MINUTES VILLAGE OF TEQUESTA

REGULAR MEETING



October 12, 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

Mayor Abby Brennan led the meeting with an invocation and 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.

Mayor Brennan advised that she had an item to discuss under Any Other Matters.

PRESENTATIONS

1. Proclamation Proclaiming the Week of October 23-31, 2017 as Red Ribbon Week as Recognized by the Young Marines of the Marine Corps League to Foster a Healthy, Drug-free Lifestyle

No one was present to receive the proclamation.

 Presentation of US One Complete Streets Project Awards by Michael Busha, Executive Director, Treasure Coast Regional Planning Council

Mayor Brennan acknowledged Michael Busha and Kim Delaney for their participation in the Complete Streets Project and stated that they facilitated community outreach and supported The Village as it pursued a grant from the Palm Beach County Municipal Planning Organization. Ultimately, the Florida Department of Transportation fully funded the project (except for turn lanes) and included some additional items.

Mr. Busha thanked The Village for their partnership and leadership and praised the Village's plan. Further, he announced The Village received the following acknowledgements: the 2017 Outstanding Infrastructure Award from the Florida Planning and Zoning Association; the 2017 Award of Merit for Best Practices from the Florida Chapter of the American Planning Association; and recognition in the National Association of Development Organizations' 2017 innovation awards.

3. Public Safety Pension Board Presentation-Kyle Stone, Pension Board Member

Mr. Stone announced that the next Public Safety Pension Board meeting was scheduled for November 6, 2017 and stated that the management company was the same but their name had changed. He briefly summarized the market segments and advised that the ending value was \$13,172,620, overall funding was up and the market had done well.

Council Member Paterno asked about the creation of a shared account with the unused "185 money." According to Mr. Stone, the board's legal advisors recommended that a shared account be created since this money currently had no "home." Vice Mayor D'Ambra requested the pension attorney provide an analysis of the accumulated unused monies for the "185 fund." He also questioned the value of And & Company due to their fees; a sentiment echoed by Council Member Paterno who then thanked Mr. Stone for his volunteer service on the board.

4. Presentation of Waste Management, Inc. Annual Report by Jeff Sabin, Waste Management Government Affairs Manager

Deputy Director of Public Works Doug Chambers announced Jeff Sabin of Waste Management who then introduced Michael DeClerck (Senior District Manager - Collection Operations at Waste Management). Both were involved in recent contract negotiations with The Village where a concern of Village staff was maintaining or increasing the level of service to residents. One change was that commercial account pick-ups where adjacent to residences, were delayed to 7 a.m. or later, which was consistent with the residential collection time. Mr. Sabin complimented Deputy Public Works Director Doug Chambers for his communication with them after the storm. The result of the negotiations was that Waste Management froze residential rates for the next two years, commercial rates would nominally increase after the first year, and a shred event was included in the new contract.

Mr. DeClerck advised he was new to the area but had 28 years of industry experience, which included large and small municipalities and it was a pleasure to work with the Village negotiating team. He spoke of improvements made at the Hobe Sound facility to help retain the best employees. Council Member Arena thanked both Waste Management and its sub-contractors for an outstanding job after the recent storms. When Council Member Paterno asked about Waste Management's safe neighborhood program, Mr. Sabin spoke about Waste Watch, a neighborhood watch program in which their crews watched for suspicious activity or lack of regular activity, and then notified a specific local law enforcement contact.

CONSENT AGENDA

MOTION: Vice Mayor D'Ambra moved approval of the Consent Agenda with items eight, nine and 11 removed; seconded by Council Member Paterno; motion carried unanimously 5-0.

