



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 10, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, December 10, 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.

Town Manager Kirk Blouin advised the meeting was being filmed to provide more access to members of the community.

III. MODIFICATIONS TO THE AGENDA

There were no modifications made to the agenda.

IV. APPROVAL OF AGENDA

A. Lunch Recess from 12:30 to 1:30 P.M.

B. Time certain events for today were announced: for 11 a.m. for Woods Hole Group, breaking for lunch at 12:30; and 2 p.m. for discussion of the Undergrounding Report.

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

V. DECLARATION OF TOWN CAUCUS RESULTS

- A. RESOLUTION NO. 146-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein The Candidates Nominated; Declaring Said Nominees To Be Qualified Candidates And Elected Without Opposition; Establishing The Terms Of Office For Said Candidates; And Declaring That No Municipal Candidate Questions Will Appear On The March 17, 2020, Town Of Palm Beach General Election Ballot.

Kathleen Dominguez, CMC, Town Clerk, read aloud Resolution No. 146-2019 declaring the qualified and nominated candidates elected without opposition.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to approve Resolution No. 146-2019. On roll call, the motion passed unanimously.

VI. RECOGNITIONS

- A. Recognition of Kenneth Walker for his service on the Planning and Zoning Commission from October 2016 to September 2019.

Mayor Coniglio presented Kenneth Walker with a plaque. Mr. Walker expressed his appreciation.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by Shore Protection Board Applicants

Kathleen Dominguez, Town Clerk, announced the following applicants had presented their interest and qualifications to the Town Council:

Warren Belmar
Erick Reickert
Vladmir Rapoport

Mr. Warren Belmar expressed his desire to become a voting member of the Shore Protection Board, having served as an alternate for two years. He felt qualified since he was an attorney experienced in the types of items considered by this Board.

Mr. Vladmir Rapoport commented he had professional experience in site assessment for near shore infrastructure, primarily foundations and pipeline. He listed his engineering and business experience and qualifications.

Mr. Erick Reickert provided his engineering and business education and work experience, and service on groups within Palm Beach. He had gone around the world in his own sailboat, was a scuba diver, and was familiar with the ocean.

Council Member Crampton commented all the applicants were very highly qualified and thanked each for their interest.

Mayor Coniglio concurred with Council Member Crampton, and pointed out representation was needed for both the north and south end.

B. Appointments to the Shore Protection Board

Town Clerk Dominguez announced the appointees selected to the Shore Protection Board.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the appointments of Melissa Ceriale and Warren Belmar as Regular Members of the Shore Protection Board. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the appointments of Vladmir Rapoport and Erick Reickert as Alternate Members of the Shore Protection Board. On roll call, the motion passed unanimously.

VIII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio offered blessings to all for the holidays and 2020. She recognized Rob Weber, Employee of the Year, and two employees who recently retired--John Lindgren who had been with the Town 11 years as Landmarks Preservation advocate, and Major Melnichok who served 22 years with the Police force. She announced very good news, that the Town would save \$4.42 million as a result of the bond sale. She announced the grand opening of the Mandel Recreation Center at Seaview Park, and the re-energizing of Earl E. T. Smith Park. She congratulated the Council Members who had been re-elected. She also commented that she would make an effort to stay within the three-minute time limit.

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore reported attending Representative Mike Caruso's Palm Beach County Round Table meeting on behalf of the Town of Palm Beach. Highlights from the meeting were requesting the Representative to support the home rule on the plastics initiative, discussion of ramifications from sewage from septic tanks, and Palm Beach residents' concerns regarding the gun safety issue.

Council Member Crampton thanked the Police Foundation for adding fire rescue to their work and becoming the Police and Fire Foundation, and for all they did for the residents.

Council President Pro Tem Zeidman wished everyone happy holidays, spoke about the Mandel Recreation Center, and recognized over 100 gifts from residents and the Mandel family. She described the recent car show on Worth Avenue meant to help the

businesses, which had been planned for 500 people but 2,000 showed up because of social media, which caused gridlock. She cautioned the Council in the future to consider social media when approving events.

Council Member Lindsay wished everyone happy holidays. She commented on the Mandel Recreation Center that the road to get there had been bumpy but felt it would be unifying for the Town, and had heard comments from residents who had not been in favor that they had been wrong. She asked everyone to visit the center which had something for everyone. She thanked the residents for re-electing her and her two colleagues.

Council Member Araskog commented that the Recreation Center was beautiful. She thanked the Mandel family for their generosity. She also commented that several dogs had died from contact with buffo toads and asked that the Town send out an alert. She asked for a discussion of the Worth Avenue design guidelines under Any Other Matters and wished everyone happy holidays.

The Town Council agreed by consensus to Council Member Araskog's request to add a discussion about the Worth Avenue Design Guidelines under Item No. XVI. Any Other Matters.

Town Manager Kirk Blouin commented he had heard from residents about the car show, and Chief Caristo would provide an after action report regarding any violations to the permit. Council Member Araskog asked that they also look into the safety issue for future events.

X. COMMUNICATIONS FROM CITIZENS

Diane Buehler, Friends of Palm Beach, urged everyone to visit the Surfing Florida Museum to see the film *Troubled Waters*. She commented on water pouches washing up on the beach from Haiti. She was in contact with a group in Haiti that had put 30 people to work recycling these water pouches into reusable shopping bags. The bags can be purchased on PeaceCycle.com. The Mayor thanked Ms. Buehler for her work in the community to help the environment.

Mr. Andrew Roddy wished everyone happy holidays and congratulated the Council members who had been re-elected. He commented that the car show went well. He discussed beach trash, and looking at prohibiting water which toads needed to reproduce. He commented there was other technology that could be used instead of septic tanks such as a toilet that used microwaves to get rid of waste. He also commented on guns.

Donald Singer, 2295 South Ocean Boulevard, congratulated the three newly elected Council members and said the Citizens Association was proud of their relationship with each of the Council members. He also wished everyone a happy and healthy new year.

