

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
SEPTEMBER 24, 2020**

Present:

Susan Bickel., Mayor
Mark Mullinix, Vice Mayor
David B. Norris, President Pro Tem
Darryl C. Aubrey, Sc.D., Councilmember
Deborah Searcy, Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

ROLL CALL

Mayor Bickel 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 Mullinix gave the invocation and Mayor Bickel led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held September 10, 2020 were approved as written.

STATEMENTS FROM THE PUBLIC, PETITIONS AND COMMUNICATIONS

Mayor Bickel read into the record a public comment received from Mary Phillips, 525 Ebbtide Drive. In her comment, Ms. Phillips requested that any changes to the size of boat and RV storage at Anchorage Park be balanced with preserving green space and that the three oak trees located by the gate to the storage lot be preserved.

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

A motion was made by Councilmember Aubrey and seconded by President Pro Tem Norris to adopt and enact on second reading Ordinance 2020-07 entitled:

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, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Councilmember Searcy and seconded by Councilmember Aubrey to adopt and enact on second reading Ordinance 2020-08 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, 2020 AND ENDING SEPTEMBER 30, 2021 AND AUTHORIZING ALLOCATIONS, APPROPRIATIONS AND

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

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

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

Mayor Bickel announced that the rolled back rate is 7.2247 mils, the percentage increase over the rolled back rate is 3.81%, and the millage rate to be levied is 7.5000 mils.

The motion to adopt and enact on second reading Ordinance 2020-07 approving the Ad Valorem Tax Millage Rate passed unanimously.

The motion to adopt and enact on second reading Ordinance 2020-08 approving the Fiscal Year 2020-2021 Annual Budget passed unanimously.

ORDINANCE 2020-05 – COMPREHENSIVE PLAN AMENDMENT

A motion was made by Councilmember Searcy and seconded by Councilmember Aubrey to adopt and enact on second reading Ordinance 2020-05 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE OF NORTH PALM BEACH COMPREHENSIVE PLAN TO IMPLEMENT THE CITIZEN'S MASTER PLAN AND ADDRESS THE VILLAGE'S COMMERCIAL CORRIDORS; AMENDING THE FUTURE LAND USE ELEMENT AND THE TRANSPORTATION ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-06 – COMMERCIAL LAND DEVELOPMENT REGULATIONS

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2020-06 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," TO ALLOW ENCROACHMENTS IN EASEMENTS UNDER SPECIFIED CIRCUMSTANCES, MODIFY THE PROCEDURES APPLICABLE TO APPEARANCE REVIEW AND ADOPT A SITE PLAN AND APPEARANCE REVIEW PROCEDURE;

