



TOWN OF PALM BEACH TOWN CLERK'S OFFICE

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, AUGUST 8, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:30 a.m. On roll call, all council members were found to be present with Mayor Moore attending virtually.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation, and Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

Addition of Item No. X1.C.4 Consideration of Scheduling an Attorney/Client Session

Deferral of Item No. XII.A.1. Ordinance No. 016-2023 to the September 12, 2023, council meeting

Item No. XI.C.1. Discussion of Public Participation at Future Public Meetings moved to ANY OTHER MATTERS

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the agenda, as amended. On roll call vote, the Motion passed unanimously, 5-0.

V. PRESENTATIONS

A. The Palm Beach Civic Association and The Citizens' Association of Palm Beach Scholarship Award

Danielle H. Moore, Mayor

President Zeidman announced Robert LeBrun, son of Firefighter Brian LeBrun, as the recipient of the Palm Beach Civic Association and The Citizens' Association of Palm Beach Scholarship.

B. Rotary Club of Palm Beach's Flags for Heroes Scholarship Awards

Danielle H. Moore, Mayor

President Zeidman announced Annabelle Roach and Andrew Lochle as the recipients of the Rotary Club of Palm Beach's Flags for Heroes Scholarship.

C. 2023 Legislative Review

Bobby Powell, Jr., Florida Senator

Florida State Senator Bobby Powell, Jr. gave his 2023 legislative update.

Council Member Crampton commended Senator Powell for his efforts. He asked Senator Powell to give an update on the professional school that was being discussed but was put on hold due to naming issues. Senator Powell responded that he believes the project is still moving forward.

Council President Pro Tem Lindsay said the most important issue to small towns is having local control over local issues. She asked for Senator Powell's support for a resolution that will be prepared to request the state carve out the pre-emptive rule that was put forward by the agricultural industry. She does not feel there is anything agricultural about the State of Florida, yet managing the application of toxic chemicals to the island has been pre-empted by the State. Senator Powell responded.

Council Member Araskog also discussed the concerns about the erosion of home rule. She stated that the Town of Palm Beach is very historical, and some rights have been removed from the Landmarks Preservation Commission/Program. She questioned how the legislature makes decisions without looking at the whole state. She wanted to know about SB 250 and how to stop the assault on home rule. She also asked about insurance and the Form 6 requirement. She noted that the state was helping insurance companies and asked if Senator Powell thought anything would be done to help homeowners.

Senator Powell responded, encouraging attendance in Tallahassee to speak with the committee chairs and the Senate President to impress upon them the real

impact to communities across the state. He did not think anything would be done to help consumers with insurance issues.

Council Member Cooney referred to the Historic Preservation Bill, which died during the legislative session. He said the bill that blind-sided the Town of Palm Beach was the one that took away the town's ability to designate historical residential structures when there was resident opposition. It was troubling to note that the Town of Palm Beach was not invited to any discussions regarding this bill. Council Member Cooney asked if there was a better way for the Town Council to keep abreast of ongoing legislation. Senator Powell said that having a lobbyist is very important. He encouraged the cultivation of relationships with the people in Tallahassee who are on the other side and who control the committees. Senator Powell said it is near impossible to watch everything all the time during legislative sessions.

Council President Zeidman asked about the length of the bills being presented, and the process by which those bills must be considered during the legislative sessions. She said that the Town of Palm Beach Council has been blindsided twice by bills that impact the town. She said the real problem is the bills that are dropped into the process at the last minute. Council President Zeidman asked if the legislature had an appetite to extend SB 250. Senator Powell did not know the answer, but it was his understanding that the bill was retroactive and would be revisited. He asked the Town Council to present every concern about SB 250 to him. Council President Zeidman referred Senator Powell to Planning, Zoning, and Building Director Bergman.

Council President Zeidman read a statement she had written about gun safety and control. She was concerned about legislation requiring no permit to carry a firearm. She also commended Senator Powell for his support.

