITS

(a) DOCUMENTS REQUIRED PRIOR TO A PRE-CON MEETING:

****UPLOAD INTO OSP - Pdf Format; 1 pdf file combine All please**

- Certificate of Liability Insurance naming FDOT as the Certificate Holder with our address as follows:

Fla. Dept. of Transportation
Palm Beach Operations Center
7900 Forest Hill Blvd. West Palm Beach, FL 33413

* Be sure to enter the entire Permit number in the Description of Operations Section

Example: 2014-H-496-0188-93060 **Must be typed in by Liability Company; handwritten will not be accepted.* Also, please include the **Additionally Insured** rider pages.

- All Contractor's / Sub Contractor's Licenses
- All Contractor's / Sub Contractor's Local Business Tax Receipt
- Contractor's Work Site Safety Supervisor's Advanced MOT Certificate - with his/her email address and a 24/7 contact number attached to the certificate.

(b) DOCUMENTS REQUIRED PRIOR TO FINAL INSPECTION:

****UPLOAD INTO OSP - Pdf Format; 1 pdf file combined for all docs, except the As Built & Certification Letter please submit these two docs separately.**

(*As Applicable to Your Permit *)

- Permit Final Inspection Certification Letter
- Request for Final Inspection Letter
- Directional Bore Logs
- Density Reports
- As Built Plans (w/Plan & Section Views for ALL Bores)
- Producers Certification for Concrete CL I NS 2500 psi (sidewalk, curb & gutter, ditch pavement & traffic separator)
- Asphalt Tickets
 - *Include SP & FC types/thickness used on Excavation Restoration and Milled & Resurfaced area.

*****OSP WEB URL: <https://osp.fdot.gov>*****

***NOTE:** As mandated by our Legal Department; All Contractors/Sub Contractors working within or adjacent to the Department's Right of Way must furnish a Certificate of Liability Insurance naming the Department as the Certificate Holder, as well as on the Additionally Insured Rider policy (in accordance with FDOT Standard Specifications Section 7).

We also need their License & Local Business Tax Receipt and their MOT Cert unless MOT is being done by the Prime Contractor.

If you have any further concerns, please do not hesitate to contact us at your earliest convenience.
Brett T. Drouin – Permits Manager

Approved
2022-A-496-00041
Rosie Evert
6/22/2022

File Attachments for Item:

B. Resolution No. 2022-019

A Resolution of the Town Commission of the Town of Highland Beach, Florida, authorizing the Mayor to execute Amendment Number five (5) to the State of Florida Department of Transportation (FDOT) District Four (4) Landscape Inclusive Memorandum of Agreement on behalf of the Town of Highland Beach, Florida and providing for an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 6, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Amendment Number five (5) to the Florida Department of Transportation Landscape Inclusive Memorandum of Agreement regarding the property located 4005 South Ocean Boulevard

SUMMARY:

On July 20, 2017, the Florida Department of Transportation (FDOT) and the Town of Highland Beach entered into a Landscape Inclusive Maintenance Memorandum of Agreement ("Agreement") for the purpose of maintaining landscape improvements on State Road A1A (South Ocean Boulevard). Since the execution of this Agreement, there have been four (4) amendments to the Agreement as follows:

AMENDMENT NUMBER	LOCATION	FDOT PERMIT NO.	DATE OF EXECUTED AMENDMENT
1	3615 S. Ocean Blvd.	2019-L-496-00005	February 5, 2020
2	Several	2020-L-496-00002	February 19, 2020
3	2352 S. Ocean Blvd.	2020-L-496-00005	December 21, 2020
4	2500 S. Ocean Blvd.	2021-L-496-00004	January 21, 2022

New landscaping improvements are proposed to be installed in FDOT's right-of-way along State Road A1A at 4005 South Ocean Boulevard and therefore an amendment (Number 5) to the Agreement is required. While this amendment to the Agreement indicates that the Town will maintain the additional landscape improvements, Section 28-10(a) of the Town Code of Ordinances, requires the property owner to be responsible for the maintenance of all landscaping on adjacent public rights-of way as follows:

Sec. 28-10. - Maintenance standards for cultivated landscape areas.

(a) General: The owner, and/or lessee of land subject to this chapter shall be responsible for the maintenance of all landscaping located on their property and on

adjacent public rights-of-way, which shall be maintained in good condition so as to present a healthy, neat and orderly landscape area which shall include, but not be limited to, weeding, mulching, fertilizing, pruning, mowing, and edging as generally set forth in this section.

At the August 11, 2022 Planning Board (“Board”) meeting, the Board approved a landscape plan (Development Order No. 22-0008) which included landscaping on FDOT’s right-of-way located adjacent to the property. The right-of-way landscaping provided on this plan is consistent with the right-of-way landscaping provided to FDOT via Permit No. 2022-L-496-00008). According to the proposed amended Agreement which was prepared by FDOT, they agree to the installation of the landscaping improvements in the right-of-way of State Road A1A at 4005 South Ocean Boulevard.

Concurrent with this amendment request, is a request for a Town right-of-way permit for the same property which is required pursuant to Town Resolution No. 2021-041.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Aerial

Resolution

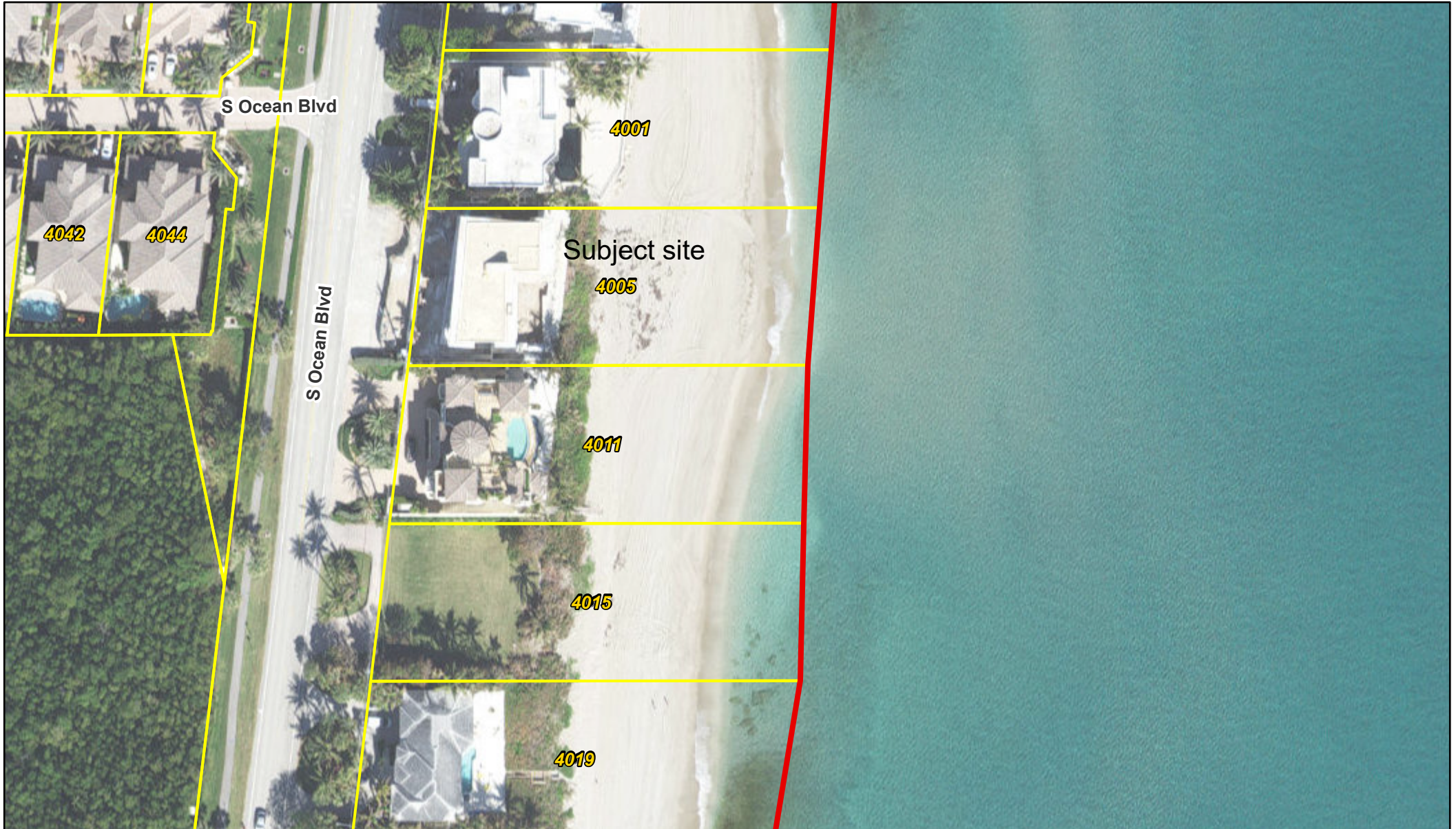
Amendment Number five (5) to FDOT Landscape Inclusive Memorandum of Agreement.

FDOT Inclusive Landscape Maintenance Memorandum of Agreement – July 20, 2017.

RECOMMENDATION:

Recommend Approval of Resolution.

4005 S. Ocean Blvd.



8/11/2022, 11:18:17 AM



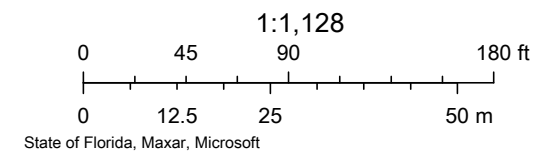
Highland Beach Boundary



Highland Beach Parcels

- Highland Beach Address Points

Streets



4005 South Ocean Blvd.





**TOWN OF HIGHLAND BEACH
RESOLUTION NO. 2022-019**

A RESOLUTION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER FIVE (5) TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DISTRICT FOUR (4) LANDSCAPE INCLUSIVE MEMORANDUM OF AGREEMENT ON BEHALF OF THE TOWN OF HIGHLAND BEACH, FLORIDA AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 20, 2017, the Town of Highland Beach entered into a Landscape Inclusive Maintenance Memorandum of Agreement with the Florida Department of Transportation (FDOT), District four (4), for the purpose of maintaining landscape improvements by the Town on State Road A1A (South Ocean Boulevard); and

WHEREAS, since the execution of the Landscape Inclusive Maintenance Memorandum of Agreement, there have been four (4) amendments to the Agreement which were executed on February 5, 2020 (FDOT Permit No. 2019-L-496-00005), February 19, 2020 (FDOT Permit No. 2020-L-496-00002), December 21, 2020 (FDOT Permit No. 2020-L-496-00005), and January 21, 2022 (FDOT Permit No. 2021-L-496-00004), respectively; and

WHEREAS, new landscaping improvements (FDOT Permit No. 2021-L-496-00008) are proposed to be installed in the right-of-way of State Road A1A at 4005 South Ocean Boulevard; and

WHEREAS, these new landscaping improvements, as noted above, require an amendment to the Landscape Inclusive Maintenance Memorandum of Agreement whereby the Town and FDOT agree to the installation of the improvements at 4005 South Ocean Boulevard; and

WHEREAS, the purpose of this Resolution is to authorize the Mayor to execute on behalf of the Town, the amendment to the Landscape Inclusive Maintenance Memorandum of Agreement attached to this Resolution; and

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

Section 1. The recitations set forth above are true, accurate and correct and are incorporated herein.

Section 2. That the Mayor is authorized to execute amendment number five (5) to the State of Florida Department of Transportation Landscape Inclusive Memorandum of Agreement attached to this Resolution and made a part hereof.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

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

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
HIGHLAND BEACH, FLORIDA, ON THIS ____ DAY OF _____, 2022.**

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Douglas Hillman

Vice Mayor Natasha Moore

Commissioner Peggy Gossett-Seidman

Commissioner Evalyn David

Commissioner John Shoemaker

SECTION No.(s): 93060000
S.R. No.(s): A1A
Permit No: 2021-L-496-00008
COUNTY: PALM BEACH

**DISTRICT FOUR (4) AMENDMENT NUMBER FIVE (5) TO STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
LANDSCAPE INCLUSIVE MEMORANDUM OF AGREEMENT**

THIS AMENDMENT Number Five (5) to the Agreement dated July 20, 2017, made and entered into this _____ day of _____ 20____ by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the **TOWN OF HIGHLAND BEACH**, a municipal corporation of the State of Florida, hereinafter called the AGENCY.

W I T N E S S E T H

WHEREAS, the parties entered into the Landscape Inclusive Maintenance Memorandum of Agreement dated, July 20, 2017 for the purpose of maintaining the landscape improvements by the AGENCY on State Road A1A (South Ocean Boulevard); and,

WHEREAS, the DEPARTMENT and the AGENCY have agreed to add additional landscape by permit to be installed on State Road A1A (South Ocean Boulevard) in accordance with the above referenced Agreement; and,

NOW THEREFORE, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. Pursuant to Page 7, Paragraph 7 of the Landscape Inclusive Maintenance Memorandum of Agreement for State Road A1A (South Ocean Boulevard) dated July 20, 2017, the DEPARTMENT will allow an adjacent property owner to construct additional landscape improvements or to modify an improvement as indicated in **Exhibit "A"**, State Road A1A (South Ocean Boulevard) from M.P. 5.782 to M.P. 5.802. In accordance with the plans attached as **Exhibit "B"**.
2. The AGENCY shall agree to maintain the additional landscape improvements in the Agreement described above in according to the Maintenance Plan, **Exhibit "E"** of the original agreement and as follows:

PART II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS

1. Landscaping within the right of way consists of one palm, two trees, shrubs, sod and irrigation.
2. Trees are intended to be maintained at their mature height and spread.
3. Remove suckering growth from base and clear trunk areas on trees on a quarterly basis.
4. To maintain the intended appearance of all palms, apply the latest palm fertilizer recommended by the University of Florida IFAS Extension per the manufacturer's specifications.
5. To maintain the intended appearance of all shrubs or turf grass, apply the latest fertilizer recommended by the University of Florida IFAS Extension per the manufacturer's specifications.
6. Do not remove fronds from self-cleaning palms, unless damaged. Palms with persistent fronds shall only have dead fronds removed, do not remove any green fronds. If it is deemed necessary to prune a palm's fronds, no fronds shall be trimmed above 3 o'clock and 9 o'clock on the horizontal plain.
7. Groundcover and shrub horizontal growth shall be maintained to prevent foliage from growing beyond the limits of the planting areas shown on the plan. Maintain a minimum of 12" setback from the foliage to the edge of curb, pavement, sidewalk and/or other hardscape improvements.
8. Maintain the vertical height of:
Small leaf clusia between 36" and 60", full to ground.
Muhly grass between 18" and 24", full to ground
Inspect groundcovers and shrubs every six months for maintaining full ground coverage.
9. Evaluate plant material on a quarterly basis for pests, diseases, drought stress or general decline. If required, follow the integrated pest management program established by the Agency to ensure healthy plants.
10. Concrete drive shall be inspected twice a year for the aesthetic appearance and safety conditions. Address any issues identified by repairing or replacing those specific locations. To maintain the overall aesthetic appearance and safety of the concrete, it shall be cleaned on a yearly basis to prevent mold, dirt, oil, and gum build up. Joints and cracks in concrete, patterned concrete or asphalt, concrete pavers, concrete curbs, expansion joints, catch basins, gutter areas, etc. shall be inspected on a yearly basis to keep those areas free of weeds.
11. Inspect the irrigation system performance every four months to ensure the system is providing 100% coverage, does not have sections of low pressure, heads and valves are clean and clear of debris and any damaged irrigation components (i.e., spray nozzles, spray heads, valve boxes, etc.) are repaired or replaced.

Except as modified by this Amendment, all terms and conditions of the original Agreement and all Amendments thereto shall remain in full force and effect.

LIST OF EXHIBITS

Exhibit A - Landscape Improvements Maintenance Boundaries Limits

Exhibit B - Landscape Improvement Plans

In Witness whereof, the parties hereto have executed with this Amendment effective the ____ day _____ year written and approved.

TOWN OF HIGHLAND BEACH

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Chairperson/Mayor/Manager

By: _____
Transportation Development Director

Attest: _____ (SEAL)
Clerk

Attest: _____
Executive Secretary

Legal Review Date

Legal Review Date

Office of the General Counsel

SECTION No.(s):	93060000
S.R. No.(s):	A1A
Permit No:	2021-L-496-00008
COUNTY:	PALM BEACH

EXHIBIT A

LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES LIMITS

I. LANDSCAPE PERMIT PROJECT LIMITS (THIS PROJECT):

State Road A1A (South Ocean Boulevard) from M.P. 5.782 to M.P. 5.802

See attached map

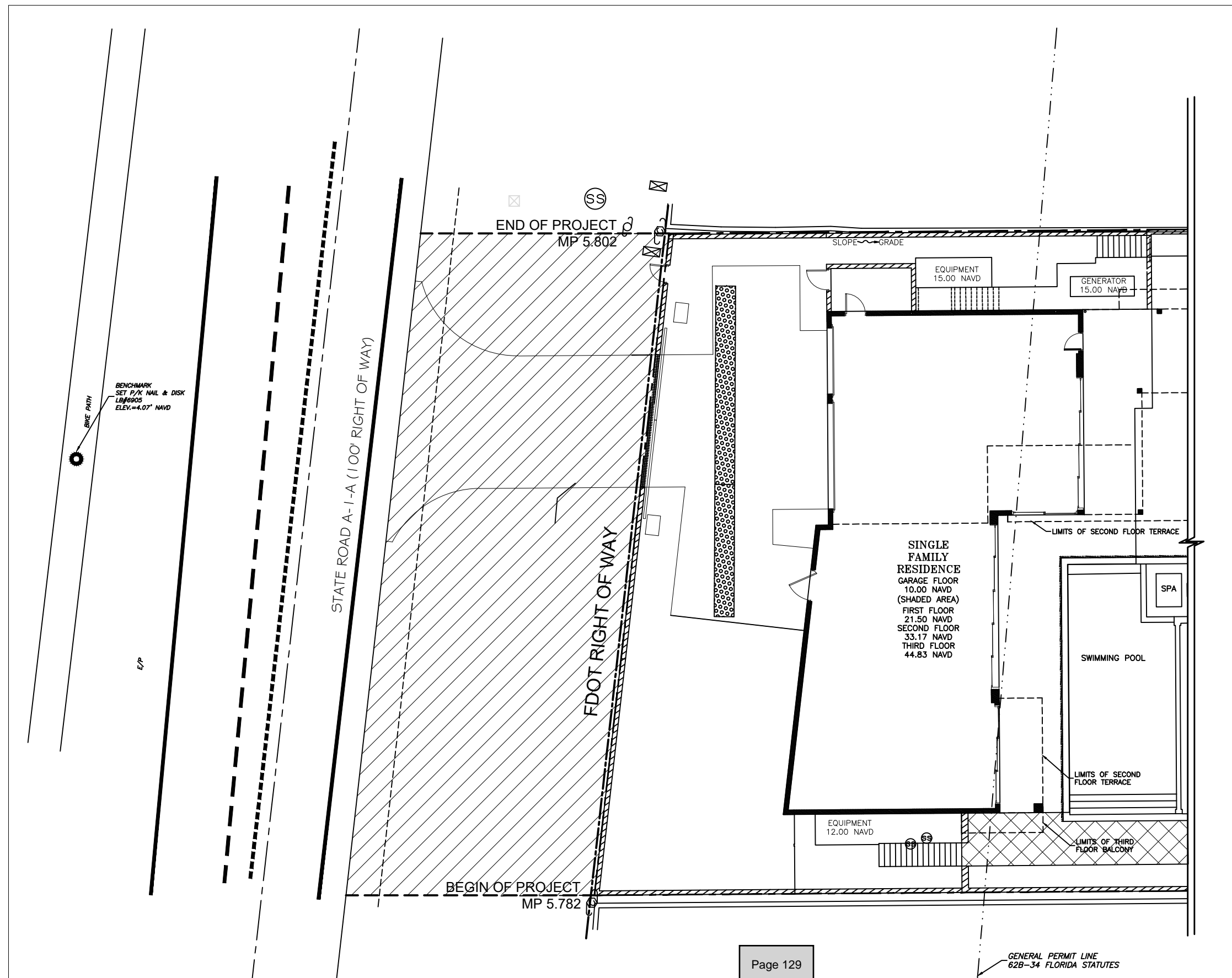
II. ORIGINAL INCLUSIVE LANDSCAPE MAINTENANCE AGREEMENT LIMITS:

State Road A1A (South Ocean Boulevard) from approximately ¼ mile North of Spanish River Blvd (M.P. 4.868) to approximately ½ mile South of Linton Blvd (M.P. 7.711):

*All other limits of the original agreement and amendments shall apply



SCALE: 1/16" = 1'-0"



 LIMITS OF MAINTENANCE BY THE CITY OF HIGHLAND BEACH

LANDSCAPE IMPROVEMENTS
MAINTENANCE BOUNDARY MAP
FDOT PERMIT NUMBER
2021-L-496-00008

SECTION No.(s): 93060000
S.R. No.(s): A1A
Permit No: 2021-L-496-00008
COUNTY: PALM BEACH

EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

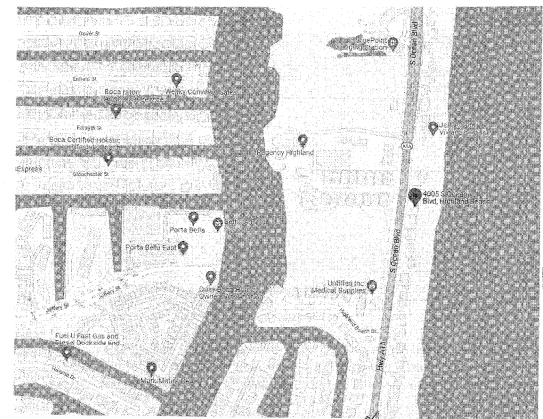
The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Kim Moyer, PLA
Landscape Architecture
January 25, 2022

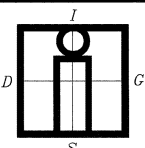
And: Steven Ocampo
Beacon Irrigation and Lighting
April 8, 2022

LANDSCAPE NOTES

- 1- All plant material shall be Florida No. 1 or better as given in the current Florida Grades and Standards for Nursery Plants, 2015, Florida Department of Agriculture and Consumer Services.
- 2- All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specification.
- 3- All plants shall be true to species and variety and shall conform to measurements specified. All substitutions shall be submitted to the City and Landscape Architect for final approval.
- 4- All plants shall be exceptionally heavy, symmetrical, tight knit and so trained in appearance as to be superior to form, branching and symmetry.
- 5- Contractor shall notify Sunshine 811 (call 811) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for this work and disruption or damage to utilities shall be repaired immediately at no expense to Owner.
- 6- Grade B+ shredded sterilized Melaleuca or Eucalyptus mulch shall be used in all mass planting beds and for individual tree pits. All trees shall have a mulch ring with a depth of 3" and a diameter of 3'-4' around their base. All mulch shall be kept 4" from base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
- 7- Sod shall be St Augustine and free of weeds, insects, fungus and disease, laid with alternating and abutting joints.
- 8- All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. All plant materials shall be planted with a minimum of 6 to 18 inches of planting soil around the root ball. Refer to planting details. Planting soil to be backfilled into plant pits by washing in. Planting beds shall be free from road, pea, egg or colored rock, building materials, debris, weeds, noxious pests and disease.
- 9- All sodded areas to have a minimum of 2" of planting soil as described in note #8.
- 10- All trees shall be warranted by the Contractor and will be healthy and in flourishing condition of active growth one year from date of final acceptance.
- 11- All shrubs, groundcovers, vines and sod shall be fully warranted for 90 days under same condition as above.
- 12- All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc before inspection. The top 1/3 of any natural burlap shall be removed or tucked into the planting hole before trees are backfilled. Planting soil to be backfilled into pits by washing in.
- 13- All trees and palms shall be planted with the top of their rootballs 1'-2" above finished grade. All other plants shall be planted with top of their rootballs no deeper than the final grade surrounding the planting area.
- 14- In areas where paved surfaces abut sod or mulch, the final level of both surfaces should be even.
- 15- All planting shall be installed with fertilizer at time of planting.
- 16- All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning and removal of refuse and debris on a regular basis so as to present a neat and well kept appearance at all times.
- 17- All landscape and sod areas shall have an automatic irrigation system installed. Coverage should be 100% with 50% minimum overlap using rust free water to all landscape and sod areas. Spray upon public sidewalks, streets and adjacent properties should be minimized. Sodded areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a rainswitch device.
- 18- All landscape and irrigation shall be installed in compliance with all local codes.
- 19- The plan shall take precedence over the plant list, should there be any discrepancy between the two.



Name	Size	Native	Drought Tolerance
iger Tree	14' Ht x 5' Spr, 3" cal	Yes	High
alm	8'Ct	No	High
ander	8' ht x 4' Spr, std	Yes	High
	24" x 24", 24" O.C.	Yes	Medium
Clusia	24" x 24", 24" O.C.	No	High
	24" x 24", 24" O.C.	Yes	High
ss	24" x 24", 24" O.C.	Yes	High
ssa	12" x 16", 18" O.C.	No	High
	20" x 20", 36" O.C.	Yes	High
ne			
Melaleuca or Eucalyptus			



IN-SITE DESIGN GROUP LLC

1546 JACKSON STREET
HOLLYWOOD, FLORIDA 33020
WWW.INSTEDDESIGNGROUP.COM
AA28001758
954 921 5333

Digitally signed by Kimberly Moyer
Date: 2022.01.25 18:05:38 -0500

Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000962

THESE RECORDS AND DRAWINGS ARE THE
COPYRIGHTED PROPERTY OF IN-SITE DESIGN
GROUP, LLC. NO PART MAY BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR BY ANY
MEANS, ELECTRONIC OR MECHANICAL, FOR
ANY PURPOSES WITHOUT THE WRITTEN
CONSENT OF IN-SITE DESIGN GROUP, LLC.
THE CONTRACTOR ACCEPTS AND AGREES
TO BE RESPONSIBLE FOR THE ACCURACY OF
THESE RECORDS AND DRAWINGS. THE
CONTRACTOR SHALL BE RESPONSIBLE FOR
OBTAINING ALL NECESSARY PERMITS AND
FOR THE PROTECTION OF ALL UTILITIES
BEFORE ANY CONSTRUCTION WORK.

PROJECT:
HIGHLAND BEACH
RESIDENCE

OWNER:
4005 S. OCEAN BLVD LLC
ADDRESS:
4005 S OCEAN BOULEVARD
HIGHLAND BEACH, FLORIDA
33487

DISTRIBUTION

REVISIONS
08-10-2021
1/11/2021
1/21/2021
1/19/2022

Date of Issue
MAY-23-2017

LANDSCAPE PLAN

FDOT LANDSCAPE PERMIT NUMBER
2021-L-496-00008

0 10' 20'
Scale: 1" = 10'-0"

GOVERNING STANDARD PLANS:
Florida Department of Transportation, FY 2021-22 Standard Plans for Road and Bridge Construction and applicable
Interim Revisions (IRAs) are available at the following website: <https://www.flhwy.com/standard-plans>

GOVERNING STANDARD SPECIFICATIONS:
Florida Department of Transportation, January 2021 Standard Specifications for Road and Bridge Construction at the
following website: <https://www.flhwy.com/standard-specifications>

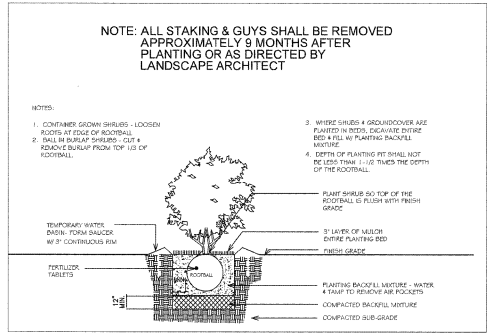
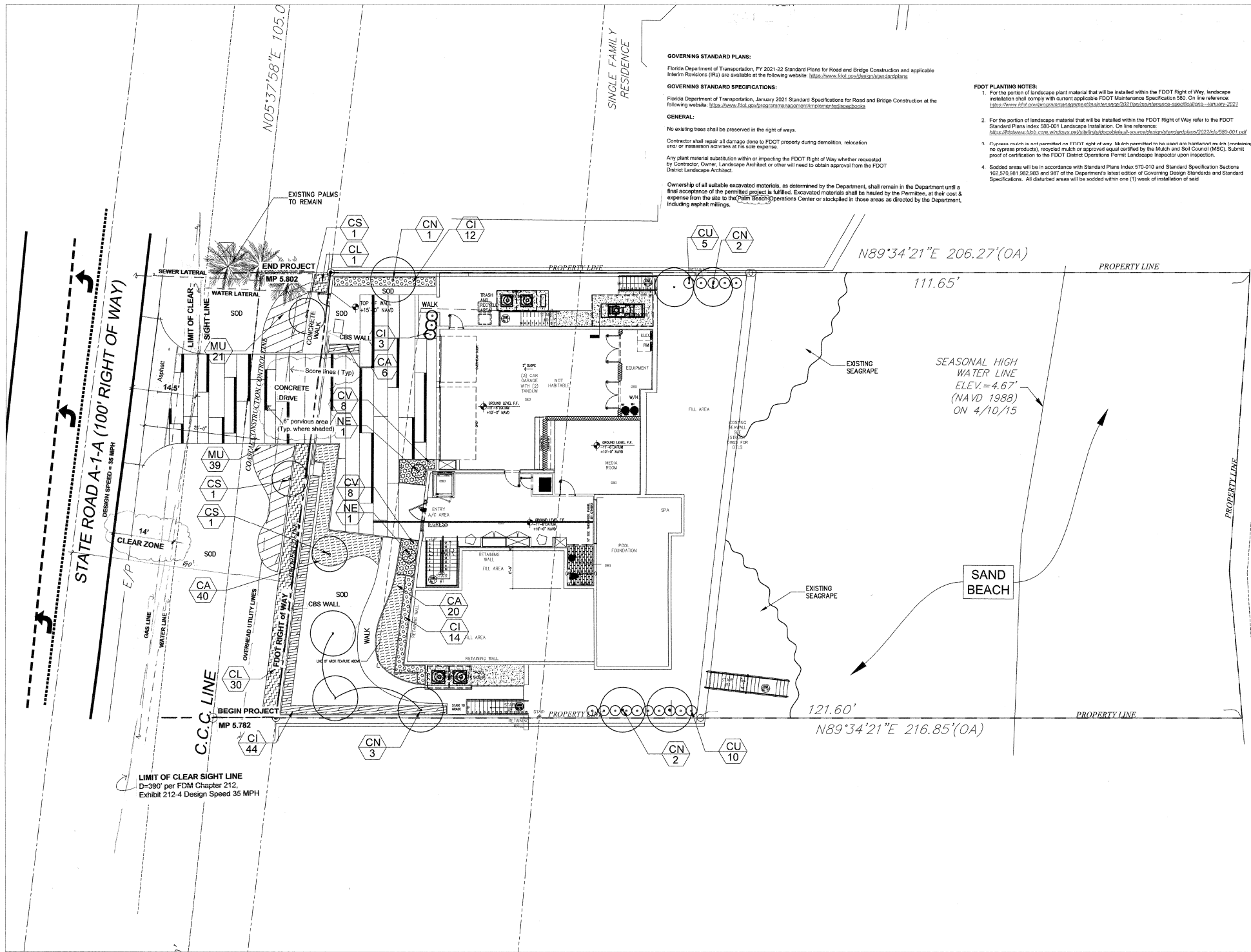
GENERAL:
No existing trees shall be preserved in the right of ways.
Contractor shall repair all damage done to FDOT property during demolition, relocation
and/or installation activities at his sole expense.
Any plant material substitution within or impacting the FDOT Right of Way whether requested
by Contractor, Owner, Landscape Architect or other will need to obtain approval from the FDOT
District Landscape Architect.
Ownership of all suitable excavated materials, as determined by the Department, shall remain in the Department until a
final acceptance of the permitted project is fulfilled. Excavated materials shall be hauled by the Permittee, at their cost &
expense from the site to the Palm Beach Operations Center or stockpiled in those areas as directed by the Department,
including asphalt millings.

FOOT PLANTING NOTES:
1. For the portion of landscape plant material that will be installed within the FDOT Right of Way, landscape
installation shall comply with current applicable FDOT Maintenance Specification 580. On line reference:
<https://www.flhwy.com/standard-specifications/580>

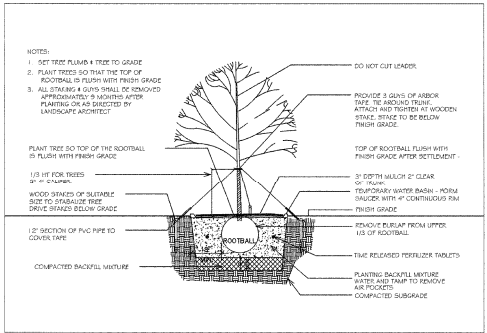
2. For the portion of landscape plant material that will be installed within the FDOT Right of Way refer to the FDOT
Standard Plans Index 580-001 Landscape Installation. On line reference:
<https://www.flhwy.com/standard-plans/580-001>

3. Cypress mulch is not permitted on FDOT right of way. Mulch permitted to be used are hardwood mulch (containing
no express products), recycled mulch or approved equal certified by the Mulch and Soil Council (MSC). Submit
proof of certification to the FDOT District Operations Permit Landscape Inspector upon inspection.

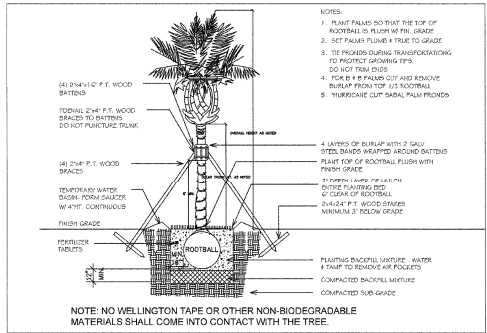
4. Sodded areas will be in accordance with Standard Plans Index 570-010 and Standard Specification Sections
162.570.010, 162.580 and 162.590 of the Department's latest edition of Governing Design Standards and Standard
Specifications. All sodded areas will be sodded within one (1) week of installation of said



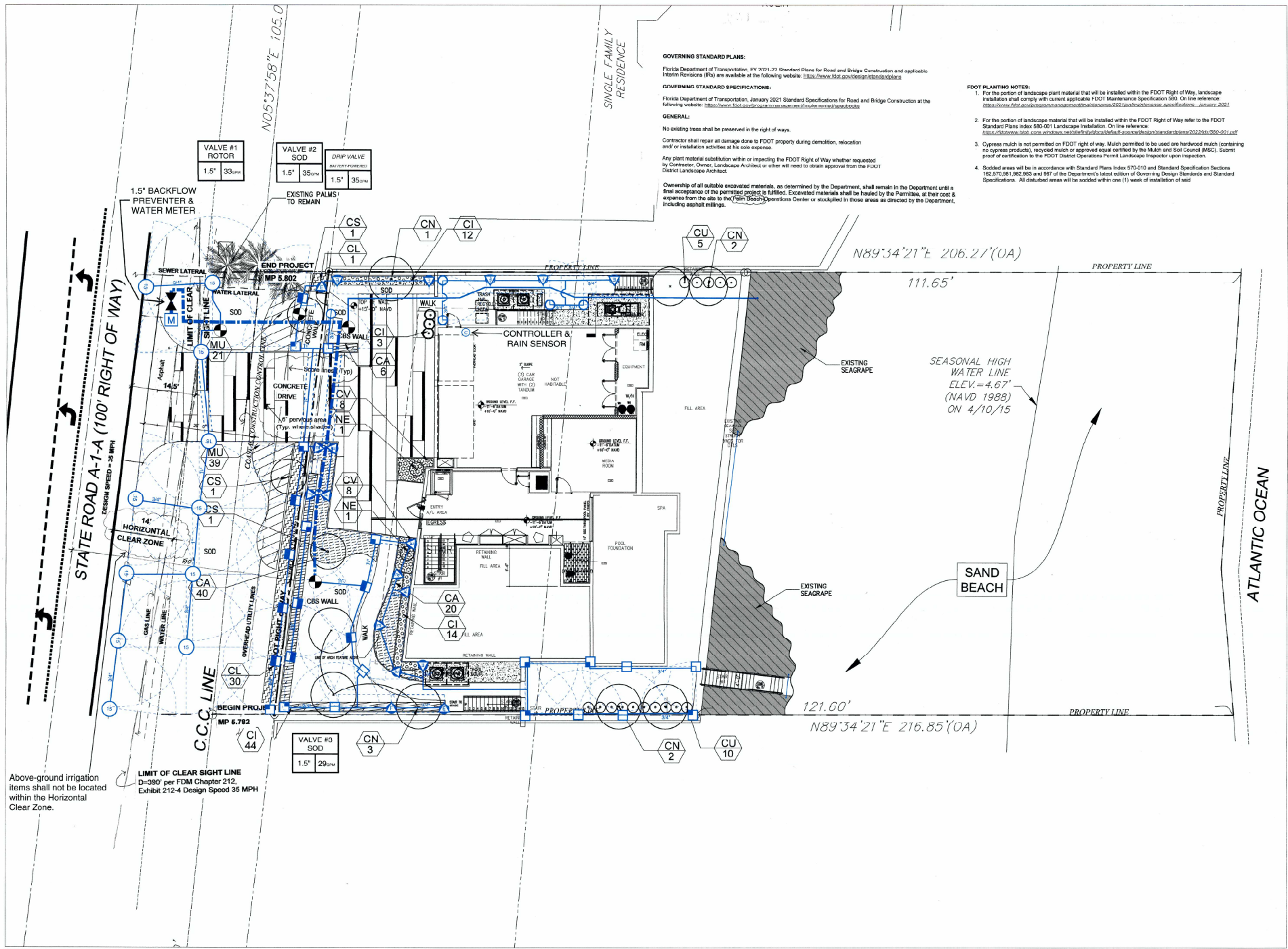
SHRUB PLANTING DETAIL



TREE STAKING DETAIL



PALM PLANTING DETAIL



Legend	
Description	
	6" POP-UP - 10' - 90-DEGREE SPRAY
	6" POP-UP - 10' - 180-DEGREE SPRAY
	6" POP-UP - 10' - 270-DEGREE SPRAY
	6" POP-UP - 10' - 360-DEGREE SPRAY
	6" POP-UP - 12' - 90-DEGREE SPRAY
	6" POP-UP - 12' - 180-DEGREE SPRAY
	6" POP-UP - 12' - 270-DEGREE SPRAY
	6" POP-UP - 12' - 360-DEGREE SPRAY
	6" POP-UP - END STRIP
	6" POP-UP - FULL STRIP
	12" POP-UP - 10' - 90-DEGREE SPRAY
	12" POP-UP - 10' - 180-DEGREE SPRAY
	12" POP-UP - 10' - 270-DEGREE SPRAY
	12" POP-UP - 10' - 360-DEGREE SPRAY
	12" POP-UP - 12' - 90-DEGREE SPRAY
	12" POP-UP - 12' - 180-DEGREE SPRAY
	12" POP-UP - 12' - 270-DEGREE SPRAY
	12" POP-UP - 12' - 360-DEGREE SPRAY
	12" POP-UP - END STRIP
	12" POP-UP - FULL STRIP
	15" ROTOR
	20" ROTOR
	30" ROTOR
	BUBBLER
	CONTROLLER WITH RAIN SENSOR
	DRIP LINE
	MAIN LINE - 2" SCH 40
	SLEEVES
	VALVE

- FDOT IRRIGATION NOTES**
1. The irrigation system shall use the lowest quality water available which adequately and safely meets the water needs of the system. Storm water, reclaim water, or grey water irrigation shall be used whenever possible.
 2. FDOT requires 24-hour emergency access to water source.
 3. Contractor shall provide FDOT District Operations Manager with a set of "As-Built" irrigation plans.

PROJECT:
HIGHLAND BEACH
RESIDENCE

OWNER:
4005 S. OCEAN BLVD LLC
ADDRESS:
4005 S OCEAN BOULEVARD
HIGHLAND BEACH, FLORIDA
33487



APRIL 08, 2022

IRRIGATION PLAN

IR1

FDOT LANDSCAPE PERMIT NUMBER
2021-L-496-00008

1 IRRIGATION PLAN
SCALE : 1" = 10'-0"

[illegible]

Features / Temperature
 Dry-Cladding Technique: 1000K (1812°F)
 Minimum Dry-Clad: 1000K (1812°F)
 Temperature at Weld: 1275 to 1400K (2175 to 2550°F)

Materials
 Material: Inconel 600

Modeling
 • Cold-Start Cold-Start

Dimensions / Weights
 Size: 1" (25.4 mm)

Table 1: Dimensions and Weights

Part No.	Part Name	Material	Weight (lb)	Weight (kg)	Volume (in³)	Volume (cm³)	Length (in)	Length (mm)	Width (in)	Width (mm)	Height (in)	Height (mm)
1000000000	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000001	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000002	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000003	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000004	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000005	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000006	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000007	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000008	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000009	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000010	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000011	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000012	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000013	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000014	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000015	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000016	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000017	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000018	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000019	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000020	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000021	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000022	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4
1000000023	1" (25.4 mm) Inconel 600	Inconel 600	1.00	0.45	1.00	25.4	25.4	1.00	25.4	1.00	25.4	25.4

[illegible]

SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR (4) INCLUSIVE LANDSCAPE MAINTENANCE
MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of July 2017, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter called the DEPARTMENT and the Town of Highland Beach, a municipal corporation of the State of Florida, existing under the Laws of Florida, hereinafter called the AGENCY.

