



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 10, 2020

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Nieves gave the Invocation and President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

Item No. IX.B.9 Resolution No. 123-2020 was removed from the Consent Agenda.

IV. APPROVAL OF AGENDA

The following changes were announced:

Item No. XII.A.2 Emergency Ordinance No. 18-2020 was added to Item No. XI.B.2. as Sub-Item (F) at a time certain of 11 a.m.

Add under Item No. XIII Any Other Matters – Discussion Regarding Palm Beach Civic Association Seminar.

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

V. BOARDS AND COMMISSIONS APPOINTMENTS

A. Appointment to the Architectural Commission (ARCOM).

Queenester Nieves, CMC, Town Clerk

Motion was made by Council Member Moore and seconded by Council Member Araskog to approve the appointment of Jeffery Smith as a regular member of the Architectural Commission (ARCOM). On roll call, the Motion passed unanimously.

- B. Appointment to the Investment Advisory Commission.**
Queenester Nieves, CMC, Town Clerk

Motion was made by Council Member Moore and seconded by Council Member Araskog to approve the appointment of Michael B. Greenwald as a regular member of the Investment Advisory Committee. On roll call, the Motion passed unanimously.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio welcomed residents to the meeting, noted the next day was Veterans' Day and thanked veterans for their service. She wished everyone a happy Thanksgiving, health, safety, and many blessings.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton announced a Flood Risk Workshop to be held on December 5 to look at priorities and asked for a member of staff to attend.

Council Member Araskog thanked everyone for listening to the alert that had been sent out and asked everybody to act as if everyone they came into contact with had COVID-19.

Council President Zeidman announced a break from 1 p.m. to 2 p.m. for lunch, and the room would be sanitized during that time. She reviewed procedures for COVID-19 safety.

Deputy Town Manager Boodheshwar announced this meeting was only audio streamed, and explained the procedure for requests for residents to speak. The previous interactive system for submitting requests had failed.

Council Member Moore thanked Council Member Crampton for his role as Chair of the Business and Administrative Committee. Council President Zeidman added the committee meeting had been dynamite, and thanked Council Members Crampton and Moore for their participation.

VIII. COMMUNICATIONS FROM CITIZENS-3MINUTE LIMIT PLEASE

Amanda Skier, Preservation Foundation of Palm Beach, asked for support for a Flood Risk Workshop to be held at the Preservation Foundation Headquarters Saturday, December 5 from 11 a.m. to 3 p.m. in the parking lot, with social distancing, masks, and temperature checks required. She thanked the Town Council for their leadership on the changing water levels.

Katie Carpenter, 215 Seaspray Avenue, commented she worked for Resilient Enterprise Solutions which worked exclusively on water related issues and had access to new flood maps that would come out next year, which would be discussed at the workshop. She asked for everyone to attend and thanked the Town officials, who had been very helpful.

IX. APPROVAL OF CONSENT AGENDA

Item No. IX.B.9 Resolution No. 123-2020 had been removed from the Consent Agenda.

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

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk
 - a. October 13, 2020, Town Council Meeting Minutes
 - b. October 14, 2020, Local Planning Agency Meeting Minutes
 - c. October 14, 2020, Town Council Development Review Meeting Minutes
 - d. October 16, 2020, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 28, 2020.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 108-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Memorandum of Understanding Between the Municipal Public Safety Communications Consortium (MPSCC) and Member Municipalities; Establishing a Reserve Fund for the Upgrade and Replacement of the Current MPSCC Public Safety Radio System with a First Year Funding of \$65,302.23; Approving Payment to the MPSCC in the Amount of \$71,950.43 for the FY21 Annual Operating Budget; and Authorizing the Mayor, 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. 115-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Mayor To Enter Into An Agreement With The Supervisor Of Elections For The March 2021 Municipal Election(s) Vote Processing Equipment Use And Elections Services.
Queenester Nieves, CMC, Town Clerk
3. RESOLUTION NO. 116-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Rechten International Trucks Inc. for the Purchase of a Replacement Dump Truck in the Amount of \$90,124 and a Project Budget of \$95,124.
Dean Mealy, Purchasing Manager
4. RESOLUTION NO. 117-2020 A Resolution of the Town

Council of the Town of Palm Beach, Palm Beach County, Florida, To Contract with Henry Schein, Inc. for Medical Supplies to Support Fire EMS in the Annual Amount of \$50,000 and Establish a Proposed Five Year Contract Value of \$250,000 Contingent Upon Satisfactory Performance and Budget Authorization.

