

Monday, May 22, 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 Treasurer Darlene Hopper
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.

APPROVAL OF MEETING AGENDA

Motion: Commissioner Larcher made a motion to amend the meeting agenda to reorder item number ten up to item number three.

Second: Commissioner Mark Ward seconded the Motion.

Vote: Motion passed 5-0

PROCLAMATION:

Motion: Commissioner Tyler made a motion to approve a Proclamation honoring Palm Beach State College.

Second: Vice Mayor McCranels seconded the Motion.

Vote: Motion passed 5-0.

Attorney Keith Davis read the Proclamation, and Mayor Fiers presented the Proclamation celebrating the 90th Anniversary of Palm Beach State College to: Jyrece McClendon- Dean of Academic Affairs; Kenneth Badaracco- Interim Assistant Dean; Susan D. del Portal- Manager, External Affairs, Mayor Alan Fiers, Dr. Tracy Pellett- Provost/Dean.

APPROVAL OF CONSENT AGENDA

Commission Meeting Minutes, April 24, 2023.

Amended Commission Meeting Minutes March 27, 2023.

Special Permit Application 23-03- Sailfish Marina, Boat Race, approximately 150 People. June 2-June 4, 2023. Fees Paid, Insurance verification pending.

Special Permit Application 23-04- Sailfish Marina, Family Fun Day, approximately 300 people. August 12, 2023. Fees paid, insurance verification pending.

Special Permit Application 23-05- Sailfish Marina, Fishing Tournament, approximately 300 people. June 23-24, 2023. Fees paid, insurance pending.

Motion: Commissioner Larcher made a motion to approve the Consent Agenda.

Second: Commissioner Tyler seconded the Motion.

Vote: Motion passed 5-0

VARIANCES:

VAR23-02: 300 Linda Lane LLC, Owner of 300 Linda Lane, requests Variance Approval for a variance from Pf. 12.8(a) & (b) to allow for installation of an emergency generator forward of the mid-point of the principle structure where Town Code requires the generator to be located between the mid-point of the principle structure and rear lot line and a to allow a reduced setback of two (2) feet where Town Code requires five (5) feet.

Attorney Davis read the variance by Title and swore in the Applicant, Mrs. Anne Levine. Mr. Davis also asked for any ex parte communications from the Commissioners. P&Z Chairman Jerry Cohn was present and informed the Commissioners that his board did vote to recommend the variance request. Commissioner Ward questioned why there were two surveys in the application. The Applicant answered the Commissioner's questions.

Motion: Vice Mayor Scott McCranel made a motion to approve Variance 23-02.

Second: Commissioner Brian Tyler seconded the Motion.

Vote: Motion passed 5-0.

VARIANCE EXTENSION:

Kannega Glades LLC Owner, 123 Ocean Ave. Request a 6-month extension on the following two Variances:

VAR22-02: Kannega Glades LLC, Owner of 123 Ocean Avenue 101, requests Variance Review to allow for 1) a variance from Pf. 8.7 to allow for a 29.4-foot front yard setback where the Town Code requires 40 feet, a variance of 10.6 feet; 2) a variance from Pf. 8.9 to allow for a 21.8-foot rear yard setback where the Town Code requires 70 feet, a variance of 48.2 feet; 3) a variance from Pf. 8.8 to allow for 15-foot side yard setbacks where the Town Code requires 18 feet for each story over two stories, a variance of 3 feet, and 4) a variance from Pf. 8.5 to allow for 39.1% lot coverage, where the maximum allowed by the Code is 24% for a six-story building, a variance of 15.1%. VAR22-02 was approved on November 28, 2022, and **VAR22-03:** Kannega Glades LLC, Owner of 123 Ocean Avenue 101, requests Variance Review to allow for a variance from Pf. 8.3 to allow for the top of the beam to be at 68 feet, where Town Code limits the beam height to 63 feet measured from the grade elevation, a variance of 5 feet. VAR22-03 was approved on November 28, 2022

Attorney Davis gave an overview of the request. Variance 22-03 is no longer considered a variance since the Town has changed the requirements for that district's beam height and the Town Code. Present at the meeting and to answer questions from the Commission was: Deepak Khosa, owner of Kannega Glades LLC; Charles Millar, Senior Project Manager; Tony Escandari, Engineer; John Hodgdon, Real Estate Agent for the project. Mayor Fiers asked Attorney Davis to read into the record a letter dated May 9, 2023, that the Applicant's attorney received from the Town after a discussion at a town workshop concerning the condition of the failing building.