- **5.** MINUTES: 9/14/17 Regular Meeting Minutes; 9/20/17 1st Hearing to Adopt Tentative Budget Minutes; and 9/27/17 2nd Hearing to Adopt Final Budget Minutes
- 6. Approval of Contracts Signed by Manager Under \$25,000 (Per Village Ordinance we are presenting the following agreements, proposals, commitments and memorandum of understanding to Council).
 - 1. Avality Advanced Clearinghouse Direct Agreement-Fire Dept. \$ Varies; 2. Costa Farms Credit Application-Public Works \$ Varies; 3. DG Carpentry LLC Proposal-Public Works \$2,961.78; 4. FL Dept. of Hwy Safety & Motor Vehicles Driver and Vehicle Information Database System Memorandum of Understanding-Police Dept. \$ N/A; 5. Wade Consulting Agreement-Water Plant \$3,000.00.
- 7. Approval to Allow JTAA (Jupiter Tequesta Athletic Association) to: 1. Hold the 41st Annual Holiday Parade on Sunday, December 10, 2017 Starting at 11:00am;
 2. Utilize a Portion of Old Dixie Highway in Tequesta; and 3. Village of Tequesta to Provide the Necessary Police Coverage for the Event.
- 10. Approve Human Resources Leave of Absence Policy to Address the Process Involved when the Village Manager is the Employee Requesting a Leave of Absence
- 12. RESOLUTION 39-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA SUPPORTING THE COUNTYWIDE OFFICE OF INSPECTOR GENERAL, AND FURTHER SUPPORTING THE FUNDING OF SAID OFFICE THROUGH COUNTY AD VALOREM TAX DOLLARS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- 13. RESOLUTION 43-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR ACCESS TO PUBLIC RECORDS BY REMOTE ELECTRONIC MEANS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 119, FLORIDA STATUTES; FURTHER APPROVING THE KEEPING AND MAINTAINING OF THE VILLAGE'S RECORD (MASTER) COPY DOCUMENTS ON ELECTRONIC MEDIA, NAMELY THE VILLAGE'S BSA FINANCIAL SUITE SOFTWARE, HUMAN RESOURCES INFORMATION SYSTEM BAMBOO SOFTWARE AND THE POLICE DEPARTMENT'S SMARTCOP SOFTWARE, IN ACCORDANCE WITH THE REQUIREMENTS OF F.A.C. RULE 1B-26.003; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- 14. RESOLUTION 48-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AFFIRMING PARTICIPATION IN THE PALM BEACH COUNTY PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

END OF CONSENT AGENDA

8. Approve Agreement between Green Integrity and the Village of Tequesta Permitting the Reinstatement of the Banyan Tree Removal Permit and Applicant's Request to Remove Tree and Remuneration to the Village of Tequesta (backup to follow)

Gary and Joanie Szorosy of 40 River Drive thanked Council for reconsidering removal of the banyan tree. They stated that they had maintained the tree for the last 18 years and questioned why The Village would be compensated for its removal.

Vice Mayor D'Ambra said Council's sentiment was that the tree was Village property and in this instance, The Village was willing to share the proceeds with the Szorosys. Attorney Keith Davis explained that in the permit agreement, the banyan tree would be replaced by three oak trees; furthermore, Village Ordinance required adjacent property owners to maintain the rights of way and Mayor Brennan reiterated that though the Szorosys had maintained the tree, The Village owned it and felt that sharing the proceeds was a reasonable compromise.

<u>MOTION:</u> Vice Mayor D'Ambra moved approval of Item 8; seconded by Council Member Arena; motion carried unanimously 5-0.

9. Approve Agreement between the Village of Tequesta and the Tequesta Country Club Returning the Golf Course Bridge between the 17th and 18th Holes to Tequesta Country

As a member of the Tequesta Country Club, Council Member Paterno announced a conflict of interest, which was his reason for his request that Item 9 be removed from the Consent Agenda. He did not participate in any discussion.

<u>MOTION:</u> Vice Mayor D'Ambra moved approval of Item 9; seconded by Council Member Arena; with Council Member Paterno recused, motion carried 4-0.

11. RESOLUTION 38-17, A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, DECLARING CERTAIN PROPERTY TO BE SURPLUS AND DIRECTING THE VILLAGE MANAGER TO DISPOSE OF SURPLUS PROPERTY IN ACCORDANCE WITH THE VILLAGE'S ADOPTED PROCEDURES

Council Member Paterno asked for an explanation of this item. Finance Director Chris Quirk explained that the Jupiter Inlet Colony water system was over 25 years old, no longer being used and would discard in place since the new water system was under the opposite side of the road. Police Chief James McGrew explained the disposition of two police tazers: one wore out and the other was damaged when an officer fell into the river. Fire Chief Joel Medina answered Council Member Arena's question about Air Packs by saying that they were not in service for quite some time but never discarded. Council Member

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D'Ambra asked about donating them to a department in need, however Chief Medina answered that since they have been declared obsolete by the National Fire Protection Association, they would not be welcome in any agency governed by the NFPA but might be useful in another country. He also stated that donation may be more cost effective than disposal. When Council Member Arena questioned the disposal of an ice machine, Deputy Public Works Director Doug Chambers explained that he implemented an equipment maintenance program that extended the lifespan of items in the future.

