

Monday, March 27, 2023
Immediately Following the Reorganization
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

Regular Commission Meeting
Minutes
Amended 04.25.2023

CALL TO ORDER

Mayor Fiers called the meeting to order at 7:40 P.M. 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, and Town Attorney Keith Davis.

APPROVAL OF MEETING AGENDA

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

Second: Commissioner Tyler seconded the Motion.

Vote: Motion passed 5-0

APPROVAL OF CONSENT AGENDA

a) Commission Meeting Minutes, February 27, 2023

b) Permit 23-02 – Walk for Victim's Right- Annual Event- Sponsor State Attorney's Office. Fees Paid Approximately 100 Participants, 8–11 A.M. on April 29, 2023

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

Second: Commissioner Ward seconded the Motion.

Vote: Motion passed 5-0

VARIANCES:

VAR23-01, Buccaneer Condominium Assoc., Owner of 142 Lake Drive, requests Variances from 1) Pf. 7.13 to allow for a roof pitch of 2/12 over units 1/2, 18/19, and three entryways where Town Code requires a minimum pitch of 4/12 and 2) Pf. 4.6 to allow for a grade elevation of 3.30 feet NAVD and a finished floor elevation of 3.58 feet NAVD for the Dockmaster's Office Addition, where Town Code requires 4.96 feet and 7.0 feet NAVD, respectively.

Attorney Keith Davis swore in the representatives Josh Miron, Stuart Grandfield, and (Chris Hamilton, who attended via Webex). Attorney Davis asked the Commissioners if there was any ex parte communication with the applicant, Mayor Fiers has spoken with the attorneys for the applicant, and the rest of the Commission has walked by, biked by, or driven by the property only. Attorney Davis reminded Commission of the Variance Codes according to P.F. 15.3. and that the applicant shall meet each criteria in the code before a variance can be approved.

Discussion: Attorney Josh Miron gave an overview of the project, the variances requested, and a brief history of the property, including the 18-slip dock. They are also hoping to renovate the dock in the near

future; they have applied for and received an FDEP permit. They are planning on finishing the refurbishment of the eighteen condo units within the next six months.

There was a lengthy discussion regarding the variance for the Buccaneer Condominium Association: Two separate variances were requested, one for relief from the required building elevation and one for relief from the required roof pitch, both for a 186 Square foot addition to the Dock Master office. **Motion:** Commissioner Larcher made a motion to deny the request for both variances. **Second:** Commissioner Mark Ward seconded the Motion. A 2-3 vote defeated the Motion. Oppose were Mayor Fiers, Vice Mayor McCranels, and Commissioner Tyler.

After further discussion and the applicant answering the Commissioner's questions, a second motion to approve, with certain conditions, was made. Commissioner Larcher asked Attorney Davis for clarification of the Variance Criteria. Attorney Davis read the criteria from PF 15.3

Motion: Commissioner Brian Tyler made a motion to approve with the following conditions: Floodproof panels are in place and are not injurious with the town's CRS Rating and Flood Table.

Mayor Fiers stated that the building is grandfathered in because of its age, from FEMA's Pre-FIRM Rules, and would have no impact on the CRS Rating.

Second: Vice Mayor Scott McCranels. **Motion Passed 3-2** with Commissioner Larcher and Commissioner Ward opposed.

ORDINANCES:

Second Reading: 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: Attorney Davis read by title only the Ordinance. This Ordinance deals with height measurement in District D: All buildings in this district have flat roofs measuring to the top beam, as currently required in the code. This Ordinance eliminated that measurement requirement. Under the change, the only height measure is the roof structure.

Motion: Commissioner Tyler made a motion to approve the second 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 March 2023. Expenditures are 42% of the Budget, which is higher than last year because of the hurricane and waiting for reimbursement from FEMA. Revenue is at 80% of the Budget, which is primarily due to ad valorem taxes, the building department, and interest revenue, which has been seen for a long time. Mrs. Wells also provided an update on the Roads Project and Dredge Project Funds. Mrs. Wells answered the Commission's questions.

Public Comment: Robert Windfield questioned if there is a line item of expenses spent so far on Inlet Park and if there is a budget to further improve the park. Mrs. Wells and Mayor Fiers answered Mr. Windfield's questions. There are no plans to improve the park at this time.

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

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion Passed 5-0.

Staff Reports:

Sheriff's Department: PBSO Sgt. Steve Langevin asked for Volunteers to hide 4,000 eggs for the Easter Egg Hunt on April 8. The new Body One Cameras have arrived; they will be installed in the cars in May, and then training will begin, so hopefully, by June, they will be up and fully operational. March calls for service include a fight at The Sailfish Marina; a deputy was spit on during the arrest and will now be tested for diseases for the next two years. Three boats were burglarized, which led to the chase of the suspect, and during the pursuit, another deputy suffered an injury to the knee and will be out of work for a while. They have DNA, fingerprints, and video surveillance of the suspect, and detectives are working on identifying the suspect. Sgt. Langevin said that the St. Patrick's Day parade was enjoyed by all, with only one incident where a Mo-ped may have been stolen; the owner is unsure. Commissioner Ward said he recently spent a day on the walkway and was blown away by the number of people who walked and questioned whether there should be signs saying no bikes allowed. Sgt. Langevin responded to his question.

