



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JULY 9, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, July 9, 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. Council President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA - *None*

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Legislative Session Update

Florida State Senator Bobby Powell provided an overview of the major issues from the 2019 Legislative Session.

Discussion ensued regarding the bills and funding for school safety, provisions needed for the open-carry gun law, the proliferation of septic tanks and uncontrolled development in the state.

B. Scholarship Provided by the Palm Beach Civic Association and Citizens' Association of Palm Beach

Mayor Coniglio announced Miss Kalia Martin as the scholarship award winner and thanked the Palm Beach Civic Association and Palm Beach Citizens Association for sponsoring the scholarship.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the Town Manager and staff for their hard work in creating the budget documents.

She congratulated Ned Barnes, President of the Palm Beach Civic Association, on his retirement and thanked him for his 26 years of outstanding service to the Town. She welcomed his successor Mary Robosson as the new President.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore expressed her appreciation to Mr. Barnes for his service and leadership. She welcomed Ms. Robosson as the incoming President.

Council Member Lindsay thanked Mr. Barnes for all of his work. She commented on the rising consciousness in town with respect to landscaping with native plants and brought up the natives recently planted in Council Member Araskog's home as an example.

Council Member Araskog thanked Mr. Barnes for his leadership and service to the community. She also thanked Council Member Lindsay and the Garden Club of Palm Beach for educating the community on the benefits of native plants and the harmful effects of fertilizer use.

Council Member Crampton congratulated and thanked Ned Barnes.

Council President Pro Tem Zeidman echoed the comments of her colleagues with respect to Mr. Barnes. She commented on the recent Hepatitis A outbreak and informed the citizens to take precautions.

VIII. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, thanked the Town Council for passing the ordinance banning plastic bags.

Leslie Evans, 135 Seminole Avenue, spoke regarding the metered parking program on N. County Road and suggested allocating monies from the meters to future beach clean-ups. He also suggested placing parking meters on Sunrise Avenue as a means to discourage non-resident beach-goers from parking there and to prevent littering on the island.

Warren Belmar, 130 Sunrise Avenue, expressed concern with a fast track approach to metered parking on Sunrise Avenue.

Perry Colato, Red Line Iguana Removal, LLC, spoke regarding common problems caused by iguanas to homes and the environment and removal solutions.

IX. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk
 - a. June 11, 2019, Town Council Meeting Minutes
 - b. June 12, 2019, Development Review Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 26, 2019.

B. RESOLUTIONS

1. RESOLUTION NO. 58-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Annual Dissolved Sulfide Reduction and Odor Control Treatment Services to Kemira Water Solutions, Inc., in the Amount of \$126,420, and Establishing an Overall Budget of \$140,000, Contingent on Final Approval of the FY20 Budget.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 59-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement within the Property Commonly Known as 239 Monterey Road, in the Town of Palm Beach, Florida.
Dean Mealy, Purchasing Manager

X. REGULAR AGENDA

A. Old Business

1. Town Marina Project Update
TIME CERTAIN: 10:30 A.M.
H. Paul Brazil, P.E., Director of Public Works

Gordon Thomson, Baird and Associates, provided an update on the design and permitting process for the Town Marina project.

Discussion ensued regarding the timeframe of the construction period and opening dates.

In response to a question from Council Member Crampton, Public Works Director Brazil, informed the Council that staff is currently working on a mitigation plan for handling construction site traffic and transportation and will present it to the Town Council for approval.

2. Coastal Update:

a. Shore Line Condition Update

Rob Weber, Coastal Program Manager, provided a presentation on the shoreline conditions and assessments for each reach.

Discussion ensued regarding ways to address the large amounts of sargassum seaweed that are washing up on the Town's beaches and ways to get private beach property owners to participate.

In response to question from the Mayor, Mr. Weber reported that there is no update on the Midtown Beach Project from the United States Army Corps of Engineers (USACE).

In response to a question from Council Member Crampton, Town Attorney Randolph opined on the concept of using the Town's public nuisance ordinance as justification for removing large piles of sargassum seaweed from privately owned beaches.

Town Manager Blouin and Council President Moore expressed legal and environmental concerns with removing seaweed from private beaches.

Warren Belmar, 137 Sunrise Avenue, commented on the sargassum seaweed problem as a health concern and a code enforcement issue.

In response to a question from Council President Moore, Mr. Weber explained the current process for cleaning and burying the seaweed on the Town's public beaches and reported that the Town is the only municipality that buries seaweed.

Council President Pro Tem Zeidman requested that staff research Sargasso seaweed removal options under the public nuisance code and report back to the Town Council with more information.

Council Member Lindsay requested that staff provide the Town Council a map of the public and private beach locations and a list of seaweed removal options to share with the residents.

- b. RESOLUTION NO. 60-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2020-2021 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.

Mr. Weber provided an overview of Resolution No. 60-2019.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Resolution No. 60-2019. On roll call, the motion passed unanimously.

3. [Town-wide Undergrounding Project:](#)

- a. [Review of Project and Dashboard, Summary of Project Status](#)
- b. [Discuss AT&T Cell on Wheels Decom at Palmo Way and Permanent Small Cell Towers](#)

Steve Stern, Project Manager, presented the coffee with the crew meeting schedule, reported the significant notifications that have been mailed to the residents and a progress update on construction progress and easement acquisitions in the North and South.

