

**MINUTES OF THE SPECIAL SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
SEPTEMBER 8, 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 except, Vice Mayor Searcy who arrived at 7:26 p.m. 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 August 26, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Deborah Cross, 2560 Pepperwood Circle, expressed her concern with the tabling of a Zoning in Progress and with the permitting and building of oversized homes in the Village.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

PUBLIC HEARING AND FIRST READING OF AD VALOREM TAX MILLAGE RATE ORDINANCE AND BUDGET ORDINANCE

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Norris to adopt on first reading Ordinance 2021-16 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING AND ADOPTING THE FINAL LEVY OF AD VALOREM TAXES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING AND FIRST READING OF AD VALOREM TAX MILLAGE RATE ORDINANCE AND BUDGET ORDINANCE *continued*

A motion was made by Councilmember Bickel and seconded by President Pro Tem Mullinix to adopt on first reading Ordinance 2021-17 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING THE ANNUAL BUDGET OF THE VILLAGE OF NORTH PALM BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 AND AUTHORIZING ALLOCATIONS, APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE BUDGET AND AS AUTHORIZED BY LAW; APPROVING A COMPREHENSIVE PAY PLAN AND AUTHORIZING THE VILLAGE MANAGER TO MAKE TEMPORARY APPOINTMENTS TO BUDGETED POSITIONS; APPROVING A MASTER FEE SCHEDULE; PROVIDING FOR THE CREATION OF GOVERNMENTAL FUNDS WHEN NECESSARY; PROVIDING FOR THE RECEIPT OF GRANTS OR GIFTS; PROVIDING PROCEDURES FOR BUDGET AMENDMENTS; PROVIDING FOR THE LAPSE OF OUTSTANDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED APPROPRIATIONS FOR THE PRIOR FISCAL YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik gave a presentation on the budget.

Vice Mayor Searcy arrived to the meeting at 7:26 p.m.

Mayor Aubrey opened the public hearing on the ad valorem tax millage rate and budget.

Stephanie Camp, 704 Buttonwood Road, expressed her concerns with the stormwater assessment calculations. Ms. Camp asked Council to re-calculate the non-impervious square footage to reflect a more accurate representation of properties that are significantly smaller than the 5500 square foot average stated in the assessment notice. Ms. Camp requested that Council consider a more equitable method to apply a stormwater assessment.

Freiderike Mittner, 909 S. Palmway, Lake Worth, stated that she was a City Planner with 20 years of experience working in municipalities in Palm Beach County. Ms. Mittner, applauded the Village for being a first class municipality. Ms. Mittner commended the Village's offering of recreational activities and stated that she was in support of the Anchorage Dry Storage Project.

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

A motion was made by Councilmember Norris and seconded by President Pro Tem Mullinix to establish an ad valorem tax millage rate of 7.0500 mils. The motion passed unanimously.

Mayor Aubrey announced that the rolled back rate is 7.1226 mils, the percentage decrease over the rolled back rate is 1.02%, and the millage rate to be levied is 7.0500 mils.

The motion to adopt on first reading Ordinance 2021-16 approving the Ad Valorem Tax Millage Rate passed unanimously.

The motion to adopt on first reading Ordinance 2021-17 approving the Fiscal Year 2021-2022 Annual Budget passed unanimously.

ORDINANCE 2021-11 OLD PORT COVE SOUTH MARINA PUD AMENDMENT – 3RD REQUEST FOR CONTINUANCE

Mayor Aubrey announced that per the request of the applicant, this item was removed from the agenda.

ORDINANCE 2021-12 PROSPERITY VILLAGE PUD – 3RD REQUEST FOR CONTINUANCE

A motion was made by Councilmember Bickel and seconded by Councilmember Norris to continue the first reading of Ordinance 2021-12 to September 23, 2021.

Thereafter, the motion to continue the first reading of Ordinance 2021-12 to September 23, 2021 passed unanimously.