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 118-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFQ No. 2020-24 for Marine Resource Assessment and Monitoring Services to Two Firms, Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC.

Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 119-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Electronic Data Collection Corporation in the Annual Amount of \$50,000 and a Proposed Five Year Contract Award in the Amount of \$250,000 Based on Satisfactory Performance and Budget Authorization for Software for the Parking Ticket Management for the Police and Finance Departments.

Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 120-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Retroactive Change Order in the Amount of \$23,000 to Palm Beach County for Unexpected Repairs to Fire Rescue Vehicles.

Dean Mealy, Purchasing Manager

8. RESOLUTION NO. 121-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the amount of \$99,771 and a Project Budget of \$114,743 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 123-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Dana Safety Supply, Inc. in the Amount of \$30,000 and a Five Year Award of \$150,000 Contingent Upon Satisfactory Performance and Budget Authorization for Installation of Municipal Vehicle Equipment and Annual Extended Warranty for Genetec Mobile LPR Units.

Dean Mealy, Purchasing Manager – Removed from the Agenda

10. RESOLUTION NO. 124-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Approve a Purchase Order to Blue Line Innovations in the

Annual Amount of \$35,000 and Approve a Five Year Award in the Amount of \$175,000 Based on Satisfactory Performance and Budget Authorization.

Dean Mealy, Purchasing Manager

11. RESOLUTION NO. 125-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Celebrity Cleaners of West Palm Beach for Uniform Services for the Police and Fire Departments in the Amount of \$20,000.

Dean Mealy, Purchasing Manager

12. RESOLUTION NO. 126-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Additional Funding to Spur Employment Inc. in the Annual Amount of \$524,000.

Dean Mealy, Purchasing Manager

13. RESOLUTION NO. 127-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 83-2019 for Contract Inspections under the Plans, Review, and Inspection Services in the Annual Amount of \$140,000.

Dean Mealy, Purchasing Manager

14. RESOLUTION NO. 128-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates Inc. for Plan Revisions and the Construction Phase Services Proposal for the A-6 Pump Station Improvements in the Amount of \$137,000 and a Project Budget of \$157,895.

Dean Mealy, Purchasing Manager

C. OTHER

1. Waiver to Town Code for Construction Hours and Noise for the D16 and D18 Stormwater Pump Station Improvements

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

2. Request to Consider Ordinance No. 16-2020 at a Public Hearing Prior to 5:00 p.m.

Wayne Bergman, Director of Planning, Zoning and Building

X. COMMITTEE REPORTS

- A.** Report of the Public Works Committee Meeting Held on Thursday, October 22, 2020.

Danielle H. Moore, Chair

Council Member Moore reported the main focus of the meeting was the Truck Study, and more details would be added to the draft in order to move forward. Council President Pro Tem Lindsay explained a truck study had been necessary in order to restrict truck movement through the Town.

Council Member Moore commented ongoing construction had been discussed and projects reviewed. Director of Public Works Brazil had reviewed the Green Initiative. There was discussion regarding the potential use of cisterns for irrigation purposes. The canopy between Wells Road and Mira Flores was discussed and would be discussed further in the future.

Mayor Coniglio noted her concern going forward with the Truck Study was the trucks allowed on the Island would park only on certain streets, and expressed concerns with ECR, the regional sewage treatment plant.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to accept the report of the Public Works Committee meeting held on October 22, 2020. On roll call, the Motion passed unanimously.

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project

a. Review of Project and Dashboard, Summary of Project Status *Steve Stern, Project Manager*

Project Manager Steve Stern provided highlights in summary for the project. He advised mailings had been sent to Phases 7 and 8 property owners; and Phase 2 North had been completed. He provided a construction update on the Underground Utility Project for each phase and location, and reviewed action items. Mr. Stern reported no significant updates on the financial summary.

Council Member Araskog asked about the delay in Phase 4. Mr. Stern estimated it would probably be six months.