WITNESSETH:

WHEREAS, the DEPARTMENT has jurisdiction over State Road A1A (South Ocean Boulevard) as part of the State Highway System as described in Exhibit "A"; and

WHEREAS, the AGENCY or adjacent property owner seeks to install or has installed and the AGENCY maintains certain landscape improvements, as defined in paragraph numbered 2, page 2, within the right of way of State Road A1A (South Ocean Boulevard) as described within Exhibit "B" and "C"; and

WHEREAS, the AGENCY seeks to install, has installed and maintains certain landscape improvements within the right of way of State Road A1A (South Ocean Boulevard) as described within Exhibit "B", and "C"; and

WHEREAS, the AGENCY and the DEPARTMENT have entered into previous agreements for the AGENCY to maintain landscape improvements on DEPARTMENT right of way; and

WHEREAS, as part of the continual updating of the State of Florida Highway System, the DEPARTMENT, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain the highway facilities as State Road A1A (South Ocean Boulevard) described further in Exhibit "A" attached hereto and incorporated by reference herein; and

WHEREAS, the AGENCY is of the opinion that the highway facilities within the AGENCY'S limits that contain landscape improvements shall be maintained by the AGENCY; and

WHEREAS, it is the intent of the AGENCY and the DEPARTMENT that the AGENCY shall maintain all right of way within the medians, outside the travelway and improvements made to the travelway that were made at the request of the AGENCY; and

WHEREAS, as designated to be superseded, the AGENCY and DEPARTMENT intend for this agreement to replace and supersede the landscape agreements described within **Exhibit "D"** designated to be superseded, except as otherwise provided in this Agreement; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the AGENCY by Resolution No. 17-012 R dated July 5, 2017, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorizes its officers to do so;

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. RECITALS

The recitals set forth above are true and correct and are deemed incorporated herein.

2. INSTALLATION OF FACILITIES BY AGENCY

The AGENCY has installed certain *landscape improvements* described herein as: plant materials, irrigation and/or hardscape on the highway facilities substantially as specified in plans and specifications hereinafter referenced to as the Project(s) and incorporated herein as **Exhibit "C"**. *Hardscape* shall mean, but not be limited to, site furnishings, landscape accent lighting, fountain, tree grates, decorative free standing or retaining wall(s), and/or any sidewalk, median and roadway specialty surfacing, such as concrete pavers, color stained stamped concrete, and/or asphalt patterned pavement, but excludes standard concrete sidewalk.

When the AGENCY is installing or will install the PROJECT, they shall comply with the following criteria.

- (a) All plant materials shall be installed and maintained in strict accordance with sound nursery practice prescribed by the International Society of Arboriculture (ISA). All plant materials installed shall be Florida #1 or better according to the most current edition of Florida Department of Agriculture, Florida Grades and Standards for Nursery Stock; and all trees shall meet Florida Power & Light, Right Tree, Right Place, South Florida.
- (b) Trees and palms within the right of way shall be installed and pruned to prevent encroachment to roadways, clear zones and sidewalks. Definition of these criteria is included in the most current editions of FDOT standards for design, construction, maintenance, and utility operations on the state highway system and the Maintenance Plan, **Exhibit "E"**.
- (c) Tree and palm pruning shall be supervised by properly trained and certified personnel and shall meet the most current standards set forth by the International Society of Arboriculture (ISA) and the American National Standard Institute (ANSI) Part A-300.

- (o) The AGENCY shall be responsible to clear all utilities within the landscape improvement limits before construction commences.
- (p) The AGENCY shall follow the minimum level of maintenance guidelines as set forth in FDOT's Rule Chapter 14-40 *Highway Beautification and Landscape Management*, the FDOT *Guide to Roadside Mowing and Maintenance Management System*, FDOT *Maintenance Rating Program Standards* and **Exhibit "E"**, the Maintenance Plan for maintenance activities for landscape improvements as well as the superseded landscape agreement's Maintenance Plan's Part II, **Exhibit "E"**, and **Exhibit "G"**, the Patterned Pavement Maintenance.

3. MAINTENANCE OF FACILITIES

- A. The AGENCY agrees to maintain the landscape improvements, as existing and those to be installed, within the physical limits described in **Exhibit "A"**. The landscape improvements outside the travelway shall be maintained by the AGENCY regardless if the said improvement was made by the DEPARTMENT, the AGENCY, or others authorized pursuant to Section 7, by periodic mowing, pruning, fertilizing, weeding, curb and sidewalk edging, litter pickup, necessary replanting, irrigation system repair and/ or repair of any median concrete replacement associated with the specialty surfacing (if applicable) following the DEPARTMENT'S landscape safety and maintenance guidelines, **Exhibit "E"**, the Maintenance Plan and **Exhibit "G"** the Patterned Pavement Maintenance. The AGENCY'S responsibility for maintenance shall include all landscaped, turf and hardscape areas within the median and areas outside the travelway to the right of way and areas within the travelway containing non-standard surfacing. It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway caused by the differential characteristics of non-standard travelway surfacing and the associated header curb and concrete areas (if applicable) on DEPARTMENT right of way within the limits of this Agreement.
- B. Such maintenance to be provided by the AGENCY is specifically set out as follows: to maintain, which means to properly water and fertilize all plants; to keep them as free as practicable from disease and harmful insects; to properly mulch the planting beds; to keep the premises free of weeds; to mow the turf to the proper height; to properly prune all plants which at a minimum includes: (1) removing dead or diseased parts of plants, (2) pruning such parts thereof to provide clear visibility to signage and permitted outdoor advertising signs (per Florida Statute 479.106), and for those using the roadway and/or sidewalk; (3) preventing any other potential roadway hazards. *Plant materials* shall be those items which would be scientifically classified as plants and include trees, palms, shrubs, groundcover and turf. To maintain also means to remove or replace dead or diseased plants in their entirety, or to remove or replace those that fall below original project standards. Palms shall be kept fruit free year round. To maintain also means to keep the header curbs that contain the specialty surfacing treatment, in optimum condition. To maintain also means to keep the hardscape areas clean, free from weeds and to repair said hardscape as is necessary to prevent a safety hazard. To maintain also means to keep litter removed from the median and areas outside the travel way to the right of way line. All plants removed for whatever reason shall be replaced by plants of the same species type, size, and

grade as specified in the original plans and specifications. Any changes to the original plans shall be submitted by permit application to the DEPARTMENT for review and approval.

- C. If it becomes necessary to provide utilities (water/electricity) to the medians or areas outside the travelway for these improvements, all costs associated with the utilities associated with landscape accent lighting and/or irrigation including, but not limited to the impact and connection fees, and the on-going cost of utility usage for water and electrical, are the maintaining AGENCY'S responsibility.

(1) The AGENCY shall be directly responsible for impact and connection fees.

AND

- (2) If installed by the DEPARTMENT the AGENCY shall become responsible for the above named utility costs upon final acceptance of the construction project by the DEPARTMENT and thereafter. The construction project is accepted prior to the start of the Specification 580 Plant Establishment Period.

AND

- (3) The AGENCY shall be responsible for all the improvements immediately after final acceptance of the construction project by the DEPARTMENT except for the plant materials. The AGENCY shall be responsible for the maintenance of all landscape improvements after the completion of the Specification 580 Plant Establishment Period.

- D. The above named functions to be performed by the AGENCY may be subject to periodic inspections by the DEPARTMENT at the discretion of the DEPARTMENT. Such inspection findings will be shared with the AGENCY and shall be the basis of all decisions regarding, repayment, reworking or Agreement termination. The AGENCY shall not change or deviate from said plans without written approval of the DEPARTMENT.

4. NOTICE OF MAINTENANCE DEFICIENCIES

- A. If at any time after the AGENCY has undertaken the landscape improvement installation and/or maintenance responsibility mentioned above, it shall come to the attention of the DEPARTMENT'S District Secretary that the limits, or a part thereof, are not properly maintained pursuant to the terms of this Agreement, said District Secretary, may at his/her option, issue a written notice that a deficiency or deficiencies exist(s), by sending a certified letter to the AGENCY, to placing said AGENCY on notice thereof. Thereafter, the AGENCY shall have a period of thirty (30) calendar days within which to correct the cited deficiencies. If said deficiencies are not corrected within this time period, the DEPARTMENT may, at its option, proceed as follows:

9. AGREEMENT TERM

- A. The term of this Agreement commences upon execution by all parties. The term of this Agreement shall remain in effect for twenty-five (25) years.
- B. If the DEPARTMENT cancels one or all the landscape improvements described in Exhibit "B", this Agreement shall still be valid.

10. LIABILITY AND INSURANCE REQUIREMENTS

- A. With respect to any of the AGENCY'S agents, consultants, sub-consultants, contractors, and/or sub-contractors, such party in any contract for this landscape improvements shall agree to indemnify, defend, save and hold harmless the DEPARTMENT from all claims, demands, liabilities, and suits of any nature arising out of, because of or due to any intentional and/or negligent act or occurrence, omission or commission of such agents, consultants, subconsultants, contractors and/or subcontractors. The AGENCY shall provide to the DEPARTMENT written evidence of the foregoing upon the request of the DEPARTMENT. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the DEPARTMENT for its own negligence.
- B. In the event that AGENCY contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:
- (1) AGENCY'S contractor shall at all times during the term of this Agreement keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of \$1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of \$500,000.00 per Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office and shall name the DEPARTMENT as an additional insured.
 - (2) AGENCY'S contractor shall furnish AGENCY with Certificates of Insurance of Endorsements evidencing the insurance coverage specified herein prior to the beginning performance of work under this Agreement.
 - (3) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of AGENCY'S contractor is completed. All policies must be endorsed to provide the DEPARTMENT with at least thirty (30) day notice of cancellation and or/or restriction. If any of the insurance coverages will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.

The AGENCY shall:

- ## 12. SUPERSEDED PRECEDING LANDSCAPE AGREEMENTS

This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein.

The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, nor enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the DEPARTMENT that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than one year.

The DEPARTMENT'S District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions, and disputes shall be final and conclusive upon the parties hereto.

15. ASSIGNMENT

This Agreement may not be assigned or transferred by the AGENCY, in whole or in part, without the prior written consent of the DEPARTMENT.

16. LAWS GOVERNING

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail. The Agency agrees to waive forum and venue and that the Department shall determine the forum and venue in which any dispute under this agreement is decided.

17. EXCEPTION TO SUPERSEDED PRECEDING LANDSCAPE AGREEMENTS

This Agreement constitutes the complete and final expression of parties with respect to the subject matter hereof and supersedes all prior landscape agreements, understandings, or negotiations with respect thereto, with the exception of the landscape improvements plans and the associated Maintenance Plan, Part II.

Any and all notices given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses:

**State of Florida Department of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309-3421
Attention: Elisabeth A. Hassett, R.L.A.
FDOT District IV Landscape Architect**

**Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, Florida
Attention: Valarie Oakes
Title: Town Manager**

Exhibit A:	Landscape Improvements Limits & Maintenance Boundaries List, Table and Graphic
Exhibit B:	Pending Permit Project Landscape Agreement(s)
Exhibit C:	Pending Permit Projects Landscape Improvement Plans
Exhibit D:	Preceding Landscape Agreement Description(s) and Other Agreement Descriptions
Exhibit E:	Maintenance Plan for Landscape Improvements
Exhibit F:	Agency Patterned Pavement Installation
Exhibit G:	Patterned Pavement Maintenance

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first above written.

TOWN OF HIGHLAND BEACH


By: 
Chairperson/Mayor/Manager

Attest:  (SEAL)
Clerk

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: 
Transportation Development Director

Attest:  (SEAL)
Executive Secretary

Legal Review Date
 7-5-17

Legal Review Date
 7/18/2017
Office of the General Counsel

**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

EXHIBIT A

TOWN OF HIGHLAND BEACH

LANDSCAPE IMPROVEMENT

LIMITS AND MAINTENANCE BOUNDARIES LIST

All state rights of way within the limits of the **TOWN OF HIGHLAND BEACH** to be maintained are from:

State Road A1A from approximately 1/4 mile North of Spanish River Boulevard (M.P. 4.868) to approximately 1/2 mile South of Linton Boulevard (M.P. 7.711)

SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH

EXHIBIT A

TOWN OF HIGHLAND BEACH

LANDSCAPE MAINTENANCE LIMITS TABLE

**The following are State Road(s) to be maintained within the limits of the
Town of Highland Beach**

STATE ROAD	BEGIN ROAD NAME	BEGIN MILEPOST	END ROAD NAME	END MILEPOST	MAINTENANCE LIMITS
A1A (S. Ocean Boulevard)	¼ mile North of Spanish River Blvd.	4.868	½ mile South of Linton Blvd.	7.711	ROW to ROW according to the Town Limits

**Areas to be maintained by the Agency pursuant to this Landscape Maintenance Memorandum
of Agreement (MOA).**

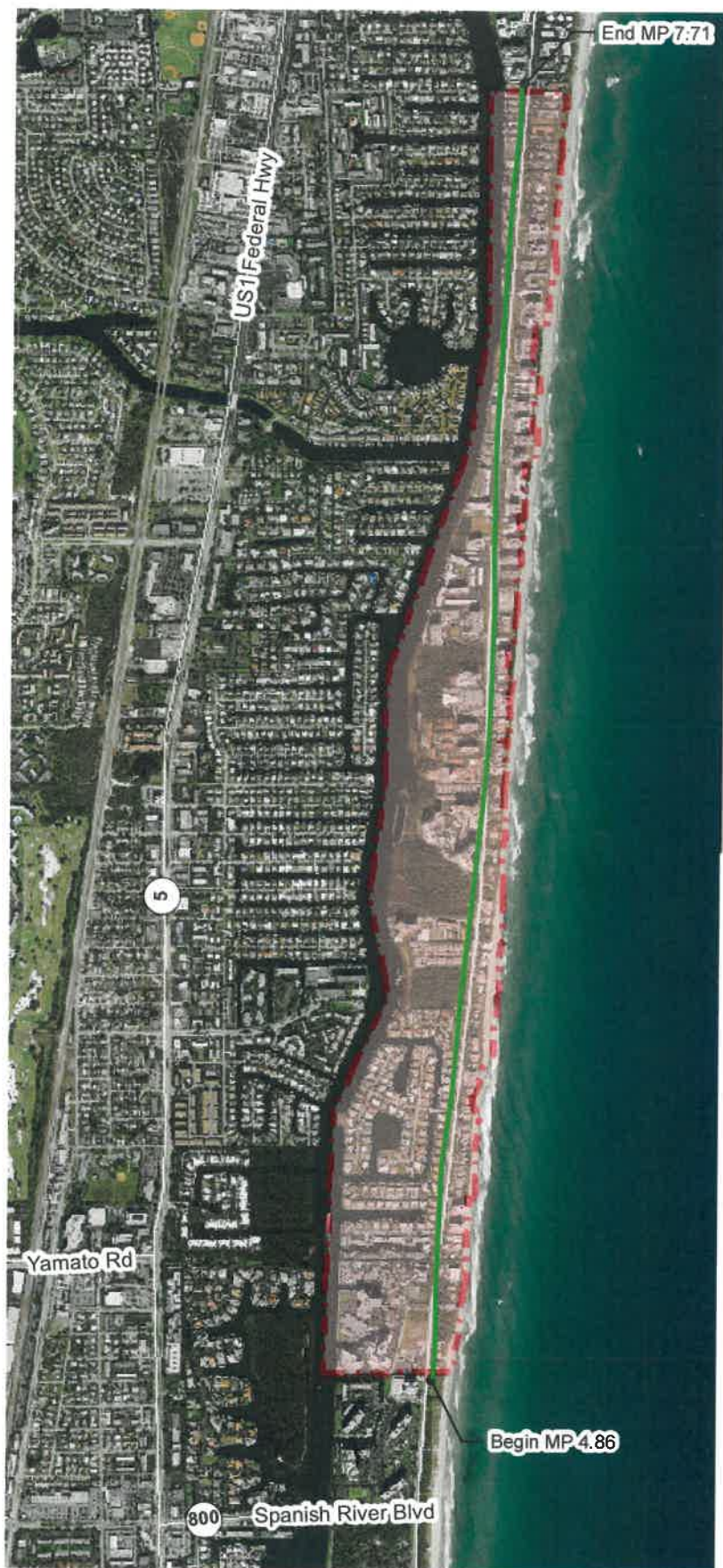
**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

EXHIBIT A

TOWN OF HIGHLAND BEACH

LANDSCAPE MAINTENANCE LIMITS GRAPHIC

***See Attached Graphic of State Road(s) to be maintained within the limits of the
Town of Highland Beach***



Legend



Highland Beach City Limits



Inclusive Agreement

Town of Highland Beach

Inclusive Landscape Maintenance Memorandum of Agreement

Maintenance Boundary Graphic

0 500 1,000 2,000 3,000 4,000 Feet
1 inch = 2,000 feet

**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

EXHIBIT B
PENDING PERMIT PROJECTS
LANDSCAPE AGREEMENT(S)

PERMIT PROJECTS DESCRIPTION:

Permit 2016-L-496-0014

4111 S. Ocean Drive

State Road A1A (S. Ocean Boulevard) from (M.P. 5.46) to (M.P. 5.665)

Permit 2016-A-496-0093 and 2016-L-496-0015

2624 South Ocean Boulevard

State Road A1A (S. Ocean Boulevard) from (M.P. 7.327) to (M.P. 7.342)

Permit 2017-L-496-0001

2445 S. Ocean Boulevard

State Road A1A (S. Ocean Boulevard) from (M.P. 7.513) to (M.P. 7.538)

**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

**EXHIBIT C
PENDING PERMIT PROJECT
LANDSCAPE IMPROVEMENT PLANS**

Please see attached plans by:

Permit Projects Plans

Permit 2016-L-496-0014

***Romanski Residence
4111 S. Ocean Drive
State Road A1A (S. Ocean Boulevard) from (M.P. 5.46) to (M.P. 5.665)
Peter Strelkow, LA
HS2G, Inc., Landscape Architecture
Date: March 23, 2017
Sheet L-1**

Permit 2016-A-496-0093 and 2016-L-496-0015

***Ogilbee Residence
2624 South Ocean Boulevard
State Road A1A (S. Ocean Boulevard) from (M.P. 7.327) to (M.P. 7.342)
Louis Vlahos, LA
Majestic View Landscape Architects
Date: March 3, 2017
Sheets CO- 1 & 2, LP- 1 to 5 & IR – 1 & 2**

Permit 2017-L-496-0001

***Hamister Residence
2445 S. Ocean Boulevard
State Road A1A (S. Ocean Boulevard) from (M.P. 7.513) to (M.P. 7.538)
Krent L. Wieland, LA
KWD Landacape Architecture
Date: May 4, 2017
Sheets L – 1 to 4**

F.D.O.T. SUBMITTAL DOCUMENTS

2624 SOUTH OCEAN BOULEVARD, HIGHLAND BEACH, FLORIDA
FDOT PERMIT NO. 16L-496-0015-83080



MAJESTIC VIEWS LANDSCAPE ARCHITECTS
Landscape Architecture - Construction Management
4711 Cypress Drive South, Boynton Beach, FL 33436
Phone: (561) 752-9333 Fax: (561) 752-4110

OGILBEE RESIDENCE
2624 SOUTH OCEAN BOULEVARD, HIGHLAND BEACH, FL

D.O.T. COVER SHEET



REV. NO. **DATE**
1 03.05.17

JOB NO.
DRAWN BY: LV
DATE: 02.08.17
SCALE: NTS

SHEET NO.
CO-1

All materials and construction within the Florida Department of Transportation Design (F.D.O.T.) right-of-way shall conform to the latest edition F.D.O.T. Design Standards & latest edition Standard Specifications for Road and Bridge Construction 2018. Contractor shall repair any and all damage done to FDOT property during demolition/relocation for installation activities at his sole expense. Ownership of all suitable excavated materials, as determined by the Department, shall remain in the Department until a final acceptance of the permitted project is fulfilled. Excavated materials shall be handled by the Permittee, at their cost & expense from the site to the Palm Beach Operations Center or stockpiled in those areas as directed by the Department, including asphalt millings. Maintenance of Traffic M.O.T. for this project will comply with the FDOT Standard Index (800 series) and the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Special attention will be given to FDOT Design Standard Index 611, 612, 613, and 660.

- It is the Permittee's responsibility to obtain final acceptance of permitted work (completed) and the restoration of the Right-of-Way from the FDOT prior to usage. Permittee will restore the Right-of-Way as a minimum, to its original condition or better in accordance with FDOT's latest Standard Specifications for Road & Bridge Construction or as directed by the Resident Operations Engineer. Sodded areas will be in accordance with Standard Inland 106 and sections 192, 091, 082-083, 087 of the FDOT's Standard Specifications and Bridge Construction, latest edition 2016. All disturbed areas will be sodded within one (1) week of installation of said permitted work.
- For the portion of landscape plant material that will be installed within the FDOT Right of Way landscape installation shall comply w/ current FDOT Maintenance Specifications 880-2.1. Online Reference: <https://www.fdot.state.fl.us/programs/maintenance/Maintenance%2016/en>.
- For the portion of landscape plant material that will be installed within the FDOT Right of Way refer to FDOT Design Standards Inland 544 Landscape Installation. Online Reference: <http://www.fdot.state.fl.us/design/SDS/16/IN/03544.pdf>
- Architectural Pavers installation for sidewalks and/or driveways within FDOT Right of Way shall comply with current FDOT Standards Specifications 828. Online Reference: <http://www.fdot.state.fl.us/programs/maintenance/maintenance/SpecBooks/Standards%2016/Spec%2016-115.pdf>
- Restricted hours of operation will be from 8:00am-3:30pm, (Monday-Friday), unless otherwise approved by the Operations Engineer, or designee.
- Permittee will coordinate all work with David Moore of Transfield Services at 954-317-8044, dmoores@transfieldservices.com. Coordination will include a Pre-Construction meeting.

