



MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, APRIL 13, 2021

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 10:00 a.m. in Memorial Park. On roll call, all council members were found to be present. The meeting was called to order to complete items I-VI in an outdoor location to ensure proper social distancing with the many attendees who were present for the swearing in of elected officials.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

President Zeidman gave the Invocation and led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

IV. APPROVAL OF AGENDA

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

V. CERTIFICATION OF ELECTION RESULTS

- A. RESOLUTION NO. 033-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring The Results Of The Election Held On The 9th Day of March, 2021.

Queenester Nieves, CMC, Town Clerk

Town Clerk Queenester Nieves reported that at the Town Caucus held on January 12, 2021, Incumbents DANIELLE H. MOORE and JULIE ARASKOG were unopposed for MAYOR and TOWN COUNCIL MEMBER GROUP 2, respectively and for TOWN COUNCIL MEMBER GROUP 1 there were 2 candidates: CANDACE ROJAS and EDWARD "TED" COONEY. At the Town's election held on March 9,

2021, a total of 2,920 votes were cast. Candace Rojas received 548 votes and Edward “Ted” Cooney received 2,372 votes. EDWARD “TED” COONEY has been certified and declared the winner for TOWN COUNCIL MEMBER GROUP 1.

President Zeidman read by title only Resolution No. 033-2021 to declare the results of the election.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 033-2021. On roll call, the Motion passed unanimously.

VI. SWEARING IN OF ELECTED OFFICIALS

A. The Honorable Judge Lisa Small

1. Danielle Hickox Moore
2. Edward Cooney
3. Julie Araskog

The Honorable Judge Lisa Small swore in Mayor- Danielle Hickox Moore, Town Council Member Group 1-Edward Ted Cooney, and Town Council Member Group 2-Julie Araskog as the newly elected members of the Town Council.

The Council meeting resumed in Council Chambers for the remainder of the meeting. Town Clerk Nieves called the roll and all members were present.

VII. ORGANIZATIONAL ITEMS

A. Election of Town Council President
Pursuant to Section 3.01 of the Town Charter

Election of Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Margaret A. Zeidman as Town Council President and Bobbie Lindsay as Town Council President Pro Tem. On roll call, the Motion passed unanimously.

VIII. RECOGNITIONS

A. Recognition of Robert Garrison's Service on the Architectural Review Commission from July 2014 to March 2021.

A plaque was presented to Mr. Garrison by Mayor Moore.

B. Recognition of John (Tim) Gannon's Service on the Landmarks

Preservation Commission from March 2017 to March 2021.

A plaque was presented to Mr. Gannon by Mayor Moore.

- C. Recognition of Amy Ball's Service on the Recreation Advisory Commission from May 2017 to December 2020. *(This item was added during the meeting)*

Mayor Moore recognized and thanked Ms. Ball for her service.

- D. Recognition of Dr. Ellen Howe's Service on the Recreation Advisory Commission from April 2010 to April 2021.

A plaque was presented to Dr. Howe by Mayor Moore.

- E. Recognition of Alexandra Woodfield's Service on the Recreation Advisory Commission from April 2013 to April 2021.

Mayor Moore recognized and thanked Ms. Woodfield for her service.

- F. Recognition of Nicki McDonald's Service on the Underground Utilities Task Force from May 2017 to March 2021.

Mayor Moore recognized and thanked Ms. McDonald for her service.

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Architectural Commission (ARCOM).
Wayne Bergman, Director of Planning, Zoning and Building

Michael Small, Chair of the Architectural Commission (ARCOM) presented the 2020-2021 Annual Report, which he stated has been provided to each Council Member. He noted the volume of applications had increased over the year, commended staff for handling the increased volume.

President Zeidman congratulated Mr. Small on his work as Chair during the year.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to accept the Annual Report of the Architectural Commission. On roll call, the Motion passed unanimously.

X. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by the Applicants and Appointments to the Code Enforcement Board.
Queenester Nieves, CMC, Town Clerk

Applicant Julie Herzing Desnick provided a presentation, which encompassed her personal history and qualifications of service.

