

**MINUTES OF THE REGULAR SESSION  
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA  
SEPTEMBER 23, 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 Special Session held September 8, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Beth Dellinger, 104 W. Beverly Rd. Jupiter, FL, distributed a handout to Council regarding a low income, senior citizen municipal tax amendment for low income senior citizens over the age of 65. Ms. Dellinger requested that Council consider approving the amendment and submit it to the Property Appraiser by December 1, 2021 in order for it to be applied to the 2022 property taxes.

Donna Harshaw, 143 Yacht Club Drive, expressed her concerns regarding the proposed development on U.S. Highway 1 and Yacht Club Drive.

Mary Phillips, 525 Ebbtide Road, expressed her concern regarding negative public comments that have been made toward certain Village staff members. Ms. Phillips stated that the Village staff members that she has worked with have been very responsive and professional. Ms. Phillips stated that Village staff was doing a good job and that they were appreciated.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

PUBLIC HEARING AND SECOND READING OF AD VALOREM TAX MILLAGE RATE ORDINANCE AND BUDGET ORDINANCE

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to adopt and enact on second reading Ordinance 2021-16 entitled:

PUBLIC HEARING AND SECOND READING OF AD VALOREM TAX MILLAGE RATE ORDINANCE AND BUDGET ORDINANCE *continued*

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING AND ADOPTING THE FINAL LEVY OF AD VALOREM TAXES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to adopt and enact on second reading Ordinance 2021-17 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING THE ANNUAL BUDGET OF THE VILLAGE OF NORTH PALM BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 AND AUTHORIZING ALLOCATIONS, APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE BUDGET AND AS AUTHORIZED BY LAW; APPROVING A COMPREHENSIVE PAY PLAN AND AUTHORIZING THE VILLAGE MANAGER TO MAKE TEMPORARY APPOINTMENTS TO BUDGETED POSITIONS; APPROVING A MASTER FEE SCHEDULE; PROVIDING FOR THE CREATION OF GOVERNMENTAL FUNDS WHEN NECESSARY; PROVIDING FOR THE RECEIPT OF GRANTS OR GIFTS; PROVIDING PROCEDURES FOR BUDGET AMENDMENTS; PROVIDING FOR THE LAPSE OF OUTSTANDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED APPROPRIATIONS FOR THE PRIOR FISCAL YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik gave a presentation on the budget.

Mayor Aubrey opened the public hearing on the ad valorem tax millage rate and budget.

Deborah Cross, 2560 Pepperwood Circle, expressed her concerns with the stormwater assessment calculations and asked if staff planned to re-calculate the non-impervious square footage to reflect a more accurate representation of properties that are significantly smaller than the 5500 square foot average.

Mr. Lukasik stated that the stormwater assessment fee was approved at the last Council meeting. Council directed staff to address the issue of stormwater assessment fee equity for the upcoming year.

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

Mayor Aubrey announced that the rolled back rate is 7.1226 mils, the percentage decrease over the rolled back rate is 1.02%, and the millage rate to be levied is 7.0500 mils.

The motion to adopt and enact on second reading Ordinance 2021-16 approving the Ad Valorem Tax Millage Rate passed unanimously.

The motion to adopt and enact on second reading Ordinance 2021-17 approving the Fiscal Year 2021-2022 Annual Budget passed unanimously.

ORDINANCE 2021-12 PROSPERITY VILLAGE PUD – 4<sup>TH</sup> REQUEST FOR CONTINUANCE

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to continue the first reading of Ordinance 2021-12 to October 28, 2021.

Thereafter, the motion to continue the first reading of Ordinance 2021-12 to October 28, 2021 passed unanimously.

ORDINANCE 2021-18 CODE AMENDMENT – GARBAGE COLLECTION AND DISPOSAL

A motion was made by Vice Mayor Searcy and seconded by Councilmember Norris to adopt and enact on second reading Ordinance 2021-18 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE II, “GARBAGE TRASH AND REFUSE,” OF CHAPTER 14, “HEALTH AND SANITATION,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING DIVISION 2, “GARBAGE COLLECTION AND DISPOSAL,” TO REMOVE REFERENCES TO COMMERCIAL AND RESIDENTIAL FEES FROM THE CODE AND REMOVE AND MODIFY OUTDATED PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the purpose of the ordinance. Mr. Lukasik stated that references in the current code were in need of revision. Mr. Lukasik stated that references to the commercial fee, references to residential fees to support operations and other regulatory language that was not applicable to the Village’s solid waste operations today would be removed from the code.

