

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JULY 8, 2021**

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

Absent: David B. Norris, Councilmember
Susan Bickel, Councilmember

ROLL CALL

Mayor Aubrey called the meeting to order at 7:00 p.m. All members of Council were present except for Councilmember Norris and Councilmember Bickel. 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 June 24, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Mayor Aubrey read into the record a public comment received from John Samadi, 512 Marlin Road. In his comment, Mr. Samadi expressed his concerns regarding Village Manager Lukasik's choice for the Acting Public Works Director.

Mayor Aubrey read into the record a public comment received from Roberta Stephens, 304 Golfview Road, PH8. In her comment, Ms. Stephens thanked Council for the Village's beautiful fireworks display on the 4th of July.

Mayor Aubrey read into the record a public comment received from Anne Lippincott, 528 Driftwood Road. In her comment, Ms. Lippincott stated that she was against irresponsible vacation rental homeowners and expressed that the intent of responsible vacation rental homeowners was to provide a positive experience for guests and surrounding neighbors.

Richard Romero, 828 Buttonwood Road, expressed his concerns regarding recent services received from the Public Works Department and the recent hiring practices of the Village with regards to the Public Works Director position.

Mary Romero, 828 Buttonwood Road, expressed her concerns regarding the Village's recreation sports stating that the Village has not run the last two seasons of basketball. Ms. Romero stated that the gym is closed every day at 5:30 p.m. although it states in the newsletter and online that it is open until 9 p.m. Ms. Romero reiterated an incident that took place between her and Mr. Lukasik when she was an employee and asked when Mayor Aubrey would comment on the incident. Ms. Romero expressed concern regarding the status of the NET Team. Ms. Romero commented on employees who no longer work for the Village since Mr. Lukasik became manager.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERSORDINANCE 2021-10 ZONING IN PROGRESS

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt on first reading Ordinance 2021-10 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING A ZONING IN PROGRESS FOR THE CONSTRUCTION OF SINGLE-FAMILY HOMES IN THE R-1 SINGLE-FAMILY DWELLING ZONING DISTRICT; PROVIDING FOR EXPIRATION AND EXTENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Jeremy Hubsch began a presentation on the proposed Zoning in Progress ordinance. Mr. Hubsch gave a brief history regarding the proposed code rewrite and the issues and high priority tasks that were identified in the Citizen's Master Plan with regards to residential construction within the Village. Mr. Hubsch stated that there has been a recent uptick in residential construction and concerns that have arisen were that larger homes had too much mass, lacked compatibility with adjacent homes, lacked architectural character, were too tall, covered too much lot and had too much impervious surface. In response to the concerns, staff was recommending a Zoning in Progress.

Mr. Hubsch discussed building trends in the Village between 2015 and 2021. Mr. Hubsch stated that staff was recommending the implementation of an ad-hoc committee of local experts to evaluate changes to the Village's R-1 Zoning Code. The Zoning in Progress would not prevent new homes from being permitted or constructed within certain parameters. The Zoning in Progress would expire 6 months from its effective date and there would be an opportunity to extend it another 6 months. Mr. Hubsch reviewed the following recommendations: (1) Require a minimum landscape area of 40% for two-story homes and 35% for one-story homes, (2) Establish maximum height of 2 stories, 30 feet, and (3) Limit enclosed area of 2nd floor to 75% of the enclosed first floor area. Mr. Hubsch reviewed and explained the Zoning in Progress allowance verses the Market. Mr. Hubsch explained recommendations and plans for the proposed ad-hoc committee and stated that the Planning Commission had unanimously recommended the approval of a Zoning in Progress ordinance as drafted at their June 8, 2021 meeting. Mr. Hubsch discussed and gave the dimensions, building coverage, impervious area and landscape area of smallest lot size and a moderate lot size in the R-1 zoning district. Mr. Hubsch presented pictures of newly built homes in the Village. Mr. Hubsch stated that he performed a peer city analysis and discussed the results. Mr. Hubsch discussed and explained the issues of building height and 2nd floor mass and gave examples and comparisons to other cities.

These residents addressed the Council regarding their concerns regarding the proposed Zoning in Progress:

John Rhodes, 720 Jacana Way
Chris Harris, 764 Waterway Drive

Jeff Palumbo, 1125 Country Club Drive
Stephen Bevivino, 713 Teal Way

Discussion ensued between Council regarding the proposed Zoning in Progress ordinance.

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to table Ordinance 2021-10.

