

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
MAY 27, 2021**

Present: Darryl C. Aubrey, Sc.D., Mayor
Deborah Searcy, Vice Mayor
David B. Norris, Councilmember
Susan Bickel, Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

Absent: Mark Mullinix, President Pro Tem

ROLL CALL

Mayor Aubrey called the meeting to order at 7:30 p.m. All members of Council were present except for President Pro Tem Mullinix who was out of town. 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 May 13, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Mayor Aubrey read into the record a public comment received from Leanne Schmitt, 604 Eastwind Drive. In her comment, Ms. Schmitt gave the results of ballot data she received. The data reflected how Councilmembers voted in the recent Advisory Board appointments. Ms. Schmitt expressed her concerns regarding the Advisory Board appointment voting process and requested that changes be made in the future.

Mayor Aubrey read into the record a public comment received from Laurence Milstein, 497 Capistrano Drive, Palm Beach Gardens. In his comment, Mr. Milstein thanked Council for considering a resolution that would adopt the IHRA working definition of antisemitism. Mr. Milstein gave a history antisemitism and its definition. Mr. Milstein stated that there has been a recent surge in antisemitism due to recent conflicts in the Middle East.

Mayor Aubrey read into the record a public comment received from Josephine Gon, 4931 Bonsai Circle, #211, Palm Beach Gardens. In her comment, Ms. Gon expressed her concerns regarding rising antisemitism in the country and in South Florida. Ms. Gon gave history and statistics of antisemitism in recent years. On behalf of the Jewish community, Ms. Gon urged Council to approve a resolution adopting the working definition of antisemitism.

STATEMENTS FROM THE PUBLIC *continued*

Mayor Aubrey read into the record a public comment received from Jonathan Chane, 537 Greenway Drive. In his comment, Mr. Chane expressed his concern over the rise of antisemitism in the country and South Florida. Mr. Chane urged Council to approve a resolution adopting the working definition of antisemitism.

Leanne Schmitt, 604 Eastwind Drive, thanked Mayor Aubrey for reading her public comment regarding the Advisory Board appointment process. Ms. Schmitt thanked the Public Works Department for their ongoing online communication regarding the West Side Alleyway Repaving Project. Ms. Schmitt requested the same type of communication for the proposed U.S. Highway 1 Lane Re-purposing Project.

ORDINANCE 2021-07 CODE AMENDMENT – BALLOONS AND SKY LANTERNS

A motion was made by Councilmember Bickel and seconded by Vice Mayor Searcy to adopt on first reading Ordinance 2021-07 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 19, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 19-3, "BALLOONS AND SKY LANTERNS;" PROVIDING FOR DEFINITIONS, PROHIBITIONS, EXEMPTIONS AND ENFORCEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the ordinance and stated that the Environmental Committee was recommending its adoption. The ordinance would regulate balloons and sky lanterns within the Village. The release of balloons and sky lanterns poses a threat to marine and wildlife when ingested.

Karen Marcus, 920 Evergreen Drive, asked for Council's support and approval of the ordinance. Ms. Marcus stated that Tequesta, Jupiter Inlet Colony, and Juno Beach had recently adopted the ordinance and that Loggerhead Park had restrictions on balloons and sky lanterns within the park. Ms. Marcus introduced Katie O'Hara from Loggerhead Marine Life Center.

Katie O'Hara, Conservation Manager at Loggerhead Marine Life Center, 14200 U.S. Highway 1, Juno Beach, thanked Council and explained that nearly 100 percent of their post hatchling sea turtles have plastics found in their stomachs. Ms. O'Hara explained the issues and injuries that can occur to marine life and wild life when they ingest balloon fragments and/or get tangled in balloon ribbons. Ms. O'Hara stated that since 2017, Loggerhead Marine Life Center has removed over 4700 balloons from Palm Beach County beaches.

Mary Phillips, 525 Ebbtide Drive, stated that she and her friend spent one hour each collecting balloon fragments from Anchorage Park. Ms. Phillips showed Council two bags full of the balloon fragments. Ms. Phillips stated that most of the balloon fragments were found in the pavilion near the marina and could have blown into the water from either direction. Ms. Phillips explained that the balloons were mostly water balloons that were 2 inches long and can break up into smaller fragments.

Mayor Aubrey asked why the ordinance excluded the Country Club grounds.

Mr. Lukasik explained the ordinance excluded the Country Club Clubhouse facility so that it was not mistakenly included or interpreted as a park.

ORDINANCE 2021-07 CODE AMENDMENT – BALLOONS AND SKY LANTERNS *continued*

Mayor Aubrey asked for clarification on the exception for indoor use or the use of floating balloons, sky lanterns or other devices by governmental agencies.

