



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, OCTOBER 10, 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.

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:

Item No. V. A. Updated Comprehensive Parking Plan was made a TIME CERTAIN: 11:00 AM.

Addition under ANY OTHER MATTERS Landmarks Preservation Commission Appointments at the March 14, 2023, Town Council Meeting

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda, as amended. On roll call, the Motion passed unanimously.

V. PRESENTATIONS

A. Updated Comprehensive Parking Plan

Lew Crampton, Town Council Member

Council Member Crampton stated that the Business and Administrative Committee (BAC) had been working on this parking plan for two and a half years. He said there had been numerous listening sessions and meetings, and most of the surveys collected to catalog resident complaints had highlighted parking and traffic during the season as the main issues. In May, the Town Council, by a majority vote, accepted the report and approved recommendations provided with respect to the seven-point parking management program, as presented by the BAC. Support from the Town Council allowed the town staff to work on details for implementing the seven-point program. These details are being presented by Lt. Paul Alber (PD). Council Member Crampton stated that Deputy Town Manager Bob Miracle was also instrumental in preparing for the program launch. He stated that the committee was still working on the free ride program and details for the valet program.

Council President Pro Tem Lindsay, also a member of the BAC, said she thought the program had reached a starting point but that modifications may be necessary along the way. She said the approach taken in the development of the program was to put residents first. She said that parking issues were acknowledged in residential areas as well as commercial areas. She thanked Lt. Alber and his staff for their assistance in gathering information for this initiative.

Council Member Cooney mentioned an article from the Palm Beach Civic Association, which left him with the impression that this program was ready to be implemented. He recollected that the motion he made at the May Town Council meeting was to advance the discussion of the program.

Council Member Crampton stated that at the Town Council meeting in May, the BAC recommended adopting all seven elements. He re-read the motion from the May meeting, which was made by Council Member Cooney and seconded by Council Member Crampton to accept the report and recommendations of the BAC Workshop held on April 24, 2023.

Council Member Cooney expressed concern that he may have ill-advised residents on this matter based on his understanding that the process would move forward slowly with the intent of continuing resident input.

Council President Zeidman clarified that today's discussion was to provide an opportunity for the Town Council to make suggestions and recommendations for the program. She acknowledged that the four-to-one vote in May was a show of the Town Council's support for the seven-point program, recognizing again that there would be modifications along the way.

Lt. Alber presented details of the comprehensive parking plan. He stated the program's objectives were to increase availability and accessibility safely and securely, provide

uniformity and consistency, find the best way to use existing parking inventory and to adopt a more data-driven decision-making process. Topics presented by Lt. Alber included resident parking decals, expansion of ParkMobile, free 30-minute parking, parking enforcement, and road signs.

Council Member Cooney asked if the streets with a mix of Resident Parking Permits (RPP) and hourly parking would be changed or if the program plan was to streamline parking along those streets. Lt. Alber said the program would not change parking, and it would create consistency from street to street. He noted that existing loading zones would remain and be dedicated as loading zones.

Council Member Crampton asked about ParkMobile kiosks and meters. Lt. Alber said all meters and kiosks have been removed, and ParkMobile will require a smartphone application. Mr. Miracle added that there would be a telephone number on the signs that people could call to pay for parking.

Council President Pro Tem Lindsay clarified that a resident with an RPP in the Marina District would not be authorized to use that RPP for parking in the marina.

Council President Zeidman asked if, on the South County Business District, specifically Brazilian Avenue, the permit RPP's were being moved to the north. She asked why that street was different. Mr. Miracle said the goal was to create consistency and prohibit beachgoers from parking in the 100-block residential RPP areas. Council President Zeidman asked about the 200 block, and Council Member Cooney commented that along Brazilian, historically, the commercial wraps the corner into the residential area, which isn't typical.

Council Member Araskog asked how many ParkMobile signs would be installed. Lt. Alber said the number of signs would not increase substantially. He said that with ParkMobile, the signs must be close enough for users to see the zone number or use the QR code. Mr. Brazil noted that several parking spaces would be bracketed with two signs, and there would likely be fewer signs than currently exist.