ORDINANCE 2021-18 CODE AMENDMENT – GARBAGE COLLECTION AND DISPOSAL

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to adopt on first reading Ordinance 2021-18 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE II, “GARBAGE TRASH AND REFUSE,” OF CHAPTER 14, “HEALTH AND SANITATION,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING DIVISION 2, “GARBAGE COLLECTION AND DISPOSAL,” TO REMOVE REFERENCES TO COMMERCIAL AND RESIDENTIAL FEES FROM THE CODE AND REMOVE AND MODIFY OUTDATED PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik explained the purpose of the ordinance. Mr. Lukasik stated that references in the current code were in need of revision. Mr. Lukasik stated the references to the commercial fee in the code would be removed. Mr. Lukasik explained that the process for determining commercial fees in the code was not equitable and was difficult to understand and that staff had proposed changes to the commercial fee structure to improve equity among businesses in the Village. The code also included references to residential fees to support operations. These references would also be removed since the Village has used property tax revenue to support residential solid waste operations. Mr. Lukasik explained that the code also contained other regulatory language that was not applicable to the Village’s solid waste operations today and those references would also be removed.

Thereafter, the motion to adopt on first reading Ordinance 2021-18 passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-13 CODE AMENDMENT – ELECTION QUALIFYING PERIOD

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to adopt and enact on second reading Ordinance 2021-13 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING CHAPTER 10, “ELECTIONS,” ARTICLE I, “IN GENERAL,” OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 10-5, “CANDIDATES FOR OFFICE; QUALIFYING,” TO AMEND THE QUALIFYING DATES FOR THE VILLAGE’S GENERAL ELECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-13 CODE AMENDMENT – ELECTION QUALIFYING PERIOD *continued*

Village Clerk Jessica Green explained that the proposed ordinance was adopted on first reading at the previous Council meeting on August 26th. Village Clerk Green explained that the Supervisor of Elections was now requiring to have ballot language for the municipal election submitted 95 days before the election. The Village’s current qualifying period of the first seven business days in December did not meet that requirement and therefore the ordinance would amend the qualifying period to begin on the third Tuesday in November and end on the fourth Tuesday in November.

Mayor Aubrey opened the public hearing on the election qualifying period ordinance.

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

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-13 passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-14 CODE AMENDMENT – VACATION RENTAL REGISTRATION AND REGULATION

A motion was made by Councilmember Norris and seconded by Councilmember Bickel to adopt and enact on second reading Ordinance 2021-14 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), “ZONING,” OF THE VILLAGE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 45-40, “VACATION RENTALS,” PROVIDING FOR APPLICABILITY; PROVIDING FOR REGISTRATION AND INSPECTION; PROVIDING FOR VACATION RENTAL STANDARDS; PROVIDING FOR VIOLATIONS, ENFORCEMENT AND REMEDIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Rubin explained that the proposed ordinance would have several provisions that would attempt to mitigate negative impacts to the Village’s residential neighborhoods.

Mayor Aubrey opened the public hearing on the vacation rental and registration ordinance.

Chad Cawley, 414 Driftwood Road, stated that he owned two vacation rentals in the Village and expressed that he wanted to portray short-term rentals as a benefit to the community versus the negative perception that was currently being portrayed. Mr. Cawley stated that he would do what was necessary to cooperate with the Village with regards to short-term rentals.

John Lippincott, 528 Driftwood Road, expressed his concerns regarding the negative perception of short-term vacation rentals. Mr. Lippincott expressed his concerns with the proposed vacation and registration and regulation ordinance.

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

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-14 passed unanimously.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2021-15 CODE AMENDMENT – ELECTRICAL SERVICE TO FORMERLY DEVELOPED VACANT LOTS

A motion was made by Vice Mayor Searcy and seconded by President Pro Tem Mullinix to adopt and enact on second reading Ordinance 2021-15 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING ARTICLE III, “DISTRICT REGULATIONS,” OF APPENDIX C (CHAPTER 45) OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 45-36(R) TO ALLOW ELECTRICAL SERVICE TO FORMERLY DEVELOPED LOTS FOR THE SOLE PURPOSE OF OPERATING AN IRRIGATION SYSTEM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rubin explained the purpose of the proposed ordinance. Mr. Rubin stated the ordinance would regulate vacant lots after the demolition of an existing home. Mr. Rubin stated that ordinance would allow electrical service to such vacant lots for the sole purpose of operating an irrigation system.

Mayor Aubrey opened the public hearing on the electrical service to formerly developed vacant lots ordinance.

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

Thereafter, the motion to adopt and enact on second reading Ordinance 2021-15 passed unanimously.

CONSENT AGENDA APPROVED

Councilmember Bickel moved to approve the Consent Agenda. Vice Mayor Searcy seconded the motion, which passed unanimously. The following items were approved:

Resolution authorizing the submission of an application for State Aid to Libraries Grant Funding and authorizing execution of the Grant Agreement.