Mayor Moore thanked Senator Powell for attending the meeting and urged him to keep up the good work.

Council President Zeidman announced the Town Council's heartfelt wishes and prayers to Rob Weber and his family, hoping for a speedy recovery.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore thanked Council President Zeidman for covering today.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog was surprised and devastated when there was no more playhouse upon her return to town after being away. She noted the history of the playhouse and all the effort that went into preserving the facility. She asked Attorney Randolph to look at this because she felt, as a council member, that things were approved based upon that facility remaining.

Attorney Randolph stated that the staff was already investigating the issue Council Member Araskog raised. It has been scheduled to be in front of the Landmarks Preservation Commission at their next meeting.

Council Member Cooney acknowledged the death of Bob Eigelberger and remembered him as an essential figure in the community and with historic preservation.

Council Member Cooney shared the concern expressed by Council Member Araskog, and he believed the demolition of the playhouse merited discussion. He asked if there would be an opportunity to discuss it tomorrow during the Town Council Development meeting. He said the public is owed transparency, information, and an accounting of what happened, how and why, and what will be done differently in the future.

Council President Zeidman thought the Landmarks Preservation Commission (LPC) should discuss the issue first, followed by a discussion at a Town Council meeting.

Council Member Crampton agreed and thought the LPC could identify some of the issues and how those issues emerged before a discussion by the Town Council.

Council President Zeidman encouraged Council Member Cooney to continue to work with the LPC to help get a better process in place for the future.

Council President Pro Tem Lindsay thought that out of respect for the LPC, they should have the first opportunity to review this issue. She said the objective is to make sure there are no surprises of this nature in the future.

Council Member Cooney requested that the full perspective of this situation in a memo from the Town Attorney would be helpful.

VIII. COMMUNICATIONS FROM CITIZENS –3-MINUTE LIMIT, PLEASE

Leslie Blackner, Attorney-at-Law, Ross Stafford Burnaman, was present on behalf of Bear Warriors United. She wrote a 60-day notice of intent to sue the Town on behalf of Bear Warriors and the sea turtles that call Palm Beach home. She said the goal of Bear Warriors is to protect Florida wildlife because an ethic of peaceful co-existence with wildlife must be embraced. She explained the issues being addressed, including dogs seen hunting and searching for sea turtles and digging at sea turtle nests on Palm Beach.

Diane Buhler, Founder/President of Friends of Palm Beach, spoke about the beach and sea turtles. She said that what the nonprofit organization does is to protect the wildlife and the beach/ocean ecosystems. Her nonprofit is funded through grants and donations. From her perspective, the off-leash privilege extended to owners at one beach section has been widely abused. She offered to reduce the off-leash timeframe to be outside turtle nesting season to offer better protection for these protected species. She stated that the Town of Palm Beach is a small but influential town that she believes would set an example to other jurisdictions. She read that

turtle monitoring is needed for the sand placement projects. The Florida Fish and Wildlife Conservation Commission (FWC) and Department of Environmental Protection (DEP) best practices that the town follows are well, but they are guidelines to work from; other towns have implemented better and more effective practices. She thanked the town for the turtle signs and stated that since COVID the number of beachgoers has multiplied. Public education is key to better protection. To raise awareness, she asked that a few more turtle nests be marked to bring awareness for beachgoers to see that turtles are present.

IX. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the Consent Agenda. On roll call vote, the Motion passed unanimously, 5-0.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk
 - a. July 11, 2023, Town Council Meeting Minutes
 - b. July 12, 2023, Local Planning Agency Meeting Minutes
 - c. July 12, 2023, Town Council Development Review Meeting Minutes
 - d. July 13, 2023, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of July 26, 2023
Wayne Bergman, Director of Planning, Zoning and Building

B. OTHER

1. Request to Consider Ordinance No. 010-2023 at the August 9, 2023, Public Hearing Prior to 5:00 p.m.
Wayne Bergman, Director of Planning, Zoning and Building
2. Insurance Claim Settlement for Warren Belmar Regarding Accident on April 13, 2021
Bob Miracle, Deputy Town Manager - Finance and Administration
3. Acceptance of Donation from Raul Cesan
Nicholas Caristo, Chief of Police

X. PUBLIC HEARINGS

Council President Zeidman opened the public hearing.

