MINUTES
TOWN OF JUNO BEACH

TOWN COUNCIL REGULAR MEETING

April 27, 2016
Council Chambers
340 Ocean Drive

PRESENT:
JASON HASELKORN, MAYOR
JIM LYONS, VICE MAYOR
FRANK FAHY, VICE MAYOR PRO TEM
ELLEN ANDEL, COUNCILMEMBER
BILL GREENE, COUNCILMEMBER

ALSO PRESENT:
JOSEPH LO BELLO, TOWN MANAGER
VANESSA M. MUTCHNIK, TOWN CLERK
LEONARD RUBIN, TOWN ATTORNEY
MATTHEW PAZANSKI, FINANCE DIRECTOR
ANTHONY MERIANO, DIRECTOR OF PUBLIC WORKS
PAUL FERTIG, MAJOR
RUBEN CRUZ, DIRECTOR OF PLANNING AND ZONING
FRANK DAVILA, PLANNING TECHNICIAN
ANDREA DOBBINS, PROJECT COORDINATOR

Mayor Haselkorn called the Town Council regular meeting to order at 5:30 pm.

Audience: 25

~ CALL TO ORDER
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTIUTIONS TO THE AGENDA

1. **LYNN LYONS – PRESENTATION TO THE TOWN**
Lynn Lyons presented flowers to the Town on behalf of her students in the Congressional Award Program and their parents. Mrs. Lyons stated that her students are very thankful to the members of Town Staff for their hospitality.

Mayor Haselkorn thanked Ms. Lyons for her inspiring work.

2. **REPRESENTATIVE PATRICK ROONEY – LEGISLATIVE UPDATE**
Representative Rooney made a presentation to Council on the recent legislative session. He gave a brief analysis of what happened, the bills that passed and did not pass and his thoughts going forward.

Representative Rooney stated that they were able to pass HB 821, which helps veterans when dealing with legal representation and the monetary settlements that are received from a claim that is won.

He stated that they also passed HB 1089, which deals with the cost of background checks for the Agency for Persons with Disabilities and bringing that charge back down to $8.

Representative Rooney stated that they were not able to get a bill passed that addressed the "open carry" of firearms as well as more regulation with Uber and Lyft. He stated that they were also not successful in passing a bill for regulating fantasy sports.

Representative Rooney stated that next year they will continue to work on bills to regulate sober homes, as he and his follow colleagues know this a very important issue.

Vice Mayor Pro Tem Fahy stated when he served on Council, in previous years, there were funds established to help local communities acquire open green space for recreation and preservation. He questioned if this was discussed in the legislative session.

Representative Rooney introduced his legislative aide, Andrew Watt, to assist in answering this question.

Andrew Watt stated this was within the tax package but would need to do more research on the details.

Vice Mayor Lyons questioned the funding for beach re-nourishment.

Mr. Watt stated that it was around 20 million dollars for the entire state and added that Palm Beach County receives a good portion of that funding.

3. **COMMENTS FROM THE PUBLIC**

Public Comments Opened at 5:48 PM

Bob Hamilton, 220 Celestial Way, Unit #6, stated that he was a member of the Civic Association, the Juno Beach Property Owners Association and the Planning and Zoning Board. He stated that there was an issue with transparency on many issues that have come before the Town Council. He stated that Juno Beach is the best and should get the best solutions for issues that arise. Mr. Hamilton expressed his frustration with the Planning and Zoning Board not meeting for a year. He stated that the Planning and Zoning Board members should be consulted on many issues that come before the Town Council.

John Gintoli, 371 Apollo Drive, questioned why two councilmembers were asking for the development of the vacant lot. He also stated that he had many questioned regarding the rehab facility and why it was placed in Juno Beach.

Salvatore Delia, 600 Ocean Drive, stated that he did not understand how a vote was taken to allow a rehab facility in Juno Beach. He was also concerned with how this facility would be policed and how the citizens will be protected moving forward.