Mayor Aubrey opened the public hearing on the garbage collection and disposal ordinance.

President Pro Tem Mullinix stated that there may be issues for businesses obtaining dumpsters and that the Village needs to be helpful and accommodating.

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-18 passed unanimously.

CONSENT AGENDA APPROVED

Item 9 was removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, the Consent agenda, as amended was approved unanimously. The following items were approved:

Resolution approving a Blanket Purchase Order with Baker & Taylor, LLC for purchase of Village Library books in an amount not to exceed \$36,000.

Resolution approving the purchase of five cabana bench awnings and five electric water fountains for the Tennis Center from M.N. Kressler Holdings, Inc. d/b/a 10-S Tennis Supply utilizing Florida Recreation Development Assistance Program (FRDAP) Grant Funds at a total cost of \$16,481.84.

Resolution approving an Amendment to the License Agreement with Richard E. Cavanah, Inc. to utilize the Country Club Pool for organized swim training activities; and authorizing execution of the Amendment.

Resolution appointing the Village’s Representative and Alternate Representative to the Public Risk Management of Florida (“PRM”) Board of Directors.

CONSENT AGENDA APPROVED *continued*

Receive for file Minutes of the Planning Commission meeting held 7/13/21.

Receive for file Minutes of the Recreation Advisory Board meeting held 7/13/21.

Receive for file Minutes of the Environmental Committee meeting held 8/2/21.

Receive for file Minutes of the Planning Commission meeting held 8/10/21.

Receive for file Minutes of the Library Advisory Board meeting held 8/24/21.

RESOLUTION 2021-83 – SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

A motion was made by Vice Mayor Searcy and seconded by Councilmember Norris to adopt Resolution 2021-83 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH TORCIVIA, DONLON, GODDEAU & RUBIN, P.A. AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE SECOND AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Norris recommended that the hourly average rate for the Village Attorney should be at least the average hourly rate paid by other municipalities. The rate would be increased to \$232 per hour instead of the requested \$210 per hour.

President Pro Tem Mullinix stated that the Village should pay the hourly rate that Mr. Rubin requested and not go any higher than that.

A motion was made by Councilmember Norris and seconded by Vice Mayor Searcy to amend Resolution 2021-83 to change the Village Attorney's increased hourly rate from \$210 per hour to \$232 per hour.

Discussion ensued between Councilmembers regarding the Village Attorney's service and the need to pay a fair and equitable compensation.

Thereafter, the motion to amend Resolution 2021-83 passed 4 to 1 with Mayor Aubrey, Vice Mayor Searcy, Councilmember Norris and Councilmember Bickel voting aye and President Pro Tem Mullinix voting nay.

Thereafter, the motion to adopt Resolution 2021-83 as amended passed 4 to 1 with Mayor Aubrey, Vice Mayor Searcy, Councilmember Norris and Councilmember Bickel voting aye and President Pro Tem Mullinix voting nay.

RESOLUTION 2021-84 – ARBORICULTURAL SERVICES AT COUNTRY CLUB GOLF COURSE

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-84 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A CONTRACT AWARD TO ALL FLORIDA TREE AND LANDSCAPE, INC. FOR ARBORICULTURAL SERVICES AT THE NORTH PALM BEACH COUNTRY CLUB GOLF COURSE UTILIZING PRICING ESTABLISHED IN AN EXISTING AGREEMENT WITH THE CITY OF WESTON AND AUTHORIZING THE MAYOR AND

RESOLUTION 2021-84 – ARBORICULTURAL SERVICES AT COUNTRY CLUB GOLF COURSE  
*continued*

VILLAGE CLERK TO EXECUTE THE CONTRACT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Country Club Manager Beth Davis explained the reason for the resolution. Ms. Davis stated that the program was for the trimming of oak trees, removing sable palms that are choking out the oak trees and removal of non-native trees and other tree trimmings and cleaning up of landscaping on the golf course.

Thereafter, the motion to adopt Resolution 2021-84 passed unanimously.

