

Monday, May 23, 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

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

Pledge of Allegiance.

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

Also in attendance were: PBSO Sgt. Steve Langevin, PBSO Major Martino, Fire Chief Trevor Steedman, Public Works Director Alan Welch, and Town Attorney Keith Davis.

APPROVAL OF MEETING AGENDA

Town Administrator Wendy Wells asked to strike an item under Other Business, Vote to approve Opioid settlement agreements; this item was not ready to be heard.

Motion: Commissioner Janet Kortenhaus made a motion to approve the Meeting agenda as amended.

Second: Vice Mayor Scott McCranels seconded the Motion.

Vote: Motion passed unanimously.

APPROVAL OF CONSENT AGENDA

Commission Meeting Minutes, April 25, 2022

Agreement with Phillips and Jordan for Hurricane/Disaster Debris removal and renewal of SWA.

Special Events Permit Number 22-05 Requested by Sailfish Marina for a Fishing Tournament on June 23-25th with approximately 300 participants. Fees have been paid, and Insurance has been provided.

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

Second: Commissioner Tracy Larcher seconded the Motion.

Vote: Motion passed unanimously.

DEPARTMENT AND BOARD REPORTS

Financial Reports: Town Administrator Wendy Wells presented the Monthly Financial Report for the Month of April. Mrs. Wells answered the Commissioner's questions.

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

Second: Vice Mayor Scott McCranels seconded the Motion.

Vote: Motion passed unanimously.

a) **Staff Reports:**

- **Sheriff's Department:** PBSO Major Martino was present and said all is going well with the four cities he oversees. Palm Beach Shores has the lowest crime for this region. Major Martino announced that he would not be retiring in December as planned; he is planning on staying for three more years. Sgt. Langevin gave a recap of his written report and provided crime statistics for the month and brief descriptions of the crimes. He also updated everyone on the recent two-day training on their new firearms, and they have all participated in crisis intervention training. Sgt. Langevin and Town Representative Elizabeth Kuechenmeister attended the Quarterly Citizens Advisory Board Meeting along with the Major, Colonel, and all the North County Captains. Sgt. Langevin also recapped last month's boating accident and Easter Egg Hunt.
- **Fire Department:** Chief Steedman provided details of the monthly statistics; call volume is up 13% due to the incidents that Sgt. Langevin mentioned. The Chief said there was a recent news article with unflattering Covid reports stating the numbers are up; it's unsure where the numbers are coming from; the statistic shows that only 4% of the case result in hospitalization. Chief Steedman thanked Sandi, the Mayor, and staff members for sharing a recent article regarding a food truck explosion. The Chief said this alone is why we are so diligent on the safety when allowing them in Town. Chief Steedman also provided an update on the sale of the Fire Engine and delivery of the new one.
 - **Public Works:** Director Welch thanked the residents for their help and support on the recent tree trimming project, everyone took extra precautions on the parkway, and he appreciated the effort. Director Alan Welch updated the following tasks: Tree Trimming, Town Hall and Community Center Painting, and the Community Center Floor. Mr. Welch updated the AT&T project, and street storm drains swales. Upcoming projects will include coating the flat roof on the Town Hall Building, replacing the metal doors at the Community Center; the awnings at the Community Center, finishing the painting project at the PD and FD building; replacing the concrete trash cans and park benches throughout the Town. The Iguana Extermination program is underway and seems to be successful so far; 33 Iguanas have been eliminated thus far. See Mr. Welch's monthly report for complete details.
- **Town Clerk:** No Report.
- **Planning and Zoning Chairman:** Jerald Cohn, Chairman of the Planning and Zoning Board, said that at the April meeting, he was nominated as Chairman, Tim Blash as Vice-Chair, and Members Tony Lembo, Kevin Banks, and Steve Smith were all reappointed. At the meeting, the Board unanimously recommends Ordinance O-2-22 and O-3-22 before the Commission tonight, second reading. The Board also recommends Ordinance O-4-22 before Commission for first reading.
- **Town Attorney:** No Report

COMMISSION REPORTS

Mayor's Updates:

- Mayor Fiers said the Port is currently going through a reevaluation of operations to expand and improve the functionality of the Port and perhaps put in an inland port someplace near the Glades. They're trying to use the existing property and move buildings around to make it more efficient. They are having focus meetings and seeking public opinions. The project will not have an impact on the Town.

OTHER BUSINESS

Presentation: Redevelopment at 123 Ocean Drive, by Developers and Owner.

