



# TOWN OF PALM BEACH

## MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 12, 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 Margaret A. Zeidman led the Pledge of Allegiance.

### III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- 1) Item No.X.C.1 Discussion Regarding Traffic Issues and Presentation of Mitigation Plans

TIME CERTAIN: 11:30 AM

Summary added to the backup.

- 2) Item No. X.C.2 Discussion Regarding Agreement for Legal Fees with Jones, Foster  
Addition of RESOLUTION NO. 157-2023
- 3) Withdrawal of ORDINANCE NO. 023-2023

### 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. RECOGNITIONS**

- A.** Recognition of Zachary Shipley for Service on the Underground Utilities Task Force  
*Danielle H. Moore, Mayor*
- B.** Recognition of John B. McGowan, Jr. for Service on the Underground Utilities Task Force  
*Danielle H. Moore, Mayor*
- C.** Recognition of Leslie Shaw for Service on the Underground Utilities Task Force  
*Danielle H. Moore, Mayor*

Mayor Moore thanked all the retiring members of the Underground Utilities Task Force. She presented plaques of recognition to Zachary Shipley, John McGowan, Jr., and Leslie Shaw.

**VI. COMMENTS OF MAYOR DANIELLE H. MOORE**

Mayor Moore thanked the Police Department for holding a Safety Day on Saturday, December 9, 2023. She also expressed appreciation to the Police and Fire Foundation.

Mayor Moore recognized the following employees for their years of service to the Town:

Wayne Bergman, Director	(PZB)	5 years
Alex Vega, Sergeant	(PD)	5 years
David Watson, Lieutenant	(PD)	10 years
Fred Waymire, Sergeant	(PD)	10 years
Ryan Burgoon, Officer	(PD)	10 years
Dexter Munro, Equipment Op.1	(PW)	15 years
George Goatley, Water Res. Tech.	(PW)	15 years
Veronica Persaud, Accountant	(FIN)	10 years
Deborah Moody, Office Manager	(PZB)	25 years

Mayor Moore recognized the retirement of Mr. John “Skip” Randolph, Town Attorney. She said for the last 44 years, Mr. Randolph has served as the town attorney, providing legal counsel to forty-nine elected officials, seven mayors, six town managers, and countless staff members. She thanked Mr. Randolph for his incredible knowledge and devotion to the Town of Palm Beach. She stated he had consistently provided wise guidance.

Mr. Randolph advised Mayor Moore that his retirement was reluctant because of how much he had enjoyed serving the Town of Palm Beach. He thanked the town officials and Joanne O’Connor for stepping up to serve in the role of town attorney. He also thanked his wife and family for the support they have shown him during his years representing the town.

**VII. COMMENTS OF TOWN COUNCIL MEMBERS**

Council President Zeidman told Mr. Randolph that he had been an immeasurable help to her. She always felt that she could count on him for wise advice. She stated he had been a trusted and reliable friend.

Council President Pro Tem Lindsay stated her appreciation for Mr. Randolph. She said he had tremendous institutional knowledge, which has been so helpful in guiding the Town Council during their decision-making processes. She said he was a wonderful human being and had been

invaluable to the town. Council President Pro Tem Lindsay encouraged everyone to save the date of Monday, February 5, 2024, at 2:00 p.m. She stated that Dr. Ray Dorsey, the expert, and researcher on Parkinson's Disease, along with Dr. Bruce Lanphear, an accomplished Pediatric and Epidemiologist, will discuss toxic chemicals, pesticides, and the impact on children's health. She said the presentations would be live-streamed and recorded. She invited everyone to attend the presentations.

Council Member Crampton said hearing of Mr. Randolph's retirement was bittersweet. He said the town would miss Mr. Randolph, who was at the top of his profession and has been a good friend to everyone in town. He mentioned that in the November 26, 2023, issue of the Shiny Sheet, there was a letter written by former Mayor, Gail Coniglio, and ten other women. He read from the letter, "We have reached the critical crossroads to define our future. The delicate balance between progress and preserving our beloved Palm Beach, its beauty, small-time character, and elegance, will require thoughtful and managed growth." He said that Land Use Planners use the term *Carrying Capacity*, which relates to the sustainability of the environment or the community to oversee all that is presented. Council Member Crampton said he believed the town was at an inflection point. He said everyone would have to be more protective in the types of decisions being made for the town.

