

**MINUTES  
VILLAGE OF TEQUESTA**

**REGULAR MEETING**



**September 14, 2017**

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order by Mayor Abby Brennan at 6:00 p.m. A roll call was taken by Village Clerk Lori McWilliams. Present were: Mayor Abby Brennan, Vice Mayor D'Ambra, Council Member Vince Arena, Council Member Steve Okun, and Council Member Tom Paterno.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Vince Arena led the meeting with an invocation, which was followed by the pledge of allegiance.

**APPROVAL OF AGENDA**

**MOTION:** *Council Member Okun moved approval of the agenda; seconded by Vice Mayor D'Ambra; motion carried unanimously 5-0.*

**PRESENTATIONS**

At the request of Council Member Paterno, Fire Chief and Emergency Management Director Joel Medina provided an update on the impact of Hurricane Irma on The Village. Chief Medina said that after Hurricane Matthew in 2016, the Village Manager directed the Emergency Management team to create a cohesive, systematic method of managing storm events, which resulted in the Village of Tequesta's Unified Hurricane Action Plan. He continued by stating that in anticipation of the storm, a Declaration of Emergency was made on September 5, 2017 after which the plan was put into action; The Village was now back to business and staffed as usual. Chief Medina then offered an update of each department and stated the Hurricane Action Plan would be revised as necessary to continue to provide the best roadmap for the management of these types of events. Mayor Brennan stated that she was certain the Village was well taken care of after she spent time in the emergency operations center. She thanked Chief Medina and all who worked together and Chief Medina complimented soon-to-retire Firefighter/Paramedic Peter Allen.

**CONSENT AGENDA**

**MOTION:** *Vice Mayor D'Ambra moved approval of the Consent Agenda; seconded by Council Member Vince Arena; motion carried unanimously 5-0.*

1. MINUTES: July 31, 2017 Workshop and August 10, 2017 Regular Council

2. INFORMATIONAL: Due to Hurricane Irma, the Village Extended the due date to pay Village Water Bills, without Penalty, for the Billing Cycle due 9/14. These Payments will be due no later than 9/28 to Remain Penalty Free.
3. Approve Tanner Industries, Inc. Contract for Anhydrous Ammonia for the Water Treatment Plant
4. Fiscal Year 2016/2017 Budget Amendments
5. Memorandum of Agreement between The Florida Department of Corrections and Tequesta Police Department
6. RESOLUTION 46-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, CONFIRMING BY PROCLAMATION THE STATE OF EMERGENCY DECLARATION ISSUED ON SEPTEMBER 5, 2017 FOR THE VILLAGE OF TEQUESTA DUE TO HURRICANE IRMA, ALL EMERGENCY REGULATIONS ACTIVATED UNDER THE PROVISIONS OF CHAPTER 26 OF THE VILLAGE CODE OF ORDINANCES, AND THE DESIGNATION OF THE FIRE CHIEF AS THE EMERGENCY MANAGEMENT DIRECTOR FOR THE VILLAGE FOR SO LONG AS THE LOCAL STATE OF EMERGENCY CONTINUES IN EFFECT

### **END OF CONSENT AGENDA**

### **COMMUNICATIONS FROM CITIZENS**

There were none.

### **COMMUNICATIONS FROM COUNCIL**

Vice Mayor D'Ambra recalled the long lines for gasoline before the storm and praised The Village police for an unbelievable job organizing those gas station lines. He also commended the Tequesta Fire Rescue team that responded to one of his relatives.

Council Member Arena agreed with the Vice Mayor regarding the police department's management of the gas lines. He witnessed interaction between the police and fire departments and the community and complimented the employees who got The Village up and running again. He appreciated how residents kept their debris on their own properties and noted Mayor Brennan was everywhere she needed to be after the storm. Members. Council Member Arena announced that Building Department Director Jose Rodriguez once again resolved a resident's issue to their satisfaction.

Council Member Okun stated staff was outstanding and thought The Village would greatly benefit from a pet friendly hurricane shelter. He wished to make a motion on the idea but Mayor Brennan informed him that while a motion could not be entertained at this meeting, discussion of it was possible at the next Council Workshop.

Council Member Paterno thanked the employees for their hard work and for the neighbors who helped each other, which was what made this community so great.

