

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JULY 25, 2019**

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

Absent: Susan Bickel, Councilmember

ROLL CALL

Mayor Aubrey called the meeting to order at 7:30 p.m. All members of Council were present except for Councilmember Bickel, who was out of town. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

President Pro Tem Norris gave the invocation and Mayor Aubrey led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held July 11, 2019 were approved as written.

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Elizabeth and Alex Searcy, 654 Shore Road, thanked the Village Library and Friends of the Library. Elizabeth and Alex gave a presentation on the summer programs provided by the Village Library and Friends of the Library.

Lakisha Burch, FACC Southeast District Director presented a Resolution from the Florida Association of City Clerks to former Village Clerk Melissa Teal expressing sympathy, gratitude and recognition for Ms. Teal's professionalism, service and dedication.

Cathy Graham, 508 Fairwind Drive, expressed her condolences to the Council and the Village for the loss of former Village Clerk Melissa Teal. Ms. Graham stated that the Friends of the Library have planned a 50th Anniversary Celebration for the Village Library. There will be an adults only evening event on Friday, October, 18, 2019 and a Family Fun Day event on October 19, 2019.

Yvonne Dalpay, 670 Anchorage Drive, expressed her concerns regarding issues and possible solutions to the increased iguana population throughout the Village.

Pat Friedman, 1208 Marine Way, on behalf of the residents of Old Port Cove, Ms. Friedman expressed condolences to the Council and the Village for the loss of former Village Clerk Melissa Teal.

Senator Bobby Powell, District 30, gave a 2019 Legislative Session update.

ORDINANCE 2019-08 CODE AMENDMENT – REASONABLE ACCOMMODATION

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to adopt on first reading of Ordinance 2019-08 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 MODIFY AND CLARIFY THE CRITERIA FOR REASONABLE ACCOMMODATION REQUESTS AND REQUIRE PROOF OF CONTINUED CERTIFICATION AT BUSINESS TAX RENEWAL; AMENDING SECTION 45-24, “GROUP LIVING FACILITIES,” AND SECTION 45-25, “REASONABLE ACCOMMODATION PROCEDURE;” PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin discussed and explained the changes that needed to be made to the Ordinance since its initial adoption.

Councilmember Searcy asked for clarification as to whether the Village had specific distance regulations or requirements set in place for how many group living facilities or community residences are allowed within a certain area or radius.

Mr. Rubin explained that there were not any regulations for how many group living facilities or community residences were allowed within a certain area. Mr. Rubin stated that the Community Development Department would make a recommendation and bring each Reasonable Accommodation request to Council.

Council discussion ensued regarding their concerns about regulations for group living facilities and community residences.

Thereafter, the motion to adopt on first reading Ordinance 2019-08 passed with all present voting aye.

ORDINANCE 2019-07 CODE AMENDMENT – SEAWALL CONSTRUCTION STANDARDS

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to adopt and enact on second reading Ordinance 2019-07 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING CHAPTER 5, “BOATS, DOCKS AND WATERWAYS,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE I, “IN GENERAL,” TO AMEND SECTION 5-1, “DEFINITIONS;” AMENDING ARTICLE III, “CONSTRUCTION REQUIREMENTS,” BY AMENDING DIVISION 3, “BULKHEADS AND SEAWALLS,” TO AMEND SECTION 5-70, “SUBMISSION OF SPECIFICATIONS AND PLANS,” TO REQUIRE REVIEW BY THE VILLAGE ENGINEER, AMEND SECTION 5-71, “SPECIFICATIONS,” TO UPDATE THE CONSTRUCTION AND ENGINEERING STANDARDS, ADOPT A NEW SECTION 5-72, “MINIMUM DESIGN REQUIREMENTS FOR SEAWALLS,” TO ADOPT NEW DIMENSIONAL, COMPATIBILITY AND ELEVATION REQUIREMENTS FOR SEAWALL CAPS AND ALLOW FOR RECONSTRUCTION OF AN EXISTING SEAWALL OR BULKHEAD BEYOND THE PROPERTY LINE IN SPECIFIED CIRCUMSTANCES, AMEND SECTION 5-73, “INSPECTION,” TO CLARIFY AND EXPAND THE PERMITTING AND INSPECTION REQUIREMENTS; AMENDING ARTICLE III, “CONSTRUCTION REQUIREMENTS,” BY AMENDING DIVISION 4, “DOCKS AND PIERS,” TO AMEND SECTION 5-81,

