

Monday, April 25, 2022, 7:00 pm.  
Regular Commission Meeting.



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

Mayor Alan Fiers  
Vice Mayor Scott McCranels

Commissioner Tracy Larcher  
Commissioner Janet Kortenhaus  
Commissioner Brian Tyler

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

### Minutes

#### CALL TO ORDER

Pledge of Allegiance.

Roll Call: Mayor Fiers called the meeting to order at 7:00 pm.

Town Clerk Jude Goudreau called the roll, and those present were Mayor Alan Fiers, Vice Mayor Scott McCranels, Commissioner Janet Kortenhaus (via Webex), Commissioner Tracy Larcher, and Commissioner Brian Tyler.

Also, in attendance were: PBSO Sgt. Steve Langevin, Fire Chief Trevor Steedman, and Town Attorney Keith Davis.

#### APPROVAL OF MEETING AGENDA

Town Administrator Wendy Wells asked to add an item under the Financial Report, review, and vote on supplemental pay for Director Welch.

**Motion:** Vice Mayor Scott McCranels made a motion to approve the Meeting agenda as amended.

**Second:** Commissioner Brian Tyler seconded the Motion.

**Vote:** Motion passed unanimously.

#### APPROVAL OF CONSENT AGENDA

Commission Meeting Minutes, March 28, 2022

Reorganization Meeting Minutes, March 28, 2022

Emergency Services Agreement for Dispatch Services between Palm Beach County and the Town of Palm Beach Shores.

Automatic increase to impact fees on October 1, 2022.

**Motion:** Vice Mayor Scott McCranels made a motion to approve the Consent Agenda.

**Second:** Commissioner Tracy Larcher seconded the Motion.

**Vote:** Motion passed unanimously.

#### VARIANCES:

**VAR22-01**, Weston Gracida, Owner of 125 Cascade Lane, requests a Variance from Pf. 4.6 to allow for a finished floor elevation for the addition of 9.8 feet, where Town Code requires 10.26 feet.

Attorney Keith Davis swore in Mr. Gracida and asked if there was any ex parte communication; Vice Mayor McCranels said yes, he had spoken to Mr. Gracida.



Mayor Fiers briefly explained why the Variance was requested and said that the Town is changing the Ordinances in the non-flood area to allow for the finished floor elevations on new additions to match the existing home's elevations.

**Motion:** Commissioner Tracy Larcher made a motion to approve the Variance.

**Second:** Commissioner Brian Tyler seconded the Motion.

**Vote:** the Motion passed unanimously.

## **DEPARTMENT AND BOARD REPORTS**

**Financial Reports:** Town Administrator Wendy Wells presented the Monthly Financial Report for the Month of March. Mrs. Wells provided a recap of the revenues and expenses and details for any items reporting over budget, which were primarily from unexpected repairs to the Community Center. Mrs. Wells answered the Commissioner's questions. Commissioner Larcher questioned whether the Town needed Flood Insurance for specific areas of Town.

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

**Second:** Vice Mayor McCranels seconded the Motion.

**Vote:** Motion passed unanimously.

**Mid-Year Projections:** Mrs. Wells provided a detailed explanation of the midyear expenditures and revenues. The Building Department Revenues are higher than expected because of a large building project on Inlet. Mrs. Wells answered Commission's questions.

### **Explanation of Budget Amendment #2:**

Town Administrator Wendy Wells presented a spreadsheet and detailed account of the budget amendments. The amendments are due to the new Capitalization Policies, projects under five thousand dollars have been moved from Capitalization to expenditures., the fire truck purchase and sale of the current fire truck, additional activity in the building department, use of contingency for higher-than-expected costs, and repairs at the community center and, risk management for higher insurance costs. Fire Chief Steedman gave an update on the auction and sale of the current fire engine. There are two or three potential buyers; one of them is a private buyer who may be interested in purchasing both fire trucks.

**Vote- Use of Fire Impact fees of \$22,047.16** Town Administrator Wendy Wells said that the Fire Impact Fees collected will be used for the new fire engine equipment.

**Motion:** Vice Mayor McCranels made a motion to approve the use of the Fire Impact Fees for equipment for the new fire truck.

**Second:** Commissioner Tracy Larcher

**Vote:** Motion passed unanimously.

### **Update on American Rescue Plan Act:**

The Town has received \$316,000.00 so far and is expected to receive another \$316,000.00 this summer. The first report is due by the end of this month; Town Administrator Wells has it prepared and ready to submit. The money can now be used to replace revenues, which lifts the restrictions; however, after speaking to our financial auditor, he suggested using the money for the contracted police services. The money budgeted for police services will be used for road projects.