Mr. Lukasik explained that an exception would need to be made for weather balloons or weather instruments that would be used for experiment or exploration by a governmental agency.

Vice Mayor Searcy clarified that balloons could be used for parties at private residences but they could not be released or used or released in Village parks. Vice Mayor Searcy recommended that when staff writes the rules regarding the balloons; that it should be expressed that water balloons are prohibited. Staff should be aware that even though the package may state the balloons are biodegradable, they are not.

Thereafter, the motion to adopt Ordinance 2021-07 on first reading passed with all present voting aye.

CONSENT AGENDA APPROVED

Councilmember Norris moved to approve the Consent Agenda. Vice Mayor Searcy seconded the motion, which passed unanimously. The following items were approved:

Resolution approving an Interlocal Agreement with the City of Palm Beach Gardens for Public Safety Dispatch Services; and authorizing execution of the Agreement.

Receive for file minutes of the Fire Pension Board meeting held 2/9/21.

RESOLUTION 2021-43 – LADDER TRUCK LEASE

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to adopt Resolution 2021-43 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE ACQUISITION OF A SUTPHEN MODEL SL75 LADDER TRUCK UTILIZING PRICING ESTABLISHED IN AN EXISTING NATIONAL PURCHASING PARTNERS COOPERATIVE AGREEMENT; APPROVING THE EXECUTION OF A PARTICIPATING AGENCY ENDORSEMENT AND AUTHORIZATION AND A PURCHASE AGREEMENT WITH SUTPHEN; APPROVING A TEN-YEAR LEASE AGREEMENT WITH PINNACLE PUBLIC FINANCE, INC.; DECLARING AN EXISTING LADDER TRUCK AS SURPLUS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Fire Chief J.D. Armstrong explained that the purpose of the resolution was to replace a 1996 Ladder Truck with a new Sutphen SL75 Ladder Truck that had become obsolete. The new Ladder Truck would be leased through Pinnacle Public Finance at a 2.25% interest rate.

Thereafter, the motion to adopt Resolution 2021-43 passed with all present voting aye.

RESOLUTION 2021-44 – BREATHING AIR COMPRESSOR PURCHASE

A motion was made by Councilmember Norris and seconded by Vice Mayor Searcy to adopt Resolution 2021-44 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF ONE BAUER UNICUS BREATHING AIR COMPRESSOR SYSTEM UTILIZING PRICING ESTABLISHED IN A NATIONAL PURCHASING PARTNERS COOPERATIVE AGREEMENT; APPROVING THE

RESOLUTION 2021-44 – BREATHING AIR COMPRESSOR PURCHASE *continued*

EXECUTION OF A PARTICIPATION AGENCY ENDORSEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO AMEND THE CAPITAL PROJECTS FUND BUDGET TO TRANSFER \$63,891.00 FROM THE CAPITAL RESERVE ACCOUNT TO THE FIRE – MACHINERY AND EQUIPMENT CAPITAL ACCOUNT; DECLARING AN EXISTING AIR COMPRESSOR SYSTEM AS SURPLUS PROPERTY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Fire Chief Armstrong explained that the purpose of the resolution was to replace an old and obsolete breathing air compressor system that has reached the end of its expected life-cycle of twenty years.

Vice Mayor Searcy asked Fire Chief Armstrong to explain what the breathing compressor does.

Fire Chief Armstrong explained that the breathing compressor was used to fill and re-fill the air packs that the firefighters use when going into a fire.

Mayor Aubrey asked how long the firefighter’s air packs last.

Fire Chief Armstrong stated that the air packs last forty-five minutes.

Thereafter, the motion to adopt Resolution 2021-44 passed with all present voting aye.

RESOLUTION 2021-45– 2ND AMENDMENT TO CROSS PARKING AGREEMENT

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-45 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE CROSS PARKING AGREEMENT WITH THE FIRST UNITARIAN CHURCH TO EXTEND THE TERM; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Public Works Director Chuck Huff explained that the resolution was to approve a Second Amendment to the Cross Parking Agreement with First Unitarian Church to allow Village employees to park in their parking lot. The Village has had the parking agreement with First Unitarian Church since 2005 and there would be no increase to the annual payment under the Amendment.

Thereafter, the motion to adopt Resolution 2021-45 passed with all present voting aye.