Resolution approving a Contract award to Environmental Quality, Inc. for stabilization of the shoreline on both sides of the north walkover at Lakeside Park at a total cost not to exceed \$43,373.30.

RESOLUTION 2021-74 – WEATHER ALERT SYSTEM AT COUNTRY CLUB

A motion was made by Councilmember Norris and seconded by President Pro Tem Mullinix to adopt Resolution 2021-74 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE FROM THOR GUARD, INC. TO UPDATE, REPLACE AND PROVIDE AN ADDITIONAL REMOTE LOCATION FOR THE WEATHER ALERT SYSTEM AT THE NORTH PALM BEACH COUNTRY CLUB; AND PROVIDING FOR AN EFFECTIVE DATE.

Country Club Golf Professional Allan Bowman explained that the purpose of the resolution was to update, replace and provide an additional remote location for the weather alert system at the North Palm Beach Country Club.

Thereafter, the motion to adopt Resolution 2021-74 passed unanimously.

RESOLUTION 2021-75 – GRAPPLE TRUCK PURCHASE

A motion was made by Vice Mayor Searcy and seconded by President Pro Tem Mullinix to adopt Resolution 2021-75 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF ONE MACK MD7 GRAPPLE TRUCK FROM NEXTRAN CORPORATION D/B/A NEXTRAN TRUCK CENTER PURSUANT TO PRICING ESTABLISHED IN AN EXISTING FLORIDA SHERIFF'S ASSOCIATION CONTRACT; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO TRANSFER \$169,938 FROM THE CAPITAL RESERVE ACCOUNT TO THE SANITATION – AUTOMOTIVE CAPITAL ACCOUNT; DECLARING ONE 2003 GRAPPLE TRUCK AS SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Solid Waste Manager Marc Holloway explained that the current 2003 Grapple Truck that was being utilized in Public Works was in poor condition and had met the end of its service life. The resolution would approve the purchase of a 2022 Mack MD7 Grapple Truck from Nextran Corporation.

Thereafter, the motion to adopt Resolution 2021-75 passed unanimously.

RESOLUTION 2021-76 – REFUSE HAULERS PURCHASE

A motion was made by Vice Mayor Searcy and seconded by President Pro Tem Mullinix to adopt Resolution 2021-76 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING THE PURCHASE OF FIVE 2021 GO-4 REFUSE HAULERS FROM JEFFREY ALLEN, INC. PURSUANT TO PRICING ESTABLISHED IN AN EXISTING SOURCEWELL COOPERATIVE PURCHASING AGREEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND VILLAGE CLERK TO TRANSFER \$173,148 FROM THE CAPITAL RESERVE ACCOUNT TO THE SANITATION – AUTOMOTIVE CAPITAL ACCOUNT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Holloway explained that the Kubota collections vehicles that were being utilized in the Public Works Solid Waste Division were aging and experiencing mechanical failures. Mr. Holloway explained that the Kubotas were not originally engineered to handle the demands of solid waste collection and the maintenance and repair costs were high. The resolution would approve the purchase of five (5) GO-4 Refuse Haulers to replace the aging Kubota vehicles.

Thereafter, the motion to adopt Resolution 2021-76 passed unanimously.

RESOLUTION 2021-77 – ADOPTION AND CERTIFICATION OF NON-AD VALOREM ASSESSMENT ROLL

A motion was made by Councilmember Bickel and seconded by President Pro Tem Mullinix to adopt Resolution 2021-77 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ADOPTING AND CERTIFYING THE NON-AD VALOREM ASSESSMENT ROLL FOR THE STORMWATER MANAGEMENT UTILITY ASSESSMENT FOR PARCELS OF REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2021-77 – ADOPTION AND CERTIFICATION OF NON-AD VALOREM ASSESSMENT ROLL *continued*

Mr. Lukasik gave a presentation regarding the adoption and certification of a Non-Ad Valorem Assessment Roll. Mr. Lukasik began by reviewing the recommended action which was to establish a Non-Ad Valorem Assessment Roll for stormwater improvements in the Village. The action would set the rate and amount to be billed to each property in the Village and would be included as a non-ad valorem fee on the property tax bill. The fee would be reviewed annually as part of the budget and revenue could only be used for activities associated with stormwater system maintenance and billing. Mr. Lukasik reviewed and explained the reasons for a stormwater assessment. Mr. Lukasik reviewed the selected method for establishing equivalent residential unit (ERU). Mr. Lukasik stated that five percent (5%) of single-family residential parcels were tested to develop an average impervious area which equaled 5,550 square feet of impervious area. The flat rate for a single family residence would be 1.0 ERU and a condominium would be 0.22 ERU. There would be variable rate for all other property classes based on measure impervious area.

