



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on May 15, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on May 15, 2019, at 10:32 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Ruderman gave the invocation.

Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

Council Member Araskog elaborated on her reasoning for the request for prohibiting the use of Phipps Park for special events. She requested that this item be revisited under "Any Other Matters" today.

Council Member Araskog asked about trucks. It was reported that this items will not go to ORS. Staff will come back to theTown Council with more information.

Council Member Araskog requested that an alert be sent out to north end citizens that AT&T is taking out power lines. Council President Moore instructed Deputy Town Manager Boodheshwar to issue an alert.

V. COMMUNICATIONS FROM CITIZENS

Robert Shelton, 215 Phipps Plaza, spoke about restrictions in Phipps Plaza Park.

Katherine Bryan, 235 Phipps Plaza, asked about public events in Phipps Plaza Park.

A discussion took place on use of Phipps Plaza Park.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda.

Item VIII.B.1.a. Z-18-00138 Special Exception with Site Plan Review was deferred to the July 10, 2019 Town Council Meeting.

Item VIII.B.1.b. Z-18-00174 Variance was deferred to the June 12, 2019 Town Council Meeting.

Item X.B. Ordinance 21-2019 was added to the agenda.

Item X.C. Ordinance 23-2019 was added to the agenda.

Item X.D. Ordinance 24-2019 was added to the agenda.

Item X.E. Ordinance 25-2019 was added to the agenda.

Ordinances to be heard after the ARCOM Appeal at approximately 3:30 p.m.

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

Deputy Clerk Ruderman swore in all those who would be providing testimony, and again throughout the meeting as necessary.

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 30-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 145 Seaspray Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay, Mayor Coniglio, Council President Moore, and President Pro Tem Zeidman.

Town Attorney Randolph explained the purpose of ex-parte communications.

Landmark Consultant, Murphy of Murphy Stillings, LLC provided details pertaining to the property.

Motion was made by Council Member Araskog, and seconded by Council President Moore, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Attorney Ziska spoke on behalf of the homeowners, Michael and Sue Strickland, who oppose the landmark designation.

Sue Strickland, 145 Seaspray Avenue, spoke in opposition of the landmark designation.

Architect Smith, provided additional details.

Property Appraiser Reynolds, provided details.

Mike Strickland, 145 Seaspray Avenue, spoke in opposition of the landmark designation.

Landmark Consultant Murphy provided additional details on shape and style of the house.

Discussion took place on the processes of the Landmarks Commission, the ratings of properties, and landmarking criteria.

Council Member Araskog asked Landmarks Commissioner Ted Cooney, to explain why he feels this home is worthy of landmarking.

Discussion took place on selection of properties for landmarking and whether there is enough evidence to landmark this property, the timing of the designation and landmark designation over owner's objections.

Ann Pepper, 333 Seaspray Avenue, spoke in support of landmarking the property.

Anita Seltzer, 44 Cocoanut Row, spoke in support of landmarking the property.

Motion was made by Council Member Araskog, and seconded by Council President Moore, to approve Resolution No. 30-2019 be adopted designating the property at 145 Seaspray Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria 1 and 3 of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance #2-84. On roll call the motion failed 3-2 with President Pro Tem Zeidman, and Council Members Lindsay and Crampton dissenting.

Council recessed at 12:50 and reconvened at 2:01 p.m.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision of B-046-2017, 1236 South Ocean Blvd at March 27, 2019 meeting.
TIME CERTAIN 1:30 P.M.

Attorney Randolph briefed everyone on today's proceedings.

Attorney Hand provided details of the appeal.

Attorney Hanlon provided comments on behalf of the owners of 1236 South Ocean Boulevard.

Attorney Randolph provided clarification for the proceedings moving forward.

Ex-parte communications were declared by Council Member Lindsay. Discussion took place on Ms. Lindsay's ex-parte communications and whether or not she should be recused. Attorney Hand requested that Council Member Lindsay be recused and Attorney Hanlon objected. Council Member Lindsay recused herself.