Llwyd Ecclestone, 190 South Ocean Boulevard, commented he had put in all the sewers in Lost Tree Village and about 80% of the village was on sewers, and they were trying to get the rest of the town on sewers. Mayor Coniglio commented there were many other

towns that had septic tanks and were on the water. It was announced that Representative Caruso had a bill to require inspections on septic systems.

Simon Taylor, 234 Oleander Avenue, addressed an item on the Consent Agenda. He proposed three solutions to Code reform, solving the problem of tearing down and rebuilding homes, eliminating CNU from any contracts, and pulling the code reform item from the Consent Agenda for discussion.

Greg Beletsky, past President of Worth Avenue Association, founder of Turtle Tuesdays, and operator of Akris Boutique on Worth Avenue, thanked the Town for supporting the beach cleanups which had removed 612 pounds of debris, equating to 34,576 pieces of debris, of which 95% was plastic. Mayor Coniglio noted this was an example of where businesses and the Chamber of Commerce could help end plastic bags. Council Member Araskog asked for a copy of the list of debris items. She also asked that discussion of not engaging with residents during their public comment be added to next month's agenda.

XI. APPROVAL OF CONSENT AGENDA

Mayor Coniglio requested to pull the code reform item from the Consent Agenda and noted on the next day's agenda there would be a discussion on historic buildings which she asked be placed at the end of the agenda.

The following items were pulled from the Consent Agenda and placed under Item No. XIV.C.:

- XI.B.8. RESOLUTION NO. 151-2019
- XI.B.9. RESOLUTION NO. 152-2019

Council Member Araskog requested to defer Item XI. A. 1. "Approval of the November Town Council Meeting Minutes" and "Approval of the November Town Council Development Review Meeting Minutes" to the January 14, 2020 Town Council Meeting.

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

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, CMC, Town Clerk
 - a. November 12, 2019, Town Council Meeting Minutes -
Deferred to the January 14, 2020 Town Council Meeting

b. November 13, 2019, Town Council Development Review Meeting Minutes – ***Deferred to the January 14, 2020 Town Council Meeting***

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 22, 2019.
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 126-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach, Ex Post Facto, to Submit an Application for the FY 2019 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime Expenses incurred during the Grant Period; and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town of Palm Beach.
Nicholas Caristo, Chief of Police
2. RESOLUTION NO. 144-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed \$800,000 to Provide Stop Loss Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract.
Danielle Olson, Director of Human Resources
3. RESOLUTION NO. 145-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Approving and Adopting the 2020 revised Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and For Other Purposes.
Jay Boodheshwar, Deputy Town Manager
4. RESOLUTION NO. 147-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., in the Amount of \$188,051.94 for Construction Phase Coastal Engineering Support Services for Phipps Ocean Park Beach Nourishment and Dune Restoration and Establishing a Task Budget of \$228,000, Contingent Upon Award of the U.S. Army Corps Of Engineers Award of the Palm Beach County Federal Shore Protection Project Mid-Town Segment.
H. Paul Brazil, P.E., Director of Public Works

5. RESOLUTION NO. 148-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving Final Payment for the City Of West Palm Beach Joint Transmission Pipeline Improvements in the Amount of \$472,045.86.
H. Paul Brazil, P.E., Director of Public Works
6. RESOLUTION NO. 149-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to M & M Asphalt Maintenance dba All County Paving for the Phase 2 Resurfacing Project in the Amount of \$409,736.50, and establishing a Project Budget of \$471,196.
Dean Mealy, Purchasing Manager
7. RESOLUTION NO. 150-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders for Engineering Design Services of the A-6, E-5, and E-5 Wastewater Pump Stations to Kimley-Horn and Associates and D-12 and D-8 Drainage Pump Stations to Mock-Roos & Associates in the Amount of \$404,177 and a Project Budget of \$425,000.
Dean Mealy, Purchasing Manager
8. RESOLUTION NO. 151-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to Facilitate Negotiations for Scope and Price Proposal.
Dean Mealy, Purchasing Manager – Item was Pulled from Consent
9. RESOLUTION NO. 152-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award for the Comprehensive Zoning Code Reform to the Congress of the New Urbanism in an Amount Not-To-Exceed \$249,900.
Josh Martin, Director of Planning, Zoning and Building - Item was Pulled from Consent
10. RESOLUTION NO. 154-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Construction Agreement with the Florida Department of Transportation (FDOT) for Work Associated with the Town Marina Project to be Constructed within the FDOT Right-of-Way.
H. Paul Brazil, P.E., Director of Public Works

C. OTHER

1. Consider Request to Vacate and Abandon Unused Road Right-of-Way at Ibis Island Road
H. Paul Brazil, P.E., Director of Public Works
2. Approval of Cost-of-Living Pay Adjustment Policy
Danielle Olson, Director of Human Resources

XII. APPEALS

A. Palm Beach Hotel Appeal of Garbage Collection

Ex-parte communications were declared.

H. Paul Brazil, P.E., Director of Public Works, presented the issue of how the garbage was collected and reported the various complaints and the solutions. He was asking that the residential dumpster be brought to a service point so that the commercial and residential garbage could be collected at the same time.

Mayor Coniglio asked if this location and pickup operation were within Director Brazil's purview, to which he responded yes. She asked if that policy was honored by other residential and commercial interests. Director Brazil responded this was the only one he had had to bring to Council in 18 years.

Director Brazil confirmed for Council Member Lindsay there was room inside the gates for additional dumpsters.

President Pro Tem Zeidman asked which took precedence--the easement granted to the hotel or the Town's ordinance. Director Brazil responded the easement did not have to be used. Council Member Araskog asked Attorney O'Connor if the easement ran with the land, which she confirmed. Attorney O'Connor also confirmed for Council Member Araskog the easement did not prevent the Town from directing service in another area.

