

MINUTES
TOWN OF JUNO BEACH
TOWN COUNCIL REGULAR MEETING
September 28, 2022
Council Chambers/YouTube
340 Ocean Drive

PRESENT: DD HALPERN, MAYOR
ELAINE K. COTRONAKIS, VICE MAYOR
PEGGY WHEELER, VICE MAYOR PRO TEM
JASON HASELKORN, COUNCILMEMBER
ALEXANDER COOKE, COUNCILMEMBER

ALSO PRESENT: JOSEPH LO BELLO, TOWN MANAGER
LEN RUBIN, TOWN ATTORNEY
MATTHEW PAZANSKI, FINANCE DIRECTOR
FRANK DAVILA, DIRECTOR OF PLANNING & ZONING
ANTHONY MERIANO, DIRECTOR OF PUBLIC WORKS
CAITLIN E. COPELAND-RODRIGUEZ, TOWN CLERK

ABSENT:

Audience: 12

~ CALL TO ORDER – 5:30 PM
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA
(Time: 1:50 – 5:32) (TIME STAMP IS BASED OFF OF [YOUTUBE VIDEO](#))

Town Clerk Copeland-Rodriguez announced that staff is removing Item #2 – Consent Agenda B and Item #7 from the agenda.

Vice Mayor Pro Tem Wheeler asked to pull Item #2 - Consent Agenda A and discuss as Item #17.

Mayor Halpern asked to move Item #2 - Consent Agenda D for discussion as Item #10A.

Council gave consensus to move Item #2 – Consent Agenda A to Item #17 and Item #2 – Consent Agenda D to Item 10A for discussion.

1. COMMENTS FROM THE PUBLIC (Time: 5:33 – 21:05)

*All Non-Agenda items are limited to three (3) minutes. Anyone wishing to speak is asked to complete a comment card with their name and address prior to the start of the meeting as well as state their name and address for the record when called upon to speak (prior to addressing the Town Council). **Town Council will not discuss these items this evening.** Any issues will be referred to Staff for investigation; a report will be forwarded to the Town Council; and citizens will be contacted.*

Public Comments Opened at 5:34pm.

Town Clerk Copeland-Rodriguez read comments into the record (*see attached*).

Diana Davis (*Via Zoom*), 440 Sunset Way, expressed concern regarding a response on the September 23, 2022 Activity Report with respect to a banner and explained.

Jacob Rosengarten, 1613 E. Hemingway Dr., expressed concern regarding the proposed community events area and explained.

William Kimball, 390 S. Juno Lane, expressed concern regarding both the proposed community events area and the fact that the residents do not vote for a mayor.

Stuart Katz, 900 Ocean Drive, expressed concern on Mayor Halpern's decision not to support a referendum to select a mayor and commented on hiring an independent attorney to assess the actions of Councilmember Haselkorn and Vice Mayor Cotronakis and explained. He submitted his comment for the record (*see attached*).

Public Comments Closed at 5:49pm.

2. **CONSENT AGENDA** (*Time: 21:06 – 21:46*)

All matters listed under Item 2, Consent Agenda, are considered to be routine by the Town Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. ~~Consider approving the Town Council Meeting Minutes for September 14, 2022~~
- B. ~~Ocean Ridge Maintenance of Public Easement Accommodation~~
- C. Special Event Request – North Pole Christmas Craft and Tree Event
- D. ~~Palm Beach County's Five-Year Road Program Annual Update~~
- E. Resolution No. 2022-11 - Agreement for Vote Processing Equipment Use and Election Services with the Palm Beach County Supervisor of Elections

MOTION: *Cotronakis/Wheeler made a motion to approve the consent agenda as amended.*

ACTION: *The motion passed unanimously.*

3. **PUBLIC HEARING AND SECOND READING: ORDINANCE NO. 756** (*Time: 21:47 – 24:09*)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, SETTING AND FIXING A MILLAGE RATE TO BE LEVIED AND SET FOR AND UPON ALL REAL PROPERTY WITHIN THE BOUNDARIES OF THE TOWN FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Finance Director Pazanski)

- A. Town Attorney Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation and Recommendations

Finance Director Pazanski briefly went over the memorandum and asked Council if they had any questions.

