MINUTES
TOWN OF JUNO BEACH

# TOWN COUNCIL REGULAR MEETING

**July 22, 2015**
Council Chambers
340 Ocean Drive

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| PRESENT: | MORT LEVINE, MAYOR<br>ELLEN ANDEL, VICE MAYOR<br>JASON HASELKORN, COUNCILMEMBER<br>JIM LYONS, COUNCILMEMBER |
| ALSO PRESENT: | JOSEPH LO BELLO, TOWN MANAGER<br>LEONARD RUBIN, TOWN ATTORNEY<br>VANESSA MUTCHNIK, TOWN CLERK<br>MATTHEW PAZANSKI, FINANCE DIRECTOR<br>ANTHONY MERIANO, DIRECTOR OF PUBLIC WORKS<br>PAUL FERTIG, MAJOR<br>ANDREA DOBBINS, PROJECT COORDINATOR |
| ABSENT: | BILL GREENE, VICE MAYOR PRO TEM |

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

Audience: 10

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

1. **COMMENTS FROM THE PUBLIC**
Public Comments Opened at 5:33 PM

Anne Bosso, 765 Hibiscus Avenue, stated that she is still working on the setback issue within the RMT zoning district and should be ready to present this to Council very soon.

Public Comments Closed at 5:33 PM

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. Consider approving the June 10, 2015 Town Council Meeting minutes.
B. Resolution 2015-06: Public Purpose Expenditure Policy Amendment.
C. Special Event Request – Craft Show

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

***COUNCIL ACTION:*** *The motion passed 4-0.*

3. **2015 – 2016 AD VALOREM MILLAGE TAX RATE**

Mayor Levine stated that staff's memorandum, presentation and all back-up materials would be placed into the record.

Finance Director Pazanski stated the purpose of this item is to set the proposed millage rate and set the date for the first public hearing for the 2015-2016 Annual Budget. He recommended Tuesday, September 15th as the first public hearing date and Tuesday, September 29th as the second public hearing date. Finance Director Pazanski also recommended setting the proposed millage rate at 2.429 mills. Finance Director Pazanski stated that the proposed millage rate set by the Council tonight could not be increased without mailing a notification to every taxpayer within the Town, but could be decreased.

Finance Director Pazanski noted that the 2015-2016 Budget would be discussed in detail during the upcoming budget meetings.

Town Manager Lo Bello stated that staff is recommending one meeting in August, this being August 26th to review the budget.

*Council was agreeable to Town Manager's recommendation.*

***MOTION:*** *Andel/Lyons made motion to set the General Fund Budget proposed ad valorem millage tax rate for fiscal year 2015 – 2016 at a maximum 2.429 mills and set the date of the First Budget Public Hearing for Tuesday, September 15, 2015 at 5:30 p.m.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

4. **CHARTER REVIEW COMMITTEE RECOMMENDATIONS**

Mayor Levine thanked the Committee for all their hard work in reviewing the Town Charter.

Mayor Levine stated that staff's memorandum and all back-up materials would be placed into the record.

Mayor Levine requested that Town Attorney Rubin review each of the recommendations.

The following are the committee's recommendations to Council along with Council comments regarding the recommendations and motions on the items (the recommendations are in the black italics):

1) ***Environmentally Sensitive Land (ESL)*** – ***The Charter Review Committee recommends that the Charter be revised to require a unanimous vote of the Town Council to change the land use classification or zoning designation of environmentally sensitive land.***

Councilmember Lyons stated that he would not want to set a precedent requiring a unanimous vote of all 5 council members to approve any item. He stated that he understood the concern of the Committee but believes how the Charter is worded right now, requiring a vote of 4 council members to change the land use of the ESL, is sufficient.

Councilmember Haselkorn stated that he understood Councilmember Lyons' comments but believes the proposed change to the Charter would be symbolic and recognize the significance of this land to the Town.

Vice Mayor Andel stated that she was comfortable leaving this part of the Charter as is regarding ESL.