Public Comments Closed at 5:59 PM

4. **CONSENT AGENDA**

All matters listed under Item 1, Consent Agenda, are considered to be routine by the Town Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Proclamation – National Public Works Week.
B. Proclamation – Police Week and Peace Officers Memorial Day.
C. Proclamation – Municipal Clerks Week.
D. Consider approving the March 30, 2016 Town Council Meeting minutes.
E. Selection of Voting Delegate for the Florida League of Cities 2016 Conference and Selection of Voting Delegates for the Palm Beach County League of Cities Meetings.
F. Annual Progress Report; Floodplain Management Plan.
G. Expending the Frenchman's Creek Charity Donation.

MOTION: *Greene/Lyons made motion to approve the consent agenda.*

COUNCIL ACTION: *The motion passed 5-0.*

5. **PUBLIC HEARING AND FIRST READING: ORDINANCE 685**
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING DIVISION 2, "ZONING BOARD OF ADJUSTMENT AND APPEALS," OF ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 34-63, "ESTABLISHED; MEMBERS," TO APPOINT THE CHAIRMAN AND VICE CHAIRMAN OF THE PLANNING AND ZONING BOARD AS EX OFFICIO ALTERNATE MEMBERS OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Town Attorney Rubin read Ordinance No. 685 by title only.

A. Staff Presentation and Recommendations
Town Attorney Rubin stated that the Town Council sits as the Zoning Board of Adjustment and Appeals and there is a proposed project that may come before the Board that will require at least one variance. Two members of the Council cannot vote on this variance because they have a voting conflict due to the proximity of their homes to the project. Mr. Rubin stated that the proposed ordinance would appoint the Chairman and Vice Chairman of the Planning and Zoning Board to serve on the Zoning Board of Adjustment and Appeals in the event members of the Council cannot participate.

Councilmember Greene questioned how other municipalities handle a situation like this.

Town Attorney Rubin stated that this is a very uncommon situation.

Councilmember Greene questioned if Town Councils in other municipalities sit as the Zoning Board of Adjustment and Appeals.

Town Attorney Rubin stated that some smaller municipalities do. The other methods are to have a separate appointed Zoning Board of Adjustment or combine the duties

of the Zoning Board of Adjustment with the Planning and Zoning Board. The Town Council could pursue one of these other methods if it wished.

B. Public Hearing
Public Comments Opened at 6:01 PM

Laura Niedernhofer, 471 Apollo Drive, stated that she did not think this was good solution as the Planning and Zoning Board members are not elected officials.

Anne Bosso, 765 Hibiscus Avenue, stated that this was a good decision as the Planning and Zoning Board members are familiar with zoning and their loyalty is toward the Town.

Steve Pinard, 370 Apollo Drive, stated that he believes this is an excellent way to deal with the special circumstance.

Public Comments Closed at 6:03 PM.

C. Council Discussion
Councilmember Greene questioned if this was the best option.

Town Attorney Rubin stated that this was the best solution that he could come up with.

Vice Mayor Pro Tem Fahy asked if the Planning and Zoning Board had their organizational meeting.

Town Attorney Rubin stated that the Board will have its organizational meeting this Monday.

John Gintoli, 371 Apollo Drive, stated that he did not understand what the ordinance as all about.

Vice Mayor Pro Tem Fahy explained that there was project that would come before the Zoning Board of Adjustment and Appeals and two Councilmembers need to recuse themselves from voting on the project because of the proximity of their residences. He added that the Town Council also serves as the Zoning Board of Adjustment and Appeals.

Mayor Haselkorn asked Town Attorney Rubin provide additional explanation.

Town Attorney Rubin further explained that the Zoning Board of Adjustment and Appeals grants variances. He stated it takes 4 votes to grant a variance and with two Council Members not being able to vote, the applicant would have no chance to obtain a variance. It was an issue of procedural due process.

Councilmember Greene questioned if in the future a better option is thought of, the Town Council could amend this ordinance.

Town Attorney Rubin stated that the Town Council definitely change this ordinance, if that is what they choose to do.

