



TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 12, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of September 12, 2023 was called to order at 9:30 a.m. On roll call, all council members were found to be present.

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 modification was made to the agenda:

Revisions were made to ORDINANCE NO. 016-2023 on pages 15, 25, 26 and 27.

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, the Motion passed unanimously.

V. PRESENTATIONS

- A.** Presentation by Rove Regarding Tesla Ride Service in Palm Beach
Lew Crampton, Town Council Member

Council Member Crampton introduced Gianpaolo de Felice, who presented the program.

Mayor Moore asked if residents would be able to flag down one of the vehicles rather than using the app. Mr. de Felice said yes.

Council Pro Tem Lindsay asked about the hours of operation and wondered how to ensure the service would remain in the Town of Palm Beach exclusively. She asked how much advertising would be displayed on the vehicles since mobile advertising does not reflect Town of Palm Beach preferences. Mr. de Felice responded.

Council Member Araskog asked what type of background checks would be conducted on the operators. She thought the highest level of background check would be desired. She noted that the Town of Palm Beach is twelve miles in length and asked if the service would encompass the entire island since the presentation indicated an eight mile radius. In addition, Council Member Araskog did not think alcohol should be advertised on the vehicles.

Council Member Cooney expressed some hesitation about the program. He had received feedback from constituents who reside primarily on the island's north end. There were concerns expressed about unintended consequences as well as advertising.

Council President Zeidman agreed with the sensitivity to advertising on the vehicles.

Council Member Crampton advocated for the program and suggested some of the creative opportunities that the program could bring to the town.

Jane Holzer, resident, addressed the Town Council, supporting the Rove program.

The Town Council agreed to discuss the program again in November since a decision did not need to be made immediately.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore announced the following employee milestones:

Cory McCloskey – 5 Years of Service Police Department

Kendall Reyes – 15 Years of Service Police Department

Kathryn Ranieri – 15 Years of Service People and Culture

Mayor Moore asked everyone to continue to pray for Rob Weber's speedy recovery.

Mayor Moore stated that there has been a successful pilot program with the Coast Guard for a reduction in the number of bridge openings. Citizens may use the Town website to share their impressions with the Coast Guard concerning bridge openings.

Mayor Moore asked the Town Council to offer support with regard to recent approval of the mid-town segment of the Palm Beach County Federal Shore

Protection Project funding for FEMA and the US Army Corp of Engineers for the implementation of early beach renourishment of mid-town. This would be in response to impacts from Hurricane Nicole, which occurred in 2022. Unfortunately, the Army Corp of Engineers had requirements that prohibited them from performing this project without the Town providing fully executed perpetual easements for 100% of the properties within the project footprint. Senator Scott and Senator Rubio have expressed willingness to add language to the Emergency Funding Bill, which would allow the Town to implement projects for the already designated funding. The staff has drafted a letter asking the Senators to move this initiative forward, and the letter will be sent with support of the Town Council.

There were no objections. Mr. Brazil provided some additional clarification.

Council President Pro Tem Lindsay confirmed that no sand would be provided without an easement.

Patricia Strayer, Public Works, noted this was only for funds being received to replace the sand lost during Hurricane Nicole.

Council President Pro Tem Lindsay thanked everyone who had worked with the Coast Guard to reduce the number of bridge openings. Mr. Blouin said this would not be a permanent change. He said it was important for the commissioners and the public to share their thoughts with the Coast Guard. He said boats could get priority if there was a high volume of complaints from boat operators. The County Mayor and the City of West Palm Beach have also worked collaboratively on the bridge opening issue. Mayor Moore requested that an e-mail blast be sent out with the information regarding contacting the Coast Guard with comments concerning the bridge openings.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog asked about meter parking being changed to mobile app and would like to look at all policies before making changes. She noted that many people do not use the Park Mobile app. Robert Miracle, Deputy Town Manager – Administration and Finance stated that several of the kiosks have reached the end of life, are unsightly and more people were using the ParkMobil app. Council Member Crampton responded that the kiosks were unsightly and the Town was following up on complaints received. Mr. Miracle explained the use of the resident parking sticker program which will be brought to the Town Council at a future meeting.