Council Member Cooney noticed that the County Road area had no 30-minute free spaces. He said the County Road area is a business district, and he asked if consideration had been given to treating it similar to the Worth Avenue District. Lt. Alber said the goal was to have more parking space availability. He said there was no logical start and end point in front of the businesses for 30-minute free parking signs.

Lt. Alber said the times ParkMobile would be in effect would be 9:00 a.m. to midnight on residential streets and 9:00 a.m. to 6:00 p.m. on Worth Avenue, Peruvian and South County. These recommendations are being made to coincide with restaurants' valet service. Council Member Cooney stated that he understood the reason behind a midnight cut-off in some of the residential areas. However, he said there were other uses in the areas, such as Brazilian Court, where staff needed more parking. He thought that the history of users parking in particular areas should be considered.

Council Member Araskog expressed concern about small businesses not being able to afford to pay for parking to accommodate their staff. She did not support removing parking spots near hotels and eateries. She mentioned the recreation center, and Lt. Alber said there was a recommendation for the sticker to extend for 4 hours in the Seaview parking lot and the Seaview spaces. Council Member Araskog mentioned other areas where she thought 30-minute parking spaces were needed. She thought there should be some no-parking areas after certain times within the residential areas.

Mayor Moore brought up schools in the Seaview Avenue area. She expressed concern about school faculty members and employees being able to park during the day. She suggested that a parking program be implemented in the area to accommodate school faculty and employees. Lt. Alber stated that the placard program could be expanded. He said there were adequate parking spaces along the Sea streets if residents were amenable to school faculty and employees parking there during school hours.

Council President Zeidman would like to see more control in the area of the Brazilian Court. She did not want anyone to think the Vinetta Hotel was causing the parking issues when the Declaration of Use was carefully crafted to avoid such issues. She thought the Brazilian Court needed more control over its parking. She was concerned about the small businesses and asked the committee to figure out what could be done to be helpful to both the small businesses and employees of the Brazilian Court.

Council President Pro Tem Lindsay encouraged adding the 30-minute parking back into the program. She would like to see a similar percentage of 30-minute parking relative to the percentage of 30-minute parking provided on Worth Avenue. She was concerned that beachgoers would gravitate toward the \$5.00 per hour ParkMobile spaces.

Council Member Crampton said the current situation needs much improvement. The committee has done its best to be responsive to the hearings and suggestions made by the Town Council. He said the seven-point program will benefit the town. In addition, the valet and ride-sharing components will result in even more improvements. The ParkMobile program will allow for the gathering of data for future modifications to the program.

Fanning Hearon, Head of School at Palm Beach Day Academy, supported the proposed parking program. He stated that the Palm Beach Day Academy will construct a new parking lot on their west field to provide 31 spaces. He requested the Town Council consider a “carve out” for Seaview Avenue to support the hard-working educators who often commute over an hour daily to and from work. He thought any paid parking plan would also impact the Palm Beach public school teachers on Seaview Avenue. He requested an exemption to the parking plan, which would allow free teacher parking on Seaview Avenue from 7:00 a.m. to 4:00 p.m., Monday through Friday. He said only 170 days per year would be required, less than half the year. He supported the placard idea.

Michael Maus, owner/operator of Maus & Hoffman, 312 Worth Avenue, expressed concerns about the parking plan. He did not favor resident parking stickers. He encouraged

the Town Council to review what is being approved carefully. If a parking plan is approved, he wanted to know exactly what was being approved. He asked if all things needed to be approved together as a plan or if there were points of a plan that may be approved. Mr. Maus noted that the results of the traffic study have not yet been released. He thought resident and business feedback should be considered. In addition, Mr. Maus said that even though his family are not residents, they support the town's tax base. He thought the resident parking made non-residents feel less than the residents. He said this plan has an unwelcome feeling. He referred to the placard program but asked why he had not seen anything north of mid-town going up to Royal Poinciana Way. Council President Zeidman said it had been mentioned, and there was some negative sentiment expressed. He thought the parking decals for residents bred some questions of inequality. Council President Zeidman responded that the residents would love the parking decals, which may bring more business to the retail establishments. She commended Mr. Maus on being one of the finest businesses in town.

