



## TOWN OF PALM BEACH Town Clerk's Office

### MINUTES OF THE TOWN COUNCIL MEETING HELD ON APRIL 9, 2024

#### I. CALL TO ORDER AND ROLL CALL (05:15)

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 (05:32)

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

#### III. MODIFICATIONS TO THE AGENDA (06:29)

The following modifications were made to the agenda:

Reconsideration of the Park Avenue Project.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to Reconsider the Park Avenue Project at the May 14, 2024, Town Council Meeting. On roll call, the Motion passed unanimously.**

**Addition of** Report from the Retirement Board of Trustees Meeting by President Zeidman

Item No. XV.B.3. Phipps Ocean Park Update added **TIME CERTAIN: 12:00 PM**

Item No. XV. Review of Traffic Management Plan – **Deferred to the May 14, 2024, Town Council Meeting**

Item No. XVI. ORDINANCE NO. 016-2024 – **Ordinance has been revised**

**IV. APPROVAL OF AGENDA (16:49)**

**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.**

**REPORT FROM THE RETIREMENT BOARD OF TRUSTEES MEETING HELD ON MARCH 22, 2024 (17:01)**

*Margaret A. Zeidman, Town Council President*

President Zeidman reported that the Board approved the following changes to the Town's Pension Plan: Increase the general and lifeguard multiplier from 1.7 to 2.0 and the public safety multiplier from 2.75 to 3.0.

Gillian Barth, Director of People & Culture added the following changes to the report: Reduce the Defined Benefit vesting period from ten (10) years to five (5) years; reducing the Defined Contribution vesting period from ten (10) years to one (1) year; and increasing the DROP period from five (5) years to eight (8) years.

**V. CERTIFICATION OF ELECTION RESULTS (20:34)**

- A. RESOLUTION NO. 036-2024** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 19th day of March, 2024.

*Kelly Churney, Acting Town Clerk*

Council President Zeidman read Resolution No. 036-2024.

**Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 036-2024. On roll call, the Motion passed unanimously.**

**VI. RECOGNITIONS (22:52)**

- A.** Recognition of Bridget Moran for her Three Years of Service on the Landmarks Preservation Commission from March 2021 to March 2024

*Danielle H. Moore, Mayor*

- B.** Recognition of Margaret A. Zeidman for her Eight Years of Service on the Town Council from February 2016 to April 2024 Including Service as Town Council President Pro Tem from March 2018 to March 2020 and as Town Council President from April 2020 to April 2024

*Danielle H. Moore, Mayor*

Mayor Moore commented on President Zeidman's service and expressed her appreciation for a job well done.

Council President Pro Tem Lindsay commented on President Zeidman's service and stated she would miss working with President Zeidman.

Council Member Cooney expressed his appreciation to President Zeidman.

Council Member Araskog expressed her sentiments to President Zeidman. She commended her for the dedication and time she put into being on the Town Council.

Council Member Crampton expressed his appreciation to President Zeidman. He said he thought she was the best President the Town had ever had on the Council.

Town Manager Blouin shared his appreciation for President Zeidman. He complimented her on her inspiring leadership, energy, work ethic, empathy, and compassion.

Council President Zeidman accepted her plaque and thanked each of her colleagues. She shared her appreciation for the town staff. She shared a special thanks to Kelly Churney and Pat Gayle-Gordon for the clerk services they provide to the Town Council.

## **VII. SWEARING IN OF ELECTED OFFICIALS (48:15)**

Mayor Moore read the biography of Judge Lisa Small.

- A.** The Honorable Judge Lisa Small administered the Oath of Office to Town Council Member Lewis S.W. Crampton, Council Member Bobbie D. Lindsay, and Town Council Member Bridget Moran.

*Clerk's Note: After the Council Members were sworn in, Council Member Moran took her seat on the dais.*

## **VIII. ORGANIZATIONAL ITEMS (1:00:55)**

- A.** Election of Town Council President Pursuant to Section 3.01 of the Town Charter

After the ballots were tallied, Council Member Lindsay was elected Town Council President.

