

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON JULY 27, 2021 AT 5:00 P.M.

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 5:00 p.m. via Zoom. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications from citizens at this time.

V. COVID-19 UPDATE

Kirk Blouin, Town Manager

a. RESOLUTION NO. 080-2021 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 Until September 14, 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.

Kirk Blouin, Town Manager explained that the Chief of Police on Monday issued a Declaration of Emergency, in order to continue beyond the initial 72 hours, as

declared by State law. The governing body being the Mayor and Town Council must approve an extension beyond the 72 hours. This extension would bring the Emergency Order to September 14, 2021, which would be reconsidered at the regular town council meeting. Mr. Blouin explained the Declaration of Emergency provides for flexibility of the council.

Council President Zeidman commented that while this emergency meeting is being held virtually, there is a quorum physically present in Town Hall which meets the requirement as defined by law in the state of Florida. Questions were then asked about the Boards and Commissions. Council President Zeidman responded since this item was on the agenda. Regarding Boards and Commissions, Council President Zeidman stated if you are a commissioner on a quasi-Judicial Board which includes ARCOM, LPC and Code Enforcement or the Retirement Board you are expected to be physically present. It is understood that there may be situations where a commissioner might not be able to be physically present but may be present virtually. A quorum must be physically present to have a meeting. President Zeidman said she hoped this would provide clarity.

Council Member Araskog asked if the council could be in separate rooms. Town Attorney Randolph indicated this was acceptable. Member Araskog noted there has been some confusion regarding the mask mandate.

President Zeidman responded that the Town does not have the authority to mandate or impose any restriction on any private enterprise in the Town of Palm Beach. The Governor's executive order in May made this clear. This meeting does not have any bearings on private businesses. President Zeidman stated the CDC has recommended in areas of high prevalence, whether vaccinated or not, a mask should be worn. She further stated that the Town can require, and does require, that masks are mandatory in Town owned buildings.

Mr. Blouin, indicated this is the policy for the Town's government facilities and government owned property only. This policy is for visitors who are conducting business or otherwise inside the Town's government buildings. He noted it is in the best interests of everyone's safety that staff or visitors wear a mask.

Council Member Araskog inquired if presenters are required to wear masks for the entire presentation. President Zeidman responded yes.

Council Member Araskog asked if there would be any type of guidance for the upcoming meeting. Mr. Blouin stated masks should be worn inside governmental buildings.

President Zeidman thanked the Town Manager and Deputy Town Manager for the letter which went out to staff prior to the CDC decision to begin wearing masks

again.

Council Member Crampton stated he does not support open ended resolutions, or any resolution which does not have an end date.

Town Manger Blouin responded the resolution has an end date and would be voted on at each council meeting to continue or terminate.

Council Member Cooney asked about a maximum duration of a State of Emergency and the difference between emergency orders and this resolution declaring a state of emergency. Mr. Blouin explained the difference between Emergency Orders and Declaration of State of Emergency. These are separate and distinct.

Council Member Cooney stated the town was not recommending we declare or make any emergency orders. Mr. Blouin stated this was correct.

Council Member Cooney asked what constitutes an emergency order. Mr. Blouin indicated most of the past orders would be prohibited now, because of the new Florida State law which was enacted by the governor several months ago, the town is limited, and the main purpose of this resolution is to heighten the awareness and importance to our community that the Town of Palm Beach believes there is a state of emergency. Further, the resolution provides the flexibility to allow some of the boards and commission to participate in a virtual or hybrid fashion. Council President Zeidman stated a quorum would still be needed to be present, to be in compliance with State Law.

Council President Zeidman read Resolution No. 080-2021 into the record. Council President Zeidman indicated that if there needs to be a change the Mayor and Council will be called back to discuss. Council President Zeidman stated the declaration of emergency covers us to make certain decisions going forward since it acknowledges that the Mayor and Council recognize that we are in a very serious situation locally because of the enormous increase in in COVID due to the delta variant. We are now in a surge and we must respond accordingly. This resolution sends a message, and explained the hybrid meetings and participation. She stated whoever is present in chambers will vote, if there are not enough members in chambers then it goes by seniority on the board via zoom. President Zeidman reminded the council that all the quasi-judicial board members are clear that they needed to have an in-person quorum and explained all the advisory boards will remain on zoom.

Town Attorney Randolph stated subject to whatever is done with the remainder of the agenda, by passing this resolution the council is not changing anything, it is just preparing itself for whatever may need to be done in the future in regards to the meetings. As of today the meetings are as usual, they are not virtual, members are

expected to come to the meetings, unless they have an excuse. The resolution does not do anything except accentuate the severity of the situation and will allow the council at the next meeting if they wish to declare virtual meetings.

Council President Zeidman addressed the State of Emergency. Noted when there is a State of Emergency this means the Town of Palm Beach has a problem. The Council recognizes there is a problem and the council want to make sure the public understands the gravity of the situation. It allows the council in the future to be able to make adjustments. It does not imply any restrictions on private businesses.

Mayor Moore stated this resolution sends the message. It gives the flexibility to move forward. Mayor Moore stated the council is making the best move for the community.

Member Araskog stated she believes the council should wait for the August regular council meeting. Noted Florida is being called the epicenter for COVID-19. Commented the Governor took the municipalities' powers away.