Mayor Brennan recalled the swearing in of a new police officer earlier that day and commended the police chief and officers for the jobs they do each day.

## **STANDING REPORTS**

### **Village Attorney**

Village Attorney Keith Davis advised that a side effect of Hurricane Irma was that scheduled budget hearings were cancelled. Under state guidance, the first and second budget hearings were rescheduled for September 20 and September 27, 2017. He relayed that Mr. Basil Dalack threatened a lawsuit if the U.S. Highway One project was not placed on a referendum.

### **Village Manager**

Village Manager Michael Couzzo was not able to attend the meeting. There was no report from him or on his behalf.

## **REGULAR AGENDA**

### **OLD BUSINESS**

7. RESOLUTION 42-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, INCREASING THE FISCAL YEAR 2016/2017 GENERAL FUND #001 BUDGET BY APPROPRIATING FUND BALANCE IN THE AMOUNT OF \$39,318.00 TO FUND EXPENDITURES RELATED TO THE REMODELING OF THE VILLAGE'S COMMUNICATIONS CENTER

Village Attorney Keith Davis read Resolution 42-17 title into the record and Mayor Brennan commented that this was a good investment.

**MOTION:** *Council Member Okun moved approval of Resolution 42-17; seconded by Council Member Arena; motion carried unanimously 5-0.*

Although Council Member Paterno also felt it was a good investment, he felt that it was better to set aside budget cost savings initially and then spend them at the end of the year. Discussion ensued between Mayor Brennan, Finance Director Chris Quirk and Council Member Arena who summarized that whether the funds were spent during or at the end of the year, the result was the same.

8. ORDINANCE 17-17, SECOND READING, AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING ORDINANCE 586 REGARDING THE VOLUNTARY ANNEXATION OF CERTAIN REAL PROPERTY LOCATED ON U.S. HIGHWAY ONE PREVIOUSLY OWNED BY DEBORAH AND DOUGLAS HOWELL AND CURRENTLY OWNED BY BARTL

REAL ESTATE, INC., IN ORDER TO REVISE AND AMEND THE STATED INTENT OF THE ANNEXATION AND THE LEGAL DESCRIPTION OF THE PROPERTY SO ANNEXED TO INCLUDE THE EASTERLY RIGHT OF WAY BUFFER AS ORIGINALLY CONTEMPLATED; PROVIDING THAT THE REAL PROPERTY VOLUNTARILY ANNEXED BY ORDINANCE 586, ALONG WITH THE EASTERLY RIGHT OF WAY BUFFER THERETO, ARE HEREBY ANNEXED PURSUANT TO SEC. 171.044, FLORIDA STATUTES AND SEC. 4.02 OF THE VILLAGE OF TEQUESTA CHARTER; REDEFINING THE BOUNDARIES OF THE VILLAGE OF TEQUESTA TO INCLUDE ALL OF SAID REAL PROPERTY AND EASTERLY RIGHT OF WAY BUFFER; DIRECTING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION; DIRECTING THE VILLAGE CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT IN PALM BEACH COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF PALM BEACH COUNTY AND WITH THE DEPARTMENT OF STATE WITHIN SEVEN (7) DAYS AFTER ADOPTION; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Village Attorney Keith Davis read Ordinance 17-17 title into the record and referenced a letter from Palm Beach County Commissioner Hal Valeche and several communications between Attorney Davis' office and the Palm Beach county staff who work on annexations. Mayor Brennan opened the item for Council comment and clarified that this annexation placed the responsibility of upkeep and use of the alley on the Village and did not pertain to the proposed development of the adjacent vacant property.

When Mayor Brennan opened Ordinance 17-17 to the public for comments, Joshua McManus of 3417 Harbor Rd S and Erin Babbitt of 3447 Palm Court both spoke strongly against the proposed Austrade building project on the vacant property to the west of the alley. Ms. Babbitt read aloud the letter from County Commissioner Valeche and felt that Council's decisions were harmful to the community.

Mayor Brennan opened Ordinance 17-17 to the Council again after which Council Members Paterno and Okun reiterated their disapproval of the proposed Austrade building project and Vice Mayor D'Ambra expressed his support and confidence in the developer to work with the community. Mayor Brennan agreed to do what was possible to minimize the impact of the project on nearby residents.