Permittees or contractors who are performing permitted work activities shall provide the FDOT (Permit Office) proof of a proper state contractor's license and certificate of liability insurance prior to any commencement of permitted work.

Any non-standard component specified on FDOT right of way in addition to trees and such planting shrubs, groundcover, hardscape, and/or an Irrigation system requires an executed Maintenance Memorandum of Agreement (MMA) prior to that permit approval for this project. Please submit MMA documents with next submittal and contact Mary Ann Haindorph (MaryAnn.Haindorph@dot.state.fl.us - 954-677-7897) for the MMA process and submittal requirements.

Design speed for South Ocean Blvd., SR-A1A (South Ocean Blvd.) is indicated as 35 MPH.
Clear Sight Limits is indicated on plans per FDOT Design Standard Index 546.
Reference: <http://www.dot.state.fl.us/rddesign/DS13/IDr00546.pdf>

*Landscape Installation shall comply with current PDOT Standard Specifications 680. Reference: <http://www.dot.state.il.gov/electrification/implemented/SpecBook2010/Files/590-2013.pdf>
 Planning details use PDOT Standard Index 534 Details. Online
 Reference: <http://www.dot.state.il.us/designtools/DS16/010544.pdf>
 Sod areas are existing and proposed as part of this project.
 Sodded areas will be in accordance with Standard Index 105 and sections 102, 575,
 381, 382, 383, 387 of the Department's Standard Specifications for Road and Bridge
 Construction, latest edition. All disturbed areas will be sodded within one (1) week
 of installation of said permitted work.

The irrigation system shall use the lowest quality water available which adequately and safely meets the water needs of the system. Storm water, recirculated water, or grey water irrigation shall be used whenever possible.

Irrigation and its water source must be installed for proposed landscapes. Irrigation contractor will provide as built Irrigation Plan prior to final inspection.

COT requires 24 hour emergency access to water sources.

Irrigation plan used to indicate water connection points and electrical connection for proposed controllers and pumps.

Verify that above-ground irrigation items such as backflow preventers, pumps and controllers are not located within the Horizontal Clearance Corp.

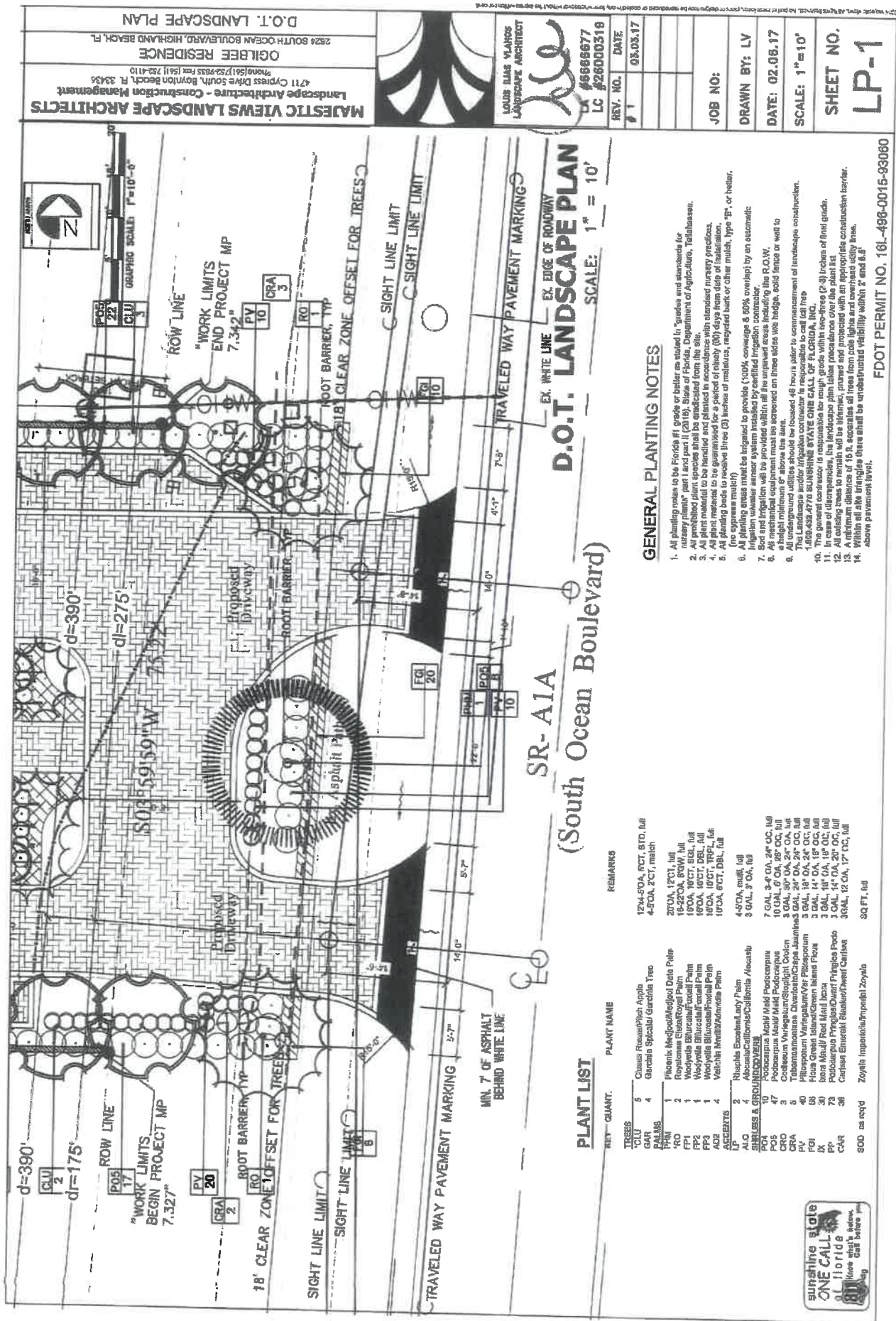
Contractor shall provide FDOT District Operations Manager with a set of "As-Built" Irrigation plans.

The Landscape Architects plans and calculation are based on information provided by the Surveyor, Civil Engineer and Architect. See Engineering Plans for any roadway & driveway construction, grading & drainage, utilities, etc. The Landscape Plans are solely for approval of landscape and irrigational improvements and their relationship w/ exist elements within the ROW, required DOT Sight Lines and FPL Right Tree Right Piece requirements.

MAJESTIC VIEWS LANDSCAPE ARCHITECTS Landscape Architecture - Construction Management 4711 Cypress Drive South, Boynton Beach, FL 33466 Phone (561) 928-9835 Fax (561) 703-4110		REV. NO.	DATE	JOB NO: DRAWN BY: LV DATE: 02.06.17 SCALE: NTS SHEET NO. CO-2
OILREE RESIDENCE 2524 SOUTH OCEAN BOULEVARD, HIGHLAND BEACH, FL.		D.O.T. COVER SHEET, GENERAL NOTES		

FDOT PERMIT NO. 16L-496-0015-93060





GENERAL NOTES:

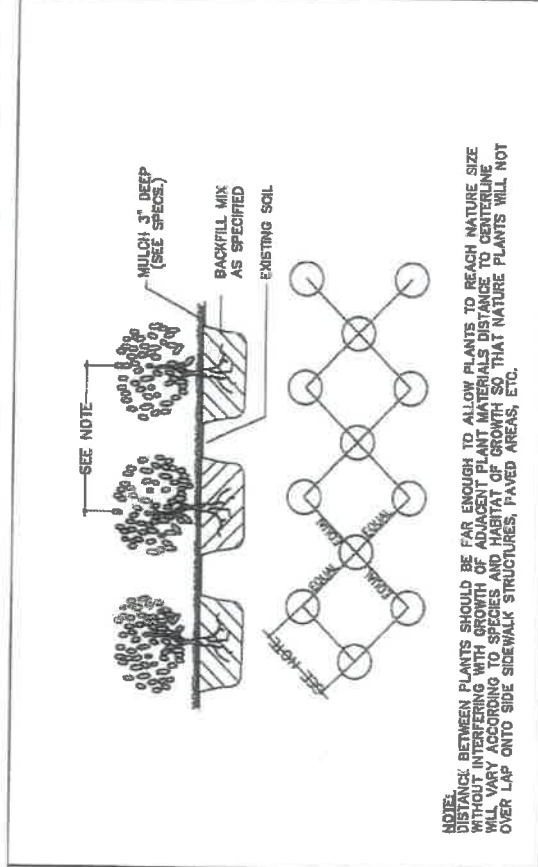
REQUIRED NOTES FOR LANDSCAPE PLANS

1. All the plant material shall be Florida #1 or better, as set forth by the current edition of the Florida Department of Agriculture grades and standards for nursery plants.
2. All plantings shall be done in accordance with municipal codes and use sound horticultural practices, as provided by the International Society of Arboriculture (ISA). All plants shall be installed so that the top of the root ball remains even with the soil grade. All trees and palms are to be banded in with water at the time of installation to eliminate any air pockets. Trees and palms shall be properly banded and for staked at the time of planting as per detail. Stakes and braces are to remain for a minimum of 12 months. The Contractor is responsible for the maintenance and removal of stakes and braces after a 12-month period. When applicable, existing trees to be saved should be banded prior to the construction as per detail. Protected areas shall remain clear of construction debris, vehicles, storage of materials and chemicals, etc., and barricades are to remain until final job acceptance. The Contractor is responsible for the maintenance and removal of the barricades.
3. The project's Landscapes Contractor shall contact the Town of Highland Beach Landscape Inspector to schedule a Pre-Construction Meeting prior to the landscape installation. Landscaping and Irrigation permits are required prior to the issuance of any commercial (i.e., non-residential) building permits. For residential projects, landscape and irrigation permits must be issued prior to the commencement of any landscaping installation and the work must be approved through a Final Landscape Field Inspection, prior to the issuance of a Final Certificate of Occupancy (C/O) for the entire project. Tree Relocation/Removal permits, if necessary, are required prior to the issuance of any building permits.
4. Planting soil shall be a weed-free and debris-free 60/40 mix, to be mixed with existing soil, free from rocks and debris, and backfilled into planting pits by winning in.
 - Shrub shall receive 6" of planting soil around the root ball.
 - Trees shall receive 12" of planting soil around the root ball.
 - Sodded areas shall receive 2" of planting soil beneath the sod.
 - All arid palms are to be backfilled with sand.
5. All landscape islands in parking lots and around buildings shall be excavated to a depth of 3' and backfilled with weed- and debris-free 60/40 planting soil, to the top of the curb.
6. All trees and palms in sodded areas shall have a minimum of 36" in diameter ring, covered with a 3" layer of mulch over the surface of the root ball and pulled back as to avoid touching the crown of the trunk. Cover the entire hedge and shrub beds with a 3" layer of mulch. Avoid piling around the trunk areas. Pine trees shall have pine needle mulch covering all trees in groupings. Where planting areas include a catch basin, install erosion control matting (or *per manufacturer's specs*) 25' from the inner side fabric to basal shrubs and apply 3" layer of mulch. Mulch shall be Grade A, weed-free, *Eucalyptus* or *Melaleuca*.
7. All landscape material shall maintain clearance around all fire hydrants, check valves, backflow preventers, Fire Department Equipment, etc., of at least 7' in the front and on the sides and 4' in the rear.
8. All shade trees shall be planted a minimum of 15' clearance from light poles; and may be 7'-6" away for small trees and palms only.
9. Site preparation shall include the eradication and removal of any exotic nuisance vegetation, weeds, grasses and the clean-up of any dead material, debris and rubbish.
10. All synthetic burlap, synthetic string/cords or wire baskets shall be removed before any trees are planted. All synthetic tape (i.e. *tagging tape, nursery tape*) shall be removed from the trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or tucked into the planting hole, before the trees are backfilled.
11. All ground cover requires 75% coverage at the time of planting and 100% within 3 months of installation.
12. All trees installed within 6' of curbs shall be installed with root barriers.
13. Substitutions of plant material shall be permitted only after written approval of the Landscape Architect and the Town of Highland Beach Landscape Inspector. For any substitutions of plant material within the SR-ALIA right of way will also need written approval by the FDOT District Operations Manager.
14. All owners of the land or their agents shall be responsible for the maintenance of all landscaping pursuant to LDC Sections 901.14-901.15.
15. All plant material shall be guaranteed for a period of 12 months after final inspection by the Town of Highland Beach Landscape Inspector and the owner's acceptance.

16. All landscaped areas will be provided with a 100% irrigation coverage, 50% overlap, from a fully automatic irrigation system with a rain sensor shut-off, and pump and rust control and rust inhibitor devices. Adjust the system to avoid overspray onto structures or paving. Preserved ecological communities shall not be irrigated. All watering restrictions shall conform to restrictions and regulations of the South Florida Water Management District and local watering restrictions. Landscape landscape principles shall be applied in all sites as specified in the South Florida Water Management District's *Landscape Plant Guide II*, updated as required.
17. The Contractor is required to submit certified as-built of the landscape to the Engineering Services Department for review and approval. Prior to planting the soil and installing the trees, the as-builts must include the design elevations and subsoil elevations, taken at least every 50' of the berm. The right-of-way lines, property lines and landscape buffer, etc., must be labeled on the as-built plan. Cross-sections must be provided at least every 50' of the berm and must indicate the slope, width and height of the berm and also label the right-of-way line, buffer width and property line. No sod or trees/palms shall be placed on the berm until the Engineering Services Department approves the as-built.
18. The Landscape Contractor shall be aware of the location of all easements and utilities above and below the ground and shall call for Utility Statement forty-eight (48) hours before any digging operations begin. All plant pits located in the easements shall be hand dug. The Landscape Contractor shall repair all the damage to the underground utilities caused by digging, at no cost to the owner.
19. All trees will be located a minimum of 4' from underground utility lines.
20. The Landscape Contractor shall verify estimated quantities of the material shown on the drawing prior to submitting his bid. The City-approved Planting Plan shall take precedence over the Plant List.
21. All plant material symbols shown on the Landscape Plan shall be considered diagrammatic and should be adjusted in the field by the Contractor to avoid all utilities and any other obstructions.
22. All areas disturbed during the construction shall be sodded with *St. Augustine "Phonetic"*, unless otherwise noted, i.e., sodded, gravel.
23. All sizes shown for the plant material on the plan are to be considered minimum. All plant material must meet or exceed these minimum requirements for both height and spread. Any other requirements for specific shapes or other as noted on the plan shall also be required for acceptance. All the trees shall be single-trunk, unless otherwise noted on the plans. All Royal Palms must be *Florida Fancy*.
24. The scope of work includes all plants, materials, equipment and labor necessary to fulfill these plans and specifications. All work associated with staking, guying, burlap, fertilizers, overwatering, top-soil layer, mulch, water source, watering, pruning, removal of excess construction material and work also clean-up, are to be included in the price. Unless otherwise indicated, any other requirements necessary for complete acceptance of the job shall be considered incidental to the work involved. Pruning of all trees shall meet standards set forth by the *National Arborist Association, Inc.*
25. All mechanical equipment, air conditioning units, generators, irrigation pumps, FPL transmitters, pool pumps, etc., must be removed on June 30th with landscaping. If a fence or wall is also required, then the landscaping shall be installed on the outside of the fence/wall. Plant material shall be to the height of each above ground element, with branches touching each other.
26. Trees and shrubs shall be fertilized with a general purpose fertilizer with a 1:1:1 ratio of Nitrogen, Phosphorus, and Potassium Fertilizer. Application rates are to be according to manufacturer's recommendations for installation of newly-established plant material. Palms shall be fertilized with a palm special fertilizer that is 100% Organic, a 2:1:1 ratio, containing Nitrogen, Phosphorus, and Potassium as major elements and containing minor elements, including Iron, Manganese, Magnesium, and Zinc. Application shall be according to the manufacturer's specifications for newly-established plant material. Areas to be sodded shall be fertilized with a 100% Organic General Purpose Fertilizer at a ratio of 1:1:1, containing Nitrogen, Phosphorus, and Potassium analysis with Iron, Magnesium and Manganese as minor elements. Application shall be at the rate of 1 pound of actual Nitrogen per one thousand square feet and shall be fully incorporated into the top two inches of soil. There will be no fertilization during the winter months of December, January, and February.
27. The Landscape Contractor shall be responsible for the maintenance of the landscaped area until the final job has been issued. The owner or his agent shall do watering to keep the plant root masses and planting soil uniformly moist to maintain a healthy growing condition until final job acceptance. The plant beds shall be free of debris and mowed. Sod shall be maintained between 3" and 5".
28. Final acceptance of this planting plan will not be given until:
 - a. A final walk-through by the Landscape Architect is performed (for commercial properties only).
 - b. Completion of all punch list items.
 - c. Submission of a written guarantee has been obtained and reviewed.
 - d. All FDOT Standards have been met and FDOT acceptance has been issued.

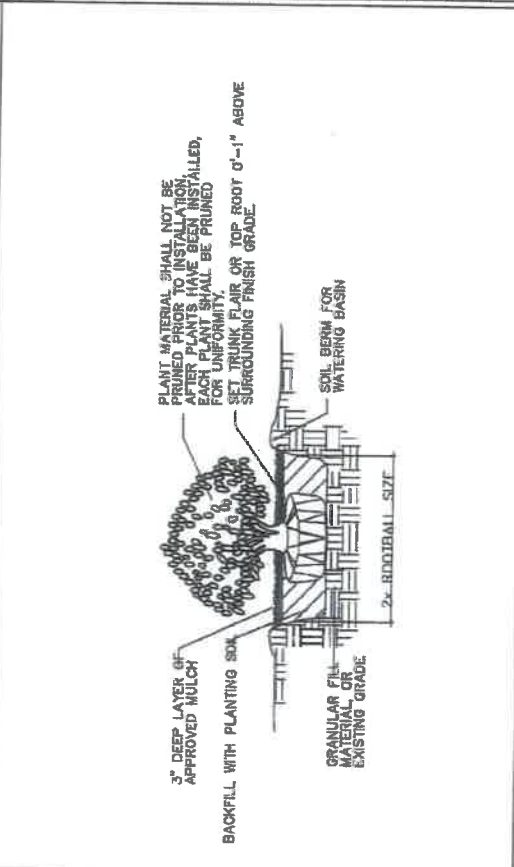
FDOT PERMIT NO. 16L-498-0015-93080

MAJESTIC VIEWS LANDSCAPE ARCHITECTS Landscape Architecture - Construction Management 4711 Cypress Drive South, Boynton Beach, FL 33436 Phone: 561-238-9933 Fax: 561-238-1110		OGILBEE RESIDENCE 2824 SOUTH OCEAN BOULEVARD, HIGHLAND BEACH, FL		D.O.T. LANDSCAPE SPECIFICATIONS	
LONG BEACH LANDSCAPE ARCHITECT 10000 W. 11th Ave., Suite 100, Long Beach, CA 90804 Tel: 562-591-1111 Fax: 562-591-1112		REV. NO.		DATE	
		# 1		03.03.17	
		# 2		03.24.17	
JOB NO:					
DRAWN BY: LV					
DATE: 02.06.17					
SCALE: NTS					
SHEET NO.		LP-2			



NOTE:
 DISTANCE BETWEEN PLANTS SHOULD BE FAR ENOUGH TO ALLOW PLANTS TO REACH NATURE SIZE WITHOUT INTERFERING WITH GROWTH OF ADJACENT PLANT MATERIALS. DISTANCE TO CENTERLINE WILL VARY ACCORDING TO SPECIES AND HABITAT OF GROWTH SO THAT NATURE PLANTS WILL NOT OVER LAP ONTO SIDE SIDEWALK STRUCTURES, PAVED AREAS, ETC.

