

Monday, February 27, 2023  
At 7 P.M.



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

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

#### APPROVAL OF MEETING AGENDA

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

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

**Vote:** Motion passed 5-0

#### APPROVAL OF CONSENT AGENDA

Special Commission Meeting Minutes, January 19, 2023

Commission Meeting Minutes, January 23, 2023

Special Permit 23-01. Fishing Tournament, Sailfish Marina, March 29-31, 2023, Fees Paid, Insurance Provided, 75 People attending.

**Motion:** Commissioner Tracy Larcher made a motion to approve the Consent Agenda as amended to include a discussion item regarding mooring fields.

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

**Vote:** Motion passed 5-0

#### LIFE-SAVING RECOGNITION:

Chief Steedman presented Town Lifeguard Ben Demonstranti with a special recognition award for an extraordinarily difficult life-saving effort. Ben rescued two victims caught in a rip current off the shore by one of the Marriott buildings. One victim was submerged, and the other was still above water. He pulled both to shore simultaneously. Despite resuscitation efforts, one victim survived; the other sadly did not. The degree of skill and courage Ben Demonstranti exhibited in this rescue is truly extraordinary. Lifeguard Demonstranti commented: he stressed that it is so very important that swimmers always swim in a lifeguard area; he commented that the outcome was not as well as he had hoped. Commission and the audience commended Mr. Demonstranti.

#### AGREEMENTS:

**Vote:** Accepting FIND agreement and letter.

**Discussion:** Mayor Fiers has been communicating with the FIND executive director regarding the grant the Town awarded last fall. The agreement says the Town will have matching funds. The funds are coming from the State but will not be confirmed until April. Mayor Fiers received a letter from FIND saying that if the Town does not get the matching funds, the agreement would be dissolved, and no future penalties would be imposed. The agreement needs to be signed before the matching funds come



in. Attorney Davis spoke with Janet Zimmerman from FIND, to whom he sent his edits, and they seem to be amenable to the agreement. He suggests signing the agreement now before the deadline. Attorney Davis answered Commission's questions.

**Motion:** Commissioner Janet Kortenhaus made a motion to approve the agreement with the language amended by the Town Attorney.

**Second:** Commissioner Brian Tyler. **Motion passed 5-0.**

**Vote:** Interlocal Agreement with Lake Park for dredged sand.

**Discussion:** Lake Park will buy the sand removed from the channel. The interlocal agreement deals with the terms of this arrangement. (Where to put the 70,000 cubic yards of dredged sand). Under the agreement, Lake Park will take all the sand. They will pay for the sand and its transportation from Peanut Island to Lake Park Marina.

**Motion:** Commissioner Tracy Larcher made a motion for Staff to move forward agreement with the Town of Lake Park. The agreement will come back to Commission for approval.

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

### **RESOLUTIONS:**

RESOLUTION NO. R-1-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AUTHORIZING THE MAYOR OF PALM BEACH SHORES TO EXECUTE A DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST FORM TO TRANSFER CERTAIN PERMITTING RESPONSIBILITIES TO THE TOWN FOR THE "LAKE WORTH INLET FLOOD SHOAL DREDGING" PROJECT, MAKING THE TOWN A CO-PERMITTEE ALONG WITH THE MARINE INDUSTRIES ASSOCIATION OF PALM BEACH COUNTY, AT THE REQUEST OF THE PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT; AND DIRECTING THE MAYOR TO PROVIDE THE EXECUTED PERMIT TRANSFER REQUEST FORM TO PALM BEACH COUNTY FOR FURTHER PROCESSING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Discussion:** Attorney Keith Davis read by Title Only the Resolution. This resolution gives the Mayor Authorization to sign an agreement with the Department of the Army/ Corps of Engineers and the Florida Department of Environmental Protection permits to the Town as discussed in the above vote for the FIND agreement. Mayor Fiers commented that the new lobbyist assigned to this provides weekly reports, and things seem very favorable compared to last year's lobbyist. Mayor Fiers answered a question from Chris Jackson in the audience regarding the distance of the dredging.

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

**Second:** Commissioner Janet Kortenhaus seconded the Motion. **Motion passed 5-0.**

### **ORDINANCES:**

ORDINANCE NO. O-1-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING ORDINANCE. AT PF. 8.3. BUILDING HEIGHT., TO ELIMINATE THE TOP OF BEAM RESTRICTION FOR BUILDINGS IN ZONING DISTRICT D; 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:** This Ordinance changes the method for measuring building height in zoning District D. This Ordinance eliminates this language and approves measuring District D building height to the roofline. This change does not affect any other zoning district. Planning and Zoning Chairman Jerry Cohn briefly overviewed how the Board decided to revise the Ordinance. It was very apparent that the district was requesting variances for flat roofs, and with the Ordinance revised, there wouldn't be a need for a variance. This district only has flat roofs.