Council President Zeidman said this has been a topic of discussion for several years, and a decision would have to be made to move forward. Eliminating the kiosks may be part of the updates required.

Council President Pro Tem Lindsay said the biggest complaint she had heard was that the kiosks were not visible enough. She said they were old technology, and it was good to update the process. Mr. Miracle said the locations for paid parking would not

change.

Council Member Cooney urged restraint on rolling out the sticker program. He did not think the program should be rushed. He also thought the paid parking component and the stickers would work together.

Council President Pro Tem Lindsay stated that the committee did discuss this, and a decision had been made to begin with two stickers per household. No problems were identified with advance issuance of the stickers to residents who were not RPP and who sign up for the program.

Council Member Crampton stated that parking was one of the serious problems in Town and the solution could have some unintended consequences.

Council Member Araskog stated that she would like the sticker program to go forward as soon as possible.

Council President Zeidman directed staff to move forward with the resident parking sticker program issuing two (2) stickers per household.

Council Member Cooney suggested this could be an opportunity for the Police and Fire Departments to do some outreach regarding 9-11 in the schools in the future.

Council Member Cooney also discussed public notices. He referred to an article in the Sunday newspaper about public notices that may have led the public to believe they were not being notified. He affirmed that the Town of Palm Beach would continue publications in the newspaper.

Council Member Cooney publicly extended condolences to the family of Jimmy Buffett, long-time resident in the Town of Palm Beach.

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

Denise Budnitz, 44 Cocoanut Row, expressed frustration about the parking program. She thought the only people who were granted permission to use the streets of Palm Beach for parking were those who were either not present year around or those who only kept a space available for when they had visitors. Mr. Blouin responded.

Mr. Fred Wright, a Palm Beach Towers resident, discussed the area under the north bridge where pedestrians and bicyclists recreate daily. He suggested that the area be secured with a railing to prevent people from falling into the rocks. Mr. Brazil noted that right of way was under the jurisdiction of FDOT, and that staff would contact them with this request. Mr. Wright said the Palm Beach Board of Development had referred to South Florida as Wall Street of the South. He said traffic had become very heavy and wanted to see the town take additional traffic control measures.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and heard as follows:

- 1) Item No. IX.B.1 RESOLUTION NO. 100-2023 Pulled and Heard as Item No. X.A.1
- 2) Item No. IX.B.2. RESOLUTION NO. 101-2023 Pulled and Heard as Item No. X.A.2
- 3) Item No. X.C.1. Permission to Close North County Road from Wells Road to Miraflores Drive for Annual Tree Trimming Pulled and Heard as Item No. X.A.3
- 4) Item No. X.C.2. Authorization for Road Closure of South Ocean Boulevard for a Crane to Install Palm Trees at 256 S. Ocean Blvd. Pulled and Heard as Item No. X.A.4.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk
 - a. August 8, 2023, Town Council Meeting Minutes
 - b. August 9, 2023, Special Town Council Meeting Minutes (Closed Door Session)
 - c. August 9, 2023, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 23, 2023
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 100-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation and/or the De-Designation of the Historic/Specimen Trees at 1265 South Ocean Boulevard and 60 Blossom Way, Providing an Effective Date.
H. Paul Brazil, P.E., Director of Public Works
2. RESOLUTION NO. 101-2023 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs For Property, Liability, Workers' Compensation, Automobile And Ancillary Coverages For FY2024 In The Amount of \$1,859,376 And Variable Costs In The Amount of \$1,100,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Relation Insurance Service Of

Florida, Inc. "Relation", In The Amount of \$50,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount of \$7,500; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The Amount of \$65,792; Conditioning All Matters Contained Herein Subject To Approval of The Fiscal Year 2024 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.

Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 102-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Award to Contract Unleaded and Diesel Fuel through Southeast Florida Governmental Purchasing Cooperative to Port Consolidated in the Annual Amount of \$600,212 and Establishing a Project Budget of \$690,243 for FY24.

Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 103-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Award to Contract for Office Supplies to Office Depot in the Amount of \$79,750 and Establishing a Project Budget of \$87,000 for FY24.

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 104-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB 2023-39 Electrical Services to a combination CR Dunn, Inc., Grid One Electrical Construction, Inc., Sullivan Electric Pump Inc., Universal Electric of Florida, Inc., and Wilco Electrical LLC as Primary, Secondary or Tertiary Awardees in the Amount of \$102,300 and Establishing a Project Budget of \$117,645 and Establishing a Five-Year Award in the Amount of \$621,795 based on Satisfactory Performance and Budget Authorization.

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 106-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Blue Line Innovations in the Amount of \$70,000 for Police Uniforms Utilizing the City of Lakeland Florida Contract.

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 107-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Proposal from MCCI Laserfiche from Premise to the Cloud in the Amount of \$162,154.38 and Establishing a Project Budget of \$172,000.

Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 108-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Blanket Purchase Order to Gov Connection utilizing the OMNIA Partner's #R210402 Contract in the Amount of \$150,000.

Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 109-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Blanket Purchase Order to Insight Public Safety in the amount of \$275,000 for OMNIA Partners Cobb County IT Products & Services #23-6692-03 contract.

Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Permission to Close North County Road from Wells Road to Miraflores Drive for Annual Tree Trimming
H. Paul Brazil, P.E., Director of Public Works
2. Authorization for Road Closure of South Ocean Boulevard for a Crane to Install Palm Trees at 256 S. Ocean Blvd.
H. Paul Brazil, P.E., Director of Public Works

X. REGULAR AGENDA

A. Matters Pulled from Consent Agenda: If needed

1. RESOLUTION NO. 100-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation and/or the De-Designation of the Historic/Specimen Trees at 1265 South Ocean Boulevard and 60 Blossom Way, Providing an Effective Date.
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil presented Resolution No. 100-2023, where there were several historical specimen trees in the area of Blossom Way. The properties had been consolidated, and the site would be redeveloped. The property owner and the arborist had been very prudent about the historical species of trees, and some would have to be relocated due to development. The property owner was asking to de-designate some of the trees, which would be replaced with trees either as good or better. The new trees would then be designated historical.

Council Member Cooney thought a deadline should be associated with this type of request. Mr. Brazil thought a deadline could be added.

Council President Pro Tem Lindsay wanted to make sure the replacement trees would be of comparable size to the trees being removed. Mr. Brazil confirmed.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 100-2023 with a deadline of one year from today's date. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 101-2023 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs For Property, Liability, Workers' Compensation, Automobile, and Ancillary Coverages For FY2024 In The Amount of \$1,859,376 And Variable Costs In The Amount of \$1,100,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Relation Insurance Service Of Florida, Inc. "Relation," In The Amount of \$50,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount of \$7,500; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The Amount of \$65,792; Conditioning All Matters Contained Herein Subject To Approval of The Fiscal Year 2024 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.

Dean Mealy, Procurement and Contract Manager

Mr. Miracle said everything proposed was in the Risk Reserve Fund and would be absorbed within that fund. No change would be made to the millage rate.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 101-2023. On roll call, the Motion passed unanimously.

3. Permission to Close North County Road from Wells Road to Miraflores Drive for Annual Tree Trimming
H. Paul Brazil, P.E., Director of Public Works

Council President Pro Tem Lindsay stated that in the future, she would prefer the annual tree trimming be done in July rather than after school starts. Mr. Brazil responded that staff would do their best in the future to get this done in June or July.

Council Member Cooney said many of the trees appeared to be top heavy. He would like to see the trees on the east side of County Road trimmed a little more because of hurricane season.

Council President Zeidman said the heart of the request was to have the Town Manager approve the road closure each year for annual tree trimming.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to authorize Public Works to close North County Road from North Wells Road to Miraflores Drive for Annual Tree Trimming and also

to allow the schedule to be set up with the Town Manager without returning to Town Council, with the understanding that there will be an effort made with the Town staff and arborist to have the tree trimming occur in late June or July. On roll call, the Motion passed unanimously.

