MINUTES
TOWN OF JUNO BEACH

TOWN COUNCIL REGULAR MEETING

MAY 25, 2016
Council Chambers
340 Ocean Drive

PRESENT:	JASON HASELKORN, MAYOR JIM LYONS, VICE MAYOR FRANK FAHY, VICE MAYOR PRO TEM
ALSO PRESENT:	JOSEPH LO BELLO, TOWN MANAGER CAITLIN COPELAND, ADMINISTRATIVE SECRETARY LEONARD RUBIN, TOWN ATTORNEY MATTHEW PAZANSKI, FINANCE DIRECTOR ANTHONY MERIANO, DIRECTOR OF PUBLIC WORKS BRIAN SMITH, CHIEF PAUL FERTIG, MAJOR RUBEN CRUZ, DIRECTOR OF PLANNING AND ZONING FRANK DAVILA, PLANNING TECHNICIAN
ABSENT:	ELLEN ANDEL, COUNCILMEMBER BILL GREENE, COUNCILMEMBER VANESSA MUTCHNIK, TOWN CLERK

Mayor Haselkorn called the Town Council regular meeting to order at 5:49pm.

Audience: 23

~ CALL TO ORDER
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTIUTIONS TO THE AGENDA-*NONE*

1. **COMMENTS FROM THE PUBLIC**
No Public Comments

2. **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 Amateur Radio Week.
B. Proclamation – National Safe Boating Week.
C. Consider approving the April 27, 2016 Town Council Meeting minutes.

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

COUNCIL ACTION: *The motion passed 3-0.*

3. **UPDATE ON BEACH HOUSE CENTER FOR RECOVERY (SEMINOLE PLAZA)**

Town Attorney Rubin provided an update on Beach House Center for Recovery and asked if anyone had any questions *(staff memo attached).*

Vice Mayor Pro Tem Fahy thanked Town Attorney Rubin and asked him if his job is to protect the town from suits.

Town Attorney Rubin stated yes.

Vice Mayor Pro Tem Fahy stated that the Town Attorney took the conservative approach toward the establishment of substance abuse treatment facilities. He asked whether parking had been considered because there are many cars in the facility's parking lot.

Director of Planning and Zoning Cruz stated that there are still other tenants in the plaza, as well as construction workers.

Vice Mayor Pro Tem Fahy stated that there should be a procedure to check cars and look at the potential maximum number that there should be in the parking lot.

Mayor Haselkorn stated that there may need to be more research done before other questions can be answered.

Vice Mayor Lyons stated his concern about Fire Rescue being tied up by the facility and asked if the Town could assess a fee for an excessive number of calls.

Town Attorney Rubin stated the facility should be treated like any other business.

Vice Mayor Lyons asked if the number of fire rescue calls could be provided at the end of the year.

Mayor Haselkorn stated that the Town Attorney should continue to track how other municipalities have responded to these issues.

Town Attorney Rubin stated that the Venus Drive issue forced the Town to address these issues and the Town addressed them within the legal parameters existing at the time.

Mayor Haselkorn invited the members of the public to go on the website and bring any question or concerns to the attention of Town Staff. The Council would not be taking public comment; however, members of Council and Staff would be available after the meeting or can be called at any time.

Vice Mayor Pro Tem Fahy asked if the 54 patients per acre was set in stone.

Town Attorney Rubin stated that the number was based on similar uses already permitted within the Town and could not be changed for this particular provider.

4. **PUBLIC HEARING AND SECOND 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 this Ordinance allows the Chairman and Vice Chairman to sit on the Board in the event one or more members of Town Council are unable or unavailable to hear a particular item.

B. Public Hearing
Public Comments opened at 6:15 PM.

Laura Niedernhofer, 471 Apollo Drive, asked if it was imperative that the Code be changed at this time.

Town Attorney Rubin stated that he believed the procedure should be in place in the event of future conflicts.

Public Comments closed at 6:17 PM.

