

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
MAY 10, 2018**

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

Absent: David B. Norris, Mayor

ROLL CALL

Vice Mayor Mullinix called the meeting to order at 7:30 p.m. All members of Council were present except Mayor Norris, who was out of town. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Mullinix gave the invocation and Councilmember Aubrey led the public in the Pledge of Allegiance.

AWARDS AND RECOGNITION

On behalf of the Village Council, Vice Mayor Mullinix proclaimed May 20 through May 26, 2018 as National Public Works Week in the Village of North Palm Beach. Steven Hallock, Director of Public Works, was present to receive the proclamation.

On behalf of the Village Council, Vice Mayor Mullinix proclaimed May 19 through May 25, 2018 as National Safe Boating Week in the Village of North Palm Beach. Cdr Richard McClain, SN, of the Palm Beach Sail and Power Squadron was present to accept the proclamation.

Vice Mayor Mullinix announced Police Memorial Week (May 13 through May 19, 2018). Chief of Police Rick Jenkins reported on the number of police officers who have died in the line of duty nationwide. Chief Jenkins stated the flag at the Public Safety Facility would be flown at half-staff next week in recognition of Police Memorial Week.

APPROVAL OF MINUTES

The Minutes of the Regular Session held April 26, 2018 were approved as written.

ORDINANCE 2018-04 – CODE AMENDMENT – DOCKS AND PIERS

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Bickel to adopt and enact on second reading Ordinance 2018-04 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 5, "BOATS, DOCKS AND WATERWAYS," OF THE VILLAGE CODE OF ORDINANCES; AMENDING ARTICLE I, "IN GENERAL," BY AMENDING SECTION 5-1, "DEFINITIONS," TO AMEND THE DEFINITION OF MOORING AND AMENDING SECTION 5-16, "MOORING LIMITATIONS," TO EXTEND SUCH RESTRICTIONS TO ALL VILLAGE WATERWAYS; AMENDING DIVISION 4, "DOCKS AND PIERS," OF ARTICLE III, "CONSTRUCTION REQUIREMENTS," BY AMENDING SECTION 5-81, "DEFINITIONS," TO ADD DEFINITIONS FOR FLOATING VESSEL PLATFORM AND SHORE OR SHORELINE; AMENDING SECTION 5-82, "GENERALLY," TO PROVIDE THAT THE WIDTH OR LENGTH OF A PIER OR DOCK SHALL INCLUDE ALL PROTRUSIONS THEREFROM; AMENDING SECTION 5-83, "MINIMUM DESIGN REQUIREMENTS," TO PRESCRIBE REQUIREMENTS FOR FLOATING VESSEL PLATFORMS; AMENDING SECTION 5-84, "REGULATIONS GOVERNING CONSTRUCTION IN WATERS OTHER THAN LAKE WORTH AND ATLANTIC OCEAN," TO ALLOW FOR NON-CONCURRENT CONSTRUCTION OF DOCKS OR PIERS ON THE PROPERTY LINE IN LAGOON DEAD ENDS, ELIMINATE CONFLICTING LANGUAGE GOVERNING THE LOCATION OF PIERS AND PROVIDE REGULATIONS FOR FLOATING VESSEL PLATFORMS; AMENDING SECTION 5-85, "REGULATIONS GOVERNING CONSTRUCTION IN LAKE WORTH AND ATLANTIC OCEAN," TO PROVIDE REGULATIONS FOR FLOATING VESSEL PLATFORMS AND DELETE THE REQUIREMENT THAT ALL MAJOR COMPONENTS BE CONSTRUCTED OF REINFORCED CONCRETE; PROVIDING FOR PROSPECTIVE APPLICATION OF CERTAIN MOORING REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Discussion took place concerning whether floating vessel platforms must be allowed in communities that do not allow boat lifts. Mr. Rubin advised that the Village is statutorily required to allow floating vessel platforms; however, any condo, HOA, or POA may have stricter requirements than those of the Village.

A concern was raised regarding the mooring limitations in Section 5-16 in relation to contiguous properties and the use of a private dock or pier by the occupant. Mr. Rubin clarified the exemption to Section 5-16 as set forth in Section 4 of the ordinance.

Thereafter, the motion to adopt Ordinance 2018-04 and enact on second reading passed 4-0, with all present voting aye.