Patricia Strayer, Public Works, stated there were two items for consideration. The items were related to easement abandonment, and fulfilling a commitment made by Town Council providing for anyone who voluntarily provided an easement and that rear easement was available for abandonment, the town would go through the abandonment process. Ms. Strayer stated that the first one was Phase II South. All residents within 300 ft of each easement had been notified. The public notice was in the newspaper, and a phone number and e-mail were set up for residents to respond to notifications. Several calls were received, and most were confused about the letter and the intent. The letter will be revised and clarified for the next phase. In Phase II South, there were no objections to abandoning the easements.

- A. RESOLUTION NO. 093-2023** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements Within Phase 2 South Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

H. Paul Brazil, P.E., Director of Public Works

There were no public comments.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to approve Resolution No. 093-2023. On roll call vote, the Motion passed unanimously, 5-0.

- B. RESOLUTION NO. 094-2023** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements Within Phase 4 North Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

H. Paul Brazil, P.E., Director of Public Works

There were no public comments.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 094-2023. On roll call vote, the Motion passed unanimously, 5-0.

XI. REGULAR AGENDA

- A. Matters Pulled from Consent Agenda: If needed**

- B. Old Business**

1. Sea Turtle Nesting Monitoring Discussion
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil updated the Town Council on Sea Turtle Nest Monitoring. Sea turtle nest monitoring within the Town is performed under the permission and

guidance of the Florida Fish and Wildlife Conservation Commission (FWC), consistent with the FWC Marine Turtle Conservation Handbook. D.B. Ecological, Inc. (DBE) works as an agent to FWC under their direct supervision and has been surveying the Town's 12.2 miles of shoreline daily between March 1 and October 31 each year. DBE regularly communicates with FWC and Public Works and Police Department personnel.

Mr. Brazil presented information about the procedures followed for the process. He provided information for the general public on how to stay involved with the beach initiatives. He indicated that public outreach and education initiatives were also being undertaken. Mr. Brazil requested that anyone who notices any violation should call 911 or the non-emergency line to the Police Department. Response time is typically under four minutes; they are available and want to be informed of violations.

Mr. Brazil stated that Dr. Robbin Trindell will be attending the Palm Beach County Beach Management Agreement (BMA) meeting on August 24, 2023, to give background on previous years of sea turtle nesting and where the town currently stands. She will discuss the BMA as well as sea turtle nesting.

Council President Zeidman has spoken to Leslie Blackner twice, who cited what she believes to be deficiencies in our current program. She referred Ms. Zeidman to Dr. Blair Witherington, who focuses on sea turtles and who is recognized as an authority. President Zeidman explained the issues to Dr. Witherington, who emphasized prioritizing lighting and education. He said the number one cause of mortality to sea turtles is light and for this reason, the Town should focus its efforts on lighting and educate residents accordingly. Council President Zeidman believes that letters sent to each resident will change behavior regarding lighting and result in an even more successful program. She said Dr. Witherington stated he would be available for any necessary training.

Council member Crampton pointed out that the Town of Palm Beach has a model program where FWC supervises everything. He said there are more nests yearly, proving the Town is doing something right.

Council President Pro Tem Lindsay stated she has never seen as many turtle nests as she has seen this season. Last August, Dr. Trindell predicted a big year for sea turtles following the beach nourishment project. She suggested having the BMA meeting when more residents were on the island in the future. She suggested September or October.

