



MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MAY 11, 2021

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:30 a.m. in the Town Council Chambers. 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

The following modifications were made to the agenda:

1. Move Item No. XIII.A.1. - ORDINANCE NO. 11-2021 – To Be Heard as ITEM NO. XII.B.3
2. Add Under ANY OTHER MATTERS: Minimum Residency Requirements for the Town Council
3. Item No. XII.C.3. – Comprehensive Annual Financial Report (CAFR) For Fiscal Year Ended September 30, 2020 – HEARD AS A TIME CERTAIN: 12:30 P.M.

IV. APPROVAL OF AGENDA

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

V. RECOGNITIONS

- A. Recognition of Rosemary Carpenter's Service on the Code Enforcement Board from April, 2017 to April, 2021

Mayor Moore recognized Ms. Carpenter for her years of service on the Code Enforcement Board and presented her with a plaque on behalf of the Town.

B. Recognition of Matthew Natale's Service on the Code Enforcement Board from December, 2013 to April, 2021

Mayor Moore recognized Mr. Natale for his years of service on the Code Enforcement Board and presented him with a plaque on behalf of the Town.

Mayor Moore recognized Melly Bodre (PD) on her retirement after 16 years of service to the Town and congratulated the following employees on reaching milestones in their years of service March: Doug McCalla (PW) 25 years; James Walley (PD) 15 years; Mark Loree (PW) 15 years; Rosemary Chase (FIN) 10 years;

April Millstones: Kevin Thompson (PW) 25 years; Jill Bassford (FR) 20 years; Damon Patrick (FR) 20 years; and Martin Deloach (FR) 5 years.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointment to the Architectural Review Commission (ARCOM) [Queenester Nieves, CMC, Town Clerk]

Elizabeth Connaughton provided background, information on education, work history, and architectural preservation and gave her vision for the Town.

Council Member Araskog thanked Ms. Connaughton and asked if she read ARCOM minutes and listened to the meetings, to which the response was yes.

Council Member Crampton commented on new people moving into Palm Beach and inquired what criteria she might use in making decisions. Ms. Connaughton responded the Town's character started at the urban level and she would start by using her training in urban design.

Council Member Araskog confirmed with Ms. Connaughton that she would follow the ordinance.

Jane Gaillard detailed her education and work history as a designer and teacher. She also described her work with architectural preservation, and her desire to help preserve the architectural integrity of Palm Beach.

Council Member Crampton asked her views on diversity of styles in architecture, since her training was classical. Ms. Gaillard responded she lives in a 1950's apartment and was very interested in all other styles.

Council Member Araskog asked if Ms. Gaillard had read the ARCOM ordinance, which she had not, and responded she did not know it was possible to read the minutes or listen to the ARCOM meetings. Council President Zeidman commented there was no way she would have known those things were available. Council President Zeidman noted the minutes as well as the audio meetings are available on the Town of Palm Beach website.

Julie Herzig made a presentation of her background, education, work history, architectural and preservation experience.

Council Member Araskog inquired what Ms. Herzig considered the most serious problems in the Town of Palm Beach. Ms. Herzig responded she thought there was a trend to

overbuild and push lot lines, one must be diligent in granting variances and not establishing precedents. She commented scale was very important and allowing light into the town, and the rising sea levels had to be considered when planning codes. She responded to Council President Zeidman that she was a full-time resident, a licensed architect in New York, and was in process of obtaining a Florida license. Council Member Crampton asked how well she knew the Town. She responded she had been coming to the Town of Palm Beach since she was a little girl and also had an apartment for the past 12 years.

Richard Sammons, resident since 1996, commented he had architectural licenses in many states, and provided his history including education and work and teaching experience. Noted he was a past Chairman of ARCOM and felt the Palm Beach brand has been eroding for several years, and it needed to be curated. He felt self-interest had taken over the greater good. He spoke about charm as a great addition to the code. He would be happy to be chosen as an alternate but would be willing to wait for a permanent position, since the other applicants were so well qualified.

Council President Pro Tem Lindsay commented this was the most qualified slate of applicants she had seen in her five years on the Council. She asked everyone not chosen today to come back when another position became available. She verified with Town Attorney Randolph the issue of architects being taken off the board after five conflicts, which was being reviewed by Town Council.