CONSENT AGENDA APPROVED

Councilmember Searcy moved to approve the consent agenda. Councilmember Aubrey seconded the motion, which passed 4-0, with all present voting aye.. The following items were approved:

- Receive for file Minutes of the General Employees Pension Board meeting held 2/8/18
- Receive for file Minutes of the Planning Commission meeting held 3/6/18
- Receive for file Minutes of the Planning Commission meeting held 4/3/18

RESOLUTION – FIREARMS PREEMPTION LAWSUIT – TABLED

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Bickel to adopt a proposed Resolution entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AUTHORIZING AND DIRECTING THE INTERVENTION INTO A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin stated the resolution authorizes intervention into the lawsuit, retention of the Weiss, Serota law firm, and payment of a \$10,000.00 fee. Mr. Rubin explained that in addition to the Village intervening in the lawsuit, individual councilmembers have the option to be a named plaintiff (in their official capacity) in the lawsuit if they so choose. Mr. Rubin discussed certain provisions in the lawsuit regarding issues pertaining to the preemption of firearms regulations.

Discussion ensued regarding the possibility of councilmembers being sued individually, the cost to the Village to intervene in the lawsuit, and the punitive measures that may be imposed on elected officials for violating the statutory preemption. Due to the absence of Mayor Norris and because the Weiss, Serota law firm had not yet provided its retainer letter, Council consensus was in favor of tabling the resolution pending Mayor Norris' presence and Mr. Rubin's receipt of the retainer letter.

Councilmember Aubrey moved to table the resolution pending more information. President Pro Tem Bickel seconded the motion, which passed 4-0, with all present voting aye.

RESOLUTION 2018-49 – MUNIS INVENTORY MODULE PURCHASE

A motion was made by Councilmember Searcy and seconded by President Pro Tem Bickel to adopt Resolution 2018-49 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING THE SOLE SOURCE PURCHASE OF INVENTORY AND SCANNING SOFTWARE AND HARDWARE FROM TYLER TECHNOLOGIES FOR USE BY THE PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Thereafter, the motion to adopt Resolution 2018-49 passed 4-0, with all present voting aye.

MAYOR AND COUNCIL MATTERS/REPORTS

Councilmember Aubrey stated that following Council appointments to the Library Advisory Board at its April 26, 2018 meeting, another position had become vacant. Councilmember Aubrey noted there were three candidates remaining for this Board and moved to appoint Nancy Beaumont. The motion failed for lack of second. Councilmember Searcy moved to direct the Village Clerk to advertise the vacant position. President Pro Tem Bickel seconded the motion, which passed 4-0.

President Pro Tem Bickel reported that Palm Beach Crew Works was interested in using a small area in Anchorage Park for boat storage and would like to construct some open racks to store rowing sculls. Discussion ensued regarding potential liability, if formal permission was granted, as well as offering space to other groups that might wish to use the park. Regarding a lease, Mr. Lukasik noted the Charter restricts the duration of leases on Village property to five years.

MAYOR AND COUNCIL MATTERS/REPORTS *continued*

Councilmember Searcy voiced concern with Chapter 5, Boats, Docks, and Waterways regarding provisions that allow moored vessels to extend up to 30% of the waterway, as two boats moored opposite each other restrict the ability of other boats to pass in that space. Councilmember Searcy also noted there is currently no limit to the number of vessels that may be moored behind a home. It was suggested that these issues be placed on an upcoming agenda of the Waterways Board for the Board's discussion and consideration.

Vice Mayor Mullinix commented on the great job by Library Director Zak Sherman, his staff, and the volunteers and donors in developing the new children's library. Vice Mayor Mullinix noted the Clubhouse Farewell party was well-attended and thanked staff for a wonderful event.

MANAGER MATTERS/REPORTS

Mr. Lukasik gave an update on the FPL LED Pilot Project. Mr. Lukasik reminded Council of its agreement with FPL to install LED lighting in the Village, beginning with an area on the east side. Mr. Lukasik related that lighting was one of the issues raised by residents in the area of the neighborhood enhancement team (NET) initiative. Mr. Lukasik referred to a map of the western neighborhoods in the Village and requested Council approval to switch the FPL pilot project to the NET team area. Councilmember Searcy moved that Council allow the pilot program to be in the NET area. President Pro Tem Bickel seconded the motion and all present voted aye.

Mr. Lukasik reviewed the status of the Country Club Clubhouse project. Mr. Lukasik reported bids were received for the demolition portion of the project and the bid award is scheduled for the May 24, 2018 Regular Session, along with approval of the general conditions in a contract with The Weitz Company, and presentations from two restaurant vendors that were interviewed by the Village's selection committee. Mr. Lukasik advised that work on the golf course would begin in earnest on May 14, 2018. Mr. Lukasik projected demolition of the clubhouse building would take place by mid-June. Regarding the pool operation, Mr. Lukasik stated the pool will stay open for the Swim Club, and staff is coordinating use of the pool by the Summer Camps and other programs. It was suggested that signage be placed in front of the pool to alert the public to the dates/times the pool is open.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:28 p.m.


Melissa Teal, MMC, Village Clerk