Mr. Lukasik reviewed a monthly stormwater fee comparison of Florida stormwater jurisdictions and estimated average fees and revenue contribution by property use for Fiscal Year 2021. Mr. Lukasik reviewed answers to miscellaneous questions that had arisen regarding the stormwater utility fee non-ad valorem assessment roll and concluded the presentation by recommending the adoption of the resolution establishing the Non-Ad Valorem Assessment Roll to fund stormwater improvements in the Village.

These residents addressed the Council regarding their concerns regarding the proposed Adoption and Certification of Non-Ad Valorem Assessment Roll for Stormwater Management Utility Assessment:

Stephanie Camp, 704 Buttonwood Road
Mary Romero, 828 Buttonwood Road
Steve Walter, 436 Gulf Road
Maximilien Weber, 517 Greenway Drive

Sandy Budd, 708 Allamanda Drive
Deborah Cross, 2560 Pepperwood Circle
Mary Phillips, 525 Ebbtide Drive

Discussion ensued between Council, staff and Mr. Rubin regarding the Adoption and Certification of Non-Ad Valorem Assessment Roll for Stormwater Management Utility Assessment.

Thereafter, the motion to adopt Resolution 2021-77 passed unanimously.

RESOLUTION 2021-78 – VACATION RENTAL REGISTRATION AND REGISTRATION RENEWAL FEE

A motion was made by President Pro Tem Mullinix and seconded by Vice Mayor Searcy to adopt Resolution 2021-78 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING A REGISTRATION AND REGISTRATION RENEWAL FEE FOR VACATION RENTAL UNITS; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Jeremy Hubsch explained that the purpose of the resolution was to implement a vacation rental registration and registration renewal fee of \$600. The proposed fee was less than what other municipalities were charging.

Chad Cawley, 414 Driftwood Road, asked Council to consider the registration fee for only new vacation rental properties versus those that were already in operation.

RESOLUTION 2021-78 – VACATION RENTAL REGISTRATION AND REGISTRATION RENEWAL FEE *continued*

Discussion ensued between Councilmembers regarding the proposed vacation rental registration and registration renewal fee.

Thereafter, the motion to adopt Resolution 2021-78 passed unanimously.

MAYOR AND COUNCIL MATTERS/REPORTS

Mayor Aubrey distributed an article to Council for discussion. The article referred to condominium inspections and the issues that created the recent collapse of the City of Surfside Champlain Towers Condominium. Mayor Aubrey stated that the Village had ninety-eight (98) condominium buildings most of which are fifty (50) to sixty (60) years old. Mayor Aubrey recommended an inspection process be put into action. Mayor Aubrey expressed concern that creation of an inspection policy and process was taking longer than expected.

Mr. Rubin stated that very few municipalities have come forward with their own inspection policy and process for condominiums. Mr. Rubin stated that the City of Boca Raton has implemented their own policy and the City of Highland Beach was in the process of creating theirs. Most cities were waiting for the County to put forward an inspection policy and process to model theirs after.

Mr. Hubsch stated that the County was scheduled to make their final recommendation on a policy on September 15th. Mr. Hubsch stated that he and staff would begin putting something together once the County has made their recommendations and that Building Official Wayne Cameron would come back to report to Council on the County's recommendations.

Councilmember Bickel stated that she had received multiple phone calls regarding the Pacasa practice of fractional home ownership. Ms. Bickel recommended prohibiting the practice within the Village.

Councilmember Bickel announced that the North Palm Beach Youth Symphony was practicing in the banquet room at Farmer's Table on Monday nights and encouraged Council and residents to drop by to dine at Farmer's Table and listen to the symphony while they practice.

Vice Mayor Searcy thanked Council for passing the ordinance that prohibited the release of balloons and sky lanterns within the Village. Vice Mayor Searcy stated that she and her family removed thirteen (13) balloons from the ocean on a recent boat trip.

Vice Mayor Searcy announced Beats and Eats taking place at 6 p.m. on Saturday, September 11th at Anchorage Park and encouraged residents to attend.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:13 p.m.



Jessica Green, MMC, Village Clerk