<u>MOTION:</u> Council Member Paterno moved approval of Item 9; seconded by Council Member Okun; motion carried unanimously 5-0.

COMMUNICATIONS FROM CITIZENS

There were no other citizens in attendance who wished to speak.

COMMUNICATIONS FROM COUNCIL

Council Member Okun thanked his fellow council members for agreeing to investigate the possibility of a pet friendly hurricane shelter for which Chief Medina has taken the lead. He then thanked Council Member Arena for researching the possibility of a Village Community Center.

Council Member Arena advised that with the approval of the Village Manager, he along with Parks and Recreation Director Greg Corbitt and Building Director Jose Rodriguez had begun investigating a new community center; they will present their findings at a future workshop and he invited the public to attend. Due to inquiries from the community, he addressed fishing from the bridge and said that there were many valid reasons against allowing it; he sought a nice looking "no fishing" sign *on the bridge* that referenced the ordinance. A citizen wholeheartedly agreed with Council Member Arena's statements.

A board member of the Tequesta Country Club (inaudible name) commended Sam Heady for his recent work in the community.

Vice Mayor D'Ambra warned of the danger of kids jumping from Cato's bridge into the channel. He urged parents to discuss this with their children.

STANDING REPORTS

Village Attorney

Village Attorney Keith Davis sought advice from Council regarding 414-D Cypress Drive as there was a final judgement hearing for judicial sale date scheduling set for 10/19. Contact was finally made with the property owner who may be willing to convey title in exchange for relief from the approximate \$59,000 first mortgage. The mortgage took precedence over a code enforcement lien. The property was secured but required gutting and appliances. Final judgement was expected to be in the high \$90,000 range; the Village's costs were approximately \$43,000 and there were two interested buyers. An interested buyer was willing to offer \$20,000 over the mortgage amount. Attorney Davis spelled out the following options:

- 1) The property went up for bid and the Village would enter a bid for the mortgage amount plus Village costs (\$94,000 total) in anticipation that higher bids would ensue. This ensured that The Village costs were covered but the risk was that if no other bids were received the Village would own the property.
- 2) The property went up for bid and the Village would not enter an offer. In this scenario, the opening bid was \$100 and went up in \$100 increments until sold. If the sale price was less than the mortgage plus our lien amount, the buyer either paid the fines or negotiated with the Village regarding them.
- 3) Work with the living property owner for deed in lieu of foreclosure, take ownership of the property, rehabilitate then sell it. The risk of this option was whether any hidden rehabilitation issues existed; however, there was an opportunity for the Village to make some money from it.

After some discussion, consensus of Council was to pursue the deed in lieu of foreclosure, then sell the property "as is" in an attempt to recuperate costs.

Regarding Police Officer Ariel Ramirez's arbitration, Attorney Davis reported that The Village's motion to vacate was denied and a ruling made in favor of Officer Ramirez. Money that Mr. Ramirez owed The Village would be subtracted from the back pay he was awarded.

Previously, Mr. Basil Dalack requested that Council consider a referendum on the U.S. 1 project. Recently, he reiterated that request and stated that he was considering a lawsuit against The Village. In lieu of a lawsuit, Mr. Dalack sought a meeting to discuss the project. However according to Attorney Davis, many of Mr. Dalack's allegations had no merit.

Council discussion included the following points:

- this was an FDOT project
- years of outreach was conducted as part of The Village's due diligence
- Mr. Dalack was invited to but did not attend this Council meeting
- Council should listen to everyone but a meeting in this case would be unproductive as Mr. Dalack's goal was to stop the project
- some taxpayer money was used for turn lanes, however the amount was minimal compared to the cost of the whole project
- there was no new information to consider

Consensus of Council was that Attorney Davis report back to Council after talking with Mr. Dalack regarding the result he sought.

Mayor Brennan introduced James Weinand who came out of retirement to assist The Village during Mr. Couzzo's absence. His recent experience included 25 years in firefighting and plan reviews. She added that as a former Village employee, he was already familiar with Tequesta's different departments.