Council Member Araskog stated that Mr. Randolph's integrity and moral compass had led the way for everyone else to be moral and to have integrity. She thought Mr. Randolph had set an incredible example through his love for God, his love for his family, and his service to the Town of Palm Beach. She was admirable of Mr. Randolph's love for the community. Council Member Araskog stated the town was truly blessed to have been represented by Mr. Randolph. She thanked the town staff for their hard work every day. She also wished everyone, including residents, a Happy Hanukkah, a Merry Christmas, and a Happy New Year. She agreed with Council Member Crampton's comments about the letter he read. She believes the town is at a critical point, and she hopes there will be a new vision for the town with a comprehensive plan and new zoning code on the horizon. Lastly, Council Member Araskog apologized for the comments regarding Mrs. Ailes at a recent meeting. She said she has great respect for Mrs. Ailes and her integrity.

Council Member Cooney stated that Mr. Randolph had provided great guidance to him when he became active in local government. He said he would miss Mr. Randolph. He thanked him for his service.

Council President Zeidman mentioned the upcoming text amendments, and she requested education be provided relative to the procedure. She stated that the procedure is in the zoning code under amendments to the zoning code, Chapter 134, Article II, Division 5. She also said the Corradino Traffic Study is in draft form. She said the Town Council members could let staff know if they wanted to see the document. She stated that it would be important for staff to have an opportunity to read the study before a presentation to the Town Council.

## **VIII. COMMUNICATIONS FROM CITIZENS -3 MINUTE LIMIT PLEASE**

Richard Sammons, 455 Worth Avenue, and a member of ARCOM, retroactively declared a conflict due to his working as a subcontractor for the Charette in February. He noted that he did indirectly work for the town and received compensation. Secondly, Mr. Sammons said one thing learned from the Charette was that in the North End RB district if a one-story home was built on a 10,000-square-foot lot, 1,000 square feet is left on the table. That inequity has caused every home to be two stories. He said limiting the second stories to fifty percent was thought to be a

good thing. While he agreed the town was under assault, he felt that a balance needed to be found between zoning, the RB, and development restrictions to the commercial core areas where there were already commercial streets. He felt this would allow for those things that give the town its character.

Council President Zeidman complemented ARCOM for the tremendous job they have done through working on the zoning code. She expressed concern with all the commercial projects being proposed in the town. She felt large projects could become regional destinations, in addition to being too large, too high, and monolithic in appearance. She said uses were allowed through the Special Exception process, and the council would review the list of Special Exception Uses.

Diane Buhler, Friends of Palm Beach, said this fall, with high seas and king tides, there has been an increase in medical waste on the beach. Microplastics are a more abundant reality than ever. She said since the summer refugee vessels have slowed, condominiums in the south end are installing bucket stands thanks to the help of the Citizens Association, and the contractor has eased clean-ups at the bridge by hiring image companies to clean. She informed the contractor that the Friends of Palm Beach would not remove the bags. She said the running total for trash removed from the beaches is over 33,000 pounds. A community clean-up is scheduled for this coming Saturday along Billionaire's Row.

Council Member Crampton referred to the southern bridge, where the plaque is located, two old billboards are dilapidated. He said the billboards are unsightly and should be removed. Mr. Brazil said he would contact FDOT. Council Member Cooney added that he had been asked to serve on the aesthetics committee for the southern bridge. He said the project has not been closed out. An updated landscaping plan had been put out to bid.

Council Member Araskog mentioned a thank you to the Police and Fire Foundation for Public Safety Day. She hopes an alert will be put out for future events because much new and valuable information was available to residents.

Mayor Moore recognized Mr. Doug Evans, Head of the Palm Beach Chamber of Commerce. She said he had done a remarkable job during his first year. She said the Chamber is a wonderful organization, and the Town's Employee of the Year will be announced on Monday, December 18, 2023.

