

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
JUNE 24, 2021**

Present: Darryl C. Aubrey, Sc.D., Mayor
Deborah Searcy, Vice 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

ROLL CALL

Mayor Aubrey called the meeting to order at 7:00 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Minutes of the Regular Session held June 10, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

John Samadi, 512 Marlin Road, expressed his concerns regarding Village Manager Lukasik's performance on certain Village issues.

ORDINANCE 2021-08 CODE AMENDMENT – GENERAL FUND BUDGET AMENDMENT FY 2021
CAPITAL LEASES

A motion was made by Councilmember Norris and seconded by President Pro Tem Mullinix to adopt on first reading Ordinance 2021-08 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE ADOPTED GENERAL FUND BUDGET FOR FISCAL YEAR 2021 TO CLASSIFY THE TOTAL AMOUNT FINANCED FOR VILLAGE VEHICLES AS CAPITAL OUTLAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the ordinance and stated that its purpose was to record the value and acquisition of three leased vehicles as capital outlay in the Fiscal Year 2021 Budget.

Mayor Aubrey opened the public hearing on the General Fund Budget Amendment FY 2021 Capital Leases ordinance.

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

Thereafter, the motion to adopt on first reading Ordinance 2021-08 passed unanimously.

ORDINANCE 2021-09 CODE AMENDMENT – STORMWATER MANAGEMENT UTILITY

A motion was made by Vice Mayor Searcy and seconded by Councilmember Norris to adopt on first reading Ordinance 2021-09 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER 30, “STORMWATER MANAGEMENT UTILITY;” CREATING A STORMWATER MANAGEMENT UTILITY AND STORMWATER MANAGEMENT UTILITY FUND; PROVIDING FOR ADOPTION OF STORMWATER MANAGEMENT UTILITY ASSESSMENTS BY RESOLUTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the reason for the ordinance and stated that its purpose was to create a Stormwater Management Utility and adoption of Stormwater Management Utility Assessments to be levied by future resolution against real property in the Village. Mr. Lukasik gave a brief history and background on the item and stated that Hazen and Sawyer, P.C. had conducted an exploratory study to provide information and data for the establishment of a stormwater fee structure and Council had approved Hazen & Sawyer, P.C. to provide stormwater utility fee development and implementation services. After presentation of the Stormwater Utility Study Final Report and updates made based on Council’s policy direction and guidance, the Council approved Resolution 2020-84 stating the Village’s intent to levy a non-ad valorem assessment to collect a Stormwater Utility Fee on the 2021 Tax Bill. The proposed ordinance would amend the Village code to create the Stormwater Management Utility and Stormwater Management Utility Fund. Mr. Lukasik stated that the actual fees would still need to be established.

Mayor Aubrey opened the public hearing on the Stormwater Management Utility ordinance.

John Samadi, 512 Marlin Road, expressed his concerns regarding the proposed ordinance and gave his recommendations.

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

Discussion ensued between Councilmembers, staff, and Mr. Taylor from Hazen & Sawyer, P.C. regarding the process for setting the level of the Stormwater Management Utility fees.

Thereafter, the motion to adopt on first reading Ordinance 2021-09 passed unanimously.

CONSENT AGENDA APPROVED

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

Resolution approving an Interlocal Agreement with Palm Beach County for the use of Grant Funds for Emergency Medical Services Equipment to purchase an Ambulance Air Purification System at a total cost of \$763.00; and authorizing execution of the Agreement.

Resolution approving a First Amendment to an Agreement with NZ Consultants, Inc. for Current and Long-Range Planning and Zoning Services at a total compensation not to exceed \$50,000; and authorizing execution of the First Amendment.

CONSENT AGENDA APPROVED *continued*

Resolution recognizing the growing problem of antisemitism in America, adopting the International Holocaust Remembrance Alliance Working Definition of Antisemitism as an educational tool and denouncing hate crimes against Jews and antisemitism in all its forms.

Receive for file Minutes of the Environmental Committee meeting held 5/3/21.

Receive for file Minutes of the Planning Commission meeting held 5/4/21.

Receive for file Minutes of the Audit Committee meeting held 6/3/21.

John Samadi, 512 Marlin Road, expressed his concerns and gave his recommendations regarding the approval of the resolution approving the First Amendment to an Agreement with NZ Consultants, Inc. and the resolution adopting the International Holocaust Remembrance Alliance Working Definition of Antisemitism. Mr. Samadi stated that all forms of racism and discrimination should be addressed in a resolution adopted by the Village.

