

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JANUARY 28, 2021**

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 except for Councilmember Searcy who was running late. 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 January 14, 2021 were approved as written.

DECLARATION OF EX PARTE COMMUNICATIONS

Mayor Bickel, Vice Mayor Mullinix, President Pro Tem Norris and Councilmember Aubrey reported speaking with Mr. Sehayik and Mr. Hearing on a conference call regarding the proposed creation of a Planned Unit Development and proposed 7-11 gas station for the corner of A1A and Richard Road. Mayor Bickel reported having discussions with residents regarding the proposed 7-11 gas station for the corner of A1A and Richard Road.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-02 CODE AMENDMENT
– BUILDINGS AND BUILDING REGULATIONS

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Norris to adopt and enact on second reading Ordinance 2021-02 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II, "MINIMUM CONSTRUCTION STANDARDS," SECTION 6-17, "CODES ADOPTED," TO RECOGNIZE THE ADOPTION OF ADMINISTRATIVE AMENDMENTS TO CHAPTER 1 OF THE FLORIDA BUILDING; ADOPTING ADMINISTRATIVE AMENDMENTS TO THE 7TH (2020) EDITION OF THE FLORIDA BUILDING CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-02 CODE AMENDMENT
– BUILDINGS AND BUILDING REGULATIONS *continued*

Mr. Rubin explained the ordinance would recognize and formally adopt the adoption of Administrative Amendments to Chapter 1 of the Florida Code.

Mayor Bickel opened the public hearing on the Buildings and Building Regulations ordinance.

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

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-02 passed with all present voting aye.

Councilmember Searcy arrived to the meeting at 7:36 p.m.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-03 CODE AMENDMENT
– CREATING A PLANNED UNIT DEVELOPMENT

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Norris to adopt and enact on second reading Ordinance 2021-03 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, CREATING A PLANNED UNIT DEVELOPMENT ON APPROXIMATELY 1.95 ACRES OF REAL PROPERTY LOCATED ON THE NORTHEAST CORNER OF RICHARD ROAD AND ALTERNATE A1A, AS MORE PARTICULARLY DESCRIBED HEREIN; REZONING THE PROPERTY FROM THE C-T TRANSITIONAL COMMERCIAL DISTRICT TO THE C-S SHOPPING COMMERCIAL DISTRICT; PROVIDING FOR DEVELOPMENT OF THE PROPERTY IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS, WAIVERS AND CONDITIONS REFERENCED IN THIS ORDINANCE; PROVIDING PROCEDURES FOR FUTURE MODIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik stated that Council could proceed with public comment first since the applicant was not ready to begin their presentation.

Mayor Bickel opened the public hearing on the Creating a Planned Unit Development ordinance.

Mayor Bickel read into the record a public comment received from Kathy Baummier, 909 Eucalyptus Road. In her comment, Ms. Baummier expressed concerns with and opposition to the proposed 7-11 gas station for the corner of A1A and Richard Road.

Mayor Bickel read into the record a public comment received from Tim Hullihan, 840 Country Club Road. In his comment, Mr. Hullihan expressed concerns with and opposition to the proposed 7-11 gas station for the corner of A1A and Richard Road.

Mayor Bickel read into the record a public comment received from Mary Phillips, 525 Ebbitide Drive. In her comment, Ms. Phillips expressed concerns with and opposition to the proposed 7-11 gas station for the corner of A1A and Richard Road.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-03 CODE AMENDMENT
– CREATING A PLANNED UNIT DEVELOPMENT *continued*

These residents addressed the Council regarding their concerns and opposition to the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A:

Theresa Cleary, 2781 Hinda Road	Rita Budnyk, 840 Shore Road
Arthur MacDonald, 913 Laurel Road	Andrew Hirschhorn 9422 Marand Way
Karen Spear, 2623 Hinda Road	Barbara Rochefort, 2735 Hinda Road
James Jarvis, 2720 Hinda Road	Lauren Jarvis, 2720 Hinda Road
Aaron Jarvis, 2720 Hinda Road	Kim Wendt, 909 Laurel Road
John Frerking, 130 Cruiser Road South	Alice Ludwig, 2686 Honey Road

In addition, Ms. Budnyk submitted documentation relating to the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A for the official record.