Village Manager

Acting Village Manager James Weinand wished Mr. Couzzo a guick recovery and said he felt honored to assist. He added that he was conservative by nature and preferred to do things right the first time. He announced an open house scheduled for 11/7/17 in regards to the FDOT project that would start on 11/6/17. Mr. Weinand stated the Tequesta Drive roadway resurface project was complete with the exception of striping; hurricane debris removal was almost finished and the new police and fire departments' boat had arrived. With many upcoming special events, and in light of recent horrific events across the country, Acting Manager Weinand requested that staff pay close attention to security and noted Tequesta Fest would be a clear bag event. A revised water leak policy was ready for discussion at the Council workshop on 10/30/17. In addition, since Comprehensive Plan Amendments had not been updated since 2009, he would ask that Community Development Director Nilsa Zacarias present on that process. He stated that several citations were issued regarding boat screening and felt that more education was needed regarding boat registration since the number registered was still guite low. When Council Member Paterno asked about new water meters, Mr. Weinand deferred to Deputy Utilities Director Sam Heady who advised that although the supplies had arrived, Hurricane Irma delayed the process, however they expected to install 75 per month over a three-year plan.

REGULAR AGENDA

OLD BUSINESS

15. ORDINANCE 18-17, SECOND 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 second reading and when Mayor Brennan opened the hearing for Council and public comment, there was none.

<u>MOTION:</u> Council Member Okun moved approval of Ordinance 18-17; seconded by Council Member Arena; motion carried unanimously 5-0.

NEW BUSINESS

16. SE 06-17: Special Event Permit Application from Ragnar Events, LLC for a 200 mile run that will stretch from Melbourne Beach, FL and to finish in South Beach, FL. The event is planned to take place from November 11, 2017 through November 12, 2017. Alcohol will not be served. Projected number of attendees is 300 people.

Community Development Director Nilsa Zacarias introduced Ms. Bria Todd of Salt Lake City, Utah who represented event sponsor Ragnar Events. Ms. Todd explained that this event had been held several times in the past starting in Miami and ending in Key West, however this time, they wished to start in Melbourne and end in Miami. Ms. Todd advised that the runners (wearing reflective gear) would pass through Tequesta on Federal Highway without stopping in the very early morning hours. Mayor Brennan raised concern over the Chili Cook-off that same day, which historically resulted in increased traffic. During discussions over runner safety, Ms. Todd agreed to pay for a police detail dedicated to the race and informed that the race benefitted several different charities

<u>MOTION:</u> Vice Mayor D'Ambra moved approval of SE 06-17 with the condition of a police detail paid for by the race organizer; seconded by Council Member Paterno; motion carried unanimously 5-0.

17. SE 07-17: Special Event Application from the First Baptist Church of Tequesta for the Fall Festival. The event will take place on October 31, 2017 from 6:00 p.m. to 9:00 p.m. The event will be located in the east parking lot of the Church property at 423 Tequesta Drive. The projected number of attendees is 600 people. No alcohol will be served.

MOTION: Council Member Okun moved approval of SE 07-17; seconded by Vice Mayor Arena; motion carried unanimously 5-0.

18. SPM 10-17: Application from Rubiano Holdings, Inc. d/b/a Dunkin' Donuts for a site plan modification to redevelop existing building per corporate standards. The application includes building and dumpster colors, directions and wall signs, menu board, monument sign, exterior wall lighting, canopy over the drive thru, and clearance poles on the north and west sides. The plaza owner is Tameast Tequesta, Ltd. d/b/a County Line Plaza. The address of the property 722 N. US Highway One, Tequesta, Florida 33469.

Attorney Davis advised the quasi-judicial nature of SPM 10-17, swore in two people and asked for disclosure of any ex-parte communication by Council but there was none.

Community Development Director Nilsa Zacarias announced that Dunkin' Donuts wished to modify the vacated Wendy's restaurant building with no footprint increase. The Planning and Zoning Board had approved the plan with a recommendation to remove some extra

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signage. Mike Ventura of 3453 Crystal Lane, Davie Florida made a presentation on the site and proposed changes. There was discussion about signage, the drive through lane, and hours of operation with an anticipated opening before the end of the year.