Mr. Sammons felt he could offer constructive criticism which resulted in better design. He felt the uniqueness of Palm Beach was eroding and must be curated to become better. Council Member Araskog thanked Mr. Sammons for applying and asked if he would be able to attend meetings, and he responded he had enough time to look at the applications.

Ann Biggs Jackson appeared via Zoom, stated she was a Palm Beach native, and had a personal connection to the architecture. She reported the historic homes she had lived in, her education, work history in preservation, and organizations she had worked with in the Town. In response to Council Member Araskog's question Ms. Jackson stated she has read ARCOM minutes but not the ordinance.

Motion was made by Council Member Lindsay and seconded by Council Member Araskog to approve the appointment of Richard Sammons as an alternate member of the Architectural Commission (ARCOM). On roll call, the Motion passed unanimously.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore thanked staff, particularly Paul Brazil, for taking her on a tour of the new marina, which was on schedule and on budget. She reported the building design bill had passed in the legislature, and was changed at the last minute to carve out towns which already had a local review board. She would continue to focus on home rule, and was planning a trip to Jacksonville and Tallahassee with former Mayor Coniglio.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay commented on the Town's fertilizer ordinance and the current algae bloom on Lake Okeechobee and C-51 canal. She asked everyone not to

fertilize with nitrogen and phosphorus after June 1 through September 30, and inform the landscapers and property managers.

Council Member Araskog thanked the Florida League of Cities and everyone who worked hard to stop some of the Home Rule legislation that was proposed, including the short term rentals, but especially the one which would have meant the demise of ARCOM and possibly the Landmarks Preservation Commission.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Mayor Moore relayed a message from Diane Buhler with Friends of Palm Beach, who could not be present but would be in attendance next month, and reported she was extending her work to bridges on the other side of the island.

X. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
[Queenester Nieves, CMC, Town Clerk]
 - a. April 13, 2021, Town Council Meeting Minutes
 - b. April 14, 2021, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 28, 2021.
[Wayne Bergman, Director of Planning, Zoning and Building]

B. RESOLUTIONS

1. RESOLUTION NO. 041-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Ten-8 for the Purchase of a Fire Rescue Ambulance in the Amount of \$254,336 and Establishing a Project Budget of \$264,336. [Dean Mealy, Purchasing Manager]
2. RESOLUTION NO. 042-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Watchguard for Body Worn Cameras and Evidence Management Software for a Five Year Subscription Award in the Amount of \$146,280. [Dean Mealy, Purchasing Manager]
3. RESOLUTION NO. 043-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Seventy-two Pairs of Gloves for Fire Rescue Utilizing a Grant in the Amount of \$3,780 which has a 30% Match Requirement of \$1,620. [Dean Mealy, Purchasing Manager]

4. RESOLUTION NO. 044-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Residents of Via Palma to Engineer and Design Roadway Improvements Under Section 106-46 of the Town's Code of Ordinances and Accept Donation for Construction of said Improvements. [H. Paul Brazil, P.E., Director of Public Works]
5. RESOLUTION NO. 052-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Join With the State of Florida and Other Local Governmental Units as a Participant in the Florida Memorandum of Understanding and Formal Agreements Implementing a Unified Plan. [Nicholas Caristo, Chief of Police]

C. OTHER

1. Request to Endorse Palm Beach County's Bonefish Cove and Palm Beach Resilient Islands Restoration Projects and Approve Waivers to Town Code for Construction Dates, Hours, and Noise in Lake Worth Lagoon
[H. Paul Brazil, P.E., Director of Public Works]
2. Request to Consider Ordinance No. 08-2021 at a Public Hearing on Wednesday, May 12, 2021, Prior to 5:00 p.m.
[Wayne Bergman, Director of Planning, Zoning and Building]
3. Request to Consider Ordinance No. 12-2021 at a Public Hearing on Wednesday, May 12, 2021, Prior to 5:00 p.m.
[Wayne Bergman, Director of Planning, Zoning and Building]
4. Acceptance of Donation for the Police Department from an Anonymous Donor
[Nicholas Caristo, Chief of Police]

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Code Enforcement Board [Bram Majtlis, Vice Chair]

Bram Majtlis, Vice Chair of the Code Enforcement Board presented the Annual Report, which included listing the members of the Board, the number of cases and complaints, and the number of fines. He quoted someone who had suggested the Code Enforcement Board could also be called the quality of life commission, which expressed his own feeling regarding the work of the board.