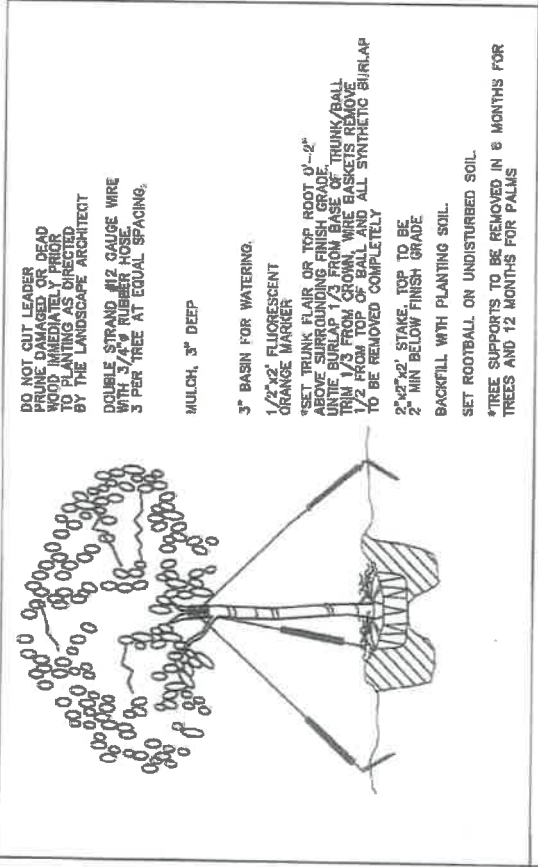
SHRUB / GROUND COVER SPACING DETAIL



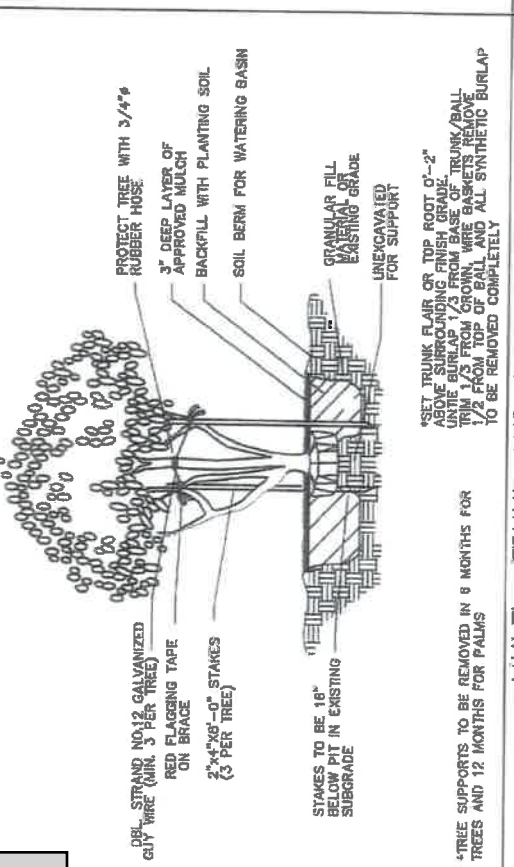
PLANT MATERIAL SHALL NOT BE PLANTED PRIOR TO INSTALLATION. AFTER PLANT MATERIAL IS INSTALLED, EACH PLANT SHALL BE PRUNED FOR UNIFORMITY.
 SET TRUNK FLAIR OR TOP ROOT 0'-1" ABOVE SURROUNDING FINISH GRADE.

SHRUB PLANTING DETAIL

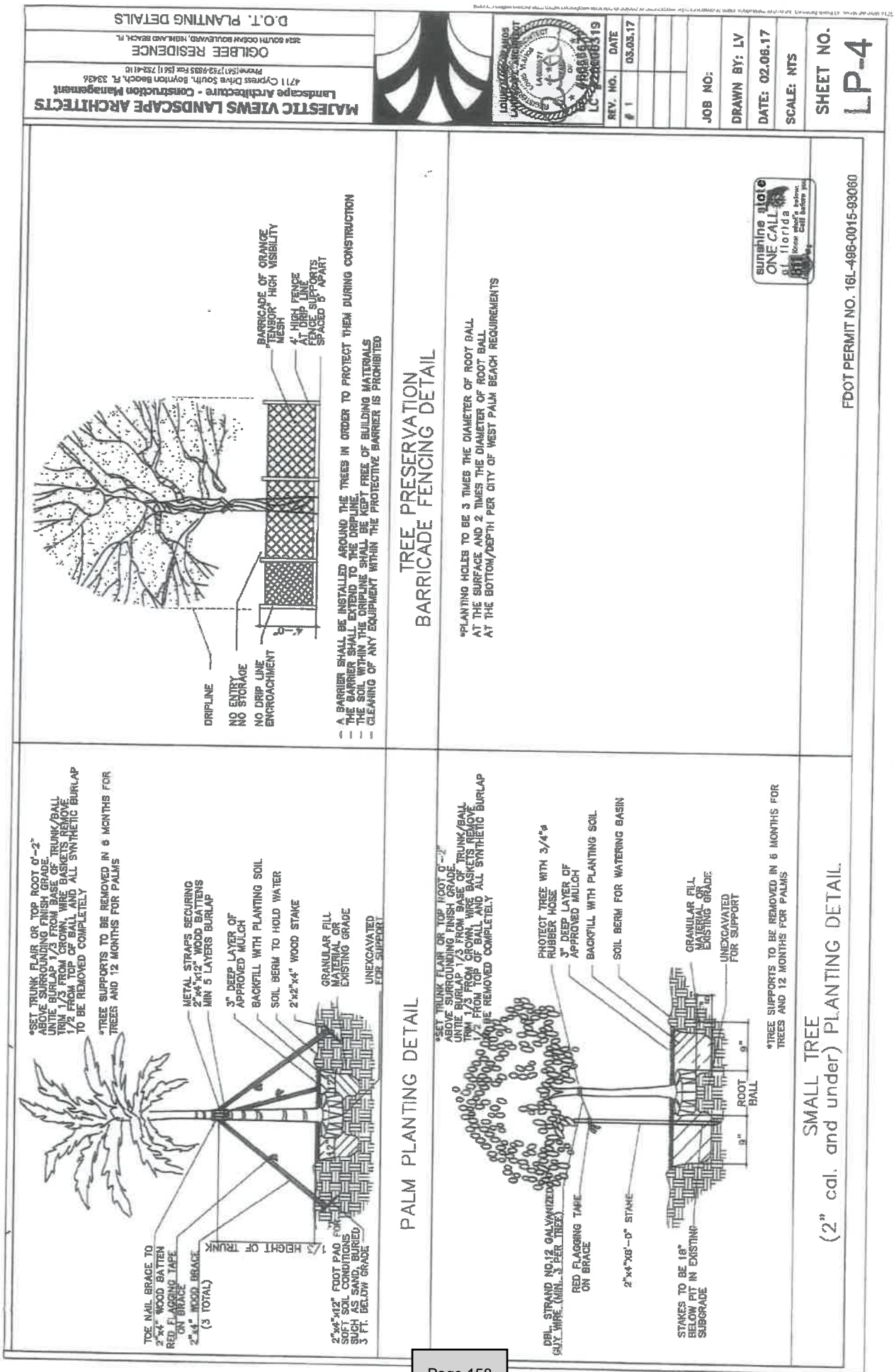
FDOT PERMIT NO. 16L-496-0015-93080

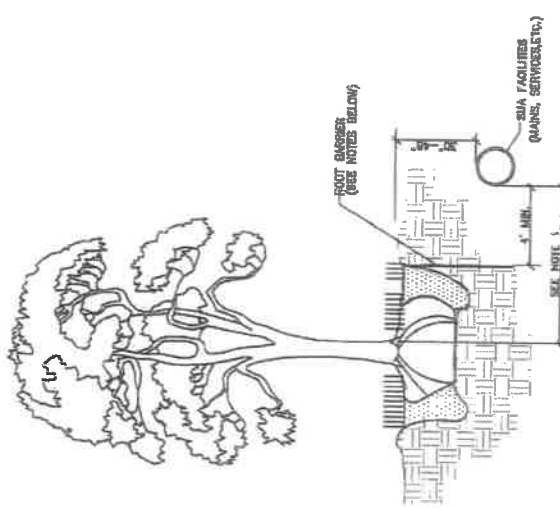


LARGE TREE
 (2" cal. and over) PLANTING DETAIL



MULTI-TRUNK AND SMALL TREE
 (2" cal. and under) PLANTING DETAIL





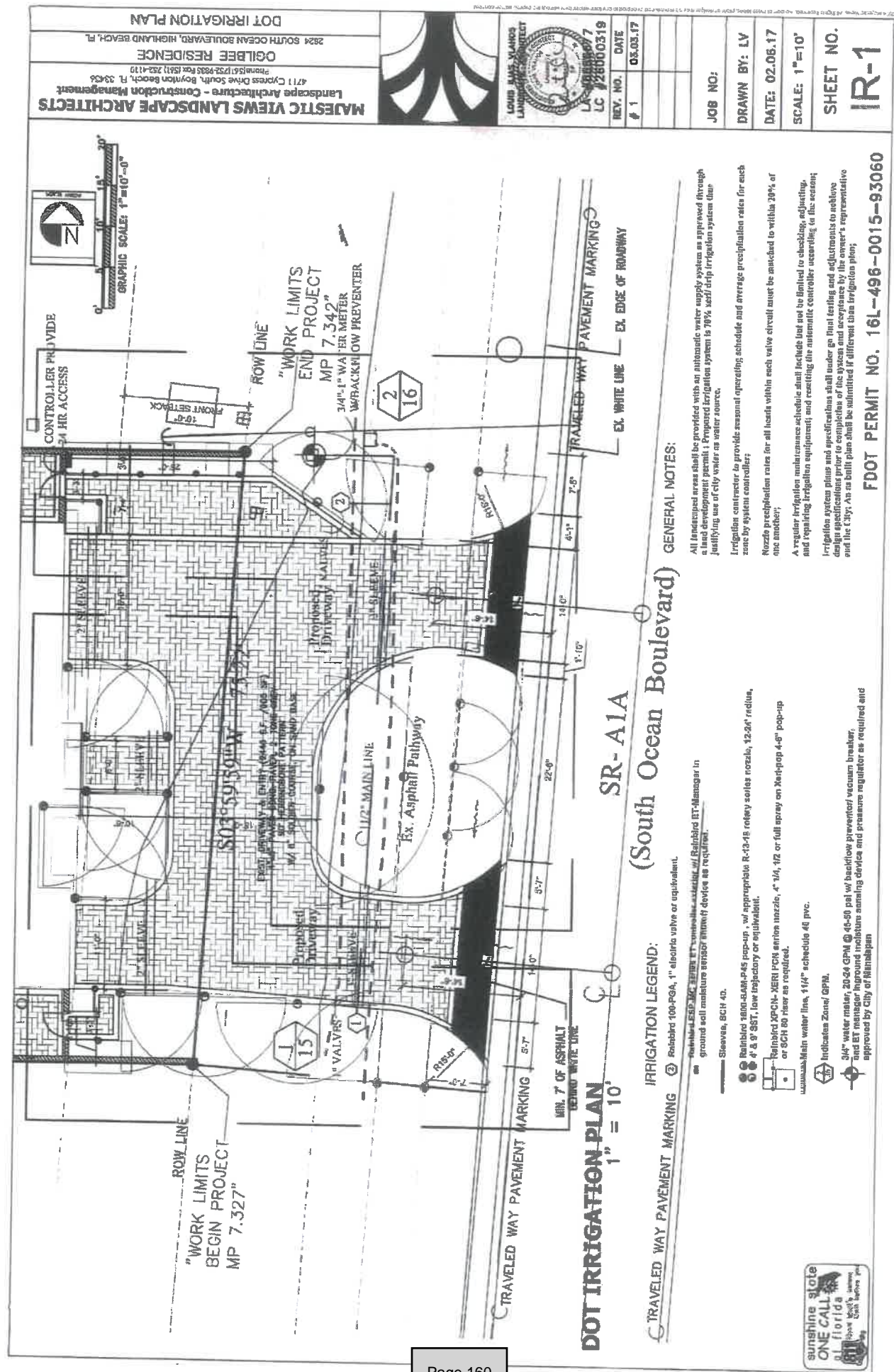
1. THIS POLYURETHANE SHALL BE 1/4" MINIMUM WITH ROOT BARRIER AND 1/2" MINIMUM IF NO ROOT BARRIER IS USED.
2. ALL ROOT BARRIERS SHALL BE 4' MINIMUM FROM ALL SEWAGE FACILITIES.
3. THE INSTALLATION OF ROOT BARRIERS SHALL BE COORDINATED WITH SEWAGE AND INSPECTED BY SEWAGE DEPARTMENT PRIOR TO BACKFILLING. ALL ROOT BARRIERS SHALL EXTEND UP TO FINISHED GROUND.
4. ROOT BARRIERS SHALL BE MINIMUM 36" DEEP. APPROVED PRODUCTS INCLUDE "DEEP ROOT" AND "ROOT RESOLUTIONS". FLEXIBLE BARRIERS SHALL BE 36" PANELS MANUFACTURED BY OBERGEMER.
5. ALL ROOT BARRIERS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS WRITTEN INSTRUCTIONS.
6. LARGE PALM TREES INCLUDE TYPICAL WASHINGTONIAN, BISHAM AND SIMILAR SIZED SPECIES.

1. THIS DISTANCE SHALL BE 7' MINIMUM WITH ROOT BARRIER AND 10' MINIMUM IF NO ROOT BARRIER IS USED.
2. ALL ROOT BARRIERS SHALL BE 4" MINIMUM FROM ALL SEWAGE FACILITIES.
3. THE INSTALLATION OF ROOT BARRIERS SHALL BE COORDINATED WITH SEWAGE AND INSPECTED BY SEWAGEAUST PRIOR TO EXCAVATING. ALL ROOT BARRIERS SHALL EXTEND UP TO FINISHED GRADE.
4. ALL ROOT BARRIERS SHALL BE MINIMUM 30" DEEP. APPROVED PRODUCTS INCLUDE "DEEP ROOT" AND "ROOT STOP" BRANDS. FLEXIBLE BARRIERS SHALL BE 30" WALLS MANUFACTURED BY EXTERRELLER.
5. ALL ROOT BARRIERS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS WRITTEN INSTRUCTIONS.

Typical Small Tree or Palm Tree with Root Barrier Typ. Canopy Tree, Large or Exotic Palm Tree with Root Barrier



FDOT PERMIT NO. 16L-496-0015-93060





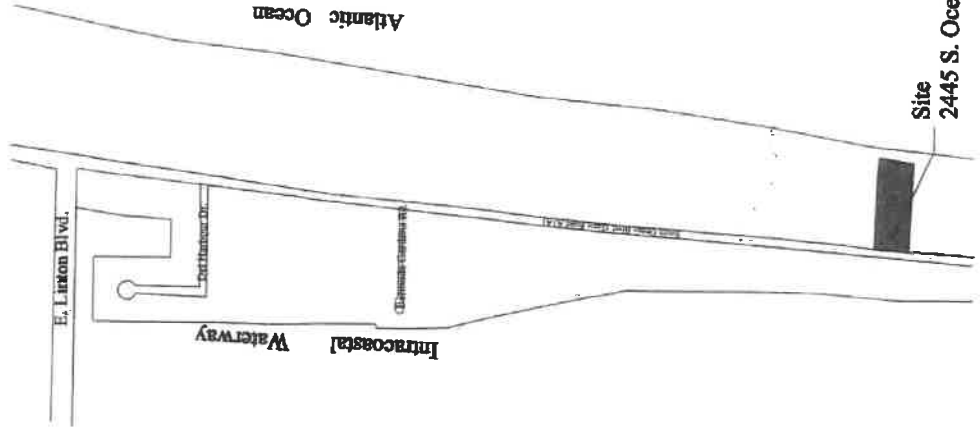
Harnister Residence
3445 S Ocean Boulevard
Hyland Beach, FL 33447

Handwritten signature

DESIGNED BY: KWD
DRAWN BY: KWD
CHECKED BY: KWD
DATE: 08/30/2017

ROW, Landscape, And Noise
Sheet L-1

FDOT Submission
08/30/2017
NORTH
PROJECT NUMBER: FL-489-0000-0000 HARNISTER RESIDENCE



FDOT GENERAL NOTES

NOTE: CHECK SPEED FOR ENTIRE PROJECT TO JUDGE

2 LANE INDICATED

NOTES

1. It is the responsibility of the contractor to prepare a work zone traffic control plan. This plan shall be reviewed by FDOT and the owner prior to construction of construction.

2. All work zone traffic control plans shall be submitted to the contractor for review and approval. The contractor shall be responsible for the implementation of the plan.

3. The contractor shall be responsible for the implementation of the plan. The contractor shall be responsible for the implementation of the plan.

4. The contractor shall be responsible for the implementation of the plan. The contractor shall be responsible for the implementation of the plan.

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1. The contractor shall be responsible for the implementation of the plan. The contractor shall be responsible for the implementation of the plan.

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9. The contractor shall be responsible for the implementation of the plan. The contractor shall be responsible for the implementation of the plan.

10. The contractor shall be responsible for the implementation of the plan. The contractor shall be responsible for the implementation of the plan.

CAUTION: PLEASE NOTE

THE DRAWINGS AND NOTICES ARE PREPARED BY A PROFESSIONAL ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THE PLAN.

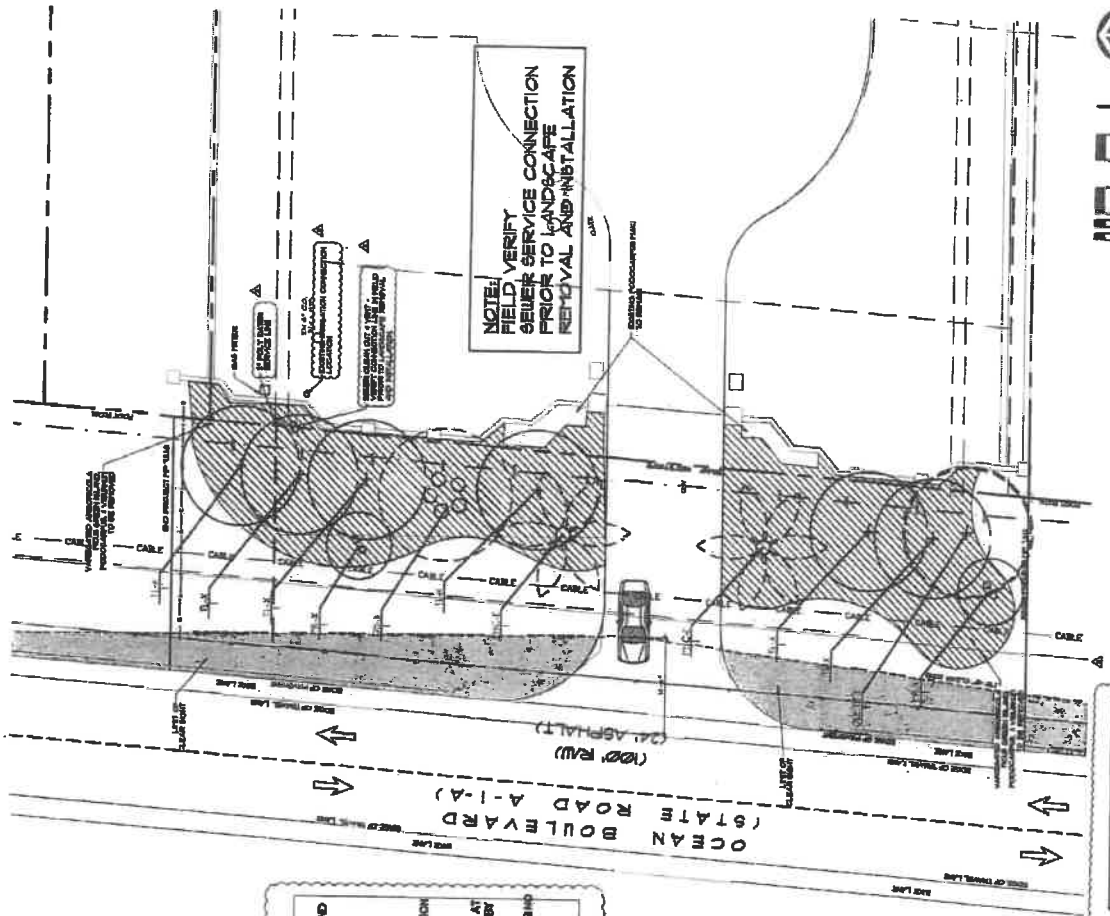


Hamister Residence
 2445 S Ocean Boulevard
 Highland Beach, FL 33480

Handwritten signature: J. Hamister

PROJECT TEAM
 PROJECT ARCHITECT
 KWD LANDSCAPE ARCHITECTURE
 2445 S OCEAN BLVD
 HIGHLAND BEACH, FL 33480
 PHONE: 561-366-8877
 FAX: 561-366-8878
 EMAIL: kwd@kwdlandscape.com
 CHECKED BY: [Signature]

ROW Landscape Plan
 Sheet **L-2**



FDOT Submission
 03/30/2017

PERMIT NUMBER: 17-485-0007-05000 HAMISTER RESIDENCE

Call 811 or www.surfscout1.com
 before any excavation or drilling to locate
 existing utilities.
 Check for any other utilities not shown on the plan.

PLANT SCHEDULE EXISTING LANDSCAPE TO BE REMOVED

PLANT NAME	QUANTITY	REMARKS	DATE
1. 12" DB HAWTHORN	1	EXISTING TO REMAIN	03/17
2. 12" DB LANTANA	1	EXISTING TO REMAIN	03/17
3. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
4. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
5. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
6. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
7. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
8. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
9. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17
10. 12" DB LANTANA	1	EXISTING TO BE REMOVED	03/17

FOOT GENERAL NOTES

1. ALL MATERIALS AND CONSTRUCTION WITHIN THE FOOT RIGHT-OF-WAY SHALL CONFORM TO THE LATEST FDOT DESIGN STANDARDS AND THE LATEST STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
2. REFER TO FOOT STANDARD NO. 644 FOR INSTALLATION OF VEGETATION.
3. REFER TO FOOT STANDARD NO. 644 FOR INSTALLATION OF VEGETATION.
4. CONTRACTOR SHALL REPAIR ANY AND ALL DAMAGE DONE TO FOOT PROPERTY DURING CONSTRUCTION, RELOCATION AND/OR INSTALLATION ACTIVITIES AT HIS SOLE EXPENSE.
5. CONSTRUCTION OF ALL DETAIL EXCAVATED MATERIALS AS DETERMINED BY THE DEPARTMENT SHALL REMAIN IN THE DEPARTMENT UNTIL A FINAL APPROVED DESIGN IS SUBMITTED. EXCAVATED MATERIALS SHALL BE Hauled BY THE PERMITTEE AT THEIR COST AND EXPENSE FROM THE SITE OF EXCAVATION TO THE PALM BEACH OPERATIONS CENTER OR STOCKPILE IN THOSE AREAS AS DIRECTED BY THE DEPARTMENT, INCLUDING ASPHALT MILLING.
6. EXCESS MILLING IS NOT PERMITTED ON FOOT RIGHT-OF-WAY. MILLING PERMITTED TO BE USED ARE HANDWOOD MULCH/COMPOST AND CERTIFIED TO THE FDOT DISTRICT OPERATIONS PERMIT LANDSCAPE INSPECTOR UPON INSPECTION.

