

**MINUTES OF THE REGULAR SESSION  
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA  
MAY 24, 2018**

Present: David B. Norris, Mayor  
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

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

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

APPROVAL OF MINUTES

The Minutes of the Regular Session held May 10, 2018 were approved as written.

AWARDS AND RECOGNITION

On behalf of the Village Council, Mayor Norris proclaimed June 1, 2018 as National Gun Violence Awareness Day in the Village of North Palm Beach. Lauren Eskra of Moms Demand Action was present to receive the proclamation.

CONSENT AGENDA APPROVED

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

- Receive for file Minutes of the Police & Fire Pension Board meeting held 2/20/18
- Receive for file Minutes of the Audit Committee meeting held 4/9/18
- Receive for file Minutes of the Library Advisory Board meeting held 4/24/18
- Receive for file Minutes of the Recreation Advisory Board meeting held 5/8/18

RESOLUTION – FIREARMS PREEMPTION LAWSUIT – TABLED ON 5/10/18 – FAILED

A motion was made by Councilmember Aubrey and seconded by Councilmember Searcy to remove from the table 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.

RESOLUTION – FIREARMS PREEMPTION LAWSUIT – FAILED *continued*

Mr. Rubin noted concerns were raised at the last meeting about the Village’s potential to incur costs if the municipalities did not prevail, as well as the lack of a retainer letter for review. Mr. Rubin related the reasons given by counsel for the municipalities in determining that the risk of additional costs would be extremely small. Mr. Rubin noted receipt of the retainer letter, which was included in Council’s backup materials.

Discussion ensued regarding these issues: the statutory penalties that may be imposed on elected officials who violate the preemption; the potential to incur additional costs over and above the initial cost to join the suit, and the cost to Village taxpayers.

Thereafter, the motion to adopt Resolution 2018-50 failed 1 – 4, with Councilmember Aubrey voting aye, and Councilmember Searcy, President Pro Tem Bickel, Vice Mayor Mullinix, and Mayor Norris voting nay.

RESTAURANT AND BANQUET FACILITY OPERATOR VENDOR PRESENTATIONS

Mayor Norris declared a voting conflict.

The Village Council heard presentations by these firms: Rolys at Dublin LLC d/b/a “Bistro” and Fairways & Greens 5 Star Hospitality, LLC.

By written ballot, the originals of which are attached to the minutes of record, the Village Council ranked the firms from one to two, respectively: Rolys at Dublin LLC d/b/a “Bistro” and Fairways & Greens 5 Star Hospitality, LLC.

Councilmember Searcy moved to direct the Village Manager and Village Attorney to negotiate a contract with Rolys at Dublin LLC d/b/a “Bistro.” President Pro Tem Bickel seconded the motion, which passed 4-0, with Councilmember Aubrey, Vice Mayor Mullinix, President Pro Tem Bickel, and Councilmember Searcy voting aye.

RESOLUTION 2018-50 – AMENDMENT TO CONSTRUCTION MANAGER AT RISK SERVICES

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt Resolution 2018-50 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AMENDMENT #1 TO THE AGREEMENT FOR CONSTRUCTION MANAGER AT RISK SERVICES WITH THE WEITZ COMPANY, LLC FOR THE CONSTRUCTION OF A NEW CLUBHOUSE AT THE NORTH PALM BEACH COUNTRY CLUB TO PROVIDE A GUARANTEED MAXIMUM PRICE FOR DEMOLITION AND RELATED SITE ACTIVITIES AND ADOPT GENERAL CONDITIONS; AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AMENDMENT #1; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik gave a presentation on the amendment, which sets the Guaranteed Maximum Price (GMP) for mobilization and demolition services at \$387,778.00 and approves the General Conditions. Mr. Lukasik reported the final GMP for the project would be presented on June 28, 2018 as Amendment #2 to the Agreement. Mr. Lukasik reviewed the project schedule, which establishes July 31, 2019 as the substantial completion date, with final completion on August 30, 2019. Purchasing Manager Sharon Swan and Gerry Kelly of The Weitz Company addressed Council questions regarding warranties.

Discussion took place concerning the possibility of preserving a very tall Washingtonian Palm Tree that would require relocation and staking. The Council determined this would not be feasible.

Discussion ensued regarding the banquet room. Council directed staff and Weitz to investigate methods of subdividing banquet room to accommodate functions of varying sizes.

Thereafter, the motion to adopt Resolution 2018-50 passed unanimously.

RESOLUTION 2018-51 – GOLF CARTS LEASE AGREEMENT

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Bickel to adopt Resolution 2018-51 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA ACCEPTING A PROPOSAL FROM CLUB CAR, LLC FOR THE LEASE OF EIGHTY GPS EQUIPPED GOLF CARTS PURSUANT TO PRICING ESTABLISHED BY AN EXISTING U.S. COMMUNITIES CONTRACT AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE NECESSARY LEASE AGREEMENTS AND RELATED DOCUMENTS IN ACCORDANCE WITH THE TERMS OF THE PROPOSAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik responded to Council questions regarding the lease and timing of delivery.

Thereafter, the motion to adopt Resolution 2018-51 passed unanimously.

RESOLUTION 2018-52 – PRECISION LANDSCAPE BLANKET PURCHASE ORDER

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt Resolution 2018-52 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING RESOLUTION NO. 2018-44 TO INCREASE THE BLANKET PURCHASE ORDER WITH PRECISION LANDSCAPE COMPANY OF PALM BEACH COUNTY, INC. BY \$25,000 TO PROVIDE FOR THE REMOVAL OF TREES, THE PLANTING OF NEW TREES AND THE TRIMMING OF EXISTING TREES ON THE VILLAGE GOLF COURSE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the need for additional help with the planting, trimming, and removal of trees on the golf course during the golf course renovation project.

Thereafter, the motion to adopt Resolution 2018-52 passed unanimously.

RESOLUTION 2018-53 – ELECTRONIC LOCK PURCHASE

A motion was made by President Pro Tem Bickel and seconded by Councilmember Searcy to adopt Resolution 2018-53 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA ACCEPTING THE PROPOSAL FROM ELECTRONIC ACCESS SYSTEMS, INC. D/B/A SOUTHERN LOCK AND SUPPLY CO., HOLB SIERRA CORPORATION AND SECURITY LOCK SYSTEMS OF TAMPA, INC. FOR THE PURCHASE AND INSTALLATION OF SIX ELECTRONIC LOCKS FOR THE FIRE RESCUE SIDE OF THE PUBLIC SAFETY BUILDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Thereafter, the motion to adopt Resolution 2018-53 passed unanimously.

MAYOR AND COUNCIL MATTERS/REPORTS

President Pro Tem Bickel relayed that residents were concerned about the removal of mature trees at Anchorage Park.

MANAGER MATTERS/REPORTS

Mr. Lukasik discussed a request from Chris Harris for approval to install artificial turf on his residential property. Mr. Rubin advised that this would require a code change. Concerns were expressed regarding permeability, heat, and use in the front yard. Council referred this issue to the Planning Commission for review. This item will be placed on a subsequent Council Workshop agenda for discussion

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:42 p.m.

  
Melissa Teal, MMC  
Melissa Teal, MMC, Village Clerk