

MINUTES  
TOWN OF JUNO BEACH  
**TOWN COUNCIL REGULAR MEETING**

**September 11, 2019**

Council Chambers

340 Ocean Drive

PRESENT:            JASON HASELKORN, MAYOR  
                         JIM LYONS, VICE MAYOR  
                         FRANK FAHY, VICE MAYOR PRO TEM  
                         PEGGY WHEELER, COUNCILMEMBER  
                         STUART KATZ, COUNCILMEMBER

ALSO PRESENT:    JOSEPH LO BELLO, TOWN MANAGER  
                         CAITLIN COPELAND, TOWN CLERK  
                         LEONARD RUBIN, TOWN ATTORNEY  
                         MATTHEW PAZANSKI, FINANCE DIRECTOR  
                         FRANK DAVILA, DIRECTOR OF PLANNING AND ZONING  
                         ANDREA DOBBINS, PROJECT COORDINATOR/RISK MANAGER  
                         CURT THOMPSON, PRINCIPAL PLANNER  
                         ANTHONY MERIANO, DIRECTOR OF PUBLIC WORKS  
                         BRIAN SMITH, CHIEF OF POLICE  
                         PAUL FERTIG, MAJOR

ABSENT:

Audience: 15

- ~     CALL TO ORDER – 5:31 PM
- ~     PLEDGE OF ALLEGIANCE TO THE FLAG
- ~     ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA

Town Manager Lo Bello recommended postponing Item #1 as he does not see Ms. Monique Stepan and heard that she might be late.

Mayor Haselkorn stated that they will table Item #1 until Ms. Stepan arrives.

1. ~~**PRESENTING MONIQUE J. STEPAN WITH A PROCLAMATION AND KEY TO THE TOWN**~~

*(Mayor Haselkorn)*

2. **COMMENTS FROM THE PUBLIC**

Public Comments Opened at 5:32pm.

Amy Kight, Executive Director of Busch Wildlife Sanctuary, thanked the Town of Juno Beach for their donation and introduced a new program that the Sanctuary is providing for the public (*see attached*).

Public Comments Closed at 5:35pm.

3. **PUBLIC HEARING AND FIRST READING: ORDINANCE NO. 714**  
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, SETTING AND FIXING A MILLAGE RATE TO BE LEVIED AND SET FOR AND UPON ALL REAL PROPERTY WITHIN THE BOUNDARIES OF THE TOWN FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*(Finance Director Pazanski)*

A. Town Attorney Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation and Recommendations

Finance Director Pazanski went over the memorandum and stated that the Town of Juno Beach, Palm Beach County, Florida, setting and fixing a millage rate to be levied at 2.0079 which is the rolled-back rate and represents a 0.00% tax change. He asked Council if they had any questions.

Vice Mayor Pro Tem Fahy questioned the millage rate range.

Councilmember Katz and Councilmember Wheeler thanked Finance Director Pazanski.

C. **ANNOUNCEMENT: The Town of Juno Beach, Palm Beach County, Florida, setting and fixing a millage rate to be levied at 2.0079 which is the rolled-back rate and represents a 0.00% tax change.**

D. Public Hearing

Public Hearing Opened at 5:39pm.

Public Hearing Closed at 5:39pm.

E. Council Motion/Second-Council Discussion

F. Council Action

***MOTION: Lyons/Wheeler made a motion to approve Ordinance No. 714 on first reading setting and fixing the tentative ad valorem millage tax rate at 2.0079 which represents the rolled-back rate and a 0.00% tax change.***

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

4. **PRESENTING MONIQUE J. STEPAN WITH A PROCLAMATION AND KEY TO THE TOWN**

*(Mayor Haselkorn)*

Mayor Haselkorn and Town Manager Lo Bello presented Monique J. Stepan with a Proclamation and Key to the Town.

Ms. Stepan thanked Council, Staff, the community, and President of the Civic Association Donna Hamilton.

Councilmember Wheeler thanked Ms. Stepan for her presence at the September 11<sup>th</sup> Remembrance Ceremony this morning.

Councilmember Katz stated that he would like to give credit to the Juno Beach Civic Association that made Monique a part of the Town's community.