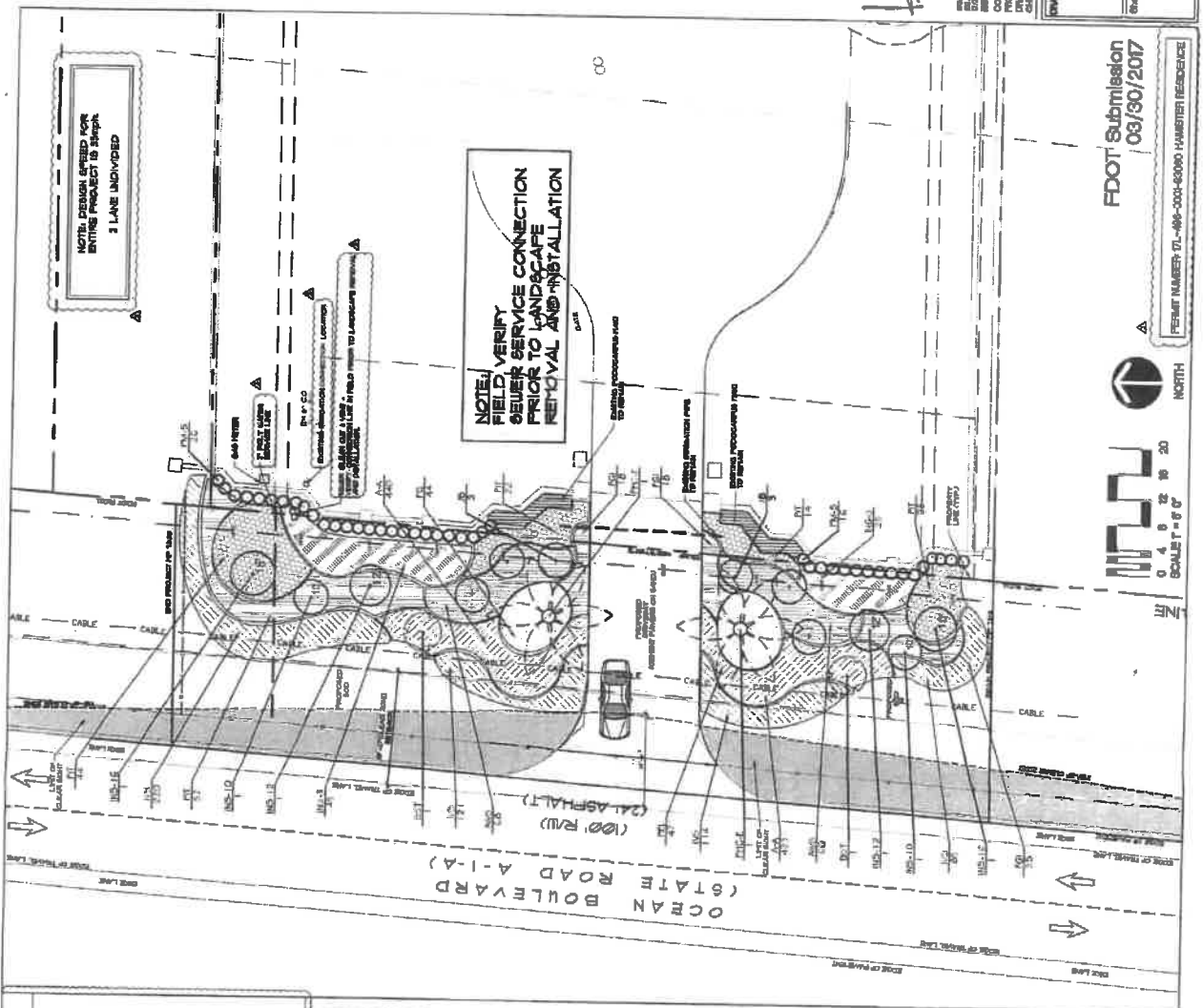
NOTE: PERSON OFFERED FOR
 DRIVE PROJECT IS SHOWN
 2 LANE UNIDIRECTIONAL

FOOT IRRIGATION NOTES

1. FOOT REQUIRED 24 HOUR EMERGENCY ACCESS TO WATER SOURCE.
2. CONTRACTOR SHALL PROVIDE FOOT DISTRICT OPERATIONS MANAGER WITH A SET OF "AS-BUILT" IRRIGATION PLAN.

CAUTION: PLEASE NOTE

THIS DRAWING HAS NOT BEEN REVISIONED
 BY A STRUCTURAL ENGINEER
 VERIFY WITH STRUCTURAL ENGINEER
 PRIOR TO CONSTRUCTION
 THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES
 WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT



FDOT GENERAL NOTES

1. ALL MATERIALS AND CONSTRUCTION WITHIN THE FOOT RIGHT-OF-WAY SHALL CONFORM TO THE LATEST FOOT DESIGN STANDARDS AND THE LATEST STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
2. REFER TO FOOT STANDARD CROSS SECTION FOR INSTALLATION OF VEGETATION
3. REFER TO FOOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION SECTION 860 FOR LANDSCAPE INSTALLATION SPECIFICATIONS
4. CONSTRUCTION SHALL, NEAR SOLE AND ALL, DAMAGE DONE TO FOOT PROPERTY DURING DISCUSSION, RELOCATION AND/OR INSTALLATION ACTIVITIES AT THE SOLE'S EXPENSE.
5. CONSTRUCTION OF A STABLE EXCAVATED MATERIALS, AS DETERMINED BY THE DEPARTMENT, SHALL REMAIN IN THE EXCAVATED MATERIALS FOR A PERIOD OF 180 DAYS AFTER THE PERMITTED PROJECT IS FULLY COMPLETED. EXCAVATED MATERIALS SHALL BE STALLED IN THE PERMITTER, AT THEIR OWN RISK, AND SHALL BE MAINTAINED IN THE FULLY EXCAVATED OPERATIONAL CONDITION OR STOCKPILED IN THOSE AREAS AS DIRECTED BY THE DEPARTMENT, INCLUDING APPLICABLE LAWS.
6. CITIES MULCH IS NOT PERMITTED ON FOOT RIGHT-OF-WAY. MULCH PERMITTED TO BE USED ARE HANDSOME COMPOSTED OR CITIES PRODUCED, RECYCLED MULCH OR APPROVED MULCH, CONTAINED IN THE MULCH AND SOIL CONTAINERS. SOIL PROOF OF Certification to the FOOT DISTRICT OPERATIONS PERMIT. LANDSCAPE INSTALLATION UPON

FDOT IRRIGATION NOTES

- NOTES:
1. FOOT REQUIRE 24 HOUR EMERGENCY ACCESS TO WATER SOURCE.
2. CONTRACTOR SHALL PROVIDE FOOT DISTRICT OPERATIONS MANAGER WITH A SET OF "AS-BUILT" IRRIGATION PLANS.

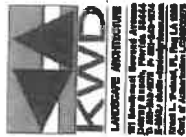
PLANT SCHEDULE PLANTING PLANS

[illegible]

CAUTION: PLEASE NOTE

1. All *Ascaris* (Dwarf) *Schistosoma* groundcover to be maintained at 30% H₂O.
2. All *Poa* microspora *Green* *Maize* groundcover to be maintained at 20% H₂O maximum.
3. All *Amorpha* to be maintained at 30% H₂O maximum.
4. All *Leguminosae* *White* *Legume* *Maize* groundcover to be maintained at 20% H₂O maximum.
5. All *Trifolium* *Maize* *Maize* to be maintained at 30% H₂O maximum.
6. All *Trifolium* *Maize* to be maintained at 30% H₂O maximum.

[illegible]



Hamister Residence
3045 S Ocean Boulevard
Hyland Beach, FL 33407

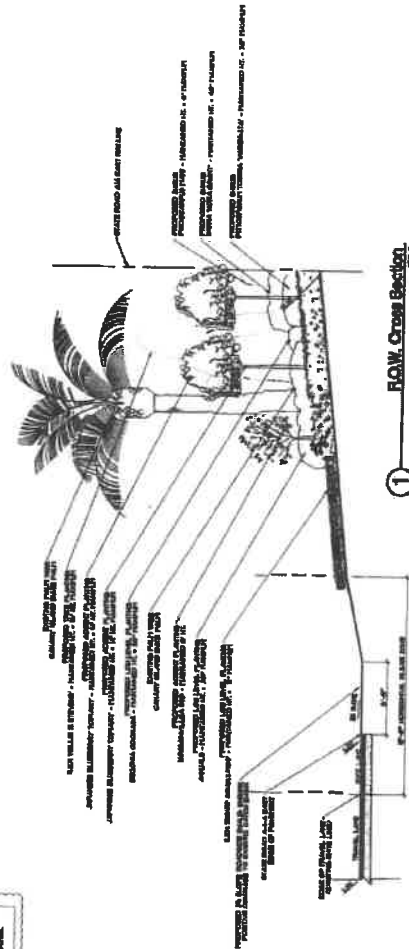
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CONTRACT FOOT SUBMISSION
SUBMITTAL 1/20/13
PROJECT NO. 13-000000
DATE 03/30/2017
DRAWN BY
CHECKED BY

PLAN 111.12
ROW Landscape Section
Sheet L-4

FDOT Submission
03/30/2017

PERMIT NUMBER FL-489-001-8000 HAMISTER RESIDENCE



NOTES

- 1. All materials and construction within the FOOT RIGHT-OF-WAY SHALL CONFORM TO THE LATEST FOOT DESIGN STANDARD AND THE LATEST BROWARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
- 2. REFER TO FOOT STANDARD INDEX FOR INSTALLATION OF VEGETATION.
- 3. REFER TO FOOT STANDARD INDEX FOR ROAD AND BRIDGE CONSTRUCTION SECTION AND FOR LANDSCAPE INSTALLATION SPECIFICATIONS.
- 4. CONTRACTOR SHALL REPAIR ANY AND ALL DAMAGE DONE TO FOOT PROPERTY DURING DEMOLITION, RELOCATION AND/OR INSTALLATION ACTIVITIES AT THE SOLE EXPENSE.
- 5. CONFINEMENT OF ALL DETRIABLE EXCAVATED MATERIALS, AS DETERMINED BY THE DEPARTMENT, SHALL REMAIN IN THE DEPARTMENT UNTIL A FINAL ACCEPTANCE OF THE PERMITTED PROJECT IS GRANTED. EXCAVATED MATERIALS SHALL BE STOCKPILED IN THOSE AREAS AS DETERMINED BY THE DEPARTMENT, INCLUDING AIRPORT HILL AREA.
- 6. CITY-OWNED MULCH IS NOT PERMITTED ON FOOT RIGHT-OF-WAY. MULCH PERMITTED TO BE USED ARE HANDWOOD MULCH/CHIPPING NO OTHERS. RECYCLED MULCH OR APPROVED SOIL. CONTRACTOR SHALL PROVIDE PROOF OF CERTIFICATION TO THE FOOT DISTRICT OPERATIONS PERMIT LANDSCAPE INSPECTION UNIT.

CAUTION: PLEASE NOTE
THIS DRAWING HAS NOT BEEN VERIFIED BY A STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
Call 811 or www.floridaclear.com for utility locations before digging to avoid utilities located and marked.
Check for underground utility lines before any dig.

FOOT GENERAL NOTES

NOTES

- 1. ALL MATERIALS AND CONSTRUCTION WITHIN THE FOOT RIGHT-OF-WAY SHALL CONFORM TO THE LATEST FOOT DESIGN STANDARD AND THE LATEST BROWARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
- 2. REFER TO FOOT STANDARD INDEX FOR INSTALLATION OF VEGETATION.
- 3. REFER TO FOOT STANDARD INDEX FOR ROAD AND BRIDGE CONSTRUCTION SECTION AND FOR LANDSCAPE INSTALLATION SPECIFICATIONS.
- 4. CONTRACTOR SHALL REPAIR ANY AND ALL DAMAGE DONE TO FOOT PROPERTY DURING DEMOLITION, RELOCATION AND/OR INSTALLATION ACTIVITIES AT THE SOLE EXPENSE.
- 5. CONFINEMENT OF ALL DETRIABLE EXCAVATED MATERIALS, AS DETERMINED BY THE DEPARTMENT, SHALL REMAIN IN THE DEPARTMENT UNTIL A FINAL ACCEPTANCE OF THE PERMITTED PROJECT IS GRANTED. EXCAVATED MATERIALS SHALL BE STOCKPILED IN THOSE AREAS AS DETERMINED BY THE DEPARTMENT, INCLUDING AIRPORT HILL AREA.
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FOOT IRRIGATION NOTES

NOTES

- 1. FOOT IRRIGATION SHALL BE REQUIRED BY HOUR EMERGENCY ACCESS TO WATER SOURCE.
- 2. CONTRACTOR SHALL PROVIDE FOOT DISTRICT OPERATIONS MANAGER WITH A SET OF "AS-BUILT" IRRIGATION PLAN.

**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

EXHIBIT D

**PRECEDING LANDSCAPE AGREEMENT DESCRIPTION(S)
AND OTHER AGREEMENT DESCRIPTIONS**

The following Landscape agreements have previously been executed for projects that have been installed in accordance with the plans and specifications attached thereto and incorporated herein but not exclusive to the following agreement descriptions:

LANDSCAPE AGREEMENTS SUPERSEDED BY THIS AGREEMENT

7/10/08 - State Road A1A from 1/2 Mile north of Spanish River Boulevard to 1/2 mile South of Linton Boulevard, from (M.P. 4.540) to (M.P. 7.441). (\$400,006.03) Landscape improvements which include plant material and hardscape pavers. Section No. 93060, FM No.: 423845-1-58-01, Connected Contract No. AP751, Resolution No. 08-004 (6/9/08).

3/2/07 - State Road A1A (Town limits of Highland Beach) from (M.P. 4.540) to (M.P. 7.441). (\$202,138.00) Plant material only. Section No. 93060, FM# 421216-1-58-01, Connected Contract No. AOP79, Resolution No. 07-002R (2/6/07).

7/2/02 - State Road A1A from (M.P. 4.54) to (M.P. 7.41). (\$283,000.00) Landscape improvements not described. Section 93060, FM No. 229785-1-52-01, Resolution No. 792 (7/2/02).

This Agreement, pursuant to paragraph number 14, page 9., shall supersede all other above agreements except as to the actual landscape plans and project cost that have not been replanted by subsequent FDOT approved projects and those that are "excepted out". The terms of this agreement shall apply to those landscape plans.

**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

**EXHIBIT E
MAINTENANCE PLAN
FOR LANDSCAPE IMPROVEMENTS**

This Exhibit forms and integral part of the DISTRICT FOUR (4) LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY

Please See Attached

MAINTENANCE PLAN

Landscape Improvements

I. GENERAL MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:

The purpose of a plan for the landscape improvements maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings and all other landscape improvements shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: *FDOT Design Standards*, *FDOT Plans Preparation Manual Vol. 1, Chapter 2.11* and *FDOT Standard Specifications for Road and Bridge Construction*, as amended by contract documents, and all other requirements set forth by the District 4 Operations Maintenance Engineer. The initial portion of the Maintenance Plan describes general maintenance requirements and recommendations. **The concluding section provides recommendations prepared by the Registered Landscape Architect of Record specific to the attached approved plans.**

WATERING REQUIREMENTS

Watering is a critical concern for not only the maintenance of healthy plant material but also for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

IRRIGATION SYSTEM

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods, while adhering to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

INTEGRATED PLANT MANAGEMENT

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

Palms, shrubs, trees and turf areas shall be fertilized in such a manner and frequency to ensure that the plant material remains healthy and vigorously growing. Please be alert to changes in fertilization types per University of Florida, Institute of Food and Agricultural Services (I.F.A.S.) recommendations. Establishment of an integrated pest management program is encouraged to ensure healthy plants, which are free of disease and pests.

MULCHING

Mulch planting beds in such a manner as to prevent weed growth, retain moisture to the plants, protect against soil erosion and nutrient loss, maintain a more uniform soil temperature, and improve the appearance of the planting beds. Avoid mulch mounded up on the trunks of trees, palms, and the base of shrubs to encourage air movement in this area which aids in lowering disease susceptibility. Cypress mulch is prohibited on state right of way.

PRUNING

All pruning, and the associated safety criteria, shall be performed according to American National Standard Institute (ANSI) A300 standards and shall be supervised by an International Society of Arboriculture (ISA) Certified Arborist. Pruning shall be carried out with the health and natural growth of plant materials in mind, to specific pruning heights maintaining clear visibility for motorists, and provide vertical clearance for pedestrian, bicyclist, and truck traffic where applicable. Visibility windows must be maintained free of view obstructions, and all trees and palms must be maintained to prevent potential roadway and pedestrian hazards, all palms are to be kept fruit free. The specific pruning heights are determined by understanding the designer's intent when selecting and placing the plants. The intended mature maintained height and spread of plants are noted on the plans (See Exhibit B.) and see Part II. Specific Requirements and Recommendations for guidelines. The understory plant materials selected for use within the restricted planting areas (Limits of Clear Sight) are to be maintained at a height in compliance with *FDOT Design Standards* Index 546; Page 6 of 6, Window Detail. Vertical tree heights must meet *FDOT Maintenance Rating Program* (MRP) standards.

STAKING AND GUYING

All staking materials, except for replacements, are to be removed by the completion of FDOT warranty period or at one year (whichever comes first). Any subsequent staking and guying activities by the Agency must adhere to *FDOT Design Standards* guidelines (See Index 544). The Agency shall closely monitor staking and guying attachment materials so that they are securely fastened to avoid potential roadway hazards.

TURF MOWING:

All grassed areas are to be mowed and trimmed with sufficient frequency to maintain a deep, healthy root system while providing a neat and clean appearance to the urban landscape. All turf efforts, mowing, curb/sidewalk edging and turf condition, must at a minimum, meet *FDOT Maintenance Rating Program* (MRP).

LITTER CONTROL:

The project site shall remain as litter free as practicable. It is recommended to recycle this litter to avoid unnecessary waste by its reuse. Litter removal efforts must meet *FDOT Maintenance Rating Program* (MRP) standards.

WEEDING/HERBICIDE

All planting areas shall be maintained as weed free as practicable by enlisting integrated pest management practices in areas specified on the plans and maintaining proper mulch levels. Extreme care is recommended when using a chemical herbicide to avoid overspray onto plant materials. It is the applicator's responsibility to restore any damage, resulting from overspray to the plantings, per the approved plans.

PLANT REPLACEMENT

Plant replacement shall be the same species and specification as the approved plan. Move and replace all plant materials that may conflict with utility relocations and service. Only plants graded Florida #1 or better, per the *Florida Department of Agriculture and Consumer Services, Grades and Standards for Nursery Plants* are permitted on FDOT roadways. Should it become necessary to change the species, a permit is required from FDOT for approval by the FDOT District Landscape Architect.

HARDSCAPE (SPECIALTY SURFACING)

All tree grates and specialty surfacing shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the surfacing and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current FDOT Maintenance Rating Program Handbook Pages 43-47; ADA accessible sidewalk; and FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on The State Highway System. If the specialty surfacing or tree grates become damaged, they shall be replaced with the same type and specification as the approved plan.

Or Use When Concrete Pavers

All tree grates and specialty surfacing (if applicable) shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the pavers and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current *Interlocking Concrete Pavement Institute (ICPI), Guide Specifications for Pavers on an Aggregate Base, Section 23 14 13 Interlocking Concrete Pavers, Part 3.05*. If the specialty surfacing or tree grates become damaged, they shall be replace with the same type and specification as the approved plan.

HARDSCAPE (NON-STANDARD) TRAVELWAY SURFACING

It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway, including asphalt pavement (if applicable), caused or contributed by the installation or failure of non-standard surfacing, and/or the header curb, on the Department of Transportation right of way within the limits of this Agreement. Pavement restoration areas or "patches" will have a minimum length of 10-ft, measured from the edge of the header curb, and a width to cover full lanes for each lane affected by the restoration.

Pavement restoration will be performed in accordance with the most current edition of the *FDOT Standard Specifications for Road and Bridge Construction*, and the *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*.