Carrie Bradburn, Capehart Photography at 234 S. County Road, spoke about the 30-minute parking and the paid parking spaces directly in front of her business. She said a lot of her business is in and out, and she has always had an address somewhere on County Road. She said the spots outside of her business, if charged \$5.00 per hour, would seem excessive. She asked the Town Council to consider expanding 30-minute parking or knowing which spaces are going to be 30-minute spaces. Ms. Bradburn thought long-time business owners' concerns and input should be strongly considered. Council Member Crampton responded in agreement and stated Mr. Brazil would take a look at the property, and the goal is to be flexible enough to do the right thing. He said the business community's suggestions and ideas have been taken into account. He pointed out, respectively, that part of the business community is part of the problem because employees of the business community are occupying potential customer or residential parking spaces. Council Member Crampton stated these are the types of issues the parking plan is anticipated to address effectively. Ms. Bradburn asked the Town Council to please be considerate of the timing of this once the undergrounding was complete.

Greg Myers, 230 S. County Road, expressed concerns about the parking program. He said the businesses along S. County Road offer boutique-styled and personalized experiences that are easily overlooked. However, he thought asking people to pay to shop was a slippery slope.

Anita Seltzer, 44 Cocoanut Row, spoke about the parking program. She asked to see the parking decals, and she was pleased that the decals did not indicate the Town of Palm Beach. She was concerned about counterfeiting of the decals.

Council President Zeidman assured everyone that their opinions were not falling on deaf ears. She said the town will move toward paid parking, as discussed for the past four years. She said there had been studies to support that paid parking allows for turnover, which will help the businesses.

Council President Zeidman noted that the committee would look at all of the points

discussed, which include but may not be limited to the Palm Beach Day School and the public school provisions for teacher parking, the area in front of Ms. Bradburn's business, Seaview and Poinciana, Blue Provence, and parking along County Road.

Council Member Cooney asked if February would be the best time to roll out a change. He thought consideration may need to be given to rolling the program out after the season.

Kirk Blouin, Town Manager, advised the Town Council that direction is needed for staff to proceed with implementing the program. He said staff will also bring back some of the issues discussed for further consideration. He said part of the desired outcome was to take employees off the streets to allow for more customer parking. He said the business community should look at private parking lot owners and provide parking for their employees. He said the Town Council should consider potentially prioritizing and expanding the placard parking.

Mr. Brazil said there were two components to the program: residential and commercial. He recommended that the Town Council allow him to get started with the residential component in terms of getting the materials. There were still some questions about the commercial side that needed to be addressed.

Council Member Crampton supported Mr. Brazil's suggestion.

Mayor Moore thought the approach needed to be holistic.

Lt. Alber said the things being referred to the committee were relatively small and could be addressed promptly. He said if the Town Council authorized staff to proceed today, the concerns could still be addressed.

Council Member Crampton said he would bring a report from the committee on the progress in response to town council considerations, as well as an update from Mr. Brazil on the logistics part, which was the infrastructure element of the project.

Council Member Araskog reiterated concerns about small business owners having the means to provide parking for their staff. She thought consideration should be given to helping them. She said April might be a good time to begin implementing the parking plan, allowing businesses to transition between April and September when the season begins.

Council Member Cooney thought \$5.00 per hour was too much since paid parking would be a new concept for the community.

Council President Pro Tem Lindsay thought the program should be implemented. Still, she wanted to consider the differential parking charges between the ocean and the business district. She said that needed to be studied a little more to determine if those charges should be matched, at least in the beginning. She was comfortable starting the program in April.