5. **PUBLIC HEARING AND FIRST READING: ORDINANCE NO. 715**  
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*(Finance Director Pazanski)*

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Finance Director Pazanski went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 5:49pm.

Public Hearing Closed at 5:49pm.

D. Council Motion/Second-Council Discussion

Council briefly discussed this item.

E. Council Action

***MOTION:** Lyons/Fahy made a motion to approve on first reading Ordinance No. 715 approving the 2019-2020 Tentative Annual Budget and schedules as referenced above and attached.*

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

6. **PUBLIC HEARING AND FIRST READING: ORDINANCE NO. 716**  
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*(Finance Director Pazanski)*

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Finance Director Pazanski went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 6:01pm.

David Cox, 911 Ocean Drive, asked for clarification on the Building/Permit fees services in the budget.

Town Manager Lo Bello clarified.

Public Hearing Closed at 6:02pm.

D. Council Motion/Second-Council Discussion

Council discussed this item.

E. Council Action

***MOTION:** Lyons/Fahy made a motion to approve on first reading Ordinance No. 716, amending the Fiscal Year 2018-2019 Annual Budget.*

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

7. **PUBLIC HEARING AND SECOND READING ON ORDINANCE NO. 711:  
MAXIMUM BUILDING HEIGHT WITHIN RM-00, RM-2 & RMT ZONING  
DISTRICTS**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES; AMENDING ARTICLE I, "IN GENERAL," BY AMENDING SECTION 34-4, "DEFINITIONS," TO ADD A DEFINITION OF THE TERM STORAGE; AMENDING ARTICLE III, "DISTRICT REGULATIONS," BY AMENDING SECTION 34-314, "BUILDING SITE AREA REGULATIONS," OF DIVISION 4, "RESIDENTIAL MULTIPLE-FAMILY – MODERATE DENSITY (RM-2) ZONING DISTRICT, SECTION 34-337, "BUILDING SITE AREA REGULATIONS," OF DIVISION 5, "RESIDENTIAL, TRANSIENT AND MULTIPLE-FAMILY – MODERATE DENSITY (RMT) ZONING DISTRICT AND SECTION 34-400, "BUILDING SITE AREA REGULATIONS," OF DIVISION 7, "RESIDENTIAL MULTIPLE-FAMILY – MODERATE DENSITY OPEN SPACE OPTION (RM-00) ZONING DISTRICT" RELATING TO ADDITIONAL BUILDING HEIGHT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

*(Director of Planning & Zoning Davila)*

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Director of Planning & Zoning Davila went over the memorandum and asked Council if they had any questions.

Councilmember Wheeler stated that first and foremost she thinks that everyone understands how she feels about changing the code, changing the ordinance and that there are a couple of reasons, the appeal is the first one that she thinks should be heard. She stated that second she wants to go in another direction for this because she thinks that as a Council they really need to understand what they are getting into. She stated that if they change this and they don't know the ramifications, because it does affect RMT, RM-00 and RM-2. She stated that it can affect areas of building that they don't know at this point and gave an example. She stated that she thinks that the existing code allows for 25%, first of all parking was the main reason that this code is in existence, and that has been in our zoning book since 1953. She stated that this code has been there for a long time. She stated that when she looks at this code, she thinks that the existing code only allowed for 25% of the lower area of the homes to be used as any type of habitable space and explained. She stated that with the new ordinance it allows up to 70% and that's a big difference. She stated that now they can say that 30% is parking and 45% is storage but what everyone does is use it as habitable space maybe not the

