

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JUNE 10, 2021**

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

Absent: Deborah Searcy, Vice Mayor

ROLL CALL

Mayor Aubrey called the meeting to order at 7:30 p.m. All members of Council were present except for Vice Mayor Searcy who was out of town. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Aubrey gave the invocation and President Pro Tem Mullinix led the public in the Pledge.

APPROVAL OF MINUTES

The Minutes of the Regular Session held May 27, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Mary Romero, 828 Buttonwood Road, asked for the status of the NET Team and expressed concern that the meetings had ceased and there was no longer any direction for the team. Ms. Romero stated that she was a former employee and discussed and explained incidents with Mr. Lukasik that caused her resignation. Ms. Romero expressed her concerns regarding Mr. Lukasik's management of Village employees.

Greg Hoynack, 517 Lighthouse Drive, expressed his concerns regarding Airbnb's in the Village. Mr. Hoynack described a recent incident that took place at an Airbnb in his neighborhood and stated that those types of short term rentals were not good for the Village.

John Samadi, 512 Marlin Road, expressed his concerns regarding Airbnb's in the Village. Mr. Samadi described a recent incident that took place at an Airbnb on Lighthouse Drive and stated that the Village needed to take a more proactive approach in code enforcement.

Lisa Interlandi, 150 S. Anchorage Drive, discussed and explained the issues with blue green algae in canals within Palm Beach County. Ms. Interlandi stated that the Army Corps of Engineers were modifying the management schedule for Lake Okeechobee within the next two months. Ms. Interlandi stated that the Environmental Committee was seeking support and drafting a letter to the Army Corps to make sure that the plan that they select protects and benefits the Village's waterways and lagoons instead of causing more water from Lake Okeechobee coming in.

MOTION - DIMENSIONAL EXCEPTION APPLICATION FOR 417 GULL COURT

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 the applicant's property that are currently providing screening are removed, they shall be replaced on the applicant's property or the neighboring property within six months of their removal.

Mayor Aubrey opened the public hearing on the Dimensional Exception Application for 417 Gull Court.

John Samadi, 512 Marlin Road, expressed his concerns with the current boat and recreational vehicle ordinance and the enforcement of the ordinance.

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

Mayor Aubrey addressed Mr. Samadi's comment and explained the current boat and recreational vehicle ordinance and stated that the Village was making an effort to have boats and recreational vehicles that exceed the maximum height and length limits to be properly screened.

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to approve the Dimensional Exception Application for 417 Gull Court subject to the condition recommended by staff.

Thereafter, the motion was approved unanimously.

MOTION - DIMENSIONAL EXCEPTION APPLICATION FOR 901 SHORE 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 initially recommended approval but was now recommending denial of the dimensional exception due to the impacts of natural light to the adjacent property.

Mayor Aubrey opened the public hearing on the Dimensional Exception Application for 901 Shore Drive.

Dan Haid, 705 Pelican Way, stated that he lived on the property adjacent to 901 Shore Drive. Mr. Haid stated that he was responsible for planting the screening on his property to screen the recreational vehicle on the neighboring property. Mr. Haid expressed concern over a recreational owner relying on the neighboring property to provide screening. Mr. Haid asked Council to deny the Dimensional Exception Application for 901 Shore Drive.

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

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to deny the Dimensional Exception Application for 901 Shore Drive.

Thereafter, the motion was approved unanimously.

ORDINANCE 2021-07 CODE AMENDMENT – BALLOONS AND SKY LANTERNS

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to adopt and enact on second 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. Mr. Lukasik explained that the release of balloons and sky lanterns poses a threat to marine and wildlife when ingested. The ordinance would regulate the display, use or release of balloons and sky lanterns within the Village’s public parks and beaches.

Mayor Aubrey opened the public hearing on the Balloons and Sky Lanterns ordinance.

Karen Marcus, 920 Evergreen Drive, thanked Council for their support of the Ordinance and recommended its final adoption. Ms. Marcus stated that Palm Beach County had extended their balloon ban for the entire coast of the county and every Palm Beach County waterfront park now has a balloon ban.

Guillermo Asla, 1901 Military Trail, expressed the balloon industries concerns about the proposed ordinance that would regulate balloons and sky lanterns within the Village. Mr. Asla recommended revising the ordinance to allow weighted balloon displays and require that balloons have proper weights included.