RESOLUTION 2021-52 – STORMWATER PIPE REHABILITATION CONTRACT

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to adopt Resolution 2021-52 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A CONTRACT AWARD TO INSITUFORM TECHNOLOGIES, LLC FOR STORMWATER PIPE REHABILITATION PURSUANT TO PRICING ESTABLISHED IN AN EXISTING CITY OF DAYTONA BEACH CONTRACT FOR CURED-IN-PLACE-PIPE AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE CONTRACT ON BEHALF OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of Public Works Chuck Huff explained the reason for the resolution and gave a background on the condition of the drainage systems on Osprey Way, Nighthawk Way, Westwind Drive and Cinnamon Road. Mr. Huff explained that Insituform Technologies utilizes a pipe rehabilitation system that allows the user to line the existing pipes without open trenching and was a cost effective way of restoring the drainage system. Mr. Huff stated that staff was recommending the approval of a contract with Insituform Technologies, LLC for the Stormwater Pipe Rehabilitation Project.

Discussion ensued between Councilmembers and Mr. Huff regarding the Stormwater Pipe Rehabilitation Project.

Mr. Lukasik stated for the record that his neighbor on Westwind Drive reported the drainage system issues in front of their home and that the project would be taking place very close to his home.

Councilmember Norris stated that he did not see a time frame in the contract.

Mr. Huff stated that a time frame was not included in the contract. The contractor was scheduled to come in to clean and televise the pipes after the contract was approved and the work would begin within three to four weeks after the cleaning and televising was complete.

Thereafter, the motion to adopt Resolution 2021-52 passed unanimously.

RESOLUTION 2021-53 – OVERHEAD UTILITY UNDERGROUND PROJECT MANAGEMENT AND ENGINEERING CONSULTING SERVICES CONTRACT

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt Resolution 2021-53 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A CONSULTING SERVICES CONTRACT FOR OVERHEAD UTILITY UNDERGROUND PROJECT MANAGEMENT AND ENGINEERING WITH KIMLEY-HORN AND ASSOCIATES, INC. AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE CONTRACT; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO AMEND THE CAPITAL PROJECTS FUND BUDGET TO TRANSFER \$133,451 FROM THE CAPITAL RESERVE ACCOUNT TO THE PLANNING – CONSTRUCTION AND RENOVATION CAPITAL ACCOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik stated that the resolution was to approve a Consulting Services Contract with Kimley-Horn for Overhead Utility Underground Project Management. Mr. Lukasik discussed and explained the benefits of having the Village's utilities undergrounded. Mr. Lukasik stated that through a Request for Qualifications process, a Selection Committee made up of Village Staff and residents selected Kimley-Horn as the firm best qualified to address the Village's needs as part of any utility undergrounding project. Council approved the Selection Committee's recommendation and authorized staff to commence negotiations with Kimley-Horn. Mr. Lukasik stated that staff and Kimley-Horn have since developed the scope of work for an initial agreement to plan for the utility undergrounding which was the preparation of a Utility Undergrounding Master Plan and Feasibility Study. The preparation would include data collection and base mapping, initial program planning, public outreach, grant research and identification and a series of meetings. Mr. Lukasik stated that staff recommended the approval of the contract with Kimley-Horn for completion of a Utility Undergrounding Master Plan and Feasibility Study.

Tom Magill, 119 Atlantic Road, asked how many hours of work would be included in the contract and what was the hourly rate.

Mr. Lukasik stated that 780 hours of work was included in the contract which came to approximately \$200 per hour.

John Samadi, 512 Marlin Road, recommended determining how many hours would be attributed to each category of work and what the hourly rate would be for each of those categories.

Councilmember Norris asked when and how the schedule would be established.

Mr. Lukasik stated that the process would take four to five months to complete.

Thereafter, the motion to adopt Resolution 2021-53 passed unanimously.

VILLAGE COUNCIL MATTERS/REPORTS

Councilmember Bickel asked if the Village had a general anti-discrimination statement.

Mr. Rubin stated that the Village had a general anti-discrimination statement for employment only but not a general policy statement for any and all types of discrimination.

Councilmember Bickel, Vice Mayor Searcy and Mayor Aubrey agreed that the Village should have a broader policy statement that covered all types of racism and discrimination.

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to delegate Mayor Aubrey as voting delegate for the upcoming Florida League of Cities Conference.

Thereafter the motion passed unanimously.

Mr. Rubin stated that he was incorrect in his previous statement regarding the Village not having a general anti-discrimination statement and stated that the Village did adopt a general anti-discrimination statement based on civil rights through Ordinance 2020-04.

Vice Mayor Searcy stated that there was some confusion regarding the new process for attendance of Councilmembers at Advisory Board meetings and wanted to have a brief discussion to clarify and get feedback from Council.

Discussion ensued between Councilmembers on whether they wanted to continue the new process or go back to the old process whereby their names were entered on a rotation schedule for them to attend specific meetings on specific dates.

Council came to consensus to have the prior rotation schedule re-implemented.

Country Club General Manager Beth Davis gave an update and explanation of the upcoming 4th of July event and activities at the Country Club.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:57 p.m.


Jessica Green, MMC, Village Clerk