

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JANUARY 13, 2022**

Present: Darryl C. Aubrey, Sc.D., Mayor
Deborah Searcy, Vice Mayor
Mark Mullinix, President Pro Tem
David B. Norris, Councilmember
Susan Bickel, Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

ROLL CALL

Mayor Aubrey called the meeting to order at 7:00 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Aubrey gave the invocation and Vice Mayor Searcy led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held December 9, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Mayor Aubrey announced that the hearing for the proposed 200 Yacht Club Drive Planned Unit Development that was on schedule for the January 27th Council meeting was being postponed so that the applicant could address the concerns that have been raised by the public.

These residents addressed the Council with their concerns regarding the proposed 200 Yacht Club Drive Planned Unit Development:

Deborah Cross, 2560 Pepperwood Road
Carolyn Liss, 52 Yacht Club Drive
Anthony Sacco, 45 Yacht Club Drive
Bob Starkie, 36 Yacht Club Drive
John Rothberg, 134 Lakeshore Drive, #623
Susan Hoff, 907 Marina Drive, #301

Mary Phillips, 525 Ebbtide Drive, discussed and recommended implementing a Community Tree Canopy in the Village.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

ORDINANCE 2022-03 CODE AMENDMENT – ADVISORY BOARD ELECTRONIC PARTICIPATION

A motion was made by Councilmember Bickel and seconded by Vice Mayor Searcy to adopt on first reading Ordinance 2022-03 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 2, "ADMINISTRATION," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 2-1, "BOARDS AND COMMITTEES," TO ALLOW FOR BOARD AND COMMITTEE MEMBERS TO PARTICIPATE AND VOTE VIA ELECTRONIC MEANS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained that the purpose of the ordinance was to amend the code to allow board and committee members who were unable to be physically present to participate and vote on matters before the board or committee via electronic means. A quorum is still required to be physically present at the meetings.

Thereafter, the motion to adopt on first reading Ordinance 2022-03 passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2022-01 – CODE AMENDMENT – FRACTIONAL HOME OWNERSHIP

A motion was made by Councilmember Norris and seconded by Councilmember Bickel to adopt and enact on second reading Ordinance 2022-01 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES TO INCORPORATE A DEFINITION OF FRACTIONAL OWNERSHIP AND EXPRESSLY PROHIBIT FRACTIONAL OWNERSHIP UNITS AND TIME-SHARE UNITS IN THE VILLAGE'S RESIDENTIAL ZONING DISTRICTS; AMENDING SECTION 45-2, "DEFINITIONS," AND SECTION 45-36, "GENERAL PROVISIONS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained that the purpose of the ordinance was to prohibit fractional ownership properties within the Village's residential zoning districts. Mr. Rubin stated that Council adopted the ordinance on first reading but had expressed concerns over the definition of fractional ownership. The proposed ordinance had been modified since its first reading to incorporate a new definition of fractional home ownership and an additional definition of fractional ownership plan which would target the different types of ownership schemes that the ordinance intended to prohibit.

Discussion ensued between Mr. Rubin and Councilmembers regarding the language and definitions proposed in the ordinance.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2022-01 – CODE AMENDMENT – FRACTIONAL HOME OWNERSHIP *continued*

Mr. Rubin concluded the discussion by stating that as a result of his research, he believed that the language in the ordinance was sufficient enough to cover and address Council’s concerns. The language could be tweaked or revised in the future if necessary.

Mayor Aubrey opened the public hearing.

There being no comments from the public, Mayor Aubrey closed the public hearing.

Thereafter the motion to adopt and enact Ordinance 2022-01 on second reading passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2022-02 – CODE AMENDMENT – PARKING CITATION PROCEDURE

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to adopt and enact on second reading Ordinance 2022-02 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE III, “STOPPING, STANDING AND PARKING,” OF CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” OF THE VILLAGE CODE OF ORDINANCES TO UPDATE THE VILLAGE’S REGULATIONS AND FORMALIZE THE PARKING CITATION PROCEDURE; REPEALING SECTION 18-36, “PARKING IN VIOLATION OF SIGNS,” SECTION 18-37, “VIOLATIONS; FINES – HANDICAP SPACES,” AND SECTION 18-38, “SAME – NON-HANDICAP SPACES,” AND ADOPTING A NEW SECTION 18-36, “STOPPING, STANDING AND PARKING IN SPECIFIED AREAS,” SECTION 18-37, “PARKING CITATION PROCEDURE,” SECTION 18-38, “FINES,” AND SECTION 18-39, “PARKING SPACES FOR THE PHYSICALLY DISABLED;” AMENDING ARTICLE II, “BOAT LAUNCHING AREA,” OF CHAPTER 5, “BOATS, DOCKS AND WATERWAYS,” BY REPEALING SECTION 5-38, “VIOLATION; PENALTY;” PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained that the purpose of the ordinance was to standardize the Village’s procedures for the issuance of parking citations and expand the Village’s enforcement authority. Mr. Rubin stated that Council adopted the ordinance on first reading subject to removing the section governing the parking restrictions in the vicinity of Lakeside Park.