Council President Zeidman commented on the excellent work of the board, which was very careful and gracious, and agreed with his quality of life description. Council President Zeidman inquired how other towns dealt with running fines. Mr. Majtlis reported some of these properties were really working to come into compliance.

Town Manager Blouin reported the parameters were set by the State and described the process which was followed.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Annual Report of the Code Enforcement Board. On roll call, the Motion passed unanimously.

B. Annual Report of the Planning and Zoning Commission [Michael Ainslie, Chair]

Michael Ainslie, Chairman of the Planning and Zoning Commission presented the annual report, and noted his term would expire during the coming year. Chairman Ainslie requested that Town Council pursue code reform; recommended changes to regulations for mechanical equipment, recommended changes to limit the amount of fill allowed where buildings had to be raised due to FEMA flood plains regulations, analyzed commercial tenant vacancy rates and existing uses in the commercial districts and recommended a retail study, recommended approval of administrative off-site supplemental parking in underground garages in commercial zoning districts, recommended changing restaurants, bars, lounges and dining rooms from a permitted use to a special exception use, recommended the use of drinking places be eliminated, recommended modification to outdoor dining seating, and recommended modifications to regulations for docks and piers.

Council President Zeidman commented on the retail study issue, which was to analyze the commercial districts. Congratulated Chair Ainslie and thanked the Commission on their work.

Council Member Crampton congratulated Chair Ainslie on his and the commission's work over the past six years. He asked about the combination of lots in the North end which lacked harmony--if that should be corrected by code reform or conduct by decisions of the Town. Chair Ainslie thought it was both. He felt the code should be reformed, that unity of title might be made more difficult, that variances should be proven cases of hardship. He spoke further about the retail study, and hoped Council would move ahead with that study.

Council Member Araskog thanked Mr. Ainslie for his service and leadership, and expressed appreciation for his comments on variances. Requested to have a discussion regarding combining of lots on the agenda. Council President Zeidman explained Director Bergman was looking at that and that it would be up for discussion in the near future.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to accept the Annual Report of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

A break was taken at 10:51 a.m. The meeting reconvened at 11:03 a.m.

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

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 Vaccinations [Darrel Donatto, Fire Rescue Chief]

Chief Donatto reported the number of new cases in the town and county as well as the positivity rate from testing in the county were all trending down below 5%. Hospitalizations were also down from last month. The vaccine effort was changing from being hard to get and supply was now very plentiful. The zip code 33480 had increased vaccinations by 1,000 since last month. He expected this virus to be around a long time and predicted for each person that they would either be vaccinated or would get the virus, which could be deadly for older people or for those with medical conditions. The longer the vaccine existed within the population, spreading from person to person, the greater chance there was of variants appearing, which was happening now with the Indian virus which was more deadly than the original virus. He felt lifting the mask mandate would make spread easier, but not as bad as it was because so many had been vaccinated.

Council President Zeidman commented the Governor had done a terrific job getting the vaccines out to Florida residents, but asked everyone to give mask wearing more time. She commented that this is not the time to “burn your masks.”

Council Member Araskog asked if there would be sufficient vaccine supply when it was time for a booster. Chief Donatto commented there was no concern about supply.

Council Member Cooney asked about variance spread in Palm Beach County. Chief Donatto commented based on all the data, the number of variants were increasing and it was a matter of getting to herd immunity.

Council President Zeidman advised that wearing a mask will protect you against the variants.

b. Discussion Regarding State of Florida Executive Order 21-102

Town Manager Blouin reviewed the two orders and the difference between state of emergency and emergency orders related to Covid-19.