**Motion:** Vice Mayor Scott McCranels made a motion to use the ARPA money in the amount of \$632,039.00 for the contracted police services and move the savings to the road projects.

**Second:** Brian Tyler seconded the Motion.

**Vote:** Motion passed unanimously.

**Supplemental Pay Director Alan Welch.**

Commission has previously approved supplement pay through April to Director Alan Welch for the underground project. Currently, the supplemental pay is \$1,000.00 per month. Mayor Fiers reports that the project is done in the north end of Town for AT&T. In the south end of town some fiber has been run, but the project has stalled due to the shortage of fiber. As of last Friday, AT&T is unsure when the project will be completed. Mayor Fiers would like to continue to pay Director Welch for an additional two months. Mrs. Wells and Mayor Fiers both stated that Director Welch has been a very intracell part of this project and fully involved with all aspects of the project.

**Discussion:** Commissioner Tyler asked how much longer the project would take and would they continue to pay if they were stalled for another three months. He also asked if they were tracking the hours spent by Director Welch on the project. Mayor Fiers said that he spent well above four hours a day on this task up until last week. Commissioner Larcher asked what the level of activity was, considering they're waiting for the fiber. There were no public comments.

**Motion:** Vice Mayor McCranels made a motion to approve two additional months of pay at \$1,000.00 a month

**Second:** Commissioner Janet Kortenhaus

**Motion:** Commissioner Brian Tyler made a motion to modify the Motion and pay for four additional months at \$500.00 a month. The Original Maker of the Motion agreed to the Motion to modify.

**Second:** Commissioner Kortenhaus seconded the Motion.

**Vote:** Motion passed unanimously

a) Staff Reports:

- **Sheriff's Department:** Sgt. Langevin gave a recap of his written report and provided crime statistics for the month and brief descriptions of the crimes. Sgt. Langevin thanked Sailfish Marina for their help with a recent boating incident with a fatality; they allowed PBSO to use their second-floor facilities while numerous agencies and PBSO K-9 units responded. Sgt. Langevin introduced Deputy Brandi Clayton, who provided details about a new program that is in the works. The program will be a database of dogs in the community. The program is geared to help lost dogs get home quickly and hopefully intercept prior to the lost animal being turned over to Animal Care and Control. The database will store pictures of the animals and information about the animals to reunite them with their families. Deputy Clayton said they would bring a PowerPoint presentation back to Commission once the program is complete.
- **Fire Department:** Chief provided details of his written report and reviewed the monthly statistics. Chief Steedman said his department, along with Code Enforcement Officer Orlando Rodriguez, recently completed a floodplain exercise together through Palm Beach County; the activity will help with the Community Rating System.

**Public Works:** Mayor Fiers gave a brief update in place of Director Welch in his absence. The Public Works crew has painted the 1<sup>st</sup> coat of slip-resistant paint at the Community Center, and



they are waiting for the additional paint to be delivered to complete the project. The painting project at Townhall is completed now. They have started the drainage swales on Edwards, the north side is complete, and they will finish the south side, and then there will be one installed on Tacoma, hopefully before the rainy season. Extermination of Iguanas will start tomorrow at noon. Mayor Fiers said they have already taken 200 eggs from the construction project on Inlet Way.

- **Town Clerk:** No Report.
- **Planning and Zoning Chairman:** Jerald Cohn, Chairman of the Planning and Zoning Board, said the Board is discussing additional landscaping requirements for multi-story new construction to soften the long solid walls to create more privacy. A draft Ordinance is being reviewed, and after the Board discusses it, they will make their recommendations to Commission on a code modification.
- **Town Attorney:** Attorney Davis informed Commission that the next League of Cities meeting in the City of Greenacres is Wednesday, April 27, 2022; the discussion will be Hurricane Preparedness, and following the meeting, there will be an annual workshop for the elected officials; this is not ethics training, however. On May 25, 2022, an installation banquet at the Kravis Center will take place; all are welcome to attend but must RSVP to the League.

#### **COMMISSION REPORTS**

##### **a) Mayor's Updates:**

- Underground Project- See Director Welch's Report.
- Watermain Project is suspended and waiting for materials.