RESOLUTION 2021-85 – MILLING, RESURFACING AND STRIPING OF SPECIFIED VILLAGE ROADWAYS

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt Resolution 2021-85 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA ACCEPTING A PROPOSAL FROM J.W. CHEATHAM LLC FOR MILLING, RESURFACING AND STRIPING OF SPECIFIED VILLAGE ROADWAYS PURSUANT TO PRICING ESTABLISHED IN AN EXISTING AGREEMENT FOR MISCELLANEOUS PUBLIC WORKS PROJECTS WITH THE CITY OF PALM BEACH GARDENS AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT FOR SUCH SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Public Works Director Chad Girard explained that approval of the resolution would allow infrastructure surtax money to be used for the milling, resurfacing and striping of Kingfish Road, Dogwood Road, Lagoon Road, Westwind Drive, Fairwind Drive, Golfview Road, McClaren Road and Inlet Road. Milling and resurfacing would be done on Lighthouse Drive as well as ADA improvements and striping the crosswalks at the Anchorage Drive intersection between the east side of the bridge to Eastwind Drive.

Vice Mayor Searcy stated that all but \$17,241.50 of the funds for the project were coming from infrastructure surtax money. Vice Mayor Searcy asked how the roads were chosen for the project.

Mr. Girard explained that the roads were chosen through a street survey that was done a few years ago. The roads were identified as the worst on the survey. Additional roads identified in the survey would be milled and resurfaced in the future.

Vice Mayor Searcy asked about the timeline for the project.

Mr. Girard explained that the contract allows for 90 days to complete the project but that it would only take approximately 30 days to complete.

Thereafter, the motion to adopt Resolution 2021-85 passed unanimously.

MAYOR AND COUNCIL MATTERS/REPORTS

Mayor Aubrey announced that Council attire would change back to formal business attire on October 1<sup>st</sup>.

Councilmember Bickel asked if Council wanted to consider the low income, senior citizen municipal tax amendment for low income senior citizens over the age of 65.

Discussion ensued and Council came to consensus to direct staff to review and consider the low income, senior citizen municipal tax amendment for low income senior citizens over the age of 65 for the FY 2022-2023 budget.

Vice Mayor Searcy stated that Chuck Huff would begin as the new Director of Public Works on October 1<sup>st</sup>. Vice Mayor Searcy congratulated Mr. Huff stating that he would do a great job and wished him the best of luck.

Vice Mayor Searcy stated that she and President Pro Tem Mullinix were in attendance at the first Ad Hoc Residential Zoning Code Committee and that the Committee concurred with the recommendations brought forward by staff and the Planning Commission had approved. Vice Mayor Searcy asked for Council to consider rescheduling the Regular Council Meeting scheduled for October 14<sup>th</sup> so that all Councilmembers could be in attendance to hear the proposed Zoning in Progress ordinance on first reading. Mayor Aubrey and Manager Lukasik would not be able to attend the meeting on October 14<sup>th</sup>.

Discussion ensued and Council came to consensus to have a Special Meeting on Monday, October 11<sup>th</sup> at 7 p.m. to hear the proposed Zoning in Progress ordinance and to keep the Regular Meeting on October 14<sup>th</sup>.

Robert Silvani, 100 Cruiser Road, South expressed concerns with bringing back the Zoning in Progress for consideration on October 11<sup>th</sup> stating that the Ad Hoc Committee had not finalized all of their recommendations.

Mr. Lukasik clarified that the proposals or recommendations brought before the Ad Hoc Committee by Village staff were finalized and agreed upon. Any outstanding issues were going to be addressed by deliberation through a longer term strategy and was a recommendation by the Ad Hoc Committee as a whole.

Mayor Aubrey clarified that the Zoning in Progress ordinance was a temporary change, not a permanent change. A final code change would be made over a longer term.

VILLAGE MANAGER MATTERS/REPORTS

Director of Leisure Services Zak Sherman began a presentation regarding a proposed agreement with Palm Beach Crew for the use of Anchorage Park. Mr. Sherman explained that Palm Beach Crew was a non-profit rowing club headed by Coach Susan Saint Sing. Mr. Sherman explained the proposed rowing classes and programming. Palm Beach Crew currently stores their boats in the Village's dry storage area and pays current rental rates. Staff has requested that they remove their boats from storage to maximize the storage capacity for resident needs. Palm Beach Crew proposed the creation of a fenced in area with landscaping for storage. Staff recommended a location between the tennis court and the dog park.