RESOLUTION 2021-46 – BUDGET AMENDMENT – LAKESIDE PARK PLAYGROUND RENOVATION

Vice Mayor Searcy made a motion to suspend Resolution 2021-46 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO AMEND THE CAPITAL PROJECTS FUND BUDGET TO TRANSFER \$35,000.00 FROM THE CAPITAL RESERVE ACCOUNT TO THE RECREATION – CONSTRUCTION

RESOLUTION 2021-46 – BUDGET AMENDMENT – LAKESIDE PARK PLAYGROUND RENOVATION *continued*

AND MAJOR RENOVATION CAPITAL ACCOUNT TO FUND THE LAKESIDE PARK PLAYGROUND RENOVATION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion failed for lack of a second.

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-46.

Recreation Director Stephen Poh explained that the reason for the resolution was to replace the playground equipment, fencing, trees and other items at Lakeside Park. Mr. Poh explained that one piece of playground equipment, a welcome sign, and other playground parts would be replaced. The fencing would also be replaced due to rusting, and trees would be planted for additional shade.

Carol Wood, 640 Inlet Road, stated that she has been taking her grandchildren to the playground at Lakeside Park for many years and there used to be more playground equipment. Ms. Wood recommended adding additional playground equipment and trees for shade.

Vice Mayor Searcy recommended suspending approval of the resolution since the Village was planning to do a Recreation Needs Assessment which would provide feedback from residents on what their priorities and needs would be for Village parks.

Discussion ensued between Councilmembers regarding the repairs and replacements at Lakeside Park.

Thereafter, the motion to adopt Resolution 2021-46 passed 3 to 1 with Mayor Aubrey, Councilmember Norris and Councilmember Bickel voting aye and Vice Mayor Searcy voting nay.

RESOLUTION 2021-47– EMERGENCY CHILLER PURCHASE

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-47 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING THE EMERGENCY PURCHASE OF A NEW CHILLER FROM CARRIER CORPORATION FOR THE PUBLIC SAFETY FACILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Public Works Director Chuck Huff explained that the current chiller at the Public Safety Building was in need of replacement. The chiller was purchased in 2012 and its anticipated life span is between seven and ten years. The Village has spent approximately \$54,000 in replacement parts. The Carrier Corporation would repair the old unit until the new chiller is installed. The new chiller will have a coating that is similar to the Country Club roof units that would extend its life span.

Thereafter, the motion to adopt Resolution 2021-47 passed with all present voting aye.

VILLAGE COUNCIL MATTERS/REPORTS

Mayor Aubrey asked Council to consider changing the Regular Council meeting start time from 7:30 p.m. to 7:00 p.m.

The Council came to consensus to change the Regular Council meeting start time from 7:30 p.m. to 7:00 p.m. by resolution at the next Regular Council meeting scheduled for June 10, 2021.

Mayor Aubrey addressed the previous public comment made by Ms. Schmitt regarding the Advisory Board appointment process. Mayor Aubrey stated that as a general rule he would lean toward supporting reappointments and has been reluctant to replace a member that has experience, knowledge, a good attendance record and contributes to the board. Mayor Aubrey stated that on the other hand, he sees that by not appointing more new members, new perspectives and fresh ideas are not being brought into the boards and committees. Mayor Aubrey recommended that the Council think about the Advisory Board appointment process and consider making changes in the future. Some considerations that could be made are incorporating term limits or letting go of the longest serving members.

Councilmember Bickel stated she was concerned about the high number of absences from members over the past year. Councilmember Bickel asked that once the absence limit threshold was met that Council be alerted immediately as opposed to when the appointments and reappointments take place.

Discussion ensued between Councilmembers regarding notification of board and committee absences and the Advisory Board appointment process.

Council came to consensus to reflect on the Advisory Board appointment process and discuss proposed changes at a future meeting.

Mayor Aubrey stated that he received a letter regarding the requirement of gas stations having generators in case of a hurricane. Mayor Aubrey stated that the Village had previously passed an ordinance that required new gas stations to have a generator and older gas stations to be retrofitted for a generator. Mayor Aubrey recommended surveying the gas stations within the Village to be sure that they have complied with the ordinance.

Vice Mayor Searcy asked if Council had any comments regarding the proposed antisemitism resolution.

Council came to consensus to consider a resolution that would adopt the IHRA working definition of antisemitism.

Attorney Rubin stated that the resolution would be prepared and placed on the next Council meeting's agenda for consideration.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik gave a brief explanation, history and current status of the proposed Anchorage Park Dry Storage Project.