***MOTION:*** *Haselkorn made a motion to accept the Charter Review Committee's recommendation requiring a unanimous vote of the Town Council to change the land use of ESL.*

***MOTION FAILED ON FLOOR FOR LACK OF SECOND***

*The Charter will remain the same regarding changing the land use of ESL.*

2) ***Outsourcing of the Police Department*** ***- The Charter Review Committee recommends that the Charter be revised to require both a super-majority vote of the Town Council and a super-majority vote of the electorate to outsource the Town's Police Department.***

Councilmember Lyons stated that he supports the Juno Beach Police Department 100% but would not want to tie the hands of a future Council by adding this recommendation to the Charter. He stated that he would be in support of requiring a super majority vote of the Council to outsource police services but would not support requiring an additional super majority vote of the electorate.

Councilmember Haselkorn stated that he agreed with Councilmember Lyons.

Vice Mayor Andel stated that she would recommend keeping the Charter as is and not adding this requirement to the Charter.

Vice Mayor Andel questioned if this item has ever come before Council.

Town Manager Lo Bello stated that this item had not come before Council previously, and he does not see it as an issue.

Mayor Levine stated that this is very important issue, but agreed with Councilmember Lyons as we do not know what will happen in the future. He added that the residents of Juno Beach vote for their elected officials and they should have faith that the elected officials would act in the best interests of the residents of Juno Beach.

***MOTION:*** *Lyons/Haselkorn made motion to add the requirement of a super majority of the Council to outsource police services in Town.*

***COUNCIL ACTION:*** *The motion failed 2-2, with Vice Mayor Andel and Mayor Levine opposed.*

3) ***Election of Councilmembers at-large and re-staggering of terms to create an "off year" for elections*** ***- The Charter Review Committee recommends that the Town Charter be revised to remove any reference to specific seats on the Town Council and provide for the election of all Councilmembers on an at-large basis. This Committee believes that the proposed change will improve the tenor of Town elections by requiring each candidate to promote his or her qualifications rather than attacking his or her opponent or the Council as a whole. The Committee further recommends that the terms of the Councilmembers be re-staggered to provide an "off year" for Town Council election. This will require either shortening or lengthening the term of the Councilmember elected to what is now seat five. Given that the term for seat five was shortened during the last transition, the Committee recommends that this term be extended by one year for the first term only.***

With respect to the manner of election, Councilmember Lyons stated his belief that a change to at large voting would be confusing to the voters.

Councilmember Haselkorn stated that he did not see any problem with the current system of voting.

Vice Mayor Andel stated that she would recommend keeping the voting system the same.

***MOTION:*** *Lyons/Haselkorn made motion to keep the voting system the same and not accept the recommendation of the Charter Review Committee.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

With regard to the proposed change in terms to provide an "off" year, Mayor Levine questioned how the terms would work if the Council moves forward with the Committee's recommendation.

Town Attorney Rubin stated that the Committee recommended that the term for Seat No. 5 (currently occupied by Councilmember Lyons) be extended to 4 years as he volunteered to shorten his term 1 year when the Council changed the terms from 2 years to 3 years.

***Council***member Haselkorn questioned how much it would save the Town by having an off election year.

Town Manager Lo Bello stated that it goes up every year and right now an election costs the Town around $12,000.

Councilmember Lyons stated that he strongly opposes this recommendation as he believes it is vital for the Town to have an election every year.

***MOTION:*** *Andel/Lyons made motion to keep the Charter the same and not have an off-year for elections.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

4) ***<u>Term for office of Mayor</u> - The Charter Review Committee recommends that the Charter be revised to provide for a term of up to two years for the office of Mayor, unless the person appointed to that position has only one year left in his or her term.***

Mayor Levine stated that his belief that the current system of the Council appointing the Mayor, Vice Mayor and Vice Mayor Pro every year after the election is important to this governing body. He stated that the Council is a living entity and is subject to change every year. He stated that every elected Council should have the opportunity to appoint these positions.