**MOTION:** *Vice Mayor D'Ambra moved approval of Ordinance 17-17; seconded by Council Member Arena; motion carried unanimously 5-0.*

## **NEW BUSINESS**

9. VAR-5-17: Application of Tequesta Towers Condominium Association for a Variance from the requirement of Sec. 78-299 (c) (1) to install an emergency generator on the front yard of the premises, where the code only allows installation

only in the side or rear yards. The address of the property is 400 Beach Road, Tequesta, Florida 33469.

Attorney Davis announced that Variance 5-17 was quasi-judicial and swore in four people. Mayor Brennan disclosed that prior to the meeting she was introduced to the applicant but that was the extent of the conversation. Architect Scott Baruch explained that the variance request was due to restrictions of coastal building requirements and the fact that a new generator would not fit in the existing space, which in addition had stricter building codes.

When Vice Mayor D'Ambra asked about the effect of sound on neighboring properties, Property Manager Hasan Ghalam advised that a level two acoustic enclosure (the quietest available) was planned. Building Department Director Jose Rodriguez elaborated that Village Code permitted up to 60 decibels of sound and Community Development Director Nilsa Zacarias clarified that this application pertained solely to the *location* of the generator; other details would come later. Council Member Paterno asked about side setbacks, after which there was brief conversation about a survey and elevations. Council Member Paterno also had concerns about noise and surrounding plants. Mayor Brennan reminded that this variance was for location and not project specifics and Director Zacarias added that the generator itself required screening according to Village Building Codes.

**MOTION:** *Council Member Paterno moved approval of VAR 5-17 with the stipulations that the generator was powered by propane or natural gas and at minimum, a Level Two acoustic shield used; seconded by Vice Mayor D'Ambra; motion carried unanimously 5-0.*

10. SPM 6-17: Application from 390 Tequesta Drive LLC for a site plan modification to improve landscaping; and replace windows and doors. The address of the property is 390 Tequesta Drive, Tequesta, Florida 33469.

Due to the quasi-judicial nature of SPM 6-17, Village Attorney Keith Davis swore in four people. No ex-parte communication was disclosed by Council and Community Development Director Nilsa Zacarias advised that this was a minor site plan modification. Justin Daniels on behalf of Tequesta LLC explained that this request was made so that one side of the building would match the other sides as well as for the installation of impact glass, and new landscaping.

**MOTION:** *Council Member Okun moved approval of SPM 6-17; seconded by Council Member Paterno; motion carried unanimously 5-0.*

11. SPM 7-17: Application from Lighthouse Art Center Inc. for a site plan modification to remove one (1) awning; paint building with existing colors; install new wall sign; and two (2) metal sculptures on front of the building. The application also includes modifying the front elevation by replacing wall lights, painting street numbers and installing ceramic tiles over existing brick columns. The address of the property is 373 Tequesta Drive, Tequesta, Florida 33469.

Attorney Davis advised the quasi-judicial nature of the item and swore in two people. There was no ex-parte communication disclosed by Council and according to Director Zacarias, SPM 7-17 received an approval recommendation from the Planning and Zoning Board. Nancy Politsch, Executive Director of the Lighthouse Art Center stated that the building was 50 years old and needed refreshing. Council Member Paterno inquired about a sculpture in the supporting documentation. Ms. Politsch explained that it was on a stand that would be secured into the ground; in the event of a hurricane, the sculpture would be removed. Council Member Paterno requested and received assurance from Ms. Politsch that the sculpture depicted was the actual one that would be used. Vice Mayor D'Ambra clarified that the changes would be made to only part of the plaza and wondered how other owners of the plaza felt about it. According to Ms. Politsch, all were in favor of it.

**MOTION:** *Council Member Paterno moved approval of SPM 7-17; seconded by Council Member Okun; motion carried unanimously 5-0.*

12. RESOLUTION 35-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, INCREASING THE FISCAL YEAR 2016/2017 GENERAL FUND #001 BUDGET BY APPROPRIATING FUND BALANCE IN THE AMOUNT OF \$105,000.00 TO FUND ADDITIONAL LABOR LEGAL FEES.

Village Attorney Keith Davis read Resolution 35-17 title into the record. Vice Mayor D'Ambra asked whether next year's budget for these expenses was adequate. Human Resources Director Merlene Reid advised that the budget was set by the Village Manager and while there was an unexpected increase in litigation, next year's budget appeared acceptable. Vice Mayor D'Ambra suggested that conversations about fund adequacy occur during Council budget discussions so that no categories were under-budgeted.

