



MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JULY 13, 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 Time Certains were noted in the Agenda:

- X.A. Annual Report of the Retirement Board of Trustees
TIME CERTAIN: 9:45 AM
- V.A. Presentation of Marina Brand Initiatives
TIME CERTAIN: 10:30 AM
- V.B. Update from the City of West Palm Beach on the Water Supply
TIME CERTAIN: 11:00 AM

The following addition was made to the Agenda:

- XIII.B.4. COVID-19 Update – COVID-19 Report

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Presentation of Marina Brand Initiatives

TIME CERTAIN: 10:30 AM

Carolyn Stone, Assistant Town Manager

Assistant Town Manager Carolyn Stone introduced Paul Jacober, Creative Director, Jacober Creative, to discuss the reveal of the brand initiative.

Mr. Jacober discussed research and branding, logo, advertising campaign, website design and layout, and design initiatives. He presented two videos encompassing *Anchored in the Heart of Palm Beach* branding and the website. They had also developed custom illustrations to help tell the new marina's story. Media placement was now underway, targeting high end luxury lifestyle and boating print publications, as well as online, radio, and broadcast markets to attract the right audience.

Council Member Crampton asked about the focus on the town. Ms. Stone responded. Council Member Crampton thought the presentation was very slick.

Council President Zeidman thought this was stunning, and asked about the creation of the logo, which Mr. Jacober described.

Council Member Araskog really liked the logo and the direction. She suggested a beach shot without seaweed.

B. Update from the City of West Palm Beach on the Water Supply

TIME CERTAIN: 11:00 AM

Poonam K. Kalkat, Ph.D., Director of Public Utilities (WPB)

Director of Public Works H. Paul Brazil gave an update regarding the water supply, as no representative from the City of West Palm Beach was in attendance.

He reported Town staff and West Palm Beach staff had met and they had been very transparent about what had happened, the water source and treatment, and expressed willingness to make their plant available for a tour and to make any sampling and testing available. They had set up a panel consisting of very well-known experts to identify what had happened and what to do moving forward. John Potts had been hired by the Town to be the Town's representative on the panel, and would attend the meetings and report back. The Town also had another resource in Dr. Duran, a professor at UCF, who could be used when needed. He reported the panel was now assembling their data to begin their work, and he would provide an informational packet on the panel for Council, staff, and the public.

Council President Zeidman wanted the Council to be assured they would be notified when testing was done, receive the results timely, and have the Town's expert interpret the results, in order to protect the health of the residents.

Director Brazil commented the testing had never been questioned, which was why he asked only for the results, and the timing of those results, with interpretation by the Town's expert.

Council Member Cooney asked how frequently testing was done and the results known. Response was it was now daily, and they expected the algae problem to continue. Regarding when the panel would get to future plans, Director Brazil commented that was not yet known. Town Manager Blouin commented he was encouraged that both staffs could work together and felt positive about having an expert on the panel who represented the Town. Council Member Cooney asked if the Town was protected by Florida's public record laws in order to obtain water testing records, etc., should the need arise. Town Manager Blouin responded the records were readily available, but might need expert interpretation. Director Brazil commented having a good working relationship with staff, as well as having access, which had already been offered, was the best way to get timely information.

Council Member Crampton found Director Brazil's report comforting, and commented that the glitch had been failure to communicate with users of the water system and the Town of Palm Beach. He agreed with the actions now being taken and felt the focus now should be on moving forward.

Council President Pro Tem Lindsay asked if Mr. Potts would sit on the panel or observe. Director Brazil responded, to observe, and it was not the Town's place to drive the outcome. Town Manager Blouin commented the panel members were experts made up of scientists, engineers and doctors, and would meet behind closed doors, but the Town would consult with Mr. Potts to provide his expert opinion of the technical information. That would be independent of public information.

Mayor Moore advised that Mayor James had reached out to her and stated that the lack of communication which occurred several weeks ago would not happen again. She felt they were being very open, and she felt things were moving forward appropriately.

Council Member Araskog also was encouraged to have an expert present. Director Brazil commented the expert, Mr. Potts, just started Friday and he would go there with staff to review the tests. This was just the beginning, and Director Brazil thought the process should proceed to see how it went.

Council President Zeidman felt communication had definitely improved but it was frustrating because it took six weeks to get this going. She clarified with Director Brazil that Mr. Potts would report to Council at their next meeting. The Town

Manager reported staff had told West Palm Beach the level of communication expected of them.

C. Review of Lake Okeechobee System Operating Manual (LOSOM) and Discussion of Options Available

RESOLUTION NO. 079-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Urging the United States Army Corp of Engineers to Accelerate the Completion of the Re-Evaluation of Lake Okeechobee Operations for the Lake Okeechobee System Operating Manual to Improve Water Quality, Preserve the Natural Environment, and Protect Our Water Supply.

Lisa Interlandi, Executive Director, Everglades Law Center

Council President Pro Tem Lindsay introduced Lisa Interlandi, Executive Director, Everglades Law Center. Ms. Interlandi introduced Dr. Tom Van Lendt, a hydrologist for the Everglades Foundation, who joined the meeting on zoom. They presented and discussed the final 6 options/alternatives for LOSOM the (Lake Okeechobee System Operating Manual.) Ms. Interlandi mentioned Governor DeSantis' statement for improving water quality,, South Florida Water Management District's mission statement, and explained the preferred plan selection process. The process will identify the preferred alternative next Monday, July 19th, and continue tweaking and optimizing that plan throughout the summer and fall by listening to stakeholders in order to finalize the plan by early next year.