He explained the Police Chief issued a declaration of emergency at the beginning of the Covid-19 pandemic. Under that declaration, emergency orders were instituted over the course of the pandemic, such as mask

wearing, closing of beaches and curfews. The town curfew, which had existed until last week, was rescinded when the Governor issued two executive orders effectively ending all local emergency orders. The town's Declaration of Emergency remains in effect. All Emergency Orders related to COVID are no longer in effect by order of Governor DeSantis.

c. Discussion Regarding Future Board and Commission Meetings

Town Attorney Randolph advised the Governor's orders did not have anything to do with the virtual meetings, but he still had concerns that the Town could face objections from people affected by decisions from the boards, and felt that could be addressed by the board at a public meeting held just for that item. Attorney Randolph stated some attorneys have complained and some applicants wanted to postpone until they could appear in front of a full board. Town Attorney Randolph believed those objecting could challenge decisions of the board when meeting virtually. He added that even though the virtual meetings were not affected by the Governor's orders, an argument could be made that the Town was acting under its own emergency orders, and the Governor was seeking to invalidate all those orders. He advised that all that had to happen to have a public meeting was to have a quorum present. If someone wanted to meet virtually, they only had to have a good reason, and he felt a good reason was that there was a pandemic, and there must be a quorum present. He recommended that starting in June boards and commissions meet in the chambers. If someone felt threatened, they could appear virtually before the board.

Mayor Moore expressed concern that members of the commissions had based their summer plans on being able to attend via zoom. Town Attorney Randolph thought they could appear visually so long as there was a quorum present in chambers.

Council President Zeidman commented on commissions who had sent letters asking to continue on Zoom. She stated that there is a difference between decision making boards and commissions and those who are advisory. She advised that decision-making boards should have a quorum physically present and those who were fearful or could not be vaccinated could attend by Zoom. She stated that in her opinion, the quasi-judicial boards should meet in person and that a member who had a justifiable reason to participate on zoom, could do so. President Zeidman felt the focus should be on ARCOM, LPC and Code Enforcement. Town Attorney Randolph advised LPC issued certificates of appropriateness during the summer.

Council Member Araskog agreed, and thought Council should do what they could legally. She thought Planning and Zoning should also be included. She wanted to begin in May.

Council President Pro Tem Lindsay asked if the alternate could serve in a quorum. The Town Attorney responded, yes. She commented on the cost to applicants and stated they wanted the best forum they could get.

Council Member Cooney felt it was out of Council's control and shared concerns about legality of continuing meetings on Zoom. He wanted to hear from staff whether hybrid meetings could be better.

Deputy Town Manager Boodheshwar explained the process for hybrid meetings. He had concerns about the numerous amount of meetings through this hybrid platform. He stated there are boards which make policy such as the retirement board, and questioned if the Council wanted to make this a benchmark as to which board should meet in person or not. He also mentioned other meetings to remain on Zoom, which provides for public participation. He noted this should not become permanent. Council Member Cooney wanted to only go with hybrid meetings until September.

Council President Zeidman agreed with hybrid meetings until September if there were justifiable reasons for a board member to be on zoom rather than physically present, but stated everyone should be present physically thereafter barring any upward trend in community spread.

Mayor Moore confirmed a quorum would be four. She mentioned there was less public participation on Zoom.

Council President Zeidman thought there was consensus.

Council Member Crampton agreed hybrid meetings should not continue permanently.

Council President Pro Tem Lindsay asked this question: if there was a four members present and three of the four are alternates would this constitute a quorum?

Council Member Cooney agreed that in person meetings with a quorum present should begin in June.

Council Member Araskog did not agree four was enough for a meeting if alternates were making up quorums, especially on ARCOM where architects might not be present. She thought hybrid meetings might be quicker.

Town Attorney Randolph advised from a legal standpoint there must be a quorum but he encouraged a full board to be present.

Discussion ensued regarding quorums and voting.

Council President Zeidman summarized the conversation.

Town Attorney Randolph recommended including all decision-making boards and commissions.

Motion was made by Council Member Cooney, and seconded by Council Member Araskog that all town boards and commissions continue through the month of May meeting remotely and commencing in June 2021, decision making boards, as determined by the town manager's office, including but not limited to ARCOM, LPC, Code Enforcement and the Retirement Board, resume meeting in person with a caveat that a quorum per State law be present in Council chambers and others under the qualifying language and State law may participate remotely. All Boards/Commissions meetings will be fully back in Council Chambers in September 2021. On roll call the Motion passed unanimous.