*(Town Council President Becomes Presiding Officer)*

- B.** Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter

After the ballots were tallied, Council Member Crampton was elected Town Council President Pro Tem.

**IX. PRESENTATIONS (1:09:31)**

- A.** 2024 Summary of Florida Legislative Session  
*Mat Forrest, Lobbyist*

Council President Lindsay introduced Mr. Mat Forrest, Ballard Partners. Mr. Forrest presented an End of Session Report from the 2024 Legislative Sessions. He stated the Legislature completed its nine-week session and passed a budget for Fiscal Year 2024-2025. During the 2024 Legislative Session, several of the proposed bills were similar to legislation in previous years, and many of those bills that would have impacted local government operations failed to pass. Bills that did make it through the legislative process include legislation pertaining to affordable housing, vacation rentals, building permits, and public works projects, among other issues. He presented an overview of the policy decisions made as part of the Fiscal Year 2024-2025 Budget.

Mr. Blouin asked Mr. Forrest to explain how the legislative process works, how the lobbyist role works on behalf of the Town, and the dynamics involved when strong bipartisan support is present on certain issues. Mr. Forrest responded.

Council Member Araskog asked if the Town of Palm Beach would be grandfathered in on the leaf blower bill, or if an amendment would be necessary. Mr. Forrest said an amendment would likely be necessary but advised the Town Council to consult with the City Attorney. He explained further about the provision that was included in the budget requiring that DEP must conduct a life cycle analysis of leaf blowers powered by internal combustion engines compared to other electric/battery-powered alternatives. This study is due no later than January 1, 2025.

Council Member Cooney asked about the possibility of revisiting SB1526, which continues to limit the Town's ability to protect historic assets in the Town. He said the Town has never prioritized allocating resources toward listing properties on the National Historic Register because it is more labor-intensive but does not provide any additional protection. Therefore, the Town has prioritized building a local register to protect historic properties. Mr. Forrest responded that it may be worthwhile to have a session to develop a justifiable position. He said the issues are not arising in the Town of Palm Beach, but the Town should look at ways to best protect the things that make the town unique. He did mention that the National Historic Register carries a lot of weight.

**X. COMMENTS OF MAYOR DANIELLE H. MOORE (1:44:40)**

Mayor Moore welcomed Town Council Member Moran to the dais. She reminded the public that there are several boards and commissions with vacancies. She mentioned that applications are available on the town website. Mayor Moore mentioned that EPL, the new online permit, plans, and license software, is available on the website. The town's new communication platform will send location-specific communications in the future. She encouraged residents to visit the "stay connected" button on the website.

Mayor Moore recognized the following Milestones and Retirement Announcements:

John Tedesco, Police Officer, has been with the Town for five (5) years.

William Layman, Firefighter, Driver/Engineer, and Paramedic, has been with the Town for fifteen (15) years.

Robert Weber, Coastal Program Manager, has retired from the Town after fifteen (15) years of service. He was integral to getting the Beach Management Agreement approved. He managed the program.

Mayor Moore extended condolences to Senate President Kathleen Passidomo from Naples, who recently lost her husband to a tragic hiking accident.

Mayor Moore mentioned a bicyclist who was recently hit by a motor vehicle. She said bicycles in town can be problematic. The accident victim was thankful for how well the first responders cared for him.

**XI. COMMENTS OF TOWN COUNCIL MEMBERS (1:49:43)**

Council Member Cooney expressed his appreciation to Mayor Moore for the update she gave citizens on April 8, 2024, at the Palm Beach Civic Association Annual Meeting at the Flagler Museum.

Mayor Moore said the staff of the Palm Beach Civic Association are always helpful. She said the video was well done, and the residents appreciated the information. She also thanked the Flagler Museum for hosting the Palm Beach Civic Association.

