

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
AUGUST 12, 2021**

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 July 22, 2021 were approved as written.

COUNCIL BUSINESS MATTERS

Mr. Lukasik began a presentation regarding the Environmental Committee's proposal for a community garden. Mr. Lukasik discussed and explained the reasons for a community garden and the proposed location of Osborne Park. Mr. Lukasik showed the proposed layout and discussed and explained the different components and the organization of and rules of the proposed community garden. Mr. Lukasik stated that there would be annual dues to cover maintenance expenses and there would be requirements for membership. Mr. Lukasik gave a breakdown of materials and costs and concluded the presentation by requesting Council's policy direction.

Karen Marcus, 920 Evergreen Drive, spoke on behalf of and as the Chair of the Environmental Committee. Ms. Marcus thanked Mr. Lukasik for giving the presentation and thanked Council for listening and considering the request for a community garden. Ms. Marcus requested Council's support and approval for the community garden. Ms. Marcus encouraged Council to visit the community garden in Jupiter at Abacoa to see a good example of a community garden.

President Pro Tem Mullinix stated that he was in support of a community garden in the Village. President Pro Tem Mullinix recommended that residents who live around the proposed garden were notified and were in support of the garden.

Council came to consensus to implement a community garden at Osborne Park.

STATEMENTS FROM THE PUBLIC

Rita Budnyk, 804 Shore Drive, requested that the practice of reading written public comment at Council meetings be reinstated.

Tom Magill, 119 Atlantic Road, gave input regarding the issue of preferred tee times for certain members at the Country Club Golf Course. Mr. Magill recommended the formation of an ad-hoc committee to resolve the issue.

Tom Kenney, 2765 Richard Road, expressed concerns regarding the usage of fireworks in the Village. Mr. Kenney suggested that the Village pass the same type of fireworks restriction ordinance that was passed by the Village of Wellington. Mr. Kenney gave examples of environmental impacts from fireworks and what other municipalities have done to negate the impacts.

Amy Bierer, 532 Gulf Road, expressed her concerns regarding the usage of fireworks in the Village. Ms. Bierer discussed and explained environmental impacts from firework usage.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

There was no ex-parte communication by Council for the following item:

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-03 CODE AMENDMENT – CREATING A PLANNED UNIT DEVELOPMENT – TABLED 1/28/21

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to remove Ordinance 2021-03 from the table. Thereafter, the motion to remove Ordinance 2021-03 from the table passed unanimously.

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to adopt and enact on second reading Ordinance 2021-03 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, CREATING A PLANNED UNIT DEVELOPMENT ON APPROXIMATELY 1.95 ACRES OF REAL PROPERTY LOCATED ON THE NORTHEAST CORNER OF RICHARD ROAD AND ALTERNATE A1A, AS MORE PARTICULARLY DESCRIBED HEREIN; REZONING THE PROPERTY FROM THE C-T TRANSITIONAL COMMERCIAL DISTRICT TO THE C-S SHOPPING COMMERCIAL DISTRICT; PROVIDING FOR DEVELOPMENT OF THE PROPERTY IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS, WAIVERS AND CONDITIONS REFERENCED IN THIS ORDINANCE; PROVIDING PROCEDURES FOR FUTURE MODIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Jeremy Hubsch gave an update on the proposed project. Mr. Hubsch gave a history of the proposed project and explained the requested changes that were given to the applicant since the tabling of the second reading of the ordinance on January 28, 2021. Mr. Hubsch stated that the applicant has reduced the number of gas pumps from eight (8) to six (6) and added additional landscaping along Richard Road.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-03 CODE AMENDMENT
– CREATING A PLANNED UNIT DEVELOPMENT – TABLED 1/28/21 *continued*

Donaldson Hearing of Cotleur & Hearing, on behalf of the applicant, began a presentation on the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A. Mr. Hearing stated that there had been significant transparency and outreach for the proposed project. Mr. Hearing stated that there were some residents opposed to the proposed project but that there were many in support of the project. Mr. Hearing stated that a circulated petition indicated 91 percent of residents directly abutting the property were in support of the proposed project. Mr. Hearing submitted the petition to Village Clerk Jessica Green.