**MOTION:** *Council Member Steve Okun moved approval of Resolution 35-17; seconded by Council Member Arena; motion carried unanimously 5-0.*

13. RESOLUTION 40-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, INCREASING THE FISCAL YEAR 2016/2017 GENERAL FUND #001 BUDGET BY APPROPRIATING FUND BALANCE IN THE AMOUNT OF \$48,136.00 TO FUND ADDITIONAL BUILDING REPAIR AND MAINTENANCE EXPENDITURES FOR THE PUBLIC SAFETY FACILITY

Resolution 40-17 title was read into the record by Village Attorney Keith Davis. Deputy Director of Public Works Doug Chambers explained that this paid for air conditioner repairs in the public safety building, which were previously approved but not appropriated yet.

**MOTION:** *Vice Mayor D'Ambra moved approval of Resolution 40-17; seconded by Council Member Arena; motion carried unanimously 5-0.*

14. RESOLUTION 41-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, INCREASING THE FISCAL YEAR 2016/2017 GENERAL FUND #001 BUDGET BY APPROPRIATING FUND BALANCE IN THE AMOUNT OF \$60,283.00 TO FUND ADDITIONAL OVERTIME EXPENDITURES FOR HURRICANE MATTHEW

Village Attorney Keith Davis read Resolution 41-17 title into the record. Mayor Brennan asked Finance Director Quirk whether a claim was made to the Federal Emergency Management Agency (FEMA) for reimbursement. He confirmed that it was and that approximately 50% reimbursement was expected. Mayor Brennan reminded Council that The Village maintained a hurricane fund. When Council Member Arena asked how FEMA reimbursement worked, Village Fire Chief and Emergency Manager Joel Medina explained that FEMA paid a percentage of what they deemed acceptable based on their schedule. He further explained that additional reimbursement was available from the state for half of the remaining expenses (12.5%) and that FEMA acknowledged receipt of the claim but it was unknown when reimbursement would be received.

**MOTION:** *Vice Mayor D'Ambra moved approval of Resolution 41-17; seconded by Council Member Arena; motion carried unanimously 5-0.*

15. ORDINANCE 18-17, FIRST READING, AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 2. ADMINISTRATION. BY AMENDING SECTION 2-61. PENSION TRUST FUNDS, EXHIBIT A, THE GENERAL EMPLOYEES' PENSION TRUST FUND, TO ADOPT REVISIONS REQUIRED BY THE TERMS OF THE IRS FAVORABLE DETERMINATION LETTER DATED MARCH 30, 2017; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Village Attorney Keith Davis read Ordinance 18-17 title into the record. This was the first reading. Mayor Brennan opened the ordinance to Council for comment. Vice Mayor D'Ambra commented that since the IRS mandated this, there was not much to discuss.

**MOTION:** *Vice Mayor D'Ambra moved approval of Ordinance 18-17; seconded by Council Member Okun; motion carried unanimously 5-0.*

16. Approve a DP Development Piggyback Contract for Stormwater Utility Construction

Deputy Utilities Director Sam Heady stated that this was approval for a contractor and that was no work was pending at this time.

**MOTION:** *Council Member Okun moved approval of Item 16; seconded by Council Member Arena; motion carried unanimously 5-0.*

**17. Approve EvoQua Technologies, LLC Contract for Hydrogen Peroxide for the Water Treatment Plant**

Deputy Utilities Director Sam Heady explained that EvoQua is the company from which Hydrogen Peroxide was purchased and it was used in the discharge of water to the Loxahatchee River.

**MOTION:** *Council Member Okun moved approval of Item 17; seconded by Council Member Arena; motion carried unanimously 5-0.*

**ANY OTHER MATTERS**

There were none.

**ADJOURNMENT:** *Council Member Okun moved to adjourn the meeting; seconded by Council Member Arena. The motion to adjourn carried unanimously 5-0; therefore, the meeting was adjourned at 7:40 p.m.*

Respectfully submitted,

Lori McWilliams, MMC  
Village Clerk

**Note:** These summary minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of the meeting. A verbatim audio record is available from the office of the Village Clerk. All referenced attachments are on file in the Village Clerk's office.