

**TOWN OF PALM BEACH SHORES, FLORIDA
REGULAR COMMISSION MEETING MINUTES
August 23, 2021**

**THIS MEETING WAS CONDUCTED USING COMMUNICATION MEDIA
TECHNOLOGY AS WELL AS LIMITED IN-PERSON PARTICIPATION**

1. **CALL TO ORDER**

Mayor Fiers called the meeting to order at 7:00 pm. The meeting was held at Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Browning called the roll, and present were Mayor Alan Fiers, Vice Mayor Scott McCranels, Commissioner Tracy Larcher, and Commissioner Janet Kortenhaus. Commissioner Brian Tyler was not present.

Also present were PBSO Sgt. Langevin, Fire Chief Trevor Steedman, Public Works Director Alan Welch, Town Administrator Wendy Wells, and Town Attorney Keith Davis. Town Clerk Browning confirmed there was a quorum present.

2. **APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)

MOTION: Commissioner Kortenhaus moved to approve the Meeting agenda.

SECOND and VOTE: Commissioner Larcher seconded the motion, which passed unanimously by those present.

3. **APPROVAL OF CONSENT AGENDA**

- a. June 14, 2021, Special Called Meeting Minutes
- b. July 26, 2021, Commission Meeting Minutes.
- c. Special Event permit No. 0-8-2: Non-resident Kazzandra Feters to hold a wedding ceremony on September 15, 2021, on the Town's Beach with 15 attendees anticipated. The event will begin at 4:00 pm and end at 7:30 pm. All paperwork and fees have been submitted.

MOTION: Commissioner Kortenhaus moved to approve the Consent agenda.

SECOND and VOTE: Vice Mayor McCranels seconded the motion, which passed unanimously by those present.

4. **DEPARTMENT AND BOARD REPORTS**

- a. Financial Report: *(Wendy Wells, Town Administrator/Treasurer)*

MOTION: Vice Mayor McCranels moved to approve the Financial Report.

SECOND and VOTE: Commissioner Larcher seconded the motion, which passed unanimously by those present.

- b. Staff Reports: Reports were given by Sgt. Langevin with the PBSO, Fire Chief Steedman, and Public Works Director Welch.

5. **COMMISSION REPORTS**

- a. Commissioner Larcher gave an update on the Riviera Beach old Fire Station on Singer Island.
- b. Mayor Fiers gave an update on the Undergrounding Project and AT&T.

6. **OTHER BUSINESS**

- a. Proclamation for Constitution Week, September 17 to 23, 2021.
MOTION: Commissioner Kortenhaus moved to approve the Proclamation.
SECOND and VOTE: Vice Mayor McCranel's seconded the motion which passed unanimously by those present
- b. Interlocal Agreement with the Solid Waste Authority of Palm Beach County for the delivery of municipal solid waste to designated facilities and for a municipal revenue sharing recycling program.
MOTION: Commissioner Larcher moved to approve the Interlocal Agreement.
SECOND and VOTE: Commissioner Kortenhaus seconded the motion which passed unanimously by those present
- c. Special Event Permit No. 0-8-01: Town residents Richard Salmon and Janet Kortenhaus to host an engagement party on Sunday, October 10, 2021, on the 2nd floor of the Community Center. The event will begin at 11:00 am and end at 2:00 pm with 65 attendees anticipated. All paperwork and fees have been submitted.
MOTION: Vice Mayor McCranel's moved to approve the Special Event Permit as presented.
SECOND and VOTE: Commissioner Larcher seconded the motion which passed unanimously by those voting. Commissioner Kortenhaus recused herself from the vote and provided a "voting conflict form" for the record.

7. **ORDINANCES AND RESOLUTIONS**

- a. **RESOLUTION NO. R-11-21** *A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, EXPRESSING SUPPORT FOR THE DREDGING OF THE LAKE WORTH LAGOON EASTERN CHANNEL LOCATED ALONG THE LAKE WORTH INLET FLOOD SHOAL, WHICH IS WITHIN AND ADJACENT TO THE WESTERN BOUNDARY OF THE TOWN OF PALM BEACH SHORES; ACKNOWLEDGING PALM BEACH COUNTY'S PARTICIPATION IN SAID DREDGING PROJECT BY OBTAINING NECESSARY PERMITS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE UNITED STATES ARMY CORPS OF ENGINEERS; FURTHER ACKNOWLEDGING THE FLORIDA INLAND NAVIGATION DISTRICT'S COMMITMENT FOR PARTIAL (APPROXIMATELY 75%) FUNDING OF SAID DREDGING PROJECT THROUGH ITS ANNUAL WATERWAY ASSISTANCE PROGRAM PURSUANT TO F.A.C. 66B-2.005; DIRECTING THE TOWN ADMINISTRATOR TO PROVIDE A COPY OF THIS RESOLUTION TO THE STATE OF FLORIDA THROUGH THE TOWN'S CONGRESSIONAL REPRESENTATIVE AND SENATOR FOR PURPOSES OF SEEKING LEGISLATIVE FUNDING FOR THE REMAINING OUTSTANDING COST OF SAID DREDGING PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

MOTION: Vice Mayor McCranel's moved to approve Resolution R-11-12 as read for first reading.

SECOND and VOTE: Commissioner Larcher seconded the motion which passed unanimously by those present.

b. (First Reading) Ordinance O-6-21 Motorized Scooters and Micromobility Devices: *AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 70. TRAFFIC AND VEHICLES., ARTICLE II. PARKING, STOPPING AND STANDING., DIVISION 1. GENERALLY. TO CREATE AN ENTIRELY NEW SECTION 70-31 ENTITLED "MOTORIZED SCOOTERS AND MICROMOBILITY DEVICES; PARKING AND OPERATION PROHIBITIONS; ENFORCEMENT; SUPPLEMENTAL REGULATIONS." PROVIDING REGULATIONS FOR THE USE OF SUCH VEHICLES; ALSO AMENDING SECTIONS 70-32 AND 48-4 TO PROVIDE INTERNAL CONSISTENCY AND ACCURATE CROSS-REFERENCING OF SUCH REGULATIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 70. TRAFFIC AND VEHICLES. AND CHAPTER 48. PARKS AND RECREATION. 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. (Keith Davis, Town Attorney)*

MOTION: Commissioner Tracy Larcher moved to approve the first reading of Ordinance O-6-21.

SECOND and VOTE: Commissioner Kortenhaus seconded the motion, which passed unanimously by those present.

c. (First Reading) Ordinance O-7-21: *AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH SHORES AT CHAPTER 22. ELECTIONS. AT SECTIONS 22-6. CANVASSING BOARD; METHOD OF VOTING. TO CONFIRM THE TOWN CLERK'S AUTHORITY TO DELEGATE DUTIES TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AS NECESSARY WITHOUT FURTHER AUTHORIZATION FROM THE TOWN COMMISSION AND TO DELEGATE ALL CANVASSING AND CERTIFICATION RESPONSIBILITIES TO THE COUNTY CANVASSING BOARD; DIRECTING THE TOWN CLERK TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 22. ELECTIONS. 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.*

MOTION: Commissioner Janet Kortenhaus moved to approve the first reading of Ordinance O-7-21.

SECOND and VOTE: Commissioner Larcher seconded the motion, which passed unanimously by those present.

d. (Second Reading) Ordinance O-4-21 Elections: *AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH SHORES AT CHAPTER 22. ELECTIONS., SECTION 22-4 TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS.* (Keith Davis, Town Attorney)

MOTION: Commissioner Tracy Larcher moved to approve the second reading of Ordinance O-4-21.

SECOND and VOTE: Commissioner Kortenhaus seconded the motion, which passed unanimously by those present.

e. (Second Reading) Ordinance O-2-21 Impact Fees: *AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 28. FINANCE. AT ARTICLE III. IMPACT FEES. BY REPEALING ALL PROVISIONS RELATED TO THE FUTURE COLLECTION OF TOWN POLICE PROTECTION IMPACT FEES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 28. FINANCE. 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.* (Keith Davis, Town Attorney)

MOTION: Commissioner Tracy Larcher moved to approve the second reading of Ordinance O-2-21.

SECOND and VOTE: Vice Mayor McCranels seconded the motion which passed unanimously by those present.

8. MISCELLANEOUS BUSINESS

- a. **VAR21-02 (R)**, Robert Winfield, Owner of 318 Inlet Way, requests Variance review for: 1) a variance from Sec. Pf. 7.8. to construct two proposed single-story detached garages with reduced side yard setbacks of 6.95 feet where Town Code requires 10 feet, in order to be consistent with the existing (non-conforming) principal residential building setback.

MOTION NO. 1: Commissioner Tracy Larcher moved to deny the variance request stating it does not meet the criteria for items #1, 3, and 4.

SECOND: Commissioner Kortenhaus seconded the motion.

VOTE: The vote failed with Commissioners Larcher and Kortenhaus voting to approve and Vice Mayor McCranels and Mayor Fiers voting to deny.

MOTION NO. 2: Vice Mayor McCranels moved to approve the variance as presented.

SECOND: Mayor Fiers seconded the motion.

VOTE: The vote failed with Mayor Fiers and Vice Mayor McCranels voting to approve and Commissioners Larcher and Kortenhaus voting to deny.

After the two failed votes, it was decided that the applicant will bring his request to the next Commission Meeting where the full commission will be present to vote.

9. **PUBLIC COMMENTS**

Resident Mark Ward had a comment regarding the public beach access at 33 Ocean Avenue. PBSO Sgt. Langevin stated there is a moratorium on trespass open cases at 33 Ocean at this time.

10. **ADJOURNMENT**

MOTION: Commissioner Kortenhaus moved to adjourn the meeting.

SECOND and VOTE: Commissioner Larcher seconded the motion and Mayor Fiers adjourned the meeting at 9:57 pm.

Approved this 28 day of September 2021.


Alan D. Fiers, Mayor

Attest: 
Evyonne Browning, Town Clerk

(Seal)

