

**MINUTES OF THE REGULAR SESSION  
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA  
AUGUST 8, 2019**

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

ROLL CALL

Mayor Aubrey called the meeting to order at 7:30 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Minutes of the Regular Session held July 25, 2019 were approved as written.

AWARDS AND RECOGNITION

Mayor Aubrey read a Letter of Commendation for Melissa Teal, Former Village Clerk and presented the letter to her husband, David Teal.

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Richard Freseman, 419 Anchorage Lane and stated that a bad storm had blown out a street light on Anchorage Lane and that Facilities Maintenance Worker John Kowal from the Public Works Department fixed the streetlight within one hour. Mr. Freseman commended Mr. Kowal for his efforts and great service.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2019-08 CODE AMENDMENT – REASONABLE ACCOMMODATION

A motion was made by President Pro Tem Norris and seconded by Councilmember Searcy to adopt and enact on second reading 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.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2019-08 CODE AMENDMENT – REASONABLE ACCOMMODATION *continued*

Mr. Rubin stated that the Reasonable Accommodation code would be amended to require that recovery residences be certified by the Florida Association of Recovery Residences (FARR), and be managed by certified administrators.

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 on second reading Ordinance 2019-08 passed unanimously.

CONSENT AGENDA

Motion – Final Project Completion and Payment Authorization Form for the Community Center Trail Project.

Resolution – Awarding a Contract to D.S. Eakins Construction Corporation in the amount of \$6,565 for pool drainage connection abandonment at North Palm Beach Country Club.

Receive for file Minutes of the Golf Advisory Board meeting held 7/15/19.

Councilmember Searcy requested that Special Projects Director Chuck Huff explain the reason for the pool drainage connection abandonment.

Mr. Huff explained that the pool at the Country Club currently drains into the Seacoast Utility lines which could cause issues for the sewer lines of homes surrounding the Country Club. The current line will be capped and abandoned and a new drainage system will be created and implemented.

Councilmember Bickel moved to approve the Consent Agenda. President Pro Tem Norris seconded the motion. All items on the Consent Agenda were approved unanimously.

RESOLUTION 2019-74 – APPOINTMENT OF VILLAGE CLERK

A motion was made by President Pro Tem Norris and seconded by Councilmember Bickel to adopt Resolution 2019-74 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPOINTING JESSICA GREEN TO SERVE AS VILLAGE CLERK; PROVIDING FOR THE VILLAGE CLERK’S COMPENSATION AND BENEFITS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Green thanked the Mayor and Council for appointing her to serve as Village Clerk.

Thereafter, the motion to adopt Resolution 2019-74 passed unanimously.

RESOLUTION – GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTIONS FOR LAKESIDE PARK

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE RECEIPT OF RECREATIONAL TRAILS PROGRAM GRANT FUNDS FOR LAKESIDE PARK AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION – GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTIONS FOR LAKESIDE PARK *continued*

Mr. Rubin stated that staff was recommending to reject the Resolution that would approve a Grant Agreement with the Florida Department of Environmental Protections for the receipt of Recreation Trails Program Grant Funds for Lakeside Park.

Mr. Lukasik stated that the purpose of the grant was for trail resurfacing and new trash can and bench purchases. Mr. Lukasik explained that the \$200,000 grant required a \$50,000 match and a 99 year agreement to keep the park publicly accessible. Mr. Lukasik explained that the entire resurfacing of the park was not necessary and the trail could be repaired by cutting and patching the damaged or deteriorated surfaces. The repair of the trail and the replacement of trash cans and benches would cost approximately \$50,000 which would be at or below the match amount.

Mr. Lukasik gave an overview and history of public comments and concerns from residents regarding Lakeside Park and requests to change it to a “Resident Only” park. Mr. Lukasik discussed and explained the costs that would be involved in changing Lakeside Park to a “Resident Only” park versus a less restrictive park. Mr. Lukasik explained that staff did not recommend changing the Lakeside Park to a “Resident Only” park even though the Village continues to receive requests to do so. Mr. Lukasik discussed and explained strategies that could potentially address the issues at Lakeside Park. Mr. Lukasik discussed and explained the parking enforcement area surrounding Lakeside Park. Mr. Lukasik stated that in meetings with the residents it was agreed that Lakeside Park should remain a general access and passive park. Mr. Lukasik discussed and explained options for parking enforcement in areas surrounding Lakeside Park and options for monitoring it. Mr. Lukasik discussed additional improvements to the beach, berm, vegetation and pavilion at Lakeside Park.

Mr. Lukasik stated that staff was recommending to not accept the grant and to move forward with the Lakeside Park repairs and replacements without using grant money.

A motion to reject the Grant Agreement with the Florida Department of Environmental Protections for the receipt of Recreation Trails Program Grant Funds for Lakeside Park was made by President Pro Tem Norris and seconded Councilmember Searcy which passed unanimously.

RESOLUTION 2019-75 – EMPLOYEE HEALTH AND DENTAL INSURANCE

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Searcy to adopt Resolution 2019-75 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING THE PROPOSAL OF CIGNA TO PROVIDE HEALTH AND DENTAL INSURANCE TO VILLAGE EMPLOYEES AND AUTHORIZING THE CANCELLATION OF THE EXISTING POLICY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the changes to the employee health and dental insurance. Mr. Lukasik stated that the new employee health and dental insurance carrier would be Cigna and explained that the projected costs to the Village would remain within budget.

Thereafter, the motion to adopt Resolution 2019-75 passed unanimously.

VILLAGE COUNCIL MATTERS/REPORTS

Councilmember Searcy asked Mr. Rubin to give an update on the Firearms Preemption Lawsuit ruling.

Mr. Rubin explained the reason for the lawsuit and stated it was decided on summary judgment in Tallahassee. The judge found that the penalties were unconstitutional since they violated legislative immunity which interfered with the legislative process, violated governmental function immunity, violated the provisions in the Constitution regarding removal of elected officials and unconstitutionally impaired the employment contracts for Broward County and Leon County. The lawsuit has since been appealed.

Councilmember Bickel asked if the trees at playground would be replaced at Lakeside Park.

Mr. Lukasik stated that he and Vice Mayor Mullinix were discussing options for preserving the oak trees that are located at the Memory Care site and the possibility of relocating them to Lakeside Park.

Councilmember Bickel stated that the basketball court at Lakeside Park was in need of maintenance. Councilmember Bickel stated that the basketball court should be maintained, and if it is not maintained, it should be removed.

Discussion took place among staff and Council regarding the basketball court at Lakeside Park.

The Council came to consensus to maintain the basketball court at Lakeside Park.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik announced and gave the schedule for the Anchors Away Fishing Tournament taking place on Saturday, August 10<sup>th</sup>.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:10 p.m.

  
Jessica Green, MMC, Village Clerk