## **IX. APPROVAL OF CONSENT AGENDA**

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay 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. November 14, 2023, Town Council Meeting Minutes
  - b. November 15, 2023, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 20, 2023

**B. RESOLUTIONS**

1. RESOLUTION NO. 151-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an award to Coastal Protection Engineering LLC in a not-to-exceed amount of \$278,515 for professional services related to federal permitting of the Mid-Town Beach Nourishment Project.  
*Dean Mealy, Procurement and Contract Manager*
2. RESOLUTION NO. 152-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive payment authorization to the Municipal Public Safety Communications Consortium of Palm Beach County, LLC for annual membership dues in the amount of \$124,777.15.  
*Dean Mealy, Procurement and Contract Manager*
3. RESOLUTION NO. 153-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving Police and Fire Departments radio replacement with Motorola Solutions utilizing the NASPO Value Point Cooperative Contract in the amount of \$1,479,388.91 for police radios, \$690,369.91 for fire radios and \$972,613 for dispatch consoles for a total price of \$3,092,371.82 which includes a \$50,000 trade-in allowance. Payment milestones will be \$2,061,581.21 upon issuance of contract and \$1,030,791.61 at final system acceptance no earlier than October 1, 2024.  
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as Item No. X.A.1***
4. RESOLUTION NO. 154-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kelly Tractor Company in the amount of \$357,400 and establishing a project budget of \$375,500 for the acquisition of a replacement Landfill Bulldozer.  
*Dean Mealy, Procurement and Contract Manager*
5. RESOLUTION NO. 155-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for on-call consulting, permit compliance, sampling, and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities in the annual amount of \$143,452 and establishing a project budget of \$160,000.  
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as Item No. X.A.2***

**C. OTHER**

1. Donation Acceptance from the Police and Fire Foundation  
*Darrel Donatto, Fire Rescue Chief – **Pulled and Heard as Item No. X.A.3***
2. West Palm Beach Mobility Coalition  
*Bob Miracle, Deputy Town Manager -Finance and Administration*
3. Permission to Close Country Club Road for Annual Inspection of the Delta-8 Stormwater Station and Permission to Close North Lake Way for Annual Inspection of Sanitary Sewer Stations Echo-1 & Echo-2

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

4. Recommending Dissolving the Underground Utilities Task Force

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

5. Authorization for 160 Royal Palm Way - Use of Right-of-Way During Season

*H. Paul Brazil, P.E., Director of Public Works – Pulled and Heard as Item No. X.A.4*

## **X. REGULAR AGENDA**

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

1. RESOLUTION NO. 153-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving Police and Fire Departments radio replacement with Motorola Solutions utilizing the NASPO Value Point Cooperative Contract in the amount of \$1,479,388.91 for police radios, \$690,369.91 for fire radios and \$972,613 for dispatch consoles for a total price of \$3,092,371.82 which includes a \$50,000 trade-in allowance. Payment milestones will be \$2,061,581.21 upon issuance of contract and \$1,030,791.61 at final system acceptance no earlier than October 1, 2024.

*Dean Mealy, Procurement and Contract Manager*

Council President Pro Tem Lindsay asked that staff explain the request because of the monetary amount of the purchase. Mr. Blouin explained that the request is for a 5-year contract for Police and Fire radios, and dispatch consoles. This is part of the town's membership with the Municipal Public Safety Communications Consortium of Palm Beach County, Inc. (MPSCC), and Member Municipalities. The Town of Palm Beach has been in this relationship since 2006.

Council Member Araskog asked what would happen if verifications failed. She noted existing fiber connectivity between police and fire which had not been verified, nor was guaranteed for specific bandwidth capacity. Andy Jadoo, Director of Information Technology, said anti-virus and fiber connectivity exist and are currently being used without issues. Council Member Araskog asked if additional costs would be associated with additional steps that need to be taken, as set forth in the contract. Mr. Jadoo said the consultants would be better able to answer these questions once they determine what additional things would be necessary to make the system operational. Council Member Araskog wanted to defer this item to next month. Bob Miracle said staff had been working with Motorola for several months and would like this item approved so a contract could be signed by the end of the calendar year. Council Member Araskog asked what any extra expenses might be for additional necessities listed within the contract. Captain William Rothrock, Police Department, said that staff had been testing Motorola's radios on the county system for several months, and the equipment had been working properly. He noted that Fire Rescue had some concerns about state laws and building connectivity, which had also prompted them to test the radios for the past two months. In addition to testing the radios, conversations with Motorola and their engineers had given staff great confidence that there would not be extraneous costs outside of what was quoted and secured by procurement. Mr. Blouin added that the town was previously on the Motorola system and will now be transitioning back to the system used by Palm Beach County and several other municipalities within the county.

**Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 153-2023.**

Council Member Crampton was interested in additional information about the warranty, training elements, and post-warranty services that would be necessary. Mr. Blouin responded that those details were incorporated into the contract.

**On roll call, the Motion passed unanimously.**

2. RESOLUTION NO. 155-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for on-call consulting, permit compliance, sampling, and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities in the annual amount of \$143,452 and establishing a project budget of \$160,000.

*Dean Mealy, Procurement and Contract Manager*

Council Member Crampton asked for an update on the project. Mr. Blouin said there would be additional information on a future agenda. He said it would be costly for them to maintain the full bond, and the town staff believes it to be reasonable and fair to reduce the bond. That will be a Town Council decision, and staff will work with the Town Attorney to develop language for presentation to the council.

At this time Council Member Araskog requested a re-consideration of the Consent Agenda.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to re-consider the Consent Agenda. On roll call, the Motion passed unanimously.**

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to pull item no. IX.C.5. from the Consent Agenda. On roll call, the Motion passed unanimously.**

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 155-2023. On roll call, the Motion passed unanimously.**

3. Donation Acceptance from the Police and Fire Foundation  
*Darrel Donatto, Fire Rescue Chief*

Sean Baker, Assistant Fire Chief, said that the monies donated from the Police and Fire Foundation would be committed to the AED program, making Palm Beach a safer community. AEDs would be strategically placed throughout town to improve response rates for sudden cardiac arrest. He said the local businesses and residents would be trained in using the AED equipment. Council President Zeidman asked if the AED units would be available for purchase, and Assistant Chief Baker said yes. In addition, dispatchers would be prepared to direct people in need to the AED units.

Council Member Araskog asked if, when it comes to private homes and multi-family residences, the program would be first come, first serve. Mr. Blouin said this agenda item is for acceptance. The intent of the donation and details are still being

worked out with the foundation.

Council Member Cooney confirmed that the AED units would be placed in public gathering spaces in addition to private locations. He asked that staff ensure the Town Council sees the design for any free-standing AED units before installation.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve acceptance of the donation from the Police and Fire Foundation. On roll call, the Motion passed unanimously.**

4. Authorization for 160 Royal Palm Way – Use of Right-of-Way During Season  
*H. Paul Brazil, P.E., Director of Public Works*

Council Member Araskog asked to hear from the Police Department about the loss of seven metered spaces. Mr. Brazil responded that this would be like Palm Beach Hotel where there is scaffolding and a work zone inside the scaffolding. He said pedestrians would walk around the scaffolding.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to authorize the use of right-of-way during season for 160 Royal Palm Way. 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, stated there was no additional information on moving forward with the undergrounding project. She said Phase III would be moving forward with conversions, and Phase V north and south would include energizing the underground network. Conversions in those areas have not begun. Phase VI north is significantly the construction and drilling, which have already exceeded 50 percent. Residents may feel the impacts of Phase IV south, as construction progresses. In dealing with Florida Power and Light (FPL) as far as trading out the streetlights, they would do so without delay or additional cost.

Council Member Cooney asked about lane closures on some of the main streets throughout town. Ms. Strayer said there was some minor drilling needed in Phase IV South. There should be nothing on County Road and little on Coconut Row. They are trying to tie in Phase IV equipment and as to Phase V on Royal Palm Way, they are working on the final splicing of switch cabinets to make it possible to energize. Unfortunately, manual splicing requires a lane for safety. Council Member Cooney asked about a section at the north end where the pavement had been completed, inquiring if reflectors would be installed. Ms. Strayer said replacements only include what was previously there. She said the reflectors would be installed after completion of the permanent striping.