Council Member Cooney complemented Mr. Brazil and his team for a job well done running the coastal management program. He was supportive of additional education for residents. The Shore Protection Board was tasked with some video production, and he recalled some new educational signage that would be installed at beach access points. Mr. Brazil said the next Shore Protection Board

meeting would result in recommendations to be presented to the Town Council.

Council Member Araskog asked if the council could prohibit dogs on the beach during turtle hatching season. She also made some suggestions for the letter that will be written to send to residents. Regarding beach cleaners, Council Member Araskog asked if that could occur only when needed. Mr. Brazil said there is a contract, and it is flexible. There is no set date. Beach cleaners are set at once a week, based on when high tide will be in the town's favor. There are times that twice a week is needed but fortunately, the amount of seaweed coming in has been significantly less than anticipated. Council Member Araskog asked about the ribbons to denote where there are turtle nests. Mr. Brazil said the marking placement on the nests is intentional.

Mr. Brazil thanked Code Enforcement and Rob Weber for all they have done to assist in this initiative.

A brief recess was taken at 11:43 a.m. The meeting reconvened at 11:55 a.m.

2. Town-Wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

a. Review of Project and Dashboard, Summary of Project Status

Ms. Strayer, Town Engineer, presented a comprehensive update on the undergrounding project. She said the disruptive work is still on track to end in November.

b. RESOLUTION NO. 099-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town of Palm Beach and Florida Power & Light (FPL) at 320 South Lake Drive for Access, and Maintenance of FPL Equipment.

There were no public comments.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 099-2023. On roll call vote, the Motion passed unanimously, 5-0.

c. Approval of West Palm Beach Decorative Screening of Town Property Located Within West Palm Beach.

Ms. Strayer presented a map of the Town's property at the intersection of Quadrille and 6th Street. Approximately one year ago, a permit was sought to use this area as the lay-down area for undergrounding. The

permit was approved. Within the last two months, a request was received from the City of West Palm to place their screening on the fence advertising their NORA project. Graphics were presented for what the screening would look like. Ms. Strayer asked if the Town Council would approve the City of West Palm Beach to install and maintain the screening.

Council Member Crampton was prepared to support the request. He thought that property may be connected with the further development of the NORA project.

Mayor Moore expressed concerns about advertising on the screen fence. She was cautious about setting a precedent and did not think this was a good idea.

Council Member Araskog agreed with Mayor Moore.

Council President Pro Tem Lindsay suggested a ground lease, as alluded to by Council Member Crampton. She did not think allowing the screening with advertising was a good idea, although the Town does appreciate the City of West Palm Beach.

Council Member Cooney agreed with the rest of the council, although he thought it could work.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to deny the request for advertising on the fencing material but to not prohibit staff from returning to the Town Council with a different proposal.

Mr. Brazil asked if the City of West Palm Beach was doing something that was not NORA-related, and if the Town Council would be willing to consider it. The consensus was yes.

On roll call vote, the motion passed unanimously, 5-0.

3. RESOLUTION NO. 095-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Proposal for Paving Oversight - Undergrounding Phase 4 North to Chen Moore and Associates in the Amount of \$78,190 and Establishing a Project Budget of \$89,900.

Dean Mealy, Procurement and Contract Manager

Ms. Strayer stated that items 3 and 4 are about the paving of Phase 4 North. She said the typical practice is to get the poles down prior to paving. The

bid came in significantly lower than the engineer's cost. She stated that staff recommends moving forward with paving Phase 4, then allowing the paving to cure and the temperatures to drop. In January/February, staff would begin working with Florida Power and Light to remove poles. This allows the town to take advantage of a good price for paving and removing the poles.

Council President Zeidman asked about the projects in Phase 4. On Monterey, paving will be done, and there have been concerns about how it would be done. Ms. Strayer explained the process and how the staff has been working with the property owners and vendors in preparation for the paving project. Mr. Brazil said the work would be disruptive, and no one would be permitted to use the street during the paving project.