Mr. Brazil suggested returning an implementation plan to the town council next month.

The consensus of the Town Council was as follows: The parking plan was deferred to the November 14, 2023, Town Council meeting. The Town Council directed the Public Works Department to provide details regarding the deployment of signage and requested additional information from the parking committee.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations By the Applicants and Appointments to the Planning and Zoning Commission *Kelly Churney, Acting Town Clerk*

The following applicants presented their applications to the Town Council:

Jorge Sanchez
Marilyn Beuttenmuller
William Gilbane
Martin Klein
John Tatooles

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to appoint Marilyn Beuttenmuller, Jorge Sanchez and John Tatooles as regular members of the Planning, Zoning and Building Commission. On roll call, the Motion passed unanimously.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to appoint William Gilbane as an alternate member of the Planning, Zoning and Building Commission. On roll call, the Motion passed unanimously.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore opened her comments by requesting a moment of prayer for Israel and a speedy resolution to the conflict.

Mayor Moore recognized the following employee milestones: Steven Mancini, Police Department, 5 years of service; Gabriel Cadet, Fire Department, 10 years of service; Rob Weber, Coastal Manager, 15 years of service; Brian Matzen, Fire Department, 15 years of service; and Amy Wood, Finance Department, 25 years of service.

Mayor Moore announced that two people had joined the DROP program: Amy Wood, Finance Department, and Rosemary Chase, Finance Department. She encouraged everyone to thank the ladies for all they have done for the Town of Palm Beach.

Mayor Moore announced that there will be an informational seminar on Thursday, October 12, 2023, regarding Form 6. Rob Meyers from the Florida League of Cities will be conducting the

seminar, which will be in the Town Council Chambers at 1:00 p.m. She encouraged anyone considering a political run this year or in the future to attend that meeting. She noted that the town staff had also put a slideshow on the town website. Following the seminar, there will be a recording available.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay spoke regarding an article published in the Palm Beach Daily News. The article was more of an opinion piece written by a town resident who often writes about the town's gardens, lawns, and plantings. The article was about pesticides and synthetic chemicals placed on the town's gardens and lawns. The author commented in the article that the Town Council could not oversee the application of such chemicals. Council President Pro Tem Lindsay explained that the state legislature had pre-empted local government from managing the application of synthetic chemicals and pesticides. That pre-emption would not allow the town to write an ordinance regarding synthetic chemicals and pesticides. She advised that there is a state number where concerns regarding chemicals can be reported.

Council Member Crampton spoke regarding local events being scheduled in light of the conflict in Israel. He stated that in response to comments from constituents, the north end of the town streets and sidewalks in the central business district could use some improvements. He thought it would be helpful if residents could have a schedule of planned street repairs and any other news that would interest them. Mr. Brazil said that could be done, and Ms. Strayer is prepared to show what years streets that are not paved will be paved. That information will also be made available to residents.

Council Member Araskog thought adding information about the use of chemicals to the town website would be helpful. She added that if a lot of spray goes beyond property lines, it could become a trespass issue. She offered her condolences and thoughts of peace to those impacted by the Israeli conflict.

Council President Zeidman spoke regarding her family members in Israel. She echoed the sentiments expressed by her fellow town council members. She encouraged attendance at the upcoming events at the Palm Beach Synagogue. It is an opportunity to show solidarity with people impacted by the conflict.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA

The following items were deferred to the November 14, 2023, Town Council Meeting:

IX.A.1a. September 12, 2023, Town Council Meeting Minutes

X.A.1c. September 13, 2023, Town Council Development Review Meeting Minutes

The following items were pulled from the Consent Agenda and heard under Item No. XI.A.:

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| X.B.2. | RESOLUTION NO. 121-2023 | <i>Pulled and Heard as XI.A.1.</i> |
| X.B.8. | RESOLUTION NO. 131-2023 | <i>Pulled and Heard as XI.A.2.</i> |
| X.B.11. | RESOLUTION NO. 134-2023 | <i>Pulled and Heard as XI.A.3.</i> |
| X.C.3. | Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts | <i>-Pulled and Heard as XI.A.4.</i> |
| X.C.4. | Request from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events – | <i>Pulled and Heard as XI.A.5.</i> |

