

**MINUTES OF THE SPECIAL SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
OCTOBER 11, 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 September 23, 2021 were approved as written.

STATEMENTS FROM THE PUBLIC

Rita Budnyk, 804 Shore Drive, expressed her concerns with elected officials posting on personal social media and stated that it should be done in a responsible manner and should not be used to incite or discuss Village business.

Lisa Gallagher, 704 Teal Way, asked Council to consider sensible size limits for boats parked behind residences.

Vivian Dale, 737 Teal Way, expressed her safety concerns with oversized boats and yachts parked behind residences.

Fane Lozman, 5101 North Ocean Drive, expressed his disappointment and concerns with how the Village cited his floating home at Little Munyon Island.

PUBLIC HEARINGS AND QUASI-JUDICIAL MATTERS

ORDINANCE 2021-10 ZONING IN PROGRESS – TABLED 8/12/21

A motion was made by President Pro Tem Mullinix and seconded by Councilmember Bickel to remove Ordinance 2021-10 from the table. Thereafter, the motion to remove Ordinance 2021-10 from the table passed with all present voting aye.

ORDINANCE 2021-10 ZONING IN PROGRESS – TABLED 8/12/21 *continued*

A motion was made by Vice Mayor Searcy and seconded by Councilmember Bickel to adopt on first reading Ordinance 2021-10 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING A ZONING IN PROGRESS FOR THE CONSTRUCTION OF SINGLE-FAMILY HOMES IN THE R-1 SINGLE-FAMILY DWELLING ZONING DISTRICT; PROVIDING FOR EXPIRATION AND EXTENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lukasik introduced Dr. Bill Whiteford as the Chair of the Residential Zoning Ad Hoc Committee and stated that he, Dr. Whiteford and Community Development Director Jeremy Hubsch would be giving the presentation on the proposed Zoning in Progress. Mr. Lukasik began the presentation by giving a brief history and timeline regarding the proposed ordinance. The Ad Hoc Committee met to review staff's proposed Zoning in Progress Code Standards on September 20, 2021.

Dr. Whiteford stated the Ad Hoc Committee voted 6 to 1 to recommend approval of staff's recommendations regarding the minimum landscaped area and restrictions on 2nd story floor area. The majority of the committee supported the three recommendations which were a required minimum landscaped area of 35% for one-story homes and 40% for two-story homes, all single-family homes shall be limited to two stories and thirty (30') feet in height for flat roofs and thirty-five (35') feet for all other types of roofs, including gable, hip, gambrel and shed roofs. Lastly the floor area of the second story of a single-family home shall be limited to seventy-five (75%) percent of the floor area of the first story. Dr. Whiteford concluded by stating that as Chair of the Ad Hoc Committee everyone would have the opportunity to speak to voice their concerns and that the Committee would meet as many times as necessary to fully vet and resolve the issues.

Mr. Hubsch continued the presentation stating that the Ad Hoc Committee recommended eliminating the proposed administrative deviation that would have allowed staff to approve projects that met the general intent of the Zoning in Progress, but minimally exceeded the Zoning in Progress standards. However, staff was proposing the creation of a deviation or waiver process that would allow property owners to go before the Planning Commission if they did not meet the Zoning in Progress standards.

These residents addressed the Council with their concerns regarding the proposed Zoning in Progress:

Scott Goodby, 717 Teal Way
Matt Brannon, 1001 Country Club Drive
Kevin Spina, 549 Overlook Drive
Ryan Kadyszewski, 501 Overlook Drive
Brian Hitch, 521 Overlook Drive

These residents addressed the Council regarding their approval and favor of the proposed Zoning in Progress:

Rita Budnyk, 804 Shore Drive
Deborah Cross, 2560 Pepperwood Circle South
Cory Cross, 2560 Pepperwood Circle South

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

ORDINANCE 2021-10 ZONING IN PROGRESS – TABLED 8/12/21 continued

Mr. Aubrey discussed and explained the reasoning for the schedule change to hear the proposed Zoning in Progress and stated that it was a temporary measure and more time would be spent on it to make a permanent change in the future.