Thereafter, the motion to table Ordinance 2021-10 passed with all present voting aye.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-08 GENERAL FUND BUDGET AMENDMENT FOR FY 2021 CAPITAL LEASES

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt and enact on second reading Ordinance 2021-08 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE ADOPTED GENERAL FUND BUDGET FOR FISCAL YEAR 2021 TO CLASSIFY THE TOTAL AMOUNT FINANCED FOR VILLAGE VEHICLES AS CAPITAL OUTLAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the ordinance and stated that its purpose was to amend the budget to record the value and acquisition of three leased vehicles as capital outlay in the Fiscal Year 2021 Budget.

Mayor Aubrey opened the public hearing on the General Fund Budget Amendment for FY 2021 Capital Leases ordinance.

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

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-08 passed with all present voting aye.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-09 – CODE AMENDMENT – STORMWATER MANAGEMENT UTILITY

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt and enact on second reading Ordinance 2021-09 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER 30, “STORMWATER MANAGEMENT UTILITY;” CREATING A STORMWATER MANAGEMENT UTILITY AND STORMWATER MANAGEMENT UTILITY FUND; PROVIDING FOR ADOPTION OF STORMWATER MANAGEMENT UTILITY ASSESSMENTS BY RESOLUTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik stated that the purpose of the ordinance was to create a Stormwater Management Utility and adoption of Stormwater Management Utility Assessments to be levied by future resolution against real property in the Village. Mr. Lukasik gave a brief history and background on the item. The ordinance would amend the Village code to create the Stormwater Management Utility and Stormwater Management Utility Fund. Mr. Lukasik stated that after the adoption of the ordinance, staff would move forward with establishing the stormwater utility fees.

Mayor Aubrey opened the public hearing on the Stormwater Management Utility ordinance.

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

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-09 passed with all present voting aye.

There were no ex-parte communications declared for the next item.

MOTION - DIMENSIONAL EXCEPTION APPLICATION FOR 901 SHORE DRIVE

Principal Planner Alex Ahrenholz stated that Council denied the initial Dimensional Exception Application at the June 10th Council meeting. Mr. Ahrenholz explained and described the applicant's recreational vehicle location, its dimensions and the dimensions of the property. Mr. Ahrenholz showed pictures of the recreational vehicle, its screening and its location. Mr. Ahrenholz stated that staff was recommending approval of the dimensional exception request with the following conditions: (1) the hedges be allowed to remain in the existing planters until January 1, 2022; (2) the new shrubs shall be planted in the ground by January 1, 2022; (3) a specially designed planter, to be reviewed and approved by Community Development staff, will be installed to provide screening of the RV from the point of ingress and egress and (4) if any of the trees or shrubs on the applicant's property or adjacent properties that are currently providing screening are removed, they shall be replaced on the applicant's property or neighboring property within six months of their removal.

Mayor Aubrey opened the public hearing on the Dimensional Exception Application for 901 Shore Drive.

Daniel Haid, 705 Pelican Way, expressed his concerns regarding the size and dimension of the recreational vehicle parked at 901 Shore Drive and the impacts to airflow and the view from his home.

Dale Shilling, 901 Shore Drive, explained the reasons for the purchase and ownership of his recreational vehicle. Mr. Shilling stated that he asked permission and got approval and permitting for fencing from the Village at the time of purchase. Mr. Shilling explained and gave a history of the screening of the recreational vehicle he had done in compliance with any requests he received from the Village.

Kelly Shilling, 820 Shore Drive, stated that she has lived in her home which is caddy corner to 901 Shore Drive since 1993. Ms. Shilling stated that 901 Shore Drive has been impeccably maintained and is not an eyesore and the recreational vehicle rarely leaves the property and there are never any cars or vehicles parked in the front yard causing any disturbances to the neighboring properties. Ms. Shilling recommended the approval of a dimensional exception application for 901 Shore Drive and stated that neighbors across the street had signed a letter stating that they did not have an issue with the recreational vehicle.

Michelle Haid, 705 Pelican Way, stated that Mr. Shilling had not screened the recreational vehicle as he had promised fourteen years ago and that the recreational vehicle was an eyesore.

Mr. Shilling responded and stated that there were a lot of statements made that were not factual and reiterated that his property was impeccable and that he has been working with the Village to be in compliance and planted the clusia hedges as recommended.

Daniel Haid, 705 Pelican Way, asked Council to look at the documentations and requirements for the recreational vehicle. Mr. Haid stated that he requested a copy of the letter of approval from neighbors and it was not provided to him.

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

MOTION - DIMENSIONAL EXCEPTION APPLICATION FOR 901 SHORE DRIVE *continued*

Mayor Aubrey gave an explanation and clarified the purpose of the Dimensional Exception Application.

President Pro Tem Mullinix stated that he understood that there were two sides to the story but that he would follow staff's recommendation.