Charles Millar, Senior Project Manager for the Atwell Group, presented a PowerPoint presentation (attached to these minutes) of a proposed development plan and rendering of the building. The company is looking for direction from the Town before finalizing any plans and before submitting a formal application for review. The proposed development would include renovating the adjacent Town Parking lot including new bathrooms, new beach equipment storage, new landscaping, new lighting fixtures, parking stalls, and preserving existing dunes and vegetation. The plan includes demolition of the existing building elimination of on-street parking, and a rooftop pool with landscaping, not to exceed the height restrictions. Mr. Millar answered the Commissioner's and Public's questions. Attorney Keith Davis informed Commission that any comments made are not to be misconstrued as a formal decision and are subject to formal reviews by the boards. By Consensus Commission agreed that the project should move forward and go to the DRC and P&Z Boards for consideration.

RESOLUTIONS:

Resolution: R-7-22

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, CREATING AN AD HOC COMMITTEE ON INLET PARK ENCROACHMENTS; PROVIDING FOR COMMITTEE COMPOSITION, AUTHORITY & RESPONSIBILITIES; PROVIDING FOR COMPLIANCE WITH LAWS; PROVIDING FOR SUNSET OF SAID COMMITTEE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Discussion: Keith Davis read the Resolution by title and gave a brief description. The Resolution was created based on recommendations at the last workshop to form a committee of citizens to look at the continual issues on the Inlet Encroachments at the Anchorage. Commissioner Larcher presented additional language for the Resolution (attached to these minutes). Attorney Davis will amend the Resolution. After a lengthy discussion Commission nominated the following to the Ad Hoc Committee: Steve Barrow, Dodi Glas, Paul Siviletti, Bob Stanton, and Grace Sterritt.

Motion: Commissioner Tyler made a motion to approve the Resolution as amended by Commissioner Larcher.

Second: Commissioner Larcher seconded the Motion.

Vote: Motion Passed with a 3-2 vote. Mayor Fiers and Commissioner Kortenhaus opposing.

ORDINANCES:

Second Reading: ORDINANCE NO. O-2-22

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 Larcher made a motion to approve the Ordinance.

Second: Commissioner Kortenhaus seconded the Motion.

Vote: Motion Passed Unanimously.

ORDINANCE NO. O-3-22 Second 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: Commissioner Tyler seconded the Motion.

Vote: Motion Passed Unanimously.

ORDINANCE NO O-04-22 First Reading:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 78. VEGETATION. AT ARTICLE III. LANDSCAPING., SECTION 78-77.1. – DESIGN GUIDELINES. TO REQUIRE THE INSTALLATION OF ADDITIONAL LANDSCAPING PLACED INTERMITTENTLY AGAINST LONGER EXPANSES OF BUILDING WALLS WITH LITTLE ARCHITECTURAL DETAIL TO BREAK UP THE WALLS FOR MULTI-STORY STRUCTURES IN ALL ZONING DISTRICTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78 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.

Commissioner Kortenhaus would like the language to reflect clarification on the "longer expanses of building walls ."Commissioner Tyler also commented that 222 Edwards and 230 Bravado are examples of not enforcing the current ordinances, so he feels that adding to the ordinances is not beneficial. P&Z Board Chairman Cohn said that it is up to the Town to review the landscape plans and to do a final inspection before granting a certificate of completion. Tim Blash was recently appointed as the P&Z Landscape Representative. By Consensus Commission would like the Ordinance revised and language to include a more specific direction, exclude specific types of trees, and change the front setback to make an exception for the new underground utilities. The Ordinance was referred to the P&Z Board.

Motion: Commissioner Kortenhaus made a motion to table the Ordinance until P&Z Board can revise the language.

Second: Commissioner Tracy Larcher seconded the Motion.
Vote: Motion Passed Unanimously.

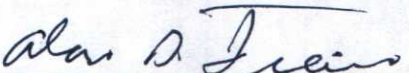
PUBLIC COMMENTS: The Following residents all spoke during public comments with concerns or suggestions regarding the ongoing Inlet Park Encroachments; Pam (President Whispering Pine), Karen McGuire, Grace Skerritt, Dodi Glas, Frank Bujold (Anchorage) reiterated that the Anchorage has paid for maintenance and upkeep for decades. Mr. Bujold's concerns are for the safety of the residents at Anchorage. Margaret Nagel and Tammy Emerson

ADJOURNMENT:


Motion: Commissioner Tyler made a motion to adjourn the meeting.
Second: Vice Mayor McCranel's seconded the Motion.
Vote: Motion passed unanimously.

The meeting was adjourned at 9:34 pm.

Approved this 27th day of June 2022.


Alan Fiers, Mayor

ATTEST:


Jude M. Goudreau, Town Clerk
(Seal)