Mr. Hearing reviewed the history, location and proposed rezoning of the site. Mr. Hearing discussed and explained the changes that were made to the proposed project's plans since the last hearing that was tabled on January 28, 2021. Mr. Hearing concluded the presentation and asked Council for their support of the proposed project.

These residents addressed the Council regarding their concerns and opposition to the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A:

Theresa Cleary, 2781 Hinda Road	Rita Budnyk, 840 Shore Road
Ken Rochefort, 2735 Hinda Road	Alice Ludwig, 2686 Honey Road
Barbara Rochefort, 2735 Hinda Road	Hope Shappell, 2681 Hinda Road
James Jarvis, 2720 Hinda Road	Georgie Katz, 2678 Hinda Road
Deborah Cross, 2560 Pepperwood Circle	Justin Kamardi, 2730 Hinda Road

In addition, Ms. Budnyk submitted documentation relating to the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A for the official record.

These residents addressed the Council regarding their approval and favor of the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A:

Martha Andres, 732 Tradewind Drive
Steve Hagar, 9458 Alternate A1A
Kenneth Csont, 108 Paradise Harbour Blvd., #115
Roni Sehayik (owner of the property for proposed project), 1983 PGA Boulevard

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

Mr. Hearing of Cotleur & Hearing on behalf of the applicant, made closing comments and asked for Council's support of the project.

President Pro Tem Mullinix stated that the applicants did all they were asked to do by the Planning Commission, Council and residents. President Pro Tem Mullinix stated that 91 percent support of the project was a great percentage and improvement and capitalization of the corridor was needed. President Pro Tem Mullinix stated that he was in support of the proposed project.

Councilmember Bickel stated that she agreed with President Pro Tem Mullinix's assertions, except for the fact that it was unfair to rezone a property located next to residential properties. The residents bought their property with the expectation that the properties surrounding them would remain residential.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-03 CODE AMENDMENT
– CREATING A PLANNED UNIT DEVELOPMENT – TABLED 1/28/21 *continued*

Vice Mayor Searcy commended the property owner for their efforts on the proposed project. Vice Mayor Searcy stated that she was not in favor of rezoning the property and was not in favor of the proposed project.

Councilmember Norris commended the property owner for their efforts on the proposed project. Councilmember Norris stated that he was not in favor of having a 24-hour service gas station and rezoning the property and therefore was not in favor of the proposed project.

Mayor Aubrey stated that he also had issue with a 24-hour service gas station and was not in favor of rezoning the property.

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-03 failed 4 to 1 with President Pro Tem Mullinix voting aye, and Mayor Aubrey, Vice Mayor Searcy, Councilmember Norris and Councilmember Bickel voting nay.

The meeting recessed at 8:43 p.m.

The meeting reconvened at 8:45 p.m.

President Pro Tem Mullinix was not present when the meeting reconvened.

ORDINANCE 2021-10 ZONING IN PROGRESS – TABLED 7/8/21

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to remove Ordinance 2021-10 from the table. Thereafter, the motion to remove Ordinance 2021-10 from the table passed with all present voting aye.

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel 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.

President Pro Tem Mullinix returned to the meeting at 8:48 p.m.

Community Development Director Jeremy Hubsch began a presentation on the proposed Zoning in Progress ordinance. Mr. Hubsch gave a brief history and timeline regarding the proposed ordinance. Mr. Hubsch stated that there has been a recent uptick in residential construction and concerns had arisen regarding the larger homes that have been recently constructed in the Village. In response to the concerns, staff was recommending an ad-hoc committee to evaluate changes to the R-1 zoning code and to implement a Zoning in Progress while those changes were being evaluated.