In response to a question from Council Member Araskog, Town Engineer Patricia Strayer, reported that landscaping and paving for Phase 1 North will be completed before Labor Day (September 2, 2019).

In response to a question from Council Member Crampton, Town Engineer Strayer spoke regarding the process for combining phases to cut costs while securing easements.

Discussion ensued regarding making native landscape vegetation an option for screening around utility boxes a requirement for all future phases and the installation of vista switches for low lying areas that are prone to flooding.

In response to a question from Council President Pro Tem Zeidman, Director Brazil spoke regarding the design standards used by FP&L engineers and the contractors for properties in low-lying areas by integrating FEMA maps into the design.

Project Manager Stern provided an update on the six month “cell on wheels” program that was deployed in Palmo Park as a way to test for improved cell phone coverage in the North end.

Discussion ensued regarding the disappointment with the “cell on wheels” program and the lack of effective solutions from AT&T for boosting cell phone coverage in the North end.

It was the consensus of the Town Council to ask staff to facilitate a discussion with an AT&T executive and the Town Council at a future meeting to discuss solutions for improving cell service in the North end.

Town Engineer Strayer presented an overview of the schedule and process involved for replacing the streetlights.

Discussion ensued regarding the size of the light poles, lumens and location.

It was the consensus of the Town Council to approve the replacement of streetlights with the same type of light used at the pump station on Mediterranean Road.

B. New Business

1. [Report and Recommendation on Population Control of Invasive Green Iguanas](#)
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the report and the Town’s recommendations for trapping and removing iguanas from public properties.

It was the consensus of the Town Council to approve staff’s engagement with Iguana Management Removal Services for population control on public properties and publish information about the adverse impact of iguanas and how they can be removed from private properties on the Town’s website.

It was the consensus of the Town Council to reach out to the local golf courses, City of West Palm Beach and the Palm Beach Zoo to determine if they can assist with the Town’s iguana removal efforts.

2. Issues Forum Representative - *Withdrawn*
Josh Martin, Director of Planning, Zoning and Building

Director Martin reported that there is no action to be taken regarding this item.

C. Matters Pulled From Consent Agenda: None

XIV. ORDINANCES

A. Second Reading

1. 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 XI, Titled Prohibition Of Plastic Straws Within The Corporate Limits Of The Town; Providing For Definitions; Prohibiting The Sale, Distribution Or Use Of Single Use Plastic Straws And Stirrers; Providing For Exemptions; Providing Penalties For Any Such Distribution; Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 23-2019, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 28-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2018; and Providing an Effective Date.
Jane Le Clainche, Director of Finance

Director of Finance Le Clainche provided an overview of the ordinance.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Ordinance No. 28-2019, on first reading. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 29-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications For The Use Of Phipps Plaza Park; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager, Boodheshwar provided an overview of the ordinance and its intent which requires all applicants who wish to hold a special event at Phipps Plaza Park to seek Town Council approval.

Discussion ensued regarding holding a moratorium, allowing for resident input, legal criteria that will allow the Town Council to deny or approve an event, sending the ordinance to the ORS Committee for further study.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 29-2019, on first reading. On roll call, the motion passed 4 to 1, with Council President Moore dissenting.

3. [ORDINANCE NO. 30-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications Requiring Use Of Public Sidewalks, Roads and/or Bike Paths; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date](#)
Jay Boodheshwar, Deputy Town Manager

Council President Moore declared ex-parte communications. She passed along Mrs. Audrey Gruss's request to be a part of the discussion next month during second reading.

Deputy Town Manager Jay Boodheshwar provided an overview of the ordinance and its intent. He also presented other options in lieu of the language in the above ordinance such as imposing a moratorium on the issuance of special event permits for all races and grandfathering in the applicants who have been issued permits in the past.

Discussion ensued regarding adverse impacts to the approval timeline for special event applications requiring Town Council approval, imposing a moratorium, grandfathering in the two pending 5k walk/run applicants, discrimination concerns with grandfathering in applicants, special criteria that can be used to limit issuance of event permits for walks, runs and other types of races, the popularity of the annual Turkey Trot, protecting residents rights to peace and quiet, qualifications for approving or denying a special event permit application based on its community involvement and how it serves the Town, and implementing definitive language that addresses public safety rules with respect to interfering vehicular and pedestrian traffic.

Town Attorney Randolph opined on the process for approving the ordinance today while grandfathering in the two pending applications.

It was the consensus of the Town Council to request staff and the ORS Committee review the Special Events Ordinance and make recommendations on criteria the Town Council can use for approving walks, runs and other types of races on public property.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve Ordinance No. 30-2019, on first reading with the caveat that the two pending applications for walk/run events are approved as long as they meet the criteria under the code. On roll call, the motion passed unanimously.

XV. ANY OTHER MATTERS - *None*

XVI. ADJOURNMENT

There being no further business, the Town Council meeting of July 9, 2019 adjourned at 1:30 p.m.

Danielle H. Moore, Town Council President

Kathleen Dominguez, Town Clerk

Date