Council Member Araskog inquired of her preference of serving on ARCOM or Code Enforcement Board. Ms. Desnick stated her preference was ARCOM.

Applicant Chris Larmoyeux provided a presentation of his history and qualifications to serve on the Code Enforcement Board.

Applicant Scotch Peloso provided a presentation and was re-applying for the Code Enforcement Board.

Applicant Linda Wartow provided a presentation asking to continue her service on the Code Enforcement Board.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to appoint Linda Wartow, Scotch Peloso and Chris Larmoyeux as Regular Members of the Code Enforcement Board. On roll call, the Motion passed unanimously.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to appoint Julie Herzig Desnick as an Alternate Member of the Code Enforcement Board. On roll call, the Motion passed unanimously.

B. Presentations by the Applicants and Appointments to the Investment Advisory Committee.

Queenester Nieves, CMC, Town Clerk

Applicant Beth Fisher Cutler presented her investment experience and work history.

Applicant Lloyd McAdams spoke about his interests, experience, and qualifications,

Applicant David McDonald, a current member re-applying for reappointment, was not present, but submitted an application.

Applicant Chris Storkerson, the current chair of the Investment Advisory Committee, was re-applying for reappointment. Mr. Storkerson was not present.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to appoint Lloyd McAdams, David McDonald and Chris Storkerson as Regular Members of the Investment Advisory Committee. On roll call, the Motion passed unanimously.

C. Presentations by the Applicants and Appointments to the Recreation Advisory Commission.

Queenester Nieves, CMC, Town Clerk

Applicant Timothy Cohan expressed his interest in recreation and provided his history and experience.

Applicant Jennifer Lazzara described her family's enjoyment of the recreational center, and asked to serve on the committee.

Applicant Peter Harris currently a regular member, applying for reappointment. Provided history, background, and his interest in recreation.

Applicant Michael Leiderman presented his background, work history, and wanted to work on improvements and planning. He felt the south part of Town should be represented on the commission.

Applicant Michael Vincent Spaziani Jr. presented his history and experience. He felt the recreation department had shaped his life.

Applicant Susan Watts presented her history of working on committees in Palm Beach, her interest in tennis and her lifetime of sports participation. She outlined her past work experience and her interest in serving.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to appoint Peter Harris and Susan Watts as Regular Members of the Recreation Advisory Commission. On roll call, the Motion passed unanimously.

XI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore commented Code change takes time. Noted meetings she would attend as Mayor. The other municipalities and the County interactions would be needed in order to maintain the peaceful and charming character of the Town.

XII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton urged applicants not selected today to return whenever openings arose, as all applicants were very impressive.

Council Member Cooney commented he was looking forward to working with the Council and thanked Deputy Town Manager Boodheshwar for the time given him to spend in each department and introductions.

Council Member Araskog expressed concern for things that were changing quality of life in the Town and how important it was to make changes to the Code, and wanted to review as soon as possible. She also wanted to include the comprehensive plan.

XIII. COMMUNICATIONS FROM CITIZENS -3 MINUTE LIMIT PLEASE

There were no communications from citizens at this time.

XIV. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda:

Item No. XIV.B.2. RESOLUTION NO. 037-2021 was pulled and heard as Item No. XVI.A.1

Item No. XIV.B.3. RESOLUTION NO. 039-2021 was pulled and heard as Item No. XVI.A.2.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney 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. February 9, 2021, Town Council Meeting Minutes
 - b. February 10, 2021, Town Council Development Review Meeting Minutes
 - c. March 2, 2021, Town Council Meeting Minutes
 - d. March 3, 2021, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 24, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 036-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order For A Single Source Contract With InVeris Training Solutions, Inc. In The Amount Of \$158,237 and Budget Authorization in the Amount of \$166,000.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 037-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Urging All Members Of The Florida Legislature To

Oppose Unwarranted Or Overly Broad Preemptions Of Municipal Home Rule Powers; Directing A Copy Of This Resolution Be Transmitted To Members Of The Florida Legislature, The Florida League Of Mayors, The Florida League Of Cities, And Any Other Interested Parties.