Mr. Hubsch discussed and explained comparison cities that had a similar development pattern and lot sizes to the R-1 zoning district. Mr. Hubsch discussed and explained the issues of extensive impervious surfaces, storm water runoff and flood concerns. Mr. Hubsch discussed and explained current and new flood zones with the Village.

ORDINANCE 2021-10 ZONING IN PROGRESS – TABLED 7/8/21 *continued*

Mr. Hubsch stated that he performed a peer city analysis and discussed the results. Mr. Hubsch presented pictures of newly built homes in the Village and comparing their front yard landscaped area. Mr. Hubsch discussed permits that were given for homes between 2015 and 2019 and the number that met the proposed landscape standards, possibly met the proposed landscape standards or fall within 5% deviation or did not meet the proposed landscape standards.

Mr. Hubsch reviewed recommendations for required minimum landscaped areas, building heights and 2nd floor mass. Mr. Hubsch explained that the ordinance provides that the Community Development Director may approve minor deviations to a standard set forth in the ordinance provided that the proposed residence otherwise meets the general intent of the ordinance and the deviation does not exceed maximum building height by more than five (5) feet, reduced the required minimum landscaped area by more than five (5) percent and increase the floor area of the second story by more than five (5) percent.

Mr. Hubsch concluded the presentation by stating that staff was recommending the creation of an ad-hoc committee to be appointed by Village Council and ideally comprised of a representative of the Planning Commission and Village Council as well as residents with experience in residential construction, engineering, landscape architecture, law, land planning and similar fields. Mr. Hubsch stated that the Planning Commission voted to nominate Chairman Cory Cross to the ad-hoc committee and unanimously recommended approval of the Zoning in Progress as drafted.

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

John Rhodes, 720 Jacana Way
Kevin Spina, 549 Overlook Drive
Don Freeman, 625 Kingfish Road
Ryan Kadyszewski, 501 Overlook Drive

These residents addressed the Council regarding their approval and favor of the proposed Zoning in Progress:

Rita Budnyk, 804 Shore Drive
Deborah Cross, 2560 Pepperwood Circle
Mary Phillips, 525 Ebbtide Drive

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

Mr. Aubrey discussed and explained the reasoning for the proposed Zoning in Progress and stated that it was temporary halt to avoid egregious overdevelopment in the Village.

Councilmember Norris stated that he disagreed with Mayor Aubrey's assessment and stated that the ad-hoc committee should have already been in process and given recommendations. Councilmember Norris disagreed with making any changes before having the ad-hoc committee's recommendations.

President Pro Tem Mullinix agreed that the ad-hoc committee should be formed and give their recommendations before a Zoning in Progress is implemented and any changes to the code were made.

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

ORDINANCE 2021-10 ZONING IN PROGRESS – TABLED 7/8/21 *continued*

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to table Ordinance 2021-10 to be heard on 1st reading no later than the first Council meeting of October 2021.

Thereafter, the motion to table Ordinance 2021-10 to be heard on 1st reading no later than the first Council meeting of October 2021 passed with all present voting aye.

There was no ex-parte communication by Council for the following item:

ORDINANCE 2021-11 OLD PORT COVE SOUTH MARINA PUD AMENDMENT – REQUEST FOR CONTINUANCE

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to continue the first reading of Ordinance 2021-11 to August 26, 2021.

Gary Pires, 120 Lakeshore Drive, Unit 535, expressed his concerns with the proposed PUD Amendment to the Old Port Cove South Marina.

Thereafter, the motion to continue the first reading of Ordinance 2021-11 to August 26, 2021 passed unanimously.

There was no ex-parte communication by Council for the following item:

ORDINANCE 2021-12 PROSPERITY VILLAGE PUD – REQUEST FOR CONTINUANCE

A motion was made by Councilmember Bickel and seconded by Vice Mayor Searcy to continue the first reading of Ordinance 2021-12 to August 26, 2021.