Mayor Aubrey read into the record a public comment received from Lorna O’Hara, 160 West State Street, Trenton, New Jersey. In her comment, Ms. O’Hara gave a brief description and history of The Balloon Council (TBC) and on their behalf asked Council to consider striking the words “the display” from the proposed ordinance regulating balloons and sky lanterns and to require balloon displays to have proper weights. Ms. O’Hara expressed concern about the possible impacts to local businesses who sold balloons and stated that the TBC has promoted education regarding the proper use and safety practices of balloons.

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

President Pro Tem Mullinix stated that he understood the concerns of business owners, but that he has seen the impacts that balloons have had in the Village’s parks and waterways.

Councilmember Bickel concurred and stated that she also sympathized with business owner’s concerns, but the potential impacts from balloons to the Village’s waterways was too great.

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

Mr. Lukasik for clarification, stated that the Village's Police Department would not be monitoring balloon usage but that the Village would be educating residents through staff presence and signage at the parks as well as language in any park facility rental agreements.

Mayor Aubrey read into the record a public comment received from Douglas R. Fairbanks, 648 Anchorage Drive. In his comment, Mr. Fairbanks stated that he was in support of the Village's effort to move utility and electrical lines underground for the purpose of safety and modernization.

CONSENT AGENDA APPROVED

Item 5 was removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, the Consent Agenda, as amended, was approved unanimously. The following items were approved:

Resolution establishing the starting time for Regular Village Council meetings to 7:00 p.m.

Receive for file Minutes of the Library Advisory Board meeting held 4/27/21.

Receive for file Minutes of the Recreation Advisory Board meeting held 5/11/21.

Receive for file Minutes of the Library Advisory Board meeting held 5/25/21.

MOTION – Accepting the ranking by the Selection Committee for Overhead Utility Undergrounding Project Management and Engineering Consulting Services and authorizing Staff to commence negotiation of an Agreement with Kimley-Horn.

President Pro Tem Mullinix expressed his excitement that the Village was moving forward with undergrounding its utilities and stated that it would be a great benefit to the community.

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to accept the ranking by the Selection Committee for Overhead Utility Undergrounding Project Management and Engineering Consulting Services and authorizing Staff to commence negotiation of an Agreement with Kimley-Horn.

VILLAGE COUNCIL MATTERS/REPORTS

Mayor Aubrey stated that Council had received performance evaluation forms for Mr. Lukasik in their mailboxes and requested that they return their completed evaluations to Human Resources Director Renee Govig before the next scheduled Council meeting.

Mayor Aubrey asked Council to consider changing the Mayor's one-year term requirement in the Village code to a two-year term.

Discussion ensued between Councilmembers regarding the Mayor term requirement in the Village code.

The Council agreed to consider a change to the Village code that would provide exceptions on the Mayor's term length under certain circumstances.

Councilmember Bickel recommended that Council support signing the letter from the Environmental Committee to the Army Corps of Engineers with regards to the management of Lake Okeechobee and issues regarding blue green algae in Palm Beach County.

Councilmember Bickel stated that there were state regulations with regards to Airbnb's and asked Mr. Rubin if there was anything the Village could do to alleviate the situation.

VILLAGE COUNCIL MATTERS/REPORTS *continued*

Mr. Rubin explained that the Village could implement and require a registration process. Mr. Rubin stated that he and staff were already working on a draft of a registration process.

VILLAGE MANAGER MATTERS/REPORTS

Mr. Lukasik began a presentation regarding the American Rescue Plan Act. Mr. Lukasik gave a brief background stating that the Village anticipated the receipt of \$5.5 million dollars, funding would need to be obligated by December 31, 2024 and projects would need to be completed by December 31, 2026. Mr. Lukasik discussed and explained the eligible activities which were activities that would support public health, address economic hardship impacts for those disproportionately affected and harmed by the pandemic, premium pay for essential workers, replace lost public sector revenue, water, sewer and broadband investments. Mr. Lukasik reviewed and discussed staff recommendations which included using the funds for non-recurring expenditures, using funds to directly impact the community, avoiding the creation of new programs that require an ongoing financial commitment of bureaucracy to develop and manage, appropriating \$400,000 to technology applications and appropriating funds towards water and sewer infrastructure.

Discussion ensued between Councilmember regarding whether or not to allocate funds to help smaller business in the community.

Councilmember Bickel recommended reinstating and allocating funds toward the NET Team.

Mr. Lukasik stated that he would start to re-engage employees for restarting the NET Team and would begin community outreach to discover what the needs were.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:48 p.m.



Jessica Green, MMC, Village Clerk