Discussion: A very lengthy discussion took place between Commission and the project's team. Mr. Millar provided a PowerPoint Presentation outlining the five points of concern from the attorney's letter. Mr. Millar gave an overview of the project timeline. They hired a demolition company and gave a deposit; Ivelisse Fradin of BG Group was present via Webex and answered questions from Commission. The demo permit and disconnection requests have been made, along with an asbestos survey; she anticipates the building to be demolished and sod to be placed on the lot by the end of October. Mayor Fiers said that the Town will do everything in its power to expedite the permit process and assist in any way it can. The Mayor said more action and less words from the Applicant are essential at this point.

Motion: Commissioner Brian Tyler made a motion to approve the extension request, subject to Proof of Contract with the demolition company, proof of deposit, and the 90-day projected window tightened up.
Second: Vice Mayor Scott McCranels seconded the Motion. Commissioner Larcher asked that the original Motion be amended to include the structure complying with Section 14 of the Town's Code or that the Order be rescinded. The Maker of the Motion, Commissioner Tyler, accepted that amendment.
Vote: Motion passed 5-0.

AGREEMENTS:

Vote: Amendment to the Interlocal Cooperation Agreement with Palm Beach County for purposes of certain federal community development funds from the U.S. Department of Housing and Urban Development.

Discussion: Mayor Fiers gave a brief overview of the agreement, a long-standing agreement, and while this program does not directly affect the Town, it does affect the County; signing the agreement helps the County and its programs.

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: Revenue is tracking ahead of budget due to the timing, and expenses are on budget. Mrs. Hopper answered the Commissioner's questions.

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

Second: Vice Mayor Scott McCranels seconded the Motion.

Vote: Motion Passed 5-0.

Staff Reports:

Sheriff's Department: PBSO Sgt. Steve Langevin gave an overview of the monthly report. Sgt. Langevin also updated the Commissioners on recent activities and arrests. Recently, an incident at the Marriott was called in to dispatch as a murder and turned out to be a misunderstanding caused by a disgruntled customer. Numerous agencies responded to the incident. Sgt. Langevin said the Town's Easter Egg Hunt went very well and thanked all the volunteers and businesses for their donations.

Fire Department: Chief Steedman gave an overview of his Monthly Report for April, as printed, and provided the monthly EMS statistics and training hours. Chief Steedman thanked Mr. Lewis from Bravado Lane for donating his home, which our Fire Department used for training. He also informed Commission that there is a new State program F-ROC (Florida Recovery Obligation Calculator) F-ROC is a new initiative sponsored by the Florida Division of Emergency Management (FDEM) that standardizes, streamlines, and simplifies the Public Assistance process. This program will result in a quicker recovery and reduced risk for Applicants for FEMA reimbursements. Chief Steedman requested direction from Commission to proceed to participate in the pilot program, which is free and provides training for municipalities. Hurricane Passes are now available for this hurricane season; please see Mary at the PBSO Substation.

Public Works: Director Welch started his report by thanking the residents for making his new staff feel welcome and for his team's positive interactions with the residents. Director Welch updated the Commissioners on the Community Center renovations; the Architectural plans have been submitted to the Building Department, and equipment has been ordered and should arrive within three to four weeks.

Mr. Welch also updated the Commission on the Tidal Value Project, AT&T Project, Watermain Project, Street Repairs, and Outfall Pipes. Mr. Welch answered questions from the Commissioners.

Town Clerk: No Report other than the written report given to Commission with the agenda.

Planning and Zoning Chairman: Chairman Cohn has no report this month.

Town Attorney: Attorney Davis provided a brief legal update on the Anchorage litigation suit. A motion to dismiss will be filed on June 7, 2023; it will be a virtual hearing, and Attorney Davis will update when he gets further. Mayor Fiers asked Attorney Davis to clarify Form 6, which was recently an HB signed by the Governor. Beginning January 2024, Local Legislation will be required to fill out Form 6 annually instead of Form 1, which they file annually now.