Council Member Araskog commented on people speeding in the town. She would like to see an alert from the Police Department about bicycle and pedestrian safety.

Mayor Moore suggested the electronic speed limit sign be placed near St. Edwards, to help manage traffic.

Council President Lindsay welcomed Council Member Moran and commented about

the Palm Beach Civic Association Annual Meeting at the Flagler Museum. She thought the video was terrific.

Council Member Moran thanked public for electing her and she thanked the Town Council members for the warm welcome.

**XII. COMMUNICATIONS FROM CITIZENS -3 MINUTE LIMIT PLEASE (1:55:53)**

The following individuals made comments:

Donald Singer, 2295 South Ocean Blvd., Co-Chair, Citizens Association of Palm Beach, welcomed Council Member Moran and spoke in support of the Town Council.

Anthony “Tony” Clark Smith, 235 Sunrise Avenue, Palm Beach Hotel, welcomed Council Member Moran and thanked the Town Council for agreeing to re-hear the Park Avenue project. He noted that the certified copy of the deed indicates that the Park Designation Provision lapses by June 30<sup>th</sup>. He asked the Town Attorney to verify that date to ensure the park designation would not be lost in June.

Dr. Rhonda Nasser, 242 Park Avenue, clarified certain statements made at a prior meeting for the record. She appreciated that the park project would be on the May Town Council agenda.

Patrick McGowan, 251 Park Avenue, spoke regarding the Park Avenue project.

**XIII. APPROVAL OF CONSENT AGENDA (2:05:09)**

**Motion was made by Council Member Cooney and seconded by Council Member Moran 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. March 12, 2024, Town Council Meeting Minutes
  - b. March 13, 2024, Local Planning Agency Meeting Minutes
  - c. March 13, 2024, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 27, 2024.  
*Wayne Bergman, Director of Planning, Zoning and Building*

## B. RESOLUTIONS

1. RESOLUTION NO. 014-2024 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to The Planning, Zoning & Building Department.  
*Wayne Bergman, Director of Planning, Zoning and Building – **Pulled and Heard under Item No. XV.A***
2. RESOLUTION NO. 037-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the Amount of \$836,987.09 and Establishing a Project Budget of \$921,000.  
*Dean Mealy, II Procurement and Contract Manager– **Pulled and Heard under Item No. XV.A***
3. RESOLUTION NO. 038-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project in the Amount of \$214,020.  
*Dean Mealy, II Procurement and Contract Manager*
4. RESOLUTION NO. 039-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, requesting approval to reject Resolution No. 131-2023 that Town Council deferred at the October 2023 meeting.  
*Dean Mealy, II Procurement and Contract Manager*
5. RESOLUTION NO. 040-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2024-07 for Janitorial Services to Image Janitorial Services, Inc., as the Primary and American Janitorial, Inc. as the Secondary awardee in the Annual Amount of \$224,082 and Establishing a Five-Year Award in the Amount of \$1,210,000 Based on Satisfactory Performance and Budget Authorization.  
*Dean Mealy, II Procurement and Contract Manager*
6. RESOLUTION NO. 041-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to awarded Resolution No. 082-2021, Tyler Technologies for additional Licenses and Two Years of Maintenance in the Amount of \$300,185 for a New Award in the Amount of \$975,000.  
*Dean Mealy, II Procurement and Contract Manager– **Pulled and Heard under Item No. XV.A***



7. RESOLUTION NO. 042-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the Amount of \$157,465.  
*Dean Mealy, II Procurement and Contract Manager– **Pulled and Heard under Item No. XV.A***
8. RESOLUTION NO. 045-2024 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 Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements in the Amount of \$215,900 and Establishing a Project Budget in the Amount of \$240,000.  
*Dean Mealy, II Procurement and Contract Manager*
9. RESOLUTION NO. 046-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the Amount of \$1,872,490 and Establishing a Project Budget of \$2,153,363.  
*Dean Mealy, II Procurement and Contract Manager– **Pulled and Heard under Item No. XV.A***
10. RESOLUTION NO. 047-2024 A Resolution of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Purchase Order To Syzygy Global Inc., For Pergola Project For Mandel Recreation Building In The Amount Of \$84,323.33 And Establishing A Project Budget In The Amount Of \$90,000.  
*Dean Mealy, II Procurement and Contract Manager*