ORDINANCE 2020-06 – COMMERCIAL LAND DEVELOPMENT REGULATIONS *continued*

AMENDING CHAPTER 17, “LICENSES AND BUSINESS REGULATIONS,” TO ALLOW HOME OCCUPATIONS WITHIN SPECIFIED COMMERCIAL DISTRICTS; AMENDING CHAPTER 19, “OFFENSES AND MISCELLANEOUS PROVISIONS,” TO REFERENCE MIXED USE ZONING WITHIN THE NOISE REGULATIONS; AMENDING CHAPTER 21, “PLANNING AND DEVELOPMENT,” TO PROVIDE PUBLIC NOTICE FOR WAIVERS AND MODIFY PROCEDURAL REQUIREMENTS; AMENDING CHAPTER 27, “TREES AND SHRUBBERY,” TO DELETE ARTICLE III, “LANDSCAPING;” AMENDING APPENDIX A, “APPEARANCE PLAN,” TO RECOGNIZE CHANGES TO DISTRICT REGULATIONS, ENCOURAGE SPECIFIC ARCHITECTURAL STYLES AND MODIFY THE CRITERIA; AMENDING APPENDIX B (CHAPTER 36), “SUBDIVISIONS,” TO REMOVE CONFLICTS WITH NEW ZONING REGULATIONS; AMENDING APPENDIX C (CHAPTER 45), “ZONING,” BY: AMENDING ARTICLE I, “IN GENERAL,” TO MODIFY THE DEFINITIONS AND CONFLICT PROVISIONS; AMENDING ARTICLE II, “GENERALLY,” TO IDENTIFY CHANGES TO THE NAMES OF CERTAIN ZONING DISTRICTS AND THE ELIMINATION OF OTHERS AND MODIFY THE SIMILAR USE AND SPECIAL EXCEPTION PROCEDURES; AMENDING ARTICLE III, “DISTRICT REGULATIONS,” BY AMENDING SECTION 45-31 TO CHANGE THE NAME OF THE C-A COMMERCIAL DISTRICT TO THE C-MU US-1 MIXED USE DISTRICT, MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION USES AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED C-A; DELETING SECTION 45-31.1 TO ELIMINATE THE C-B COMMERCIAL DISTRICT; DELETING SECTION 45-32 TO ELIMINATE THE C-1A LIMITED COMMERCIAL DISTRICT; AMENDING SECTION 45-32.1 TO CHANGE THE NAME OF THE C-C TRANSITIONAL COMMERCIAL DISTRICT TO THE C-T TRANSITIONAL COMMERCIAL DISTRICT, MODIFY THE REGULATIONS INCLUDING PERMITTED USES AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED C-C; AMENDING SECTION 45-33 TO CHANGE THE NAME OF THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-S SHOPPING DISTRICT, MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION USES, AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED C-1; AMENDING SECTION 45-34 TO CHANGE THE NAME OF THE COMMERCIAL DISTRICT TO THE C-G GENERAL COMMERCIAL DISTRICT, MODIFY THE REGULATIONS AND APPLY SUCH REGULATIONS TO ALL PROPERTIES CURRENTLY ZONED COMMERCIAL; AMENDING SECTION 45-35.1 TO MODIFY THE REGULATIONS APPLICABLE TO PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 45-35.2 TO RENAME THE C-OS CONSERVATION AND OPEN SPACE DISTRICT TO THE OS CONSERVATION AND OPEN SPACE DISTRICT; AMENDING SECTION 45-35.3 TO ELIMINATE THE NORTHLAKE BOULEVARD OVERLAY ZONING DISTRICT AND CREATE A NEW C-NB NORTHLAKE BOULEVARD COMMERCIAL DISTRICT AND MODIFY THE REGULATIONS INCLUDING PERMITTED AND SPECIAL EXCEPTION USES; AMENDING SECTION 45-36 TO REVISE THE OFF-STREET PARKING REGULATIONS, THE HEIGHT REGULATIONS AND THE OUTDOOR SEATING REGULATIONS; AMENDING SECTION 45-38 TO MODIFY THE I-1 LIGHT INDUSTRIAL ZONING REGULATIONS RELATING TO OUTDOOR RUNS AND DOG EXERCISE AREAS; RENAMING ARTICLE VI, “AMENDMENTS—FEES; WAITING PERIODS,” TO “REZONINGS; VARIANCES; WAIVERS,” AND MODIFYING THE REGULATIONS APPLICABLE TO REZONINGS AND VARIANCES AND ADOPTING NEW REGULATIONS FOR WAIVERS WITHIN THE C-MU AND C-NB ZONING DISTRICTS; AMENDING ARTICLE VII, “NON-CONFORMING USES OF LAND AND STRUCTURES,” TO ALLOW

ORDINANCE 2020-06 – COMMERCIAL LAND DEVELOPMENT REGULATIONS *continued*

THE EXTENSION AND ENLARGEMENT OF NON-CONFORMING USES AND STRUCTURES UNDER SPECIFIED CIRCUMSTANCES; AND ADOPTING A NEW ARTICLE VIII, "LANDSCAPING," TO MODIFY AND UPDATE THE CURRENT LANDSCAPING REQUIREMENTS FOR MULTI-FAMILY, MIXED USE, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS; UPDATING CROSS-REFERENCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Community Development Director Jeremy Hubsch stated that the amendments were sent to the state and were unanimously approved. An update made to the code was counting golf cart parking spaces as regular parking spaces.