It shall be the responsibility of the AGENCY to maintain all signs located within a non-standard surfacing area. Such maintenance to be provided by the AGENCY shall include repair and replacement of the sign panel, post, and base.

**HARDSCAPE (LANDSCAPE ACCENT LIGHTING)
(IF APPLICABLE)**

Landscape accent lighting shall be maintained in such a manner as to prolong the life of the lighting fixture and prevent potential safety hazards. If the lighting fixtures and their system become damaged, they shall be replaced with the same type and specification as the approved plan. Landscape lighting shall meet requirements for the sea turtle nesting and hatching.

MAINTENANCE OF TRAFFIC CONTROL

Reference the FDOT website regarding the selection of the proper traffic control requirements to be provided during routine maintenance and / or new installations of this DOT roadway.

**VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING (ODA)
(IF APPLICABLE)**

To avoid conflicts with permitted outdoor advertising, please reference the State of Florida website regarding the vegetation management of outdoor advertising. This website provides a portal to search the FDOT Outdoor Advertising Inventory Management System Database. The database contains an inventory of outdoor advertising structures, permits and other related information maintained by the Department.

Also, reference the *Florida Highway Beautification Program* website link for “*Vegetation Management at ODA signs*” “*Florida Statutes*” and “*Florida Administrative Code*” related to vegetation management at outdoor advertising sign, permit applications for vegetation management and determining mitigation value of roadside vegetation.

II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS

Superseded agreements' Maintenance Plans and any specific project site maintenance requirements continue to apply.

REFERENCES

This reference list is provided as a courtesy. The list may not contain the most current websites. The most current references must be accessed for up to date information.

Accessible Sidewalk (ADA)

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

Americans with Disabilities Act (ADA) (ADAAG)

http://www.ada.gov/2010ADASTandards_index.htm

American National Standard Institute, *ANSI A300, (Part 1) for Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*, available for purchase

<http://webstore.ansi.org>

Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Florida Grades and Standards for Nursery Plants 2015*

<http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Bureau-of-Plant-and-Apiary-Inspection>

Florida Department of Community Affairs (DCA), *Florida Board of Building Codes & Standards, 2010 Florida Building Code, Chapter 11 Florida Accessibility Code for Building Construction Part A*

http://www2.iccsafe.org/states/florida_codes/

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 544 Landscape Installation*

<http://www.dot.state.fl.us/rddesign/DS/16/IDx/00544.pdf>

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 546 Sight Distance at Intersections*

<http://www.dot.state.fl.us/rddesign/DS/16/IDx/00546.pdf>

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 600 Traffic Control through Work Zones*

<http://www.dot.state.fl.us/rddesign/DS/16/IDx/00600.pdf>

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 700 Roadside Offsets*

Florida Department of Transportation, *FDOT Plans Preparation Manual (PPM) Vol. I Chapter 2.11 Lateral Offset*

Table 2.11.5 Lateral Offset Clearance to Trees

Table 2.11.11 Recoverable Terrain

<http://www.dot.state.fl.us/rddesign/PPMManual/2016PPM.shtm>

Florida Department of Transportation, *FDOT Standard Specifications for Road and Bridge Construction, Section 580 Landscape Installation*

<http://www.dot.state.fl.us/specificationsoffice/Maintenance/Jul14/Files/SS5800000.doc>

<http://www.dot.state.fl.us/specificationsoffice/Implemented/Workbooks/JulWorkbook2014/Files/S5800000FA.pdf>

Florida Department of Transportation, Landscape Architecture Website
www.MyFloridaBeautiful.com

Florida Department of Transportation, *Maintenance Rating Program Handbook*
<http://www.dot.state.fl.us/statemaintenanceoffice/MaintRatingProgram.shtm>

Florida Department of Transportation Outdoor Advertising Database
<http://www2.dot.state.fl.us/rightofway/>

Florida Exotic Pest Plant Council Invasive Plant Lists
<http://www.fleppc.org/list/iist.htm>

Florida Irrigation Society
<http://www.fisstaterg.org>

Florida Power and Light (FPL), *Plant the Right Tree in the Right Place*
http://www.fpl.com/residential/trees/right_tree_right_place.shtml

A Guide to Roadside Vegetation Management
[http://www.dot.state.fl.us/statemaintenanceoffice/RDW/DOT%20Final%20\(3\)Turf%20Management%20Guide%20UF.pdf](http://www.dot.state.fl.us/statemaintenanceoffice/RDW/DOT%20Final%20(3)Turf%20Management%20Guide%20UF.pdf)

Interlocking Concrete Pavement Institute (ICPI)
<http://www.icpi.org/>

International Society of Arboriculture (ISA)
www.isa-arbor.com

UF IFAS: *Selecting Tropical and Subtropical Tree Species for Wind Resistance*
<http://edis.ifas.ufl.edu/pdf/FR/FR17500.pdf>

UF IFAS: *Fertilization of Field-grown and Landscape Palms in Florida*
<http://edis.ifas.ufl.edu/ep261>

U.S. Department of Transportation, Federal Highway Administration, *Manual on Uniform Traffic Control Devices*
<http://www.mutcd.fhwa.dot.gov>

**SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH**

EXHIBIT F

PATTERNED PAVEMENT INSTALLATION

(If Applicable)

This Exhibit forms an integral part of the DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

- (1) Prior to acceptance by the DEPARTMENT, all lanes for each of the stamped asphalt crossings projects shall be tested for friction in accordance with ASTM E 274-06. All costs for friction testing will be the responsibility of the AGENCY. The initial friction resistance shall be at least 35 obtained at 40 mph with a ribbed test tire (FN40R) or equivalent. Failure to achieve this minimum resistance shall require all deficient crosswalk areas to be removed to their full extent (lane-by-lane) and replaced with the same product installed initially. If more than 50% of the lanes in the intersection require replacement, the entire intersection installation may be reconstructed with a different product on the Qualified Products List (QPL). All lanes receiving new installations shall again be friction tested within 60-90 days of their acceptance by the local AGENCY. The initial friction resistance of each new installation shall be at least 35 (FN40R) or equivalent. Failure to achieve this minimum resistance shall require all deficient areas be removed to their full extent (lane-by-lane) and replaced with the same product installed initially. If more than 50% of the lanes in the intersection require replacement, the entire intersection installation may be reconstructed with a different product on the DEPARTMENT 'S Qualified Products List (QPL), or replaced with conventional pavement.
- (2) The results of all friction tests and condition surveys shall be sent to the **Operations Engineer** at the local FDOT District Four Operations Center located at Palm Beach Operations, 7900 Forest Hill Boulevard, West Palm Beach 33413 (561) 432-4966, with a cover letter either certifying that the crosswalks comply with the above stated requirements; or what remedial action will be taken to restore the friction and/or integrity of the crosswalk area.
- (3) When remedial action is required in accordance with the above requirements, the local AGENCY at its own expense shall complete all necessary repairs within 90 days of the date the deficiency was identified.

- (4) Should the local AGENCY fail to satisfactorily perform any required remedial work or testing in accordance with this agreement, the DEPARTMENT reserves the right to replace the patterned pavement with conventional pavement and bill the local AGENCY for this cost. No more than two full stamped asphalt pavement depth repairs shall be made to an area without first resurfacing the pavement to its full depth.

SECTION No.: 93060
S.R. No.: A1A
COUNTY: PALM BEACH

EXHIBIT G

PATTERNED PAVEMENT MAINTENANCE

(When Applicable)

This Exhibit forms an integral part of the DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

"Maintenance" of all patterned pavement crosswalks in these Agreements shall be defined, as a minimum, to include its frictional characteristics and integrity as follows:

- (1) Within 60 days of project acceptance by the Department, all lanes of each patterned crosswalk shall be evaluated for surface friction. The friction test shall be conducted using either a locked wheel tester in accordance with **FM 5-592 (Florida Test Method for Friction Measuring Protocol for Patterned Pavements)** or Dynamic Friction Tester in accordance with **ASTM E1911**. **All costs for friction testing are the responsibility of the AGENCY.**
- (2) The initial friction resistance shall be at least 35 obtained at 40 mph with a ribbed tire test (FN40R) or equivalent (FM 5-592 attached). Failure to achieve this minimum resistance shall require all deficient crosswalk areas to be removed to their full extent (land-by-land) and replaced with the same product installed initially. The AGENCY is responsible for all costs associated with the removal and replacement of the crosswalk. If the Department determines that more than 50% of the lanes in the intersection require replacement, the entire intersection installation may be reconstructed with a different product on the Qualified Products List (QPL) or replaced with conventional pavement.
- (3) Approximately **one year** after project acceptance and **one year** thereafter and for the life of the adjacent pavement, only the outside traffic lane areas of each patterned crosswalk shall be tested for friction resistance in accordance with **ASTM E274** or **ASTME 1911**. Friction resistance shall, at a minimum, have a FN40R value of 35 (or equivalent).
- (4) The results of all friction tests shall be sent to the **Operations Engineer** at the local FDOT District Four Operations Center located at Palm Beach Operations, 7900 Forest Hill Boulevard, West Palm Beach 33413 (561) 432-4966, with a cover letter either certifying, that the crosswalks comply with the minimum friction criteria, or stating what remedial action will be taken to restore the friction.

- (5) Failure to achieve the minimum resistance shall require all lanes of the crosswalk to be friction tested to determine the extent of the deficiency. All deficient areas shall be removed to their full extent (lane-by-lane) and replaced with the same product installed initially. If the Department determines that more than 50% of the lanes in the intersection require replacement, the entire intersection installation may be reconstructed with a different product on the QPL, or replaced with conventional pavement.
- (6) When remedial action is required in accordance with the above requirements, the local agency shall complete all necessary repairs at its own expense within 90 days of the date when the deficiency was identified. No more than two full depth patterned pavement repairs shall be made to an area without first resurfacing the underlying pavement to 1" minimum depth.
- (7) The Department will not be responsible for replacing the treatment following any construction activities by the Department in the vicinity of the treatment, or any costs for testing.
- (8) Should the local agency fail to satisfactorily perform any required remedial work or testing in accordance with this agreement, the Department reserves the right to replace the patterned pavement with conventional pavement (matching the adjacent pavement) and bill the local agency for this cost.



RESOLUTION NO. 17-012 R

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FOUR INCLUSIVE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT ON BEHALF OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) has advised the Town that in order for landscaping to be placed in the FDOT right-of-way the Town must execute the attached State of Florida Department of Transportation District Four Inclusive Landscape Maintenance Memorandum of Agreement; and

WHEREAS, the purpose of this Resolution is to authorize the Mayor to execute on behalf of the Town the Agreement attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Highland Beach, Florida, that:

Section 1. The recitations set forth above are true, accurate and correct and are incorporated herein.

Section 2. That the Mayor is authorized to execute the State of Florida Department of Transportation District Four Inclusive Landscape Maintenance Memorandum of Agreement attached to this Resolution and made a part hereof.


Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS 5TH DAY OF JULY, 2017.


Carl Feldman, Mayor


William Weitz, Vice Mayor



Rhoda Zelniker, Commissioner



George Kelvin, Commissioner


Elyse Riesa, Commissioner

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY


Lanelda Gaskins, MMC
Town Clerk


Glen J. Torcivia, Town Attorney
Florida Bar No. 343374
Approved as to form and legal sufficiency

File Attachments for Item:

C. Resolution No. 2022-023

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting the Fiscal Year 2022-2023 Schedule of Fees which establishes reasonable fees for Town services and other charges; providing for conflicts; and providing an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE *September 6, 2022*

SUBMITTED BY: Town Manager's Office

SUBJECT: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING THE FISCAL YEAR 2022-2023 SCHEDULE OF FEES WHICH ESTABLISHES REASONABLE FEES FOR TOWN SERVICES AND OTHER CHARGES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

Prior to October 1st, the Town Commission must review and approve the fee schedule for the upcoming fiscal year.

Attached is the proposed resolution and fee scheduled submitted by Town staff. The only change to note is the cost of prosecution has been added to the Code Compliance/Police fine fees.

Additionally, the building department and water and sewer fees have been separated from the this fee schedule and will be presented separately.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution 2022-023

Exhibit A (Clean version)

RECOMMENDATION:

Approve the proposed resolution adopting the fee schedule for fiscal year 2022-2023.



RESOLUTION NO. 2022-023

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING THE FISCAL YEAR 2022-2023 SCHEDULE OF FEES WHICH ESTABLISHES REASONABLE FEES FOR TOWN SERVICES AND OTHER CHARGES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach (“Town”) maintains and desires to promote the safety, health and welfare of its residents by providing for enforcement of its Code of Ordinances as well as setting forth fees for providing certain utilities and administrative services; and

WHEREAS, the Town Commission finds that adopting the 2022-23 schedule of fees serves a valid public purpose.

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

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The “Town of Highland Beach Schedule of Fees,” which is attached as **Exhibit “A”** and incorporated herein, is hereby adopted.

Section 3. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 4. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application and to this end the provisions of this Resolution are declared severable.

Section 5. This Resolution shall become effective upon approval by Town Commission.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this
____ day of _____, 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

EXHIBIT “A”

TOWN OF HIGHLAND BEACH
SCHEDULE OF FEES

EFFECTIVE 10/01/2022 – 09/30/2023

I. TOWN CLERK

- a. Public Records Request
 - i. Photocopies (8 ½ x 14 or less):
 - a. Single Sided: Black and White Copies \$0.15 per page
 - b. Double Sided: Black and White Copies \$0.20 per page
 - c. Single Sided: Color Copies \$0.25 per page
 - d. Double Sided: Color Copies \$0.30 per page
 - e. Photocopies total cost under \$5.00 No charge
 - ii. CDs or DVDs \$5.00
 - iii. Other materials Based on actual cost
- b. Labor Costs for Research and Reproduction,
Special Service Charges relevant to Public Records Based on actual cost
- c. Postage/Mailing Cost Based on actual cost
 - *Additional Cost May Apply Based on Florida Statute, Chapter 119*
- d. Municipal Lien Search Requests \$150.00 per Parcel Control Number
- e. Notary Service:
 - Highland Beach Residents (after first five (5) signatures) \$5.00 per signature
- f. Non-Residents \$5.00 per signature
- g. Administration of Oaths and Affirmations \$10.00 per person
- h. Acknowledgements \$10.00 per person
- i. Certified Copies \$1.00 per document
- j. Zoning Maps Based on actual cost
- k. Development Order Applications \$200.00 per application
 - *Administrative cost for preparation and mailings of public notices*

II. LIBRARY

- a. Library Cards
 - i. Highland Beach Property Owners and Residents with six (6) months lease agreement or longer No charge
 - ii. Seasonal renters (3-6 months) \$25.00 per year
 - iii. Non-residents \$75.00 per year
 - iv. Replacement cards \$5.00 per card
- b. Overdue Materials
 - i. Books and magazines \$0.25 per day per item
 - ii. DVDs and CDs \$1.00 per day per item
 - iii. E-readers \$3.00 per day per item
- c. Printing/Copying using Library Computers
 - i. First 5 pages of Black & White Copies No charge
 - ii. More than Five (5) Pages \$0.25 per page
- d. Room usage fees for Independent Contractors
 - i. Background Check for Independent Contractor \$19.95
 - ii. Tom Reid Room \$10.00 per month
 - iii. Community Room \$20.00 per month

III. CODE COMPLIANCE & POLICE FINES/FEES

- a. Illegal parking in designated disabled parking spots \$250.00
 - b. Class I Infraction (First and repeat violations) \$50.00
 - c. Class II Infraction (First offense) \$50.00
 - d. Class II Infraction (Repeat violation) \$100.00
 - e. Class III Infraction (First and repeat violations) \$200.00
 - f. Cost of Prosecution \$250.00
- *Class I, II and III Infractions based per Section 2-174 of Town Code of Ordinances

IV. ADMINISTRATIVE COSTS

Pursuant to Section 2-117 (c) of the Code of Ordinances, administrative costs incurred by the town in the successful prosecution of a code enforcement case shall be assessed against the violator pursuant to F.S. § 162.07(2).

Administrative costs \$250.00

- a. Class I Infraction \$50.00/hour
\$50.00 minimum charge
- b. Class II Infraction \$100.00/hour
\$100.00 minimum charge
- c. Class III Infraction \$200.00/hour
\$200.00 minimum charge

Minimum charge applied for up to the first hour and additional hours, thereafter, are billed in 1-hour increments.

File Attachments for Item:

D. Resolution No. 2022-024

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting the Fiscal Year 2022-2023 Schedule of Fees which establishes reasonable fees for Building and Land Development Services, providing for conflicts; and providing an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE *August 2, 2022*

SUBMITTED BY: Jeff Remas, Building Official

SUBJECT: **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING THE FISCAL YEAR 2022-2023 SCHEDULE OF FEES WHICH ESTABLISHES REASONABLE FEES FOR BUILDING AND LAND DEVELOPMENT SERVICES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

SUMMARY:

This is a minor revision of the fee schedule to comply with Florida State Statutes for reinspection fees and plan review resubmittals. Private Provider fees were added and the reinspection fees were adjusted..

FISCAL IMPACT:

No increase in building permit fees. A small increase in reinspection fees for contractors.

ATTACHMENTS:

Exhibit A Building Permit Fees & Resolution

RECOMMENDATION:

Approval of proposed fees



RESOLUTION NO. 2022-024

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING THE FISCAL YEAR 2022-2023 SCHEDULE OF FEES WHICH ESTABLISHES REASONABLE FEES FOR BUILDING AND LAND DEVELOPMENT SERVICES; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach (“Town”) maintains and desires to promote the safety, health and welfare of its residents by providing for enforcement of its Code of Ordinances as well as setting forth fees for providing certain utilities and administrative services; and

WHEREAS, the Town Commission finds that adopting the 2022-23 schedule of fees serves a valid public purpose.

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

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The “Town of Highland Beach Schedule of Fees,” which is attached as **Exhibit “A”** and incorporated herein, is hereby adopted.

Section 3. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 4. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application and to this end the provisions of this Resolution are declared severable.

Section 5. This Resolution shall become effective upon approval by Town Commission.

PASSED AND APPROVED by the Town Commission of the Town of Highland Beach, Florida, this ____ day of _____, 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

—

EXHIBIT “A”

TOWN OF HIGHLAND BEACH
BUILDING AND LAND DEVELOPMENT
SCHEDULE OF FEES

EFFECTIVE 10/01/2022 – 09/30/2023

I. BUILDING DEPARTMENT

- a. All building permit fees shall be based upon the value of the work to be performed. The “value of work” shall be determined in accordance with Section 109 of the Town’s Administrative Amendments to the Florida Building Code.
- b. The minimum building permit fee shall be \$100.
- c. Building permit fees shall be calculated per each \$1,000 of valuation or portion thereof, for each trade (building, plumbing, mechanical, or electrical), or for each specialty (pools, fire suppression, alarm or security systems, etc.). Those fees are as follows:
 - i. \$25.00 per \$1,000 or portion thereof of value up to \$500,000.
 - ii. \$20.00 per \$1,000 or portion thereof of value above \$500,000.
- d. Private Provider rates per F.S. 553.791 & F.S. 553(2)(b)
 - i. Private Provider inspections only -8% of (c) only.
 - ii. Private Provider plan review only -10% of (c) only.
 - iii. Private Provider inspections & plan review -18% of (c) only.
- e. Sales Trailer Permit Fee: The fee for sales trailers shall be \$500 per trailer, shall include all sub-trade inspections, and shall expire after six (6) months. The permit may be renewed for additional six (6) month increments upon payment of an additional fee.
- f. Construction Trailer Permit Fee: The fee for construction trailers shall be \$250 and shall include all sub-trade inspections.
- g. Contractor Registration: All contractors and subcontractors for permitted jobs must be registered with the Building Department of the Town of Highland Beach. Registration includes basic information about the contractor, and proof of licenses and insurance. Licenses and insurance are typically demonstrated through a State of Florida registration or certification, or a Palm Beach County Business Tax Receipt. There will be no charge for registering with the Town of Highland Beach.

h. Reinspection Fees:

- i. \$75.00 for second inspection (same item).
- ii. \$150.00 for third inspection* (same item).
- iii. \$300.00 for fourth inspection* (same item) per F.S. 553.80(2)(c)
- iv. \$300.00 for fifth inspection* (same item).
* (requires license holder/qualifier to be at the site)

i. Additional Fees:

- i. \$100.00 for fire sprinkler permits, except electrical component of permit. (Delray Fire Fee Schedule)
- ii. \$50.00 per page for plans requiring additional review after the initial review.
- iii. \$50.00 change of contractor.
- iv. \$100.00 tile/marble/flooring (not shower tile or pan replacement).
- v. \$100.00 water-heater change-out. (exact replacement only)
- vi. \$100.00 installation of residential alarm or security system.
- vii. Portable Storage Unit: \$50.00 for site permit fee.
- viii. \$100.00 for failure to call for a final inspection prior to permit expiring.
- ix. Florida State Surcharges: BCAIF 1.5% & FBC 1% of permit fees.

j. Penalty Fees:

- i. Two and half times (2.5X) the original permit fee, but not to exceed \$10,000, for work commenced without a permit.
- ii. Four times (4X) the proportion of the permit fee attributed to plan review (10% of permit fee) for three (3) plan review rejections in compliance with F.S. 553.80(2)(b)

k. Planning & Zoning Fees:

- i. Site plan: \$1,500.00
- ii. Special Exception: \$1,500.00
- iii. Comprehensive Plan Amendment: \$1,500.00
- iv. Revision to Code of Ordinances: \$1,500.00
- v. Variance: \$1,500.00
\$500.00 each additional variance
- vi. Appeal of Building Code or Zoning Determination: \$1,500.00
- vii. Zoning Verification Letter: \$150.00
- viii. Hourly attorney consultation fee. Must be paid with all land development applications. \$500.00 deposit plus any costs that exceed the \$500.00
- ix. License Agreement or Unity of Title: \$1,000.00
- x. Appeal to Town Commission: \$1,500.00
- xi. Engineering Review Fee: \$500.00 plus any additional cost

Cost Recovery Provision. Applicant is responsible for the cost of recovering administrative, engineering, legal review, and/or any other professional service required in conjunction with any application, including any public notice costs in excess of minimum advertising fee, including notice costs, such as postage, etc.