VILLAGE MANAGER MATTERS/REPORTS *continued*

Mr. Sherman explained the dimensions and material of the proposed fencing and storage racks, and stated that Palm Beach Crew would be responsible for the installation of the fencing and landscaping. Palm Beach Crew would pay the Village a yearly rental fee of \$1500 for the area. Mr. Sherman requested Council direction and input on the proposed agreement. Mr. Sherman stated that the proposal was given to the Recreation Advisory Board and they unanimously approved to move forward for Council's consideration.

Chris Kogstrom, 536 Anchorage Drive, stated that he supported the proposed agreement with Palm Beach Crew.

Lisa Interlandi, 150 Anchorage Drive, stated that her son was a member of the rowing club and that it was a great sport program to have in the Village. She recommended extending the one (1) year term in the proposed agreement to a three (3) year term.

Scott Hicks, 416 Westwind Drive, stated that his son was also a member of the rowing club and supported the proposed agreement.

Deborah Cross, 2560 Pepperwood Circle South, stated that she supported the idea of the rowing club agreement but had concerns regarding the fenced area and walkway. She recommended using metal instead of wood as the materials for the proposed structure. Ms. Cross asked if there would be classes or opportunities to learn rowing without participating in competitions.

Mr. Sherman clarified and stated that the walkway would remain and there wouldn't be any impediment of the sidewalk and only the racks for the boats would be made of wood and would be hidden from view.

Susan Saint Sing of Palm Beach Crew discussed and explained the classes and programming that would be offered.

President Pro Tem Mullinix asked if the lease term could be lengthened to five (5) years.

Vice Mayor Searcy asked about liability and for clarification on the fee structure.

Mr. Sherman explained the fee structure and clarified that the fee would be \$2 per person, per class.

Mayor Aubrey stated that he supported staff drafting the agreement and lengthening the proposed lease term.

Councilmember Norris asked why a special storage place was being proposed for the rowing club.

Mr. Sherman stated that the rowing club was currently storing their boats in the dry storage area of the park and there was currently a waiting list for resident's boats and recreational vehicles. By moving the rowing club's boats, it would free up space for residents. Also, since the dry storage was scheduled to be renovated within the next year, there needed to be an alternative location for the rowing boats.

Mr. Rubin explained that if the agreement was an instructor agreement, the instructor would have to provide proof of insurance and there would be an indemnification clause in order to use the Village's property.

VILLAGE MANAGER MATTERS/REPORTS *continued*

Vice Mayor Searcy requested that the Village receive some type of recognition or promotion from the rowing club through their advertisements.

Ms. Saint Sing stated that the rowing club could put the Village's logo on their trailer and their website but cannot have advertisements on the boats or athletes when racing.

Council directed staff to draw up an agreement with Palm Beach Crew and bring it back to a future Council meeting for consideration.

Village Clerk Jessica Green explained that the Palm Beach County Supervisor of Elections gave recommendations for changes in the municipal election process that would ensure a more efficient and cost-effective administration of future elections. Included in these recommendations was the option of designating one single Canvassing Board that would have the ability to canvass all of the municipal elections simultaneously on a given day and would eliminate the need for each municipality's canvassing board to be present on election night until the process of canvassing ballots was complete. Mrs. Green explained that it would not change any of the other duties performed by the municipal clerk. The Palm Beach County Supervisor of Elections would be designated as the official Supervisor of the Village's Uniform Municipal Election.

Vice Mayor Searcy expressed concern over giving up the municipalities' control of having their own canvassing board.

Mr. Rubin explained that the Palm Beach County Supervisor of Elections and her staff already handle and tabulate all of the election ballots. The canvassing board only reviews any disputed or questionable ballots.

President Pro Tem Mullinix asked if anyone could be present on election night to observe the canvassing of ballots.

Mr. Rubin stated that the canvassing board meetings were public meetings and that anyone could be present.

Discussion ensued between Councilmembers regarding the option of utilizing a single canvassing board for municipal elections.