Mayor Aubrey opened the public hearing.

There being no comments from the public, Mayor Aubrey closed the public hearing.

Thereafter the motion to adopt and enact Ordinance 2022-02 on second reading passed unanimously.

Councilmember Bickel briefly stepped out of the meeting.

CONSENT AGENDA APPROVED

President Pro Tem Mullinix moved to approve the Consent Agenda. Councilmember Norris seconded the motion, which passed unanimously. The following items were approved with all present voting aye:

- Receive for file Minutes of the Environmental Committee meeting held 10/4/21.
- Receive for file Minutes of the Environmental Committee meeting held 11/1/21.
- Receive for file Minutes of the Planning Commission meeting held 11/9/21.
- Receive for file Minutes of the Audit Committee meeting held 12/15/21.

Councilmember Bickel returned to the meeting.

MOTION – A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to authorize the Village Manager to execute the required forms for participation in the Florida Plan for allocation of settlement dollars from opioid related litigation.

Mr. Rubin explained that the Florida Attorney General had provided counties and municipalities throughout the state a framework of a unified settlement plan for the proposed allocation and use of opioid settlement proceeds. In order to participate in the settlement, the Village Council would need to authorize the Village Manager to execute the required Participation Forms.

Mr. Lukasik discussed and explained the approved uses and purchases of the funds.

Thereafter the motion passed unanimously.

RESOLUTION 2022-01 – PROSPERITY VILLAGE PUD FINAL PLAT APPROVAL

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to adopt Resolution 2022-01 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A FINAL PLAT FOR THE PROSPERITY VILLAGE PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Principal Planner Alex Ahrenholz gave a brief history and background of the Prosperity Village Planned Unit Development. Mr. Ahrenholz stated that the property owner had filed an application for final plat approval. The Planning Commission reviewed the final plat at its December 7, 2021 meeting and unanimously recommended approval.

Thereafter, the motion to adopt Resolution 2022-01 passed unanimously.

RESOLUTION 2022-02 – IAFF COLLECTIVE BARGAINING AGREEMENT

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to adopt Resolution 2022-02 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE PROFESSIONAL FIREFIGHTERS/PARAMEDICS OF PALM BEACH COUNTY,

RESOLUTION 2022-02 – IAFF COLLECTIVE BARGAINING AGREEMENT *continued*

LOCAL 2928, IAFF, INC. THROUGH SEPTEMBER 30, 2024; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the resolution was to approve a Collective Bargaining Agreement between the Village and the Professional Firefighters/Paramedics of Palm Beach County Local 2928, IAFF, Inc. which represents employees in the Village's Fire Rescue Department. Mr. Lukasik discussed and explained the changes to Workers Compensation, Pension, Bereavement Leave, Paid Holidays and Wages.

Mayor Aubrey stated that he was very pleased with how the negotiations were conducted.

Thereafter, the motion to adopt Resolution 2022-02 passed unanimously.

Angelo D'Ariano of the Local 2928 IAFF, Inc. Firefighters Union introduced himself and thanked Council and staff for their commitment to the Collective Bargaining Agreement.

RESOLUTION 2022-03 – CIVIL CITATIONS

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to adopt Resolution 2022-03 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, DESIGNATING THE SECTIONS OF THE VILLAGE CODE TO BE ENFORCED BY CIVIL CITATION AND ESTABLISHING A FINE SCHEDULE; PROVIDING FOR CONFLICTS AND THE REPEAL OF RESOLUTION NOS. 2009-52 AND 2010-41; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained that through the adoption of Ordinance No. 2021-19, the code was updated and clarified to outline the procedure for the issuance and disposition of civil citations as an alternate method of code enforcement, specifically authorizing the issuance of code citations by park rangers for violations occurring within Village parks. The Village code requires the Village Council by resolution to establish a schedule of code sections that can be enforced by citations as well as a schedule of penalties. The schedule of fines would be attached to the Resolution as Exhibit "B".

Discussion ensued between Council and Mr. Rubin regarding clarification of certain code violations.