#### **OTHER BUSINESS**

- **Vote to extend Brightview's Landscape contract.**

**Motion:** Commissioner Brian Tyler made a motion to approve the contract.

**Second:** Commissioner Tracy Larcher seconded the Motion.

**Vote:** Motion Passed Unanimously.

- **Vote: Tree trimming services.**

Wendy Wells provided an overview of the data distributed to the Commission. Three written quotes were obtained; Brightview Landscaping, who already is our landscaping company, was the lowest bid and is already familiar with the Town.

Commission had a brief discussion, and Mrs. Wells answered their questions.

**Motion:** Vice Mayor McCranels made a motion to approve the contract with Brightview landscaping for the five-year contract.

**Second:** Commissioner Tyler seconded the Motion.

**Vote:** Motion Passed Unanimously.



**RESOLUTIONS:**

**Resolution: R-6-22:** (Scrivener's error on agenda, R-5-22)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA, AMENDING ITS OPERATING BUDGET FOR FISCAL YEAR 2021-2022 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF BUDGET RESOLUTION NO. R-11-21; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mayor Fiers stated that this was previously discussed during Mrs. Wells' presentation of the budget amendments; this memorializes the amendments.

**Motion:** Commissioner Tyler made a motion to approve the Resolution.

**Second:** Vice Mayor McCranels seconded the Motion.

**Vote:** Motion Passed Unanimously.

**ORDINANCES:**

**ORDINANCE NO. O-2-22 First Reading:**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS. ARTICLE III BUILDING STANDARDS. SEC. 14-108 LOCAL AMENDMENTS TO CHAPTER 1 ADMINISTRATION OF THE FLORIDA BUILDING CODE ADOPTED. *SECTION 109 FEES*. BY REQUIRING ADJUSTMENTS TO PERMIT FEES PAID PRIOR TO ISSUANCE OF A CO OR EQUIVALENT IN ORDER TO ENSURE PAYMENT OF CORRECT FEES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Discussion:** Mayor Fiers explained that this Ordinance would enable the Town to collect a more accurate fee for building permits. Currently, when a project comes before the Building Department, the contractor gives an estimate of costs; this Ordinance will now require them to provide a cost affidavit at the end of the project, with actual costs for the project, usually resulting in an additional building permit fee.

**Motion:** Commissioner Janet Kortenhaus made a motion to approve the Ordinance.

**Second:** Commissioner Brian Tyler seconded the Motion.

**Vote:** Motion Passed Unanimously.

**ORDINANCE NO. O-3-22 First Reading:**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING AT SECTION IV. BASIC RESTRICTIONS FOR ALL DISTRICTS. AT PF.4.6. GRADE ELEVATIONS. TO ALLOW ADDITIONS TO SINGLE-FAMILY STRUCTURES IN ZONING DISTRICT A TO MATCH THE EXISTING GRADE AND FINISHED FIRST FLOOR ELEVATIONS SUBJECT TO CERTAIN RESTRICTIONS AND AT SECTION XIII. NONCONFORMING BUILDINGS AND USES. AT PF. 13.2. NONCONFORMING BUILDINGS. TO ADD AN ALLOWANCE FOR ADDITIONS TO SINGLE-FAMILY HOUSES IN ZONING DISTRICT A TO BE BUILT TO MATCH THE NONCONFORMING



GRADE AND FINISHED FIRST FLOOR ELEVATION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Discussion: None.**

This Ordinance responds to the numerous requests for Variance on this subject.

**Motion:** Commissioner Kortenhaus made a motion to approve the Ordinance.

**Second:** Vice Mayor McCranel seconded the Motion.

**Vote:** Motion Passed Unanimously.

**PUBLIC COMMENTS:** Rick Kollmeyer commented on the encroachments subject. Mr. Kollmeyer has researched the property (s) in question and has concerns that the buildings are significantly encroaching on the Town's property that the Town should use. Mr. Kollmeyer read a letter that he prepared and gave to Mayor Fiers (attached to these minutes). Mr. Kollmeyer requested that the Town make a greater effort to get the information out to the residents. Mayor Fiers said this issue had been the topic of discussion numerous times at workshops and meetings for several months, previously in 2010 and since 1956.

Mayor Fiers welcomes Donna Ward as the new Chair of the Environmental Committee.

**ADJOURNMENT:**

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

**Second:** Vice Mayor McCranel seconded the Motion.


**Vote:** Motion passed unanimously.

The meeting was adjourned at 8:33 pm.