Council Member Araskog asked about 52 of 117 easements, with 61% of the design completed. Ms. Strayer said Phase VIII is moving much slower than anticipated,

but a significant increase was being experienced since people were returning to the island for the season. Staff anticipates a significant increase during the next three months. Council Member Araskog thought it would be important for staff to check areas with old systems and conduits. She said there was some concern after the fire on El Vedado Road. Ms. Strayer responded that as to the specific issue with the fire in the conduit, she did not know what caused it but going in to physically check them could cause more damage to the older wires and conduits.

2. RESOLUTION NO. 156-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving additional funding to Kimley-Horn and Associates, LLC in the amount of \$50,000 for professional engineering on an as-needed basis related to the Water Supply Feasibility Study for a total award amount of \$666,380.

*Dean Mealy, Procurement and Contract Manager*

Mr. Brazil said staff has been working with Kimley-Horn on this water supply feasibility study for almost four (4) years. Kimley-Horn was selected through a competitive bidding process. The job was awarded in 2020 for \$316,000, and since then, the staff has recommended, and the Town Council has approved three change orders, each for \$100,000. The staff is at the point of initial negotiations with the two entities, and the project is where the staff had thought it would be. To secure the assistance of Kimley-Horn in the future, an additional Change Order would have to be approved in the amount of \$50,000. This would maintain their services through negotiations, for additional public meetings, and for any additional technical assistance that may be necessary, as a determination is being made about who will supply water to the town.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 156-2023. On roll call, the Motion passed unanimously.**

3. Updated Comprehensive Parking Plan  
*Lew Crampton, Town Council Member*

Council Member Crampton stated that the ride-share service, Rove, will not be implemented in town. The parting of ways was amicable, and they will be moving to another area to offer their services.

Lieutenant Paul Alber, Police Department, presented updates about parking stickers that had been sold and signage that had been installed. He shared some real-time data collected from the high-performing parking zones within the town. November 2023 over November 2022, there was a 67% increase in revenue generated in the 200 and 300 blocks of Peruvian Avenue. This data demonstrated that people were using paid parking areas quite a lot. Statistics provided were based on Transaction Type Breakdown, Device Breakdown, Parking Amount Distributions, and Parking Durations Breakdown. The data showed that people parked on Peruvian for quite a while. Lt. Alber said paid parking is working well in the business district. Significant data collection is underway from the 200 and 300 blocks of Peruvian Avenue, allowing staff to determine how each street performs in terms of the

parking program. This would allow for necessary adjustments to the program.

Council President Pro Tem Lindsay thought it was encouraging that people were adjusting to ParkMobile. She also thought the times that people were using paid parking were relevant. She mentioned that no additional signage would be installed. The existing signposts would be used for any new signage.

Council Member Araskog asked if patrons could extend past the paid parking time. Lt. Alber said a patron may not extend beyond 2 hours. The vehicles would have to relocate outside that zone to start a new parking period.

Council Member Cooney asked if data about the percentage of parking areas frequented by residents would be available. Robert Miracle, Deputy Town Manager – Finance and Administration, said that zip codes may be retrieved from the credit card payments for people paying for parking. Council Member Cooney asked if he could refer valet parking operators to Lt. Alber, who said yes.

At the corner of Brazilian and S. County Road, on the west side of the intersection, Council Member Cooney said there used to be one space, but up to three vehicles have been parked in that area. Lt. Alber was aware of the problem, and he said the Police Department would investigate it. He noted that there should be no parking spaces between the curb and the crosswalk to allow for visibility.

Council President Pro Tem Lindsay asked if the newly marked parking spaces were larger than before. Lt. Alber said no.

Council Member Cooney said on Southern Causeway Blvd., there was free two-hour parking. He asked if ParkMobile kiosks would be installed, and Mr. Miracle responded that was the plan.

Council President Pro Tem Lindsay asked if there was an opportunity for valet parking on Worth Avenue during the upcoming season. Mr. Blouin said that a year or so ago, an RFP was published for potential valet operations, but details could not be worked out. Recently, the owner of the Apollo parking lot was contacted about valet parking and offered a space on Worth Avenue with some signage for advertisement. He said the staff had tried and was still willing to collaborate with a partner. Lt. Alber stated that since the valet stand was previously located on Worth Avenue, the Police Department has more than doubled its presence along that street.

