



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 8, 2019

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, January 8, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- A verbal report of the Public Works Committee meeting of December 21, 2018 was added to the agenda under Item XI.
- Item XII. A. 6. was taken out of order and heard after Item IV.
- A presentation by Lisa De La Rionda, Director of Public Affairs for Palm Beach County, was added under Item V. C.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the agenda, as amended. On roll call, the motion passed unanimously.

V. PRESENTATIONS

- A.** Royal Poinciana Playhouse Update.
Alex Patterson, UpMarkets

Ms. Patterson provided an update on the leasing efforts to secure a new tenant for the Playhouse.

- B.** Presentation from the Palm Beach Civic Association Long-Range Planning Committee.
Harvey Poppel, Palm Beach Civic Association

Mr. Poppel, 110 El Mirasol, provided a presentation on the Palm Beach Civic Association's Long-Range Planning Subcommittee's mission and strategic plan.

Mr. Crampton suggested that Mr. Poppel speak to the Town Manager and Director of Finance during the Town's budget preparation process.

- C.** Update on U.S. Census
Lisa De La Rionda, Palm Beach County Director of Public Affairs

Ms. De La Rionda provided an update on the 2020 U.S. Census awareness campaign. She spoke regarding the establishment of a Complete Count Committee (CCC) to promote awareness and education. She also provided the various methods available to all municipalities in order to ensure that everyone gets counted.

Mayor Coniglio encouraged the residents to participate in the Census. She reminded the residents that the Town of Palm Beach contributes 10% to the County's budget and that an accurate population count ensures the equitable distribution of public funds to all municipalities.

Town Manager Blouin agreed to work with the Mayor and Ms. De La Rionda to educate the residents about the 2020 U.S. Census and encourage community participation.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding recent construction noise complaints. She encouraged the residents to be mindful of their neighbors and to report any noise issues to Code Enforcement.

She commented on the aggressive solicitation tactics pedestrians are experiencing on Worth Avenue and requested that the Town Council direct staff and the Town Attorney to look into an Aggressive Solicitation Ordinance. She also requested the Ordinances, Rules and Standards Committee study proposed speed limit changes on the Lake Trail.

She sent her best wishes to Public Works employee Lamar Rickerson on his retirement and acknowledged his many years of outstanding service to the Town.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Zeidman reminded citizens about the January 12, 2019 medication assessment services offered by the Public Safety department at the Central Fire Rescue station and the Public Safety Committee meeting scheduled for January 30, 2019 at 10:00 a.m. She also spoke regarding the importance of the decision making process in light of the upcoming Town Caucus and election.

Council Member Lindsay spoke regarding the end of construction season leading to empty construction sites used as parking lots for beach goers and contractors from other job sites. She requested that Public Works staff look into putting up a physical barrier in order to prohibit cars from illegally parking within the empty construction sites. In response to Ms. Lindsay, Town Manager Blouin reported that Code Enforcement is monitoring those areas and writing tickets on the spot for any code violations.

Council Member Crampton thanked Public Works staff Brett Madison, Paul Colby and Jason Debrincat for providing a tour of the Town's water and sewer pump systems. He spoke regarding the Town's properties located over the bridge and the potential for additional revenue from that real estate. He informed the residents that the Town's Year-End Financial dashboard report is available for public view on the Town's website and hard copies are available in the Finance Department. He also provided a brief overview of the content provided in the financial dashboard report.

Council Member Araskog thanked the Police Foundation for the Annual Policeman's Ball and Harvey Poppel from the Citizens Association for the long-range financial planning presentation. She spoke regarding truck traffic issues in the North end and the temporary cell phone tower under construction on Palmo Way that will improve cell phone service to the residents. She also commented on the passing of Attorney Margie Cooper and sent her condolences to her friends and family.

It was the consensus of the Town Council to send Lake Trail speed limit changes to the Ordinances, Rules and Standards Committee for study and to work with the Town Attorney on the development of an Aggressive Solicitation Ordinance.

Council President Moore wished everyone a Happy New Year and complimented the Breakers on the opening of their newly renovated golf course.

VIII. COMMUNICATIONS FROM CITIZENS

John Maus, store owner of Maus & Hoffman on Worth Ave, spoke regarding the aggressive solicitation tactics he has witnessed on Worth Avenue and encouraged the establishment of stronger rules and enforcement in order to solve this problem.

Daren Rubenfeld, Real Estate Attorney 247 Worth Avenue, offered to share copies of call logs and complaints received by the Town and Better Business Bureau regarding the aggressive sales tactics individuals have experienced on Worth Avenue.

Simon Taylor, expressed his appreciation of the UpMarkets firm and their efforts in securing a theater operator. He offered his view on the role of the potential operator as someone with interests in both the not-for-profit and commercial aspect of a performing arts center.