Town Manager Blouin commented staff was working with the vendor to improve the audio.

d. RESOLUTION NO. 045-2021 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 June 8, 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.

Town Attorney Randolph read Resolution No. 045-2021 by title.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 045-2021. On roll call, the Motion passed unanimously.

2. Town-Wide Undergrounding Project [Patricia Strayer, Town Engineer]

a. Review of Project and Dashboard, Summary of Project Status

Patricia Strayer, Town Engineer, provided an overview of phases under construction during the next few months as well as the construction impacts. She presented the proposed locations for equipment at the Recreation Center between the hedge and the fence, for which an easement is being requested.

Mayor Moore commented this was a great solution.

Council Member Cooney asked if the hedge would be impacted. Town Engineer Strayer responded it could be restored and replaced.

Council Member Araskog asked if landscaping would surround the equipment. Director Paul Brazil explained that was unnecessary since no one viewed this location.

Town Engineer Strayer requested a second easement to place equipment at the S-1 lift station, which is the sanitation sewer lift station. Which would be hidden by existing landscaping.

b. RESOLUTION NO. 046-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute Easements and Use Agreements Between the Town of Palm Beach and Florida Power & Light (FPL) Upon Town Owned Land Located at 320 South Lake Drive and 340 Seaview Avenue.

Town Attorney Randolph read Resolution No. 046-2021 by title.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 046-2021. On roll call, the Motion passed unanimously.

3. Town Marina Update [Dean Mealy, Purchasing Manager]

H. Paul Brazil, Director of Public Works, reviewed the final proposed budget. He presented a \$4M change order, and explained why the change order was in the Town's best interest. Staff recommended approval of the resolution for the change order.

Council Member Crampton praised Director Brazil on arriving at a practical solution to remove the need to take costs out of town reserves and budget reserves and reduce the amount of additional funds needed to the amount that would be raised by Scott Snyder privately for this project. He thanked Scott Snyder for his dedication. He thought staff had done a marvelous job fitting this to the Town's requirements and needs. He recommended approval and congratulated Director Brazil for his good work and for the team effort.

a. RESOLUTION NO. 047-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Waiver of Competitive Bid and Award a Change Order to Murray Logan Construction, Inc. for the Town Marina Project – Lake Drive Park, Increasing Purchase Order No. 200662 for Materials, Labor and Installation Associated with Improvements in the Amount of \$3,635,044 and Establishing a Project Budget of \$4,007,551.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 047-2021. On roll call, the Motion passed unanimously.

b. RESOLUTION NO. 048-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Purchase Order No. 190332 to W.F. Baird & Associates in the Amount of \$46,116, and Establishing a Project Budget of \$50,727 for Construction

Administration Services Associated with the Town Marina Project - Lake Drive Park Improvements.

Director Brazil advised more help would be needed from the design team, W. F. Baird & Associates and their civil engineer to continue work in the park.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 048-2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 049-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Waiver of Competitive Bid for the Town Marina Project to HUB Parking Technology in the Amount of \$90,062, and Establishing a Project Budget of \$99,062.

Director Brazil read Resolution No. 049-2021 by title.

Director Brazil commented the only type of gate that would not result in lost parking spaces was an arm gate. After an extensive search, only one gate had been found which would provide the same technology as the marina gates whereby boat owners could use their cell phones to gain access. The equipment could go on the passenger side of the cars, and be painted any color. The arm needed to be white for visibility. Staff would be able to operate this gate remotely from any location.

Council Member Cooney was in favor of the gate. He recommended black as the best color to be hidden in the landscape. He asked what would happen if someone not authorized came up to the gate. Director Brazil responded there was very limited parking and each space was assigned to a specific owner. Town Manager Blouin commented it was expected the boat owner or personnel would call ahead to inform staff if anyone not authorized would be trying to gain entry, and also staff should be nearby.

Council Member Crampton asked what happened if he didn't have a phone. Response was a staff member could open the gates.

Town Manager Blouin commented in favor of the system.

Council President Pro Tem Lindsay suggested a small plaque with the dock master's phone number.

Council Member Araskog asked why there could not be an intercom. Director Brazil commented in that case there would need to be a center island. He recommended the color be left up to Keith Williams.