Council Member Crampton complimented Director Brazil on the waste management service in the Town. He asked operational questions about trucks backing up, which Director Brazil advised was noisy, and the possibility of collecting garbage later, to which Director Brazil responded he was willing to work with scheduling.

Attorney Neil Schiller of the Firm Saul, Ewing, Arnstein & Lehr, 515 N. Flagler Drive, Counsel for Palm Beach Hotel and Condominium Association, provided a presentation requesting to overturn Director Brazil's decision to provide garbage and recycling collection services on Sunrise Avenue.

Council Member Lindsay questioned how the garbage was collected in the building. Attorney Schiller explained the procedure.

Council Member Araskog asked if they had been required to get a certificate for the first dumpster, which Attorney Schiller responded they had not.

Council Member Crampton reviewed the garbage collection process with Attorney Schiller. Council Member Crampton suggested hiring an additional maintenance person, replacing the existing dumpster with two new ones on rubber wheels, and screening the area with a small park.

Council President Pro Tem Zeidman asked where the easements existed on the property which Attorney Schiller pointed out. She suggested making the gate wider.

President Moore suggested two dumpsters set on Sunrise; Attorney Schiller responded there was not enough space for two dumpsters. Director Brazil commented dumpsters could be made in any size and the hotel had been provided with specs on a dumpster that would fit through the gate and go down the sidewalk.

Mayor Coniglio confirmed with Attorney O'Connor that because the easement had existed for a certain amount of time the Town was not constrained and the easement could be used but did not have to be used. Responding to Mayor Coniglio, Josh Martin, Director of Planning, Zoning and Building, stated that a COA was not needed for dumpsters. She confirmed with Director Brazil they tried to avoid conflict between residential and commercial, and a second dumpster could be placed in the current location; also they could use their existing trash storage room and roll a dumpster on the day of service, and he was comfortable that concerns expressed by the church had been eliminated.

Council Member Araskog confirmed with Attorney O'Connor the easement could not be used for health and safety. Director Brazil answered further questions about moving trash cans and scheduling different pickup times.

Council Member Crampton received clarification on the movement of the trash.

Public Comment

Andrew Roddy, 231 Kenlyn Road, asked if there was a back entrance and suggested two dumpsters instead of one.

Karen Winston, Property Manager at the Palm Beach Hotel Condominium, commented they had limited staff but trash was picked up twice each day except on weekends once a day. Many residents were opposed to the proposed change. She indicated they were trying to bring the property to a higher scale.

Christian Lepallo, Park Avenue, asked to make sure letters from many residents were on the record. She spoke about this nuisance which began at 7:30 a.m. every

morning, the inconvenience, longevity of this issue, and thanked staff for their work.

Dr. Rhonda Nassar, 242 Park Avenue, commented that the hydraulics that created noise were only used for the hotel's garbage. She asked that Mr. Brazil's decision be affirmed.

Ann Reluiard, 402 Primavera, shared a letter from Lorraine Odessa, 201 West Indies Drive, Palm Beach, in support of the hotel's position because of traffic congestion. Ms. Reluiard commented navigating the road was not easy and having two dumpsters would not leave room for people to walk.

Glen Bean, 248 Park Avenue, agreed with his neighbors things should change.

Elizabeth Hardigan, 150 Australian Avenue, frequented the area and felt the garbage trucks contributed to the congestion.

Raymond Hagar, 231 Park Avenue, commented it was wonderful to live there except for the garbage, and the hotel was only concerned with their guests, not the homeowners. He hoped a solution could be found and did not want the bins to remain where they were.

Daphne Hogan, a hotel resident, commented that it was her home, she lived above the easement and heard birds every morning.

Warren Belmar, 130 Sunrise Avenue, thought it was wonderful that one person could cause the Town to focus on a problem they said was affecting them, and asked Council to take into consideration 240 families at the Sun and Surf who were concerned with their parking. He addressed the safety issue of driving between North County and Publix because of the trucks.

Marty O'Malley, owned property in the hotel and agreed with the previous person's comment. He referred to the Town's amended comprehensive report projecting to 2027 where it was pointed out the 200 block of Sunrise, the bridges, and from Town Hall to Worth Avenue were major generators of traffic. He discussed the zoning, businesses, and a proposed park.

T. H. Reynolds, 227 Park Avenue, did not think the garbage trucks contributed to the traffic since the stores were closed when the garbage was picked up. He commented people were speeding on his street because there were no speed bumps. He commented Council Member Crampton's idea of moving the garbage in carts to the dumpster was the simplest solution.

Simon Taylor, 234 Oleander Avenue, stated he lived in close proximity and had never been disturbed by the noise. He was concerned about Sunrise Avenue having another jam—it was always clogged with parking. Also he was disturbed by the practice of having a Town attorney give political advice to provide cover to Town Council decisions.

Shay Pollis, Palm Beach Hotel resident, indicated there was a 10-year plan to renovate the hotel for its 100th birthday in 2024. He commented about the garden between St. Edwards and the hotel.

Douglas McKeowen, hotel resident, was against changing the garbage to the front, and commented about the traffic problems.

Michael Arendt, 235 Sunrise Avenue, felt the hotel had a legal right to have the garbage picked up as it had been for years, and there were more than 40 letters in support. They had drain pipes changed to make the noise less, and were willing to work together on several items to make the noise less and the building look nicer.

Patrick Ohannessian, 251 Park Avenue, commented it was the hotel's garbage so why dump it out on Park Avenue.

Jay Adams, Palm Beach Hotel resident, commented that the hotel and Park Avenue had improved enormously within the time she had lived there, and trusted the Council to make the right decision.

End of Public Comments

Mayor Coniglio asked if there was parking for the hotel; the response was no. She spoke about how the Council did their best to make the right decision.