C. **ANNOUNCEMENT: The Town of Juno Beach, Palm Beach County, Florida, setting and fixing a millage tax rate to be levied at 1.8195 Mills which is 5.00% higher than the rolled-back rate of 1.7328.**

Finance Director Pazanski announced that the Town of Juno Beach, Palm Beach County, Florida, setting and fixing a millage tax rate to be levied at 1.8195 Mills which is 5.00% higher than the rolled-back rate of 1.7328.

D. Public Hearing

Public Hearing Opened at 5:51pm.

Public Hearing Closed at 5:51pm.

E. Council Motion/Second-Council Discussion

***MOTION:** Cotronakis/Cooke made a motion to approve on second reading Ordinance No. 756 -setting and fixing the millage tax rate at 1.8195 which is 5.00% higher than the rolled-back rate of 1.7328.*

F. Council Action

***ACTION:** The motion passed unanimously.*

4. **PUBLIC HEARING AND SECOND READING: ORDINANCE NO. 757** (Time: 24:10 – 25:17)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Finance Director Pazanski)

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Finance Director Pazanski briefly went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 5:53pm.

Public Hearing Closed at 5:53pm.

D. Council Motion/Second-Council Discussion

***MOTION:** Cotronakis/Wheeler made a motion to approve on second reading Ordinance No. 757 – adopting a Budget for the Fiscal Year commencing on October 1, 2022 and ending on September 30, 2023.*

E. Council Action

***ACTION:** The motion passed unanimously.*

5. PUBLIC HEARING AND SECOND READING: ORDINANCE NO. 758 (Time: 25:18 – 27:13)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Finance Director Pazanski)

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Finance Director Pazanski briefly went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 5:54pm.

Public Hearing Closed at 5:55pm.

D. Council Motion/Second-Council Discussion

***MOTION:** Wheeler/Cotronakis made a motion to approve on second reading Ordinance No. 758 – Amending the Fiscal Year 2021-2022 Annual Budget.*

E. Council Action

ACTION: The motion passed unanimously.

6. **SWEARING IN NEW POLICE OFFICER JOHN ROSSINI** (Time: 27:14 – 30:47)
(Town Clerk Copeland-Rodriguez)

Chief of Police Smith introduced new Police Officer John Rossini.

Town Clerk Copeland-Rodriguez swore in new Police Officer John Rossini.

7. **LEGISLATIVE UPDATE BY SENATOR BOBBY POWELL**
(Town Clerk Copeland-Rodriguez)

8. **PUBLIC HEARING AND SECOND READING ON ORDINANCE NO. 753:
AMENDING THE PLANNING & ZONING BOARD DUTIES** (Time: 30:48 –
45:52)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, RELATING TO ARCHITECTURAL REVIEW OF DETACHED SINGLE-FAMILY DWELLINGS; AMENDING DIVISION 1, “GENERALLY,” AND DIVISION 4, “SITE PLAN AND APPEARANCE REVIEW,” OF ARTICLE II, “ADMINISTRATION AND ENFORCEMENT,” OF CHAPTER 34, “ZONING,” OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTIONS 34-28 AND 34-116 TO ASSIGN ONLY APPEARANCE REVIEW, INCLUDING ARCHITECTURAL REVIEW, OF DETACHED SINGLE-FAMILY DWELLINGS TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

(Town Attorney Rubin)

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Town Attorney Rubin briefly went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 6:00pm.

Diana Davis (*Via Zoom*), 440 Sunset Way, expressed her opposition to this item.

Town Clerk Copeland-Rodriguez read a comment from resident Christa Dunn into the record (*see attached*).

Nancy Wolf (*Via Zoom*), 1613 E. Hemingway Dr., expressed her opposition to this item.

Mr. Rosengarten expressed his opposition to this item.

Public Hearing Closed at 6:10pm.

D. Council Motion/Second-Council Discussion

Council reviewed, discussed, and asked staff questions on this item.