4. Authorization for Road Closure of South Ocean Boulevard for a Crane to Install Palm Trees at 256 S. Ocean Blvd.

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

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve road closure of South Ocean Boulevard for Installation of Palm Trees at 256 S. Ocean Blvd. On roll call, the Motion passed unanimously.

B. Old Business

1. Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

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

Patricia Strayer, Public Works, presented an update on the town-wide undergrounding project. She said much coordination had been done with residents while keeping the roadways navigable. October was the target for replacing flags of concrete in the town, and by the end of November, the disruptive drilling work in mid-town would be completed. Conversions to the underground utilities were already being done south of Worth Avenue. She also noted that the FEMA grant projects phase 5 north and south were progressing smoothly.

Council Member Cooney had some concerns about the chicanes along Oleander Avenue. He asked how the staff was feeling about easement acquisition. Ms. Strayer said one month ago, letters were sent to all of the residents on Oleander because they had initially said no. The residents were placed on notice that by September 5, 2023, if there was no progress, demonstration chicanes would be installed. There has been some good luck with the demonstration chicanes, and all of the issues are anticipated to be resolved within the next two months. Council Member Cooney asked Ms. Strayer to look into North Lake Way, the northbound lane, between Sanford Drive and Kawama Lane; where a steel plate in the road is jarring when one is driving over the plate.

2. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - September 2023 Update

TIME CERTAIN: 11:30A.M.

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

Mr. Brazil stated that at the July 11, 2023, Town Council meeting, staff had been tasked with providing additional information for the Town Council regarding the possible

relocation of solid waste (garbage) compactor facilities.

Gordon Thompson with Baird and Associates presented the Lake Drive Park Landscape open space calculations which had been submitted to the Landmarks Preservation Commission along with final numbers as part of the Town Marina Project.

Council Member Araskog expressed concerns regarding the calculations on the spreadsheet presented by Mr. Thompson. Mr. Thompson stated that he would doublecheck the calculations. Mr. Brazil stated that the calculations are down to the nearest square foot and Town Council should realize that going forward with this project greenspace will be lost and will need to be made up somewhere else which will cost about \$40,000. He also stated that square footage should be of the least concern.

Council President Zeidman noted that the Town Council had been asked to consider relocation of garbage and recycling pick-up for the Marina at Lake Drive Park to a space in the park. She noted with any loss of green space, a referendum would be triggered.

Responding to Council President Pro Tem Lindsay, Mr. Thompson explained the different areas of the park and the use of each area.

David Cowan, Chen Moore and Associates, was present to discuss alternatives for relocating solid waste collections within the Public Works facility. He provided a history of events leading to this consideration. He gave an overview of how a relocation would impact the Park.

Jason DeBrincat, Asst. Director, Public Works gave an overview of the areas of the park which are impacted by the relocation and explained the garbage pickup operations carried out in the area.

Mr. Brazil asked the Town Council to provide direction to staff to continue moving forward with this project which would cost \$600,000. He said the funding had not been budgeted for this initiative. Mr. Blouin suggested that due to the potentially large financial impact of this project, it be held for the following fiscal year budget process, and the funding be designated in the 2024-25 budget.

Responding to Mayor Moore's question regarding fund, Mr. Blouin reiterated Mr. Brazil's suggestion of funding the project in the 2024-25 budget year.

Council President Pro Tem Lindsay thanked everyone for looking at a new location for the marina garbage collection. She thought the plan that had been presented was a workable solution, and she believed the 727-square-foot green space deficit could be found. She also agreed with Mr. Blouin to prioritize this in the next fiscal year's budget. She noted that everything from the sidewalk at Royal Palm Way down to Peruvian was considered a park by plat. She stated she had no problem supporting the plan.

Council Member Crampton expressed his appreciation for the work done by the staff but stated that \$600K was a huge cost and should be added to next year's budget.

Council Member Araskog questioned staff as to the effects on Marina operations, safety concerns, placement of compactor, garbage pickup areas and other unintended consequences.

