MINUTES
TOWN OF JUNO BEACH

TOWN COUNCIL SPECIAL MEETING

August 26, 2016
Council Chambers
340 Ocean Drive

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

ALSO PRESENT:
JOSEPH LO BELLO, TOWN MANAGER
VANESSA M. MUTCHNIK, TOWN CLERK
LEONARD RUBIN, TOWN ATTORNEY
MATTHEW PAZANSKI, FINANCE DIRECTOR
RUBEN CRUZ, DIRECTOR OF PLANNING AND ZONING
FRANK DAVILA, PRINCIPAL PLANNER
ANDREA DOBBINS, PROJECT COORDINATOR

Mayor Haselkorn called the Town Council regular meeting to order at 4:03 pm.

Audience: 10

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

1. **COMMENTS FROM THE PUBLIC**
Public Comments Opened at 4:03 PM.

No Public Comments

Public Comments Closed at 4:03 PM.

2. **ASSIGNMENT OF AGREEMENT - BUILDING OFFICIAL SERVICES CONTRACT**
Town Attorney Rubin stated that certain issues have come to light after the Town signed the Contract for Building Official Services, Plan Review and Inspection Services with Diversified Building Management Corp. He stated that Mr. Evans, the owner of Diversified, had a non-compete clause with M.T. Causley, the Town's current contractor. Mr. Rubin stated that that Mr. Evans has agreed to assign the Contract to M.T. Causley, LLC. Mr. Rubin stated that this assignment is permissible with Town's consent pursuant to Article 8 of the Contract. He added that the terms of the Contract as assigned are exactly the same as originally approved by the Town Council on August 10th.

Town Attorney Rubin stated that staff recommends that the Town Council approve an Assignment of the Contract for Building Official, Plan Review and Inspection Services from Diversified Building Department Management Corp. to M.T. Causley, LLC.
Vice Mayor Lyons stated that this transition will be a seamless.

Town Attorney Rubin agreed, stating that Mr. Evans would still be the Building Official for the Town.

MOTION: *Lyons/Greene made motion to approve an Assignment of the Contract for Building Official, Plan Review and Inspection Services from Diversified Building Management Corp. to M.T. Causley, LLC*

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

3. **COMMENTS FROM TOWN MANAGER**

Town Manager Lo Bello stated that he wanted to bring up an issue regarding absences of the Planning and Zoning Board members and seek clarification of the Town Code. He stated that the Town Code states that a Planning and Zoning Board member shall not be absent for more than three (3) unexcused absences. Mr. Lo Bello stated that he wanted some clarification on what is considered absent. He stated that one member of the Planning and Zoning Board has not been present for the meetings but has participated via telephone. Mr. Lo Bello stated that staff is requested guidance from Council to see if participating via telephone is considered being present for a meeting.

> *Chapter 20* ***ARTICLE II. – PLANNING AND ZONING BOARD***
> *Removal. Members of the board shall serve at the pleasure of the town council and may be removed by vote of the council with or without cause. Any board member who is absent from three scheduled meetings during his or her term shall be sent, by hand delivery, a letter from the town manager notifying the member that he or she shall be removed from the board unless the member provides a written explanation for the absences within three (3) working days of receipt of the letter. If the member fails to provide such written explanation within the time allocated, the member shall be automatically removed from the board. If the member does provide such written explanation, the matter shall be forwarded to the town council to determine whether the member should be removed or retained.*

Town Attorney Rubin stated that staff is looking for guidance as to what the Town Council considers an absence. The Sunshine Law allows for such participation, but a quorum still must be physically present.

Councilmember Greene stated that if a board member is participating via telephone then they are participating in the meeting and should not be considered absent.

Vice Mayor Pro Tem Fahy stated that if the Town Council determined that participating via telephone would not be considered present, then it would definitely eliminate snowbirds from serving on the Planning and Zoning Board.

Mayor Haselkorn stated that in his own experience with small businesses and corporations, many meetings are conducted over the internet or by telephone.

Vice Mayor Lyons stated that he would not consider participating via telephone as being present as if that member was needed to make a quorum.

Vice Mayor Pro Tem Fahy recommended explaining to potential board members next year, that in order to serve, they must be present. Participating via telephone is not

considered present.

Councilmember Andel stated that the member who is participating via telephone is an alternate member.

Town Manager Lo Bello stated that he was the alternate member and his presence has not been needed to make the quorum.

Town Manager Lo Bello stated that the Town Council can let this issue go right now but next year, before the Council appoints the board members, it will be explained to potential board members that they must be present during board meetings. Telephone participation is not considered present.

Councilmember Greene questioned if the code should be changed address this issue.

Town Attorney Rubin stated that it would not be necessary but if Council wishes, staff can draft an ordinance relating to this issue.

The consensus of the Council was to amend the code for next year addressing the requirement that a board member must be physically present to participate in Planning and Zoning Board meetings.

4. **COMMENTS FROM TOWN ATTORNEY**
No comments.

5. **COMMENTS FROM STAFF**
No Comments.

6. **COMMENTS FROM COUNCIL**
Mayor Haselkorn stated that at the Florida League of Cities Conference, it was mentioned that Palm Beach County has wheelchair access for beaches. He requested staff look into this item and report back to Council.

7. **ADJOURNMENT – 4:21 PM**
Mayor Haselkorn adjourned the meeting at 4:21 PM

Jason Haselkorn, Mayor

Vanessa M. Mutchnik, Town Clerk