ORDINANCE 2019-07 CODE AMENDMENT – SEAWALL CONSTRUCTION STANDARDS *continued*

“DEFINITIONS,” AMEND SECTION 5-82, “GENERALLY,” TO CLARIFY THE UPLAND PROPERTY OWNER, REQUIRE ALL CONSTRUCTION DOCUMENTS BE SIGNED AND SEALED BY AN ENGINEER, REQUIRE SUBMITTAL OF POLLUTION CONTROL PLANS AND REGULATE FENCING ON BULKHEADS OR SEAWALL CAPS, AMEND SECTION 5-83, “MINIMUM DESIGN REQUIREMENTS,” TO MODIFY THE STANDARDS FOR DECKING ELEVATIONS, FLOATING DOCKS, AND PILING, DOLPHINS AND TIE POLES; AMEND SECTION 5-84, “REGULATIONS GOVERNING CONSTRUCTION IN WATERS OTHER THAN LAKE WORTH AND ATLANTIC OCEAN,” TO UTILIZE THE PROPERTY LINE FOR MEASUREMENT AND CLARIFY EXISTING PROVISIONS, AMEND SECTION 5-85, “REGULATIONS GOVERNING CONSTRUCTION IN LAKE WORTH AND ATLANTIC OCEAN,” TO UTILIZE THE PROPERTY LINE FOR MEASUREMENT AND CLARIFY EXISTING PROVISIONS, AND AMEND SECTION 5-86, “VARIANCES,” TO AUTHORIZE VARIANCES FROM THE DIMENSIONAL REQUIREMENTS AND CLARIFY THE PROCEDURE; AMENDING CHAPTER 7, “BULKHEAD LINES,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE I, “IN GENERAL,” TO DELETE SECTION 7-1, “ESTABLISHED; DESIGNATED,” AND AMEND SECTION 7-2, “FILLING OPERATIONS BEYOND BULKHEAD LINE; PROHIBITED,” TO REMOVE ALL REFERENCES TO BULKHEAD LINES AND AMENDING ARTICLE II, “FILLING PERMIT,” TO MODIFY AND SIMPLIFY THE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin discussed and explained the updates and changes made to the Ordinance.

Discussion ensued between Council and Mr. Rubin on clarification of specific language and concerns and questions regarding allowances for seawall caps in the Ordinance.

Thereafter, the motion to adopt and enact Ordinance 2019-07 on second reading passed with all present voting aye.

CONSENT AGENDA APPROVED

Item 7 was removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, the Consent Agenda, as amended, was approved with all present voting aye. The following items were approved:

Resolution – Approving a blanket purchase order with Mullinax Ford in the amount of \$15,000 for vehicle parts, supplies and repair services.

Resolution – Approving a Contract with 1st Choice Restoration Consultant Inc. for concrete restoration at Village Hall in the amount of \$16,278.00.

Resolution – Approving the renewal of an existing Agreement for Records Management Services with Iron Mountain Information Management LLC.

Resolution – Approval of revisions to the Higher Education Assistance Program (now Higher Education Reimbursement Program).

Receive for file Minutes of the Golf Advisory Board meeting held 6/17/19

Receive for file Minutes of the Recreation Advisory Board meeting held 6/11/19

Receive for file Minutes of the Library Advisory Board meeting held 6/25/19

RESOLUTION 2019-66 – ENGENUITY TESTING SERVICES CONTRACT AMENDMENT

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to adopt Resolution 2019-66 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, MODIFYING THE SCOPE AND COST OF THE PROPOSAL FROM ENGENUITY GROUP, INC. FOR THRESHOLD INSPECTION AND CONSTRUCTION MATERIALS TESTING SERVICES FOR THE NORTH PALM BEACH COUNTRY CLUB CLUBHOUSE PROJECT TO BE PERFORMED BY ITS SUBCONSULTANT, TERRACON CONSULTANTS, INC.; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

President Pro Tem Norris asked for clarification on the budget increase for the testing services.