***MOTION:*** *Lyons/Andel made motion to keep the Charter the same and keep the appointment of Mayor, Vice Mayor and Vice Mayor Pro Tem appointed on an annual basis.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

5) ***<u>Elimination of reference to Deputy Town Clerk and Posting of Minutes</u> - The Charter Review Committee recommends that the Charter be revised to eliminate the reference to the Deputy Town Clerk (because the position no longer exists) and to require that Council minutes be maintained on the Town website for a period of at least one-year after approval.***

Town Attorney Rubin stated that the purpose of eliminating the reference to the Deputy Town Clerk was to clean-up the Charter because the position no longer exist.

Councilmember Lyons asked Town Manager Lo Bello what his recommendation would be regarding this item.

Town Manager Lo Bello stated that he did not see an issue with leaving the Charter as is regarding this item.

***MOTION:*** *Andel/Lyons made motion to keep the Charter as is and not eliminate the reference to Deputy Town Clerk.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

Mayor Levine asked about the current status of posting the minutes online.

Town Clerk Mutchnik stated that currently the minutes are posted on the Town website for one year. She stated that if someone requested the minutes from years prior she could email these minutes to that person (revision: minutes are posted on the Town website for five years)

***MOTION:*** *Lyons/Andel made motion to keep the Charter the same and not add this requirement in the Charter regarding posting of minutes.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

6) ***<u>Council Vacancies</u> - The Charter Review Committee recommends that the Charter be revised to provide that a special election be held to fill any vacancy if there are more than six (6) months remaining in the unexpired term or more than six (6) months until the next general election.***

Councilmember Lyons stated that recently, North Palm Beach had to have a special election due to the passing of one of their council members. He stated that the voter turnout for this election was under 11%. Councilmember Lyons stated that voter turnout for special elections is usually very low and does not think this would be fiscally responsible for the Town.

***MOTION:*** *Andel/Lyons made motion to keep the Charter as is and not change the current system of addressing council vacancies.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

7) ***<u>Notice for special meetings</u> - The Charter Review Committee recommends that the Charter be revised to provide that, absent emergency circumstances, at least forty-eight (48) hours' notice be given prior to the scheduling of a special meeting.***

Councilmember Lyons asked Town Manager Lo Bello whether this has ever been an issue.

Town Manager Lo Bello stated that he only recalled one time when the Town had to call a special council meeting with less than 48 hours' notice.

Mayor Levine stated that he was concerned with requiring 48 hours' notice when the Council needed to meet immediately

Mr. Tom Doyle, a member of the Charter Review Committee, stated that this requirement would not, by its very terms, apply to emergency circumstances.

***MOTION:*** *Andel/Lyons made motion to keep the Charter as is and not change the current system for noticing special meetings.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

8) ***<u>Composition of Charter Review Committee</u> - The Charter Review Committee recommends that the Charter be revised to require that the Charter Review Committee consists of at least five (5) members, each of whom are residents of the Town. If the Council wishes to appoint "experts" who are not Town residents, they shall serve only in an advisory capacity.***

Councilmember Lyons stated that it never made any sense to him that a non-resident could sit on the Charter Review Committee.

Vice Mayor Andel questioned if there has ever been a non-resident on the Charter Review Committee.

Mayor Levine stated that having a Town Manager from another municipality on the committee could possibly be a conflict of interest. He further stated that he believes the committee should be made up of only Town residents.

Town Manager Lo Bello stated that there was one time when a non-resident was appointed to the Charter Review Committee. This person was a city manager from a neighboring municipality. Mr. Lo Bello stated that he did not recall why this person was put on the committee, but did recall that the Town Manager at the time requested this.

***MOTION:*** *Lyons/Haselkorn made motion to require the Charter Review Committee consist of a minimum of 5 members and all be residents of the Town of Juno Beach.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

Town Manager Lo Bello stated that if the Town does not have an election this upcoming year, he would recommend postponing the vote until the Town does have an election.

Town Attorney Rubin stated that he could draft the ordinance in such a manner that it would be placed on the ballot only in the event that the Town has an election.