File Attachments for Item:

F. Consideration of the proposed Town Commission Meeting Schedule.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE 09/06/2022

SUBMITTED BY: Lanelda Gaskins, Town Clerk's Office

SUBJECT: Proposed Town Commission Meeting Schedule

SUMMARY:

Consideration of the proposed Town Commission Meeting Schedule from October 01, 2022, through December 31, 2023.

The Town's Code of Ordinance addresses the Town Commission meeting schedule. According to Sec., 2-28 – Rules of Procedures, Rule No. 1, the Town Commission shall meet and hold monthly meetings on the first Tuesday of each month, except for when the meeting falls on a legal, town observed holiday then such meeting will be held on the next secular day. The meetings shall commence at 1:30 P.M.

Also, the third Tuesday of each month is reserved for Town Commission meetings and may be canceled due to lack of business (agenda items). The meetings shall commence at 1:30 P.M.

The town staff is requesting the direction of the Town Commission regarding canceling the below meetings in recognition of the holidays:

- Tuesday, December 20 (Hanukkah/Chanukkah)
 - Wednesday, July 05, 2023 (Independence Day falls on Tuesday, July 4)
-

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proposed Town Commission meeting schedule for October 1, 2022, through December 31, 2023.

RECOMMENDATION:

Town Commission discretion.

Town Commission Meeting Schedule for FY 2022-2023

	Dates 2022 Meeting Dates	Meeting Type
Tuesday	October 04, 2022	Commission Meeting.
Tuesday,	October 18, 2022	Commission Meeting
Tuesday	November 01, 2022	Commission Meeting
Tuesday	November 15, 2022	Commission Meeting
Tuesday	December 06, 2022	Commission Meeting
Tuesday	December 20, 2022	Commission Meeting
	2023 Meeting Dates	
Tuesday	January 03, 2023	Commission Meeting
Tuesday	January 17, 2023	Commission Meeting
Tuesday	February 07, 2023	Commission Meeting
Tuesday	February 21, 2023	Commission Meeting
Tuesday,	March 07, 2023	Commission Meeting
<i>Tuesday</i>	<i>March 14, 2023</i>	<i>Municipal General Election Day</i>
Tuesday	March 21, 2023	<i>Special Meeting/Swearing-In Ceremony</i>
Tuesday	April 04, 2023	Commission Meeting
Tuesday	April 18, 2023	Commission Meeting
Tuesday	May 02, 2023	Commission Meeting
Tuesday	May 16, 2023	Commission Meeting
Tuesday	June 06, 2023	Commission Meeting

	Dates	Meeting Type
Tuesday	June 20, 2023	<i>Preliminary Budget Presentation</i>
Wednesday	July 05, 2023	Commission Meeting
Tuesday	July 18, 2023	Commission Special Meeting
Tuesday	August 01, 2023	Commission Meeting
Thursday	August 03, 2023 (tentative)	<i>Special Budget Meeting</i>

Florida League of Cities Annual Conference – August 10-12, 2023

Thursday	August 17, 2023 (tentative)	<i>Special Budget Meeting</i> (*Commission meeting date)
Tuesday	September 05, 2023	Commission Meeting
Tuesday	September 05, 2023 (tentative)	<i>Special First Public Hearing Budget Meeting</i>
Wednesday	September 20, 2023 (tentative)	<i>Special Second Public Hearing Budget Meeting</i>
Tuesday	October 03, 2023	Commission Meeting
Tuesday	October 17, 2023	Commission Meeting
Tuesday	November 07, 2023	Commission Meeting
Tuesday	November 21, 2023	Commission Meeting

	Dates	Meeting Type
Tuesday	December 06, 2023	Commission Meeting
Tuesday	December 20, 2023	Commission Meeting

File Attachments for Item:

G. Approval of Meeting Minutes

August 04, 2022 - Commission Meeting Special Minutes

August 16, 2022 - Commission Meeting Minutes

August 25, 2022 - Commission Meeting Special Minutes



TOWN OF HIGHLAND BEACH TOWN COMMISSION SPECIAL MEETING MINUTES

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

Date: August 04, 2022
Time: 12:00 PM

1. CALL TO ORDER

Mayor Hillman called the meeting to order at 12:00 P.M.

2. ROLL CALL

PRESENT

Commissioner John Shoemaker

Commissioner Evalyn David

Commissioner Peggy Gossett-Seidman (joined at 12:02 P.M.)

Vice Mayor Natasha Moore

Mayor Douglas Hillman

Town Manager Marshall Labadie

Town Attorney Glen Torcivia (virtually)

Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

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

Mayor Hillman modified the agenda as follows: Item 5, Presentation by Dorothy Jacks, CFA, AAS, Palm Beach County Property Appraiser, was moved before Item 4, Public Comments.

4. PRESENTATION (This item was formally Item 5)

Dorothy Jacks, CFA, AAS, Palm Beach County Property Appraiser

Ms. Jacks provided a PowerPoint presentation highlighting the market value, taxable value, and the parcel count in the Town of Highland Beach.

Mayor Hillman opened this item for public comments.

Mr. Timothy Ruotolo inquired about the taxable and market values and exemptions. Ms. Jacks responded to his question.

Ms. Judith Goldberg asked about the impact of renovation on the assessed value related to condominiums. Ms. Jacks responded to her question.

5. PUBLIC COMMENTS (formally Item 4)

Mr. Jack Halpern of 45 South Ocean Boulevard spoke about emails he received concerning the Highland Beach Building Department and the interlocal agreement with the Town of Gulf Stream.

6. DISCUSSION AND ACCEPTANCE OF THE PROPOSED BUDGETS FOR FISCAL YEAR 2023

Finance Director DiLena and Town Manager Labadie provided a PowerPoint presentation highlighting the proposed budgets for fiscal year 2022-2023.

A. General Funds

B. Discretionary Sales Surtax Fund

C. Building Department Fund

D. Water System Fund

E. Sewer Fund

F. Resolution No. 2022-016

A Resolution of the Town Commission of the Town of Highland Beach, Florida, amending resolution no. 2021-028, which appropriated funds for the 2021-2022 fiscal year budget, and providing an effective date.

Mayor Hillman read the title of Resolution No. 2022-016.

Finance Director DiLena presented this item.

MOTION: David/Hillman - Moved to accept Resolution No. 2022-016, which passed unanimously 5 to 0.

G. Resolution No. 2022-017

A Resolution of the Town Commission of the Town of Highland Beach, Florida, authorizing a one-time economic relief payment to non-union and union employees; and providing an effective date.

Mayor Hillman explained that the Town Commission could not proceed with the resolution at this time. He and Town Manager Labadie will work together and bring an item back to Town Commission at the next meeting.

MOTION: David/Moore - Moved to remove Resolution No. 2022-017 from the agenda, which passed unanimously 5 to 0.

H. Resolution No. 2022-018

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a merit increase policy for non-union employees and amending the Town of Highland Beach salary table; and providing an effective date.

Mayor Hillman read the title of Resolution No. 2022-018.

Town Manager Labadie presented this item. There were discussions about the salary comparison study, the salary table adjustments, the level of the salary range quartile, the merit increase policy, and attracting and retaining quality talented employees.

Town Manager Labadie will add a topic about salary table corrections to the strategic priorities plan.

MOTION: David/Moore - Moved to approve Resolution No. 2022-018, which passed unanimously 5 to 0.

7. INTERLOCAL AGREEMENT (ADDENDUM TO THE AGENDA)

A. Approve and authorize the Mayor to execute an Interlocal Agreement between the Town of Highland Beach and the Town of Gulf Stream for Building Department Services.

Mayor Hillman introduced this item. There were discussions about modifying the language in Section 2(B)(2)(b) - Building Department Plan Review and Inspection Services, to the language that read "Fees charged to the Town of Gulf Stream properties shall be the same as those charged to the Town of Highland Beach properties." Town Manager Labadie then suggested modifying the language that read "on a first-come, first-service basis."

Building Official Remas provided a PowerPoint presentation highlighting the public discussions, the agreement, and the benefits of the contract. In addition, Finance Director DiLena introduced financial analysis related to this matter.

Mr. Jack Halpern provided public comments about this matter.

Mayor Hillman suggested that Town staff include clear responsibilities of the Town of Highland Beach and the Town of Gulf Stream in the interlocal agreement.

It was the consensus of the Town Commission to send the Interlocal Agreement to the Financial Advisory Board for their review and input.

Mr. Jack Halpern continued with public comments.

8. BUDGET MEETINGS

Mayor Hillman announced the meetings as follows:

August 23, 2022 Financial Advisory Board Meeting

August 25, 2022 - 12:00 P.M. Town Commission Special Meeting

September 06, 2022 - 5:01 P.M. Town Commission Special First Public Hearing
Budget Meeting

September 21, 2022 - 5:01 P.M. Town Commission Special Second Public Hearing
Budget Meeting

9. TOWN COMMISSION COMMENTS

Commissioner John Shoemaker had no comments.

Commissioner Evalyn David had no comments.

Commissioner Peggy Gossett-Seidman reminded the Town Commission and staff about putting essential items on the agenda.

Vice Mayor Natasha Moore had no comments.

Mayor Douglas Hillman commented about a unit in his building that went through the building recertification program.

10. ADJOURNMENT

The meeting adjourned at 2:53 p.m.

APPROVED September 06, 2022, Town Commission Meeting.

ATTEST:

Douglas Hillman, Mayor

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

September 06, 2022
Date

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



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

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

Date: August 16, 2022
Time: 1:30 PM

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT

Commissioner John Shoemaker

Commissioner Evalyn David

Commissioner Peggy Gossett-Seidman

Vice Mayor Natasha Moore

Mayor Douglas Hillman

Town Manager Marshall Labadie

Town Attorney Glen Torcivia

Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF THE AGENDA

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

5. PRESENTATIONS / PROCLAMATIONS

A. Sea Turtle Presentation by Joanne Ryan, Highland Beach Sea Turtle Permit Holder

Ms. Ryan presented a video of the Highland Beach Sea Turtle Volunteer program. To encourage public education and awareness concerning the threats to sea turtles, Town staff will add the video to the Town's website and include an article in the Town Manager's Minutes.

6. PUBLIC COMMENTS

Mr. Timothy Routole of Coronado at Highland Beach provided comments about his family history in Highland Beach and his experience with Mr. Jason Chudnofsky.

7. ANNOUNCEMENTS

Mayor Hillman read the announcements as follows:

Board Vacancies

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

Meetings and Events

August 23, 2022 - 11:30 A.M. Financial Advisory Board Regular Meeting

August 25, 2022 - 1:30 P.M. Town Commission Special Meeting

September 05, 2022 - Town Hall Closed in Observance of Labor Day

September 06, 2022 - 1:30 P.M. Town Commission Meeting

September 06, 2022 - 5:01 P.M. Town Commission Special First Public Hearing
Budget Meeting

Board Action Report

None.

8. ORDINANCES

A. None.

9. CONSENT AGENDA

A. None.

10. UNFINISHED BUSINESS

A. Fire Rescue Implementation Update

Town Manager Labadie provided an update on the Fire Rescue Implementation. On Thursday, August 12, 2022, the Public Safety – Emergency Medical Services (EMS) Council of Palm Beach County unanimously supported and approved the Town's request for the Certificates of Public Convenience and Necessity (COCPN) EMS. The Board of County Commissioners of Palm Beach County will review the final request for the Certificates of Public Convenience and Necessity

(COCPN) EMS license on September 13, 2022, at 9:00 A.M. Mayor Hillman encouraged the residents to attend the meeting to show support for the Fire Rescue Department. He mentioned that free transportation would be available to those residents interested in attending the meeting.

B. Discussion of review timeline for proposed amendments to the Accessory Marine Facility regulations of the Town Code.

Mayor Hillman announced this item.

Town Planner Ingrid Allen presented this item. There were discussions about the proposed meeting dates and defining neighborhoods. Mayor Hillman suggested that Town staff define “neighborhoods” and produce three (3) evening meeting dates in early November. Town Planner Allen and Town Manager Labadie will work together to generate the evening meeting dates.

11. NEW BUSINESS

A. Consideration to nominate the External Auditor Selection Committee Members, which shall assist the governing body in selecting an external auditor to conduct the Town of Highland Beach’s annual financial audit as required by Florida Statute 218.39.

Commissioner David presented this item.

MOTION: Hillman/Gossett-Seidman - Moved to approve the External Auditor Selection Committee, which passed unanimously 5 to 0.

B. Approval of the Commission Meeting Minutes

August 02, 2022 - Commission Meeting Minutes

MOTION: David/Gossett-Seidman - Moved to accept the minutes with the changes, which passed unanimously 5 to 0.

12. TOWN COMMISSION COMMENTS

Commissioner John Shoemaker attended the Florida League of Cities (FLC) Annual Conference last week and spoke about the event. He also spoke about Fire Rescue.

Commissioner Evalyn David also attended the Florida League of Cities Annual Conference last week and concurred with Commissioner Shoemaker regarding the event. She encouraged the public to contact their state representatives and state senators to voice their concerns about local choices remaining at the local government/municipality level.

Commissioner Peggy Gossett-Seidman attended last week's Florida League of Cities Annual Conference and Transportation and Intergovernmental Relations Committee meeting. She briefly spoke about the concerns of the Florida League of Cities.

Vice Mayor Natasha Moore had no comments.

Mayor Douglas Hillman had no comments.

13. TOWN ATTORNEY'S REPORT

Town Attorney Torcivia commented on the ongoing battle that local governments have with the legislators. He talked about the EMS Council Meeting and commended the Highland Beach team.

14. TOWN MANAGER'S REPORT

Town Manager Labadie reported the following:

The increasing support from the Board of County Commission of Palm Beach County regarding the implementation of the Fire Rescue Department.

The Financial Advisory Board will meet next Tuesday, August 23, to review the Employee Healthcare program and the Interlocal Agreement with the Town of Gulf Stream.

The budget was still progressing positively, recognizing a few of the changes. Finance Director DiLena is working to address those changes and adjustments.

He will present an agenda item at the August 25, 2022, Town Commission Special Meeting regarding the bonus program.

The Florida League of Cities Annual Conference was a great event.

Mayor Hillman inquired about the entry sign contest. Town Manager Labadie explained that Assistant Town Manager Cuebas would follow up on this matter.

Town Manager Labadie mentioned that at the end of October, the Town will have a welcome back food truck event for the residents. At the event there will be information about the entry sign contest, display the renderings of the Fire Rescue Department, and information on dune management.

Vice Mayor Moore will work with the Town staff and give an update on the entry sign contest at the next Commission meeting.

15. ADJOURNMENT

The meeting adjourned at 2:43 P.M.

APPROVED September 06, 2022, Town Commission Meeting.

ATTEST:

Douglas Hillman, Mayor

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

September 06, 2022
Date

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TOWN OF HIGHLAND BEACH TOWN COMMISSION SPECIAL MEETING MINUTES

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

Date: August 25, 2022
Time: 1:30 PM

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT

Commissioner John Shoemaker

Commissioner Evalyn David

Commissioner Peggy Gossett-Seidman

Vice Mayor Natasha Moore

Mayor Douglas Hillman

Town Manager Marshall Labadie

Town Attorney Glen Torcivia

Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

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

4. PUBLIC COMMENTS

Mr. Steven Parks provided comments about the interlocal agreement between the Town of Highland Beach and the Town of Gulf Stream.

Town Clerk Gaskins read an email from Mr. Jeffrey Kleiman dated August 25, 2022, about the Florida Department of Transportation (FDOT) polluting backyard canals and the Intracoastal Waterway (ICW).

5. New Business

A. Resolution No. 2022-017

A Resolution of the Town Commission of the Town of Highland Beach, Florida, authorizing a one-time Economic Relief Performance Bonus Program to non-union and union employees; and providing an effective date.

Mayor Hillman read the title of Resolution No. 2022-017, and Town Manager Labadie presented the item.

MOTION: David/Gossett-Seidman - Moved to approve Resolution No. 2022-017. Upon Roll Call: Commissioner David (Yes); Commissioner Gossett-Seidman (Yes); Commissioner Shoemaker (Yes); Vice Mayor Moore (Yes); and Mayor Hillman (Yes), which passed on a 5 to 0 vote.

B. Consideration to approve and authorize the Mayor to execute an Interlocal Agreement between the Town of Highland Beach and the Town of Gulf Stream for Building Department Services.

Mayor Hillman read the title of Item 5.B., and Building Official Jeff Remas presented the item. There were conversations about modifying the termination language and verifying the insurance information.

Town Manager Labadie stated that the contract could be changed. In addition, he mentioned that Building Official Remas could include monthly data regarding permitting in the Manager's Minutes. Commissioner Gossett-Seidman asked for an outside legal opinion from another attorney regarding this matter.

MOTION: David/Hillman - Moved to approve the interlocal agreement subject to including termination language and insurance. Upon Roll call: Commissioner David (Yes); Mayor Hillman (Yes); Commissioner Shoemaker (Yes); Commissioner Gossett-Seidman (Yes); and Vice Mayor Hillman (Yes), which passed on a 5 to 0 vote.

Assistant Town Attorney Trey Nazzaro with the Town of Gulf Stream provided comments regarding this matter.

C. Consideration to approve and authorize the Mayor to execute an Agreement between the Town of Highland Beach and the City of Delray Beach, in an amount of \$73,832.07 for Police Dispatching and Communications services.

Mayor Hillman read the title of Item 5.C., and Chief of Police Craig Hartmann introduced the item.

MOTION: David/Gossett-Seidman - Moved to approve the agreement with the City of Delray Beach to provide police dispatching and communication services to the Town for a five (5) year period ending September 30, 2027, at a cost of \$73,832.07 (for the first year) that will be adjusted for the consumer price index annually, which passed unanimously 5 to 0.

D. Consideration to approve the Health Insurance and Other Insurance Programs for Town personnel for Fiscal Year 2023.

Assistant Town Manager Eric Marmer presented this item. Commissioner Gossett-Seidman suggested that Town staff make calls to several nearby hospitals to ensure the employees are honored when using the health insurance.

MOTION: David/Moore - Moved to approve the healthcare insurance as presented, which was unanimously 5 to 0.

E. Fiscal Year 2023 Budget Presentation Update

Finance Director David DiLena provided a PowerPoint presentation highlighting fiscal year 2023 Budget updates.

F. Budget Meetings

Mayor Hillman announced the meeting dates as follows:

September 06, 2022 - 5:01 P.M. Town Commission Special First Public Hearing Budget Meeting

September 21, 2022 - 5:01 P.M. Town Commission Special Second Public Hearing Budget Meeting

6. TOWN COMMISSION COMMENTS

Commissioner John Shoemaker talked about distributing timely regular Manager's Minutes, and a presentation on lighting protection systems at a Town Commission meeting in September or October. He also inquired about the following: 1) the Inflation Reduction Act of 2022 for funding related to solar or climate beach matters, and 2) an update on the Town's lobbyist. Town Manager Labadie indicated that he would look into the matter related to funding. He provided an update on the Town's lobbyist.

Commissioner Shoemaker commented on the global issue involving forever chemicals (PFAS (Per- and polyfluorinated alkyl substances) in drinking water, the catch basins drainage concern, and the Florida Department of Transportation's upcoming meeting on August 30, 2022. Lastly, he congratulated Commissioner Gossett-Seidman for winning the primary election.

Commissioner Evalyn David inquired about the meeting date for the Board of County Commission of Palm Beach County, and Mayor Hillman replied on September 13.

Commissioner Peggy Gossett-Seidman will not be available to attend the Florida Department of Transportation meeting next week. She spoke about the email from Mr. Kleiman, the pollution in the canals and waterways, and a letter she received concerning furniture on the beach. She suggested Town staff place an article about pollution in a newsletter/manager's minutes.

Vice Mayor Natasha Moore provided an update on the Town Entry Signage Contest. She reminded everyone about the Board of County Commission of Palm Beach County meeting on September 13, 2022. She encouraged the residents to attend and sign up for free transportation.

Mayor Douglas Hillman had no comments.

7. ADJOURNMENT

The meeting adjourned at 3:52 P.M.

APPROVED September 06, 2022, Town Commission Meeting.

ATTEST:

Douglas Hillman, Mayor

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

September 06, 2022
Date

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