garage parking area but they could. She stated that they don't actually have to put a garage down there because its not allowed by our Town code but it can happen and gave a story about Hutchinson Island as an example. She stated that the more square footage that you give someone, the more they could use that for a vacation home and they could also use it for a sober home which those are the two things we can't control. She stated that the other point that she wanted to make is that we are defining floor area which means the sum of the gross horizontal area of all of the floors of the building measured from the exterior faces of the exterior walls and supporting columns. She stated that her concern here is they changed the way they look at the percentages of the lower level and explained. She stated that now they are calculating it different and are adding a lot more open space that a former Planning & Zoning Director, Damien Peduto, didn't do originally so now these houses are not in compliance and explained. She stated that she hopes everyone on Council understands when she says that the more square footage that you put into a calculation and then you divide the garage into it the less garage space you have. She stated that you end up showing that you are not in compliance and that bothers her a little bit but her concern with this is about the property appraiser. She stated that she is not sure if a Property Appraiser would agree with our interpretation and what we are saying the floor area is, the total floor area which they're using as the building's floor area. She stated that she feels it is irresponsible for us to do this right now, not only because of the appeal but because we really need to look at how this could affect our taxes. She stated that what if the Property Appraiser decides that the Town of Juno Beach is now looking at this square footage, this open patio square footage as what they are calling the buildable buildings floor area and now they would all get a tax increase and explained. She stated that they really need to take a step back and really be careful about what they are doing.

### C. Public Hearing

Public Hearing Opened at 6:10pm.

Chris Huffman, 840 Oceanside Drive, stated that it is very important that each individual Council member has a detailed understanding of this Ordinance to the degree that each Town Council member should be able to state in their own words what the Ordinance means and how the calculations work. He stated that the best way to confirm their correct understand would be for each Town Council member to verbalize their understanding of the Ordinance and then each member give an example of how the calculations work regarding parking and storage allowances. He stated that it is not sufficient that a Town Council member merely states "yes I understand." He stated if they cannot confirm their complete understanding of the code and how it works and will be used, then they should recuse themselves on voting on its approval or its rejection. He stated that he is making this request in the interest of getting positive movement on these issues and whether it is a process issue or not, he

is astounded that they are not going through this Ordinance in detail and understanding the things he is talking about like the calculations and the impacts.

Paul Shea, 450 Ocean Drive, stated that he urges Council to pass Ordinance 711 on second reading. He stated that the need to clarify the code began over a year ago and explained. He stated that the need to clarify the code continued with the discussion of maximum building height for the RMT, RM-2 and RM-00 zoning districts during the December 12, 2018 Town Council meeting. He stated that staff asked for direction on the text code amendment that would provide clarity when applying these code sections. He stated that Council gave consensus to staff to proceed with the clarification of the code. He reminded Council that the Planning & Zoning Board passed the motion recommending Town Council adopt Ordinance 711 by a vote of 3-2. He stated that at the Goal Workshop Councilmember Wheeler initiated discussion to modify the language of Ordinance 711 and Council agreed. He stated that staff worked on the revision and it was brought to the Planning & Zoning Board on June 10<sup>th</sup> and after removal of one sentence concerning the definition of storage, the motion passed unanimously. He stated that this is the language of the Ordinance that is in front of the Council tonight. He stated that he urges Council to approve Ordinance 711 on second reading. He stated that not passing this Ordinance tonight or delaying the vote is a disservice to the citizens of Juno Beach, especially those affected by the ambiguity of the RMT zoning code. He stated to let Juno Beach property owners move forward with their building plans.

Public Hearing Closed at 6:15pm.

#### D. Council's Discussion

Councilmember Wheeler stated to Mr. Shea that she appreciates his passion for this and the reason she recommended the percentages is because you never know how a vote is going to go and originally they had something that was not based on percentages, it was based on an 18x19 square feet, which is only 342 square feet. She stated that that bothered her and they have to realize that when you are up on the dais that the vote is going to go one way or its going to go the other. She stated that if it passes and it passed with only 342 square feet of parking with a 10,000 or 16,000 square foot lot that wasn't really the way it should be in her opinion. She stated that that is why she suggested the percentages. She stated that she would prefer that it didn't pass, obviously, and she has given her reasons as to why she thinks that. She stated that she thinks as they continue to talk about how Planning & Zoning was a 3 to 2 vote or 5-0 vote and yes it was. She stated that as they get onto Council, more issues come out and we consider more items that could affect this code and gave an example. She stated that as we go through this process, it's a process of understanding that when it goes from Planning & Zoning and comes to

them no matter how many times, there could be additional information that comes out and things that they really need to consider and that was a concern that she just thought of today. She stated that these codes have been there for a long time, we are talking 66 years or 56 years who knows but they haven't been changed for a reason. She stated that when you start changing these codes, you better understand why you are changing them and what can happen when you change them because it could be a negative impact to all of us in the future and that is what her concern is. She stated that she doesn't want to see that happen.