Approved this 23 day of May 2022.

ATTEST:

  
Alan Fiers, Mayor

  
Jude M. Goudreau, Town Clerk  
(Seal)





April 25, 2022

To Mayor Fiers, Vice Mayor Scott McCrannels, Commissioners Janet Kourtenhaus, Tracy Larcher and Brian Tyler.

**Subject: Encroachment of Town Owned Land in Inlet Park by Inlet Pointe (314), 318 Inlet (unnamed), Romaine (320), and Anchorage (340).**

The attached Appraiser's Office photo (exhibit 1) shows substantial encroachment of Inlet Park by Four Properties:

**The Inlet Pointe's (314) encroachment** has Private Landscaping, a Walkway, Lighting, and a "No trespassing" sign on Park Property. The site line stands out significantly from Seascape (300), and Whispering Waters (308) which both comply to code. (exhibit 2)

**318 Inlet's (unnamed) encroachment is significant** in that it includes landscaping on the walkway that narrows the feel of Inlet Park and visually segments an Inlet Park area as part of the 318 property. This area is more problematic than "what's the matter with a little landscaping?". 318 also has a private sitting area and "No Trespassing" signs directly in Inlet Park. (exhibit 3)

It is my understanding that **The Romaine (320)** has a 10 year lease of the Town Inlet Park Property on which their Pool and Pool house are located. It is also my understanding that the developers of that property gave the Town properties on Edwards Lane which are part of the Town Hall complex in exchange for the Lease, and that the Lease is a legal and binding agreement for the Town.

**The Anchorage (340) has the most severe encroachment**, including most of their back yard, shuffleboard court, Driveway, Parking lot, Hedge, Outbuilding, and no trespassing signs in Inlet Park. This encroachment is substantial, encompassing approximately **.26 acres of Town Park Land**. (exhibit 4)

I always thought that it was unfortunate that the Inlet Walkway became a narrow bottleneck at the Western Edge where Sunset views of the Inlet, Lake, and Peanut Island are located. I was surprised to discover that the bottle neck is the result of encroachment on Town Park Property by the Anchorage.

In research at Town Hall I found an original layout of the town showing a public park at the western edge of the Inlet Walkway and a 2008 engineering diagram with plans for the park. (exhibits 5 & 6)

Inlet Park is one of the "Core" amenities of living in Palm Beach Shores, along with our Town Beach and Parkway. Many residents, if aware of the serious encroachment situation, would agree that the Town should address this issue immediately and set forth a plan for utilizing the reclaimed Park Land for the enjoyment of ALL residents

If the mayor and commissioners are interested in feed back on the encroachment issues, I suggest that the town provide detailed information, including pictures, on the Town's website, and send out a link in the Mayor's newsletter with a brief description of what the issue is, encouraging people to get educated on the subject given that it has such a large impact on Inlet Park. I personally feel that a Town Meeting at the Community Center is justified and would be a good way to get feed back on a complicated issue.