D. Council Motion/Second
MOTION: *Lyons/Fahy made motion to approve first reading of Ordinance No. 685.*

E. Council Action
The motion passed 5-0.

6. **APPOINTMENT OF PLANNING AND ZONING BOARD MEMBER – VACANT SEAT**

Director of Planning and Zoning Cruz stated that there is a vacancy on the Planning and Zoning Board as Board Member Warren Turner resigned last month from the Board due to health issues. He stated that since Mr. Turner was Vice Mayor Lyons' appointee, staff would request Vice Mayor Lyons make a new selection.

Vice Mayor Lyons stated that he would like to appoint the current alternate member of the Planning and Zoning Board, Dr. Paul Shea, as a regular member.

MOTION: *Greene/Fahy made motion to appoint Paul Shea as a regular Planning and Zoning Board Member.*

COUNCIL ACTION: *The motion passed 5-0.*

Town Manager Lo Bello stated that he wanted to thank Mr. Turner for his service on behalf of the Town.

Vice Mayor Lyons added that Mr. Turner served the Planning and Zoning Board for 10 years and was a very dedicated member of the Board.

Director of Planning and Zoning Cruz stated that now we now have a vacant alternate seat on the Board. He requested nominations from the Council.

Vice Mayor Lyons nominated Christopher Roe.

Councilmember Greene nominated Gordon Snavely.

Town Clerk Mutchnik calls roll for the vote on the alternate member to the Planning and Zoning Board.

Councilmember Andel - Voted for Gordon Snavely.

Councilmember Greene - Voted for Gordon Snavely.

Vice Mayor Pro Tem Fahy - Voted for Chris Roe.

Vice Mayor Lyons – Voted for Chris Roe

Mayor Haselkorn - Voted for Gordon Snavely.

Gordon Snavely was appointed to the Planning and Zoning Board as an alternate member.

7. **FLORIDA 1033 PROGRAM–TRANSFER OF PROPERTY FROM DEPARTMENT OF DEFENSE**

Finance Director Pazanski stated that the Department of Defense periodically releases assets, which are in fairly good condition, at a reduced cost. He stated that as the items are released, each agency has the opportunity buy them. He stated that if the Town wished to purchase any items, it would be up against other agencies and would need to act quickly. Mr. Pazanski stated that some of the items that staff is looking for are generators, water pumps, a smaller bobcat for landscaping around Town and a Humvee. Mr. Pazanski stated that staff is recommending that Council allow staff to participate in the program, monitor it and have an approved dollar amount set aside for staff to use.

Councilmember Greene questioned if this was auction process.

Finance Director Pazanski stated that it is not an auction process. The coordinator of the program sets the price and it's first come, first served.

Councilmember Lyons questioned if the Humvee would be used for the environmental sensitive land (ESL). He added that if that was the case, then he would recommend buying a 4x4 truck.

Mayor Fertig stated that many agencies have a Humvee and use it for various tasks. He stated that the police department would use it as a rescue vehicle.

Mayor Haselkorn questioned if the Town would retain ownership of the purchased items.

Finance Director Pazanski stated that the Department of Defense would retain ownership of items that pertain to military class items. He added that with respect to most of the items that staff would like to purchase, the ownership would be retained with the Town.

MOTION: *Lyons/Greene made motion to approve up to $10,000 from contingency to secure assets through the Florida 1033 Program.*

COUNCIL ACTION: *The motion passed 5-0.*

8. **COMMENTS FROM TOWN MANAGER**

Town Manager Lo Bello stated that the next Council meeting will be on May 25th. He stated that the Police Awards will be before the meeting at 4:30 PM.

Town Manager Lo Bello stated that staff has been working with Donna Hamilton and Chris Roe from the Civic Association for Mayor Mort Levine's memorial. He stated that the date of the memorial is Thursday, June 9th at 9 AM.

Town Manager Lo Bello stated that staff has decided not do formal invitations but would let a few organizations and people know about the event. He stated that staff would like to keep the event small and local. He stated that it was for the community and Mort's family.