Attorney Hand explained reasoning for request for appeal.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, to deny the appeal of ARCOM Decision B-046-2017 and to uphold ARCOM decision (6-1) made at the March 27, 2019 meeting, based upon the findings that there was no violation of due process, that there was competent substantial evidence to justify their decision, and that they followed the essential requirements of law. On roll call, the motion carried 3-1 with Council Member Araskog dissenting with Council Member Lindsay recused.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the April 17, 2019 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the July 10, 2019 Town Council Meeting per Letter Dated May 7, 2019 from Maura Ziska.

Item was deferred to the July 10, 2019 Town Council meeting.

b. Z-19-00174 VARIANCE(S) Zoning District R-C Medium Density Residential The application of Zachary Potter, Applicant, relative to property located at 254 N COUNTY RD, legal description on file, is described below. Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

Item was deferred to the June 12, 2019 Town Council meeting.

2. New Business

a. Z-19-00185 LOT SPLIT Zoning District R-A Estate Residential The application of 89 Middle Rd LLC, Applicant, relative to property located at 125 EL BRAVO WAY, legal description on file, is described below. Request a lot split of Parcel E, El Bravo-Singer Island Annex Plat (part of the original 89 Middle Rd Estate) into two conforming single-family lots. Pursuant to the subdivision approval, the Town Council allowed the applicant to return to Town Council after 18 months to request to split Parcel "E" into two lots. [Applicant's Representative: Maura Ziska Esq .

Ex-parte communications were declared by Council Members Araskog, Mayor Coniglio, Council President Moore, President Pro Tem Zeidman, and Council Member Lindsay.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Robert Keefer, 598 South County Road, voiced concerns about noise, traffic and parking.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Z-19-00185 lot split. On roll call, the motion carried unanimously.

b. Z-19-00187 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: PUD-A Planned Unit Development A The application of The Breakers Palm Beach Inc, (Alex Gilmurray Chief Financial Officer), Applicant, relative to property located at 1 S COUNTY RD SUITE: SITE, legal description on file, is described below. The Breakers is requesting site plan review with special exception approval to construct a new security guardhouse and gates, to re-align the road, and to add a landscaped island on the south side of the proposed guardhouse, which will be located in the median of North Breakers Row (near its intersection with Main Street). The project, which is to improve hotel security, includes swing arms to control access from Main Street into the north parking lot. [Applicant's Representative: James M. Crowley Esq]

No ex-parte communications were declared.

Attorney Crowley provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Special Exception No. Z-19-00187 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog that Site Plan Review Z-19-00187 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

c. Z-19-00188 VARIANCE(S) Zoning District: R-A Estate Residential The application of William Moody and Dana Landry, Applicant, relative to property located at 3 PELICAN LN, legal description on file, is described below. A request for a flood plain variance in order to re-build a landmarked residence with a finished floor elevation of 6.25 feet North American Vertical Datum ("NAVD") in lieu of the 7 feet NAVD required when construction exceeds 50% of the market value of the residence. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance No. Z-19-00188 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. Z-19-00189 SPECIAL EXCEPTION Zoning District: C-OPI Office, Professional and Institutional The application of Manufacturers and Traders Trust Company (M&T Bank) and Wilmington Trust, Applicant, relative to property located at 230/240 ROYAL PALM WAY SUITE: SITE, legal description on file, is described below. A request for a special exception with site plan review to allow private banking services for Wilmington Trust (owned by Manufacturers and Traders Trust Company, also known as M&T Bank) in the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Special Exception No. Z-19-00189 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

e. Z-19-00190 VARIANCE(S) Zoning District: R-A Estate Residential The application of Roberto and Joanne de Guardiola, Applicant, relative to property located at 12 LAGOMAR RD, legal description on file, is described below. 1. A variance request to construct a tennis court and associated required perimeter fence with a 6.25 street side yard setback in lieu of the 35 foot minimum required and a 5.5 foot front yard setback In lieu of the 35 foot minimum required in the R-A Zoning District. 2. A variance request to construct a 10-foot high fence around the tennis court in the front yard and street side yard setback in lieu of the 6 foot maximum height allowed. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Variance No. Z-19-00190 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

f. Z-19-00192 VARIANCE(S) Zoning District: R-A Estate Residential The application of Howard Cox, Applicant, relative to property located at 330 ISLAND RD, legal description on file, is described below. A variance to allow the new marginal dock to extend 8.25 feet (18 inch seawall; 9 inch cap; 6 foot marginal dock) south of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Crampton and Council President Moore.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance No. Z-19-00192 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