Jay Boodheshwar, Deputy Town Manager

3. RESOLUTION NO. 039-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Supporting and Approving the Application for Funding from the Community Project Program Through the Federal Government Appropriation Process.

Jane Le Clainche, Director of Finance

XV. COMMITTEE REPORTS

- A. 1. Report of the Business and Administrative Committee Meeting Held on February 19, 2021.

TIME CERTAIN: 11:30 AM

Lew Crampton, Chair

Council Member Crampton as Chair of the BAC provided an overview of meetings and public hearings focused on commercial parking in the areas of Royal Poinciana, North County Road, and Worth Avenue, Chair Crampton summarized the committee's recommendations.

Deputy Town Manager Boodheshwar reviewed the proposed recommendations. He requested permission to move forward on an RFP to partner with a valet company to establish a town-wide valet service.

Mayor Moore commented this had been thoroughly vetted in the public hearings and urged Council to move forward.

Council President Pro Tem Lindsay asked Deputy Town Manager Boodheshwar for clarifications. Deputy Town Manager Boodheshwar explained there would be a fee for using this parking service in South County Road corridor, Mid-town, Worth Avenue, and Royal Poinciana Way areas.

Council Member Cooney fully supported the concept.

Council Member Araskog inquired where parking would be in these locations, and who would be responsible for payment. Deputy Town Manager Boodheshwar responded.

Council Member Araskog questioned resident's participation in the meetings. Chair Crampton responded residents had every opportunity to participate.

Council President Zeidman called for public comment.

John David Corey, 426 Australian Avenue, reported a letter was remitted with parking ideas and felt parking guidelines should be established first, and there should be no free parking. He suggested Worth Avenue Association, the Chamber of Commerce, and Main Street Group be utilized rather than spending staff time on this project.

Consensus of Council was to move forward with an RFP for valet parking services in the three mid-town business districts.

Deputy Town Manager Boodheshwar asked for permission to look at the Code, working with the Town Attorney to provide language which would allow flexibility for use on surface lots.

Council Member Araskog questioned the goal. Deputy Town Manager Boodheshwar stated this was to allow the public sector to use excess lot space for parking. Council Member Araskog wanted to wait to see how the underground parking worked before moving forward. Council President Zeidman responded. Council Member Araskog voiced her concern about adjacent parking. Deputy Town Manager Boodheshwar explained these details would be worked out. Council Member Araskog indicated she was okay with sending this back to BAC to work things out.

Council President Pro Tem Lindsay commented the goal was to reduce traffic going around block looking for parking, and it would be much more restrictive in the evenings. Restaurant employees were taking up parking spaces and could park in underutilized surface lots. Chair Crampton pointed out some underutilized lots may be used by valet services. Mayor Moore pointed out a four-story garage could be a place for recreation center users to park.

Deputy Town Manager Boodheshwar summarized Council's direction to staff to work on Code language and bring it back to the committee.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to accept the Report of the Business and Administrative Committee Meeting held on February 19, 2021. On roll call, the Motion passed unanimously.

2. Recommendations from the Business and Administrative Committee, Relative to Parking.

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar made recommendations of areas in the Town where the placard program could be expanded.

A break for lunch, from 1 p.m. to 2 p.m. Upon reconvening, Council President Zeidman announced other items would be heard before coming back to complete this current item.

Deputy Town Manager Boodheshwar presented a spreadsheet of the streets and on-street parking currently utilizing the placard program. He explained utilization reviews had been done to determine usage and provided recommendations.

Mayor Moore commented some beachgoers and residents were using placards when the intent was to have business people use them.

Council Member Crampton felt the addition of 34 placards was a reasonable number. Deputy Town Manager Boodheshwar explained the parking placard program was maxed out and the people who would buy a placard were already using those spaces but moving every two hours. Town Manager Blouin agreed additional placards would reduce traffic.