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Kelly Churney, Acting Town Clerk
 - a. September 12, 2023, Town Council Meeting Minutes
 - b. September 12, 2023, Special Town Council Meeting Minutes
 - c. September 13, 2023, Town Council Development Review Meeting Minutes
 - d. September 21, 2023, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 27, 2023
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 105-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding extension of General Banking and Merchant Card Processing Services to TD Bank, N.A. for October and November 2023.
Dean Mealy, Procurement and Contract Manager
2. RESOLUTION NO. 121-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule By Modifying Fees and Providing an Effective Date. - ***Pulled and Heard as XI.A.1.***
Bob Miracle Deputy Town Manager- Finance and Administration
3. RESOLUTION NO. 122-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town

Depositories for Fiscal Year 2024 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.

Bob Miracle Deputy Town Manager-Finance and Administration

4. RESOLUTION NO. 127-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of RFP No. 2023-30, Holiday Lighting to Rileighs Outdoor Decor LLC dba Christmas Designers Florida in the amount of \$155,565 and a five-year award in the amount of \$780,000 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 128-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2023-33 Vegetation and Litter Removal Cleaning to Image Janitorial Services Inc. in the amount of \$54,828 and establishing a project budget of \$60,000 and a five-year award in the amount of \$300,000 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 130-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor - Southeast Florida LLC as the Secondary Awardee in the annual amount of \$300,000 and a five- year award in the amount of \$1,500,000 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 131-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-47, Traffic Engineering Consultant to The Corradino Group, Inc. and establishing a five-year award based on satisfactory performance and budget authorization. – ***Pulled and Heard as XI.A.2***

Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 132-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the amount of \$250,000 for FY24.

Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 133-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase

Order to Richard Maxwell, Inc. DBA King Tree Services in the amount of \$60,000 and Establishing a five-year budget of \$300,000 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

10. RESOLUTION NO.134-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Collective Bargaining Agreement Between the Town and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928.

*Gillian Barth, Director of People and Culture - **Pulled and Heard as XI.A.3.***

C. OTHER

1. Health Insurance Rates for Calendar Year 2024
Gillian Barth, Director of People & Culture
2. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project
H. Paul Brazil, P.E., Director of Public Works
3. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts – ***Pulled and Heard as XI.A.4.***
Bob Miracle, Deputy Town Manager- Finance and Administration
4. Request from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events
*Carolyn Stone, Deputy Town Manager – **Pulled and Heard as XI.A.5.***

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 121-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule By Modifying Fees and Providing an Effective Date.

Bob Miracle Deputy Town Manager–Finance and Administration

Anita Seltzer, 44 Cocoanut Row, spoke about the fee schedules. She did not feel what was presented was just a review of something previously existing. Mr. Bergman responded.

Council Member Araskog asked if there were any new charges on the master fee schedule. Mr. Bergman said yes, the Town Council Deferral was not listed before.

An applicant deferring a matter submitted for Town Council is new, but it is consistent with the charges used for Landmarks and Architectural Review. On the last page, under Police Fees, there are new fees for fingerprinting items, which is a recoupment of the cost incurred.

Mr. Miracle noted that the fee schedule is reviewed annually and will be part of the budget development process in the future.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 121-2023, with two changes being made to the language regarding the Landmark Appeal of Staff Determination changed to Appeal of Staff Determination at Landmarks. Town Council Deferrals, language be changed to clarify what town council deferral applies to when an applicant requests Town Council deferral. On roll call, the Motion passed unanimously.