VILLAGE MANAGER MATTERS/REPORTS *continued*

Russ Ruskay, Parks and Recreation Manager, began a presentation regarding an update on the proposed Anchorage Park Dry Storage project. Mr. Ruskay reviewed the proposed project's goals and status. Mr. Ruskay reviewed the issues that needed discussion which were project cost, grant funding, space analysis, the Recreation Advisory Board's recommendation, Inlet Road resident concerns and options. Mr. Ruskay reviewed and explained the existing layout of Anchorage Park and its dry storage area. Mr. Ruskay reviewed and explained a plan that reflected the Master Plan concept that would implement 136 spaces on the north side which would expand the current configuration and would remove the south side storage and add more day trailer parking. Mr. Ruskay stated that there was another option for Council to consider. Mr. Ruskay reviewed and explained the Dry Storage Space Analysis. The current layout reflected 133 total spaces and 20 day spaces. There were 320 residents currently on the waiting list. The Master Plan concept would give 136 total spaces and 24 day spaces. Mr. Ruskay reviewed and discussed the Recreation Advisory Board's recommendations which were to follow the Master Plan Phase 2 design, relocate all dry storage to the north side, add larger spaces, have an 8-foot security fence, provide additional day trailer parking, reconfigure existing boat wash and replant the north side before construction to allow for landscape growth.

Discussion ensued between Mr. Ruskay and Council regarding the proposed Anchorage Dry Storage Project.

Mr. Ruskay reviewed and explained Inlet Road resident concerns which were integrity of the north canal bank if area is expanded to the north, removing of vegetation would impact views, expansion would impact bird nesting activities, no need for additional day trailer parking, and continued involvement in the planning. Mr. Ruskay reviewed the current project cost. The project in the FY 2021 CIP was budgeted at \$400,000. Village Funds would be \$200,000 and State grant funds would be \$300,000. A probable cost for the project would be \$550,000. Mr. Ruskay indicated that the instability of the current construction industry would cause an uncertainty in probable cost estimates. Mr. Ruskay explained the non-resident requirements associated with the grant funds. Mr. Ruskay stated that staff would be recommending a DEP Stormwater grant in the amount of \$100,000 that would cover the cost of the crush asphalt surfaces and did not have a non-resident requirement. Mr. Ruskay discussed and explained an alternative option which would keep the existing dry storage layout, replace the fence, surface and landscaping, does not allow for larger spaces, and would have an estimated cost of \$250,000.

Discussion ensued between Councilmembers and Mr. Ruskay regarding the options for the proposed Anchorage Park Dry Storage project.

Mr. Ruskay explained that it was important to note that if Council went forward with the LWCF grant, a decision would need to be made soon since the grant expires in May 2022 and the project would need to be under construction by January 2022 in order to request any extension that may be necessary. Mr. Ruskay explained that if the LWCF grant was not used for the Anchorage Dry Storage project there was a possibility that it could be changed to be used for another project within the Village. Mr. Ruskay reviewed the fence option that was recommended by the Recreation Advisory Board. Mr. Ruskay reviewed and explained the Northside design.

VILLAGE MANAGER MATTERS/REPORTS *continued*

Mary Wratlaw, 620 Inlet Drive, expressed her concerns regarding the proposed Anchorage Park Dry Storage Project and asked if the non-residents would be able to use the boat launch in addition to the dry storage. Ms. Wratlaw expressed her concern over the blue line and where it fell on the Northside conceptual design plan and the removal of native and exotic plants and trees. Ms. Wratlaw stated that she drew up an alternative design for the project that she would be happy to share with Council.

Carol Wood, 640 Inlet Drive, expressed her concerns regarding the proposed Anchorage Dry Storage Project. Ms. Wood stated the project would destroy surrounding resident's scenic view. Ms. Wood stated that the blue line on the conceptual plan was measured by surrounding residents and the line fell in the water. Ms. Wood recommended renovating the existing dry storage layout.

Mr. Ruskay concluded his presentation and asked that Council consider the options presented and direct staff as soon as possible on what option to move forward with.

Discussion continued between Council and staff regarding the proposed Anchorage Dry Storage Project's costs and options.

Council agreed that staff should look into repurposing the LWCF grant.

Mr. Ruskay concluded from Council's discussion that staff would need to continue looking at the Master Plan and coming up with the best project possible, determine the amount of green space needed on the north side and repurpose the LWCF grant to be used for the Lakeside playground project.

Leanne Schmitt, 604 Eastwind Drive, thanked Council for placing the proposed Anchorage Dry Storage Project on the agenda for discussion. Ms. Schmitt stated that she was in support of the concerns previously brought forward by Ms. Wood and Ms. Wratlaw. Ms. Schmitt recommended that Council choose the alternative option for the project.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:38 p.m.



Jessica Green, MMC, Village Clerk