## **C. OTHER**

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status  
*H. Paul Brazil, P.E., Director of Public Works*

*Clerk's Note: This item was taken out of order and heard before PRESENTATIONS*

## **XIV. BOARD/COMMISSION ANNUAL REPORT (1:05:26)**

- A.** Annual Report of the Architectural Commission (ARCOM)  
*Jeffery W. Smith, Chair*

Jeffery Smith, Chair of ARCOM presented the Annual Report for the 2023 calendar year.



**Motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to accept the Annual Report. On roll call, the Motion passed unanimously.**

## **XV. REGULAR AGENDA**

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

1. [RESOLUTION NO. 014-2024](#) (3:49:26) A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to The Planning, Zoning & Building Department.

*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman presented the resolution. He stated that staff, along with Tyler Technologies, had built the software specific to the Town of Palm Beach. He thanked staff and PZC members who had worked to get the system implemented. Mr. Bergman said the technology fee was for the software with annual licensing fees.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 014-2024. On roll call, the Motion passed unanimously.**

2. [RESOLUTION NO. 037-2024](#) (3:44:17) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the Amount of \$836,987.09 and Establishing a Project Budget of \$921,000.

*Dean Mealy, II Procurement and Contract Manager*

Patricia Strayer, Public Works, presented the resolution. She said approval was being requested as a change order to the Guaranteed Maximum Price (GMP) with the undergrounding project because it was in the same area and would be funded through the pavement management and capital improvement program. She noted that this was an opportunity to address a ponding/flooding problem even though it may not address all of the issues. With this change, there would be significant improvement to drainage on Clarke Alley and Clarke Avenue.

There was a brief discussion about the project.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Resolution No. 037-2024. On roll call, the Motion passed unanimously.**

3. [RESOLUTION NO. 041-2024](#) (3:55:07) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to awarded Resolution No. 082-2021, Tyler Technologies for additional Licenses and Two Years of Maintenance in the Amount of \$300,185 for a New Award in the Amount of \$975,000.  
*Dean Mealy, II Procurement and Contract Manager*

Mr. Bergman explained why additional licenses were necessary. Mr. Blouin noted that fees may be adjusted as deemed necessary.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Resolution No. 041-2024. On roll call, the Motion passed unanimously.**

4. [RESOLUTION NO. 042-2024](#) (2:07:52) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the Amount of \$157,465.  
*Dean Mealy, II Procurement and Contract Manager*

Mayor Moore said the Living Shoreline is so important and has not been a priority for a long time. She was excited about the potential.

Mr. Brazil presented the Resolution and explained the Living Shoreline stabilization and enhancement project in the vicinity of North Lake Way immediately west of the Palm Beach Country Club along the shoreline of the Lake Worth Lagoon. He noted the associated environmental benefits and said the project would include engineering and environmental elements generally consisting of a nearshore rock breakwater system fronting an area for mangrove restoration and stabilized slope transition into the upland with enhanced native vegetation. Mr. Blouin added historical information about how the town got involved. He stated the town is responsible for maintaining the area.

Council Member Cooney requested the Town Council be provided with conceptual design information. Mr. Brazil said yes, and the Garden Club membership has also expressed interest. He also said there are many different designs for a Living Shoreline.

Council President Lindsay said the impacted parties were very excited about the project. She said there may be some funding available to help with the cost.