Council Member Crampton asked if the milling and pole pulling could be scheduled at a time that is not during the season. Ms. Strayer said the milling will be done before the season. However, the asphalt has to cure, and temperatures need to be lower before the poles can be pulled.

Council Member Cooney asked if the staff is confident that the paving will be a quality job as long as appropriate time is allowed for curing. Ms. Strayer said yes, plus the lower temperatures will help.

Council Member Araskog affirmed that provisions will be made for the residents to get in and out, and Ms. Strayer said yes.

There were no public comments.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 095-2023. On roll call vote, the Motion passed unanimously, 5-0.

4. RESOLUTION NO. 096-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order for Milling and Paving, Town of Palm Beach Undergrounding Phase 4 North to M&M Asphalt Maintenance, Inc. dba All County Paving in the Amount of \$499,822 and Establishing a Project Budget of \$625,000.

Dean Mealy, Procurement and Contract Manager

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 096-2023. On roll call vote, the Motion passed unanimously, 5-0.

5. RESOLUTION NO. 097-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida,

Approving the Award of GMP to Burkhardt Construction, Inc. for Phase 7 North in the Amount of \$10,472,977 and Establishing a Project Budget of \$10,900,000.

Dean Mealy, Procurement and Contract Manager

Ms. Strayer explained Resolution No. 097-2023. She said phase 7 North came in less than was anticipated, and a limit of 7% increase has been secured on unit rates.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 097-2023. On roll call vote, the Motion passed unanimously, 5-0.

6. RESOLUTION NO. 098-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase Order to Kimley-Horn and Associates, Inc. for the Townwide Undergrounding of Utilities Program, Phase 7 North Construction Phase Services in the amount of \$354,458 and Establishing a Project Budget of \$395,800.

Dean Mealy, Procurement and Contract Manager

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 098-2023. On roll call vote, the Motion passed unanimously, 5-0.

C. New Business

1. Discussion of Public Participation at Future Public Meetings
Margaret A. Zeidman, Town Council President

This item was pulled and heard under ANY OTHER MATTERS.

2. Discussion Regarding Succession Planning For Future Town Council Members
Margaret A. Zeidman, Town Council President

Council President Zeidman said this has come up before, and it is about the Charter, which does not contain a provision for taking off the month of August. By Charter, the Town Council must meet monthly. If the Town Council wished to take August off, it would have to be approved by referendum. This is being brought up because it is believed that if the month of August was eliminated from required meetings, there may be more interest from residents who would like to serve the town.

Council Members discussed the cost of putting this request on a ballot.

Council Member Araskog was hesitant because of the budget process and the history and potential need for council action. In addition, some of the code would have to be changed for development review due to the review periods required. She was not supportive of this request.

Council President Pro Tem Lindsay would be supportive of having the ability to hold the August meetings virtually.

To change the August meeting to virtual would require a change in legislation, and Senator Powell must be on board to support the request. Mr. Blouin commented that changing the Charter would be easier than changing legislation.

Council President Zeidman thought this issue should be raised for a legislative change. Mr. Blouin stated that this is a statewide issue.

Council President Pro Tem Lindsay thought the Town of Palm Beach should communicate with and get some other municipalities who are interested in supporting the request.

Mayor Moore thought Senator Powell should be included in the decision to move forward. She noted that Richard Radcliff will do a seminar on Form 6 next month, and his opinion could be sought about this request. Mayor Moore thought it would be best to have several municipalities on board. She was also willing to have conversations with the Florida League of Cities.

The Council consensus was to have Mayor Moore move forward to see if this request would get any support and report back to the Town Council.

Council Member Araskog brought some information to the Town Council regarding hours of operation.

A lunch recess was taken at 12:56 p.m. The meeting reconvened at 1:38 p.m.