Council President Pro Tem Lindsay thought a good case was made to try this. Discussion ensued regarding protecting the residents and monitoring the program. Council Member Lindsay wanted to look at extending parking hours for restaurant employees.

Council Member Araskog suggested this should go back for more study and wanted to hear from more residents, and study traffic patterns between 6-7 p.m. and midnight. Town Manager Blouin commented staff had data for the questions Council Member Araskog asked.

Council Member Cooney inquired of the results of moving parking from South Lake Drive to Coconut Row. Deputy Town Manager Boodheshwar responded no complaints were received. Officers were tracking utilization data by physically counting cars. Council Member Cooney would like more evening data, but otherwise was comfortable going forward.

Council President Zeidman stressed this was about the residents and solving the parking problem, and not making money with placards. The vision is residents first then parking for others. Council President Zeidman asked about the excess parking, and why placards were being added. Deputy Town Manager Boodheshwar responded.

Council President Pro Tem Lindsay asked what time enforcement ended, which was 6 p.m., and she was very interested studying the night hours. Deputy Town Manager Boodheshwar responded that could be done, and commented on how other towns handled evening hours. Council President Pro Tem Lindsay thought a lot of progress had been made in regard of the parking issue.

Mayor Moore suggested indicating on the spreadsheet which zones had RPP in

addition to placards. Mr. Boodheshwar went through the spreadsheet pointing out which zones had RPP.

President Zeidman called for public comment.

Bridgette Moran clarified the number of placards each resident could get was eight.

John David Corey, 426 Australian, talked about expanding placard parking into residential streets, which he considered unfair to the residents. He suggested vetting through resident associations and putting cars in the Apollo lot, and establishing guidelines.

Council Member Araskog stated she felt this should be sent back to the committee one more time, get more input from residents, and do a night time study, and she was not comfortable taking RPP parking away. She wanted to take baby steps in this process.

Council Member Crampton thought there was no easy solution and some steps should be taken to move forward for a trial. Council Member Crampton requested Deputy Town Manager Boodheshwar to work on the numbers and show the true impacts on each street. He felt there was some confusion, within the Council. He felt there was consensus to move forward cautiously.

Deputy Town Manager Boodheshwar recommended taking the 400 block of Peruvian off the table today, going back to the committee, and have discussions with the neighbors. Also, place time limit six months—selling one month, three months, and six months, have a night time study, and revisit this issue in six months.

Council Member Araskog wanted to see the night time study before moving forward.

Discussion ensued.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to move the parking issues forward according to the program. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

Deputy Town Manager Boodheshwar advised there had been a request from the Four Arts to convert 13 public parking spaces from 2-hour parking to 1-hour parking. Staff had placed new signage before this came to Council, but the signage had provided real life information, the 1-hour parking had given more access to Four Arts, the library, and the garden, and the Four Arts people were happy with the changes. Those who wanted to access the trail were parking in other places where they could park for 2 hours. Revert all 13 spaces to 2- hours

or keep as is. Because of the summer season, there will be more bikers, staff has suggested, the west side of the road keep those spaces 2-hours. On the east side of the road adjacent to the library make those spaces 1-hour. Provide for both uses.

Council Member Araskog wanted to return to the original parking plan.

Council President Pro Tem Lindsay agreed with Deputy Town Manager Boodheshwar's option for the summer season.

Council Member Crampton indicated he would like to go back to the original parking plan.

Mayor Moore commented it was better for aging members of Four Arts to be able to park closer to the facilities. She agreed with Deputy Town Manager Boodheshwar.

Council President Zeidman agreed with Council Member Araskog and Council Member Crampton.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to return to the original 2-hour parking plan at the Four Arts Plaza. On roll call, the Motion passed unanimously.