Council Member Crampton expressed his belief that the hotel management was making positive improvements to the property, which was to be encouraged. He felt after listening to everyone that the current process of managing the garbage was a nuisance and he felt the barriers raised by the hotel could be overcome with minimum cost. It was possible to widen the security gate, two dumpsters could relocate behind the southwest gate, and the number of staff required to do the job was up to the owners. He believed traffic would not be a problem if the garbage pickup remained early in the morning.

Director Brazil responded to Council Member Lindsay that they serviced all commercial buildings. She commented on the effect the garbage pickups had on traffic; recalled the issues when the boarding house was there and now it was a very nice residential street; and complimented the hotel in making improvements. She asked if the other side of the building had been explored if the wall was taken down and was told it was owned by a private owner. She felt the solution was to add a second dumpster.

Council Member Araskog commented this was very difficult. Her biggest concern was the legality. She proposed using the cans just for the pickup with them being taken back. She noted this was a trial, and could be revisited.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to deny the Palm Beach Hotel's appeal and

uphold the Public Works Director's decision to provide garbage and recycling collection services on Sunrise Avenue. On roll call, the motion passed unanimously.

XIII. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Shore Protection Board

Rob Weber, Coastal Program Manager provided an overview of the report in Chair Ecclestone's absence. He reported continued sand projects were needed for stabilization. If the proposed projects were not completed by April, they would be resumed next November. Two new goals had been established—coastal vulnerability and resiliency and communication. Town Council had heard Bob Hamilton of Woods Hole Group earlier in today's meeting discussing coastal vulnerability and the upcoming implementation plan. The Board was also exploring opportunities to improve communication and educate the public on the condition of the beaches and the successes of the program. It was anticipated that the Town Council would reconsider approval of the groin rehabilitation project for the 2021 budget at Clark Avenue, Midtown and The Breakers, which is anticipated to be presented to Town Council in February, 2020; reconsider a project following the Corps issuance of the Environmental Impact Study record decision and federal permit; receive a resiliency implementation plan for actions to be taken along both the ocean side and the lagoon side; and improve coordination between the beach raking and volunteer beach cleanup efforts.

Council Member Lindsay asked Mr. Weber to explain the financial impact of the Midtown project. Mr. Weber responded they had been able to get the federal participation up to 65% cost sharing, but because there had been a group of residents who did not sign the easement, that cost sharing by the federal government had dropped to 50%, therefore, the Town would have to pay that 15% difference, estimated between \$3M to \$5M. If the residents decided to sign sometime during the next two years, that percentage could be brought back up to 65% costs paid by the federal government for the next project.

Council Member Araskog confirmed with Mr. Weber that the Environmental Impact Study was still scheduled to be out in January, 2020.

Council Member Crampton asked about the Breakers request. Mr. Weber advised at this point it was only to get it designed and permitted. Director Brazil commented that the funding for the study was in the budget for The Breakers project, but construction funding was not; however there should be enough money in the Coastal Fund.

Mayor Coniglio questioned the funds that had been dispersed in the last 30 years, and the response was that it was approximately \$10M per year. The Mayor wished to work with partners on projects to recoup some of the money for each project.

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

XIV. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project
TIME CERTAIN: 2:00 P.M.

a. Review of Project and Status Summary

Steven Stern, Project Manager reviewed the project and provided a status summary. He corrected a date in the backup which had listed the next Coffee with the Crew on January 6, not January 2. All meetings regarding undergrounding in 2020 had been added to the calendar on the Town's website. He provided updates on pending cases, construction status of work in Phases 1 and 2 North, Phase 2 South, Phase 3 North, and Phase 3 South. He reported the easement acquisition process was complete in Phase 2 North, Phase 3 North, and Phase 2 South. Phases 4 North and South were not behind but probably would not be ready to move forward at the pace specified in the original master plan. Phases 5 North and South were expected to begin easement acquisitions towards the end of the first quarter of 2020.

Kevin Schanen, Kimley-Horn, provided a power point presentation on the opinion of probable costs for the undergrounding program, totaling \$119.9M. He reported far more grant opportunities existed than previously.

Council Member Lindsay clarified with Mr. Schanen that since Kimley-Horn became involved in 2016 and increased the cost amount to \$98.6M, that the milling and resurfacing, then estimated at \$13M, was not included, and had remained not included.

Council President Pro Tem Zeidman asked how confident Mr. Schanen was in the new estimated total. Mr. Schanen responded that they had much more information today than three years ago on which to estimate. He could not predict future economic conditions, but they had provided a contingency, which he felt was reasonable. The expense for easements was now built in. He reported the current level of fragmentation was less than in previous phases and that was now built in.

Council Member Araskog confirmed with Mr. Schanen that the true figure was \$128.4M and that \$119.9M had been reached by deducting the grant amount. She expressed concern regarding what might happen in the future.

Director of Public Works Brazil commented staff had reduced the contingency figure and if they had stayed with the higher figure it would have made today feel very different; and that was out of Kimley-Horn's control.

Council Member Lindsay received an explanation of the budget history. Mr. Schanen explained the cost per household could vary between \$1,000 to \$2,000.

Council Member Crampton was interested in thinking ahead to how to pay for this. Town Manager Blouin indicated the money might run out in approximately 2021, but he did not believe taxes would need to be raised since excess surplus was being added to reserves. Jane LeClainche, Director of Finance, commented she believed they would need close to \$17M.

Mayor Coniglio commented it had always been her belief that sales tax would be used for undergrounding. She asked if there had been an effort to get more money from telecommunications at the start of the process. Director Brazil advised those efforts had not worked out. Her concern was cost overruns and how to pay for the project. The effect of stopping the project was discussed.

Council President Pro Tem Zeidman felt it was time to move on, and asked Mr. Brazil if he was comfortable with the contingency now, and he responded that he was.

Town Manager Blouin indicated he had trust in Mr. Schanen's figures, and staff would control the costs of the project that were within their control.

Town Manager Blouin confirmed for Council Member Araskog the intent was not to raise taxes or assessments.