g. Z-19-00193 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Thought Development, LLC (Edward Kettenbach, Manager), Applicant, relative to property located at 220 JUNGLE RD, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 8,186 square foot two-story residence on a non-conforming lot with a width of 120 feet in lieu of the 125 feet minimum required in the R-A zoning district and a lot area of 19,200 square feet in lieu of the 20,000 square foot minimum required in the R-A zoning district. There is an existing 929 square foot two-story garage on the property to remain and be added onto the proposed new house. The total square feet of the new residence and the existing garage together is 9,115 square feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 7-0.]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Special Exception No. Z-19-00193 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded

easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

Motion was made by Council Member President Pro Tem Zeidman, and seconded by Council Member Araskog, that Site Plan Review Z-19-00193 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

h. Z-19-00198 VARIANCE(S) Zoning District: R-B Low Density Residential
The application of Richard and Rosemary McCready, Applicant, relative to property located at 212 CHERRY LN, legal description on file, is described below. The applicant is proposing to add a one-story 224 square foot addition for a guest bedroom on the west side of the house that require the following variance request: 1) A west side yard setback of 10.3 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District.
[Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Zoning Manager Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance No. Z-19-00198 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

3. Other

a. Proposed Zoning Text Amendment Application from the Breakers Palm Beach, Inc. to Study a Zoning Code change to make a "Resort Hotel" a Permitted Use in the PUD-A Zoning District

Attorney Crowley explained reason for the application.

Zoning Manager provided Staff comments.

A discussion on development, and potential modifications to master plan ensued.

It was the consensus of the Town Council to review the zoning text amendment application.

b. Construction Site Monitoring

Assistant Director Bergman gave an update on the program. He requested a designated person to visit each large construction site to help reduce impact to overall community.

A discussion took place on how the program would work. Mr. Bergman stated that he would provide reports on a regular basis to the Council if necessary.

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 10-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134 Zoning, At Article VIII, Supplementary District Regulations, At Section 134-1516. Underground Location Of Utility Service Lines, By Excluding Boxes Housing Essential Services From Lot Coverage And Landscape Open Space Calculations; Creating Section 134-1518, Which Prohibits The Docking Or Storage Mobility Stations For Shared Scooters In The Town; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance 10-2019 on second reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 11-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets, In Creating Section 106-49, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters On Public Or Private Streets; And Creating Section 106-161, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Scooter On Sidewalks; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to adopt Ordinance 11-2019 on second reading. On roll call, the motion carried unanimously.

A. First Reading

1. ORDINANCE NO. 16-2019 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, Article V, Coastal Construction Code, As Follows; Providing For

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

Assistant Director Bergman provided an explanation of the ordinance.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to approve Ordinance 16-2019 on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 17-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, Accessory Structures, By Clarifying The Ten Foot Minimum Side And/Or Rear Setback Requirement For Unenclosed Accessory Structures; Sections 134-1107 And 134-1207, Permitted Uses, And 134-1109 And 134-1209, Special Exception Uses, By Making Residential Use Above The First Floor A Permitted Use Rather Than Special Exception Use In The C-TS And C-OPI Commercial Zoning Districts; Section 134-1157, Permitted Uses, By Clarifying That Residential Use Above The First Floor In The C-WA Commercial Zoning District Is A Permitted Use; Sections 134-1109, 134-1159, 134-1209 And 134-1304, Special Exception Uses, In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts, By Eliminating Broad Language Which Allows By Special Exception Either Any Retail And Service Activity Or Commercial Use Over The Maximum Town-Serving Threshold Provided Said Use Demonstrates That It Is Town-Serving And Replacing With Language Allowing Permitted Uses Or Uses Not Specifically Enumerated As A Permitted Use Provided Said Uses Demonstrate They Will Have Traffic, Patronage And Intensity Of Use Characteristics Similar To Permitted Uses In Those Commercial Zoning Districts; Creating New Sections 134-1472 And 134-1473, Permitted And Special Exception Uses And Structures In The B-A, Beach Area Zoning District, And Renumbering Existing Sections Of The Code To Follow; At Article VIII, Supplementary District Regulations, Creating Section 134-1519 Which Prohibits The Docking, Parking And Storage Stations For Shared Bicycles And Shared Dockless Bicycles In The Town; At Article XI, Signs, Section 134-2437, Building Identification, Business Identification And Property Identification Signs, And 134-2438, Size Of Sign, By Modifying Existing Language To Provide Clearer Business Identification Sign Regulation Language And By Allowing Business Identification Signage Based On Business Frontage And Not On First Floor Tenant Frontage; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Ordinance 17-2019 on first reading as amended. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 18-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets*, In Creating Section 106-50, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles On Public Or Private Streets; And Article V, Sidewalks, Creating Section 106-162, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Bicycles And Dockless Bicycles On Any Public Or Private Sidewalk, Via Or Esplanade; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Ordinance 18-2019 on first reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 19-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, Article II, Conditions On Private Property, Divisions 1 And 2, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Assistant Director Bergman provided an explanation of the ordinance.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, to approve Ordinance 19-2019 on first reading. On roll call, the motion carried unanimously.

