

Monday, April 24, 2023
7 PM



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

Mayor Alan Fiers
Vice Mayor Scott McCranels

Commissioner Tracy Larcher
Commissioner Brian Tyler
Commissioner Brian Mark Ward

Keith Davis Town Attorney
Town Administrator Wendy Wells
Town Clerk Jude M. Goudreau

Regular Commission Meeting
Minutes

CALL TO ORDER

Mayor Fiers called the meeting to order at 7:00 PM. Those present were Mayor Alan Fiers, Vice Mayor Scott McCranels, Commissioner Tracy Larcher, Commissioner Brian Tyler, Commissioner Mark Ward, and Town Administrator Wendy Wells. Also in attendance were: PBSO Sgt. Steve Langevin, Fire Chief Trevor Steedman, Public Works Director Alan Welch, Town Attorney Keith Davis, and Town Accountant Darlene Hopper.

MOMENT OF APPRECIATION

Mayor Fiers presented the outgoing Town Administrator, Wendy Wells, with a plaque and 18 long-stem red roses for her 18 years of dedication and service to the Town. Mrs. Wells accepted the plaque and roses and thanked the Mayor and Staff.

APPROVAL OF MEETING AGENDA

Motion: Commissioner Tyler made a motion to approve the meeting agenda as amended to include approval of the signature cards under Other Business.

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0

APPROVAL OF CONSENT AGENDA

- a) Commission Meeting Minutes, March 27, 2023
- b) Reorganization Meeting Minutes, March 27, 2023
- c) Special Commission Meeting Minutes April 10, 2023
- d) Update Impact Fees

Discussion: Commissioner Larcher would like the minutes from the March 27, 2023, meeting amended to reflect under the Buccaneer Variance the statement "because of the age of the building, it's exempt from CRS requirements" and changed to reflect more accurately the Motion made by Commissioner Tyler. The Town Clerk will review the video and amend the minutes accordingly.

Motion: Commissioner Tyler made a motion to approve the Consent Agenda

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0

SPECIAL EXCEPTION REQUEST:

SE22-01, Mayan Towers Condominium 1, Inc., as Owner of 125 Ocean Avenue, and DISH Wireless, LLC, as Applicant, request Special Exception use approval to allow for a "telecommunications antenna" installed at a mount elevation of 91.5± feet on the rooftop of the existing condominium building.

Discussion: Attorney Davis made some explanatory comments to the Commission regarding the Commissioner's role in a quasi-judicial hearing versus Legislative decisions. Attorney Davis reminded the Commissioners only to make the decision based on the evidence provided and whether it meets the criteria outlined in the Town's Code PF 15.7 and not opinions or any materials handed out or communications regarding transmissions of frequencies or radio waves. Attorney Davis asked the Commission for any Ex Parte communications and swore in the applicants. Mayor Fiers said he has had many conversations with the Applicant and residents opposed to the project. Commissioners Ward, Larcher, and Tyler have had conversations with residents opposed to the project.

Dish Wireless LLC representatives N. Andrew Rotenstreich and Aaron Garnett presented the request to the Commissioners and reviewed each Town Code criterion. Mr. Rotenstreich answered the Commissioner's questions and responded to the public's comments.

There was a lengthy discussion regarding the project, and Commissioners Larcher and Ward commented and asked the applicant questions. Commissioner Larcher asked Attorney Davis about the 5% coverage rule and whether this item would have to go back to P&Z. Attorney Davis said it is not one of the conditions of approval before the Commission this evening. Commissioner Tyler asked if there was any additional correspondence from any other sources prior to the meeting, and commented on PF 15.7 (a), screening of the antenna.

Commissioner Ward made a motion to approve SE22-01. Commissioner Tyler Seconded the Motion with the condition that the Applicant finds a better way to screen the apparatus.

Mayor Fiers opened Public Comments: The Following residents each gave a 3-minute opinion opposing the Special Exception Request: Denise Quigley, Laura Mochi, John Pestrighelli, Meredith D'Andrea, Lorriane Gulgus, Chuck Gulgus, Thom Mason, Scott Medies<sp> Paul Setzer, (inaudible name, 107 Inlet, Doctor of Radiology,) Cyld Keck, Frank Diamond, Peter Allen <sp> Mike Jutt, Attorney Paula Marra (Atrium), Joyce Murphy (Webex) and Patricia Brosmer (Webex). Mayor Fiers commented that he feels that without the pending threat of a lawsuit over the Town's head, he would be against the project. He feels there are no options but to approve the request.

Mayor Fiers called for the question. Commissioner Ward said he feels the Town is being strongarmed into making this decision. Another discussion ensued regarding the State and Federal laws.

Additional Public Comment was allowed by Mayor Fiers: Paul Setzer, Donna Setzer, and Paula Marra were granted Mayor's approval to speak additionally. Attorney Rotenstreich responded to the Public Comments.

Commissioner Ward withdrew his Motion. Commissioner Tyler seconded the Motion to withdraw.

Motion: Commissioner Tracy Larcher made a motion to deny SE22-01, stating it fails to meet the criteria in PF 15.7 (e) The proposed use will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the excepted use.