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 042-2024. On roll call, the Motion passed unanimously.**

5. [RESOLUTION NO. 046-2024](#) (3:38:13) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the Amount of \$1,872,490 and Establishing a Project Budget of \$2,153,363.  
*Dean Mealy, II Procurement and Contract Manager*

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to defer Resolution No. 046-2024 to the May 14, 2024, Town Council Meeting. On roll call, the Motion passed unanimously.**

## **B. Old Business**

1. Review of Traffic Management Plan  
*Nicholas Caristo, Chief of Police*

This item was deferred to the May 14, 2024, Town Council meeting.

2. [RESOLUTION NO. 027-2024](#) (3:57:48) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2024-09, Central Fire Fuel Station Fuel Tank Station Remediation and Replacement to Murray Logan Construction, LLC., in the Amount of \$2,224,698 and Establishing a Project Budget of \$2,674,698.  
*Dean Mealy, II Procurement and Contract Manager*

Patricia Strayer, Public Works, presented the resolution. She stated that town staff is working hard to optimize insurance funds to cover the associated cost for the Central Fire Fuel Station Fuel Tank Station Remediation and Replacement.

Council Member Araskog asked if any grants were available for the remediation cleanup. Mr. Brazil said staff would look, but because it is a remediation clean-up project, it has to be done to a certain standard.

**Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve Resolution No. 027-2024. On roll call, the Motion passed unanimously.**

3. [Phipps Ocean Park Update](#) (2:20:28)  
**TIME CERTAIN: 12:00 PM**

- a. Capital Grant and Operating Agreement Update
- b. Donor Signage Plan Update

*Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture*

Carolyn Stone, Deputy Town Manager, presented the Capital Grant Operating Agreement for a project at Phipps Ocean Park.

Amanda Skier, Palm Beach Preservation Foundation, presented the timeline for the Phipps Ocean Park project from 2000 to now. A site plan was presented, and Ms. Skier said that the fire station, tennis courts, and pump station exist. Everything else in the site plan will be new. She noted the cost will be underwritten by the Preservation Foundation and donors. The town has made a \$2 million contribution, and a Preservation Grant of about \$0.5 million has been received for the relocation and restoration of the schoolhouse. Ms. Skier discussed the details of the project.

Betsy Shiverick, Chair of Palm Beach Preservation Foundation Executive Committee, shared some discussion points from the meeting on April 8, 2024. She said the Preservation Foundation had pledged nearly \$30 million to historic Phipps Ocean Park and will continue to provide additional funds to cover ongoing maintenance costs after the park is completed. She spoke about the Committee's review of the latest draft of the Capital Grant and Operating Agreement. She expressed concern that the Preservation Foundation was being asked to provide additional guarantees that would add cost to the project.

Ms. Stone reviewed details of the Capital Grant and Operating Agreement which recognizes the covenants of the original Phipps donation for the park, while establishing responsibilities of both the Town and the Foundation to make sure the park remains beautiful and accessible for years to come. She reviewed the main recitals of the agreement. Ms. Stone stated that in attendance were Janice Cheezem from Ackerman, LLC, and Elizabeth Jones, representing the Preservation Foundation on the project. Ms. Stone reviewed the next steps.

Council Member Crampton praised the Foundation and the Town for developing the agreement. He clarified the relationships concerning the management and funding of the project throughout the various stages. Mr. Blouin commented that the parties are still working through some details and those details would be presented to the Town Council in May.

There was some discussion about vegetative buffering for the neighbors, and access enforcement for the park.

Council Member Araskog suggested several changes in language in the interest of the Town. She wanted to ensure the Town had an expressed right to break the contract with the Construction Manager at Risk if the funds were not received. Mr. Brazil said the town may terminate the contract with very limited notice under the Termination for Convenience clause. Council Member Araskog thought the Town Council should discuss how to cover

maintenance costs if there were not enough revenue funds to cover those costs.