Thereafter, the motion to adopt Resolution 2022-03 passed with all present voting aye.

Mayor Aubrey announced that the discussion item regarding Building Recertification had been postponed.

DISCUSSION – Parking Regulations for Utility Trailers and the Restriction of On-Street Parking at Lakeside Park

Mr. Lukasik began a presentation regarding parking regulations related to the storage of utility trailers and the restriction of on-street parking near Lakeside Park. Mr. Lukasik stated that Council had previously suggested that the Village implement regulations for utility trailers since there were currently no regulation prohibiting utility trailers or requiring them to be screened.

DISCUSSION – Parking Regulations for Utility Trailers and the Restriction of On-Street Parking at Lakeside Park *continued*

Mr. Lukasik stated that staff was requesting direction by asking if utility trailers should be treated in a similar manner to recreational vehicles using the ninety-percent (90%) opacity standard except for what would be visible from the right-of-way adjacent to a six (6) foot gate and if there should be a grandfathering provision for residents currently storing utility trailers on residential properties.

Discussion ensued between Councilmembers regarding how to regulate utility trailers.

Council agreed that the regulations imposed on utility trailers should not create a burden on those who depend on the utility trailers for their livelihoods.

Mr. Lukasik stated that he would bring back a model of different utility trailer storage scenarios to review and address.

Mr. Lukasik stated that at a recent Council meeting, questions were raised regarding the need for existing on-street parking regulations in the neighborhood surrounding Lakeside Park. The regulations prohibited on-street parking on weekends and holidays and were originally adopted in response to concerns from residents of Lakeside Park. Mr. Lukasik explained that staff intended to eliminate the streets north of Lighthouse Drive from the existing regulations with the exception of Lakeside Circle and Lakeside Drive south of Cruiser Road South, Atlantic Road and Lakeside Court.

Discussion ensued between staff and Councilmembers regarding streets that would be included and not included in the off street parking regulations.

Councilmember Bickel stated that the section of Lighthouse Drive between U.S. Highway 1 and Lakeside Drive should be included.

Mr. Rubin stated that the portion of Lighthouse Drive between U.S. Highway 1 and Lakeside Drive was already included.

Mr. Lukasik stated that the parking pass process would be codified. Mr. Lukasik stated that the other policy direction was to expand “no-parking” restrictions from weekends and holidays to daily enforcement.

DISCUSSION – ARPA Funds Allocation

Mr. Lukasik began a presentation regarding the allocation of American Rescue Plan Act funds. Mr. Lukasik gave a brief history and background regarding the American Rescue Plan Act that was signed into law on March 11, 2021 and established the Coronavirus State and Local Fiscal Recovery Fund (SLFRF). Mr. Lukasik stated that the Village was scheduled to receive \$6.5 million dollars. The first disbursement was received in May 2021 and the second disbursement was anticipated to be received in May 2022. Funding would need to be obligated by December 31, 2021 and projects were required to be completed by December 31, 2026.

Mr. Lukasik stated that Council had discussed the allotment of funds back on June 10, 2021 and came up with the priorities for use which were clean water infrastructure, funding for technology applications, and exploring direct funding to impacted residents. Mr. Lukasik discussed recommendations based on the priorities.

DISCUSSION – ARPA Funds Allocation *continued*

Mr. Lukasik stated that septic conversion to address septic usage in the Village and in adjacent annexation areas would be allotted funds between \$5 and \$5.5 million and elimination of outflow to the North Palm Beach Waterway from the Country Club Golf Course ponds would be allotted approximately \$750,000. Technology applications for Village and mitigation activities would be allotted \$100,000. Lastly it was recommended that direct funding would be allotted to individuals for weatherization, energy efficiency and home repairs. Unemployed or low to moderate income individuals would be eligible without significant analysis or justification.

Mr. Lukasik explained and discussed eligible activities for the funds which included supporting public health, addressing economic hardship impacts for those disproportionately affected and harmed by the pandemic, provide premium pay for essential workers, replace lost public sector revenue and water, sewer and broadband investments.

Discussion ensued between Councilmembers and staff regarding the allotment and uses of the American Rescue Plan Act funds and how and when it would affect any future annexation of properties to the Village.

MAYOR AND COUNCIL MATTERS/REPORTS

Vice Mayor Searcy announced the upcoming Beats and Bites and the Hot Cars and Chili events and encouraged residents to attend.

Public Works Director Chuck Huff introduced Ken Hern as the new Streets and Stormwater Manager in the Public Works Department.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:27 p.m.


Jessica Green, MMC, Village Clerk