Councilmember Katz asked Council if it was fair for him to say that the draft minutes of the last Town Council meeting, which were circulated yesterday, have been read and absorbed by all members of Council.

Vice Mayor Pro Tem Fahy stated no.

Mayor Haselkorn stated that he read it.

Councilmember Katz stated that he thinks it's impossible to have a fair second reading unless they really understand what they said in the first reading. He stated that there were two first readings and explained. He expressed his thoughts and concerns. He asked why they are jumping into this at all at this moment. He expressed his point of view. He stated that he thinks the optics of this are horrible, the timing is horrible, and wished that they had done this one year ago or in the interval between the dropping of an approved site plan on Duplex 1 and before exploring Duplex 2. He stated that he is not sure they did the right thing here because he doesn't know what this project is going to look like in the neighborhood. He asked if this is what they want for their future in the quest for height, that they are going to lose their sense of proportion. He stated that he really hopes he is wrong and they have approved a beautiful project. He asked if they could go to bed and sleep soundly at night and feel that they know how this project is going to look in the space. He stated that he has no objection to the developer going to 77% as they met the code as they had written it. He stated that he appreciates the Mayor has a different opinion on this but he disagrees. He stated that they are going to be putting in a half a page of code to explain what they mean by the word parking. He stated that that would be ok if they didn't have an active situation. He stated that he thinks they are wrong to be doing this action now and look self-serving. He stated that he respects that there is more than one viewpoint on this but he regrets the process.

Mayor Haselkorn stated that he agrees with Councilmember Katz that nobody here has a crystal ball and they are all really trying to make the best decision that they think is possible. He stated that he understands what Councilmember Katz is saying about the optics and while that is a concern, he takes a slightly different view and feels that it is never a bad time to try to do the right thing.



He stated that what they are trying to codify is an interpretation that has been applied for ten years. He expressed his thoughts. He stated that it is more important that the Planning & Zoning Director and his staff have a clear understanding of what would be brought into effect if the second reading is approved. He stated that he respects the difference of opinion.

Vice Mayor Lyons stated that he agrees with Councilmember Katz that they have had it wrong and that tonight they have the opportunity to make it right. He stated they can make it right by passing Ordinance 711 tonight. He stated that he supports Ordinance 711 for the following reasons: staff supports it, Planning & Zoning Board approved it unanimously, and it gives them the clarification that they need for the parking and storage. He stated that there is an appeal against the Town and there are three parts, one is the parking, two is the tower and three is the massing or size of the building. He stated that the parking is all they are talking about tonight. He stated that that is what Ordinance 711 is all about and that is resolved. He stated that it is no longer an issue on the appeal so the judge is not going to look at that because they are in compliance and explained. He stated that all they are talking about is the parking and the storage as that is what Ordinance 711 is all about, nothing else. He stated that there is a lot of support for this Ordinance and he hopes they pass it tonight.

Vice Mayor Pro Tem Fahy expressed his thoughts and concerns.

Councilmember Wheeler stated to Vice Mayor Pro Tem Fahy that she wants to make sure in some of his discussions that this is clarifying parking but what it is doing is lowering the percentage of parking which is required in your home so instead of 75% in parking they can have 30% in parking. She stated that it is not just clarifying storage and parking definition, it's allowing the people that were supposed to have 75% to go down to 30% and the people that were supposed to have 75% go down to 40% if they have so many square feet. She stated that no one is saying that we possibly shouldn't change the code because there was some errors made as we went through this process in Planning & Zoning and the new Planning directors came in and they interpreted it differently than former Planning & Zoning Director Damien Peduto had interpreted it. She stated so they have a little bit of an issue here and we do have to correct that but is now the time to correct it. She asked if anybody had considered how it would affect appraisals in the future and explained. She explained her thoughts on the building area. She stated that she doesn't know how it could affect the property appraiser's valuation process.