5. **FLORIDA RECREATION DEVELOPMENT ASSISTANT PROGRAM (FRDAP) GRANTS**

Mayor Levine stated that staff's memorandum, presentation and all back-up materials would be placed into the record.

Project Coordinator Dobbins stated that the Town has an opportunity to apply for two grants. The first one would be to replace the equipment at Kagan Park and the second one would be to repair the southernmost dune walkover structure in Town. She stated that staff would work with RMPK Funding to apply for these grants.

Town Manager Lo Bello stated that Holy Spirit Lutheran Church might still contribute money to the Town for park equipment, but for right now they are not moving forward with this donation.

Councilmember Lyons questioned the total number of grants that the Town has applied for using RMPK Funding that were not awarded to the Town.

Project Coordinator Dobbins stated that in her 10 years with the Town, she does not recall the Town not being awarded a grant using RMPK Funding. She added that if awarded these two grants, the cost for using RMPK Funding is refundable to the Town.

***MOTION:*** *Andel/Lyons made motion to forego the bidding process and authorize moving forward with the application process and all costs involved with the application*

*process, not to exceed $4,000 from contingency, for the Florida Recreation Development Assistant Program Grants.*

***COUNCIL ACTION:*** *The motion passed 4-0.*

6. **COMMENTS FROM TOWN MANAGER**

Town Manager Lo Bello introduced Major Fertig and stated that there will a celebration for Major Fertig at a future council meeting date.

7. **COMMENTS FROM THE TOWN ATTORNEY**

Town Attorney Rubin stated that staff is still working on scheduling the shade meetings and is awaiting a ruling in the pending red light traffic camera litigation.

8. **COMMENTS FROM STAFF**

Director of Public Works Meriano stated that the traffic signal at Ellison Wilson and Universe will be switched on at 10 am tomorrow.

Director of Public Works Meriano stated that staff finally did get all the brick street signs removed along Ocean Drive. He stated that all were in the public right-away and Staff did not have any problem removing them.

9. **COMMENTS FROM COUNCIL**

Councilmember Lyons stated that Palm Beach County has regulations regarding drones and was questioning if this regulation would apply to the Town's parks. He also questioned the privacy regulations regarding drones flying over private homes.

Town Attorney Rubin stated that he would need to look into that issue and report back to Council.

Councilmember Haselkorn thanked Mayor Levine, Director of Public Work Meriano and Town Manager Lo Bello with getting the traffic light at Ellison Wilson activated.

Councilmember Haselkorn stated that in the budget it references two different numbers for the red light traffic cameras in Town.

Finance Director Pazanski stated that he would look at this item in the budget and revise it accordingly.

Councilmember Haselkorn questioned keeping this item in the budget since the program is not active right now.

Town Manager Lo Bello stated that staff would keep the red light cameras as status quo in the budget. It is a "wash" because the expenditure item is offset by a corresponding revenue item.

Councilmember Haselkorn stated that the last item he wanted to mention was the issue regarding "sanctuary cities." He stated that two neighboring cities, the Town of Jupiter and the City of Lake Worth, are sanctuary cities.

Major Fertig stated that when an illegal enters the Town of Jupiter, the police department does not contact the Federal Immigration Agency unless they commit a crime. Major Fertig added that Jupiter has El Sol in their community, which the Town of Jupiter supports.

Jerry Wilson, 765 Hibiscus Avenue, stated that organization like El Sol receive state money and our tax dollars pay for these organizations.

Mayor Levine questioned how the Town of Jupiter became a sanctuary city. He asked if this was an act of Council by resolution or ordinance.

Town Attorney Rubin stated that he would find out this information and report back to Council.

Vice Mayor Andel thanked the Charter Review Committee for their service to the Town.

Mayor Levine also thanked the Charter Review Committee for their service to the Town.

10. **ADJOURNMENT – 6:56 PM**

Mayor Levine adjourned the meeting at 6:56 PM

Mort Levine, Mayor

Vanessa M. Mutchnik, Town Clerk