These residents addressed the Council regarding their approval and favor of the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A:

Martina Covarubbias, 149 Bowsprit Drive	Kenneth Csont, 108 Paradise Harbour Blvd., #115
Justo Naranjo, 2597 Hinda Road	Mr. Howell, 11333 Ellison Wilson Road

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

Donaldson Hearing of Cotleur & Hearing, on behalf of the applicant, began a presentation on the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A. Mr. Hearing reviewed the history, location and proposed rezoning of the site. Mr. Hearing discussed the site's surrounding businesses and zoning. Mr. Hearing reviewed and explained the site plan discussing traffic flow and 7-11's strict standards with regards to safety for its customers and the public. Mr. Hearing stated that an 8-foot concrete wall would be constructed at the rear of the site. Mr. Hearing discussed and explained the 24 hours of operation and its benefits. Mr. Hearing discussed the roadways surrounding the site and the elevations of the convenience store. Mr. Hearing explained that there would be three layers of landscaping planted along the rear wall for extra buffering. Mr. Hearing stated that letters from the Village of North Palm Beach dated November 23, 2020 and November 24, 2020 were supportive of the project and found no cause of concern with relation to crime. Mr. Hearing stated that there had been extensive coordination with Palm Beach County and the Florida Department of Transportation and that the proposed project met all applicable standards. Mr. Hearing discussed environmental sustainability and stated that Florida standards were the most ridged in the country and modern day fueling stations maintain high standards that include double walled tanks. The 7-11 corporate governance and standards exceed industry benchmarks.

Mr. Hearing discussed and reviewed existing fueling stations within the Village. Mr. Hearing reviewed the following changes to address community concerns which included, agreeing to limit hours of alcohol sales to be consistent with on premise consumption standards, added two Level 2 electric charging stations, agreed to relocate the dumpster, increased the height of the wall closest to the fueling area to 8 feet in addition to extensive landscape and voluntarily committed to restrict prohibiting adult entertainment. Mr. Hearing concluded the presentation by explaining the 7-11 corporate culture and reminded Council of the substantial efforts of the applicant who gave unprecedented community outreach and transparency throughout the process along with extensive coordination with Village staff to provide the best designed project and proactively delayed the second reading of the ordinance to go door to door to meet with neighbors to gain further feedback from the community.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-03 CODE AMENDMENT
– CREATING A PLANNED UNIT DEVELOPMENT *continued*

In addition to the presentation, Mr. Hearing submitted documentation relating to the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A for the official record.

Councilmember Searcy commended Cotleur & Hearing for the landscape and site plan design of the proposed project. Councilmember Searcy stated that she was in favor of the 7-11 convenience store but not in favor of having a gas station.

Vice Mayor Mullinix commended the applicant and designer for going above and beyond in meeting the Village's expectations for the proposed project. Vice Mayor Mullinix stated that he was in support of the project.

President Pro Tem Norris stated that the developer did a good job of addressing all of the issues that were brought up by residents and the Village.

Councilmember Aubrey stated that he was impressed with the design and presentation of the project. Councilmember Aubrey expressed concern about approving a project that many residents were opposed to. Councilmember Aubrey stated that even though he did not respond to every email he received from the public regarding the project, he did read every single one of them.

Mayor Bickel expressed concern with rezoning the property since the site abuts residences and those homeowners purchased their homes believing the property next door to them would remain the same zoning classification.

Mr. Hearing requested a postponement or additional time to go back to 7-11 to request additional changes or modifications to the project.

Discussion ensued between Council and Mr. Rubin regarding the proposed Planned Unit Development at the northeast corner of Richard Road and Alternate A1A.

Thereafter, a motion to table Ordinance 2021-03 was made by Vice Mayor Mullinix, seconded by President Pro Tem Norris and passed unanimously.

CONSENT AGENDA

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

Resolution – Approving an authorizing the purchase of firefighter protective clothing from Bennett Fire Products Company, Inc. utilizing pricing established in an existing Lake County contract at a total cost of \$20,019.81.

Resolution – Approving a Contract with Papico Construction, Inc. for the resurfacing and laser grading of tennis courts at the North Palm Beach Country Club at a total cost of \$25,580; and authorizing execution of the Contract.

