

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JANUARY 12, 2017**

Present: David B. Norris, Mayor
Doug Bush, Vice Mayor
Darryl C. Aubrey, Sc.D., President Pro Tem
Robert A. Gebbia, Councilmember
Mark Mullinix, Councilmember
Samia Janjua, Interim Village Manager
Leonard Rubin, Village Attorney
Melissa Teal, Village Clerk

ROLL CALL

Mayor Norris 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 Bush gave the invocation and Mayor Norris led the public in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Minutes of the Regular Session held December 8, 2016 and Minutes of the Special Session held December 12, 2016 were approved as written.

STATEMENTS FROM THE PUBLIC

Ms. Gabriele St. Martin, Science Department Chair, introduced middle school students from The Benjamin School who presented their Public Service Announcement on the harmful effects of plastic bags on sea turtles. The students urged the Village Council to support legislation amending Florida Statutes to allow cities to ban plastic bags.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2017-01 – ZONING MORATORIUM

A motion was made by Councilmember Mullinix and seconded by President Pro Tem Aubrey to adopt and enact on second reading Ordinance 2017-01 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF APPROVALS FOR THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AS DEFINED HEREIN; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Norris opened the public hearing. There were no comments from the public. Mayor Norris closed the public hearing.

Mr. Rubin stated within six months of passage of the constitutional amendment, the Department of Health must establish procedures and regulations regarding medical marijuana, and within nine months of passage, must implement the program. Mr. Rubin concurred that the Council could take action to lift the moratorium sooner than one year, if Village regulations were in place.

Thereafter, the motion to adopt and enact Ordinance 2017-01 on second reading passed 4 – 1, with Councilmember Mullinix, President Pro Tem Aubrey, Councilmember Gebbia, and Mayor Norris voting in favor, and Vice Mayor Bush opposed.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2017-02 – GENERAL EMPLOYEES RETIREMENT BOARD

A motion was made by Councilmember Gebbia and seconded by President Pro Tem Aubrey to adopt and enact on second reading Ordinance 2017-02 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING DIVISION 3, "PENSION AND CERTAIN OTHER BENEFITS FOR GENERAL EMPLOYEES," OF ARTICLE V, "PENSIONS AND RETIREMENT SYSTEMS," OF CHAPTER 2, "ADMINISTRATION," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 2-151 TO SPECIFY THE TERMS FOR RESIDENT MEMBERS OF THE GENERAL EMPLOYEES RETIREMENT BOARD; MODIFYING AND STAGGERING THE TERMS OF CURRENT AND FUTURE MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Norris opened the public hearing. There were no comments from the public. Mayor Norris closed the public hearing.

Thereafter, the motion to adopt and enact Ordinance 2017-02 on second reading passed unanimously.

FIRST READING OF ORDINANCE 2017-03 – COMMUNICATIONS SERVICES CODE AMENDMENT

A motion was made by Councilmember Mullinix and seconded by Councilmember Gebbia to adopt on first reading Ordinance 2017-03 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING COMPREHENSIVE REVISIONS TO CHAPTER 29, "TELECOMMUNICATIONS," AND RENAMING THE CHAPTER "COMMUNICATIONS SERVICES;" ADOPTING REVISED DEFINITIONS IN CONFORMANCE WITH STATE AND FEDERAL LAW; DELETING PROVISIONS SUPERSEDED BY STATE STATUTE; PROVIDING FOR WIRELESS COMMUNICATIONS FACILITIES AND DESIGN STANDARDS; PROVIDING FOR AN UPDATED AND REVISED PERMITTING PROCESS; REQUIRING DESIGN FEATURES FOR CERTAIN ABOVE GROUND FACILITIES; PROVIDING PARAMETERS FOR THE PLACEMENT OF WIRELESS COMMUNICATIONS FACILITIES IN RESIDENTIAL RIGHTS-OF-WAY; PROVIDING A WAIVER PROCESS; REVISING THE INSURANCE AND BOND REQUIREMENTS; INCREASING THE MAXIMUM FINE AMOUNT; PROVIDING FOR RESERVATION OF RIGHTS; PROVIDING FOR REGULATION OF PASS-THROUGH PROVIDERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin noted two changes since the November 10, 2016 Workshop Session: 1) the ordinance was revised to provide for Planning Commission review of any waiver request; and 2) Verizon representative Janna Lhota provided photo examples of small cellular equipment boxes installed on existing poles. Mr. Rubin stated staff worked with all the providers who offered comments on the ordinance in order to balance Village rights with the needs of an ever evolving industry.

Thereafter, the motion to adopt Ordinance 2017-03 on first reading passed unanimously.

CONSENT AGENDA APPROVED

Councilmember Mullinix moved to approve the consent agenda. President Pro Tem Aubrey seconded the motion, which passed unanimously. The following items were approved:

- Receive for file Minutes of the Planning Commission meeting held 11/1/16
- Receive for file Minutes of the Police and Fire Pension Board meeting held 11/15/16
- Receive for file Minutes of the Library Advisory Board meeting held 11/22/16
- Receive for file Minutes of the Audit Committee meeting held 12/6/16
- Receive for file Minutes of the Recreation Advisory Board meeting held 12/13/16
- Receive for file Minutes of the Golf Advisory Board meeting held 12/19/16

RESOLUTION 2017-01 – GENERAL EMPLOYEES RETIREMENT BOARD APPOINTMENT

Mrs. Teal reported on the term expiration of General Employees Retirement Board resident member Alan Kral. Mrs. Teal stated Mr. Kral wished to continue to serve and noted his professional experience and knowledge of Board actions make him an asset to the Board. Mrs. Teal stated if Council approves his appointment, Mr. Kral would serve an extended two-year term expiring April 30, 2019.