Council President Pro Tem Lindsay asked Mr. Stern to send the notices regarding equipment placement both to the Condo or Co-op boards, as well as the property managers (who don't live there.).

Mayor Coniglio confirmed the project would be \$22M over budget at the halfway mark and asked the Town Council to keep that in mind going forward.

Council Member Crampton agreed with Council President Pro Tem Lindsay to send notices to board members, and commented from his conversations with the Finance Director, at some future point the Town was going to have to come up with \$10M+ to deal with the shortfall, and did have resources to deal with this using reserves and marina revenue.

Council President Zeidman confirmed total costs for the project.

Council Member Moore asked about equipment in the right-of-way shown on the map.

Mr. Stern provided a presentation regarding the Phase 4 design procedures to obtain easements and locate equipment.

Council President Pro Tem Lindsay commented this was ADA compliant. She expressed concern regarding aesthetics, and asked that it be made clear to the neighborhoods and homeowners what the equipment would look like in the green strip of Town's Right of Way and how it would narrow the sidewalk.

Council Member Araskog agreed with Council President Pro Tem Lindsay and also expressed safety concerns. She asked if landscaping could be open along the sidewalks. She also asked about equipment located in right-of-ways. Mr. Stern provided some information and proposed sending a letter to all property owners impacted.

Council Member Crampton reinforced the other comments and asked the heights of proposed equipment, which was 3 feet+/- . The adjacent homeowners were responsible for maintaining the hedges. He felt this was an acceptable solution.

Council President Zeidman felt the mailings would be helpful and asked for a rendering to be included. She suggested neighborhood meetings. Mr. Stern responded they had met with many property owners individually, and would try to hold meetings.

Council Member Moore asked about location of equipment shown on the map. Mr. Stern responded.

Council Member Araskog commented further regarding safety concerns and mailing to property owners who had declined.

Council President Pro Tem Lindsay requested the utility company boxes, underground vaults and telecommunications equipment also be shown on the rendering sent to property owners, property managers, and boards.

Clerk's Note: Since the next item was scheduled for time certain of 11:00 a.m. and it was not yet 11:00 a.m., Council next considered Item IX.B.5 Adoption of the Updated 2021 Town Council Meeting Schedule

A 5-minute break was taken.

Item XII.A.1 Ordinance No. 17-2020 was considered next.

2. COVID-19 Update
Kirk W. Blouin, Town Manager
TIME CERTAIN: 11:00 AM

a. Report on COVID-19 Infections and Hospitalizations

Chief Donatto reported statistics for this third wave of increasing cases, and asked everyone to help mitigate the risk until a vaccine was available, which was expected soon. Mayor Coniglio asked if these numbers had been anticipated to increase, to which the response was yes, and she stated it was personal responsibility to make good decisions for protection. The Governor had final authority as to what was done in the State. The number of COVID-related hospitalizations over the past three weeks had doubled. Council Member Araskog asked people to be vigilant until the vaccine was available. Chief Donatto discussed compliance fatigue, and reported 10 COVID deaths in the Town since the last meeting.

b. Report on Compliance and Enforcement, Relative to State and County Orders (*verbal report*)

Chief Caristo reported no violations other than two mask complaints which were treated with education.

c. Input from Business Community

No input was heard.

d. Discussion Regarding Future Public Meetings

Council President Zeidman advised this was tied to the emergency ordinance which earlier in the meeting had been moved to follow Resolution No. 122-2020.

e. RESOLUTION NO. 122-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To December 8, 2020, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Town Attorney Randolph read Resolution 122-2020 by

title only.

Motion was made by Council Member Araskog and seconded by Council Member Moore to approve Resolution No. 122-2020. On roll call, the Motion passed unanimously.

- f. EMERGENCY ORDINANCE NO. 18-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Arrange For Public Meetings By Use Of Communication Media Technology And For Attendance By Use Of Such Technology By Elected And Appointed Officials During A Declared Public Health Emergency; Providing For Conflicts; Providing For Severability; Providing AnEffective Date.

Council President Zeidman provided history for this item, reporting the Town Council had complied with the Governor's edict that every governing body would be back to meeting in person on November 1, and at that time the Town's weekly positivity rate was 3.84% and the day we made the decision it was 1.9%. Two weeks later, the average positivity rate went over 6% with increases in both testing and hospitalizations. She explained Landmarks and ARCOM met and both desired to continue zoom meetings. Her opinion was that we should allow them to stay on Zoom.

Town Attorney Randolph provided the Attorney General's opinion, which was the opinion the Governor had relied upon in making his decision that it was okay for boards, commissions, and councils to meet remotely, which had now lapsed. He explained his opinion and research done on this topic, and his belief there was still some risk in allowing boards and commissions to meet remotely after November 1. However he said other Florida cities have allowed it based on the requirement for in person meeting being lawfully suspended by home rule during this emergency. Discussion followed regarding the difficulty of having presentations in person or by phone, the health benefits of using zoom and the risks of adopting such an ordinance and their remedies.

Deputy Town Manager Boodheshwar reminded everyone that the county and state were still in a state of emergency.

Council Member Araskog felt that the Town's median age of 68.7 should be included. She had spoken to ARCOM members about their feelings of meeting remotely or in a room, and was not sure a quorum could be obtained if meeting in person. She requested deferral of the ARCOM and LPC meetings for one month, and that a letter be sent to the Governor asking for an exemption due to the median age

and a positivity rate of 5%.

Council Member Crampton felt Town Council should meet in person, but felt differently about boards, commissions and other appointed bodies, because of health, possibly even life and death, and it was Town Council's job to protect the residents. He felt they could continue zoom meetings legally with the declaration of emergency.

Council President Pro Tem Lindsay agreed with Council Member Crampton. She added that the governor already treated the 3 southeastern counties differently than the rest of the state, government's job is to protect its people and the remedy, should one be needed, was simple.

Mayor Coniglio clarified with Town Attorney Randolph that Palm Beach County League of Cities had not supported initiatives by other local cities, and in his opinion the Sunshine Law did not apply. She expressed concerns about the remedy, and asked whether this emergency ordinance applied across the board. Town Attorney Randolph explained it was across the board with a provision that the Town Manager and Town Council could decide their own procedure. He discussed the requirement for a quorum.

Council Member Moore expressed concern of going against the order of the Governor. Discussion ensued.

Public Comment

Timothy Hanlon stated health issues were foremost, and staff had done an incredible job of organizing the meetings and making them safe. He was giving his viewpoint as a practitioner, and spoke about the changing procedures for making presentations. Deputy Town Manager Boodheshwar explained the different procedures for presenters and making public comments. Mr. Hanlon related his experience of not being able to properly represent his client during an ARCOM zoom meeting when he had been limited to three minutes.

Deputy Town Manager Boodheshwar read into the record the following public comments:

Sue Patterson, Vice Chair of Landmarks Commission, represented her other commission members, stating they did not want to meet in person, citing health risks.

Jackie Albarran expressed her desire to continue the Landmarks Commission meetings virtually.

Council Member Araskog asked Town Attorney Randolph legal questions, and advocated for deferring ARCOM and Landmarks meetings for one month and including in this ordinance a provision for applicants to agree to being on zoom rather than in the room.

Council President Pro Tem Lindsay commented it was a mistake that Mr. Hanlon's time had been limited, and if virtual meetings were allowed, that could be corrected. She felt the ordinance could be passed with moving forward cautiously one month at a time. She was not concerned with the quorum issue.

Council Member Crampton felt the risk of legal challenge was a small price to pay versus protecting the public health of residents.

Council President Zeidman felt this should be decided monthly and did not agree with deferring meetings. She apologized to Mr. Hanlon, and Attorney Randolph indicated he would speak to the Chair of that board.

Town Attorney Randolph recommended addition of the following clause: *Whereas the Town is unique in regard to the median age of 68.7 years of age, placing the health of the Town's governing body, its boards, commissions, and residents at risk in the event the requirement for an in-person meeting is not waived during the declaration of this COVID-19 emergency.*

Mayor Coniglio commented she hoped this ordinance would apply to everyone including Town Council.

Council Member Araskog asked if Attorney Randolph felt this would be breaking the law. Town Attorney Randolph stated he did not feel it was unreasonable to pass this ordinance based on the current health crisis.

Council President Zeidman felt the Town Council was different, and should meet in person.

Mayor Coniglio felt there should be a policy of criteria for attendance above and beyond a quorum, and suggested the Council decide to check every month with the Council members whether they wanted to be virtual or on the desk, and if on the desk would everyone be in place.

Council President Pro Tem Lindsay commented the quorum rule had always been present, and the issue was whether or not there was participation if you were not present.

Council Member Moore asked the criteria for not attending. Town Attorney Randolph advised he had represented other councils that required an in-person quorum and the others could attend by phone if they had a good reason.

Council President Zeidman commented the Council needed to be present unless facing a huge emergency. Now the decision was whether to let the boards and commissions meet virtually.

Town Attorney Randolph read Emergency Ordinance No. 18-2020 on first reading and advised the whereas clause he had previously read could be included.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Emergency Ordinance No. 18-2020, as amended to include the whereas clause read into the record by Town Attorney Randolph. On roll call, the Motion passed unanimously.

Palm Beach Marina Update

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

TIME CERTAIN: 11:30 AM

a. Offer from Town Resident, Scott Snyder, and Nievera Williams Landscape Architecture to Donate Services to Assist the Town with Landscape Enhancements at Lake Drive Park.

Deputy Town Manager Jay Boodheshwar presented this item, offering an alternative to the design contest proposed last month, to accept a donation which had been offered from Scott Snyder to assist the Town by raising the funds for the enhancements.

Scott Snyder, 29 Phipps Plaza, explained his offer to raise money for this project.

Mayor Coniglio expressed gratitude for this offer.

Council President Pro Tem Lindsay thanked Mr. Snyder, asked that previous suggestions be considered, and spoke about the global effort of reducing pesticides, no invasive plants, adding more natives, and not removing existing natives.

Discussion ensued.

Council Member Crampton expressed his thanks.

Council Member Moore also expressed thanks.

Council Member Araskog expressed her thanks.

Public Comment

An email from John David Corey and Miguel Rosales was read into the record expressing their full support of the park improvements and stating that Friends of Lake Drive Park offered to participate in fund raising efforts.

Motion was made by Council Member Araskog and seconded by Council Member Moore to accept the donation from Scott Snyder and Nievera Williams, Landscape Architects to assist the Town with landscape enhancements at Lake Drive Park by completing the design work and raising funds to pay for the approved design, which will include the use of eco-friendly plantings. On roll call, the Motion passed unanimously.

Clerk's note: A break was taken for lunch. The meeting reconvened at 2 p.m.

b. Proposed Improvements to Town Marina Upland Amenities, Lake Drive Park and South Lake Drive - Review of Updated Cost Estimates and Design Concepts, and Establish Project Budget

Director of Public Works Paul Brazil provided an update and discussed the path forward. He provided preliminary costs, to be refined over time.

Mayor Coniglio hoped to follow Scott Snyder's recommendation for a cohesive plan and design, which would include the flagpole and seating area, benches, parking gates, etc.

Director Brazil proposed a two-step process to move forward to Landmarks with elements that had been discussed. There would be overlap with Nievera Williams Landscape Architecture which would need to be consolidated when they were finished, then this could go back to Landmarks.

Finance Director Jane Le Clainche explained a budget amendment was needed before expending any funds. Today's approval would be for a conceptual budget, and a complete budget would be brought before Town Council later.

Director Brazil explained for Council President Pro Tem Lindsay what was included in the proposed amount of \$1,030,000. She pointed out the flagpole and parking lot entry gates had been approved in another budget and was also in this budget. Director Brazil acknowledged there was approximately \$50,000 in overlap and asked to come back to do a reconciliation. Discussion ensued. Council President Pro Tem Lindsay felt a minimal amount of bike racks should be installed. Staff indicated that details would be decided later.

Council Member Araskog expressed concern with banyan tree roots

along the path and wanted to be sure the trees would be kept.

Mayor Coniglio concurred with Council President Pro Tem Lindsay on the number of bike racks.

Council Member Moore confirmed with Director Brazil he needed this budget approval to move forward to Landmarks.

Council President Pro Tem Lindsay stated it was important to confer with other marinas as to items such as the material for bike racks.

Council Member Araskog liked the idea of the Landscape Architects including the bike racks in their design. She discussed the arm for the entry gate.

Deputy Town Manager Boodheshwar suggested that the bike racks be included in the Landscape Architecture work.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve the project budget of \$1,030,000. On roll call, the Motion passed unanimously.

Public Works Director Brazil made a short presentation of items that needed to be resolved before going to Landmarks Preservation Commission, one of which was a diminimus reduction in trail width.

Mayor Coniglio and Council President Pro Tem Lindsay agreed with the trail width reduction.

Council Member Crampton pointed out circular benches were attractive for sleeping and asked not to make it easy for people to sleep there. He was told that area would be monitored by security cameras.

Council Member Araskog asked if the circular seating was necessary and why the land sloped. Director Brazil responded.

Council President Pro Tem Lindsay commented the seating area would be lit all night and a lot of people would be using the seating, and this would be the place least visited by homeless people.

Gordon Thomson explained the arm bar gate was the only style that would work in all three locations. Their purpose was to keep cars out.

Chief Caristo felt the best style was the arm bar gate.

c. RESOLUTION NO. 130-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant for Project No. PB-PB-20-209, Between the Florida Inland Navigation District and the Town of Palm Beach Under the Waterways Assistance Program, Specifically Construction Reimbursement for the Town of Palm Beach Town Dock Replacement Project, Part II, in the Amount of \$1,000,000, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve Resolution No. 130-2020. On roll call, the Motion passed unanimously.

3. Continued Discussion Regarding Public Access and the Enforcement of Regulations on the Beaches Between Wells Road and Sunset Avenue.

Kirk W. Blouin, Town Manager

Deputy Town Manager Boodheshwar introduced this topic, explaining the \$5/hour parking fee decided last month for the 100 block of Sunrise and a stretch of North County Road had gone into effect. He explained the current code banned alcohol on all public beaches.

Town Manager Blouin asked if the Council wished to pursue other restrictions for this section of beach.

Council Member Araskog spoke about fences and plantings blocking the natural vista, and all the signage. Staff responded the number of signs could be reduced over time after people became educated.

Council Member Araskog asked the Town Attorney about the Root Trail issue. Town Attorney Randolph advised he had met with the principles but no resolution had been reached. Council Member Moore wondered if not enough resident input had been received. Director Brazil commented he was responsible for the gates that were installed and they would be corrected. Council President Zeidman reported people were upset about not being able to walk on the beach after dark.

Dani Moore suggested we may have jumped the gun on these regulations. She suggested we went too quickly, and residents in the middle block were somehow not heard.. She said we perhaps listened to the squeaky wheels and didn't listen to the residents on the other blocks who also use the beaches.

Council President Zeidman agreed with Dani, as she had also heard from

residents who live on the middle blocks and Bradley Place who use the beach after sunset or before sunrise.

Council President Pro Tem Lindsay asked for clarification of a code section. Staff clarified what was already in force on this beach. Town Manager Blouin commented people were concerned about the heavier use of the beach in that area. Town Manager Blouin commented on the high volume of use and Director Brazil commented the use of alcohol and drugs were incidental to the sheer volume of people.

Mayor Coniglio commented this had always been a public beach and during COVID had become more heavily used, and a change had already been made regarding parking. She recommended making any further changes incrementally. She wanted to be fair and consistent with other public access beaches, and speaking to the residents there.

Council Member Araskog felt there were genuine complaints and fears and this was the only beach shown on Google maps so everyone went there. She suggested keeping the current regulations in place for a training period. She agreed with talking to residents.

Council Member Crampton felt there could be a distinction between municipal and public beaches, and the key thing was enforcement, which required a definition of the area to be enforced, and the people there and the police needed to know what was enforceable and what was not. They needed flyers and signage to explain the regulations to the residents, the people going onto the beach, and the police, so that they were all speaking the same language. Another issue was the ECL. Director Brazil responded staff had installed post and ropes to the ECL at Dunbar and Wells and one jog north and south, so the police would know the location of the ECL. Subsequently, residents had recently installed monoposts just inside the ECL on their private property, so the Town had removed the posts and ropes. A flyer had been published for the residents and police. Town Manager Blouin noted all these things were helpful and he would continue to manage expectations.

Council President Pro Tem Lindsay confirmed this beach is closed sunset to sunrise, and felt residents should be consulted. She suggested a review of all the beach regulations with the residents.

Public Comment

Tim Hanlon, on behalf of two group property owners, reported both were , looking for more conversations and more time to consider these issues. The trust that owned 111 Atlantic Avenue was concerned about overly restrictive regulations applying only to their areas. 110 Wells Road area residents were very concerned with funneling and wanted to be part of conversations going forward. Mr. Hanlon was in favor of a sit down meeting. Both clients wanted to study the issues in more detail and to be a part of the process.

Mayor Coniglio asked, and Director Brazil explained the ECL areas and the

improved private property areas. She suggested holding a meeting of the residents.

Council Member Moore reported feedback from residents was very positive for extra input and taking additional time to resolve this issue.

Discussion ensued regarding how to inform the public. Suggestions included a newspaper article, postcards, word of mouth, and help from the Civic Association.

The Mayor suggested a flyer to hand out at Council meetings of what could lawfully be done. Mr. Hanlon recommended publishing the flyer before the meeting. It was decided to send an envelope with two pieces of paper, a letter and the flyer.

Council Member Araskog suggested a pre-meeting on this subject a few days before the Council meeting. A virtual listening session on Zoom was suggested for Monday, December 7 from 10 to noon, with the flyer to arrive by December 3 or 4, and advertising to begin now.

Council Member Moore reminded everyone about placing more work on staff. Council President Zeidman suggested the FAQ sheet could be presented at the meeting. Discussion ensued regarding placing review of the ordinance on the next agenda. Council Member Crampton felt the procedure now should be wait and listen, and enforcement for bad behavior should be the first issue.

Public Comment

An email chain was read into the record from Matthew McCormick expressing concern limiting beach use to residents who did not live on the beach, and inconsistency in regulations for different beaches, and questioning actions by Town Council.

4. Adoption of the Updated 2021 Town Council Meeting Schedule. *Kirk W. Blouin, Town Manager*

The following revisions were made:

Addition of a meeting on January 15, 2021 at 9 a.m. to announce qualified Town Council candidates, and change the September 2021 Town Council meeting dates to be Town Council Development Review on Monday, September 13 and Regular Town Council on September 14, 2021.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to adopt the revised 2021 Town Council Meeting schedule. On roll call, the Motion passed unanimously.

C. New Business

1. Review of Boards and Commissions, Relative to Total Members and Ratio of Regular and Alternate Positions.

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar commented on materials included in the backup regarding this issue. If Town Council desired to reduce the size of the Boards and Commissions, staff recommended doing it through attrition. This would require code revisions.

Town Manager Blouin noted some felt more people on a board could make it less efficient. Also, with more people on the board there were more opportunities to interact with staff, which created a time-use issue.

Council President Zeidman called for staff comments.

Planning, Zoning and Building Director Wayne Bergman reported in his 25 years of experience working with municipal governments, it was very unusual to have such large boards with only five Council members voting. He felt the boards were too large, and could be dropped down to five members plus two alternates. He felt the way to proceed was through attrition.

Council Member Araskog spoke to members of ARCOM and Landmarks and felt the members should be allowed to give their opinions. She thought having more people to provide ideas was more productive. She compared the Palm Beach boards to those of other towns. She favored 7 voting members plus alternates.

Council Member Moore also wanted to hear from the Board members, and moving forward without conversations with the members did not reflect well on Town Council.

Mayor Coniglio was glad expertise was also being considered in this decision, and some Boards would be easy to deal with, leaving Landmarks and ARCOM for further study.

Council Member Crampton agreed with hearing from the Board members. He would like a geographical balance on the Shore board, which might mean more members.

Council President Pro Tem Lindsay felt the Boards were too large and created inefficiency, and agreed with hearing from the Board members. She was not comfortable making a decision today before letting them be heard. She felt there should be more professionals on Landmarks, ARCOM, and Planning and Zoning.

