

**MINUTES OF THE REGULAR SESSION  
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA  
APRIL 22, 2021**

Present: Deborah Searcy, Vice Mayor  
David B. Norris, Councilmember  
Susan Bickel, Councilmember  
Chuck Huff, Interim Public Works Director  
Len Rubin, Village Attorney  
Jessica Green, Village Clerk

Absent: Darryl C. Aubrey, Sc.D., Mayor  
Mark Mullinix, President Pro Tem  
Andrew D. Lukasik, Village Manager

ROLL CALL

Vice Mayor Searcy called the meeting to order at 7:30 p.m. All members of Council were present except for Mayor Aubrey and President Pro Tem Mullinix who were out of town. All members of staff were present except for Andrew Lukasik, Village Manager. Interim Public Works Director Chuck Huff attended the meeting on behalf of Mr. Lukasik.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Minutes of the Regular Session held April 8, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Vice Mayor Searcy read into the record a public comment received from Rita Budnyk, 804 Shore Drive. In her comment, Ms. Budnyk expressed concerns regarding the right-of-way permit application by the non-occupant owner of 932 Shore Drive. The permit was necessary to install a 480-volt power system, infrastructure and transformer to supply power for a yacht. Ms. Budnyk expressed concerns that the permit application lacked details and that there would be possible health hazards and environmental impacts from the proposed power system.

Vice Mayor Searcy read into the record a public comment received from Catherine Garcia, 753 Anchorage Drive. In her comment, Ms. Garcia expressed her concerns regarding the proposed implementation of a zoning in progress within the Village that may restrict properties to rebuilding on their current footprint plus 10%. Ms. Garcia expressed concern that the zoning in progress restrictions may diminish property values and asked that Council consider stopping any further action on it.

Kevin McCluskey, 607 Riverside Road, expressed concerns regarding a proposed moratorium or a proposed zoning in progress within the Village that may restrict properties to rebuilding on their current footprint plus 10% and recommended that Council reconsider the proposed actions.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

There were no ex-parte communications declared for the next three items.

MOTION - DIMENSIONAL EXCEPTION APPLICATION FOR 124 EASTERLY ROAD

Principal Planner Alex Ahrenholz explained and described the applicant's recreational vehicle location, its dimensions and the dimensions of the property. Mr. Ahrenholz showed pictures of the recreational vehicle, its screening and its location. Mr. Ahrenholz stated that staff was recommending approval of the dimensional exception request with the condition that if any trees or shrubs on adjacent properties that currently provide screening are removed, the applicant must replace them on their property or the neighboring property within six months of their removal.

Vice Mayor Searcy opened the public hearing on the Dimensional Exception Application for 124 Easterly Road.

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

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to approve the Dimensional Exception Application for 124 Easterly Road subject to the condition recommended by staff.

Thereafter, the motion was approved with all present voting aye.

MOTION - DIMENSIONAL EXCEPTION APPLICATION FOR 517 LIGHTHOUSE DRIVE

Principal Planner Alex Ahrenholz explained and described the applicant's recreational vehicle location, its dimensions and the dimensions of the property. Mr. Ahrenholz showed pictures of the recreational vehicle, its screening and its location. Mr. Ahrenholz stated that staff was recommending approval of the dimensional exception request with the condition that if any trees or shrubs on adjacent properties that currently provide screening are removed, the applicant must replace them on their property or the neighboring property within six months of their removal.

Vice Mayor Searcy opened the public hearing on the Dimensional Exception Application for 517 Lighthouse Drive.

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

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to approve the Dimensional Exception Application for 517 Lighthouse Drive subject to the condition recommended by staff.

Thereafter, the motion was approved with all present voting aye.

PUBLIC HEARING ON FILL PERMIT APPLICATION TO INSTALL FILL AND CREATE SEAWALL AT 508 ANCHORAGE DRIVE

Community Development Director Jeremy Hubsch explained the purpose of the fill permit application. Mr. Hubsch stated that the applicant was requesting to bring in approximately 130 cubic yards of fill to extend the riverbank out 9.3 feet for the construction of a vinyl sea wall.