3. Discussion Regarding Use of Pesticides

Bobbie D. Lindsay, Town Council President Pro Tem

Council President Pro Tem Lindsay stated that in 2022, the Town Council unanimously approved a Resolution asking the Florida Legislature to carve out Palm Beach from a pre-emptive law that would prohibit any municipality, county, or other area of Florida other than the state to manage or control the application of pesticides. The Council agreed that so many pesticides end up in one of two waterways. As a barrier island, it was felt that this resolution was passed to support the agricultural community. She thought the Town Council was very proud of the town staff for finding a way to deal with the legislation,

Council President Pro Tem Lindsay requested that the Resolution be re-sent to the Governor along with the Intracoastal Waterway (ICW) study, again asking for the waters that border the property or are coastal and non-agricultural communities to be exempted from the pesticide rule. She talked about a bill introduced by Senator Booker and several others that did not die during the past session. The bill was entitled “Protect America’s Children from Toxic Pesticides Act,” this bill would amend the Federal Insecticide, Fungicide, and Rodenticide Act to protect the safety of children fully and to remove these dangerous chemicals from use. If approved, the bill would also restore home rule power concerning pesticides. She asked what the Town Council could do to support this bill.

Discussion ensued regarding actions the council could and should take to support the legislation. Council Member Crampton suggested focusing on applicators. He said that when applicators deal with toxic chemicals, they need training, permits, and personal protection. He does not believe the current landscape companies are following those rules. He thought someone needed to ensure these folks have the right permits, training, and protections.

Council President Zeidman asked if the Town should require people handling toxic chemicals to register. Mr. Blouin did not think the Town would have training or the ability to legislate or enforce use of toxic chemicals.

Council Member Araskog thought the town could ask landscapers to submit their certifications to the town. She thinks something needs to be done to control the use of toxic chemicals.

Mayor Moore would be happy to move this forward but would like to ensure the proposed process has been properly vetted. She recommended sending the proposed plan to ORS for further study. Subsequently, staff would draft letters, and Mayor Moore would get them sent.

Council President Zeidman noted the first thing brought up was the resolution, exemption from the pre-emption by the state. She asked Mayor Moore if it would be okay to move forward with the exemption to the pre-emption as soon as next month. Mayor Moore said yes, she would like to have more backup before contacting the appropriate parties.

Council Member Cooney agreed with the issues associated with toxic chemical use. People are concerned about the toxic chemicals they are exposed to daily.

The consensus of the Town Council was to direct staff to bring the issue to

the ORS Committee and to direct Attorney Lisa Interlandi to prepare a Resolution to be heard at the September 12, 2023, Town Council meeting.

4. Consideration of Scheduling an Attorney/Client Session immediately following the 2:00 PM Time Certain during the Town Council Meeting on August 9, 2023, in the Town Council Chambers, 360 S. County Road, Palm Beach, Florida, to discuss the following matters: Stoia vs. Town of Palm Beach, Case No. 502022CA008833XXXXMBAD and Stoia vs. Town of Palm Beach, Case No. 502022CA008861XXXXMBAD in the Circuit Court of Palm Beach County Florida, Attorney/Client Attendees: Danielle H. Moore, Mayor; Margaret A. Zeidman, President; Bobbie D. Lindsay, President Pro Tem; Julie Araskog, Ted Cooney, Lew Crampton; Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Joanne O'Connor; and Court Reporter from Pleasanton & Marsaa, Court Reporters.
John C. Randolph, Town Attorney

This item was heard under ANY OTHER MATTERS

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to schedule the Attorney/Client session immediately after the 2:00 PM Time Certain during the Town Council Meeting on August 9, 2023. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