Diane Buhler, Friends of Recreation, spoke regarding her organization's beach clean-up activities and the challenge with accessing the portion of the beach located on the 900 block of N. Ocean Ave. She announced a beach clean-up date on January 19, 2019 and invited the Town Council to attend and volunteer.

Bill Metzger, 277 Esplanade Way, reported on the positive progress of the Phase 2 undergrounding project in his neighborhood.

Rick Smith, 130 Sunrise Avenue, spoke regarding his expertise of the trucking industry and volunteered to share his knowledge in the discussion of the truck traffic issues in the North end.

IX. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES

Kathleen Dominguez, Town Clerk

- a. December 11, 2018, Town Council Meeting Minutes
- b. December 12, 2018, Town Council Development Review Meeting Minutes - *Deferred to the February 14, 2019, Town Council Meeting*

2. Approval of Major Matters Considered by the Architectural Review Commission at its meeting of December 14, 2018.

Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 01-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town

of Palm Beach and Florida Power and Light (FPL) at the Par 3 Golf Course for Access, and Maintenance of FPL Equipment.

Patricia Strayer, Town Engineer

C. OTHER

1. Adoption of the 2019 Town Council Meeting Schedule.

Kirk W. Blouin, Town Manager

2. Special Event Permit and Road Closure Request for Everglades Club Centennial Gala.

Jay Boodheshwar, Deputy Town Manager

X. **BOARD/COMMISSION ANNUAL REPORT**

- A. Annual Report of the Recreation Advisory Commission.

Matthew Smith, Chair

Chair Smith provided the annual report, which included a brief synopsis of the new Recreation Center project.

It was the consensus of the Town Council to accept the report.

XI. **COMMITTEE REPORTS**

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on December 6, 2018.

Julie Araskog, Chair

Chair Araskog provided a summary of the report. She spoke regarding the issues that will be discussed at the February 7th meeting and encouraged attendance by the Civic Association and Garden Club to provide their input on the landscape regulation discussion.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the report. On roll call, the motion passed unanimously.

- B. Verbal Report of the Public Works Committee Meeting Held on December 21, 2018.

Chair Lindsay provided an overview of the items discussed at their meeting.

Jay Boodheshwar, Deputy Town Manager, provided an update on the Florida Fish and Wildlife Commission's hearing last month. He reported that the input provided by town staff on strengthening the final regulation was well received

and a final hearing will be held in February to finalize the language to the rules for shark fishing on public beaches.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve the verbal report. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project

- a. Review of Project and Dashboard, Summary of Project Status
Steve Stern, Underground Utilities Project Manager

Project Manager Stern provided an update on the key construction projects, upcoming community meetings and events, design and easement status and an overview of the project dashboard.

In response to a request from Council President Pro Tem Zeidman, Project Manager Stern provided clarification on the misinformation and inaccurate reporting that has circulated in the community about the cost of financing versus the actual project budget.

In response to a question from Council Member Araskog, Mr. Stern spoke regarding the reason for the possible delay for the Phase 3 north and south project design due to the cable company's response to the hurricane victims in the panhandle.

Patricia Strayer, Town Engineer, spoke regarding how the delay with the response from Comcast might delay the Phase 3 project design and the Construction Manager At Risk (CMAR) process. She stated that the CMAR award will be on time with little to no impact on the cost.

Tom Parker, Underground Utilities Task Force member, 215 Jamaica Lane, spoke regarding the bond issuance and the promise to pay interest on the outstanding balance. He addressed the misunderstanding of the Town's obligation for the project cost due to op-ed pieces written to specifically undermine the project.

President Moore commended Steve Stern and shared positive comments from the residents on his handling of securing neighborhood easements.

2. Town Marina Project Update.

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

Gordon Thomson, Baird and Associates, provided a status report on the master design and permitting process for the Town Marina project. He also provided the timeline for procuring contractors and a detailed construction timeline.

Discussion ensued regarding how any potential design changes to the master plan will impact the project and the budget.

Town Manager Blouin stated that he does not anticipate any design changes to the masterplan at this time but will address any changes with the Town Council should they arise.

In response to a question from Council Member Crampton, Public Works Director Paul Brazil provided the reasons why the Town is prohibited from placing any dredged sand from this project to its beaches.

3. 5876 Okeechobee Blvd. Land Lease Update.

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar presented the long-term ground lease agreement options based on the responses to the Request for Proposals (RFP).

Discussion ensued regarding delaying the RFP award and securing a seasoned real estate attorney who specializes in long term land lease agreements.

In response to a question from Mayor Coniglio, Mr. Boodheshwar confirmed that there have been no vegetative plantings to the land.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to direct staff to look for an experienced real estate attorney with direct experience in long-term ground leases and report back to the Council. On roll call, the motion passed unanimously.

4. Update on the Compensation and Benefit Study.

Danielle Olson, Director of Human Resources

Director Olson provided an update on the Town's Compensation and Benefits study.

