

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JUNE 27, 2019**

Present: Darryl C. Aubrey, Sc.D., Mayor
Mark Mullinix, Vice Mayor
David B. Norris, President Pro Tem
Susan Bickel, Councilmember
Deborah Searcy, Councilmember
Chuck Huff, Special Projects Director
Len Rubin, Village Attorney
Melissa Teal, Village Clerk

Absent: Andrew D. Lukasik, Village Manager

ROLL CALL

Mayor Aubrey called the meeting to order at 7:30 p.m. All members of Council were present. All members of staff were present except Village Manager Lukasik, who was out of town. Special Projects Director Chuck Huff attended the meeting on behalf of Mr. Lukasik.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Aubrey gave the invocation and Vice Mayor Mullinix led the public in the Pledge of Allegiance.

AWARDS AND RECOGNITION

On behalf of the Village Council, Mayor Aubrey presented a Certificate of Appreciation to Dianne Reeves in recognition of her many years of service on the Zoning Board of Adjustment.

APPROVAL OF MINUTES

The Minutes of the Regular Session held June 13, 2019 were approved as written.

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Representative Rick Roth, District 85, gave an update on the 2019 Legislative Session.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2019-06 – BOAT AND RV PARKING AMENDMENT – CONTINUED TO JULY 11, 2019

Vice Mayor Mullinix moved to continue to July 11, 2019 the public hearing and second reading of Ordinance 2019-06 amending Sections 18-35 and 18-35.1 of the Village Code of Ordinances to revise the regulations applicable to the parking and storage of boats and recreational vehicles in the R-1 and R-2 districts and amending Section 45-36 of the Village Code of Ordinances to allow for increased gate height. Councilmember Bickel seconded the motion, which passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2019-03 – HEIGHT OF WALLS AND FENCES ON RESIDENTIAL CORNER LOTS

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to adopt and enact on second reading Ordinance 2019-03 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE III, “DISTRICT REGULATIONS,” OF CHAPTER 45 (APPENDIX C), “ZONING,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-36 TO CLARIFY AND AMEND THE PROVISIONS RELATING TO THE HEIGHT OF WALLS AND FENCES ON RESIDENTIAL CORNER LOTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin stated the proposed ordinance removes the distinction between back-to-back properties and side-to-front properties, and provides for a straight 20 foot setback for six foot fences from the side property line. Per discussion at the May 9, 2019 Regular Session, Mr. Rubin advised that staff included language (a) prohibiting walls or fences within three feet of the side property line; and (b) allowing a six foot fence to be located ten feet from the side property line on back-to-back corner lots, if a continuous row of shrubs or hedges is provided along the entire section of the wall or fence facing the side street. The Planning Commission considered the issue on June 4, 2019 and recommended limiting fences to four feet for a distance of 20 feet from the side property line.

Mayor Aubrey opened the public hearing.

Bill Whiteford, 501 Marlin Road, referenced his printed presentation materials and requested Council strike option (b) from the ordinance. Mr. Whiteford asked councilmembers to consider the uniqueness of North Palm Beach, with its open-space walking experience.

There were no further comments from the public. Mayor Aubrey closed the public hearing

Discussion ensued. Mr. Rubin confirmed that the ordinance does not allow a six foot fence on the property line. Regarding how the height of a fence is measured, Community Development Director Jeremy Hubsch distributed examples based on other local codes, including measuring fence height from the neighboring yard.

President Pro Tem Norris moved to amend Ordinance 2019-03 to eliminate subsections D.a. and D.b. The motion was seconded by Councilmember Bickel and passed unanimously. Thereafter, the motion to adopt and enact Ordinance 2019-03 on second reading, as amended, passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2019-05 – ELECTION AND QUALIFYING DATE CHANGES

A motion was made by Councilmember Bickel and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2019-05 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, CHANGING THE DATE OF THE MARCH 2020 GENERAL ELECTION TO COINCIDE WITH THE STATEWIDE PRESIDENTIAL PREFERENCE PRIMARY; ESTABLISHING THE DATES FOR QUALIFICATION OF CANDIDATES; PROVIDING FOR COMMENCEMENT AND LENGTH OF TERM OF OFFICE; PROVIDING FOR TRANSMITTAL TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2019-05 – ELECTION AND QUALIFYING DATE CHANGES *continued*

Mayor Aubrey opened the public hearing. There were no comments from the public. Mayor Aubrey closed the public hearing.

Thereafter, the motion to adopt and enact Ordinance 2019-03 on second reading passed unanimously.

CONSENT AGENDA APPROVED

Items 7 and 10 were removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, Vice Mayor Mullinix moved to approve the Consent Agenda, as amended. Councilmember Searcy seconded the motion, which passed unanimously. The following items were approved:

Motion approving the release of retainage to Golden Manufacturing, Inc. for manufacture of the Anchorage Park floating docks.

Resolution 2019-47 approving the purchase of a Police Department replacement vehicle at a total cost of \$31,013.60.

Resolution 2019-49 approving a First Amendment to Restaurant Operator Agreement with Farmer's Table, LLC to allow for alcoholic beverage sales on the golf course.

Resolution 2019-50 declaring as surplus one 2017 Kuntry Kustom Four-Station Shower Trailer.

Receive for file Minutes of the Library Advisory Board meeting held 5/28/19.

FINAL CLOSE OUT AND RELEASE OF CONTRACTUAL RETAINAGE FOR THE PUBLIC SAFETY ROOF REPLACEMENT PROJECT APPROVED

Public Works Manager Susanne Hachigian addressed questions concerning the amount of the Village's insurance recovery for costs associated with roof damage due to Hurricane Irma and subsequent expenses for mold remediation.