Council Member Cooney asked if there would be a pair of arms on other gates at the parking garage. Director Brazil clarified Australian would be a pair, Brazilian would be a pair, and Peruvian would be two singles for in and out. Council Member Cooney stated he fully supported the technology.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 049-2021. On roll call, the Motion passed unanimously.

4. Update and Request for Direction Regarding the Proposed Addition of Stairs on South Side of Memorial Fountain
[Jay Boodheshwar, Deputy Town Manager]

Jay Boodheshwar, Deputy Town Manager, gave a historical overview of the Memorial Fountain stair request process. He then showed a video (narrated by Jorge Sanchez, Landscape Architect) of the various aspects of the fountain.

Deputy Town Manager Boodheshwar explained the steps necessary to proceed with this project. He advised that next summer would be the soonest this project could be done. He asked for direction from Council.

Council President Zeidman called for public comment.

Addison Link, 251 Esplanade Way, expressed his disapproval for the addition of stairs to the Memorial Fountain, but to keep the fountain original, and asked that the Council not approve this request.

Robert Link, 251 Esplanade Way, expressed his disapproval for the addition of the stairs to the Memorial Fountain, and submitted items for the record.

Bill Bone, 322 Pendleton Lane, expressed his support for the addition of the stairs to the Memorial Fountain.

Anita Seltzer, 44 Cocanut Row, expressed her disapproval for the addition of the stairs to the Memorial Fountain and asked the Town Council to vote against it.

Bill Metzger, 277 Esplanade Way, expressed his support for the addition of the stairs to the Memorial Fountain.

Jane Day, 728 Grenada Drive, Boca Raton, was the preservation consultant to the Landmarks Preservation Commission for 21 years. She gave a history of the grant received for the project.

Council Member Araskog felt the town had pushed the state too far on the grant. She read from a letter from Mr. Parsons. She did not feel Council could make the changes and was concerned about safety hazards with the stairs. She expressed shock because a previous motion stated staff would

be involved in a conference call or a meeting but she had learned many other people actually participated. She was not in favor of doing this now.

Council Member Cooney spoke in support of the restoration project, which had been taken to a new level, except for the stairs. He wanted that part of the fountain to remain in its original state.

Council President Pro Tem Lindsay stated she saw both sides of this issue. She expressed concern regarding the ADA reference in Mr. Parson's letter. She asked staff if they knew whether there would be additional requirements to meet the ADA standard if stairs were added. She agreed with Mr. Cooney and Council Member Araskog.

Council Member Crampton commented no one was wrong and different people had difference opinions. He felt connectivity was important and felt the stairs were appropriate in a Town Square. He felt safety could be worked out by staff, and favored addition of the stairs.

Mayor Moore thought also it was a matter of opinion and was glad she did not have to vote.

Bill Bone commented with regard to ADA requirements, he felt the Town's legal department should weigh in. He also felt there was no ADA requirement. He suggested just voting to move forward so there could be more discussion, and this had previously been approved.

Mr. Link spoke on behalf of his neighbor, Minnie Pulitzer, who thought her mother would be shocked at adding stairs.

Mayor Moore felt the previous approval was only to let the conference call proceed, not the project.

Council President Zeidman commented they had been waiting to see if the grant money was taken away, indicated this was the idea behind the call with Mr. Parsons. Council President stated she liked the fact that adding the stairs would add balance to the fountain. She reminded the Council that stairs were not added in the original design because the town's fire station was located directly behind the Fountain. The original architecture was meant to hide what lay to the south, not to incorporate it. She asked Council to decide whether to vote today or to defer for more public involvement.

Council Member Cooney had expressed his feelings on the matter.

Council Member Araskog wanted to table until the grants were settled, or forever.

Council Member Crampton respected everyone's decision and would go along with whatever was decided. He felt it could go back to Landmarks for discussion.

Council President Pro Tem Lindsay asked staff about ADA requirements. Director Brazil responded the ADA requirement had been met years ago. Council President Zeidman read from Mr. Parson's letter that the new stairs could only be reviewed by the Town. Council President Pro Tem Lindsay was in favor of taking this back to Landmark Preservation Commission, which gave an opportunity for more people to weigh in.

Council President Zeidman asked Town Attorney Randolph to provide legal counsel to find out more about ADA requirements.