Deputy Town Manager Boodheshwar commented the next item was born out of a conversation which Council Member Crampton brought to the committee. This concerned the 100 block of Brazilian regarding the number of transient visitors on that street. Beachgoers filled those free spaces first. The committee recommended converting these free time-limited spaces to paid parking.

Council Member Crampton noted these were prime spaces which could earn revenue for the Town and this was a good recommendation.

Council President Pro Tem Lindsay confirmed with Director Brazil it was okay to go to paid parking here to keep the numbers right for beach renourishment. He said it was okay so long as residents and visitors were treated the same. Workmen would still be able to access their projects.

Council Member Cooney confirmed this would be the same \$5 rate charged on South Ocean. Discussion ensued regarding possibly limiting the time. It was decided to wait on having that discussion.

Council Member Araskog confirmed with staff that it was primarily beachgoers who used these spaces.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to convert the free time-limited spaces on the

Mid-Town Ocean block to paid parking. On roll call, the Motion passed unanimously.

**B. Report of the Ordinances, Rules and Standards Committee Meeting
Held on March 11, 2021.**

Julie Araskog, Chair

Council Member Araskog reported many complaints regarding construction hours. Noted construction has increased in the Town. She spoke about the activity and noise with indoor construction and wanted to give residents peaceful weekends. Inquired about artificial turf to be placed on the agenda quickly. The committee was working on the truck study, borders and hedges, and construction hours.

Consensus to place artificial turf on the agenda.

President Zeidman called for public comment.

Susan Gary 229 Onondaga Avenue, thanked the Town for the vaccine. She spoke about construction hours, with five projects currently in progress near to her home, and describe the noise and activity that came with indoor work on Saturdays. She thought allowing longer hours on weekdays would fix the problem.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to accept the Report of the Ordinances, Rules and Standards Committee Meeting held on March 11, 2021. On roll call, the Motion passed unanimously.

XVI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 037-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Urging All Members Of The Florida Legislature To Oppose Unwarranted Or Overly Broad Preemptions Of Municipal Home Rule Powers; Directing A Copy Of This Resolution Be Transmitted To Members Of The Florida Legislature, The Florida League Of Mayors, The Florida League Of Cities, And Any Other Interested Parties.

Jay Boodheshwar, Deputy Town Manager

Mayor Moore reported her predecessor sent a letter regarding home rule to Tallahassee reiterating the Town of Palm Beach thought home rule was very a priority and she agreed. She stated she would continue to fight for home rule, and noted staff was very diligent about monitoring the legislature and she did

not think they would let anything slip through the cracks regarding home rule.

Council President Zeidman also expressed her support for home rule, which had allowed Council to make changes as needed throughout the pandemic.

Council President Pro Tem Lindsay asked the Mayor if others were working with the Town of Palm Beach in support of home rule. Mayor Moore responded both Palm Beach County League of Cities and the Florida League of Cities were working with the Town.

Town Attorney Randolph reported that unfortunately the legislation now being considered regarding design guidelines appeared to have a good chance of passing. This would destroy ARCOM.

Council President Pro Tem Lindsay suggested a letter to the Governor asking him to veto this legislation. Mayor Moore agreed to send a letter. Deputy Town Manager Boodheshwar indicated staff would write a letter.

Council Member Araskog wondered if it would be good to include the history of ARCOM in the letter. Attorney Randolph stated that language could be included in the letter. Mayor Moore also requested the historical ordinance information be included.

Motion was made by Council Member Cooney, seconded by Council Member Crampton, to adopt Resolution No. 037-2021. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 039-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Supporting and Approving the Application for Funding from the Community Project Program Through the Federal Government Appropriation Process.

Jane Le Clainche, Director of Finance

Town Manager Blouin provided a general overview of the and advised that with guidance from Lois Frankel's office the Town was submitting applications for funding opportunities for two projects through community project appropriations, one for the sand transfer plant and the other to enhance infrastructure for the law enforcement camera system. He described funding opportunities which had come about because of COVID. Town staff are closely monitoring these opportunities and would submit applications when appropriate, and updates would be provided to Council. In addition to the funding under today's resolution, the Town was eligible for \$3.7M under the American Rescue Plan.