Vice Mayor Searcy stated that she would give the greater weight to the property owner who was being most impacted by the recreational vehicle.

Vice Mayor Searcy made a motion to deny the Dimensional Exception Application for 901 Shore Drive. The motion failed due to lack of a second.

President Pro Tem Mullinix made a motion to approve the Dimensional Exception Application for 901 Shore Drive subject to the conditions recommended by staff. Mayor Aubrey passed the gavel to Vice Mayor Searcy. Mayor Aubrey seconded the motion.

Thereafter, the motion was approved 2 to 1 with Mayor Aubrey and President Pro Tem Mullinix voting aye and Vice Mayor Searcy voting nay.

CONSENT AGENDA

Vice Mayor Searcy moved to approve the Consent Agenda. President Pro Tem Mullinix seconded the motion which passed unanimously. The following items were approved:

Resolution approving a Contract with Randy Gillman Enterprises LLC d/b/a Randy's Holiday Lighting for holiday lighting and décor in the amount of \$41,910 for the 2020-2022 Holiday Seasons.

Resolution approving the issuance of a blanket purchase order to GL Staffing Services, Inc. for Public Works temporary staffing in an amount not to exceed \$25,000.

Resolution approving the issuance of a blanket purchase order in an amount not to exceed \$20,000 with Flying Scot, Inc. for sidewalk and removal and replacement.

Receive for file Minutes of the Golf Advisory Board meeting held 4/20/21.

Receive for file Minutes of the Golf Advisory Board meeting held 5/17/21.

Receive for file Minutes of the Library Advisory Board meeting held 6/22/21.

RESOLUTION 2021-57 – INTERLOCAL AGREEMENT FOR DEVELOPMENT OF COMPLETE STREETS AND BEAUTIFICATION PLAN

A motion was made by Vice Mayor Searcy and seconded by President Pro Tem Mullinix to adopt Resolution 2021-57 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE TREASURE COAST REGIONAL PLANNING COUNCIL FOR THE DEVELOPMENT OF A COMPLETE STREETS AND BEAUTIFICATION PLAN FOR THE U.S. HIGHWAY ONE CORRIDOR NORTH OF THE PARKER BRIDGE AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-57 – INTERLOCAL AGREEMENT FOR DEVELOPMENT OF COMPLETE STREETS AND BEAUTIFICATION PLAN *continued*

Mr. Lukasik explained the purpose of the resolution and gave a brief history regarding the need for improvements to the US-1 Corridor north of the Parker Bridge. Mr. Lukasik stated that because of the input received from residents, staff was recommending the approval of an Interlocal Agreement with Treasure Coast Regional Planning Commission to complete a public charrette and planning process to obtain input from the community to consider complete streets and beautification improvements to support improved safety, mobility and appearance.

Pat Friedman, 1208 Marine Way, G6, on behalf of Old Port Cove expressed that they had no objection to beautifying the US-1 Corridor.

Thereafter, the motion to adopt Resolution 2021-57 passed with all present voting aye.

RESOLUTION 2021-58 – THIRD AMENDMENT TO GOLF COURSE MAINTENANCE CONTRACT

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt Resolution 2021-58 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A THIRD AMENDMENT TO THE GOLF COURSE MAINTENANCE CONTRACT WITH BRIGHTVIEW GOLF MAINTENANCE, INC. TO IMPLEMENT AN ENHANCED FOLIAR PROGRAM FOR THE FAIRWAYS AND ROUGHS FOR THE DURATION OF THE CONTRACT AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE THIRD AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Head Golf Professional Allan Bowman explained the reason for the resolution. Mr. Bowman stated that the Amendment to the Contract with Brightview Golf Maintenance, Inc. would allow the program to be expanded to the “rough” as well as the “fairways” of the Country Club golf course.

President Pro Tem Mullinix stated that he was in favor of amending the contract and asked if the coquina rock near the Clubhouse could also be cleaned by Brightview Maintenance.

Mr. Bowman stated that there was a fungus on the coquina rock and that he would ask the superintendent if it could be cleaned more frequently. Mr. Bowman stated that a weather station would be implemented next year. The station would have rain sensors to control the sprinklers better and cut down on the amount of water concentration.

Thereafter, the motion to adopt Resolution 2021-58 passed with all present voting aye.

RESOLUTION 2021-59 – COUNTRY CLUB GOLF COURSE TOWER CLOCK

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt Resolution 2021-59 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A PROPOSAL FROM THE VERDIN COMPANY FOR THE PURCHASE OF A TOWER CLOCK FOR THE NORTH PALM BEACH COUNTRY CLUB GOLF COURSE; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-59 – COUNTRY CLUB GOLF COURSE TOWER CLOCK *continued*

Mr. Bowman stated that the purchase of a tower clock would be one of the finishing touches to the Country Club.