Council Member Araskog commented no one had raised safety issues.

Deputy Town Manager Boodheshwar noted two similar plans had been approved by Landmarks. He commented it would have to go back to Landmarks for COA.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to defer this item to the October, 2021 Council meeting for more public involvement and further information on the ADA/safety requirements, and staff can decide when they should bring back the special exception so that it does not expire. On roll call, the Motion passed unanimously.

C. New Business

1. Proposed Changes to Town Caucus and Qualifying Date
[Queenester Nieves, CMC, Town Clerk]

Town Clerk Nieves requested the Town Council consider revising the caucus and qualifying date to the first Tuesday in December from the first Tuesday in January, based on the Supervisor of Elections' request for municipalities to change their qualifying dates. Staff was seeking direction to make appropriate updates to the Town Charter.

Council Member Araskog commented it could cost the Town \$40,000 to finance their own election, so their hands were tied.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the change to the first Tuesday and Wednesday of December for the Town Caucus and Qualifying Date. On roll call, the Motion passed unanimously.

Town Attorney Randolph to bring Ordinance for first reading in July.

2. RESOLUTION NO. 053-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating the Town Clerk, Deputy Town Clerk and Town Manager or his/her Designee of the Town of Palm Beach to Serve as the Election Canvassing Board for the Town of Palm Beach.
[Queenester Nieves, CMC, Town Clerk]

Town Attorney Randolph read Resolution No. 053-2021 by title.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 053-2021. On roll call, the Motion passed unanimously.

3. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2020
[Jane Le Clainche, Director of Finance]

Jane Le Clainche, Director of Finance, introduced Tammy Goldstritch, Director from Marcum.

Ms. Goldstritch reviewed the Comprehensive Annual Financial Report for fiscal year which ended September 30, 2020. She reported they had audited governmental activities, business type activities, each major fund, and the aggregate fund information of the town, provided their opinion, the town had no issues, and compliance requirements has been met.

Council President Zeidman thanked Ms. Goldstritch and staff for their work.

Council Member Araskog commented this was an easy to read and fantastic report.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to accept the Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2020. On roll call, the Motion passed unanimously.

XIII. ORDINANCES

A. Second Reading

1. Budget Amendment for Costs Associated with Staffing for the Town Marina and Improvements to Lake Drive Park

Town Manager Blouin read Ordinance No. 11-2021 by title on second reading.

ORDINANCE NO.11-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2020, and Providing an Effective Date.
[Jane Le Clainche, Director of Finance]

Motion was made by Council Member Crampton and seconded by Council Member Lindsay to adopt Ordinance No. 11-2021 on second reading. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Amendment of Town Code to Permit Off-Leash Dogs from Dawn to 9:00 am on Beaches Between Sunset Avenue and Wells Road

ORDINANCE NO. 13-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 of the Town Code of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 of the Town Code of Ordinances, Parks and Recreation, Article II, Beach and Aquatic Activities, Division 3, Regulation of Use of Public Beaches; At Sec. 74-191, Animals Prohibited, so as to Add an Exception to Permit Unleashed Dogs on Public Beaches Between Sunset Avenue and Wells Road from Dawn To 9:00am; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.
[Jay Boodheshwar, Deputy Town Manager]

Town Attorney Randolph read Ordinance 13-2021 by title only on first reading.

There was no public comment at this time.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Ordinance No. 13-2021 on first reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

1. Minimum Residency Requirements for Elected Officials

Council President Pro Tem Lindsay expressed her desire for the Town Attorney to research residency requirements for Town elected officials. She stated that with the influx of new residents due to the pandemic and with some of them not yet fully understanding the dynamics of the unique Town, she suggested there should be some minimum requirements for residency. The Town Attorney was directed to research and bring back to the Town Council for discussion.

Town Manager Blouin commented it took some time to understand the Town and would work with Town Attorney Randolph to formulate requirements for Council consideration.

Council President Zeidman announced her office hours on Wednesdays from 1 p.m. to 4 p.m.

XV. ADJOURNMENT

The Town Council Meeting of May 11, 2021 was adjourned at 2:52 p.m. upon motion by Council Member Cooney, which was not seconded or voted upon.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date