**Motion:** Commissioner Tyler made a motion to approve the first reading of the Ordinance.

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

## **DEPARTMENT AND BOARD REPORTS**

### **Financial Reports:**

Town Administrator Wendy Wells presented the financial report for January 2023. Revenues are running at 66% of the budget, which is slightly less than last year due to the timing of the ad valorem tax revenues. Expenditures are at 36% of the budget, which is higher than last year, primarily due to the Hurricane Nicole expenses totaling approximately \$114,000.00. FEMA will reimburse most of the costs; she and Director Welch are working closely with the FEMA Representative. Mrs. Wells answered Commission's questions.

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

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

**Vote:** Motion Passed 5-0.

Mrs. Wells announced this evening that she is stepping down from her position effective April 2023. Wendy has worked for the Town for 18 years. Commission, Staff, and the Public all commended her on the amazing job she does. Commission and Staff feel that she is irreplaceable, and everyone thanked her for her dedication and service to the Town. Mayor Fiers said they would begin searching for a new Accountant and further discuss the search at the next meeting.

### **Staff Reports:**

- **Sheriff's Department:** PBSO Sgt. Steve Langevin recapped his monthly report and statistics and arrests. He reminded everyone to lock their doors! There was one burglary to a conveyance that resulted in a felony arrest. He reminded everyone that scams are on the rise. Please beware of the click here for your accounts scams and the "my grandson is in jail" scam. Recently a resident fell prey to this one, and luckily, they were able to intercept the \$36,000.00 payment, but only because it was a brokerage account. Sgt. Langevin commented on the recent Town and Civic Group events they have attended; he took pride in announcing that the police won the chilly cook-off against the firefighters at their annual event. They also attended the Fire Fighter's Annual BBQ, where he participated in the dunk tank and jokingly accused people of cheating, as he was dunked numerous times. This past Saturday, at the request of Mayor Fiers, he spent 3 hours on the marine unit with the County Code Enforcement officers, observing derelict boats; this is an older County Ordinance, and they issued several tickets, none of them being inside the 500 feet of the Town. Sgt. Langevin also commented on recent helicopter activity; they were looking for a lost diver, who turned out not to be lost.
- **Fire Department:** Chief Steedman Congratulated the Sheriff's Deputies, Sgt. Langevin on their win at the Chilly Cook-off against the Fire Department. Yesterday's annual Volunteer Barbeque was a huge success; he thanked everyone for coming out. Chief Steedman also said they could not have done it without all the generosity from our residents, visitors, and business community, especially the Sailfish Marina and Resort! Bryan Cheney and the Staff at the Sailfish went above and beyond to



support the fundraiser yet again—special thanks also to PBSFD Ladies Auxiliary and the Marriott Ocean Point. The Chief said the fundraiser helps to fund items not covered in the budget. Volunteers donate approximately 1440 Hours a month; each Firefighter typically works two 24-hour shifts. Chief Steedman also provided the monthly statistics and reviewed his monthly report. The EMS contract is still in the negotiation process, and he will update you at the next meeting. He also reminded everyone that you are welcome to call the on-duty cell phone carried by the officer in charge, but in case of an actual emergency, please call 9-1-1. Commissioner Kortenhaus thanked the Chief and his Staff for their hard work with the annual Barbeque.