**Note: The meeting was recessed for lunch at 1:45 p.m., and the Town Council returned at 2:30 p.m.*

2. RESOLUTION NO. 131-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-47, Traffic Engineering Consultant, to The Corradino Group, Inc. and establishing a five-year award based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

Wayne Bergman explained the resolution to approve the award of RFQ No. 2023-47, Traffic Engineering Consultant, to the Corradino Group, Inc., establishing a five-year award based on satisfactory performance and budget authorization.

Council Member Cooney was interested in seeing a work product from the Corradino Group before approving a resolution.

Mr. Blouin noted that as part of the procurement process, the town could terminate the contract at any time if desired.

Council President Pro Tem Lindsay asked when the study would be released. Mr. Bergman said staff has had a draft for about three weeks, and it should be released for public consumption in November or December.

Council Member Araskog did not support awarding this contract to The Corradino Group, Inc.

Anita Seltzer, 44 Cocoanut Row, posed some questions and made comments that she thought might be helpful to the council.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to defer Resolution No. 131-2023 until the work product is completed and reviewed by the Town Council. On roll call, the Motion passed unanimously.

3. RESOLUTION NO.134-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Collective Bargaining Agreement Between the Town and the Professional Firefighters/Paramedics, Palm Beach County, Local 2928.
Gillian Barth, Director of People and Culture

Council President Zeidman pulled Resolution No. 134-2023 to thank all who worked together on the collective bargaining agreement.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 134-2023. On roll call, the Motion passed unanimously.

4. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts
Bob Miracle, Deputy Town Manager- Finance and Administration

Council Member Araskog suggested not including a list of named individuals on the write-off list. She asked about residents who cannot go through Code before finishing the ARCOM or Landmark process. She questioned if a provision could be made to allow daily fines to be delayed during the time period the resident is trying to get back into compliance.

Mr. Blouin said that Code Enforcement is a very statute-driven process.

There was some discussion concerning whether or not limits could be placed on how long someone with multiple violations may work in the town.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to authorize the request to write off uncollectible accounts. On roll call, the Motion passed unanimously.

5. Request from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events
Carolyn Stone, Deputy Town Manager

Council Member Araskog expressed concern about the amplified music. She asked how the Town Council felt about not allowing amplified microphones or blow horns. Carolyn Stone, Deputy Town Manager, said some announcements

have to be made to get participants to the starting line. Ms. Stone will contact the event organizers.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the requests from the Town of Palm Beach United Way and Hope for Depression Research Foundation for 5K Run/Walk Events. 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

Ms. Strayer presented a progress summary for the overall town-wide utility undergrounding project.

Council President Pro Tem Lindsay noted some people in the historic districts were concerned about the historic lighting. They would like an exemption to keep them in place. Ms. Strayer said there is no intent to replace or remove any decorative or historic lights the town installed many years ago. Mr. Brazil said at some point, the bulbs will be converted to LED, and staff will have control of the color and brightness of the lamps.

Ms. Strayer discussed two switch cabinets on Cocoanut Row, and a resident has provided an easement so the cabinets may be tucked into her property. There is a plan to screen the cabinets. There is a problem with removing the cabinets at this time because they were the first two energized cabinets for Phase 5 South. FEMA funds that phase, and the project has to continue to move forward with conversion. Alternatives and a cost assessment for adjustments will be presented to the Town Council later. In the meantime, staff will continue to determine how to screen the cabinets best and remain ADA compliant.

Council Member Cooney said some of the switch cabinets throughout town need to be leveled. Ms. Strayer said staff could level them at a very low cost. Council Member Araskog asked if there would be any benefit to returning to FPL to see if they would rethink the variance for the cabinets. Ms. Strayer said not today, but yes, in the long run.

Mr. Blouin asked if FPL is resistant to moving the cabinet because they need access on all sides. Ms. Strayer responded.