Mrs. Green stated that Palm Beach County was one of the few counties in Florida that did not utilize a single canvassing board.

The majority of Councilmembers agreed to utilize the option of a single canvassing board for municipal elections.

Mr. Rubin stated that the use of a single County Canvassing Board would be included in an upcoming resolution that would announce the Village's next municipal election.

Mr. Lukasik began a presentation regarding Lakeside Park parking management. Mr. Lukasik discussed and explained the location of the park, its beach access and parking lot. Mr. Lukasik discussed resident identified issues which were parking and overcrowding, crime and nuisances and safety and security. Mr. Lukasik discussed the park's parking enforcement area.



VILLAGE MANAGER MATTERS/REPORTS *continued*

There was no parking during the day on weekends and holidays without a permit and the ordinance allowed for enforcement on Lakeside Court from Anchorage Drive to Atlantic Road which includes Dory Road, Cruiser Road, Buoy Road, Atlantic Road and Lakeside Court. The parking issues and impacts were that parking was limited, vehicles park illegally on neighborhood streets and were predominately non-residents. Residents were not able to drive to the park and the volume of vehicles was overwhelming for the neighborhood.

Mr. Lukasik discussed the Recreation Needs Assessment Survey results regarding "Village Residents" only at Lakeside Park. Mr. Lukasik discussed possible strategies such as a "resident only" park, permit parking, more parking spaces, partnering with U.S. Highway 1 businesses and a shuttle service. Mr. Lukasik stated that staff was recommending the strategy of permit parking where residents would receive free permits and non-residents would pay a fee. Mr. Lukasik stated that parking restrictions continue to be enforced and recommended creating a Park Ranger position to help enforce parking and park regulations.

Ryan Nagle, 136 Cruiser Road South, expressed his concerns regarding allowing non-residents to utilize Lakeside Park and the issues with parking in and around the park.

Leanne Schmitt, 604 Eastwind Drive, stated she participated in the Recreation Needs Assessment discussions and had heard the concerns and frustrations of residents with regards to Lakeside Park parking. Ms. Schmitt stated the question of whether or not the park could receive grant monies if it was made into a resident only park had not yet been answered.

President Pro Tem Mullinix stated that there were twenty-two (22) parking spaces at Lakeside Park. The park is small and the parking is limited. The park touches the backyards of residences located along the park. President Pro Tem Mullinix stated that there was a covenant that stated that residents who live along the park have a say in how the park was utilized. President Pro Tem Mullinix recommended parking permits for Lakeside Park.

Discussion ensued between Councilmembers regarding parking permits and restrictions at Lakeside Park. Considerations made were to change allowing on street parking to seven (7) days a week and expanding the parking permit to Village businesses and schools who utilize the park.

Council directed staff to return with recommendations based on the considerations that were discussed.

Mr. Lukasik stated that staff would bring back their recommendations based on Council's input.

Building Official Wayne Cameron began a presentation that gave an update on changes to the building code related to inspections on condominiums and a County-wide Building Recertification Program. Mr. Cameron gave a recap of the activities that had been taken towards the development of a Major Structure Recertification. A series of meetings that took place between Building Officials and the County resulted in the decision to develop a model suitable for local adoptions county-wide. Mr. Cameron discussed and explained the Major Structure Recertification League of Cities model. The current suggested building safety inspection program would be for buildings 25 years or older east of Interstate 95, 35 years or older west of Interstate 95 and 25 year or older buildings in any location that have modified balconies, decks, elevated walkways with tile, and artificial turf or other finishes. Waterproofing inspections would be done beginning with the initial safety inspection, subsequent structural and electrical building inspections would be required at 10 year intervals and subsequent waterproofing inspections shall occur at 5 year intervals.

VILLAGE MANAGER MATTERS/REPORTS *continued*

The Building Code Advisory Board voted unanimously to recommend the Building Safety Inspection Program to the Board of County Commissioners of Palm Beach County at the October meeting.

Mayor Aubrey asked if a draft document would be created that the Village would then use as a template to create or amend its building code.

Mr. Cameron stated that was correct and it would be the Village's ordinance to enforce.

Discussion ensued between Mr. Cameron and Council regarding the Major Structure Recertification Program.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:12 p.m.

  
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Jessica Green, MMC, Village Clerk