PUBLIC HEARING ON FILL PERMIT APPLICATION TO INSTALL FILL AND CREATE SEAWALL AT 508 ANCHORAGE DRIVE *continued*

Mr. Hubsch presented pictures of the property and its riverbank and gave examples of native shorelines along the Earman River. Mr. Hubsch stated that staff had concerns that the project would potentially create a harmful alteration of the natural flow of the adjacent navigable waters and may lead to increased erosion of nearby properties. Mr. Hubsch stated that the Environmental Committee recommended denial of the fill permit and noted there were other methods to stabilize the shoreline from erosion through the use of mangroves or rip-rap. It was also noted that most of the surrounding properties have utilized mangroves, natural vegetation and/or rip-rap to stabilize their shorelines.

Vice Mayor Searcy opened the public hearing on the fill permit application to install fill and create a seawall at 508 Anchorage Drive.

Heidi Duncan of Coast Seawall, Docks and Boatlifts indicated that the homeowner was attempting to reclaim land that has been eroding and had already received approval from the Florida Department of Environmental Protection, Army Corps of Engineers and South Florida Water Management District. Ms. Duncan stated that there was a vinyl seawall already installed at a nearby residence along the Earman River.

Councilmember Bickel asked if there was a historic record of the land being above water and if there was evidence of erosion.

Mr. Hubsch stated that the land was above the mean high water line. Mr. Hubsch explained that there was a sea grape tree that was collapsing indicating that some erosion has taken place along the property.

A motion to deny the fill permit application to install fill and create a seawall at 508 Anchorage Drive was made by Councilmember Norris and seconded by Councilmember Bickel.

Thereafter the motion passed with all present voting aye.

ORDINANCE 2021-06 CODE AMENDMENT – GOLF CARTS

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt and enact on second reading Ordinance 2021-06 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IV, "GOLF CARTS;" PROVIDING FOR DEFINITIONS; PROVIDING FOR THE OPERATION OF GOLF CARTS WITHIN THE VILLAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin stated that ordinance had passed on first reading at the previous Council meeting without any modifications. The ordinance would need to be passed on second reading in order to allow golf carts to be operated within the Village's public roadways and alleyways.

Vice Mayor Searcy opened the public hearing on Ordinance 2021-06 Code Amendment – Golf Carts.

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

ORDINANCE 2021-06 CODE AMENDMENT – GOLF CARTS *continued*

Mr. Rubin explained the differences between golf carts and low speed vehicles and their statutory requirements. Golf carts were not allowed to operate on any state or county owned roadways or within parks.

Discussion ensued between Council and Chief Jenkins regarding age requirements for golf carts and low speed vehicles and how the Police Department would monitor and determine if a driver meets the age requirements.

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-06 passed with all present voting aye.

CONSENT AGENDA

Item 6 was removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, the Consent Agenda, as amended, was approved with all present voting aye. The following items were approved:

Resolution accepting the proposals from Regional Construction Services LC for the exterior painting services of the Anchorage Park Activity Building and Village Hall at a total cost of \$17,850; and authorizing execution of the Contract.

Resolution declaring one 2018 Ford Taurus Marked Police Vehicle as surplus property and authorizing its disposal.

Receive for file Minutes of the Planning Commission meeting held 3/2/21.

Receive for file Minutes of the Environmental Committee meeting held 3/8/21.

Receive for file Minutes of the Recreation Advisory Board meeting held 3/9/21.

Receive for file Minutes of the Library Advisory Board meeting held 3/23/21.

MOTION – Authorizing final Release of Retainage in the amount of \$83,022 to the Weitz Company for the North Palm Beach Country Club Project.