The following persons addressed the Council regarding their concerns regarding the proposed Prosperity Village PUD:

Peter Hofheinz, representative of the City of Palm Beach Gardens, 10500 N. Military Trail
Neil Rosenberg, Fire Marshal of the City of Palm Beach Gardens, 10500 N. Military Trail
Deborah Cross, 2560 Pepperwood Circle

David Milledge, on behalf of the applicant, addressed the concerns that were raised regarding the proposed PUD.

Thereafter, the motion to continue the first reading of Ordinance 2021-12 to August 26, 2021 passed unanimously.

CONSENT AGENDA

Item 11 was removed from the Consent Agenda. President Pro Tem Mullinix moved to approve the Consent Agenda. Councilmember Bickel seconded the motion which passed unanimously. The following items were approved:

Resolution approving a proposal from Platinum Building Solutions, LLC for the renovation of the Country Club Golf Course restrooms at a total cost of \$47,500; and authorizing execution of the Contract.

Resolutions – approving resolutions required by Huntington National Bank (formerly TCF National Bank) for the Lease of 80 GPS Equipped Golf Carts, a Utility Hauler, a Shuttle and a Beverage Cart for the North Palm Beach Country Club.

CONSENT AGENDA *continued*

Resolution approving an Interlocal Agreement with the School Board of Palm Beach County, Florida for reciprocal use of facilities by the Village and the Conservatory School; and authorizing execution of the Agreement.

Resolution establishing an Equivalent Residential Unit (ERU) Rate of \$7.78 for determining the annual Stormwater Management Utility Assessment.

Receive for file Minutes of the General Employees Pension Board meeting held 5/4/21.

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

Mayor Aubrey stated that item 14 was removed from the regular agenda.

MOTION – Designation of voting delegate and alternates for the Palm Beach County League of Cities

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to designate Mayor Aubrey as voting delegate and appointing all councilmembers not serving as voting delegate to serve as alternate voting delegates for the Palm Beach County League of Cities.

Thereafter the motion passed unanimously.

MAYOR AND COUNCIL MATTERS/REPORTS

Vice Mayor Searcy commended all who were involved in putting together a great Anchors Aweigh Fishing Tournament.

Russel Ruskay, of Parks and Recreation, began a presentation regarding an update on the Anchorage Park Marina Dry Storage project. Mr. Ruskay gave a brief history and timeline of the proposed project. Mr. Ruskay showed the plan that the Recreation Advisory Board and residents were in support of. There would be 136 spaces on the north side and the north boundary was pushed to the south to address resident's concerns with the canal bank. Mr. Ruskay stated that the footprint would need to be approved by Council in order for the consultants to design the plans.

Mary Wratlaw, 620 Inlet Road, commended Mr. Ruskay for his efforts in working with the residents to address their concerns with the proposed Anchorage Park Marina Dry Storage project.

Council came to consensus to proceed with the Northside Design footprint that Mr. Ruskay presented for the proposed Anchorage Park Marina Dry Storage project.

VILLAGE MANAGER MATTERS/REPORTS

Village Clerk Green explained that the Supervisor of Elections notified the county's municipal clerks that the municipal election qualifying period must end 95 days before the election. For the March 8, 2022 election the qualifying period would be required to end no later than Friday, December 3, 2021. The Village's current qualifying period would end on Thursday, December 9, 2021 which is the 89th day before Election Day. Mrs. Green stated that staff was considering moving the qualifying period from the first seven business days of December to the first seven business days of November.

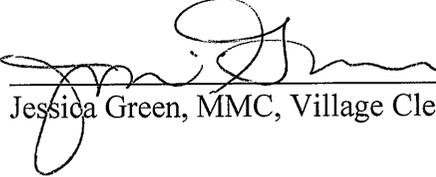
Discussion ensued between Council, Mrs. Green and Mr. Rubin regarding what dates to choose for the new qualifying period.

VILLAGE MANAGER MATTERS/REPORTS *continued*

Council came to consensus to have staff bring back an ordinance changing the Village's election qualifying period to begin on the third Tuesday in November and end on the fourth Tuesday in November.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:29 p.m.



Jessica Green, MMC, Village Clerk