*Councilmember Wheeler made a motion to postpone this public hearing on Ordinance 711 until such time that they understand and can clarify all of these questions.*

She stated that maybe the appeal will be done, maybe it won't be done. She stated that it is not that the intent is to necessarily wait on that even though she thinks it would be a good idea. She stated to Vice Mayor Lyons that he had mentioned that it is not fair to the people who want to build but what about the people that live up there that feel that it is unfair what's happened with that building to begin with and explained. She stated that as the development came in and they changed to 75%, they took out a wall. She stated that that is exactly what the Riddles can do and she was going to show Council and Planning & Zoning how they can accomplish that. She stated that they can move forward and so can the gentleman on Hibiscus can move forward. She stated that they are putting something through that should not be put through right now. She stated that it should not be approved at this time. She stated that there is not that big of a rush on this. She stated that we can do this but let's make sure that they are doing it right and that's so important to a lot of people in town and explained.

*Motion failed for a lack of a second.*

Vice Mayor Pro Tem Fahy stated that he was a property appraiser for 7.5 years and doesn't see an issue.

Councilmember Wheeler stated that's where we need more time on this and explained. She stated that what they are doing and what they have put in print is building's floor area. She stated that this is how they define building's floor area and explained. She stated that what Planning & Zoning Director Davila has done is define all of the space from column to column, open space, uncovered porches, and explained. She stated that Director of Planning & Zoning Davila has told her that he reads the definition of floor area to include open areas adjacent to the building and asked for confirmation.

Director of Planning & Zoning Davila stated no, the building floor area definition has been there for a number of years and is not being changed and explained how he is reading the definition based on how it is written in the code. He stated that he cannot speak to how the previous directors read it but explained how he is.

Councilmember Wheeler stated that she has additional questions though on this because it goes on to say, when you look at building's floor area, you look at the rest of that and it says such area shall exclude a basement, sub-basement, open plaza, balcony or deck areas and off street parking within. She stated that she is not sure and addressed Town Attorney Rubin that the floor area total is the right definition to be using and that's why she brought up some of these other appraisals and evaluation people that maybe we should be running it past them and making sure that they are doing it right.

Councilmember Katz stated that floor area total is a missed number of what they are really talking about with footprint. He stated that footprint could be the first floor, floor area. He stated that he believes that when they are talking about deciding what the denominator is in this calculation, they are talking about footprint or ground floor area.

Town Attorney Rubin stated that it says building floor area.

Councilmember Katz stated right but not total floor area.

Director of Planning & Zoning Davila stated correct, the definition adds "total" in there but staff does look at the first floor.

Councilmember Wheeler stated that it actually says floor area total not building's floor area and that's what they use to define a building's floor area. She stated that floor area total, what she is saying, includes patios, anything that would be between your house. She stated that if you have an open grass area, just so everyone on Council knows, they are including that in their calculations.

Town Attorney Rubin stated that is has to be within a supporting column so it would only include things that are essentially covered because there is columns. He stated that it would not include open space if there is no columns.

Director of Planning & Zoning Davila stated correct, the key word there is supporting, supporting columns.

Councilmember Wheeler stated right but if it is grassy underneath the supporting columns, it's included. She stated that she would hate to have a different taxation based on all my outside space versus the 30% that she might be paying now for it not covered and 35% for it covered and have it go up in valuation because now the Town of Juno Beach has defined it as floor area total and asked if that makes sense.

Vice Mayor Pro Tem Fahy asked Councilmember Wheeler and Councilmember Katz that if they do not approve this tonight where are they. He asked that if someone is making an application, what applies.

Councilmember Wheeler stated that when she was talking with the Riddles there's a way to take a wall out and open their space up and they can have their 75% and then when we get something in writing and it's a done deal they can, it's not going to affect their building as it didn't affect the developer that was up on the hill.

Vice Mayor Pro Tem Fahy asked how Councilmember Wheeler thinks this would work.

Councilmember Wheeler stated that there is a way to give them 75% parking so they can move forward. She stated that if they don't change it then that's what they have to go by is the 75% parking.

Vice Mayor Pro Tem Fahy asked Councilmember Wheeler if that is what she is advocating as an alternative to not approving this tonight.

Councilmember Wheeler stated to postponing it until they can get through some of the questions and make sure that we have got it right.

Mayor Haselkorn stated that he is not seeing all these questions but the only thing new he heard is the property appraiser issue and to Vice Mayor Pro Tem Fahy's point and his experience as a property appraiser, it doesn't appear to be a material issue. He asked for a motion.