4. Landscape and Lawn Maintenance Request Earlier Start Time at 8:30 AM on Weekdays.

*Margaret A. Zeidman, Town Council President*

Colin Goldsmith, 2116 Bellcrest Court, Royal Palm Beach, FL, Botanica Landscaping spoke regarding the challenges faced by landscaping servicers. He said it is difficult to finish jobs with a 9:00 a.m. start time. He said an earlier start on maintenance would significantly improve their ability to get into town and help mitigate and ease congestion during morning hours.

Council President Zeidman noted that it may be to the advantage of the town and its residents to consider an earlier start time for landscape and lawn maintenance.

Council Member Araskog said she would only be okay with quiet work. She said one of the reasons the start time is 9:00 a.m. is because of the median age in the town.

Council Member Crampton felt that flexibility was important, and he was open to having the Ordinances, Rules & Standards Committee (ORS) look at the possibility of adjusting the start time and making a recommendation to the Town Council.

Council President Pro Tem Lindsay said that not every landscaper obeys the rules. She said she had spoken to several landscapers with electric blowers in their trucks but had chosen not to use them. After speaking with citizens' associations and owners of large estates, she thought the only area where the time could be adjusted would be on the island's south end. She noted that the gas leaf blowers, mowers, and hedge trimmers are loud pieces of equipment.

Mayor Moore was willing to return this request to ORS, but she did not think a new conclusion would be reached.

Council Member Cooney was willing to return this request to ORS for consideration. He said that, unfortunately, there will always be companies that do not follow the rules. He agreed that flexibility is important.

Council President Zeidman did not object to a half hour adjustment. She asked Mr. Goldsmith if he thought that he would be getting off the island earlier. Mr. Goldsmith said he thought a larger percentage of the box trucks would be off the island earlier although they would need to have a trial period. He thought there was potential to get some of his trucks off the island as early as 2:30 or 3:00 in the afternoon. Council President Zeidman was not ready to decide.

Council Member Crampton asked if there was an association of landscape professionals/organizations. He said peer intervention and traffic mitigation would motivate the Town Council to consider the requested change.

**The consensus of the Town Council was to direct Mr. Goldsmith to return to next month's council meeting with confirmation of an Association of Landscape Professionals and a summary of actions to be accomplished by the association's members which would benefit the residents of the town.**

Council Member Araskog asked to hear from the Police Department about morning traffic. Mayor Moore noted that day school students were dropped off between 7:30 and 8:00 a.m. and picked up between 2:45 and 3:05 p.m., and public school picks up between 1:45 and 2:15 p.m.

## **C. New Business**

### **1. Discussion Regarding Traffic Issues and Presentation of Mitigation Plans**

**TIME CERTAIN: 11:30 AM**

Council President Zeidman stated that on December 4, 2023, Police Chief Caristo, Major Scanlon, and Lt. Watson and herself met with the Secret Service, Mar-a-Lago Event Coordinator Niki Russell, and Harvey Oyer, Attorney, to discuss what went wrong during two recent occasions where traffic was at a standstill and best ways to mitigate the potential for this happening in the future. She said that Mr. Oyer would present a redlined version of the Declaration of Use in January, reflecting changes agreed upon during the meeting. She summarized the changes that would be more stringent, which included: (1) Between 3:00 and 6:00 p.m., Monday – Thursday, no events; (2) Friday evening dinner may be served at 6:00 p.m.; (3) Monday – Thursday, dinner must be served later than 6:00 p.m.; (4) Agreed to use the Bath & Tennis Club (B&T) Parking Lot for events over 250 guests and notify the Police Department in advance of every event, and whether the B&T has been reserved for them; and (5) Provide an alternate plan if the B&T Parking Lot is not available.

Chief Caristo stated that a compromise was reached due to the meeting with personnel at Mar-a-Lago, even though additional changes may be warranted. He said since the recent events, issues have been corrected, and that is what prompted the meeting. The Police Department would contact representatives of Mar-a-Lago, and any issues would be addressed immediately. Chief Caristo presented some statistics related to issues that cause traffic back-ups in the subject area. He said on average, there are 70,000 vehicles on the island per day.