XII. ORDINANCES

A. First Reading

1. Proposed Ordinance to Amend the Town Code Relative to Town Clerk Issued Permits

ORDINANCE NO. 016-2023 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida Providing Amendments To The Application Procedures For Various Events In The Town Including Amendments To Chapter 10, Animals; Section 10-10, Temporary Permit; Section 10-11, Penalties; And By Adding New Sections 1-12, Duties of Permittee; 10-13, False Information Prohibited In Application; 10-15 Waiver of Provisions; And 10-16, Possession; Also Amending Chapter 22, Businesses At Article IV. Commercial Motion Picture Making, Division I. Generally At Section 22-127. Penalty For Violations, Division 2. Permit At 22-151, Required Application Fee, Section 22-152. Application Section 22-153. Prerequisite To Issuance and by Adding New Sections 22-154. Appeals, 22-155. Duties of Permittee, 22-156. False Information Prohibited in Application, 22-157. Permits Nontransferable, 22-158. Waiver of Provisions And 22-159 Possession; Amending

Chapter 78, Peddlers and Solicitors at Article III. Charitable Solicitations Division 1. Generally, By Deleting Section 78-79. Receipts Required and by Adding Section 78-81 Duties of Permittee And 78-82. Possession; Further Amending Division 2. Permit At Section 78-102. Application. Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-109. Permit Suspension, Revocation, By Deleting Section 78-110. Permittee To Keep Records, Section 78-111. Reports Required and by Amending Section 78-112. Appeals And Section 78-113. Penalties and by Renumbering Said Section; Further Amending Chapter 94. Sales At Article II. Auctions And Auctioneers at Section 94-35. Application, At Section 94-36. Standards For Issuance, By Deleting Section 94-37. Notice of Approval or Denial, By Amending Section 94-38, Appeal Procedure, By Deleting Section 94-41. Revocation. And By Adding the Following New Section 94-42. False Information Prohibited in Application, 94-43. Permits Nontransferable And 94-44. Waiver Of Provisions; Further Amending Article III, Closing Out or Distress Sales at Division 2. Permit By Amending Section 94-101. Required, By Deleting Section 94-102. Application Required Form, Contents, By Deleting Section 94-104. Investigation, Issuance of Permit Duration, By Amending Section 94-107. Denial Of Permit, By Amending Section 94-108. Renewal, Section 94-109. Fees, By Deleting Section 94-110. Permit Suspension, Section 94-111. Permit Revocation Appeals, By Deleting Section 94-113. Duplicate Application and Inventory to be Kept on Premises, By Deleting 94-114. Records Required; Inspection, By Amending Section 94-115. Additions To Stock Prohibited and by Adding the Following Sections, 94-120. Duties Of Permittee, 94-121. Waiver Of Provisions, And 94-122. Penalties; Further Amending Chapter 106, Streets, Sidewalks and Other Public Places at Article VII, Special Events on Public Property by Amending Section 106-258. Penalties, By Adding Sections 106-259. Permits Non-Transferable, 106.260. Waiver Of Provisions And 106.261. False Information Prohibited in Application, Amending Division 2 Permit at Section 106-282. Application, Section 106-283. Standards For Issuance, Deleting Section 106-284. Notice Of Approval or Denial Amending Section 106-285. Appeal Procedure, Deleting Section 106-288. Revocation; By Amending Section 106.288.1. Walks and Runs; Renumbering Said Sections; By Adding a New Section 106.288. Religious Holiday Symbol Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

John C. Randolph, Town Attorney

This item was heard under ANY OTHER MATTERS

XIII. ANY OTHER MATTERS

1. Discussion of Public Participation at Future Public Meetings
Margaret A. Zeidman, Town Council President

Council President Zeidman stated there is no way for residents, in real time, to respond to something they hear during an ARCOM meeting concerning a project close to them. She acknowledged they are noticed and can write letters or e-mail, but they need help participating in a live meeting. There have been some letters expressing concern.

Council President Zeidman had some suggestions for allowing public input. She felt that some of the issues were budget-related since it would require a staff member to work meetings, allowing virtual public participation.