***MOTION:** Cotronakis/Haselkorn made a motion to approve the adoption of Ordinance No. 753 on second and final reading.*

E. Council Action

***ACTION:** The motion passed 3-2 with Vice Mayor Pro Tem Wheeler and Councilmember Cooke opposed.*

9. **PETITION FOR A MAJOR AMENDMENT TO AN APPROVED SITE PLAN – HOLY SPIRIT LUTHERAN CHURCH** (Time: 45:53 – 57:59)
(Director of Planning & Zoning Davila)

A. Disclosure of Ex Parte Communications

Town Attorney Rubin asked Council to disclose any ex parte communications.

B. Swearing in of Witnesses

Town Attorney Rubin swore in all parties wishing to give testimony.

C. Staff Presentation

Director of Planning & Zoning Davila went over the memorandum and asked Council if they had any questions.

Town Attorney Rubin read the Resolution Title.

D. Applicant Presentation

Amanda McNally (Via Zoom), Architect, went over a presentation (*see attached*) and asked Council if they had any questions.

E. Public Hearing

Public Hearing Opened at 6:18pm.

Public Hearing Closed at 6:18pm.

F. Council Motion/Second-Council Discussion

***MOTION:** Wheeler/Cotronakis made a motion to approve Resolution No. 2022-10, approving the request for a Major Site Plan Amendment for Holy Spirit Lutheran Church, subject to the conditions outlined in the memorandum.*

G. Council Action

***ACTION:** The motion passed unanimously.*

10. **PUBLIC HEARING AND FIRST READING ON ORDINANCE NO. 759:**
ADJOURNMENT OF TOWN COUNCIL MEETINGS (Time: 58:00 – 1:04:15)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING ARTICLE II, “TOWN COUNCIL,” OF CHAPTER 2, “ADMINISTRATION” OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 2-21, “ADJOURNMENT OF MEETINGS” TO MODIFY THE ADJOURNMENT TIME; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

(Town Attorney Rubin)

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance Title.

B. Staff Presentation

Town Attorney Rubin went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 6:26pm.

Public Hearing Closed at 6:27pm.

Public Hearing Reopened at 6:29pm.

Mr. Katz commented on this item.

Public Hearing Closed at 6:29pm.

D. Council Motion/Second-Council Discussion

***MOTION:** Haselkorn/Cotronakis made a motion to approve Ordinance No. 759 on first reading.*

E. Council Action

***ACTION:** The motion passed 4-1 with Vice Mayor Pro Tem Wheeler opposed.*

10A. **PALM BEACH COUNTY'S 5-YEAR ROAD PROGRAM – ANNUAL UPDATE**
(Time: 1:04:16 – 1:14:55)

Mayor Halpern expressed her concerns on opposing the project on Ellison Wilson and Donald Ross Road.

Council reviewed, discussed, and asked staff questions on this item.

Council gave consensus to have staff modify the letter to ask Palm Beach County for additional information on the proposed projects and if the County would present the information to the Council.

Town Manager Lo Bello stated that staff will add that sentence and do a follow-up call with the County as well.

Vice Mayor Pro Tem Wheeler announced for the record that she was not part of the consensus but acknowledged that staff has consensus to proceed.

11. **DISCUSSION ON COMPLETE STREETS POLICY** (Time: 1:14:56 – 1:20:59)
(Director of Planning & Zoning Davila)

Director of Planning & Zoning Davila went over the memorandum, provided an update from Palm Beach County ERM, and asked Council if they had any questions.

Council reviewed, discussed, and asked staff questions on this item.

Public Comments Opened at 6:44pm.

Public Comments Closed at 6:44pm.

***MOTION:** Wheeler/Haselkorn made a motion to direct staff, including the Town Traffic Engineer and Town Attorney as necessary, to work with the TPA to modify and create a Juno Beach Complete Streets policy.*

***ACTION:** The motion passed unanimously.*

12. **JUNO DUNES NATURAL AREA MANAGEMENT PLAN 10-YEAR REVIEW**
(Time: 1:21:00 – 1:26:59)
(Director of Planning & Zoning Davila)

Director of Planning & Zoning Davila went over the memorandum and asked Council if they had any questions.

Council reviewed, discussed, and asked staff questions on this item.

Public Comments Opened at 6:51pm.

