

Monday, September 26, 2022,  
Immediately Following the Final  
Budget Hearing at 7:00 pm.



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 7:09 pm. Those present were Mayor Alan Fiers, Commissioner Tracy Larcher, Commissioner Brian Tyler, Commissioner Janet Kortenhaus, and Town Administrator Wendy Wells. Also in attendance were: PBSO Sgt. Steve Langevin, Public Works Director Alan Welch, and Town Attorney Keith Davis. Vice Mayor Scott McCranels was absent from the meeting.

#### APPROVAL OF MEETING AGENDA

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

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

**Vote:** Motion passed 4-0

#### APPROVAL OF CONSENT AGENDA

- a) Commission Meeting Minutes, August 22, 2022
- b) Approve Special Event – Permit 22-06. Turkey Trot Run- November 24, 2022. Hosted by The Marriott. Approximately 150 people are attending.
- c) Approve Special Event- Permit 22-07. Reindeer Run- December 24, 2022. Hosted by The Marriott. Approximately 130 people attending.
- d) Approve Special Event-Permit 22-08. Game on! Triathlon -October 30, 2022, Hosted by The City of Riviera Beach and North Palm Beach. Approximately 350-400 people are attending.
- e) Approve Special Event-Permit 22-09- Birthday Party November 26, 2022, hosted by Resident Jennifer Farinas-approximately 80 people attending.
- f) Approve Special Event Permit 22-10. Shrimp Boil – October 21, 2022. Hosted by Lisa Tropepe. Approximately 100 People are attending.

**Motion:** Commissioner Brian Tyler made a motion to approve the Consent Agenda as amended; Items B and C were removed.

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

**Vote:** Motion passed 4-0

#### GUEST SPEAKER

- o Sen. Bobby Powell with Legislative Update. State Senator Bobby Powell reported on the 2022 session of the State Legislature. He addressed several legislative issues: two of the most important were the new laws dealing with inspections of waterfront buildings (a reaction to the Surfside catastrophe), buildings within 3 miles of the coastline will be inspected every ten years. He noted that the legislation passed was done quickly and almost certainly will be refined in the 2023 session. Regarding Homeowner's Insurance, he stated that he did not support the legislation that was passed and did not vote for it. The redistricting shifted Senator's district south, but he will still represent our Town. Senator Powell answered questions from the Commission and the Public.



## **DEPARTMENT AND BOARD REPORTS**

**Financial Reports:** Town Administrator Wendy Wells presented the Monthly Financial Report for the Month of August. Revenues are reported at 100.4%, and expenditures are at 87.3%. Revenues are higher due to the building department and some large projects. Mrs. Wells answered the Commissioner's questions.

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

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

**Vote:** Motion Passed 4-0.

### **Staff Reports:**

- **Sheriff's Department:** PBSO Sgt. Steve Langevin recapped his monthly report and statistics and elaborated on the arrests, and crimes deputies have responded to. Sgt. Langevin thanked all the Town Departments for working well together and preparing for the storm. PBSO has approved two additional CCTV Cameras, which will be mounted on Town streetlights, one on Lake and Tacoma and one on Edwards and Ocean. And in conclusion, due to the main water project on Lake Drive, the Deputies have made 97 traffic stops in two months, 44 truck inspections were conducted, and additional deputies are being added to control the stop sign violations.
- **Fire Department:** Chief Steedman gave an update and review of the monthly statistics. The Chief said he had one Firefighter on light duty and has returned to full duty. The Firefighter was in a motorcycle accident leaving work and sustained shoulder injuries. The department has completed 150 training hours this month. Chief Steedman said he is receiving EOC Updates; we are at level three for the impending hurricane Ian. We are expecting tropical storm-forced winds tonight when the storm turns into a major hurricane and local flooding. Chief Steedman answered Commission's questions.
- **Public Works:** Director Welch reiterated his monthly report and updated current projects. He also provided an update on the AT&T project, which is complete in the south end of Town, and residents can go on the website and sign up there. Crews will be removing the lines from the poles to the home soon. An update of the Watermain Project appears to be at a standstill but was actually being tested for leaks, which took approximately two weeks. Mr. Welch reiterated Chief Steedman's comments regarding the approaching storm, and all preparations are in place for the Town. He thanked the departments for their contribution in helping to prepare for the storm. Director Welch updated Commission and the public on the ongoing projects; the Bathroom restoration at the Community Center should take approximately three weeks, and the second floor and beach bathrooms are available during events. The Benches are in and have been installed, and the plaques have been ordered; it will take several weeks before they are in. New Garbage cans are in, but due to the approaching storm, they will be installed as soon after. Mr. Welch answered the Commission's questions regarding the storm preparation, specifically the Icon project and the Seaspray building.
- **Town Clerk:** No Report.
- **Town Attorney:** Mr. Davis announced that this month's League of Cities meeting is canceled due to the approaching storm and will resume next month in Palm Beach Gardens. He informed Commission that the League is offering free ethics training on October 13, 2022, in Lake Worth Beach. Mr. Davis said that recommendations and requests for information will go out for Engineering Services, as the current agreement with our Town Engineer has expired. This Item will come back to Commission at next month's meeting.



- **Planning and Zoning Chairman:** No Report

**RESOLUTIONS: NO. R- 9 -22**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, PROVIDING AN UPDATED AND REVISED COMPREHENSIVE SCHEDULE OF FEES AND CHARGES FOR SERVICES PROVIDED BY THE TOWN; PROVIDING THAT THE TOWN'S REVISED SCHEDULE OF FEES AND CHARGES SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES AT THE TOWN HALL DURING REGULAR BUSINESS HOURS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Motion:** Commissioner Brian Tyler made a motion to approve the resolution amending the language for fire inspections, to reflect the new inspection company's rates as hourly.