Special Projects Director Chuck Huff explained that the increase was due to the fact that the Village's Community Development Department was not fully staffed at the time that the testing services were needed at the Country Club. Engenuity Group was hired to provide the necessary services.

Mr. Lukasik explained that the Clubhouse Project was paying for the expense and did not increase the project's budget.

Thereafter, the motion to adopt Resolution 2019-66 passed with all present voting aye.

RESOLUTION 2019-69 – TENTATIVE MILLAGE RATE

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Norris to adopt Resolution 2019-69 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF 7.5000 MILS FOR FISCAL YEAR 2019-2020; ESTABLISHING A DATE, TIME AND PLACE FOR THE FIRST HEARING ON THE TENTATIVE BUDGET AND PROPOSED MILLAGE RATE; AUTHORIZING THE VILLAGE MANAGER TO SUBMIT THE REQUIRED FORMS TO THE PALM BEACH COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik gave an explanation and overview of the proposed budget for fiscal year 2020 and the reasons for the tentative millage rate.

Discussion ensued between Council and Mr. Lukasik regarding the tentative millage rate and the proposed budget for fiscal year 2020.

Thereafter, the motion to adopt Resolution 2019-69 passed with all present voting aye.

RESOLUTION 2019-70 – BUNKER DAMAGE REPAIR

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to adopt Resolution 2019-70 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A CONTRACT WITH BRIGHTVIEW GOLF MAINTENANCE, INC. FOR THE REPAIR TO BUNKERS AT THE NORTH PALM BEACH COUNTRY CLUB GOLF COURSE AND AUTHORIZING THE MAYOR AND VILLAGE

RESOLUTION 2019-70 – BUNKER DAMAGE REPAIR *continued*

CLERK TO EXECUTE THE CONTRACT; WAIVING THE VILLAGE’S PURCHASING POLICIES AND PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that there was storm damage to bunkers at the golf course. The bunkers needed to be repaired and rebuilt. Mr. Lukasik stated that the repairs would be covered by insurance. Tom Magill, 119 Atlantic Road, expressed his concerns regarding the Country Club Clubhouse Project.

Councilmember Searcy asked if the damage to the bunkers was due to an issue with the design.

Head Golf Professional Allan Bowman stated that the damage was not due to a design issue. Mr. Bowman stated that the storm that caused the damage produced 2 ½ inches of rain within 30 minutes. Mr. Bowman explained that water rushing down a hill at that speed would cause significant damage. Mr. Bowman stated that retention basins will be created along with the bunker repairs which would prevent that kind of damage in the future.

Thereafter, the motion to adopt Resolution 2019-70 passed with all present voting aye.

RESOLUTION 2019-71 – 2ND AMENDMENT RESTAURANT OPERATOR AGREEMENT

A motion was made by Councilmember Searcy and seconded by Vice Mayor Mullinix to adopt Resolution 2019-71 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A SECOND AMENDMENT TO THE RESTAURANT OPERATOR AGREEMENT WITH FARMER’S TABLE, LLC TO CONDUCT FOOD AND BEVERAGE OPERATIONS AT THE NORTH PALM BEACH COUNTRY CLUB AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE SECOND AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the Second Amendment to the Lease Agreement would address Farmer’s Table LLC’s investment to the pavilion at the Clubhouse. Mr. Lukasik gave an overview and explanation of the Second Amendment to the Lease Agreement. Mr. Lukasik gave an overview of the improvements that would be done to the pavilion. Mr. Lukasik explained what would take place if there was a termination of the Lease Agreement.

Tom Magill, 119 Atlantic Road, expressed his concerns regarding the past and current negotiations with restaurant operators for the Country Club Clubhouse Project.

Discussion ensued between Council and Staff on the projected dates of opening for the new Country Club and if the improvements to the pavilion would affect those dates.

President Pro Tem Norris expressed his concerns regarding the Lease Agreement.

Mr. Rubin discussed and clarified the language in the Lease Agreement.