Council Member Lindsay commented from this day forward work would focus on the reduction of \$16M. Director LeClainche announced a savings by refinancing the 2013 bonds on December 4 at 2.98% , of a total of \$6M through 2043.

Council Member Crampton asked what kind of early warning system staff could provide so Council would know the progress of working on this \$16M shortfall. Staff indicated the monthly dashboard would provide the information and this could be discussed during the budget process.

The Mayor felt the Council could designate the other 2.5% of sales tax to reduce the \$16M.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the allocation of the remaining \$2.5M sales tax revenue for the undergrounding program. On roll call, the motion passed unanimously.

Public Comment:

Robert Davidow, 2100 South Ocean Boulevard, recommended stopping the undergrounding project.

Alan Wyett, resident, commented the original \$90M figure was incorrect and he suggested to stop worrying about it and pay for it.

2. Discussion Regarding Landmark Notification Procedures

Assistant Director of Planning Zoning and Building, Wayne Bergman provided a brief background of the subject.

Council Member Araskog commented on prior discussions about giving notice, and stated she agreed with the advice given by Town Attorney Randolph to keep the process procedural.

Mayor Coniglio confirmed with Town Attorney Randolph that the current landmarking process of giving notice when a landmarked property was referred to Town Council had existed since 1979. She was concerned whether any change would affect the landmarks program, and the cost of notification. She was in favor of the proposed historic homes process so it would become more voluntary, but the landmarking process should not stop. She proposed the historic homes program as a second path.

Council Member Lindsay agreed with the Mayor, and wanted to go through education before making any changes.

Mayor Coniglio commented ORS had come out with a change to the landmarks ordinance and she was saying today she would not do that.

Council Member Araskog offered a correction to the Mayor's comment, stating ORS did not come out with a change to the ordinance because of Town Counsel's advice. The Town Attorney clarified his advice was to change to allow notice but not change the ordinance, thereby keeping it procedural. She stated that was what she was recommending—to do it procedurally which would not trigger Bert Harris, would not change the landmarks ordinance, and the Town Attorney felt procedurally this was okay.

Town Attorney commented there was a distinction between notification to individual properties that they wished to be designated and to a historic district. He recommended against any notice for an individual property.

Council President Pro Tem Zeidman asked if there was interest in historic districts.

Council Member Araskog responded that would be covered under code reform but did not want to limit historic districts.

Council President Moore commented today's discussion was on landmark notification procedures and the Town Attorney was advising not to make a change to the ordinance itself, but to make a procedural change and ORS was agreeing with that. Council Member Araskog commented only for district, not individual. Council Member Crampton felt notification for both was better.

Public Comment

Mr. Rene Silvin, Australian Avenue, remarked that for landmarking, homeowners were currently notified twice - when their home was going to be considered, and again when the date the designation report was going to be presented. Town Attorney Randolph corrected him, stating homeowners were not noticed before being placed under consideration; they were noticed after being placed under consideration. He explained any commissioner on Landmarks could at any meeting, without the landowner being in the audience, say I would like to place this property under consideration, they then voted to place it under consideration, then a notice was sent to the property owner. Then when the report was presented the landowner had the opportunity to address the report, present any evidence, and have cross-examination. Mr. Silvin recalled only two occasions since he had been on the Landmarks Preservation Commission where a homeowner objected to the Commission moving forward on the designation. In both instances Town Council had overruled the Landmarks Preservation Commission. He asked if the Council had concerns about notice before the Historic Districting came up, which he believed the answer was no, so he recommended to leave it alone. He felt Council Member Araskog's actions were clear and he agreed with the Mayor.

Simon Taylor, 234 Oleander Avenue, commented he had been impressed at the zoning code reform sessions by the creativity, expertise and flexibility in addressing people's concerns about historic houses, and it appeared a lot of expertise could be brought in. He suggested prioritizing the residential part of zoning code reform. He felt what was driving a lot of the anxiety and urgency of zoning code reform was the tear down and bulk up process, and he suggested looking at ways of preserving historic feel of certain houses using a lot of creativity and expertise.

Jay Serzan, 353 Seabreeze Avenue, stated he favored leaving individual notice the way it was, and had the impression historic districts were not going to be an issue going forward unless people wanted it to happen in

their own neighborhoods, and he was fine with that, too. He felt if historic districting was going to come about that something should be done about notices, and doing it procedurally was fine, but if historic districting was off the table that was also fine.

No action was taken.

3. Proposed Changes to Special Event Ordinance

Town Clerk Dominguez had researched and found a code from a town in Texas that she felt addressed many of the Town's concerns. She had presented a proposed code using that information to the ORS Committee. They had provided feedback, which she had incorporated by adding new definitions; and remarked that the new text was underlined and the text that was stricken through was what the ORS Committee had taken out.

Council Member Araskog commented because the run/walk definition included walking, running and/or racing, everywhere walking or racing was mentioned should be replaced with "run/walk event as defined". She offered several text changes.

Council Member Lindsay stated that she did not agree with this item since marathons had already been discussed.

Town Clerk Dominguez pointed out the code had been changed to reflect that all Town races had to come before Town Council, and at the July 9 Town Council meeting, Council had directed staff to work with the ORS Committee to modify the code so Council would have criteria to use in considering whether or not to approve a race.

Town Manager Blouin noted the code today required that anything new other than the things that were grandfathered come back to Council, deferring to the Town Attorney. Town Attorney Randolph advised he had understood this would not be brought up as an ordinance, but just to come back to Council for input. Staff was directed to prepare an ordinance with the changes and suggestions provided by Council Member Araskog and present it for first reading at the January 14, 2020, Town Council Meeting.

Consensus of Council was to bring back the Proposed Changes to Special Event Ordinance for first reading in January, 2020.