Council Member Crampton asked if a blanket approval was being requested. Town Manager Blouin responded they would return to Council for approval of the larger amount.

Council Member Araskog asked if delays to undergrounding might be eligible for funding. The Town Manager responded funds were available for other items.

Council Member Crampton commented if funding was received for other infrastructure some of it might be able to go towards the undergrounding deficit.

Motion was made by Council Member Cooney, seconded by Council Member Araskog, to approve Resolution No. 039-2021. On roll call, the Motion passed unanimously.

B. Old Business

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

a. Report on COVID-19 Infections, Hospitalizations and Vaccines
Darrel Donatto, Fire Rescue Chief

Fire Rescue Chief Donatto referred to his report. All numbers had been going down until about three (3) weeks ago, around the time of spring break, when numbers began to increase. Noted there was a false sense of security because many people had been vaccinated. This uptick in numbers could be reduced by good hand hygiene, wearing a mask, and social distancing. This was not the time to relax. He reported 50% of the infections here were now the UK variant.

Council President Zeidman commented the next three weeks were a tenuous time and Council would make decisions to help people control their behavior.

Council Member Araskog commented she read reports in other parts of the country, hospitalization ages were trending downward and it was important for those under 65 to be vaccinated. Chief Donatto responded a good place to find data was the Florida Atlantic University COVID tracking site.

b. Compliance with Emergency Order and Mandates
Nicholas Caristo, Police Chief

Police Chief Caristo reported no violations except one mask violation which was resolved through education.

Council Member Araskog commented on reports some restaurants had increased outdoor seating. Chief Caristo confirmed that outdoor seating was checked by the police.

c. Discussion About Town-Wide Curfew

Council President Zeidman commented the town-wide curfew was in place from 1 a.m. to 5 a.m. and she felt it should continue. Chief Caristo felt it should continue for at least another month.

Council Member Araskog expressed her support.

Consensus of Council was to keep the current curfew in place for another month.

d. Discussion about Public Meetings

Council President Zeidman stated because of the variant of the COVID. The boards and commissions should continue to hold their meetings virtually.

Mayor Moore thought a decision had already been made to keep the commissions meeting virtually through the summer. She felt that decision could be discussed again in July.

Council Member Cooney agreed.

Council Member Araskog agreed in theory but had been getting phone calls from people who wanted to meet in person on their projects. She asked if there could be a way to have the one or two cases coming up in person and the rest of the meeting on Zoom. Deputy Town Manager Boodheshwar responded that different virtual and in-person scenarios could be arranged.

Council President Pro Tem Lindsay agreed with the Mayor that this decision has been made for the summer.

Council President Zeidman had only heard of one issue and was not aware of anything coming up, and felt the Council's decision should not be changed.

Town Attorney Randolph suggested to leave the policy as is, but let him and Director Bergman handle cases one on one.

Council Member Crampton agreed.

Deputy Town Manager Boodheshwar asked to bring this back in July. Council President Zeidman declined since the decision had been made for the summer and asked to have Town Attorney Randolph and Director Bergman work one on one for problematic cases.

e. RESOLUTION NO. 038-2021 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 May 11, 2021, 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.

Council Member Araskog read Resolution No. 038-2021 by title.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 038-2021. On roll call, the Motion passed unanimously.

2. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

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

Town Engineer Patricia Strayer introduced Lee Hudson, the new Easement Acquisition Manager for the Undergrounding Project. She participated in 130 easement meetings, focused on 4 and 5, north and south. Provided a brief update on each current phase and upcoming phases. Provided examples of placement of transformers and showed where they had to be to meet engineering specifications. Manager Hudson discussed why transformers could not be placed in back alleys, unless truck access was possible.

Councilmember Crampton asked about contract prices. The last contract came in under the cost estimate, but there was concern going forward that it would become competitive. The working relationship with FPL is extremely flexible. Switch cabinets were discussed.