5. Approval of Town Manager Goals for FY2019.

Kirk W. Blouin, Town Manager

Town Manager Blouin provided an overview of the goals for 2019.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve the Town Manager's goals for 2019. On roll call, the motion passed unanimously.

6. Request from Cary Glickstein, Receiver, Approving an Amendment to the Conditional Settlement Agreement for the Palm House Hotel.

Cary Glickstein, Receiver

Clerk's Note: This item was taken out of order and heard after Item IV.

Mr. Glickstein presented an overview of the request to approve an amendment to the conditional settlement agreement for the Palm House Hotel by extending the deadlines of the performance requirements.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the amended conditional settlement agreement for the Palm House Hotel. On roll call, the motion passed unanimously.

B. New Business

1. Proposed Town Sponsorship of Business Association Special Event on Memorial Day Weekend 2019, to be Hosted by the Royal Poinciana Way Association.

Richard Zaretsky, Rotary Club President

Mr. Zaretsky presented an overview of the request to post American Flags on the Royal Palm Way median for the purpose of honoring heroes and fundraising for scholarships for veterans and first responders. He further explained that the Royal Palm Way Association is in the process of changing their business name to the Main Street Association and that the original event date has changed from Memorial Day to the Fourth of July.

Discussion ensued regarding the material and the process for securing the flag poles into the ground and the plan for filling in the holes afterwards, hold harmless agreements, parking and traffic concerns.

Josh Martin, Director of Planning, Zoning and Building, spoke regarding the codified language for permanent and temporary flags and banners.

Mayor Coniglio expressed concerns with the fundraising aspect of the event and the possibility of an amendment or waiver to the Town's Code of Ordinances with respect to Charitable Solicitations.

It was the consensus of the Town Council to defer this item to a later meeting.

2. Flagler Museum Request from Harvey E. Oyer, III.
Harvey E. Oyer, III

Mr. Oyer presented an overview of the request to submit a formal application for a special event in celebration of Henry Flagler's maritime history in Palm Beach, which would require the use of a floating dock in the Intracoastal Waterway.

Discussion ensued regarding the proposed event hours, attendance and boat size.

Mayor Coniglio expressed concern about the noise, lights and event hours.

It was the consensus of the Town Council to approve Mr. Oyer's request to submit a formal application and present it to the Town Council next month.

C. Matters Pulled From Consent Agenda: *None*

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, At Article 1, In Section 66-311, Prohibited Plants; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Council President Pro Tem Zeidman expressed concerns with the language in Section 66-311 (d). She cited enforcement issues with the 50% rule and pointed out that alternative ficus hedge materials are still susceptible to white fly infestation.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to defer Ordinance No. 21-2018 to the Ordinances, Rules and Standards Committee for further study. On roll call, the motion passed 4 to 1 with Council Member Crampton dissenting.

2. ORDINANCE NO. 22-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Focusing on Excessive Nutrient Levels in Palm Beach County Water Bodies; Providing for Title; Providing for Definitions; Providing for Applicability; Providing for Timing of Fertilizer Applications; Providing for Fertilizer Free Zones; Providing for Fertilizer Content and Application Rates;

Providing for Fertilizer Application Practices; Providing for Management of Grass Clippings and Vegetative Matter; Providing for Exemptions; Providing for Training; Providing for Licensing of Commercial Applicators; Providing for Enforcement; Providing for Penalties; Providing for Appeal; Providing for Severability; Providing for Inclusion in the Code of Laws and Ordinances; Providing for Enforcement; Providing for Captions; and Providing for an Effective Date.

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

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to adopt Ordinance No. 22-2018, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 01-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, As Follows: At Article XIV, Numbering Of Premises, By Adding Section 18-967 That Will Provide Language For The Naming And Renaming Of Streets, Vias And Alleys; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Director Martin presented an overview of the procedure for renaming villas.

Council Member Moore recommended an amendment to the 30-day notice requirement in Section 18-967 to a 90-day time frame.

Discussion ensued regarding property rights of business owners.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve Ordinance No. 01-2019, as amended to include a 90-day notification period. On roll call, the motion passed 3 to 2 with Council Members Araskog and Zeidman dissenting.

XIV. ANY OTHER MATTERS

Council Member Araskog spoke regarding the need to address the issue of natural landscape buffers getting destroyed during the development process. She requested a solution that would require the preservation of natural landscape during the development process in order to mitigate the visual and noisy impact of construction.

Planning and Zoning Director Martin suggested that ARCOM study a landscape policy that will require development review plans to include a natural buffer to protect neighboring homes from noise and dirt.

Council President Pro Tem Zeidman announced that the Citizen's Association is hosting a meeting on January 17th at 3:00 pm with guest speaker Steven Stern.

XV. ADJOURNMENT

There being no further business, the regular Town Council meeting of January 8, 2019 adjourned at 1:30 p.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date: _____