4. Public Parking Program for Town-owned Peruvian Parking Lot and 100 Block of Sunrise Avenue

Deputy Town Manager Boodheshwar noted that last month's discussion of purchasing four parking kiosks had not been approved. Also, Council had asked for a proposal of how the Peruvian parking lot could be regulated for public parking. Current paid parking on Peruvian Avenue was enforced

Monday through Saturday 8 a.m. to 6 p.m.. The Peruvian parking lot for employees was basically empty at 5:30 p.m. Monday through Friday and completely empty on weekends. Staff proposed for consideration to charge \$3 an hour for parking in this lot from 5:30 p.m. until 10 p.m. Monday through Friday and on Saturday and Sunday 8 a.m. to 10 p.m. This would require changes to the Peruvian Avenue parking regulations for enforcement to 10 p.m. and on Sunday to match the lot. One kiosk was required to manage the lot. Also recommended was placard parking in the lot.

Council Member Lindsay commented a reason for bringing this up was the significant amount of restaurant employee parking taking up all the free spots on the street, and there was no way they would park for \$3 an hour. The problem would not be fixed during the week, but others would pay to go to the beach or dinner.

Council President Pro Tem Zeidman felt this should not be done piecemeal. She commented people felt punished if their street was picked for paid parking. She suggested using zones, and not acting now before the symposium, and then having a more comprehensive plan.

The Mayor agreed with Council Member Lindsay, disagreed beachgoers would pay \$3 an hour, and thought potentially selling placards for the Peruvian lot would defeat the purpose. She commented there was already a comprehensive plan and that could be used or do it piecemeal.

Council Member Crampton indicated he would go at this in steps. People were not in favor of managed parking and he saw no solution at this time. He felt employee parking could be resolved. He felt the solution was to take over the Apollo lot and restrict employee parking to a section of that lot, asking store owners to subsidize and possibly the Town also subsidizing.

Council Member Araskog suggested looking into paid parking for store employees and beachgoers on weekends. She commented on Sunrise for \$1,000 one could park all day and all night, so someone might prefer to spend that much to park on Peruvian. She also thought that the placard program should be much more expensive.

The Town Manager explained the reality was that a comprehensive, town-wide, consistent parking plan was needed, and asked for time to get that prepared.

Council President Moore reported she had conversations with a business owner who wanted to lease the entire lot.

Deputy Town Manager Boodheshwar suggested making the lot free with specified hours.

Council President Pro Tem Zeidman agreed with the Town Manager that a comprehensive town-wide plan was needed. The Town could help the shop owners by letting them know where parking was available. She suggested an ordinance to require business owners to provide parking spaces to employees based on the number of employees, by providing placards or other means. The Mayor thought this would be unenforceable with restaurants that had 100 employees. Discussion ensued regarding one-hour or two-hour free parking in the lot.

Public Comment

Simon Taylor, 234 Oleander Avenue, asked about payment at the kiosks, and was told it would be by credit card. He commented on privacy concerns.

Daniel Ponton, 1 Golfview Road, expressed concern that charging for parking on Peruvian Avenue would only send people to another street. He commented none of his employees parked on the street. He saw the problem as the empty lot, not parking on the street, and emphasized the importance of a comprehensive town-wide plan to deal with parking.

Council Member Lindsay suggested free parking for the holidays when the lot was empty.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the following plan for the town-owned Peruvian parking lot on a temporary basis until a comprehensive town-wide parking plan is adopted:

- **Free 2-hour public parking will be enforced during the hours of midnight to 5:30 p.m. on Saturdays and Sundays only**
- **Free unlimited public parking will be available during the hours of 5:30 p.m. to midnight on Saturdays and Sundays only**
- **Free unlimited public parking will be available from 5:30pm to midnight on Monday through Friday only;**

On roll call, the motion passed unanimously.

Council Member Araskog discussed Sunrise Avenue placards, which she felt should be more expensive because now for less than \$100 a month, people could leave their cars for hours on end. She was also worried about putting kiosks on an ocean block.

Mayor Coniglio felt the kiosks were a great opportunity. Discussion ensued.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to reconsider discussion of kiosks and placards. On roll call the motion failed 3-2 with Council Member Lindsay, Council President Pro Tem Zeidman, and Council President Moore opposed.

Motion was made by Council Member Lindsay, and was seconded by Council President Moore, to appropriate the amount of \$26,280 from the contingency budget to purchase four parking kiosks with the caveat that the number of placards could be reduced to 15 if staff desired. During discussion of the motion, the Town Manager indicated this would come up in next year's budget. On roll call, the motion passed 3-2 with Council Member Araskog and Council Member Crampton opposed.

5. Ficus Benjamina Removal Program Special Pick-Up

Director of Public Works H. Paul Brazil commented if he did special pickups every Saturday during the summer with 100% overtime, 100 of pickups lasted all day, and all trucks were fully loaded, cost was about \$100,000. He indicated he could accommodate a few months within his existing budget if it were free to accommodate the residents.

Council President Pro Tem Zeidman suggested doing it for a shorter period of time than 26 weeks.

Mayor Coniglio was concerned about setting a precedent. She felt there should be an initiative program but that it would be good for each resident to remove their own ficus.

Council President Moore recused herself because both herself and her mother were removing their hedges.

Council Member Araskog reported talking with people who indicated they would get rid of the plants if the Town picked it up free of charge, and she recommended doing it four Saturdays.

Council Member Crampton felt it important to provide an incentive, agreed with Council Member Araskog's proposal for four Saturdays or possibly capping at \$50,000.

Council Member Lindsay commented on the dangers of the chemicals. She and Council President Pro Tem Zeidman proposed one Saturday a month from May 1 until October 31, which if filled would result in a cost of \$107,000.

The Town Manager proposed heavy promotion to do it for free May and June for residents who removed the ficus hedges and replaced them with a

native plant. This would be seven Saturdays with Memorial Day holiday excluded.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, that for seven Saturdays starting May 1, 2020, not including holiday Saturdays, the Town shall provide free pickup of removed ficus hedge if replaced with a native hedge, or if removed and not replacing it. On roll call, motion passed 4-0 with Council President Moore recused.