President Pro Tem Mullinix stated that he had concerns with the recommendation of requiring a minimum landscaped area of 35% for one-story homes and 40% for two-story homes. President Pro Tem Mullinix stated that the landscape area should be uniform. President Pro Tem Mullinix stated that he supported the recommended height of homes but had concerns regarding the recommended second floor reduction. President Pro Tem Mullinix stated that he did not support the recommendations that were set forth in the Zoning in Progress in its totality.

Vice Mayor Searcy stated that she was in support of the recommendations brought forth for the Zoning in Progress. Vice Mayor Searcy stated that persons chosen for the Ad Hoc Committee were qualified and represented all facets of the Village.

Councilmember Norris stated that he was concerned with the process for the Zoning in Progress that had been taken so far and that there was only one Ad Hoc Committee meeting before it was brought back to Council for consideration.

Discussion ensued between the Councilmembers regarding the recommendations brought forth by the Ad Hoc Committee for the Zoning in Progress.

Councilmember Bickel stated that she was in support of the recommendations brought forth by the Ad Hoc Committee. Councilmember Bickel recommended that the Zoning in Progress not last more than six (6) months and to not include the option of a six (6) month extension.

Discussion continued between Council regarding the recommendations brought forth by the Ad Hoc Committee for the Zoning in Progress.

Mayor Aubrey concluded by stating that he was in support of the recommendations brought forth and stated that it was not perfect and supported the idea of a six (6) month cut off if possible.

Mr. Rubin asked if Council was in favor of the deviation process that was proposed.

Council agreed that they were in favor of the proposed deviation process.

Thereafter the motion to adopt Ordinance 2021-10 on first reading passed 3 to 2 with Mayor Aubrey, Vice Mayor Searcy and Councilmember Bickel voting aye and President Pro Tem Mullinix and Councilmember Norris voting nay.

CONSENT AGENDA APPROVED

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

Motion – Approval of Change Order in the amount of \$49,975.06 and Final Payment and Release of Retainage in the amount of \$78,336.89 payable to Florida Blacktop, Inc. for the West Alleyway Project.

Resolution establishing the list of Village holidays for calendar year 2022.

CONSENT AGENDA APPROVED *continued*

Resolution approving an Eighth Amendment to the Agreement for Grant Services with RMPK Funding, Inc.; and authorizing execution of the Eighth Amendment.

Resolution accepting a proposal from Splash & Swing LLC for Tennis Court Maintenance Services at the North Palm Beach Country Club Tennis Center at an annual cost of \$48,000; and authorizing execution of the Contract.

Receive for file Minutes of the Golf Advisory Board meeting held 8/16/21.

Receive for file Minutes of the Business Advisory Board meeting held 8/17/21.

Receive for file Minutes of the Planning Commission meeting held 9/14/21.

Receive for file Minutes of the Golf Advisory Board meeting held 9/20/21.

Receive for file Minutes of the Library Advisory Board meeting held 9/28/21.

OTHER VILLAGE BUSINESS MATTERS

MOTION – Rescheduling the 11/11/21 Regular Council meeting and approving the suspension of the 11/25/21 and 12/23/21 Council meetings in observance of national holidays.

A motion was made by Vice Mayor Searcy and seconded by Councilmember Norris to reschedule the 11/11/21 Regular Council meeting to 11/18/21 and to suspend the 11/25/21 and 12/23/21 Council meetings in observance of national holidays.

Thereafter the motion passed unanimously.

MAYOR AND COUNCIL MATTERS/REPORTS

Councilmember Bickel stated that she had received complaints about the location of the Memory Care accessory building and asked if Council had heard similar complaints.

Councilmembers stated that they did not hear any complaints.

Councilmember Bickel stated that she wanted to make Council aware that she was beginning to hear complaints. Councilmember Bickel invited Council, Village staff and residents to the November 8th Youth Orchestra concert in the Farmer's Table Banquet Room at 6 p.m.

Vice Mayor Searcy encouraged everyone to sign up for the 5K Ghost Run at the Country Club on October 30th. Vice Mayor Searcy also encouraged everyone to participate again in the Read for the Record Event taking place on October 28th.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:10 p.m.



Jessica Green, MMC, Village Clerk