Council Member Cooney confirmed that the Preservation Foundation had assets and funds to cover the full scope of the project. Ms. Skier affirmed. Council Member Cooney thought the signage should be consistent throughout the park. He asked about the town's fiscal responsibilities concerning the landscape buffers. He also confirmed that if the playground element was destroyed by an act of God, the Town would not be committed to replacement. Ms. Skier responded affirmatively. Council Member Cooney noted that with respect to events not working out in the interest of the community, a pathway to negotiation about mutual agreement should be in place. Ms. O'Connor advised that she did not see an impact but could look further at the agreement. Mr. Blouin mentioned that if the park became a major attraction or disruption to the local community, then the Town would have the authority to limit the use of the park.

Following a conversation about financials and the line of credit, Council President Lindsay noted that both sides had been heard. She thought the parties were very close to reaching agreement. Because of the convenience clause, Council President Lindsay felt that the town was appropriately protected.

Ms. Skier said that David Thomas from Holyfield & Thomas, LLC, audits the Palm Beach Preservation Foundation annually. She said he would write a letter asserting the Foundation's bank balance and affirming that the Foundation has funds to cashflow the project.

### **C. New Business**

*Clerk's Note: This item was heard out of order after Resolution No. 046-2024*

1. [2025 Preservation Foundation of Palm Beach Dinner Permission Request](#) (3:39:08)

*Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture*

Mayor Moore wondered why this request was being made so early. Amanda Skier, Palm Beach Preservation Foundation, responded that planning the event takes more than one year. She wanted to ensure the Town Council endorsed the requested location for the event. They will return for the permit part of the process. Mayor Moore had heard complaints about the event's size and the venue's condition after the event. Mr. Brazil said the event was larger than previous events, as were the impacts to the park. He said the more impact, the more the liability to restore the park. Ms. Skier responded that their security deposit was used to address necessary repairs.

**Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to grant permission to the Preservation Foundation of Palm Beach to hold dinner in Bradley Park. On roll call, the Motion passed unanimously.**

*Clerk's Note: A break was taken for lunch at 1:30 p.m., meeting reconvened at 2:10 p.m.*

## **XVI. ORDINANCES**

### **A. Second Reading**

1. Proposed Ordinance to Amend the Town Code Relative to the Deferred Retirement Option Program (DROP)

[ORDINANCE NO. 010-2024](#) (4:02:59) An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Joanne O'Connor, Town Attorney*

Attorney O'Connor requested that this item be deferred pending a fiscal impact statement.

**The motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer Ordinance No. 010-2024 to the May 14, 2024, Town Council Meeting. On roll call, the Motion passed unanimously.**

Council Member Araskog thought the Town Council had agreed on age 55 with eight years instead of five years, for vesting. Ms. Gillian Barth, People and Culture, responded that it is eight years for public safety and five years for general employees. The Town Council briefly discussed the vesting period. Ms. Barth explained the difference between public safety and general employees.

### **B. First Reading**

1. Proposed Ordinance to Amend the Town Code at Chapter 74, Section 74-282 to Include All Town-Owned Parks

[ORDINANCE NO. 013-2024](#) (4:23:52) An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks, and Recreation, at Article VI, Recreational Access Closures, by Amending Section 74-282; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

*Nicholas Caristo, Chief of Police*

Chief Caristo presented the ordinance with regard to park hours. He stated that the ordinance would create consistency, security, and safety in parks throughout the Town of Palm Beach.

Mayor Moore suggested parks be closed from 10:00 p.m. to 6:00 a.m. There was a brief discussion about park hours, and there was a majority consensus to support the hours 10:00 p.m. to 6:00 a.m.

Attorney O'Connor read the ordinance by title only.

**Motion was made by Council Member Araskog and seconded by Council Member Moran to approve first reading of Ordinance No. 013-2024 as amended. On roll call, the Motion passed 4-1, with Council Member Cooney dissenting.**

2. Proposed Ordinance to Amend Chapter 82 of the Town Code Relative to Personnel and Employee Benefits

[ORDINANCE NO. 014-2024](#) (4:04:50) An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-52, Definitions; Amending Subdivision III, Firefighters; Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Amending Section 82-95, Amount Of Pension - Firefighters; Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Amending Subdivision IV, Police Officers; Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Amending Section 82-115, Amount Of Pension - Police Officers; Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Amending Subdivision V, General Employees And Lifeguards; Amending Section 82-135, Amount Of Pension For Benefit Group General And Benefit Group Lifeguard; Amending Section 82-139, Deferred Retirement Option Program For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of



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

*Jim Linn, Town Attorney – Pension*

Attorney O'Connor read the ordinance by title only.

**Motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve first reading of Ordinance No. 014-2024.**

Council Member Araskog asked some questions for clarification of language in the document. A brief discussion ensued. Mr. Jim Linn, Attorney, provided clarification with regard to the DROP program parameters.

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

3. Proposed Ordinance to Amend the Town Code in Chapter 18 Relative to Regulations Regarding Construction Screening Fences

[ORDINANCE NO. 016-2024](#) (4:36:58) An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 54, Historical Preservation, At Article III, Certificate Of Appropriateness, Division 2, Procedures and Effect, Section 54-99, Construction Screening Plan, by Providing Reference to Section 18-353, Construction Screening Required; at Chapter 18, Buildings and Building Regulations, at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-201, Construction Screening, by Providing Reference to Section 18-353, Construction Screening Required; at Article VII, Construction Site Management, by Adding Section 18-353, Construction Screening Required; by Amending Article XVI, Storm Shutter Regulations, at Section 18-1010; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing For Codification; and Providing an Effective Date.

*Wayne Bergman, Director of Planning, Zoning and Building*

Attorney O'Connor read the ordinance by title only.

Council Member Araskog expressed disappointment and concern about the proposed ordinance. She suggested that the construction screening should remain in place until the landscape screening or a wall is installed. Mr. Bergman said that he and Attorney O'Connor had looked at other communities and found that "building fixtures" was a common term. He suggested adding "and final landscaping." There was a brief discussion about the dates for shutter installation. The date of May 31<sup>st</sup> would be

replaced with May 1<sup>st</sup> for residential only.

**Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve first reading of Ordinance No. 016-2024, as amended. On roll call, the Motion passed unanimously.**

Attorney O'Connor clarified that nothing about Ordinance No. 016-2024 targets any individual property. It applies broadly to properties throughout the town. The issue has come up at ARCOM in terms of the quality of construction screening fences. There has been a gap in the Code in that there was nothing in the code that addressed how a construction screening fence should look.

4. Proposed Ordinance To Amend the Town Code in Chapter 122 By Providing A Definition of "Public Utility Structures"

[ORDINANCE NO. 018-2024](#) (4:54:08) An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 122, Utilities By Adding Section 122-1, Definitions, Providing A Definition Of Public Utility Structures; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; and Providing An Effective Date.

*Joanne O'Connor, Town Attorney*

Attorney O'Connor read the ordinance by title only. She stated this ordinance was drafted to address public utility structures broadly.

Council Member Cooney wanted to ensure that town parks would be protected from public utility structures. Attorney O'Connor advised there was a provision in the Charter concerning public utility structures in parks. Attorney O'Connor stated she would review the ordinance language to ensure that any utility structures deemed necessary by town staff would be presented to the Town Council for approval if located in a town park.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve first reading of Ordinance No. 018-2024. On roll call, the Motion passed unanimously.**

## **XVII. [ANY OTHER MATTERS](#) (5:00:25)**

Council Member Araskog spoke about new parking fees at the beach and other places in Town. Council President Pro Tem Crampton stated that this issue would be handled by the Business and Administrative Committee.

XVIII. ADJOURNMENT (5:01:27)

**Motion was made by Council Member Moran and seconded by Council Member Cooney to adjourn the April 9, 2024, Town Council Meeting at 3:28 PM. On roll call, the Motion passed unanimously.**

APPROVED:

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Bobbie D. Lindsay, Town Council President

ATTEST:

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Pat Gayle-Gordon, Deputy Town Clerk

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Date