A motion was made by President Pro Tem Aubrey, seconded by Councilmember Gebbia, and passed unanimously, to appoint Alan Kral as a resident member of the General Employees Retirement Board. Thereafter the name of Alan Kral was entered into Resolution 2017-01.

A motion was made by Councilmember Gebbia and seconded by Vice Mayor Bush to adopt Resolution 2017-01 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPOINTING A RESIDENT MEMBER TO THE GENERAL EMPLOYEES RETIREMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

Thereafter, the motion to adopt Resolution 2017-01 passed unanimously.

RESOLUTION 2017-02 – INTERLOCAL AGREEMENT FOR NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) FOURTH CYCLE PERMIT

A motion was made by Councilmember Gebbia and seconded by Vice Mayor Bush to adopt Resolution 2017-02 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT FOR THE NPDES FOURTH CYCLE PERMIT AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Janjua and Mr. Rubin explained that because the Village's storm water system drains into the tidal waters of the Lake Worth Lagoon and Intracoastal Waterway, the National Pollutant Discharge Elimination System (NPDES) requires a permit for this discharge. Mrs. Janjua stated that each of the 40 governmental entities covered by the Florida Department of Environmental Protection permit must enter into an Interlocal Agreement with the Northern Palm Beach County Improvement District as the lead Permittee and pay the District for its services. The payment for Fiscal Year 2017 is \$6,343.00.

Thereafter, the motion to adopt Resolution 2017-02 passed unanimously.

RESOLUTION 2017-03 – SANITATION COLLECTION DUMPSTER PURCHASE

A motion was made by Councilmember Mullinix and seconded by President Pro Tem Aubrey to adopt Resolution 2017-03 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF 52 FRONT-LOAD SANITATION COLLECTION DUMPSTERS FROM IRON CONTAINER, LLC UTILIZING PRICING ESTABLISHED BY A CITY OF BOYNTON BEACH CONTRACT AND THE PURCHASE OF 29 FRONT-LOAD SANITATION COMPACTION DUMPSTERS FROM LJB EQUIPMENT SALES COMPANY, INC. UTILIZING PRICING ESTABLISHED BY A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE AGREEMENT; AUTHORIZING THE PURCHASE OF RELATED EQUIPMENT; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO AMEND THE CAPITAL PROJECT FUNDS BUDGET TO TRANSFER \$83,723.00 FROM THE CAPITAL RESERVE ACCOUNT TO THE SANITATION – MACHINERY AND EQUIPMENT CAPITAL ACCOUNT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Janjua requested approval to purchase 52 additional front-load dumpsters and 29 front-load compaction dumpsters in order to complete the conversion from rear-load to front-load sanitation dumpsters. Mrs. Janjua described the areas where the new dumpsters will be used.

Discussion ensued concerning whether the Village or lessee is responsible for maintenance of the front-load compaction dumpsters. Staff was directed to report back to Council regarding the allocation of costs for maintenance of the compaction dumpsters.

Thereafter, the motion to adopt Resolution 2017-03 passed unanimously.

VILLAGE COUNCIL MATTERS/REPORTS

Discussion was held regarding the Village Manager selection and interview process. Mrs. Teal reported that interviews would be held January 27-28, 2017. A public reception to meet the candidates for Village Manager will be held at the North Palm Beach Country Club on Friday, January 27th at 6:30 p.m., followed by a public interview meeting on Saturday, January 29th at 10:00 a.m. in the Village Hall Council Chambers.

Discussion took place concerning the City of Palm Beach Gardens annexation report, in which Palm Beach Gardens identified unincorporated areas for potential annexation. Village staff attended the Palm Beach Gardens City Council meeting to express the Village's concern over the City's inclusion of areas that have been on the Village's future annexation area (FAA) map for years. Community Development Director Denise Malone reported sending a follow-up letter to the City of Palm Beach Gardens specifically objecting to the inclusion in its annexation study of an area north of Northlake Boulevard and west of Alternate A1A, and suggesting a meeting between Village and City staff to move forward in resolving this and other FAA conflicts.

Discussion ensued regarding determining specific actions the Village could take to encourage property owners in the Village's FAA to annex into North Palm Beach. Further discussion on annexation issues will be placed on an upcoming Workshop Session agenda.

VILLAGE MANAGER MATTERS

Mr. Huff reported on the new Kubota vehicle being tested by the Sanitation Department as a replacement for the jitneys currently used for household sanitation collection.

Councilmember Mullinix expressed concern about the quality of the new palm trees being planted in the U.S. Highway One medians. Special Projects Manager Chuck Huff advised that staff would contact the contractor.

Councilmember Mullinix commented on the proposed area for a North County regional park and suggested that the Village support county ownership of the land when this topic is discussed during meetings of the North County Intergovernmental Committee.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:36 p.m.



Melissa Teal, MMC, Village Clerk