C. Council Discussion

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

E. Council Action
The motion passed 3-0.

5. **RESOLUTION 2016-05**
A RESOLUTION OF THE TOWN OF COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, ABANDONING A UTILITY EASEMENT WITHIN A VACATED PORTION OF OCEAN DRIVE AS DEPICTED IN THE OCEAN WINDS OF JUNO BEACH REPLAT; PROVIDING FOR CONFLICTS; AND PROVIDED FOR AN EFFECTIVE DATE.

Town Attorney Rubin read Resolution No. 2016-05 by title only.

Director of Planning and Zoning Cruz stated that he had received two letters from David Cox which he provided to Town Council and staff. Staff is proposing to abandon the entire easement and asked if anyone had any questions.

Mayor Haselkorn stated that the letters from David Cox should be part of the record.

Vice Mayor Pro Tem Fahy stated that the letters from Mr. Cox indicated that in the past, they put utilities through his property. Vice Mayor Pro Tem Fahy asked if there was any regulation regarding this.

Director of Planning and Zoning Cruz stated that when it comes in through the permitting process for the property, staff reviews the application and makes sure they are going through existing easements or right-of-way.

Director of Planning and Zoning Cruz added that if the builder puts the utilities in the wrong place, staff will make them rectify the issue.

Vice Mayor Lyons asked about the FPL pole situation.

Town Manager Lo Bello stated that the matter is being addressed.

Director of Planning and Zoning Cruz stated that plans were provided but the crew came in and placed the poles on private property. Staff contacted FPL and they are in the process of rectifying the error.

Vice Mayor Lyons stated that the easement was given to the Town by the prior owner of the property. Now, the current owner wants to abandon it.

Town Attorney Rubin indicated that the easement was required as a condition of the roadway abandonment.

Vice Mayor Lyons asked if the easement can be considered as excess property.

Town Attorney Rubin stated no because it is not real property owned by the Town. It is only a utility easement.

Town Attorney Rubin indicated that he had prepared the following additional language to address Mr. Cox's concerns: "As a condition of abandonment, the Town shall not issue building permits for development on the Property unless the Developer demonstrates that the Property can be served by all necessary utility providers pursuant to the terms of existing easements on the Property or on adjacent properties or the Developer independently acquires any additional easements that may be necessary to provide utility services."

Mayor Haselkorn stated that Mr. Cox's letter raised concerns about releases from the utility providers and wanted to confirm that Staff's representations were correct.

Director of Planning and Zoning Cruz stated that Staff did reach out to each of the utility providers.

Mayor Haselkorn stated that Council could discuss or consider a motion to adopt as amended.

MOTION: *Lyons/Fahy made motion to approve the Resolution 2016-05, as amended.*

Council Action: *The motion passed 3-0.*

6. **ORGANIZATIONS FOR COUNCIL TO PARTICIPATE**
Town Manager Lo Bello stated that this item would be postponed until the next council meeting.

7. **COMMENTS FROM TOWN MANAGER**
Town Manager Lo Bello stated that Mort Levine's Memorial Service would be held on June 9th. He stated that the Annual Town Picnic would be next Friday, June 3rd.

Town Manager Lo Bello stated the Juno Beach Civic Association's July 4th Celebration is coming up next month.

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

9. **COMMENTS FROM STAFF**
No Comments.

10. **COMMENTS FROM COUNCIL**
Vice Mayor Pro Tem Fahy stated that he thought the discussion of the Planning and Zoning Board responsibilities was going to be on the agenda and wants to see it moved along.

Town Attorney Rubin stated that Council wanted to expand the Board's role to consider variances and that item was moving forward. Council could consider other duties for the Board.

Vice Mayor Pro Tem Fahy asked what happens when residents want to do something different with their property that the Code does not allow.

Town Manager Lo Bello stated that a resident may seek a variance. Additionally, if a resident does not agree with the Planning and Zoning Director's interpretation, there is an appeal process.

Town Attorney Rubin stated that such appeals come before the Town Council sitting as the Zoning Board of Adjustment and Appeals.

12. **ADJOURNMENT – 6:41 PM**
Mayor Haselkorn adjourned the meeting at 6:41PM

Jason Haselkorn, Mayor

Caitlin Copeland, Administrative Secretary