B. New Business

1. Coastal Resilience Implementation Plan Discussion
TIME CERTAIN: 11:00 AM

Bob Hamilton, Woods Hole Group, emphasized he was present for both the Town and the public. He provided a presentation of the completed Coastal Flood Vulnerability Assessment and the implementation plan. They had expanded the modeling to include influence of upland inland precipitation runoff to the lake system to consider if that affected flooding on Palm Beach. They did not focus on rain which accumulated on Palm Beach, but on keeping water out of Palm Beach coming from the lake or the beach. Improvements to the final report had been made and the Town had been provided with maps, tables, model, and assumptions. They had looked at flood pathways and a selection of possible actions that might be taken. The implementation plan was a path forward with his group in an advisory role for projects that needed to be done immediately and in the future. This action plan was intended to save money and improve resilience. They would work with staff on assumptions and recommendations, implementation pathways, monitoring triggers, reporting, obtaining feedback, and provide monitoring and updates along the way before completion.

The Mayor commented their group had helped immensely with the Town's coastal program. Staff responded to the Mayor that funding was already included in the Coastal Protection budget. She asked Mr. Hamilton to focus on what the implementation would cost and to provide enough information for Council to make knowledgeable decisions.

Council President Pro Tem Zeidman commented this was the most challenging issue faced by the Town, and she felt the money would be well spent, and they could see the options available.

Council Member Araskog asked if some rain had been included; Mr. Hamilton responded they included rain to the point where the lake would flood Palm Beach. She asked about staff involvement; Mr. Hamilton indicated staff input which had been provided could change, so that would be reviewed when appropriate with changes made as necessary and reporting would be done along the way for Council and the public.

Council Member Crampton commented this was a good report, but not much information regarding cost relative to the amount of work undertaken. Responding to Council Member Crampton, the Town Manager indicated Public Works would be most involved, but Planning and Zoning would also work with them. Mr. Brazil announced Rob Weber would be the lead in Public Works. Mr. Hamilton informed the Town Manager that Woods Hole Group was familiar with the FEMA process and tracking grants.

Council Member Lindsay asked if emphasis would be more on the next 10-15 years and if he thought the inundation threat to the Island was more from the east or west. He responded from the west, but the water was from the east. She commented it was high priority to look at assets along the west side.

The Mayor asked if Mr. Hamilton saw the need to pull from the coastal program; Mr. Hamilton responded these were long-term projects and everything did not need to be done in a year but needed to be incorporated methodically in out years.

The final report was on the website.

Anita Seltzer, Coconut Row, commented that there were concerns by single-family homeowners of stormwater runoff as a result of being surrounded by higher buildings as a result of FEMA requirements. She was disappointed information was not included of rain on the Island. She did not think the Woods Hole Group knew all the details on undergrounding, and raised several questions. She felt everyday rain runoff should be included for those affected by having higher ground nearby. Mr. Hamilton indicated he would take those comments under consideration.

2. RESOLUTION NO. 153-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFP No. 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Coordinator to Health Fitness Corporation in the Annual Amount of \$181,593, and a Proposed Three-Year Award in the Amount of \$544,779 based on Satisfactory Performance and Subsequent Budget Approval.

The Town negotiated a Best and Final Cost Savings of \$6,386 Annually, and \$19,158 for a Three-Year Contract Award.

Carolyn Stone, Director of Business Development and Operations presented the Resolution.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Resolution 153-2019. On roll call, motion passed unanimously.

C. Matters Pulled From Consent Agenda

2. RESOLUTION NO. 151-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to Facilitate Negotiations for Scope and Price Proposal. ***This Item was Pulled from Consent Agenda***

Dean Mealy, Purchasing Manager, was asked to explain how Kimley-Horn had been chosen. He explained the solicitation was provided to 1300 firms nationwide, plus 51 additional firms, and 15 firms acknowledged interest, only 7 began the process, and only one (Kimley-Horn) provided a full submittal. Post submittal, staff reached out to the 6 firms that began and did not finish; two of them shared their reasons for not finishing, which was the Town's relationship with Kimley-Horn. Town Manager Blouin commented because Kimley-Horn did so much local area work, they were familiar with the infrastructure and it was much easier for them to complete the study than other competing firms.

Council Member Crampton commented no one wanted to bid against them, and the water supply options in the backup did look pretty comprehensive, and it looked like Kimley-Horn had a clear idea of the options, and it looked well laid out.

Mayor Coniglio asked if there was a conflict of interest. Town Manager Blouin commented West Palm Beach was only one option of several, but it might not be the preferred option. The date the new water system had to be done was 2029, for 30 years.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve Resolution 151-2019. On roll call, the motion passed unanimously.

3. RESOLUTION NO. 152-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award for the Comprehensive Zoning Code Reform to the Congress of the New Urbanism in an Amount Not-To-Exceed \$249,900.
Josh Martin, Director of Planning, Zoning and Building - Item was Pulled from Consent

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to defer Resolution No. 152-2019 to the

January 14, 2020 Town Council Meeting. On roll call, the motion passed unanimously.

Dean Mealy, Purchasing Manager, explained that based on comments made by a gentleman that morning he had reached out to the Inspector General and Commission on Ethics about the 501(c)(3) but could not get an answer back for a week or two.

XV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 39-2019 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 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94, Retirement Age and Service Conditions for Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Director of Human Resources Danielle Olson noted this was the second ordinance amending the retirement plan that provides the changes for the union firefighters.

Town Attorney Randolph read Ordinance No. 39-2019 by title only.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Ordinance No. 39-2019 on second reading by title only. On roll call, motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 40-2019 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, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2); Relating to Issuance of Decals and Visitor/Service Permits; Allowing for the Issuance of Eight Decals and Visitor/Service Permits Instead of the Four Currently Allowed; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Town Attorney Randolph read Ordinance No. 40-2019 by title only.