Council Member Cooney stated the cost was huge, but the project has his support.

Mr. Brazil anticipated that as a process, this plan would be made very public during the season, approval would be obtained from the Town Council after an allowance for public participation, the plan would then be presented to the Landmarks Preservation Commission, and subsequently, brought back to the Town Council. He said there would be several opportunities for public input.

Mayor Moore did not favor removing any parking spaces since parking was premium for the marina. Also, the cost of the project was concerning. She expressed hesitation about unintended consequences.

Council President Zeidman shared a concern that if everyone had thoroughly looked at the original plans, the location of the garbage facility would have been clear. She acknowledged there had been a timeline, and the Town Council had missed the fact that the location of the garbage facility would become an issue. She believes this to be a unique situation that was missed and does not see any issue that would set a precedent. Council President Zeidman was not in favor of removing the pathways because the park was for the enjoyment of every resident in the Town. She would not support moving something that was good for everyone so that it would be better for one condominium neighborhood. Additional parking had not been secured, and the existing parking was being used. Council President Zeidman said the condominiums in the 315 building were a concern because they would not like the noise. She said the garbage would be best located in the north end of the park, which is a more utility-friendly area.

Mr. Brazil confirmed that, conceptually, the Town Council would like to move this project forward and place it in next year's budget. He said staff would refine this as a project proposed in next year's budget.

The Town Council directed staff to move the project forward and to add the proposed cost of \$600K to next year's budget after input from residents.

Mr. Debrincat confirmed the project would be fine for Public Works operations. Marina staff would be outside of the facility, and the only operation for dumping would be within that compound.

Council Member Araskog stated she understood that there was no change in the green space. After stating concerns regarding setting a precedent, the cost of the project, and the unintended consequences, she suggested having public input to find out how the

other condominiums feel about the project.

Frank Slattery, 369 South Lake Drive, stated that the condominium owners understood and appreciated what the Town Council was considering. He agreed that public input was necessary, although he felt most of the issues had been discussed ad nauseam.

John David Corey, Australian Avenue, was pleased with the analyses, and agreed with Council President Zeidman. He noted there had not been a discussion about the existing trash collection facility. He asked if the existing garbage collection area could be restored as green space.

The consensus of the Town Council is to direct staff to move forward with the project to be funded in next year's budget. It was noted that Council Member Araskog was not in agreement.

3. Discussion Regarding Public Participation at Future Public Meetings
Julie Araskog, Town Council Member

Council Member Araskog explained her concerns about the Architectural Review Commission and Landmarks Preservation Commission. She had received complaints from people who had to sign up before they could speak at a meeting.

The Town Council and staff discussed meetings and using Zoom technology to allow for public participation. There were some concerns expressed about the cost and the allocation of staff resources.

Mr. Randolph suggested allowance for special requests and topics of great public interest during September and October, until a final decision could be reached with respect to making an ongoing allowance for public participation through technology.

The consensus of the Town Council was for staff to continue utilizing Zoom meetings for the next two (2) months.

C. New Business

1. Proposed 2024 Town Council Meeting Schedule
Kirk Blouin, Town Manager

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the proposed 2024 Town Council Meeting schedule with a change to the March 2024 development review meeting being held on March 11, 2024 and regular town council on March 12, 2024. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 110-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Update to Purchasing Thresholds.
Dean Mealy, Procurement and Contract Manager

Mr. Mealy presented the resolution requesting that Mr. Blouin be authorized to expend up to \$100K.

Council Member Cooney asked if this covered budgeted items, and Mr. Mealy said yes.

Mayor Moore said that based on research and what other municipalities have been doing, it seemed appropriate. She did request a quarterly report reflective of expenditures associated with this policy change.