COMMISSION REPORTS:

Update on Water Main Project: Work on the water main replacement project will resume in the first week of June. We will send out special email blasts to keep everyone posted about road closures and water shut-off/boiling requirements. The project should be done by September 2023.

Road Project: Plans for the road repaving project drawings are about ninety percent complete. Once the Town's engineers have reviewed the plans, they will move forward and either piggyback off another contract or we will go out to bid. Paving and road repair work will start immediately following the water main project.

Dredging Project: The Dredging funds await the Governor's signing of the appropriation bill. Attorney Davis informed the Town that we must follow the CCNA process to select the engineering firm and go out for bid contractors.

AT&T Update: AT&T is planning to remove the remaining overhead lines from the north end of Town. They also have some overhead fiber lines which they must bury. They are also beginning plans to remove all more lines in the south half of Town, and this should be completed by year-end.

ORDINANCES:

Ordinance O-2-23 Second Reading:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS., SEC. 14-63. – PROCEDURE. TO REQUIRE THE INSTALLATION OF SYNTHETIC TURF TO BE REVIEWED BY THE PLANNING & ZONING BOARD AND CHAPTER 78. VEGETATION AT SECTION V. LANDSCAPING., SEC. 78-77.1. – DESIGN GUIDELINES. TO CREATE AN ENTIRELY NEW SUBSECTION TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF FORWARD OF THE FRONT FAÇADE OF THE PRINCIPAL BUILDING OR ANY ACCESSORY STRUCTURE OR IN ANY LOCATION WITHIN OR VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY ON ANY PROPERTY IN ANY ZONING DISTRICTS WITHIN THE TOWN; 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. There was no discussion; the item has been discussed at workshops and by the LPA Board. Mayor Fiers received a letter from a resident opposing the Ordinances, which will be attached was forwarded to each Commissioner.

Motion: Commissioner Mark Ward made a motion to approve the First Reading of the Ordinance.

Second: Commissioner Tracy Larcher seconded the Motion.

Vote: Motion Passed 4-1, with Vice Mayor McCranel against.

OTHER BUSINESS:

EMS Contract: Mayor Fiers updated Commission on where the Town stands in the contract negotiations. He presented a worksheet with preliminary figures. Mayor Fiers has met with Riviera Beach Town Manager Jonathan Evans and Finance Director Randy Sherman numerous times and has yet to receive a resolution. Mayor Fiers reluctantly would like to see the end result being a total of \$650,000.00 annually, but they have yet to reach an agreement.

There was a discussion amongst the Commissioners and Chief Steedman regarding fees, insurance billing, number of calls of service per year, and the cost of running our own EMS Services, which would include buying vehicles, hiring additional Fire Fighters/Medics, and obtaining our own COPCN. Chief Steedman is working with PBCFR and Riviera Beach Fire Rescue Chiefs on a tiered dispatch system that would reduce the number of calls that necessitate sending an ambulance for calls that do not need to be transported. Mayor Fiers would like to have Finance Director Randy Sherman come to a meeting and answer his and the Commission's questions.

PUBLIC COMMENTS: There were no public comments.

DISCUSSION ITEMS:

Commissioner Tyler would like to see the backup material he sent to the clerk circulated to the Commissioners before the next workshop or meeting.

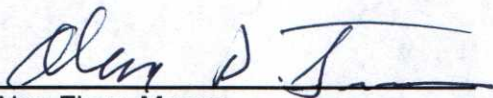
ADJOURNMENT:

Motion: Vice Mayor McCranel made a motion to adjourn the meeting.

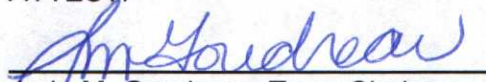
Second: Commissioner Tyler seconded the Motion. Motion passed 5-0.

The meeting adjourned at 9:42 PM.

Approved this day, **26TH** Day of **June** 2023.


Alan Fiers, Mayor

ATTEST:


Jude M. Goudreau, Town Clerk