Jay Boodheshwar, Deputy Town Manager, asked for questions.

Council Member Lindsay commented she had previously asked about abuse of permits on Seaspray Avenue where a homeowner gave her permit to a contractor working on a spec house and they were parking in front of neighbors. The Town Manager explained that was an enforcement issue, not a loophole, and it had been enforced. It did not need to be in this Ordinance.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve Ordinance 40-2019 on first reading by title only. On roll call, the Motion passed unanimously.

1. ORDINANCE NO. 41-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 of the Town Code of Ordinances, Parks And Recreation, Article II, Beaches And Aquatic Activities, Division 3, Regulation of Use of Public Beaches, At Section 74-191, So As To Include the Beach from Sunset Avenue To Wells Road And Beaches Defined By The Town Which Provides That No Person Shall Take Any Animal Upon Said Beaches; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance No. 41-2019 by title only.

Michael Pucillo, 224 Dunbar Road, stated that he lived in that area and was on the beach each morning with his dog, as were other residents. He asked that either no ordinance be adopted or a different ordinance be adopted that required a leash and did not ban dogs from the beach.

Council Member Lindsay stated she was willing to pass this ordinance inserting “without a leash”.

Jay Boodheshwar, Deputy Town Manager, recommended that this Ordinance be rejected and staff be directed to return with a new Ordinance that would provide for dogs to be permitted in this section of beach on a leash with the proper language inserted into the proper section of the Code. Town Council agreed.

Ordinance No. 41-2019 was rejected for lack of a motion.

XVI. ANY OTHER MATTERS

1. Worth Avenue Design Guidelines

Council Member Araskog expressed concern about process of zoning laws and that they must be followed by law whether one liked a project or not. She had written a letter and the Town Attorney had responded. She stated she was trying to do two things, discuss the design guidelines and to discuss Worth Avenue in general. The guidelines had been developed in response to the question of what the residents wanted Worth Avenue to be. She felt Council should read the guidelines rather than have staff read for them. She commented Paul Castro's memo left out the criteria necessary to approve a special allowance or to discuss it, which she felt should bring it back to Council and to ARCOM. She provided history of the guidelines, where it was clear Council and not ARCOM was to make decisions. It was also clear the guidelines did not include anything to do with finances. She listed concerns raised by residents. She recalled that Town Attorney Randolph said several times that Council must be very specific for the Council to be able to make appropriate decisions later--that was critical. She stated from 1990 ARCOM minutes: "No section of the guidelines is intended to work independently of any other section. All sections are intended to work in conjunction with each other. Special allowances should be applied only in cases where significant and substantial improvement to the structure and/or restoration and development occurred. That the emphasis on the Avenue in conjunction with the architectural character of the guidelines is to enhance the pedestrian character; that the middle section of Worth Avenue needs to maintain a one to two-story atmosphere. Pictures were discussed of what would be examples of balconies, colonnades, and wrought iron." Council Member Araskog felt the most important thing in dealing with all of this was they had discussed that New Orleans, Tudor, international style, modern, and post-modern were not the styles desired. They were encouraging mid-rev, neoclassical, art deco modern, and modern variants thereof, described as not any of the other styles. She noted the word restore meant to bring back to the original state, not to add things. She read other portions from the design guidelines. She would like to figure out what the public wanted, and then re-write the code. She believed the project she was discussing had not met the code, and should have gone to both Landmarks Preservation Commission and ARCOM.

Paul Castro, Zoning Manager commented that the intent of the Design Guidelines was to go to either Landmarks Preservation Commission or ARCOM. Council Member Araskog said the guidelines stated it should go to both. She believed Council should have had the guidelines and this should be revisited. She would like to ask for a motion to reconsider.

Council President Moore asked if there was an appetite to reconsider. There was no appetite on the desk for a motion to reconsider.

Council Member Araskog asked if there was an appetite for a moratorium. Town Attorney Randolph advised a moratorium must be based upon a study that came back to the Council.

Council Member Lindsay asked staff if this building had been renovated as neoclassical, and if special allowances expired. Zoning Manager Castro

responded that in 1996 they were made part of the code in perpetuity, and Council and ARCOM determined whether they were eligible, not staff. Council Member Lindsay indicated her understanding was they were still eligible for a special allowance under the renovation that occurred previously, which would make Council Member Araskog's concern about the restoration definition moot. She commented when you read the document nothing talked about things birds could see and people could not. If not visible from the pedestrian view, it was not discussed. She interpreted if it could not be seen from the street or sidewalk it was not meant to be discussed. She thought Council made the right decision last month when they sent it back to ARCOM to stick to the 25%. She said reading the guidelines gave her more comfort that they made the right decision on this matter.

Town Attorney Randolph advised a motion for reconsideration was off the table. The Town Council should decide whether or not based upon the study being made, if a moratorium should be declared in regard to guidelines on Worth Avenue.

Council President Pro Tem Zeidman stated she was no longer in favor of a moratorium because she thought things would come before them between now and the zoning code changes. She felt ARCOM needed to be very cognizant of the guidelines and she felt it was not a restoration because it had been previously altered.

Council Member Crampton did not agree with Council Member Araskog since these were guidelines, not a requirement. The Council was the final decision maker, and he favored letting the process take its course.

The Mayor felt a moratorium would not be fair. This was the first time Worth Avenue guidelines had been discussed in 13 years. She did not want to discuss a moratorium again.

Council Member Araskog confirmed with the Town Attorney that going forward the guidelines carried the force of the zoning law.

XVII. ADJOURNMENT

There being no further business, the Regular Town Council meeting of December 10, 2019, adjourned at 6:44 p.m.

Attest:

Approved:

Patricia Gayle-Gordon
Acting Town Clerk

Danielle H. Moore, Town Council President

Date: _____