Council Member Cooney stated that coming out of COVID, the notion of keeping the Zoom portion of meetings active was exciting. He thought the participation level was important, particularly in a seasonal community where business does not stop in the off-season. He was surprised at the lack of participation in using a virtual service and weighing that against the cost of resources. He said there was very little participation when Zoom was available to residents.

Council President Pro Tem Lindsay said there may be a middle ground. She said Town Council does not generally review items that will impact a particular homeowner. However, ARCOM and LPC do review items that will impact close and/or adjacent neighbors.

Mr. Randolph said the issue being discussed would be a policy decision on the part of the Town Council. He asked if the Town Council would like to create an exception to deal with the upcoming ARCOM or LPC meetings.

Mayor Moore agreed that it would be difficult to determine what rises to the level of needing the Zoom technology. She stated that the meetings are public and people are welcome to attend or send a representative.

Council Member Araskog believed that virtual technology should be used during the summer.

Council Member Crampton suggested that Mr. Bergman and his staff would know which projects would draw public interest. He does not think virtual participation should be allowed for all meetings at all times.

Council President Zeidman would like to correspond with the ARCOM and LPC Chairs to get their thoughts.

Council President Pro Tem Lindsay thought it would be helpful to find a way for people to participate virtually during the summer.

Andy Jadoo, Information Technology Director, stated that three systems are currently being used. He said a new system will be in place at the end of August.

Bob Miracle, Deputy Town Manager – Finance and Administration, stated that the new software system will have no impact on the end-user who will be listening to the meeting.

The majority consensus of the Town Council was to approve virtual public participation at the August ARCOM meeting and to take this issue up at a future Council meeting.

2. Consideration of Scheduling an Attorney/Client Session immediately following the 2:00 PM Time Certain during the Town Council Meeting on August 9, 2023, in the Town Council Chambers, 360 S. County Road, Palm Beach, Florida, to discuss the following matters: Stoia vs. Town of Palm Beach, Case No. 502022CA008833XXXXMBAD and Stoia vs. Town of Palm Beach, Case No. 502022CA008861XXXXMBAD in the Circuit Court of Palm Beach County Florida, Attorney/Client Attendees: Danielle H. Moore, Mayor; Margaret A. Zeidman, President; Bobbie D. Lindsay, President Pro Tem; Julie Araskog, Ted Cooney, Lew Crampton; Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Joanne O'Connor; and Court Reporter from Pleasanton & Marsaa, Court Reporters.
John C. Randolph, Town Attorney

Town Attorney Randolph asked advice for an attorney/client privileged session immediately following the 2:00 PM. time certain item on August 9, 2023, during the Town Council meeting, in Town Council Chambers at 360 S. County Road, Palm Beach, Florida, to discuss the following matters: Stoia vs. Town of Palm Beach, Case No. 502022CA008833XXXXMBAD and Stoia vs. own of Palm Beach, Case No. 502022CA008861XXXXMBAD in the Circuit Court of Palm Beach County, Florida, Attorney/Client Attendees: Danielle H. Moore, Mayor; Margaret A. Zeidman, President; Bobbie D. Lindsay, President Pro Tem; Julie Araskog, Ted Cooney, Lew Crampton, Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Joanne O'Connor; and Court Reporter from Pleasanton & Marsaa, Court Reporters.

Motion was made by Crampton and seconded by Council President Pro Tem Lindsay to approve scheduling of an attorney/client privileged session immediately following the 2:00 PM time certain item on August 9, 2023, during the Town Council Meeting, in Town Council Chambers

at 360 S. County Road. On roll call vote, the motion carried unanimously, 4-0. Council Member Araskog had left the meeting for an appointment.

3. ORDINANCE NO. 016-2023

Mr. Randolph stated that the ordinance's first reading was taken off the agenda to allow staff to make small changes. Jessica Savidge, Administrative Manager, briefly explained the ordinance that will be further discussed upon first reading.

XIV. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the August 8, 2023, Town Council Meeting at 3:13 PM. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date