Council Member Araskog expressed concern with the request. She thought the Town Council should see the expenditures before approval. Mr. Blouin responded.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 110-2023 with quarterly reports being provided to the Town Council. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

3. RESOLUTION NO. 111-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the retroactive engagement proposal for remediation in the amount of \$195,750, authorizing cleanup, and replacement of existing underground fuel tank to Kimley-Horn and Associates, Inc. and authorizing the Town Manager or designee to coordinate with tank manufacturer regarding warranty, insurance company for reimbursement and authorizing support, coordination, and all submittals to applicable agencies specific to this repair.
Dean Mealy, Procurement and Contract Manager

Ms. Strayer presented the resolution. On July 17, 2023, staff realized there had been a leak in the fuel tank. She said there was a warranty for the tank, and even though the Town Council was being asked to spend money, it was anticipated that the money would be refunded. Ms. Strayer stated staff was requesting to use the Risk Contingent Fund.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve Resolution No. 111-2023. On roll call, the Motion passed unanimously.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the use of the Risk Contingent Fund. On roll call, the Motion passed unanimously.

XI. 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 Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In Application, 10-14. Permits Nontransferable, 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; Further Amending Division 2. Permit At Sections 22-151. Required; Application Fee, 22-152. Application, 22-153. Prerequisites 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, By Renumbering Section 78-80. Misrepresentation Prohibited, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-109. Permit Suspension, Revocation, By Deleting Sections 78-110. Permittee To Keep Records, Section 78-111. Reports Required, By Amending Section 78-112. Appeals And Section 78-113. Penalties And By Renumbering Said Sections; Further Amending Chapter 94. Sales At Article II. Auctions And Auctioneers By Deleting Section 94-31. Night Sales Prohibited And Section 94-32. Prohibited In Season On Certain Streets, By Amending Section 94-33. Permit Required And By Renumbering Said Section, By Renumbering Section 94-34. Permit Limitation, By Amending Section 94-35. Application And Section 94-36. Standards For Issuance And By Renumbering Said Sections, By Deleting Section 94-37. Notice Of Approval Or Denial, By Amending Section 94-38. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 94-39. Duties of Permittee And Section 94-40. Possession, By Deleting Section 94-41. Revocation, And By Adding The Following New Sections 94-38. False Information Prohibited In Application, 94-39. Permits Nontransferable And 94-40. 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 Amending Section 94-103. False Information Prohibited in Application And By Renumbering Said Section, By Deleting Section 94-104. Investigation, Issuance Of Permit; Duration, By Renumbering Section 94-106. Not Transferable, By Amending Sections 94-107. Denial Of Permit, 94-108. Renewal, And 94-109. Fees And By Renumbering Said Sections, By Deleting Section 94-110. Permit Suspension, By Amending Section 94-111. Permit Revocation, Appeals And By Renumbering Said Section, By Renumbering Section 94-112. Display Required, By Deleting Section 94-113. Duplicate Application And Inventory To Be Kept On Premises And Section 94-114. Records Required; Inspection, By Amending Section 94-115. Additions To Stock Prohibited And By Renumbering Said Section, By Renumbering Section 94-116. Accuracy of Advertising, By Amending Section 94-117. Statement Required in Advertising And By Renumbering Said Section, By Renumbering Section 94-118. Marketing Of Distressed Goods, By Amending Section 94-119. Doing Business Beyond Closing Date And By Renumbering Said Section, And By Adding The Following Sections, 94-114. Duties Of Permittee, 94-115. Waiver Of Provisions, 94-116. Penalties, 94-117. Possession; Further Amending Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee And Section 106-287. Possession, By Deleting Section 106-288. Revocation, By Amending Section 106.288.1. Walks and Runs And By Renumbering Said Section, And 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

Discussion ensued regarding the ordinance. Town Council members suggested some changes. Suggested grammatical changes should be submitted to the Planning, Zoning and Building Department.

Council Member Cooney noted that, by and large, the changes being proposed were process improvements. There were no substantial changes, but the changes proposed would streamline the process.

This item was deferred to the October 10, 2023, Town Council Meeting for further revisions.

Anita Seltzer, Coconut Row, shared her thoughts about the proposed ordinance. She raised the point that the Town Council should review the permit and the ordinance simultaneously.

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

Motion made by Council Member Araskog and seconded by Council Member Cooney to adjourn the September 12, 2023, Town Council Meeting at 3:06 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date