CONSENT AGENDA *continued*

Resolution – Extending the Village’s Agreement with Nowlen, Holt & Miner, P.A. for Independent Annual Auditing Services; approving an Amendment to the Agreement for Auditing Services; and authorizing execution of the Amendment.

Resolution – Approving Agreements with the Palm Beach County Property Appraiser and Palm Beach County Tax Collector for the collection of stormwater utility non-ad valorem assessments on the property tax bill; and authorizing execution of the Agreements.

Receive for file Minutes of the Environmental Committee meeting held 1/9/21.

Receive for file Minutes of the Audit Committee meeting held 1/14/21.

MOTION – Consider a motion to suspend time limitations applicable to political campaign signs

Attorney Rubin gave a background on past discussions that had taken place with regards to making revisions to the Village’s sign codes due to recent court decisions and stated that there would be a future workshop to address those revisions. Mr. Rubin explained that at the last Council meeting, Councilmember Searcy suggested waiving or suspending the Village’s sign code which prohibits the display of campaign signs more than 30 days before an election for the current election cycle.

Mayor Bickel and President Pro Tem Norris recused themselves from voting on the item.

A motion was made by Councilmember Searcy and seconded by Councilmember Aubrey to discuss the suspension of time limitations applicable to political campaign signs.

Vice Mayor Mullinix opened public comment.

John Frerking, 130 Cruiser Road South, expressed his concerns with suspending the time limitations applicable to political campaign signs for the current municipal election taking place on March 9, 2021.

Discussion ensued between Council and Mr. Rubin regarding the suspension of time limitations applicable to political campaign signs.

Mr. Frerking addressed Council a second time with his concerns.

A motion was made by Councilmember Searcy and seconded by Councilmember Aubrey to approve the suspension of time limitations applicable to political campaign signs for the March 9, 2021 election effective January 30, 2021.

Thereafter, the motion passed 3 to 0.

RESOLUTION 2021-10 – FIRST AMENDMENT TO EMERGENCY SERVICES AGREEMENT

A motion was made by Vice Mayor Mullinix and seconded by President Pro Tem Norris to adopt Resolution 2021-10 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE EMERGENCY SERVICES AGREEMENT FOR MUTUAL ASSISTANCE, AUTOMATIC AID, AND DISPATCH SERVICES WITH PALM BEACH COUNTY AND THE CITY OF PALM BEACH GARDENS AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE FIRST AMENDMENT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-10 – FIRST AMENDMENT TO EMERGENCY SERVICES AGREEMENT
continued

Fire Rescue Chief J.D. Armstrong explained that the First Amendment to the Agreement would provide for regularly scheduled interagency training drills, extend the term by six years and add a new section addressing the statutory requirement to E-verify prospective employees.

Thereafter, the motion to adopt Resolution 2021-10 passed with all present voting aye.

MAYOR AND COUNCIL MATTERS/REPORTS

Mayor Bickel asked if comments from chat can be kept from popping up or displayed on screen during a Zoom Council meeting due to the fact that offensive language was being used.

Information Technology Director Michael Applegate explained that he could turn off the chat feature to keep those comments from popping up or being displayed.

Mayor Bickel expressed concern that public comments were not limited to three minutes per comment for the current meeting. Mayor Bickel requested that a system for limiting public time be utilized for future meetings.

Councilmember Searcy congratulated Police Chief Jenkins and the Village's Police Department for the Village receiving the status of the 4th Safest City in the State.

Vice Mayor Mullinix thanked Council, staff, residents, friends and family members for the well wishes, cards and condolences he received after the passing of his mother.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik stated that Village Clerk Green had made the candidates aware and sent them information regarding the political signage agenda item well in advance of the Council meeting. Mr. Lukasik explained that the receipt of the item by the candidates was not entirely successful.

Mayor Bickel stated that Council adheres to and follows the Sunshine Law which prohibits Council from discussing items with each other outside of a public meeting.

Mr. Lukasik stated that in response to public input, a simpler to understand, plain English agenda for Planning Commission and Council meetings has been implemented. Residents would have the opportunity to sign up to receive text alerts when the agenda is ready for viewing.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:11 p.m.


Jessica Green, MMC, Village Clerk