E. Council's Action

***MOTION:** Lyons/Fahy made a motion to approve Ordinance No. 711 on second and final reading.*

Councilmember Wheeler asked if Council could have more discussion.

Mayor Haselkorn stated additional discussion.

Councilmember Katz stated that in response to Vice Mayor Pro Tem Fahy's question, he would say that the Town has consistently, in his opinion, miss defined parking to mean parking and storage. He stated that from the standpoint of the Town, with respect to single family housing, nothing has really changed. He stated that this would go through the Town's administrative process and we haven't directed the Town to change the way it has handled the word parking and he thinks they could handle parking anywhere from 30% to 75% based upon past experience. He stated that the reason why he is hearing now is that they have accepted this concept that parking is parking. He gave an example. He stated that they are going around the same circle when they say that parking is parking or is parking "parking and storage". He stated that he thinks this particular case is important, he would love to have heard a circuit judge panel decide in the abstract is parking "parking". He asked Town Attorney Rubin about the pending case and stated that this is not a done deal.

Town Attorney Rubin stated that it is not a done deal until the Court says that it is a done deal.

Councilmember Katz asked how long until they moot it by ordinance. He stated that his point is that he does not want to moot this by ordinance. He expressed his thoughts and concerns on the proposed formula.

Councilmember Wheeler asked Vice Mayor Pro Tem Fahy if he approves of going under the 75% or does he want to see 75%, she stated that she wants to make sure she understands his position.

Vice Mayor Pro Tem Fahy stated that he does not think that a rule that they have should be interpreted. He stated that it should be what it is.

Councilmember Wheeler asked if he thinks that they are changing the code from 75% to something different. She stated that right now they are changing the code, they are not going to have to have 75% so the 75% is gone after this if it is voted to be approved.

Vice Mayor Pro Tem Fahy stated that he thinks anybody can respect what Councilmember Wheeler and Councilmember Katz have said. He asked Town Attorney Rubin that when the court decides, whatever, how does it affect the history.

Town Attorney Rubin stated that it doesn't affect the history but the issue that staff had was the way the interpretation renders as they have nonconformities so they are just trying to correct the nonconformities.

Councilmember Wheeler stated that to Chris Huffman's point, it's important to understand and we don't skim over some of these things that perhaps some of us might not understand. She stated that she knows Mayor Haselkorn said that Vice Mayor Pro Tem Fahy was an appraiser so you trust but she doesn't know what his words were. She stated that the point she had was not that you are not going to get appraised the same way that you have been appraised, just that we are opening up a bag of worms with the appraiser's office. She stated that in her opinion you could get appraised for some of these open areas that might not have been appraised as high and that should be a consideration. She stated that but also the livable area, it's so important, it's not going to be 25% on that bottom floor anymore. She stated that it's going to be up to 70% if you say yea for this ordinance.

Town Attorney Rubin stated that is not true, it still would have to be storage. He stated that 75% has to be parking and storage.

Councilmember Wheeler stated that it is supposed to be but no one leaves it like that.

Town Attorney Rubin stated that if people are violating the code then that's one thing.

Councilmember Wheeler stated that she knows what he is saying and that he is talking from the perspective of legal and what they should be doing but this is what happens out there. She stated that everyone knows that they use that as livable space and the concern is the vacation rentals, more beds, more bedrooms and that we beat to death a little bit.

Town Attorney Rubin stated that vacation rentals will be inspected every year.

***ACTION:** The motion passed 3-2 with Councilmember Wheeler and Councilmember Katz opposed.*

8. **PUBLIC HEARING AND SECOND READING: ORDINANCE NO. 713**  
**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, CHANGING THE DATE OF THE MARCH 2020 GENERAL ELECTION TO COINCIDE WITH THE STATEWIDE PRESIDENTIAL PREFERENCE PRIMARY; PROVIDING FOR A QUALIFYING PERIOD AND FOR THE COMMENCEMENT OF TERM OF OFFICE; PROVIDING FOR TRANSMITTAL TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**  
*(Town Clerk Copeland)*

F. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

G. Staff Presentation

Town Clerk Copeland went over the memorandum and asked Council if they had any questions.