<u>MOTION:</u> Council Member Okun moved approval of SPM 10-17; seconded by Vice Mayor D'Ambra; motion carried unanimously 5-0.

19. ORDINANCE 16-17, FIRST READING, AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 78. ZONING; AT SECTION 78-4, DEFINITIONS. TO CREATE DEFINITIONS FOR THE TERMS "MARIJUANA," "MEDICAL MARIJUANA TREATMENT CENTER," "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" AND TO REVISE THE DEFINITION FOR "RETAILSALES AND SERVICE" TO EXCLUDE MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY THEREFROM; AT SECTION 78-178, C-3 GENERAL COMMERCIAL DISTRICT, SUBSECTION (B) PERMITTED USES, TO CREATE AN ENTIRELY NEW NUMBER (20) PROVIDING REGULATIONS FOR THE LOCATION OF MEDICAL MARIJUANA TREATMENT CENTERS IN THE VILLAGE; AND AT ARTICLE IX, SUPPLEMENTAL REGULATIONS TO CREATE AN ENTIRELY NEW SECTION 78-307 BANNING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE VILLAGE; 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.

Village Attorney Keith Davis read Ordinance 16-17 title into the record. This was the first reading. Marijuana dispensing could be banned and cultivation required sufficient space not found in Tequesta, however due to state regulation, cultivation would be permitted in zone C3. This Ordinance was reviewed and approval recommended by the Local Planning Agency. If a brick and mortar location was not completely banned, it required the same regulation as a pharmacy.

<u>MOTION:</u> Council Member Arena moved approval of Ordinance 16-17; seconded by Council Member Okun; motion carried unanimously 5-0.

- **20.** ITEM REMOVED FROM AGENDA PLACED ON 10/30/17 WORKSHOP Discussion Regarding Zoning for Wireless Communications Facilities
- **21.** Approve Sidewalk Rehabilitation and Construction Contract with R and D Paving for Sidewalk Repair in the Village of Tequesta.

Deputy Public Works Director Doug Chambers explained that The Village sought bids for sidewalk work and based on the scoring system and price R and D Paving was selected.

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Council approval was sought for a three-year contract with an option to renew for two more years. Questions arose about specific areas of sidewalk work, however Mr. Chambers stated the scope of the work would be discussed at the next Council Workshop. Council Member D'Ambra clarified that this item was solely to approve this contractor.

<u>MOTION:</u> Council Member Paterno moved approval of Item 21; seconded by Vice Mayor D'Ambra; motion carried unanimously 5-0.

22. Council Approval of Island Time Productions Service Agreement for Tequesta Fest 2017

Council Member Arena asked Parks and Recreation Director Greg Corbitt to explain why the cost looked higher this year. Mr. Corbitt stated that music was eliminated in favor of other amenities. Council Member D'Ambra had asked Mr. Corbitt about the cost of extending the time by one hour. Mr. Corbitt advised the cost was \$5000 and consensus of Council was to extend the close time of Tequesta Fest to 6 p.m. After Council Member Paterno asked whether the number of prizes was sufficient for the extra hour of games, Mr. Corbitt advised that he felt it was.

<u>MOTION:</u> Council Member Okun moved approval of Item 22; seconded by Council Member Arena; motion carried unanimously 5-0.

ANY OTHER MATTERS

Mayor Brennan believed there was a lot of community integration taking place of which Council was not aware therefore, she wanted the Police and Fire Departments to provide regular updates on these activities during the Manager's Report at Council Meetings.

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Meeting Task Assignments

Item	Assigned
Pension attorney to explain the basis for their analysis of the accumulated unused monies for the police 185 funds	Public Safety
	Pension Board
Tom Paterno – voting conflict form	Lori
 Look into Police and Doug placing "artsy" no fishing signs on the bridge 	Manager
 Look into if staff allowed people into the 414 Cypress property without proper approval 	Manager
Speak with Dalack and report back to Council	Keith
 Police to provide a special detail Item #16 – the race – and it is to be paid for by the race organization 	McGrew
Add Police and Fire individual reports under Standing Reports	Lori

<u>ADJOURNMENT:</u> Council Member Okun moved to adjourn the meeting; seconded by Vice Mayor D'Ambra. The motion to adjourn carried unanimously 5-0; therefore, the meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Lori McWilliams, MMC Village Clerk

<u>Note</u>: 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.