Council President Pro Tem Lindsay expressed thanks for sending maps to homeowners, because it has engaged the community. Spoke about placing transformers in right of ways, but many properties did not have the space.

Town Engineer Strayer commented this undergrounding project was going twice as fast as in any other community in the area.

3. Update on Outdoor Seating - Under Review by the Planning and Zoning Commission

Wayne Bergman, Director of Planning, Zoning and Building

Director of Planning, Zoning and Building Wayne Bergman advised if Council wished to continue the popular outdoor seating after the pandemic receded, changes to the code would be warranted. The current Code would not allow most of the current temporary outdoor seating to continue. A sidewalk café style program had been discussed, whereby seating could be approved annually, with fees paid to the Town which would cover the cost of enforcement. In their last discussion on this matter, Council had indicated they wished to distinguish between seating in public areas and seating on public sidewalk areas. Planning and Zoning Commission discussed this matter at their March meeting, and prior to that meeting received numerous communications all in support of outdoor seating. The Commission focused on ways to expand the outdoor seating program, possibly as a percentage of the indoor seating numbers, the need for retractable awnings to provide shade, and limiting to a one-year pilot test program.

Director Bergman commented the Commission was also looking at permitted vs special exception uses in the South County Road corridor regarding restaurants, bars, lounges, and night clubs. The Commission supported Council's beliefs, and staff had drafted ordinances which would be presented in May.

Director Bergman asked five questions to further inform staff of Council's direction. (1) If a percentage of outdoor restaurant seating could be approved administratively without coming for a special exception, based on the number of indoor seats, or if Council wanted all outdoor seating to be special exception uses? (2) Should any type of percentage be used? Director Bergman recalled former Mayor Coniglio's comment that you couldn't measure restaurants against each other since some would have space outside for seating and some would not. (3) Should outdoor seating be limited to the sidewalk which the seating relates to? Right now, Taboo had expanded in front of adjacent retail (with Council's permission). (4) Should Landmarks Preservation Commission or ARCOM review and approve tables and chairs actually used for outdoor seating? (5) Should tables, chairs, umbrellas, etc. be left on the sidewalks overnight or be moved inside?

Council Member Araskog provided the Town of Palm Beach Comprehensive Plan to the Mayor and Town Council for their review. She continued and read excerpts from the comprehensive plan. Council Member

Araskog discussed retractable awnings, safety, and was not in favor of intensification of use.

Council President Pro Tem Lindsay felt strongly that pressure had increased, resulting in moving too quickly on things where Council could make mistakes, and Planning and Zoning was recommending intensification. She noted outdoor seating was a big hit with everyone, but it needed to be studied and the comprehensive plan needed to be considered. She was not comfortable with any percentage without studying parking, etc., but was in favor of outdoor seating. Council President Pro Tem expressed concerns regarding good intention ruining sweet and charming towns, and turning the town of Palm Beach into a regional restaurant and bar destination for the county. Which she was against.

Council President Zeidman commented Planning and Zoning was asking for direction.

Council Member Cooney commented outdoor dining was a total hit, but shared the concerns expressed. He would like to find a process that would work, but did not believe one size would fit all. He trusted staff to approve furniture, and wanted to think more about rules for keeping items out overnight.

Council Member Crampton commented outdoor seating had humanized the town in a positive way and felt a modest increase would be appropriate; however, some controls needed to be put into effect. Since there were existing guidelines in other communities, he trusted staff to come back with suggestions taken from the sidewalk café program regarding outdoor furniture. Suggested more discussion.

Council President Zeidman felt Council Member Araskog and Council President Pro Tem Lindsay had made significant points. This would be very difficult to resolve, as there was no cookie-cutter approach, and to keep the Town's unique character it needed to be peaceful, serene, upscale, and not have tables all over town.

Mayor Moore commented residents loved the outdoor seating but cautioned this should proceed slowly and carefully. She thought the outdoor furniture should be brought inside at night, and that any new restaurant needed to come before Council.