- **Public Works:** Director Welch commented on Wendy Wells' resignation; he has enjoyed working with her and appreciates all the help she has provided over the years. Director Welch apologized for missing the Annual Firefighter's Volunteer Barbeque. Mr. Welch provided an update on the ongoing Project around Town, including the vegetation at Inlet Park, the landscaping crew is working on pulling weeds, and they are working on replacing the vegetation there. Hurricane Nichole Inlet Park Restoration FEMA Site Visits were Scheduled on Tuesday, March 7, 2023, and Friday, March 17, 2023. All documents have been submitted for review to finalize the projects. The Project concerning the Kitchen Remodel on the 2nd floor is in the planning stages for the bid process. As built, drawings are underway and will be provided for the bid packet. Director Welch provided an update on the AT&T and the Water Main Projects. He also answered questions from the Commission and the Audience.
- **Town Clerk:** The Town Clerk reminded everyone that there is a Municipal Election this upcoming Tuesday, March 14, 2023, and encouraged everyone to come out and vote.
- **Town Attorney:** Attorney Davis updated Commission on a recent litigation case that just got out of the 4<sup>th</sup> District Court of Appeals involving the Town of Juno Beach regarding how Ordinances are advertised. Previously a Town would hear 2<sup>nd</sup> reading on an Ordinance and postpone the decision to a certain time and not have to re-advertise it. The Court has now ruled that local governments will now have to re-advertise their Ordinances.
- **Planning and Zoning Chairman:** Jerry Cohn gave a brief overview of the last P&Z Meeting; there was a variance request from the Buccaneer for roof pitch and elevation, and the Board recommended denying the variance. Also, there was a discussion regarding artificial turf and its use. There will be a draft Ordinance coming forward to Commission next month. The Board also discussed imposing time limits on construction projects.

### **COMMISSION REPORTS:**

#### **Mayor Fiers gave an update on the following:**

AT&T: The north end of Town is almost completed; one house and two multi-units buildings remain to be completed. In the south, conversions continue in the single-family homes. In the condos and multi-unit buildings, the progress has been slowed by the layoff of the engineer with whom we had been working. Alan Welch and I are working to address this slowdown.

The main water replacement: The Mayor recently met with the City of Riviera Beach's Water District. There are well aware that there is a time frame and the need to add more funds. A new Chief Engineer is coming on Board, hopefully resulting in a quicker resolution. The new lines are currently being water tested. Several leaks were found. The repair of these required opening the roads again and correcting the leaking joints. Once this process is completed, the streets will be patch paved. Then the contractor will return to Lake Drive and begin the connections of the service lines that run behind the homes, or on the



west side of Lake and the south side of Inlet, the meter connections will be made. When each connection is made, the water will be turned off for a period of time, probably an hour or two. Then folks will be required to boil the drinking and cooking water for several days after the connection is made. You will be notified in advance when your street will be impacted and given precise instructions on boiling requirements.

Singer Island Dredging Project: The Commission voted on an interlocal agreement with the Town of Lake Park. Lake Park will buy the sand that is removed from the channel. The interlocal agreement deals with the terms of this arrangement. Under the agreement, Lake Park will take the sand. They will pay for the sand and its transportation.

#### **DISCUSSION ITEMS:**

Derelict Boats and Mooring Field: Mayor Fiers echoed Sgt. Langevin's report on the Derelict boat issue, there is a County Ordinance in place, and it is now being acted upon, and boaters are being issued citations. Riviera Beach proposing to install two mooring fields; this will reduce the number of boats that anchor in the Lagoon and force the boats to tie up to the mooring field. The Mayor is in favor of supporting Riviera Beach in its effort to move forward with the northern circular mooring field, but not the southern because it is in Palm Beach Waters, and the Town of Palm Beach is opposing it. The Mayor asked for the support of the Commission, and by Consensus, all of the Commissioners are in support.

#### **PUBLIC COMMENTS:**

Rick Kollmeyer said that the POA mailing list and emails had been hacked; someone was sending out emails that seemed to be suspicious, and they were spreading false information concerning Inlet Park. Mr. Kollmeyer made a plea to the public to come forward. The following residents spoke regarding their concerns over the ongoing Inlet Park Situation: Joan Bancroft-Brody read a letter to the Commission and presented a petition that she would like made part of this record. (attached). Grace Skerritt, Peggy Nagel, Karen McGuire, Carol McKenna, Ryan Kramer, Troy (inaudible last name), Tammy Emmerson, Roselyn Johnson, Rick Kollmeyer, Paul Sivilotti, Marian Sivilotti. Due to the pending litigation, the Commissioners could not comment at all. However, Mayor Fiers Commented that the disagreement and, in some cases, anger between neighbors is disconcerting and disheartening. We live in a place where we have a little piece of heaven, and there needs to be a little give on each side to find a solution.

#### **ADJOURNMENT:**

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

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

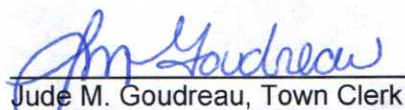
**Vote:** Motion passed 5-0.

The meeting was adjourned at 9:10 P.M.

Approved this day, 27<sup>th</sup> Day of March 2023.

ATTEST:

  
Alan Fiers, Mayor

  
Jude M. Goudreau, Town Clerk

(Seal)