Council President Zeidman asked about FEMA funding. Ms. Strayer said the FEMA grant application became available. Steve Stern, Underground Utilities Project Manager, identified what phase would be ready for design

and construction to meet the grant application time period and construction period. Staff knew the construction would take 18 months, so when he submitted the grant application, the period for having all construction associated with that grant would end on November 30, 2023. Therefore, this phase was chosen, and obtaining the grant was successful. The City is reimbursed quarterly; to date, \$4 million has been received. Ms. Strayer said most of the construction should be completed and energized by November 30, 2023. FEMA wants to know that projects will not stop if it isn't done by their deadline. Staff is pushing to complete the project to avoid having to return any of the FEMA grant funds.

Council President Pro Tem Lindsay confirmed that some sidewalk repair will be done in the Seaspray area (Cocoanut Row) before Thanksgiving. Ms. Strayer affirmed.

XII. ORDINANCES

A. First Reading

1. Proposed Ordinance to Amend Chapter 10 of the Town Code Relative to Temporary Animal Permits

ORDINANCE NO. 016-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing 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; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Council Member Araskog had some questions for clarification regarding animals. Ms. Savidge responded.

Anita Seltzer, 44 Cocoanut Row, shared comments about the ordinances.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 016-2023. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 78 of the Town Code Relative to Charitable Solicitation Permits

ORDINANCE NO. 018-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 78, Peddlers And Solicitors At Article III. Charitable Solicitations Division 1. Generally, By Amending Section 78-77. Definitions, By Deleting Section 78-79. Receipts Required, By Amending Section 78-80. Misrepresentation Prohibited And By Renumbering Said Section, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-101. Required; Exceptions, Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-108. Credentials For Solicitors, 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; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

There was discussion about the language in the ordinance versus the language in applications, and Ms. Savidge responded to questions raised by Council Member Araskog and Council President Zeidman.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the first reading of Ordinance No. 018-2023. On roll call, the Motion passed unanimously.

3. Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Auction Permits

ORDINANCE NO. 019-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To 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; Providing for Severability; Providing

For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Ms. Savidge provided data relative to the number of auction permits issued since 2015. This permit removes any language that would prohibit staff from making safety and operational evaluations.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve first reading of Ordinance No. 019-2023. On roll call, the Motion passed unanimously.

4. Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Closing-Out or Distress Sale Permits

ORDINANCE NO. 020-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At 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 Amending Section 94-113. Duplicate Application and Inventory to Be Kept On Premises And Section 94-114. Records Required; Inspection and By Renumbering Said Sections, by Renumbering Section 94-115. Additions To Stock Prohibited and 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, 94-116. Duties Of Permittee, 94-117. Waiver Of Provisions, 94-118. Penalties, 94-119. Possession; Providing for Severability; Providing for Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Ms. Savidge provided some data about the number of permits issued. She stated that this ordinance language mirrors the Florida Statutory language, and the direction is also to have applicants submit to the county. Although the town does not issue these permits often, this ordinance removes some of the

prohibitive language.

Council Member Cooney asked Ms. Savidge what situation would prompt the application of this ordinance.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the first reading of Ordinance No. 020-2023. On roll call, the Motion passed unanimously.

5. Proposed Ordinance to Amend Chapter 106 of the Town Code, Relative to Special Event and Religious Display Permits

ORDINANCE NO. 021-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Providing Amendments To 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, by Amending Section 106-287. Possession and by Renumbering Said Section, By Deleting Section 106-288. Revocation, By Renumbering Section 106-288.1. Walks and Runs, 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

Ms. Savidge said that if a walk/run comes up that fits the necessary criteria, it would be presented to the Town Council.

Council Member Araskog said that during previous discussions about events, it was decided that the Deputy Town Manager at that time would work with the town attorney to draft an ordinance. She also pointed out that the committee had formulated air-tight criteria which allowed the council to deny an event.

There was additional discussion among the council members about the language and possible deference of the approval of this ordinance to allow for re-evaluation of the language.

Ms. Savidge advised that the size of it, limiting it to 400, providing for the smaller event. She said the Town Code, Section 106-28.1

Walks/Runs, talks about the third event being smaller and having to be presented to the Town Council.

