

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

Councilmember Searcy gave the invocation and President Pro Tem Bickel led the public in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Minutes of the Regular Session held September 13, 2018 were approved as written.

DECLARATION OF EX PARTE COMMUNICATIONS

President Pro Tem Bickel, Vice Mayor Mullinix, and Councilmember Searcy reported speaking with Galaxy HQ LLC Chairman Frank Rodriguez regarding the appeal of the Planning Commission's decision on 801 U.S. Highway One. Vice Mayor Mullinix reported a discussion with Bill Whiteford regarding his appeal of the Planning Commission's decision. Councilmember Aubrey reported meeting with Mr. Rodriguez to discuss the proposed use of the property as well as Mr. Whiteford's appeal. Mayor Norris reported speaking with Mr. Rodriguez primarily about the project at 801 U.S. Highway One and briefly regarding Mr. Whiteford's appeal.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2018-02 – COMPREHENSIVE PLAN AMENDMENT INCORPORATING EAR-BASED AMENDMENTS

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt and enact on second and final reading Ordinance 2018-02 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 ITS EVALUATION AND APPRAISAL REPORT; REPEALING THE PUBLIC SCHOOL CONCURRENCY ELEMENT AND REVISING THE COASTAL MANAGEMENT ELEMENT AND THE INTERGOVERNMENTAL COORDINATION ELEMENT; UPDATING THE PLAN TO REFLECT STATUTORY CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Planner Erin Sita reviewed the Evaluation and Appraisal (EAR) process required under Chapter 163.3191, Florida Statutes. Mrs. Sita presented the EAR-based amendments to the Village's Comprehensive Plan.

Brief discussion ensued regarding Lakeside Drive properties and the special flood hazard area.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2018-02 – COMPREHENSIVE PLAN AMENDMENT INCORPORATING EAR-BASED AMENDMENTS *continued*

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

The motion to adopt and enact Ordinance 2018-02 on second reading passed unanimously

APPEAL OF PLANNING COMMISSION RULING DISMISSED

Mr. Rubin reported on the appeal filed by Mr. Whiteford challenging a Certificate of Appropriateness issued by the Planning Commission for property located at 801 U.S. Highway One. Mr. Rubin read Section 6-35 of the Village Code of Ordinances, which provides that “The applicant or any interested party may file an appeal to the village council on any ruling by the planning commission made pursuant to the article.” Mr. Rubin explained that in the zoning and land use context, an interested party must be someone with a legally recognizable interest that will be impacted by the decision – someone whose interest is greater than the interest of the community as a whole. Mr. Rubin concluded that the reasons Mr. Whiteford cited as giving him standing to appeal have been rejected by case law as being insufficient to give him standing to challenge the decision. Mr. Rubin stated Village Staff recommended dismissal of the appeal.

Mayor Norris opened the public hearing.

Tom Barkdull, 843 Country Club Court, stated he lived for 24 years on North Anchorage Drive about one-half block from the parcel in question, which has previously been a restaurant that served alcohol, a bank with drive-in tellers, a business office, and a vacant property used for overnight parking by long-distance truckers. Mr. Barkdull expressed support for the business proposed for the property. Mr. Barkdull concurred with Mr. Rubin’s opinion that Mr. Whiteford lacks standing to appeal.

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

Vice Mayor Mullinix moved to dismiss the appeal. Councilmember Aubrey seconded the motion, which passed unanimously.

CONSENT AGENDA APPROVED

President Pro Tem Bickel moved to approve the Consent Agenda. Councilmember Aubrey seconded the motion, which passed which passed unanimously. The following items were approved:

Resolution 2018-72 approving blanket purchase orders with Baker and Taylor, Inc. in an amount not to exceed \$37,000.00 and Midwest Tape, LLC in an amount not to exceed \$22,000.00 for Village Library books and audio-visual materials.

Resolution 2018-73 approving a blanket purchase order for Galls, LLC for Police Department uniforms, equipment and accessories in an amount not to exceed \$22,000.00.