Mayor Bickel opened the public hearing on the Comprehensive Plan Amendment and the Commercial Land Development Regulations.

Mayor Bickel read into the record a public comment received from Kendra Zellner, 604 Laurel Court. In her comment, Ms. Zellner expressed her concerns that there were no activities or businesses in the Village that were attractive to young adults and asked that Council take into consideration adding more businesses that were conducive to a young adult lifestyle.

The motion to adopt and enact Ordinance 2020-05 approving the Comprehensive Plan Amendment on second reading passed unanimously.

The motion to adopt and enact Ordinance 2020-06 approving the Commercial Land Development Regulations on second reading passed unanimously.

ORDINANCE 2020-09 – GENERAL FUND BUDGET AMENDMENT

A motion was made by President Pro Tem Norris and seconded by Councilmember Searcy to adopt and enact on second reading Ordinance 2020-09 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE ADOPTED GENERAL FUND BUDGET FOR FISCAL YEAR 2020 TO CLASSIFY THE TOTAL AMOUNT FINANCED FOR THE REAR LOADER SANITATION TRUCK AS CAPITAL OUTLAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the amendment which was to properly report the Village's leased vehicles as capital outlay in the budget

Mayor Bickel opened the public hearing. There being no comments from the public, Mayor Bickel closed the public hearing.

Thereafter, the motion to adopt and enact Ordinance 2020-09 on second reading passed unanimously.

PUBLIC HEARING AND MOTION – REASONABLE ACCOMMODATION REQUEST

This item was postponed to the next Council meeting on October 8, 2020.

CONSENT AGENDA

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

Resolution – Approving a blanket purchase order with Baker & Taylor, Inc. for purchase of Village Library books in an amount not to exceed \$36,000.

Resolution – Approving a blanket purchase order with Precision Landscape Company of Palm Beach County, Inc. for landscape repair, replacement and additional plantings for rights-of-way, facilities and parks in an amount not to exceed \$50,000.

Resolution – Approving a blanket purchase order with TireSoles of Broward, Inc. d/b/a Elpex Tires for automotive tires and repair/retread services utilized by the Public Works Department in an amount not to exceed \$70,000.

Resolution – Approving a blanket purchase order with Mullinax Ford for automotive parts, repairs and supplies in the amount of \$6,200.

Receive for file Minutes of the Planning Commission meeting held 8/4/20.

Receive for file Minutes of the Recreation Advisory Board meeting held 8/11/20.

Receive for file Minutes of the Library Advisory Board meeting held 8/25/2020.

RESOLUTION 2020-58 – BUDGET AMENDMENT – FY 2020 YEAR-END CIP TRANSFER

A motion was made by President Pro Tem Norris and seconded by Councilmember Searcy to adopt Resolution 2020-58 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE ADOPTED GENERAL FUND BUDGET FOR FISCAL YEAR 2020 TO TRANSFER \$227,325 FROM THE COUNCIL CONTINGENCY ACCOUNT TO THE CAPITAL PROJECTS RESERVE ACCOUNT TO FUND THE CAPITAL IMPROVEMENT PLAN; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the amendment which was to replenish available funding for capital projects.

President Pro Tem Norris asked why the entire amount of contingency funds would be transferred.

Mr. Lukasik explained that if all the funds were not transferred into the CIP then those funds would be transferred to reserves at the end of the year.

Thereafter, the motion to adopt Resolution 2020-58 passed unanimously.

RESOLUTION 2020-59 – LED LIGHTING AGREEMENT

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Norris to adopt Resolution 2020-59 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING AN LED LIGHTING AGREEMENT WITH FLORIDA POWER AND LIGHT AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE

RESOLUTION 2020-59 – LED LIGHTING AGREEMENT *continued*

AGREEMENT ON BEHALF OF THE VILLAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Steven Hallock stated that the agreement with FPL would provide better lighting and service for the Village.

Thereafter, the motion to adopt Resolution 2020-59 passed unanimously.