Discussion ensued between Council and staff regarding the improvements to the pavilion and the costs involved.

RESOLUTION 2019-71 – 2ND AMENDMENT RESTAURANT OPERATOR AGREEMENT *continued*

President Pro Tem discussed and recommended changes to the language concerning the breach or early termination of the Lease Agreement and also recommended having Farmer's Table LLC as the guarantor instead of Farmer's Table LLC NPB.

Discussion ensued between Council and staff on whether or not to have the architects of the Country Clubhouse Project review the improvement plans and approve them since those improvements would be done by a different architect company.

Discussion ensued between Council and Mr. Rubin regarding the definition of a breach in an agreement or contract and how the conditions of a breach could be changed in the Lease Agreement.

Mr. Rubin explained the definition of a breach of a contract or agreement.

Joey Giannuzzi, owner of Farmer's Table gave an overview of the proposed improvements to the Clubhouse and what the investment would cost Farmer's Table. Mr. Giannuzzi was in agreement with naming Farmer's Table LLC as the guarantor on the Lease Agreement.

Discussion ensued between Council and Mr. Giannuzzi on the changes that will be made to the Lease Agreement.

Mr. Rubin clarified that the only change to the Lease Agreement that Council was requesting was for Farmer's Table LLC to be named as guarantor instead of Farmer's Table NPB LLC.

Thereafter, the motion to adopt Resolution 2019-71, as amended, passed 3-0 with Mayor Aubrey, Vice Mayor Mullinix and Councilmember Searcy voting aye and President Pro Tem Norris voting nay.

RESOLUTION 2019-72 – 1ST AMENDMENT TO LAND DEVELOPMENT CODE CONSULTING

A motion was made by Councilmember Searcy and seconded by Vice Mayor Mullinix to adopt Resolution 2019-72 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING ADDENDUM 1 TO THE CONTRACT WITH THE IMAGE NETWORK, INC. D/B/A DOVER, KOHL AND PARTNERS TO PREPARE A FORM-BASED LAND DEVELOPMENT CODE AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE ADDENDUM; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained and discussed the reasons for approving the Addendum to the Contract with Image Network, Inc. d/b/a Dover Kohl and Partners. The Addendum would extend the contract to allow them to participate in additional meetings and compensate for possible additional work needed to prepare and rewrite the Land Development Code. Mr. Lukasik stated that he did not anticipate that they would go beyond three additional meetings.

Discussion ensued between Council and Mr. Lukasik regarding whether there would be a budgetary impact.

Mr. Lukasik stated that there would be no budgetary effect by moving forward with the Addendum.

Thereafter, the motion to adopt Resolution 2019-72 passed with all present voting aye.

VILLAGE COUNCIL MATTERS/REPORTS

The Council came to consensus to move forward with the necessary actions to appoint Deputy Village Clerk Jessica Green as the new Village Clerk.

Deputy Village Clerk Jessica Green thanked Council for the opportunity to serve as their new Village Clerk.

Vice Mayor Mullinix welcomed Beth as the new Country Club Manager. Vice Mayor Mullnix thanked Mr. Lukasik in his efforts to improve the traffic lights along Northlake Boulevard. Vice Mayor Mullinix requested Letters of Commendation for Myles Colin Johnson, Special Agent – USSS, Captain – USMC, and for former Village Clerk Melissa Teal.

The Council came to consensus to have Letters of Commendation created for Myles Colin Johnson, Special Agent – USSS, Captain – USMC, and for former Village Clerk Melissa Teal.


Councilmember Searcy asked when the newly revised and finalized Boat and RV Ordinance would be implemented.

Mr. Lukasik explained that Code Compliance would be implementing the same process as was done in the past with the Boat and RV Ordinance such as informal letters and courtesy notices first and then violation notices if compliance is not met.

Councilmember Searcy stated that she heard a Solid Waste Authority presentation. She encouraged everyone to hear the same presentation. Councilmember Searcy stated that the Solid Waste Authority facility was one of the top three in the country in terms of effectiveness.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:04 p.m.



Jessica Green, MMC, Deputy Village Clerk