Resolution 2018-74 approving a blanket purchase order for Citation Communications for Police Department mobile and in-car replacement parts, radio upgrades and programming, equipment and accessories in an amount not to exceed \$20,000.00.

Receive for file Minutes of the Golf Advisory Board meeting held 8/20/18.

Receive for file Minutes of the Recreation Advisory Board meeting held 9/11/18.

Receive for file Minutes of the Golf Advisory Board meeting held 9/17/18.

RESOLUTION 2018-75 –SUSPENSION OF ENFORCEMENT OF CODE SECTIONS 18-35 AND 18-35.1 GOVERNING BOATS AND RECREATIONAL VEHICLES

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt Resolution 2018-75 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, SUSPENDING THE ENFORCEMENT OF SECTIONS 18-35 AND 18-35.1 OF THE VILLAGE CODE OF ORDINANCES GOVERNING THE PARKING OF BOATS AND BOAT TRAILERS AND RECREATIONAL VEHICLES AND TRAILERS ON RESIDENTIAL PROPERTIES WITHIN THE VILLAGE; PROVIDING FOR A DURATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion was held concerning enforcement of the code provision that prohibits parking onsite from the front building line to the paved street or alleyway including the swale for a period of time not to exceed seventy-two (72) hours in any thirty (30) day period. Mr. Rubin requested Council direction regarding continued enforcement of this provision. Consensus of Council was that the restriction on onsite parking of boats and recreational vehicles in the area described should continue to be enforced.

Councilmember Searcy moved to amend the resolution, per Mr. Rubin's verbiage, to continue enforcement of the parking restriction. President Pro Tem Bickel seconded the motion to amend, which passed unanimously.

Thereafter, the motion to adopt Resolution 2018-75, as amended, passed unanimously.

RESOLUTION 2018-76 – FLOATING DOCKS CONTRACT

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Bickel to adopt Resolution 2018-76 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ACCEPTING THE PROPOSAL SUBMITTED BY GOLDEN MANUFACTURING, INC. FOR THE SUPPLY OF FLOATING DOCKS ON THE NORTH SIDE OF THE ANCHORAGE PARK MARINA AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A CONTRACT RELATING TO SUCH SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik discussed the proposal to manufacture and deliver floating docks for the north side of Anchorage Park Marina, which also includes two day-docks and a kayak launch to the south of the boat ramp. Mr. Lukasik stated the project will contain 16 boat slips and 8 piers at a cost of \$293,543.73. Mr. Lukasik reported that \$175,000.00 was budgeted for the installation of water and electric utilities and installation of the floating docks, which will complete Phase 1 of the Anchorage Park improvements project.

Discussion ensued concerning these items: the cost of fixed docks versus floating docks, option to install boat lifts, brand of composite decking used in the floating docks, and liability issues.

Mr. Lukasik will report back to Council on the brand of composite decking.

Thereafter, the motion to adopt Resolution 2018-76 passed 4-0, with all present voting aye.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik reported an emergency expenditure in the amount of \$9,750.00 for duct cleaning at the Public Safety Facility.

Mr. Lukasik requested Council direction regarding implementation of an opinion survey and selection of members for a new Working Group to address potential changes to the boat and recreational vehicles ordinance.

Mr. Lukasik discussed conducting a survey that would receive wide community participation in order to ensure that citizen opinions are broadly solicited and accurately captured when considering changes to the ordinance. Mr. Lukasik recommended hiring a consultant to conduct the survey. Mr. Lukasik estimated the cost for a professionally conducted survey at approximately \$10,000.00.

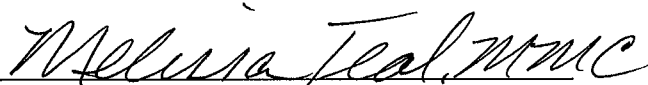
By consensus, the Council directed Mr. Lukasik to hire a firm to conduct the survey.

Discussion took place concerning the selection of members for the ad hoc Working Group, application process, composition of the committee, and whether to appoint members during or after the survey is conducted.

By consensus, the Council determined that the appointment of members to the Working Group should be done after the survey is completed.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:34 p.m.


Melissa Teal, MMC, Village Clerk