Public Comments Closed at 6:51pm.

Council gave consensus to direct staff to provide a letter of compliance to Palm Beach County and place the bulleted items in the memorandum on a future agenda for discussion.

13. **DISCUSSION ON CREATION OF AN ENVIRONMENTAL ADVISORY COMMITTEE OF THE TOWN** (Time: 1:27:00 – 1:51:46)
(Per the request of Mayor Halpern)

Mayor Halpern discussed this item and asked Mr. Thomas Bradford to explain the Village of Tequesta's Environmental Advisory Committee.

Thomas Bradford, 44 Chestnut Trail, Tequesta, went over the Village of Tequesta Environmental Advisory Committee's activities and provided it to the Town Clerk for the record (*see attached*).

Public Comments Opened at 7:06pm.

Ms. Davis expressed her opposition to this item.

Mr. Ferguson expressed his opposition to this item.

Public Comments Closed at 7:14pm.

Mayor Halpern asked Council to consider creating an environmental advisory committee.

Council gave consensus to not proceed with creating an environmental advisory committee.

14. **DISCUSSION ON AMENDING CODE SECTION 34-1334 MINOR AMENDMENTS TO INCLUDE LANDSCAPE** (Time: 1:51:47 – 2:08:15)
(Per the request of Mayor Halpern)

Mayor Halpern discussed this item and asked Council for a consensus to have this section of the code reviewed and modified.

Public Comments Opened at 7:29pm.

Mr. Katz commented on this item.

Public Comments Closed at 7:34pm.

Council reviewed, discussed, and asked staff questions on this item.

Council gave consensus to leave the code as is.

15. **DISCUSSION ON MARS WAY PARKING** (Time: 2:08:16 – 2:46:47)
(Per the request of Mayor Halpern)

Mayor Halpern discussed this item and asked Council if they want to restrict parking on Mars Way to residents only and asked for a discussion on how the Town can mitigate the parking issues on Mars Way.

Public Comments Opened at 7:38pm.

Jane Le Clainche, Mars Way, provided a document to Council (*see attached*) and expressed her concerns on public parking along Mars Way.

Jeremy Le Clainche, Mars Way, expressed his concerns on this item.

William Viggiano, Mars Way, expressed his concerns on this item.

Public Comments Closed at 7:47pm.

Councilmember Cooke recommended resident parking permits and a system of charging for public parking throughout the Town and explained.

Council reviewed, discussed, and asked staff questions on this item.

Public Comments Reopened at 7:57pm.

Mr. Katz recommended making Mars Way a one-way egress going westbound onto U.S. Highway One and explained.

Mr. Bradford agreed with Councilmember Cooke's recommendation and explained.

Public Comments Closed at 8:01pm.

Council continued to discuss and ask staff and Mr. & Mrs. Le Clainche questions on this item.

Council gave consensus to have staff look into parking options and work on a pilot parking program throughout the Town.

Vice Mayor Pro Tem Wheeler inquired about additional signage for the existing "No Trucks" signage on that street.

Chief of Police recommended adding the language "ordinance enforced".

Council gave consensus to have staff look into a secondary sign for the "No Trucks" signs.

Town Manager Lo Bello stated that staff will take care of it.

Mayor Halpern expressed concern on the Oceanfront Dune Walkover not being ADA compliant per the conditions of approval for the building of the Oceanfront.

16. **DISCUSSION ON FPL UNDERGROUNDING POWER LINES** (Time: 2:46:48 – 3:05:34)
(Per the Request of Mayor Halpern)

Mayor Halpern discussed this item and asked Council for consensus to have FPL provide a new ballpark estimate.

Public Comments Opened at 8:15pm.

Mr. Bradford explained Tequesta's village-wide undergrounding program and recommended Council go out to bid on this project once FPL provides a new estimate.

Public Comments Closed at 8:18pm.

Councilmember Cooke announced that he has a firm commitment from Representative Mike Caruso to seek a legislation appropriation for the Town to cover 50% of the project cost and explained.

Council reviewed, discussed, and asked staff questions on this item.

Public Comments Reopened at 8:25pm.