Council Member Araskog suggested some streamlined language in the ordinance, Section 106-258, which speaks to penalties assessed by the fee schedule adopted by the Town Council by Resolution.

Council Member Araskog questioned the number of days by which an appeal has to be filed to be placed on the next Town Council agenda. She thought it should be business days rather than calendar days.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the first reading of Ordinance No. 021-2023, as amended. On roll call, the Motion passed unanimously.

6. Proposed Ordinance to Amend Chapter 22 of the Town Code Relative to Commercial Motion Picture-Making Permits

ORDINANCE NO. 022-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To 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; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the first reading of Ordinance No. 022-2023. On roll call, the Motion passed unanimously.

XIII. ANY OTHER MATTERS

1. Landmarks Preservation Commission Appointments at the March 14, 2023, Town Council Meeting

Council Member Araskog raised a question as to why, during the voting process for boards and commissions, when there was not a majority, the person with the lowest number of votes was still added in. She thought the vote had been done differently. Ms. Churney responded she understood there were only a few people who should have been on the second vote. She said that on the third vote,

no one voted for the third person. Ms. Churney said she would check with other professional City Clerks to see how they handle the internal voting process. She would bring that information back to the Town Council.

2. Cancellation of August Meetings or Use of Technology for the Conduct of Meetings

Council President Zeidman expressed concern that she had not clearly communicated with the Council at a prior meeting regarding the possibility of not having a meeting during August with respect to the state requirements and the Town Charter. To clarify both, she explained that state law requires all government bodies to be physically present. She said the intent was not to merely fill the quorum requirement but to have all persons present. She further explained the Town of Palm Beach Charter, which requires the Town Council to meet once every month. In light of the explanation provided, she asked the Council to opine. She reminded the Council that using “Zoom” should not be considered an appropriate substitute for in-person meetings and should be used only when necessary, such as during the Pandemic or illness. In addition, she again reminded the Council that the intent should be for all Council members to be physically present, not merely to meet the quorum requirement. Council President Zeidman asked the Council to opine since a change in the Town Charter must go to referendum, and time was running short on getting this on the March ballot should the Council decide they wanted public opinion on this issue. Council President Pro Tem Lindsay acknowledged that some would favor not having a Town Council meeting in August. She thought it made sense to put the question to referendum for several reasons. She raised a concern that the Form 6 Financial Disclosure requirement, may impact whether candidates will be willing to serve the town. However, between recruitment of future council members and trying to accommodate the needs of the town staff, she thought it made sense to put the question out to referendum. President Zeidman agreed and stated that she shared the same concern in addition to the fact that most Palm Beach residents head to their second homes in the northeast and northwest during the summer months.

Council Member Araskog did not support eliminating meetings in August being put out to referendum. There were several reasons for concern, one being the prospect of an agenda item that needed to be attended to within a designated timeframe. She was very hesitant to change the Town Charter.

Mayor Moore shared her thoughts and was supportive of putting the option of eliminating August meetings out to referendum.

Council Member Cooney expressed concern about the impact on residents if a month of meetings is eliminated. He said sometimes things must be prioritized, and he could never hold it against a fellow council member if they missed a meeting because they had to go on vacation with their family. He said it is a

team effort.

Council Member Crampton did not favor placing the elimination of meetings in August out to referendum.

Council President Pro Tem Lindsay said she realized the Governor had prohibited Zoom for use regularly. However, she thought that may be easier to do than a referendum. Mr. Blouin stated he had been conversing with Matt Forrest, Lobbyist. He said they are drafting a bill to be introduced to the legislature. Based upon Mr. Forrest's guidance, it seems highly unlikely that this bill will get passed and filed.

Council Member Crampton said the harder part for him was the expenses involved in traveling back and forth for meetings. He asked if the Town Council were paid \$1.00 per year if they could deduct those expenses from their taxes.

Council Member Araskog said residents have been very clear that they want the Town Council to serve voluntarily.

XIV. ADJOURNMENT

Motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the October 10, 2023 Town Council Meeting at 4:55 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date