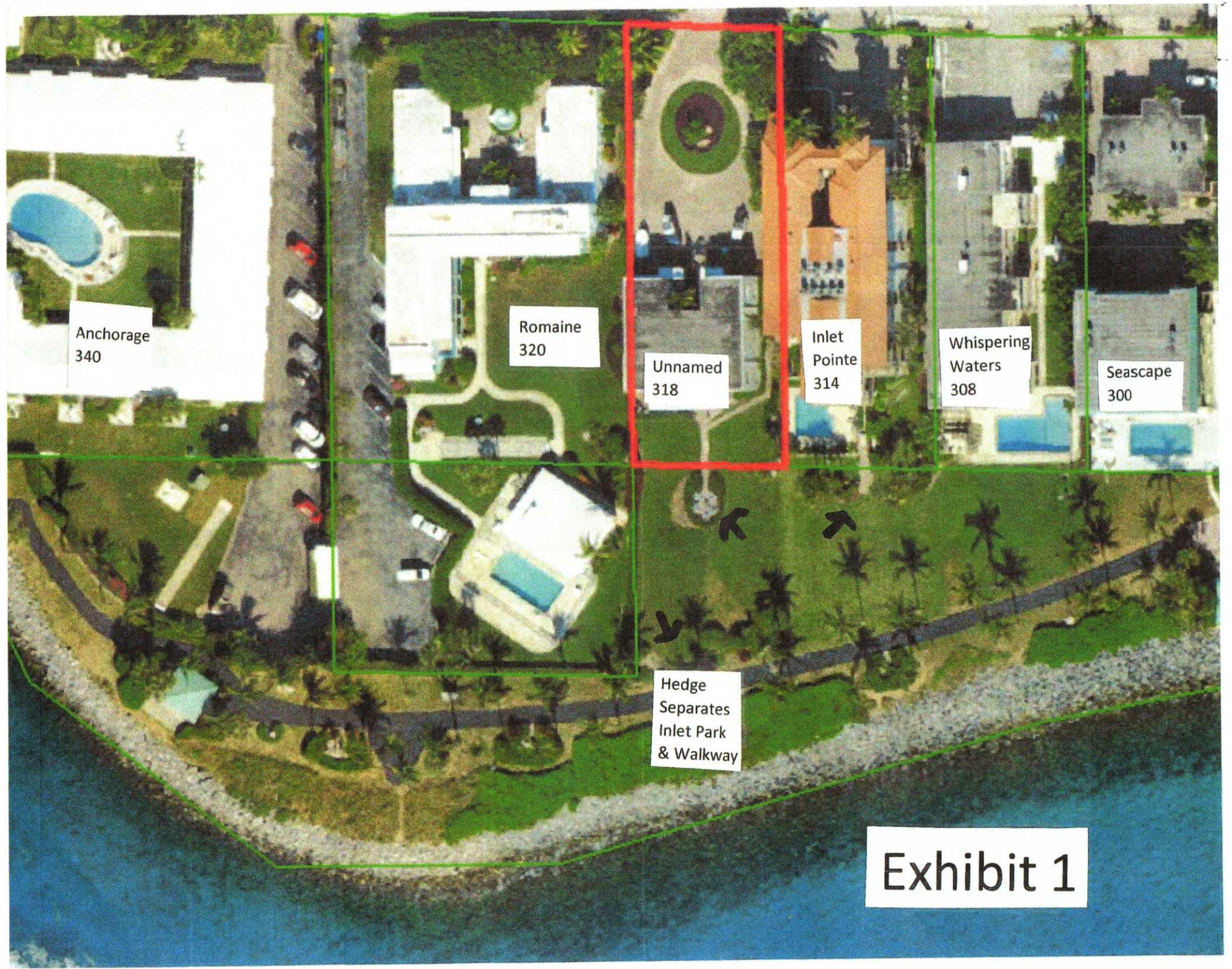
The lack of general awareness in Town (other than the owners of the encroaching buildings) regarding these issues is concerning. I like to think of myself as pretty well connected and up to date on what is going on in Town, but I was absolutely FLOORED when I saw the Property Appraiser's picture that so clearly identifies the magnitude of this issue, and at the possibilities for a beautiful "Sunset Park" that ALL residents could enjoy.