Town Manager Lo Bello stated that food would be sponsored by the Civic Association and Florida Power and Light (FPL).

Town Manager Lo Bello stated that instead of having different people speak at the event, staff will put out a remembrance board where people can write messages to Mort.

9. **COMMENTS FROM TOWN ATTORNEY**
No Comments

10. **COMMENTS FROM STAFF**
Finance Director Pazanski stated that one of the police vehicles was involved in an accident. It was not the officer's fault and staff has already submitted a claim to the Town's insurance company for full reimbursement. He added that insurance proceeds should cover most, if not all, of the replacement costs.

Mr. Pazanski stated that staff is looking for a motion from Council to expend funds from contingency funds to replace patrol vehicle.

MOTION: *Lyons/Greene made motion to expend contingency funds to replace the totaled patrol vehicle and equipment in an amount not to exceed $46,000.*

COUNCIL ACTION: *The motion passed 5-0.*

Vice Mayor Pro Tem Fahy questioned if the department could utilize the decoy speeding vehicles that have been placed around Town

Major Fertig stated that the decoy vehicles are vehicles that are not in use and will be taken out of service very soon.

Mayor Haselkorn questioned the amount that was currently in the contingency fund.

Finance Director Pazanski stated that the Town budgeted $500,000 this year.

Project Coordinator Dobbins stated that staff is currently working on obtaining a grant through the Florida Recreation Development Assistance Program (FRDAP) for renovating the gazebo on the south end of Pelican Lake. She stated that the crosswalk that connects Pelican Lake to Kagan Park has a Town logo in the middle of it. The logo has faded and staff looked into replacing it but unfortunately the company that made the original logo is no longer in business. Project Coordinator Dobbins stated that staff had a different company draft up a new logo but staff does not believe this logo will look right.

Project Coordinator Dobbins put the draft logo on the TV screen for Council to view.

Project Coordinator Dobbins stated that staff would recommend removing the current logo and not replacing it. She added that this crosswalk is the only crosswalk in the Town with a logo.

The consensus of the Council was to remove the logo from the crosswalk.

11. **COMMENTS FROM COUNCIL**

Councilmember Andel stated that she attended that Palm Beach County League of Cities monthly membership meeting. She stated that she believes it is important for the Town to have a representative at these meetings, not only for the information provided at the meetings but to build ongoing relationships with other cities. Councilmember Andel stated that at this meeting the Executive Director for F.I.N.D., Mark Crosley, was there and explain the organization. She said it was very informative.

Councilmember Greene stated that he, along with Mayor Haselkorn and Councilmember Andel, attended the Northern Palm Beach County Chamber of Commerce branding initiative kick off ceremony. The name is Palm Beach North and there was a very good turnout. He stated that he was disappointed that Juno Beach did not have more representation but understood that there was a communication issue with staff and the Chamber.

Vice Mayor Pro Tem Fahy stated that at the Goal Workshop it was discussed how to expand the role of the Planning and Zoning Board members. He would like to discuss this at the next Council meeting. He stated that he would also like Council to discuss options for the vacant land and would recommend getting input from the residents.

Vice Mayor Pro Tem Fahy stated that he would also like an agenda item on the rehab facility, explaining to the residents the logistics of the facility

Vice Mayor Lyons stated that in regards to the rehab center, he would recommend residents come to "Coffee with a Cop" which the police department holds the first Wednesday of the month. He added that the safety concerns which some voiced during public comments could possibly be answered during this event.

Vice Mayor Lyons stated that he would like the Council to hold a workshop, sometime in June, to discuss Goal Workshop and review the goals.

Mayor Haselkorn stated that Director of Planning and Zoning Cruz did an excellent job putting together a document explaining the rehab facility. He suggested possibly having this document available to the public.

12. **ADJOURNMENT – 7:01 PM**

Mayor Haselkorn adjourned the meeting at 7:01 PM

Jason Haselkorn, Mayor

Vanessa M. Mutchnik, Town Clerk