5. ORDINANCE NO. 20-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 88, Property Maintenance Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to approve Ordinance 20-2019 on first reading. On roll call, the motion carried unanimously.

X. ANY OTHER MATTERS

- A. Marcia Mulford Cini -Landmarks Preservation Commission Attendance Exception.

It was the consensus of the Town Council to approve this request.

Town Council recessed at 3:52 pm and reconvened at 4:00 p.m.

This item was taken out of order and heard after Item VII.B.3.b.

- B. ORDINANCE NO. 21-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372 “Definitions” and Section 42-376, “Timing Of Fertilizer”, Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Director Brazil identified two changes to the fertilizer ordinance: 1) No application during the rainy season and, 2) “Sports turf” verbiage was changed to “golf course property”. This was changed in order for golf courses to have a smoother transition.

A short discussion on public outreach ensued.

Motion was made by Council Member Lindsay, and seconded by Council President Moore to adopt Ordinance No. 21-2019 as amended. On roll call, the motion carried unanimously.

- C. ORDINANCE NO. 23-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Division 2, Titled Prohibition Of Single Use Plastic Straws; Prohibiting The Distribution Of Plastic Straws; Providing Penalties For Any Such Distribution; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

Discussion took place on minor changes to the ordinance.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to defer Ordinance No 23-2019 in order for it to be reviewed by the ORS Committee before coming back to Town Council. On roll call, the motion carried unanimously.

- D. ORDINANCE NO. 24-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Titled Prohibition Of Polystyrene Containers And Single Use Carry Out Plastic Bags; Prohibiting The Use Of Expanded Polystyrene Containers And Single Use Carry Out Plastic Bags Within The Corporate Limits Of The Town; Providing For Penalties And Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog to adopt Ordinance No. 24-2019 on first reading. On roll call, the motion carried unanimously.

- E. *RECONSIDERATION OF:*

ORDINANCE NO. 25-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-257, Subsection (1) Of The Town Code Of Ordinances Titled Regulations Relating To Special Events; Providing For A Prohibition On The Use Of Phipps Plaza Park For A Special Event Due To The Close Residential Proximity Of This Public Space; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Council President Moore summarized what took place at the Regular Town Council Meeting on May 14, 2019.

Deputy Director Boodheshwar explained the application process for Town park usage.

Discussion took place regarding limitations/prohibition of usage Phipps Plaza Park for events.

Edith Egler, Phipps Plaza, spoke in support of the Ordinance.

Katherine Bryan, Phipps Plaza, spoke in support of the Ordinance.

Anne Pepper, 333 Seaspray Avenue, spoke in support of the Ordinance.

Robert Shelton, Phipps Plaza, spoke in support of the Ordinance.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to reconsider Ordinance No. 25-2019. On roll call, the motion carried 4-1 with Council President Moore dissenting.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to adopt Ordinance No. 25-2019. On roll call, the motion failed 3-2 with Council President Moore, President Pro Tem Zeidman, and Council Member Lindsay dissenting.

Discussion took place on special events in all parks throughout Town.

Staff was instructed to come back to the Town Council with information on size, proximity to homes, and parking for all parks throughout Town for possible zoning categorization.

XI. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of May 15, 2019 was adjourned at 4:58 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk