



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON

Tuesday, June 11, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, June 11, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

A correction was made to the purchase amount in Item X., B.,3. Resolution No. 39-2019 from ~~\$178,957~~ to \$178,967

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Legislative Session Update

Clerk's Note: This item was deferred to the July 9, 2019, Town Council meeting.

B. Scholarships Provided by the Palm Beach Country Club

In response to a question from Council President Pro Tem Zeidman, Town Attorney Randolph stated that language will need to be created that defines the criteria for turning away an event without being discriminatory.

Anita Seltzer, 44 Cocanut Row, expressed concern with not allowing certain groups of people to have immunity or impunity with respect to events that use amplified sound.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to direct staff to prepare an ordinance that requires all Phipps Park Plaza special event permit applications be presented to the Town Council for approval, with a three-year sunset provision. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to direct staff to prepare an ordinance requiring all fundraising related special event permit applications that involve leaving the primary event location (public or private) to walk or run on and through public properties, sidewalks, and streets be presented to the Town Council for approval. On roll call, the motion passed 4 to 1, with Council Member Moore dissenting.

5. **Update on Proposed Addition of Stairs to Memorial Fountain**

Deputy Town Manager Boodheshwar provided an overview of the response from the Florida Division of Historical Resources with their position on the proposed addition of stairs to the Memorial Park Fountain. He also provided an overview of the Town's request to pursue further clarification on the State's decision.

Deputy Town Manager Boodheshwar pointed out that the state's letter contained two (2) errors related to the restrictive covenants review and the property's placement on the National Register that may have factored into their decision. He clarified that the restrictive covenant does not apply to both grant awards and that the Memorial Fountain is not listed on the National Register. He also added that the Division Director of Historical Resources Dr. Timothy Parsons indicated in his correspondence that he would be open to a meeting in person or by conference call to discuss this matter in further detail.

Bill Bone, Palm Beach resident and Centennial Commission member, spoke regarding the majority decision of the Town Council and Landmarks Preservation Commission approving the addition of a staircase at the Memorial Park Fountain. He encouraged the Town Council to stay on course with the proposed plan and pursue a meeting in person with the State Historic Preservation Officer Dr. Timothy Parsons to reconsider the Town's proposal.

Addison Linck, 251 Esplanade Way, spoke regarding Dr. Parson's review of the proposed project as outlined in his letter. He recommended looking at landscape

solutions for the south facing side of the Memorial Fountain as a temporary aesthetic solution while the Town goes through the reconsideration process with the state. He spoke in opposition to the addition of the stairs and provided his opinion on the final outcome of this matter.

Robert Linck, 251 Esplanade Way, spoke regarding Addison Mizner's original intent and design inspiration for the fountain. He brought up comments shared by Addison Mizner's godson Tom Miller against modifying the fountain and encouraged the Town Council to keep the original design.

Susan Watts, 44 Cocoanut Row, spoke in opposition to the addition of stairs to the Memorial Fountain. She commented on the complication of the review process and that the Memorial Fountain is intended to be a historic monument honoring fallen heroes.

Amanda Skier, Executive Director of the Preservation Foundation, expressed concerns with adding a staircase to the Memorial Park Fountain. She requested that the State Historic Preservation Officer's position be respected and the restricted covenant adhered to.

Brian Vertesch, SMI Landscape Architecture, spoke regarding the original project plans, review process and the development of the proposed design with the added staircase.

Anita Seltzer, 44 Cocoanut Row, spoke regarding flaws found in the 2014 Memorial Fountain restoration project application with respect to the property information and requested the Town file a new application with the State in order to correct the matter. She expressed concerns with the Centennial Commission applying for the project as a violation of the Sunshine Law. She also spoke regarding the language in the Town Charter that requires a referendum for improving Memorial Park and other properties. She spoke in opposition to the addition of stairs and added that the park serves as a quiet contemplative space to honor fallen heroes.

Bill Metzger, Palm Beach resident and Centennial Commission member, spoke regarding Planning, Zoning and Building Director Josh Martin's research and notes on the Secretary of Interior's decision and appeal process. He also pointed out the invisibility of the backside of the fountain in the original design was due to the tall Australian Pines.

Discussion ensued regarding staff time, the original grant award, the level of Town Council's involvement in the process, and letting the Centennial Commission take the lead with meetings and a visit with Dr. Parsons to reconsider.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to not pursue Dr. Timothy Parson's letter and ask for clarification

on his decision regarding the addition of stairs to the Memorial Fountain. On roll call the motion passed 3 to 2, with Council Members Crampton and Zeidman dissenting.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to reconsider the previous motion. On roll call, the motion passed 3 to 2, with Council Members Araskog and Moore dissenting.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve staff involvement or sanction of the Town's involvement in pursuing the addition of stairs to the Memorial Fountain up to the limit of a conference call or a visit from Dr. Timothy Parsons, State Historic Preservation Officer. On roll call, the motion passed 4 to 1, with Council Member Araskog dissenting.

B. New Business

1. 2020 Election Date Change Due to Presidential Preference Primary

Kathleen Dominguez, Town Clerk, spoke regarding the upcoming 2020 Presidential Preference Primary (PPP) election and the need to change the Town's general election date in 2020 to be in conjunction with the PPP and to accommodate the Palm Beach County Supervisor of Elections (SOE) ballot language deadline. She recommended adding language to Chapter 34 of the Town's Code of Ordinances that provides a procedure for conducting the Town's general election concurrently with statewide Presidential Preference Primary elections. She also recommended amending the specific articles within the Town Charter that reference the general and run-off election dates, Town Caucus date and qualifying period so that there are no future conflicts with this once-in-every-four-years statewide election schedule change.

She also pointed out that the date specified in Section 3.02 of the Town Charter for electing a President and President Pro Tem conflicts with the date scheduled for the Town's general election during PPP election years. She recommended amending the Charter to allow the Town Council to elect a President and President Pro Tem at the next regular meeting following the Town's general election.

It was the consensus of the Town Council to approve the Town Caucus date of Tuesday, December 3, 2019, and the qualifying period as Wednesday, December 4, 2019, as recommend by staff.

It was the consensus of the Town Council to direct staff to work with the Town Attorney to prepare an ordinance with language for conducting the Town's general election on the same date as the statewide presidential preference primary election.

C. Matters Pulled From Consent Agenda

1. Town Council Meeting Minutes