Vice Mayor Searcy stated that she pulled the item from Consent because it deserved a bigger send off as it was the final task to complete the Country Club Project.

Interim Public Works Director Chuck Huff explained how the Weitz company completed the project by completing the lighting along the Country Club's stairways. Mr. Huff distributed copies of a picture which showed the stairway lit up at night.

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to authorize the final Release of Retainage in the amount of \$83,022 to the Weitz Company for the North Palm Beach Country Club Project.

RESOLUTION 2021-33 – REFUSE HAULER PURCHASE

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-33 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF ONE 2018 DEMO GO-4 REFUSE HAULER FROM JEFFREY ALLEN, INC.; WAIVING THE VILLAGE'S PURCHASING POLICIES AND PROCEDURES; AUTHORIZING THE SURPLUS OF AN EXISTING SANITATION COLLECTION VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-34 – REFUSE HAULER PURCHASE

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-34 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF ONE 2019 DEMO GO-4 REFUSE HAULER FROM EJ EQUIPMENT, INC.; WAIVING THE VILLAGE'S PURCHASING POLICIES AND PROCEDURES; AUTHORIZING THE SURPLUS OF AN EXISTING SANITATION COLLECTION VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Public Works Director Chuck Huff explained the purpose for Resolutions 2021-33 and 2021-34. Mr. Huff explained that the Village's current Kubota sanitation collection vehicles were in need of replacement. Mr. Huff stated that because of the cost of purchasing, modifying, and necessary maintenance of the Kubota vehicles was expensive, staff was recommending the replacement of two Kubota vehicles by purchasing two GO-4 Refuse Haulers.

Vice Mayor Searcy asked if Mr. Huff made a comparison between municipalities with comparable sanitation services and sanitation collection vehicles.

Mr. Huff stated that Scarsdale, New York had comparable sanitation services and use the GO-4 Refuse Haulers. The municipality has used them for the past three years and have been happy with the vehicles thus far.

Thereafter, the motions to adopt Resolution 2021-33 and Resolution 2021-34 passed with all present voting aye.

RESOLUTION 2021-35 – NEW ZONING MAP

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt Resolution 2021-35 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A NEW OFFICIAL ZONING MAP FOR THE VILLAGE AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO SIGN AND SEAL THE NEW ZONING MAP; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Hubsch explained that the Village has not had an update since January 2006. Mr. Hubsch gave a presentation comparing the old Zoning Map to the new Zoning Map. The new Zoning Map reflects all of the new commercial zoning districts and Village-initiated re-zonings that were completed in late 2020 and it had a better color coding system.

Discussion ensued between Council and staff regarding the color coding of the new Zoning Map.

Thereafter, the motion to adopt Resolution 2021-35 passed with all present voting aye.

MAYOR AND COUNCIL MATTERS/REPORTS

Councilmember Norris addressed the public comments made regarding the proposed moratorium or zoning in progress. Mr. Norris stated that the Village was not fast tracking the item and that there would be full discussion, and residents would have the opportunity to make comments before any action was taken.

MAYOR AND COUNCIL MATTERS/REPORTS *continued*

Councilmember Bickel recommended having a future discussion regarding potential environmental impacts and preservation of the Earman River.

Vice Mayor Searcy stated she was in favor of narrowing U.S. Highway 1. Vice Mayor Searcy clarified that the funds available for the project were funds provided from the State of Florida and could not be spent on anything but the narrowing of U.S. Highway 1. Vice Mayor Searcy addressed concerns regarding potential traffic impacts and stated that only .9 miles of the roadway would be narrowed and that traffic experts have reviewed the plan. Vice Mayor Searcy expressed her future vision for the project and how it would positively enhance the Village. Vice Mayor Searcy stated that she would be available to speak with anyone who wanted to discuss the proposed project and recommended that Council vote on the proposed project before the deadline given by the State to accept the available funds.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:22 p.m.

  
\_\_\_\_\_  
Jessica Green, MMC, Village Clerk