Fire Department: The Chief thanked the St. Patrick's Day Parade Committee, Elizabeth Kuechenmeister, Sailfish Marina, Marriott Ocean Point, Nico at the Islander, and many other volunteers and staff members, the turnout was good, and the weather held out. Chief Steedman also mentioned that next year the parade will be held on March 16, 2024. Chief Steedman provided a recap of his written report along with rescue statistics. The Department had 165 hours of training this month that included formal drills that they do weekly. EMS transport contract is progressing; he and Wendy Wells, Town Administrator, have attended several negotiation meetings with the City of Riviera Beach. Chief Steedman responded to Commissioner Ward's question regarding EMS billing and transportation during a medical emergency. There was a brief discussion amongst the Commission regarding the EMS contract and services.

Public Works: Director Welch said that his Department is now fully staffed with the recent hiring of Oscar Almaguer as Tech II and Kowolics Parham Tech I. Director Welch also reiterated his monthly written report. One of the main focuses for the Public Works Department is receiving quotes for the second-floor remodel, quotes for the new roll-down shades, the new sound panels and acoustics, and twelve new 6-foot round tables, all for the Community Center. Mr. Welch also provided an update on Grounds & Parks, Streets, Lift Stations, and Town Buildings. He also gave a brief update on AT&T Project.

Town Clerk: No verbal report this month.

Town Attorney: No report this month.

Planning and Zoning Chairman: The P&Z Board met in February at their last regularly scheduled meeting, and there was a discussion regarding a new Ordinance for the use of artificial grass or turf in the Town. Chairman Cohn submitted a letter to the Commission which briefly gives the main points and would appreciate it if the Commissioners would read, discuss, and give back to the Board some direction on what might be acceptable to be adopted by the Town. Chairman Cohn also informed Commission that on a recent application, the Board recommended denial for a Variance at 142 Lake Drive.

COMMISSION REPORTS:

Mayor Fiers provided an update on the AT&T Project:

Plans are being drawn up to finish the removal of overhead AT&T lines in the north half of Town. Removal should be completed before the beginning of hurricane season. Conversion to the new fiber service in the south half of the Town is progressing at a slower rate because of the condo buildings.

The Watermain replacement project: The roads and all of the cutovers should be done by the end of this week if it doesn't rain. From then on, progress depends on the Riviera Council approving a \$750,000 change order which will cover the costs of the items omitted from the original plans and contract. This item will be taken up at the April 5 Riviera Beach Council meeting. We are in close contact with Riviera Beach Staff and leadership on this issue, and the Mayor plans on attending the meeting on April 5, 2023.

The Dredging Project: The Mayor reports that this is all good news; the Town is in the House Bill for \$100,000.00, and we the number one choice for our representative and the number one choice of the chair of the appropriations committee, so we are in good shape there. The Senate put the Town in the appropriation bill for \$500,000.00, and our lobbyist told Mayor Fiers not to worry about it, that the House Bill generally carried she we should get the full amount.

OTHER BUSINESS:

Mayor Fiers said that at the last workshop, they decided to change the expiration dates of the beach parking pass to December 31 of each year to accommodate our residents better. This year's parking pass will be from July 1, 2023, through December 31, 2024, for 18 months for the same rate of \$10.00 for residents and \$350.00 for non-residents.

Motion: Vice Mayor Scott McCranels made a motion to approve the parking passes.

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

PROCLAMATION:

Wendy Wells Read a proclamation on behalf of Mayor Fiers naming March 31, 2023, as the Town's Arbor Day Celebration. He hopes that everyone can attend this year's celebration.

Motion: Commissioner Mark Ward made a motion to approve the Proclamation.

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

PUBLIC COMMENTS: The following residents voiced their concerns or opinion on Inlet Park; Paul and Marian Sivilotti, John Peterson, and Peggy Nagel. The Commission is not able to answer or discuss Inlet Park due to the ongoing litigation.

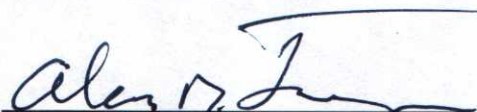
ADJOURNMENT:

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

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0. The meeting was adjourned at 9:57 P.M.

Approved this day, **22nd Day** of May 2023.


Alan Fiers, Mayor

ATTEST:


Jude M. Goudreau, Town Clerk

(Seal)