Mr. Katz commented on this item.

Public Comments Closed at 8:26pm.

Council continued to review, discuss, and ask staff questions on this item.

Mr. Bradford explained the process for obtaining a cost estimate.

Council gave consensus to have staff contact FPL for an updated all-inclusive cost estimate and options to present to Council at a future meeting.

17. **CONSIDER APPROVING THE TOWN COUNCIL MEETING MINUTES FOR SEPTEMBER 14, 2022** (Time: 3:05:35 – 3:11:29)

Vice Mayor Pro Tem Wheeler stated that Mayor Halpern had put her name on the minutes for either political or personal reasons and she wanted to correct the record because there was no rubber mulch clogging the drain. She asked Mayor Halpern to retract that statement or have it taken off of the minutes. She stated that it's important before they start policing mulch in her yard, or any other citizens' yards, and that they wait until they have all the facts before they discuss the topic.

Mayor Halpern suggested that the Town have an ordinance to ban nonorganic mulch and explained the areas in Town that have rubber mulch such as Kagan Park.

Council briefly reviewed, discussed, and asked staff questions on this item.

Council gave consensus to remove the term “clogging” on page 12 and replace with “a couple pieces of rubber mulch from the Wheeler residence on the drain”.

***MOTION:** Cooke/Wheeler made a motion to approve the September 14, 2022 Town Council meeting minutes as amended.*

***ACTION:** The motion passed unanimously.*

18. **COMMENTS FROM TOWN MANAGER** (Time: 3:11:30 – 3:11:38) - None

19. **COMMENTS FROM TOWN ATTORNEY** (Time: 3:11:39 – 3:11:59)

Town Attorney Rubin addressed the sign code language comment that was brought up by Ms. Davis and stated that he will go back and look into it.

20. **COMMENTS FROM STAFF** (Time: 3:12:00 – 3:12:06) - None

21. **COMMENTS FROM COUNCIL** (Time 3:12:07 – 3:26:36)

Councilmember Cooke stated that he received several communications from residents and requested that Council revisit the referendum for a separately elected mayor.

Vice Mayor Pro Tem Wheeler commented on the Town’s landscape maintenance and had staff provide a list of the various levels of maintenance (*see attached*). She asked for Town Manager Lo Bello to provide a quick update on the Town’s current levels of maintenance.

Town Manager Lo Bello explained the current levels of landscape maintenance for different areas of the Town.

Vice Mayor Pro Tem Wheeler commented on adding Florida Bike Month proclamation for March and asked Council if next month they can do a walk around the proposed community events area and have it marked off. She also provided a list of theme event ideas from Police Volunteer Lee Conway (*see attached*). She asked Council if they would like to take down the acrylic screen dividers at the dais.

Mayor Halpern congratulated Director of Public Works Meriano on his retirement and thanked him and Marty Rybczyk for their service to the Town.

Director of Public Works Meriano thanked the Town and stated that he enjoyed working with everyone.

Mayor Halpern also announced that Planning & Zoning Boardmember Compton had submitted a letter of resignation because he moved out of the country. She nominated Laure Shearer as his replacement on the Planning & Zoning Board.

Laure Shearer, 431 S. Juno Lane, introduced herself to the Council.

Council approved the appointment of Laure Shearer to the Planning & Zoning Board.

Mayor Halpern commented on not being in favor of the community events area and explained. She also asked Council for a consensus to have the Planning & Zoning Board review the landscape code definition of the term “mulch” and advocated utilizing only organic materials.

Council gave consensus to place on the Planning & Zoning Board’s November agenda “Discussion on creating a definition for the term mulch”.

Mayor Halpern commented on having a professional surveying company conduct a survey of the residents for selection options for the position of mayor.

Vice Mayor Pro Tem Wheeler explained that the issue is now being pursued through a citizen initiative and is out of the Council’s hands.

Town Attorney Rubin explained that state statute provides a procedure for citizens to propose amendments to the Town Charter through a referendum vote.

22. **ADJOURNMENT** (Time: 3:26:37 – 3:26:40)

Mayor Halpern adjourned the meeting at 8:54pm.

Minutes Approved on October 26, 2022.