

TOWN OF HYPOLUXO
MINUTES
REGULAR TOWN COUNCIL MEETING

Al Merion Council Chamber

Wednesday, October 19, 2022

CALL TO ORDER - Mayor Michael Brown called the meeting to order at 7:00 PM

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

ROLL CALL - ELECTED OFFICIALS: Mayor Michael Brown, Vice Mayor Richard Roney and Town Council Members Brad Doyle, Linda Allen, Christine Nagy and Stephanie Kahlert were present. There was a quorum.

AGENDA APPROVAL – Addition/Deletions/ Modifications and Adoption –

Vice Mayor Roney moved to approve the agenda as presented. Seconded by Councilmember Allen. Vote: Unanimous.

CRIME REPORT – Officer Luis Morales, Lantana Police Department

NOTE: This item was heard out of order of the agenda.

Officer Morales discussed several responses that the Lantana Police Department has responded to over the last three months. Those calls included traffic accidents, abuse cases, alarm cases, animal complaints, suicide and attempted suicides, stolen vehicle, suspicious incidents, traffic stops, trespassing, warrant arrest, extra patrols, and several other miscellaneous calls. He encouraged residents to remain vigilant and lock their cars, garage doors and if you see something, do not hesitate to call the non-emergency number so that the officer on duty can investigate.

ANNOUNCEMENTS – Qualifying for the March 14, 2023, municipal election will be held from December 1 through December 9, 2022. Please note that there are two new precinct numbers (3401) and 3402). The voting location has not changed from Town Hall.

Mayor Brown announced that the League of Women Voter Recommendations for the upcoming November 8, 2022 election are available to the public and will be in the lobby.

COMMENTS FROM PUBLIC – None.

b. Resolution 22-517

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, ANNOUNCING THE DATE OF THE TOWN GENERAL ELECTION AND RUN OFF ELECTION, IF NECESSARY; DESIGNATING THE POLLING LOCATION; REQUESTING THAT THE SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CERTIFY THE ACCURACY OF THE TABULATION EQUIPMENT AND HANDLE, CERTIFY AND CANVASS ALL BALLOTS, INCLUDING ABSENTEE BALLOTS; DELEGATING CANVASSING DUTIES TO THE COUNTY CANVASSING BOARD; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES:

Town Attorney Rubin read the resolution by Title.

Mayor Brown presented an overview of the staff report.

Mayor Brown opened the discussion to the general public. There being none, this section of the meeting was closed.

Councilmember Doyle moved to approve Resolution 22-517. Seconded by Councilmember Allen. Vote: Unanimous.

c. Ordinance 221

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING ARTICLE VII, "LANDSCAPING STANDARDS," OF CHAPTER 28, "LAND DEVELOPMENT," OF THE TOWN CODE OF ORDINANCE BY AMENDING SECTION 298-163, "PLANT SPECIES, QUALITY AND SIZE," AND ADOPTING A NEW SECTION 28-167, "ARTIFICIAL TURF/SYNTHETIC GRASS," PROVIDING FOR MATERIAL STANDARDS AND SPECIFICATIONS PROVIDING REGULATIONS FOR INSTALLATION, MAINTENANCE AND REPAIR, PROVIDING FOR PERMITTED LOCATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Rubin read Ordinance by title.

Mayor Brown presented an overview of the staff report. He noted Staff is recommended to reject changing the existing code.

Vice Mayor Roney moved to deny Ordinance 221 as presented. There was no second to the motion. Therefore, no action was taken.

Mayor Brown opened the discussion to the general public. He noted this is the first reading.

C. ACTION/DISCUSSION ITEM

1. Action/Discussion – Consent Agenda –

- a. Regular Minutes from the August 17, 2022 meeting, Special Meeting of September 12, 2022 and the Regular Meeting of September 19, 2022.
- b. Request approval to execute an Interlocal Agreement between Palm Beach County and the Town of Hypoluxo for fiber optic cable installation and service at Garnett Park 7210 S. Federal Highway (for security cameras).

Councilmember Nagy moved to approve the consent agenda as presented. Seconded by Vice Mayor Roney. Vote: Unanimous.

2. Ordinances and Resolutions –

Public Hearings –

- a. Resolution 22-516
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, APPROVING AN AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND AUTHORIZING THE MAYOR AND DEPUTY TOWN CLERK TO EXECUTE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Rubin read the resolution by Title.

Mayor Brown briefly discussed the staff report.