**Second and Vote:** Commissioner Janet Kortenhaus seconded the Motion. Motion passed 4-0.

**ORDINANCES:**

First Reading: ORDINANCE NO. O-4-22

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 ADDITIONAL LANDSCAPING TO BE PLACED AT FIFTEEN FOOT INTERVALS AGAINST LONGER EXPANSES OF BUILDING WALLS WITH LITTLE ARCHITECTURAL DETAIL AND NO REQUIRED PRIVACY SCREENING TREES 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.

A Lengthy discussion ensued regarding what language should be included in the Ordinance and what specific height and type of trees should be included.

**Motion:** Commissioner Kortenhaus made a motion to table the Ordinance and send it back to the Planning and Zoning Board to revise the language to include specific wording in Section 77.1 (b) (c).

**Second and Vote:** Commissioner Tyler seconded the Motion. Motion passed 4-0.

Second Reading: ORDINANCE NO. O-5-22

**Motion:** Commissioner Larcher made a motion for Ordinance O-5-22 to be reordered on the agenda until after the discussion and vote regarding the Fire Inspection Service Agreement with CAP.

**Second and Vote:** Commissioner Tyler seconded the Motion. Motion passed 4-0.

First Reading: ORDINANCE NO. O-6-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT APPENDIX A. ZONING. AT SECTION XV. VARIANCES AND SPECIAL EXCEPTIONS. BY REPEALING REFERENDUM LANGUAGE PROHIBITED BY STATE LAW AND UPDATING THE LEGAL ADVERTISING AND PUBLIC NOTICE PROCEDURES FOR ALL VARIANCE AND SPECIAL EXCEPTION APPLICATIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION



AND SUBSECTION OF APPENDIX A. ZONING. 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.

Attorney Keith Davis read by title only Ordinance O-6-22 and provided a brief overview of the Ordinance. Revising the Ordinance will replace older and outdated language prohibited by the State of Florida. The revised Ordinance will also make noticing the public for Special Exceptions Requests and Variance Requests simpler and less costly for applicants.

**Motion:** Commissioner Brian Tyler made a motion to approve the Ordinance.

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

Motion passed 4-0.

### **OTHER BUSINESS:**

○ **Ad Hoc Committee to present findings and recommendations.**

John Peterson, Vice Chair of the Committee, presented the recommendations of the Committee to the Commissioners. (See attached to these minutes).

There was a discussion that included the following issues: Boundaries, Parking and Traffic Plan, removing property owned by the Anchorage, Signage, Fencing, Hedges, and landscaping, deadlines for any action, the Costs associated with the Town maintaining the property, the legal expenses and whether the issue would go to litigation after receiving a letter from the attorney that the Anchorage has retained.

**Motion:** Commissioner Kortenhaus made a motion to table for further discussion at the October Commission Workshop.

**Second and Vote:** Commissioner Tyler seconded the Motion. Motion passed 4-0.

○ **Vote: to approve Fire Inspection Services Agreement with CAP.**

Mayor Fiers introduced the CAP company and their background. The Town's Agreement with PBCFR will not be renewed. Judson Delaney from CAP was present and gave a detailed overview of the company. Chief Steedman said that after meeting with the representatives of CAP that it's much more economical, and the services they provide will suit our needs better than the current agreement. Chief Steedman highly recommended approving the CAP Agreement.

Mr. Dulaney answered the Commissioners questions.

**Motion:** Commissioner Kortenhaus made a motion to piggyback off the Lake County Agreement with CAP for fire services and plan review.

**Second and Vote:** Commissioner Tyler seconded the Motion. Motion passed 4-0.

**Second Reading:** ORDINANCE NO. O-5-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 30. FIRE PROTECTION AND PREVENTION. ARTICLE III. FIRE PREVENTION STANDARDS. DIVISION 2 CODES ADOPTED. SECTION 30-86. - FLORIDA FIRE PREVENTION CODE INCORPORATED BY REFERENCE. TO UPDATE STATE STATUTE REFERENCES IN THIS SECTION AND TO ADOPT BY REFERENCE THE MOST CURRENT LOCAL AMENDMENTS PROMULGATED BY PALM BEACH COUNTY AT THE REQUEST OF THE COUNTY FIRE MARSHAL; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 30. 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 Brian Tyler made a motion to table the Ordinance. The Town will not use PBCFR for its safety inspections or review plans.

**Second and Vote:** Commissioner Kortenhaus seconded the Motion. Motion passed 4-0.

**PROCLAMATIONS:**

Mayor Fiers read for the record a proclamation announcing the Municipal Election on March 14, 2023, with the Qualifying period from November 1, 2022, through November 18, 2022.

**PUBLIC COMMENTS:** Kathleen McGahran commented on Ordinance O-4-22. The following residents commented on the recommendations: Brian (inaudible last name) Ken Steenson, Paul Sivilotti, and Grace Sterrett.

**ADJOURNMENT:**

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

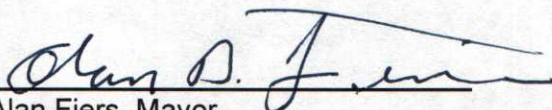
**Second:** Commissioner seconded the Motion.

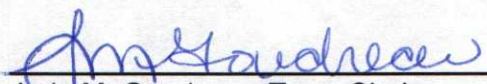
**Vote:** Motion passed unanimously.

The meeting was adjourned at 9:30 pm.

Approved this 24<sup>th</sup> day of October 2022.

ATTEST:

  
Alan Fiers, Mayor

  
Jude M. Goudreau, Town Clerk