Council President Zeidman commented volunteer Boards provided a way for residents to interact with their government. Her concern was to gain a modicum of efficiency at the expense of Community involvement. She was cautious about moving forward. She asked if other municipalities had alternates. Staff indicated they would check that. She also thought qualifications should be considered.

Council Member Crampton stated there was good government in this Town and the Boards did a good job. He asked how much benefit the Council would receive if the Board sizes were reduced.

Council Member Araskog commented residents would protect their neighborhoods and she worried about replacing residents with architects. The Recreation Committee felt they did not have enough to do, and she suggested reducing the number of their meetings per year.

Council Member Moore reminded everyone the reason the Shore Board had expanded to alternates was they required expertise.

Town Manager Blouin asked about discussing qualifications, sizes, and process issues. One such issue was projects that were discussed by members and when it came to the vote one member might be absent and an alternate who had not been included in the discussions ended up voting. Council President Zeidman asked that this be looked into, and also the role of the alternate.

Council Member Moore suggested to be fair, to proceed slowly, beginning with size and getting feedback from the Boards.

Council President Pro Tem Lindsay agreed with Council Member Moore. She spoke about adding alternates to the Shore Board, and whether alternates were needed for all boards. The most complaints she received were regarding ARCOM and Landmarks.

This item would be placed on next month's agenda.

XII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 17-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 46, Fire Prevention And Protection, Amending Article III, "Fire Prevention", In Accordance With Florida State Statute 633.202 And 633.208 The "Florida Fire Prevention Code" Adopted By The State Of Florida Fire Marshal In Chapter 69A-60 Of The Florida Administrative Code With Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2018 Edition, And National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2018 Edition; Providing

For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For Codification; And Providing For An Effective Date.

Darrel Donatto, Fire Rescue Chief

Town Attorney Randolph read Ordinance No. 17-2020 by title only on first reading.

Fire Rescue Chief Donatto explained the purpose of the ordinance.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve Ordinance No. 17-2020 on first reading. On roll call, the Motion passed unanimously.

2. EMERGENCY ORDINANCE NO. 18-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Arrange For Public Meetings By Use Of Communication Media Technology And For Attendance By Use Of Such Technology By Elected And Appointed Officials During A Declared Public Health Emergency; Providing For Conflicts; Providing For Severability; Providing An Effective Date. – ***Pulled and Heard as Item No. XI.B.2.f.***

John C. Randolph, Town Attorney

XIII. ANY OTHER MATTERS

1. Discussion Regarding Palm Beach Civic Association Seminar
Council President Zeidman commented the COVID-19 staff group decided to have doctors address citizens in one or two question-and-answer format Zoom meetings; then had learned the Civic Association was thinking of doing the same thing. She described the program, titled *Your Health, Your Safety, and Your Well Being*. The first session, filmed ahead of time, would feature a welcome home followed by members of Town staff reporting all kinds of public safety issues. The next session would feature doctors reporting COVID-19 information, and there would be a third session not yet fully developed. She asked if the Town wanted to be a part of this or just host the Civic Association at the Council Chambers.

Council President Pro Tem Lindsay was in favor of hosting the project.

Council Member Crampton also was in favor of the project.

Council Member Araskog commented not everyone belonged to the Civic Association and asked how it would be distributed, because she wanted to be sure everyone was included.

Council Member Crampton suggested the Citizens' Association might also want to be involved.

2. Letter to Governor Regarding Quorum For Governing Bodies

Council Member Araskog suggested advising the Governor of the median age. Mayor Coniglio indicated she was happy to write a letter but it would only be repeating what had been passed in the ordinance. Town Attorney Randolph's opinion was it would not make a difference since the Governor had so many municipalities to consider. Council Member Araskog asked that the Mayor speak to League of Cities. Council Member Araskog referred to an upcoming ordinance regarding mechanical and pool equipment and asked that it be deferred. Council Member Araskog asked if the Council could do anything about Mr. Hanlon's time being limited at ARCOM. Town Attorney Randolph indicated it would be corrected going forward but saw no way to correct what had been done.

XIV. ADJOURNMENT

Upon motion by Council President Zeidman, seconded by Council Member Araskog, the Town Council Meeting of Tuesday, November 10, 2020 was adjourned at 4:48 p.m.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date