Council President Pro Tem Lindsay thought the special exception procedure should be used, a percentage should not be used, outdoor seating should be limited to the property boundaries unless there was a special exception,

tables and chairs should be approved by someone going forward, and the furniture should be brought in at night; however, there could be exceptions where not visible.

Council Member Araskog agreed that special exception procedure should be used and a percentage should not be used, look at ADA safety requirements, seating should be limited to property boundaries with some exceptions. Suggested Landmarks and ARCOM should approve the outdoor furniture and signage, furniture should be inside at night. She asked to keep the sidewalk café program in mind.

Council President Zeidman agreed that special exception procedure should be used and a percentage should not be used. Agreed with the sidewalk café program, seating should be limited to property boundaries unless there was a legal agreement and Council approval. Suggested control would be needed in regard to furniture and may need review by Landmarks and ARCOM. She did not want to see any chairs and tables piled outside. Questioned how sidewalks would get cleaned if furniture was left out at night. Council President Zeidman Inquired if the first 5 feet of sidewalk surrounding the perimeter was taken care of by the restaurant. Staff responded it varied all over town. She asked the Planning and Zoning Commission to go back and flesh this out.

Council President Zeidman called for public comments.

Maisie Grace, 247 Seaspray, felt the subject has been covered, and enjoyed outdoor seating, but there were traffic problems and she did not think restaurants needed to expand further. She had talked with other residents who were concerned about traffic, parking and tourists.

John Eubanks stated he was representing residents on Brazilian and the discussion had covered the problems. He agreed the Town must be very careful, and the most frequent comment was not to make Palm Beach into Delray Beach. He agreed there should be special exception and not a percentage. He agreed a restaurant should not exceed their boundaries, and felt ARCOM and Landmarks should review furniture and the furniture should be brought in at night. Also, this should not expand into neighborhoods.

C. New Business

1. Discussion on Traffic Calming of N. Ocean Blvd. in the North End.
Nicholas Caristo, Chief of Police

Town Manager Blouin reported a traffic accident which had no connection

to 1100 Block of North Ocean Boulevard. He provided the history of the roadway and encouraged the Police Department to do a campaign about cars driving under the speed limit to prevent dangerous situations. Provided a recommendation the Council to follow the State of Florida Traffic Standards.

Police Chief Caristo reported a speed device recorded 23,000 cars in a week at the location of the accident with over 3200 cars traveling under 14 mph. Chief Caristo felt State standards should be followed so the Town would not be at risk.

Mayor Moore indicated she had not realized that was not a passing zone, and felt it was a safety issue that needed to be fixed as soon as possible. Stated this needs to be a no passing zone.

Council President Pro Tem Lindsay asked to defer this item to the next agenda, and reported it was made a passing zone 9 years ago because of the neighborhood, she wanted to hear from the neighbors now. She also wanted to know if there was a liability. Noted the Town Manager stated the accident which occurred at the 1100 Block of North Ocean has no relation to the passing lane.

Council Member Crampton disagreed, since town staff had testified this was a potential safety hazard.

Town Attorney Randolph advised this might be handled administratively.

Town Manager Blouin commented he had never seen a council weigh in on the design of roadways.

Council Member Araskog thought this should not have been passed by the Council and she was not comfortable making a decision to override the Town Manager, Director of Public Works and Chief of Police. She wanted to give this to staff for an administrative decision.

Council Member Cooney agreed with Council Member Araskog. He asked about passing a cyclist when there was a double line. Police Chief Caristo responded.

Town Attorney Randolph advised no motion was needed.

XVII. ANY OTHER MATTERS

A. Review of Town Code Concerning Deviations from ARCOM or

LPC Approved Plans.
Julie Araskog, Town Council Member

Council Member Araskog asked if this issue could be sent to ORS, commenting it would only be for major deviations. Council had no objections.

XVIII. ADJOURNMENT

The Town Council Meeting of April 13, 2021 was adjourned at 6:30 p.m.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date