Councilmember Searcy moved to approve final closeout of the Public Safety Facility Roof Repair Contract and release of contractual retainage in the amount of \$57,617.47 to Therma Seal Roof Systems, LLC. Councilmember Bickel seconded the motion, which passed unanimously.

RESOLUTION 2019-48 – AMENDMENT TO LANDSCAPING SERVICES CONTRACT

A motion was made by Councilmember Bickel and seconded by Councilmember Searcy to adopt Resolution 2019-48 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AN AMENDMENT TO THE CONTRACT FOR LANDSCAPING AND GROUNDS MAINTENANCE SERVICES WITH PRECISION LANDSCAPE COMPANY OF PALM BEACH COUNTY, INC. AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion took place the contract amendment modifying the scope of work to include landscaping and grounds maintenance services for the Country Club through September 30, 2019.

Thereafter, the motion to adopt Resolution 2019-48 passed unanimously.

RESOLUTION 2019-51 – ATHLETIC FIELD MAINTENANCE CONTRACT

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to adopt Resolution 2019-51 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING THE PROPOSAL SUBMITTED BY STO LANDSCAPE SERVICES, INC. FOR ATHLETIC FIELD TURF MAINTENANCE SERVICES AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT RELATING TO SUCH SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Huff recommended approving a contract in the amount of \$199,673 with the Village's current vendor, STO Landscape Services, Inc.

Discussion took place concerning the condition of the grass at Veterans Memorial Park.

Thereafter, the motion to adopt Resolution 2019-51 passed unanimously.

RESOLUTION 2019-52 – VEHICLE LEASE FUNDS TRANSFER

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Bickel to adopt Resolution 2019-52 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AUTHORIZING FORD MOTOR CREDIT COMPANY, LLC TO TRANSFER FUNDS TO BARTOW FORD CO. FOR THE LEASE OF TWO UNMARKED FORD F150 PICK UP TRUCKS PURSUANT TO PRICING ESTABLISHED IN AN EXISTING CHARLOTTE COUNTY CONTRACT; AUTHORIZING AN ADDITIONAL PAYMENT TO BARTOW FORD FOR THE DIFFERENCE IN VEHICLE PRICE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Manager Susanne Hachigian reported on issues with delivery errors and delays in obtaining leased police vehicles through Garber Ford. Mrs. Hachigian stated that in order to expedite receipt of the remaining vehicles, staff recommends approval of a funds transfer by Ford Motor Credit Company, LLC from Garber Ford, Inc. to Bartow Ford Co. Chief of Police Rick Jenkins discussed the make, model, durability, and cost of vehicles that are suitable for police use.

Thereafter, the motion to adopt Resolution 2019-51 passed unanimously.

RESOLUTION 2019-53 – FAMILY POOLS CONTRACT AMENDMENT

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Searcy to adopt Resolution 2019-53 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A CHANGE ORDER TO THE CONTRACT WITH FAMILY POOLS, INC. FOR THE POOL RESURFACING PROJECT TO MODIFY THE SCOPE AND INCREASE THE COST; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO AMEND THE CAPITAL PROJECTS FUND BUDGET TO TRANSFER \$32,225.00 FROM THE CAPITAL RESERVE ACCOUNT TO THE POOL – CONSTRUCTION AND MAJOR RENOVATION CAPITAL ACCOUNT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Huff discussed the status of the pool project and the items needed to ensure compliance with the Americans with Disabilities Act.

Thereafter, the motion to adopt Resolution 2019-51 passed unanimously.

RESOLUTION 2019-54 – CLUBHOUSE BANQUET CHAIRS

A motion was made by Councilmember Bickel and seconded by Vice Mayor Mullinix to adopt Resolution 2019-54 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF BANQUET CHAIRS AND DOLLIES FOR THE NEW COUNTRY CLUB CLUBHOUSE FROM GOVERNMENTAL SALES, LLC PURSUANT TO PRICING ESTABLISHED IN AN EXISTING GENERAL SERVICES ADMINISTRATION CONTRACT AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Thereafter, the motion to adopt Resolution 2019-51 passed unanimously.

RESOLUTION 2019-55 – CLUBHOUSE FURNITURE PURCHASE

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Norris to adopt Resolution 2019-55 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF FURNITURE FOR THE NEW COUNTRY CLUB CLUBHOUSE THROUGH FARMER’S TABLE, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Huff explained that the Village obtained bids for furniture for the new clubhouse, based on the original design. Mr. Huff stated that because Farmer’s Table increased the amount of seating and requested permission to use their own design for the furniture, it had requested to purchase all of the required furniture directly. Mr. Huff stated the Village would pay Farmer’s Table the amount budgeted for furniture, as adjusted by the lowest bid prices received, and allow Farmer’s Table to fund the additional cost of \$112,639.35. Mr. Huff reported the furniture would remain the property of the Village.

Discussion ensued on responsibility for repair and replacement of clubhouse furniture.

Thereafter, the motion to adopt Resolution 2019-51 passed unanimously.

VILLAGE COUNCIL MATTERS/REPORTS

Mayor Aubrey reminded Council and the public of the upcoming July Fourth celebration. Mr. Huff reviewed the parking arrangements at the Country Club.

Councilmember Bickel inquired about potential liability related to afterschool students who patronize the Library. Mr. Rubin will work with Library Director Sherman to address the matter.

Vice Mayor Mullinix expressed concern with the condition of the driving range.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Huff gave an update on the failure of a pump motor at the Country Club golf course.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:25 p.m.


Melissa Teal, MMC, Village Clerk