Chief Caristo said last February, he and Mayor Moore drafted a letter to the US Coast Guard requesting delayed bridge openings during peak hours. They looked at the north bridge and agreed to delayed openings during peak hours on the Flagler Bridge beginning in August. Since no negative comments were received, Chief Caristo and Mayor Moore submitted another letter requesting delayed openings for the Southern and Royal Park bridges. In October, the US Coast Guard agreed to delayed openings on a trial basis. They informed the staff that they had submitted a Notice of Opposed Rulemaking, which would permanently allow for delayed openings of all three bridges. The Southern and Royal Park bridge changes would be implemented in January, 2024.

Chief Nicholas Caristo, PD, discussed five traffic issues and mitigation strategies under discussion, which included:

- Changes to roadways for safety: one way east on Sunset Avenue and right turn only from Brazilian onto South County Road.
- Pending change to the one hundred block of Barton Avenue to mitigate traffic backup on North County Road. The changes would go into effect on December 15, 2023.
- Flagler Memorial (North) bridge now opens once an hour during rush hour, and there is potential for the same on the Middle and Southern bridges.
- Synchronization of lights in Town and with West Palm Beach.

Daniel Fairbanks, 138 Chilean Avenue, spoke regarding traffic backups on South Ocean Boulevard.

Chief Caristo said the Town Council did produce a traffic management plan last May, and the plan is in place. There should be significant improvements in the coming year. Mr. Blouin emphasized that although staff is trying to mitigate traffic, there are going to be traffic issues on the island. He said there are always traffic problems that back up during rush hour. He pointed out that even with no events at Mar-a-Lago, there are still traffic issues.

Council President Zeidman said that having the bridge openings reduced during rush hour would make a difference. She also believed the concessions reached in the recent meeting would make a difference. Council President Zeidman noted that monitoring of the situation would still be necessary.

Jimmy Zisson, 3400 South Ocean Boulevard, remarked that he could not understand why more residents were not attending town council meetings. He said everyone understands that the traffic problems are complicated. He asked who is responsible for traffic management in Palm Beach.

Leslie Evans, 256 Worth Avenue, Suite 314, representing Dr. Jerry Lemore and his wife, who live in the one hundred block of Clarke Avenue. He discussed the situation on Barton Avenue, where residents should have been notified in November when there was an article in the Shiny Sheet. He suggested that resident opinions be taken into consideration.

Bill Walde, 141 Barton Avenue, asked to see a comprehensive plan for the traffic issues. He requested that Chief Caristo give the residents in the 100-block information about what would happen, particularly with parking. Mr. Walde thought the traffic may be pushed down to South County and Royal Palm Way. He thought the impact should be evaluated by eliminating two-way traffic. He discussed scenarios that he asked Chief Caristo to consider with the proposed change in traffic pattern. Chief Caristo said that staff would monitor traffic, including car counters and speed measurements on all subsequent streets, including the one hundred block of Barton. The data collected would be reviewed with the goal being to minimize the impact on the town's residents. The objective is to move traffic, keeping traffic flow on the state roadways. Mr. Walde reiterated the importance of the town communicating with the residents on Barton Avenue.

Council President Zeidman expressed concern about vehicles traveling fast on Barton, in the middle of the block.

Council Member Crampton said Oleander Avenue, a very narrow street, needed to be added to the process. He has received correspondence from people who cannot get in and out of their driveways at times. Chief Caristo reported that in 2023, the number of citations issued is approaching fifty-sixty.

Council President Pro Tem Lindsay had noticed that residents routinely skip Barton Avenue because of the queue. She said everyone else fans out using Clark, Seabreeze, and Seaspray Avenues. She was concerned about taking Barton out of

the plan because everyone would be pushed to the other three streets. She suggested watching to see what happens if Barton is removed from the plan. She said one of the factors affecting Mar-a-Lago traffic was the construction projects on the ocean close to the north of Mar-a-Lago. She wondered if earlier start dates should be considered, to get the construction workers off the island earlier in the day. Council President Pro Tem Lindsay referred to the Breakers lights on South County. For traffic heading northbound and southbound, when one light turns, both lights turn. She asked if the vehicles would be open to waiting a little longer. She suggested during the review that Chief Caristo look at tweaking those lights to optimize the traffic flow.