Mayor Brown opened the discussion to the general public. There being none, this section of the meeting was closed.

Councilmember Doyle moved to adopt Resolution 22-516. Seconded by Councilmember Nagy. Vote: Unanimous.

Councilmember Doyle questioned the location of the artificial turf in Townhouses and whether the right-of-way requirements are limited.

It was noted that it would not be permitted along right-of-way areas. The Building Official would determine whether the location meets this requirement. Single Family restrictions include being permitted in the rear yard, side yard not to exceed 50% of the total area, prohibited in the front yard with the exception of strips in the driveway area.

The following residents spoke in favor of the Ordinance:

Danielle Venett 182 Las Brisas Circle

John Guiffre 184 Las Brisas Circle

Joel Rossi 176 Las Brisas Circle

Anthony Medina

Hans Kahlert 180 Periwinkle Drive

The following resident spoke in opposition to the Ordinance:

Joe Galliant

There being none, this section of the meeting was closed.

Councilmember Kahlert was supportive of the ordinance and requested to modify the Ordinance in the residential single-family district to allow artificial turf in the front yard, side yard and rear yard.

Councilmember Doyle moved to adopt Ordinance 221 as presented. Seconded by Councilmember Allen. The motion was amended and adopted.

Councilmember Kahlert moved to adopt Ordinance 221 with the following amendment: allow artificial turf in the front, rear and side yards and remove the side yard limitation and permit the artificial turf in the front yard. Seconded by Councilmember Doyle. Vote: Ayes: Doyle, Allen, Kahlert, Nagy and Nays: Roney.

3. Discussion/Action Items –

- a. Request approval to execute a contract to purchase real property location at 7200 S. Federal Highway for a Town Library/Community Center.**

Mayor Brown briefly discussed the staff report. He noted a contract has been negotiated and is presented. The purchase price is \$2.825 million dollars. It was noted because of the purchase price, a majority vote of four votes is required.

Councilmember Doyle expressed his opposition to purchasing this property for \$2.825 million when the value is \$1.6 million.

It was noted that the purchasers of the property were not intending to sell the property and they were in the process of remodeling the building for their use. They were requesting to be reimbursed for their intangible costs incurred in the remodeling.

Mayor Brown discussed opting out of the Palm Beach County Library system. He noted the library tax would be retained and used to offset the cost of the purchase price of the property over time. The anticipated cost of running the library is \$180,000 with the remainder of the monies being used to offset the cost.

Mayor Brown opened the discussion to the general public.

Hans Kahlert questioned whether the ARPA funds could be used to help offset the purchase of the property. He felt it was important to obtain the property rather than obtaining the property through legal means. He expressed his belief that the prices will not decrease significantly.

Kathy Gundlach was present and noted the costs associated with operating a library system. She noted the property would be removed from the tax rolls and discussed the restrictions placed on residents if the Town opts out of the library district.

Diane Pellegrino expressed her frustration with the increased traffic and pedestrian flow and the price to purchase the property.

Deborah Hendrickson was in opposition to the purchase of the property for a library and the purchase price.

It was noted that the current commercial district does not restrict the operating hours of the businesses.

Councilmember Nagy moved to approve the contract to purchase the real property location at 7200 S. Federal Highway. Seconded by Councilmember Kahlert. Voice Vote: Roney, Nagy, Allen, Kahlert, in favor with Doyle voting in the negative.

4. Information Items & Reports –

Budget – Comparison of Actual Expenditures and Income to Budget and Statement on Reserves-

Mayor Brown discussed the informational reports that were submitted.

Vice Mayor Roney moved to approve the expenditures and income to budget as presented. Seconded by Councilmember Allen. Vote: Unanimous.

5. Comments

Mayor Brown announced the following:

- No action was taken to donate to the victims of Hurricane Ian.
- The Annual Holiday Open House will be December 14, 2022.
- The calendars are available at the Town Hall for all residents.
- The Holiday Boat Parade will be on December 9, 2022.
- The next municipal election will be March 14, 2023, for three council seats.
- The next general election is November 8, 2022. Precinct numbers have changed but polling locations have not.

ADJOURNMENT – Mayor Brown adjourned the meeting at 8:20 P.M.

APPROVED THIS 17 DAY OF November, 2022.

ATTEST:

Michael Brown

Michael C. Brown, Mayor

ATTEST:

Dixie Gualtieri

Dixie Gualtieri, Deputy Town Clerk