Sincerely,

Rick Kollmeyer

312 Cascade Lane





Anchorage  
340

Romaine  
320

Unnamed  
318

Inlet  
Pointe  
314

Whispering  
Waters  
308

Seascape  
300

Hedge  
Separates  
Inlet Park  
& Walkway

Exhibit 1

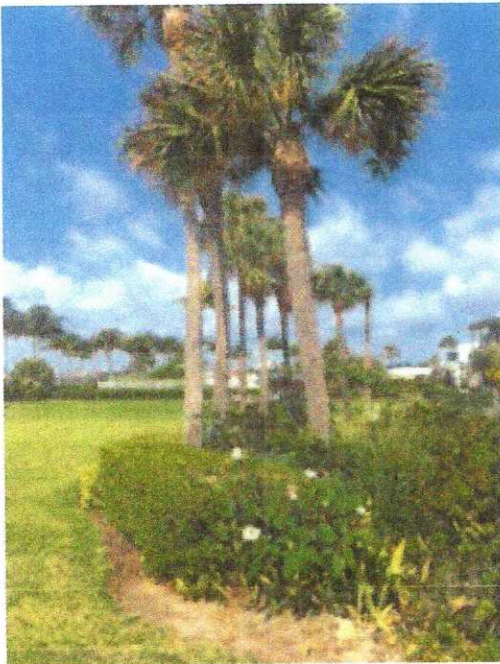


## Exhibit 2

### Inlet Pointe



Sign on Town Park



Landscaping on Town Park



Walkway on Town Park



Proper Site Line for 300 & 308



# Exhibit 3

318



Private Seating Area in Town Park



Hedge Separating Walkway / Town Park





# Exhibit 4



Anchorage Hedge on Town Park



Anchorage Shuffle & Parking on Town Park

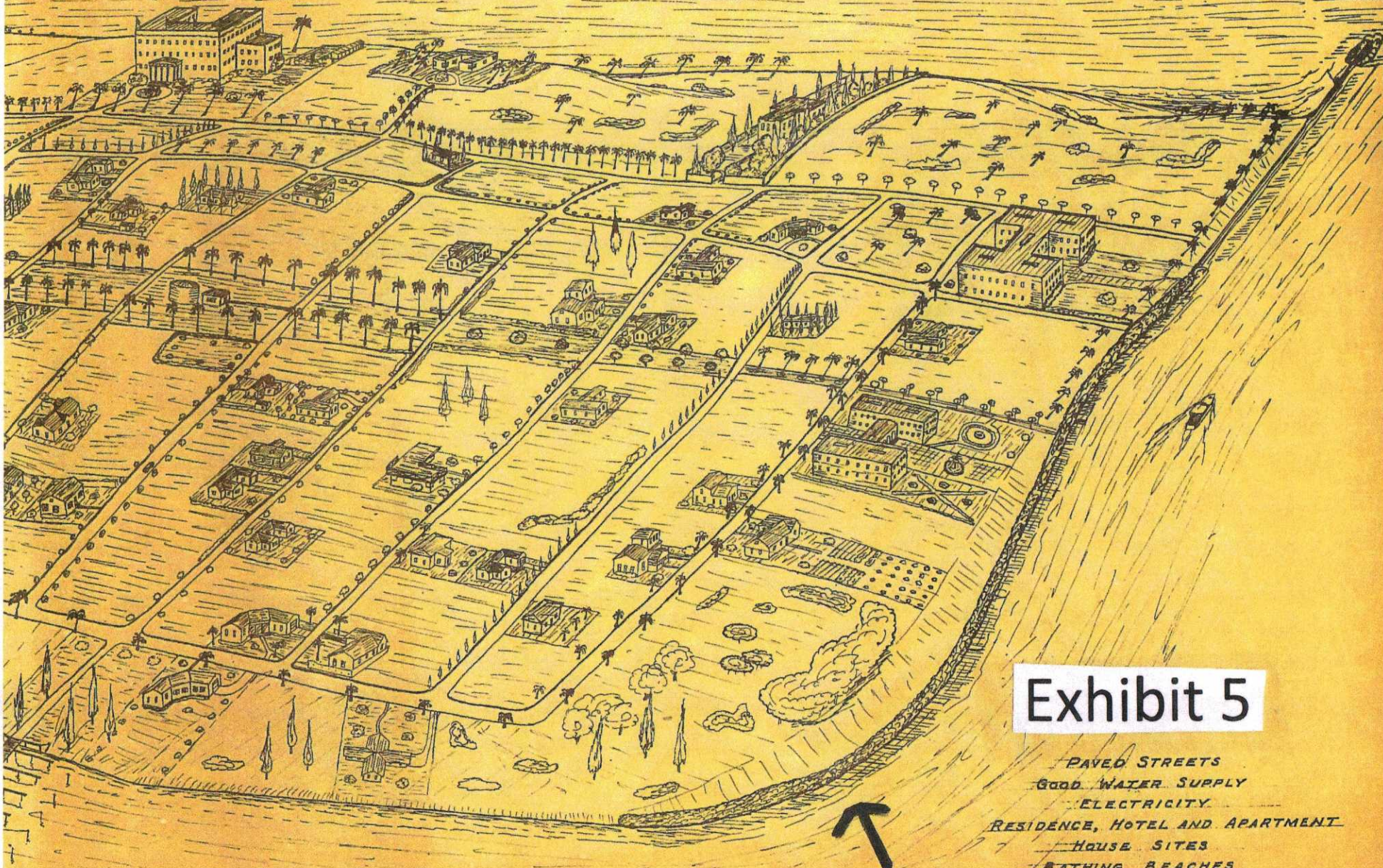


Anchorage Sign on Town Park



Anchorage Lawn on Town Park





## Exhibit 5

- PAVED STREETS
- GOOD WATER SUPPLY
- ELECTRICITY
- RESIDENCE, HOTEL AND APARTMENT
- HOUSE SITES
- BATHING BEACHES
- FISHING
- YACHTING



# Exhibit 6