Council Member Cooney acknowledged that the Mar-a-Lago Declaration of Use needed to be amended. He said his inclination was that the Town Council was going to sit with the plan for a full season to see how the proposed traffic management plan was working to accommodate traffic flow and stacking of vehicles.

## 2. Discussion Regarding Agreement for Legal Fees with Jones, Foster

RESOLUTION NO. 157-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Memorandum of Understanding and Agreement and Fee Agreement with Jones Foster, P.A.; Authorizing the Town Council President to Execute the Memorandum of Understanding and Agreement; Authorizing the Town Manager to Execute the Fee Agreement; Providing an Effective Date.

*Margaret A. Zeidman, Town Council President*

Council President Pro Tem Lindsay asked how long the proposal is good. Ms. O'Connor suggested CPI adjustments be incorporated into the agreement with Mr. Miracle's guidance.

Council President Zeidman asked Ms. O'Connor to explain her plan to educate her associates for the various boards and commissions. Ms. O'Connor had identified two associates who do similar work for other municipalities. During the next couple of months, she will accompany those associates to the meetings while getting to know everyone. The team will then meet, and she will be in close contact with Mr. Bergman throughout the process.

Anita Seltzer, 44 Cocanut Row, recognized and thanked Attorney Skip Randolph for his faithful service to the Town of Palm Beach. She expressed concerns about Ms. O'Connor not attending all the meetings. She was concerned about how information would be transferred from one board/commission to another.

Mayor Moore stated that as a caveat to the contract, Attorney O'Connor should attend any meetings of ARCOM or Landmarks Preservation Commission meetings pertaining to commercial projects. Ms. O'Connor agreed to attend.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 157-2023, and the agreement regarding legal fees being set for the next two (2) years after which returning to the Town Council for discussion of potential CPI increase. On roll call, the**

**Motion passed 4-0 with Council Member Araskog absent.**

## **XI. ORDINANCES**

### **A. Second Reading**

1. Proposed Ordinance to Amend Chapter 46 of the Town Code Relative to Fire Prevention and Protection

ORDINANCE NO. 023-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection in Accordance with Florida Statute 633.202 and 633.208 the "Florida Fire Prevention Code" Adopted by the State of Florida Fire Marshall In Chapter 69A-60 Of the Florida Administrative Code with Local Amendments, National Fire Protection Association National Fire Code - N.F.P.A. 1, Florida Current Edition; And National Fire Protection Association Life Safety Code - N.F.P.A. 01, Florida Current Edition; Including Amendments To Sections 46-32, 46-33, 46-36, 46-66, 46-68, 46-69, 46-70, 46- 71, 46-72, 46-73, 46-74, 46-75, 46-76, 46-77, 46-78, 46-80, And 46-82 All As Provided In Exhibit A Attached; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For Codification; And Providing For An Effective Date.

*Darrel Donatto, Fire Rescue Chief*

This item was withdrawn.

### **B. First Reading**

1. Proposed Ordinance to Amend the Town's Equipment Replacement Fund

ORDINANCE NO. 027-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, providing for an Amendment to the Town's Equipment Replacement Fund Adopted for the Fiscal Year Commencing October 1, 2023, and Providing an Effective Date.

*Bob Miracle, Deputy Town Manager - Finance and Administration*

Mr. Miracle explained the item and advised that this budget amendment would allow for the first installment payment for the police and fire radio equipment.

Council President Zeidman said that in February, there would be a tax and finance meeting to look at reserves with Mr. Miracle's guidance.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 027-2023 on First Reading. On roll call, the Motion passed 4-0 with Council Member Araskog absent.**

## **XII. ANY OTHER MATTERS**

**XIII. ADJOURNMENT**

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the Town Council Meeting of December 12, 2023, at 3:12 PM. On roll call, the Motion 4-0 with Council Member Araskog absent.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Pat Gayle-Gordon, Deputy Town Clerk

\_\_\_\_\_  
Date