RESOLUTION 2020-60 – COUNTRY CLUB POOL OPERATIONS AGREEMENT

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt Resolution 2020-60 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT WITH NPB AQUATIC GROUP, INC. FOR OPERATION AND MANAGEMENT OF COUNTRY CLUB POOL OPERATIONS AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE VILLAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Country Club General Manager Beth Davis explained that the purpose of the agreement was to hire Independent Contractor, Alf Aguirre to operate the Country Club pool. Mr. Aguirre would continue to direct and manage the daily operation of the Country Club's swimming pool. Duties included would be daily pool maintenance, lifeguard training and certification, aquatic programming to include swim team, water aerobics, swim lessons, college teams, scuba, summer camps, events and private rentals.

Discussion ensued between Council, staff and the Village Attorney regarding the duties and responsibilities of the independent contractor and if there were any tax implications.

Thereafter, the motion to adopt Resolution 2020-60 passed unanimously.

RESOLUTION 2020-61 – OPPOSITION TO OFFSHORE DRILLING ACTIVITIES

A motion was made by Councilmember Searcy and seconded by Vice Mayor Mullinix to adopt Resolution 2020-61 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA EXPRESSING OPPOSITION TO OFFSHORE DRILLING ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING, AND SUPPORT FOR THE PRESIDENTIAL ORDER EXTENDING THE MORATORIUM ON OFFSHORE DRILLING; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained that the purpose of the resolution was to express Village Council's opposition to offshore drilling activities, including seismic airgun blasting and support for the Presidential Order extending the moratorium on offshore drilling activities.

Thereafter, the motion to adopt Resolution 2020-61 passed unanimously.

RESOLUTION 2020-62 – THIRD AMENDMENT TO PLANNING AND ZONING SERVICES AGREEMENT

A motion was made by Councilmember Searcy and seconded by Vice Mayor Mullinix to adopt Resolution 2020-62 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A THIRD AMENDMENT TO AN AGREEMENT WITH NZ CONSULTANTS, INC. FOR CURRENT AND LONG-RANGE PLANNING AND ZONING SERVICES PURSUANT TO PRICING ESTABLISHED IN AN EXISTING CONTRACT FOR SERVICES WITH THE CITY OF LAKE WORTH AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE THIRD AMENDMENT ON BEHALF OF THE VILLAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Hubsch explained that since there was still an open position for a Planner in the Community Development Department, there was a need to extend the time frame and increase the compensation on the agreement with NZ Consultants, Inc.

Councilmember Aubrey asked if staff was actively working on getting the open Planner position filled.

Mr. Hubsch stated that a new Principal Planner was just hired a month ago and an advertisement for another Planner was recently made.

Thereafter, the motion to adopt Resolution 2020-62 passed unanimously.

VILLAGE COUNCIL MATTERS/REPORTS

Councilmember Searcy congratulated Country Club General Manager Beth Davis and Head Golf Professional Alan Bowman for winning the 2020 Latitude 36 Florida Course of the Year award.

Councilmember Searcy thanked Village Library and Recreation staff for their efforts with keeping residents safe during Library activities and resuming recreational programs.

Councilmember Searcy asked for Council's and staff's input on what type of guidance to give residents for Halloween.

Mr. Lukasik stated that the CDC published guidelines for Halloween and the information would be shared with the public.

Councilmember Searcy stated that the Village of North Palm Beach was now the location of the second Gold Star Memorial Bridge in Florida.

Mayor Bickel stated that she was disappointed that the Town of Lake Park has beaten the Village of North Palm Beach in the past Read for the Record challenges. She stated that the next challenge would be taking place virtually on October 29th and encouraged Councilmembers to participate.

Mayor Bickel stated that out of all of the Councilmembers, she is the one who is exposed to the most children on a weekly basis. Mayor Bickel asked the Council to take that into consideration in their decision on when to return in person for meetings in the Council Chambers.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik stated that the proposed shades of yellow for the Community Center that were presented at the last meeting were not an accurate rendering of the paint colors that staff was intending. Mr. Lukasik stated that four swatches of yellow paint color were placed on the east side of the Community Center building. Mr. Lukasik asked Council to view the swatches and let him know which paint color they preferred by the end of the week.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:53 p.m.



Jessica Green, MMC, Village Clerk