There was some discussion that the resolution has no teeth and is just "optics." President Zeidman stated we are still in the pandemic and must learn to live with it. Society cannot shut down because of the pandemic. Adjustments must be made. President Zeidman said viewing this resolution as pure optics makes it sound like it is unimportant, but in fact the message is extremely important. The council is sending the message that there is a lot of infection in the county.

Member Araskog asked why we need this emergency, also why can this not be done at a regular council meeting. Mr. Blouin responded to provide flexibility to the council. Mr. Blouin commented if council feels uncomfortable this item can be placed on the agenda for August 10, 2021

Jay Boodheshwar, Deputy Town Manger explained this is a procedural and a timing issue. This resolution does not put into place any type of order. He continued if the council does not take any action today because of state laws the Chief's Declaration will expire in 72 hours. He noted the council could perhaps modify the resolution to expire on August 10, 2021 at the next scheduled Town Council meeting, so that the resolution could be considered for an extension.

Mr. Blouin, stated if the council feel uncomfortable the chief will rescind the declaration of emergency and this item will be placed on the August 10 regular meeting.

Member Araskog indicated she was confused regarding the order of voting.

Council President Zeidman explained how voting would be conducted, and stated

many of the issues which the council had to address this past year were confusing. The Chief of Police possibly through discussion with the Town Manager has put forth a Declaration of a State of Emergency, the declaration covers the council to be able address any issues which may arise.

Member Araskog indicated the Town Manager does not seem to think waiting until the August 10, 2021 Town Council meeting would make a difference. Member Araskog asked why the Chief of Police requested a Declaration of Emergency.

Kirk Blouin, Town Manager clarified it makes a difference. If the council does not change the policy which was adopted at the July town council meeting then the members would need to adhere to those rules that were adopted, but if you are looking to have flexibility between now and the August 10th town council meeting then the council can adopt this resolution. Mr. Blouin responded that he directed the chief to declare the declaration of emergency.

Town Council President Pro Tem Lindsay, stated the Town Manager as well as the President Zeidman explained the reason behind the Declaration of Emergency. This Declaration of Emergency informs the public on how much the situation has changed in Palm Beach County. Since the beginning of this pandemic the Town Council has shown good leadership, she stated the council need to continue on this path.

President Zeidman passed the gavel.

Motion was made by Council President Zeidman and seconded by Council President Pro Tem Lindsay to modify Resolution No. 080-2021 to be heard at the August 10, 2021 Town Council Meeting. On roll call, the Motion passed, 4-1 with Council Member Cooney dissenting.

Mr. Blouin wanted to reassure those that may feel a little discomfort with this item, and noted this item will be placed on the agenda every month beginning August 10th for council consideration.

President Zeidman informed the council that they would receive the weekly COVID report which provides data on the current COVID situation including local positivity rate, state positivity rate, vaccination rate by age groups.

Mr. Boodheshwar announced that the Town will be issuing updates received from the State of Florida every Friday. He also noted if the report is received in the afternoon the report would be posted on Saturday.

Mr. Blouin, explained the town no longer receives data for a specific zip code.

President Zeidman said she had an opportunity to speak with Sean Baker, Assistant Fire Chief and was informed that Broward County is really getting slammed and hospitals are filled. In Palm Beach County the hospitals are getting filled as well. Noted she does not have actual statistics.

b. Review of Current Requirements for Participation in Board, Commission, and Committee Meetings

President Zeidman indicated the current requirements for participation for board commission meetings will remain the same unless the infection rate level increased. Much of the discussion on meetings had already taken place. She noted that the current requirement may need to change because of the local infection rate.

President Pro Term Lindsay noted that all ARCOM members intend to be present therefore she did not believe there would be any issue with the forthcoming ARCOM meeting.

c. Review of Temporary Restaurant Outdoor Seating Program

Town Council President Zeidman suggested this item be removed from the August 10th council meeting agenda due to the rise of local infections. Considering the situation with the COVID infection rate, the Mayor and Council agreed.

d. Review of Mask Wearing and Social Distancing Requirements in all local Government Buildings

President Zeidman stated a letter went out to staff requiring anyone coming into town hall or any town property, whether vaccinated or not, are required to wear a mask. Noted the CDC made a recommendation for masks to be worn indoors in areas of high prevalence whether vaccinated or not.

Public Comment

Richard Kleid, 2660 South Ocean Boulevard, applauded the council for passing the resolution. He believes this is worthwhile resolution. This resolution sends a message to the community that this is a serious matter.

Michael Small, 156 East Inlet Drive, Chairman of ARCOM requested clarification regarding the voting and masks.

President Zeidman stated members in council chambers would vote. Members who are online may weigh in, but those physically present would vote.

Ellen Rampell 1186 North Ocean Way, resident for 35 years. Asked why there are two different rules for the council and commission.

President Zeidman responded this special meeting was called at the last minute and there was insufficient time to have all council members physically present since some were in different states. President Zeidman also stated that the Mayor and Council may only meet in a public meeting in accordance with the Sunshine Law and that this meeting was called in order that the Mayor and Council could address the recent serious rise in COVID infections and decide what actions need be taken to protect the health of our community. Members of the Council cannot speak to one another unless it is in a publicly noticed meeting.

VI. ANY OTHER MATTERS

There were no other matters to discuss.

VII. ADJOURNMENT

The Town Council Meeting of July 27, 2021 was adjourned at 6:15 p.m. without benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date