H. Public Hearing

Public Hearing Opened at 7:01pm.

Public Hearing Closed at 7:01pm.

I. Council Motion/Second-Council Discussion

J. Council Action

***MOTION:** Lyons/Wheeler made a motion to approve Ordinance No. 713 on second and final reading.*

Councilmember Katz questioned lines 45-47 of the Ordinance and Article III of the Town Charter.

Town Attorney Rubin stated that they discussed the language in the Charter Review Committee meeting and that there is a mechanism to challenge somebody's eligibility post-election.

Councilmember Katz confirmed that the beginning of the term of office is the moment the election is certified.

Town Attorney Rubin stated that they still have to be sworn in.

Town Manager Lo Bello stated that the Sunshine applies once the election results are certified.

Councilmember Katz explained his past experience when coming onto Council. He questioned when the Sunshine Law takes effect.

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

9. **COMMENTS FROM TOWN MANAGER**

Town Manager Lo Bello stated that staff just received information request from Loxahatchee River District on the request from Council on looking at the New Palm Beach Heights Sewer Project and if they can assist with finance. He asked Council if staff should put it on the next agenda but there won't be a full Council or wait until they have a full Council.

*Council gave consensus to wait for a full Council.*

Town Manager Lo Bello went over the list of upcoming events.

10. **COMMENTS FROM TOWN ATTORNEY** - *None*

11. **COMMENTS FROM STAFF**

Chief of Police Smith thanked staff, the community and all who were involved in the September 11<sup>th</sup> Remembrance Ceremony.

Director of Planning & Zoning Davila provided an update on the motorized scooter request from Council at the last meeting.

Finance Director Pazanski stated that staff was able to get a third quote for the awning that was blown down and it will be an addition to the amendments at the next meeting. He stated that it is under \$10,000. He stated that it is still going to be 10-12 weeks out because they are extremely busy. He also provided an update from the Landmark Advisory Committee and presented Council with sign drafts (*see attached*).

Councilmember Wheeler stated that the Landmark Advisory Committee is so proud as it is going to be such a great addition.

## 12. COMMENTS FROM COUNCIL

Councilmember Wheeler questioned grants and asked for a list of grants to be sent out quarterly.

Town Manager Lo Bello stated that he would be happy to do that.

Councilmember Wheeler thanked staff for everything they had done in preparation for Hurricane Dorian.

Councilmember Katz stated that the ceremony this morning was meaningful, beautiful and wonderful. He stated that with respect to the Bahamas, he suggested that Council donate \$1,000 to the Bahamian relief effort.

Council discussed this item.

***MOTION:** Katz/Lyons made a motion to donate \$1,000 in a form to be determined by the Town Manager and Town Staff to Bahamian relief.*

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

Councilmember Katz questioned short term vacation rentals and asked if the fees can be distributed back in the form of a pre-payment.

Vice Mayor Pro Tem Fahy stated that it was a hefty fee.

Town Manager Lo Bello explained how staff had estimated the fee.

Councilmember Katz stated that he would ask that if it turns out that they erred in calculating the fee and end up with income, they should credit those individuals next year.

Mayor Haselkorn stated that when Staff comes back to Council with this item, he stated that he likes the idea of treating responsible citizens that are trying to comply differently than those trying to run under the radar.

Town Manager Lo Bello stated that staff will look at those things.

Vice Mayor Pro Tem Fahy stated that the Town did a great job during the Hurricane.

Vice Mayor Lyons stated that staff was very proactive and had been on standby since Sunday. He questioned the Town Hall Park sign that they approved at the last meeting and if the landscaping would have to be removed.



Director of Planning & Zoning Davila stated that the Town does have a requirement to have landscaping around the sign.

Mayor Haselkorn stated that he would reiterate the comments on staff's preparation for the storm and noted that Town Manager Lo Bello left his family while Director of Public Works Meriano canceled his vacation. He thanked staff. He provided Council with an update regarding the suggested Brightline train trip.

1. **ADJOURNMENT**

Mayor Haselkorn adjourned the meeting at 7:30 PM.

*Minutes Approved on October 23, 2019.*