Second: Vice Mayor McCranels seconded the Motion. **Motion Denied 5-0.**

AGREEMENTS:

Agreement with Palm Beach County Fire Rescue- Maintenance Contract for Fire Apparatus

Discussion: Chief Steedman gave a brief overview of the Contract, which is for vehicle maintenance.

Motion: Commissioner Tyler made a motion to approve the Contract.

Second: Commissioner Larcher seconded the Motion. Motion passed 5-0.

Addendum to Agreement with Foliage - Lawn Maintenance Agreement

Discussion: Alan Welch gave a brief overview of the addendum to the agreement; it will be lowered by \$1,400.00 for the reduction of services, this will continue until the Inlet Park issues are resolved.

Motion: Commissioner Ward made a motion to approve the addendum.

Second: Commissioner Tyler seconded the Motion. Motion passed 4-1 with Commissioner Larcher opposed.

DEPARTMENT AND BOARD REPORTS

Financial Reports:

Discussion: Mayor Fiers introduced Darlene Hopper, the Town's new Accountant.

Mrs. Well presented the March Financial Report and answered the Commissioner's questions. Several commissioners thanked Mrs. Wells for her services and wished her well.

Motion: Commissioner Tyler made a motion to approve the March 2023 Financial Report.

Second: Commissioner Ward seconded the Motion.

Vote: Motion Passed 5-0.

Staff Reports:

Sheriff's Department: PBSO Sgt. Steve Langevin gave an overview of the monthly report and corrected a couple of discrepancies. Sgt. Langevin also updated the Commissioners on recent activities and arrests.

Fire Department: Chief Steedman gave an overview of his Monthly Report for March, not Jan-Feb, as printed, and provided the monthly EMS statistics and training hours. The Chief thanked Mrs. Wells for her assistance over the years.

Public Works: Director Welch updated the Commissioners and public on the AT&T project; all lines on the north half of the Town should be removed; once completed, FPL will remove poles. The AT&T event on April 12th was well attended. There will be another opportunity to connect in May. Mr. Welch provided an update on the Community Center Kitchen Remodel, Parks and Grounds, Lift Stations, and Buildings.

Town Clerk: No Report

Town Attorney: No Report

Planning and Zoning Chairman: Chairman Cohn was absent at the meeting but did notify by email that he has no report this month.

COMMISSION REPORTS:

Update on Water Main Project: Riviera Beach has voted to fund the entire project with an additional one million dollars. As soon as the contractor receives his funds, they will resume the project on Island Way and make their way south; they will begin connecting to the crossover and fire suppression lines. The Town will keep everyone posted on water disruptions.

EMS Contract: negotiations are continuing; Riviera Beach's first figure was \$850,000.00. Town Administrator Wendy Wells met with the Finance Director, who would not budge. Mayor Fiers met with Jonathan Evans today and said that they do not have any incremental expenses to provide services to the Town, so he feels the administrative fees should be deducted from the services. The Mayor also pointed out that we do not need a second truck to respond; we have EMTs/Medics on staff. The Mayor said

negotiations were reduced to approximately \$550,000.00 to \$650,000.00, and Mr. Evans will meet with his staff and come back with a final figure. Commissioner Larcher questioned secondary COPCN. The Mayor responded to the question.

RESOLUTION NO. R-5-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA, AMENDING ITS OPERATING BUDGET FOR FISCAL YEAR 2022/2023 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF BUDGET RESOLUTION NO. R-11-22; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Discussion: Wendy Wells presented the budget amendments and detailed explanations for each item. Mrs. Wells answered the Commissioners' questions.

Motion: Commissioner Tyler made a motion to approve the Consent Agenda

Second: Vice Mayor McCrannels seconded the Motion.

Vote: Motion passed 5-0

RESOLUTION NO R-6-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, APPOINTING DARLENE HOPPER AS TOWN TREASURER PURSUANT TO SECTION 3.10, ARTICLE III OF THE TOWN CHARTER.

Discussion: Mayor Fiers stated that Mrs. Hopper will replace outgoing Treasurer Wendy Wells.

Motion: Commissioner Mark Ward made a motion to appoint Mrs. Hopper as Treasurer.

Second: Commissioner Tracy Larcher seconded the Motion. Motion passed 5-0.

OTHER BUSINESS:

Town Administrator Wendy Wells asked for a motion to have Commissioners sign the bank signature cards after the meeting.

Motion: Commissioner Tyler made a motion to allow all commissioners and certain staff members to sign bank signature cards.

Second: Commissioner Ward seconded the Motion. Motion passed 5-0.

PUBLIC COMMENTS:

Joan Bancroft Grody submitted signatures to the clerk to add to a petition she had previously submitted for the "No Change to Inlet Park petition."

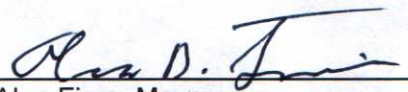
ADJOURNMENT:

Motion: Commissioner Tyler made a motion to adjourn the meeting.

Second: Commissioner Ward seconded the Motion. Motion passed 5-0.

The meeting was adjourned at 10:14 PM.

Approved this day, 22nd Day of May 2023.


Alan Fiers, Mayor

ATTEST:


Jude M. Goudreau, Town Clerk

(Seal)