Vice Mayor Searcy asked if the clock was impact rated and if it could be customized.

Mr. Bowman stated yes, that the clock was impact rated and was also customizable and that he would bring back recommendations of color, wording and font back to Council.

Mayor Aubrey asked how tall the clock would be.

Mr. Bowman stated that it would be 11 feet tall.

President Pro Tem Mullinix asked if the clock could be dedicated to Jack and Barbara Nicklaus.

Mr. Bowman stated that the option to dedicate the clock could also be brought back to Council for approval.

Thereafter, the motion to adopt Resolution 2021-59 passed with all present voting aye.

MAYOR AND COUNCIL MATTERS/REPORTS

Mayor Aubrey stated that Mr. Lukasik's evaluation forms were completed by Council and that a merit increase of 4.5% was the calculated result.

Vice Mayor Searcy made a motion to give Mr. Lukasik a 4.5% merit increase.

Mr. Lukasik stated that he appreciated the recommendation of a 4.5% merit increase but was willing to take a lesser merit increase of 3%.

Discussion ensued between Council regarding Mr. Lukasik's merit increase.

President Pro Tem Mullinix recommended a 3% merit increase for Mr. Lukasik.

Mayor Aubrey passed the gavel to Vice Mayor Searcy. Mayor Aubrey seconded the motion to give Mr. Lukasik a 4.5% merit increase.

Thereafter, the motion passed 2 to 1 with Mayor Aubrey and Vice Mayor Searcy voting aye and President Pro Tem Mullinix voting nay.

Mayor Aubrey stated that because of the collapse and tragedy of the Champlain Towers in Surfside, he recommended that the Village take a look at the building inspection and certification regulations of condominiums.

Attorney Rubin stated that some cities were moving forward with ordinances and some cities were waiting to see how Palm Beach County was addressing the issue.

President Pro Tem Mullinix asked if anything was being done on the state level.

Mr. Lukasik explained that Governor DeSantis stated that there would be no action on a state level, but that it would be up to the counties and cities and that Building Official Wayne Cameron was collaborating with the Palm Beach County League of Cities regarding the issue.

MAYOR AND COUNCIL MATTERS/REPORTS *continued*

President Pro Tem Mullinix and Vice Mayor Searcy commended staff on having a great 4th of July Fireworks Event.

Vice Mayor Searcy commended Parks and Recreation for their efforts on great summer and summer camp events. Vice Mayor Searcy congratulated the Country Club Golf Course for being one of top 20 municipal courses in the United States. Vice Mayor Searcy encouraged resident to participate in the upcoming Budget Workshops.

President Pro Tem Mullinix recommended not having any low fireworks for the next 4th of July event since the lower fireworks could not be seen over the trees.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik began a presentation regarding the Fiscal Year 2022 Employee Health Insurance renewal. Mr. Lukasik reviewed the summary of bid results for health insurance received from AvMed, Humana, United Healthcare and Cigna. Mr. Lukasik reviewed and explained the employer and employee impact with Cigna and reviewed the breakdown of employee impact/expense and comparison between the Base HSA Plan and the Buy Up PPO Plan and the cost comparison of status quo, a 25% reduction and a 35% reduction. Mr. Lukasik reviewed and explained the employee impact if the HSA plan was eliminated and there was a Buy Up Plan Only. Mr. Lukasik stated that employees prefer a choice in plans, preliminary budget assumes the status quo, preliminary budget is reducing the millage rate from 7.5 mils to 7.1 mils. Mr. Lukasik stated that staff recommended maintaining the status quo for employee health insurance coverage. Mr. Lukasik distributed a survey as a comparison showing what other municipalities contribute to their employees' HSA accounts.

President Pro Tem Mullinix asked for clarification on the HSA funding.

Sean Fleming of the Gehring Group clarified and stated that the survey results indicated the amount that each municipality contributes to their employees' HSA account and that the municipalities do not require the employees to contribute to their HSA accounts.

Discussion ensued between President Pro Tem Mullinix and Mr. Fleming regarding HSA accounts.

A motion was made by Vice Mayor Searcy to remain with Cigna Health Insurance and keep the status quo for the Fiscal Year 2022 employees' health insurance. Mayor Aubrey passed the gavel to Vice Mayor Searcy. Mayor Aubrey seconded the motion.

Thereafter, the motion passed 2 to 1 with Mayor Aubrey and Vice Mayor Searcy voting aye and President Pro Tem Mullinix voting nay.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:02 p.m.



Jessica Green, MMC, Village Clerk