She pointed out that the SFWMD and other stakeholders have been working on the LOSOM update for at least the last two years. She went through each of the 6 finalist options, explaining the pluses and minuses to our Lake Worth Lagoon and other stakeholders. Interestingly, both she and Dr. Van Lendt mentioned that what is good and bad for our Lagoon, is also good and bad for the St. Lucie estuary, although this is not true for all of the affected stakeholders. Optimization will require balancing the preferred alternative so that it benefits.

Both presenters stated that while none of these alternatives are perfect for the entire system, we're looking to select the best one to achieve the optimal balance for all stakeholders. For example the CC alternative is best for us and the St. Lucie system, but not as good for the Caloosahatchee system.

She also pointed out that to keep a marsh in the lake supportive of shore birds, the lake has to be kept at a particular level so as to allow shore birds to thrive.

Dr. Van Lent commented on some of the benefits of the CC alternative to our Lake Worth lagoon and estuary which would prevent 95% of discharges to our lagoon. This prevents harmful algae blooms in Lake Okeechobee from being transferred to our water supply, the Lake Worth Lagoon or to the St. Lucie Estuary. He confirmed Lisa's comments that improvements would be made to reach the best alternative for all stakeholders. CC can be improved to send more water south to the

Everglades and less to the Calloosahatchee. Lisa asked him to explain Zone F in the lake which reserved water only for agriculture during dry periods. By eliminating that zone, all users can ask for that water from the lake during periods of drought.

Council Member Cooney asked if more water going south to the Everglades was a problem. Dr. Van Lent responded they would make sure that water quality was not compromised, and if a drought was declared no water would go to the Everglades. Pollution problems would be shifted with water going south and would need to be cleaned first in the treatment marshes before transfer to the Everglades.

Council Member Crampton was concerned about affecting the County's agricultural needs, but said BB should be rejected. He asked will CC seriously affect the agricultural communities' water supply? Ms. Interlandi explained all water quality would be improved with all of these alternatives including for agriculture, and other than BB alternative CC performed best for agriculture needs. Historical data showed there is enough water in the system to handle agricultural demands in the drought years.

Council Member Araskog was concerned about negative impacts to other communities. Ms. Interlandi explained they chose the best alternative for our community and mentioned other agencies like the US Fish & Wildlife Service, Audubon of Florida, National Wildlife Refuges, Everglades Foundation, Friends of the Everglades, Florida Fish and Wildlife Conservation Commission, Florida Congressmen Brian Mast, City of Stuart, Lee County, to name a few, who supported the CC alternative or a modified version of CC. Everyone wanted removal of Zone F, so that all stakeholders are on equal footing. All of these alternatives are improvements over existing conditions. She also commented regarding removal of alternative BB from our resolution. Council President Pro Tem Lindsay also commented that everyone was moving in a different direction and therefore rejecting BB was not needed and removed from the resolution.

Town Attorney Randolph read aloud Resolution No. 079-2021.

There was no public comment.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 079-2021. On roll call, the Motion passed unanimously.

Council President Pro Tem Lindsay asked that a senior staff person attend the South Florida Water Management meeting on Thursday, during the Council Budget meeting and read this resolution into the record, and that a copy be sent to the Governor. Council Member Araskog confirmed there was Council consensus on these two requests.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore announced the following employee milestones: Recreation Department – Antonio Andrea – 5 years of service; Fire Rescue Department - Anthony Curtis – 5 years of service, and Danny Rojas, Warehouse Coordinator, Finance and Purchasing dropped after 19-1/2 years of service. She reported she had sent a letter to the Mayor of the Town of Surfside and spoke to him on the phone, offering prayers and any assistance. Mayor Moore expressed deep disappointment that there was no representative of West Palm Beach present today to discuss the water issue, and assured the community that staff would continue to monitor the situation.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman mentioned if anyone felt uncomfortable because of the Delta variant not to be embarrassed to put on a mask. She expressed thanks to Mayor Moore for offering assistance to the Mayor of Surfside. She thanked ARCOM for sitting through two days of meetings because of their increased workload, and described improvements in processing applications being put into place to help them.

Council President Pro Tem Lindsay thanked Mayor Moore for her quick action and appropriate response in late May when the water crisis occurred. She felt it had been unconscionable that the City of West Palm Beach did not notify the Town for 8 days when the water was unsafe to drink. She announced that later in the meeting she would introduce Lisa Interlandi, Director of the Everglades Law Center, who will join us again in a discussion to consider a potential resolution that we might pass to let the US Army Corps of Engineers know which option for managing the Lake Okeechobee water system we think best improves local water quality, preserves wildlife, and protects our drinking water . Known as LOSOM, the Lake Okeechobee System Operation Manuel, is revised approximately every ten years and serves to manage the water supply to communities and agricultural areas in south, east and west of the Lake. Lisa and an Everglades Foundation scientist on Zoom will explain the option and proposed resolution and answer our questions.

Council Member Araskog thanked the Mayor for her response to the Surfside disaster. She expressed disappointment no representative from West Palm Beach had attended today.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Diane Buhler, Founder, Friends of Palm Beach, 214 Alhambra Place, West Palm Beach, provided her update on the beach, particularly sea turtle hatchlings and the increased amount of trash removed. They were now removing trash twice a week. A fundraiser had produced more donations, but more were needed to keep the program running past 2022. She asked that the word be spread about their work.

Renee Silvin, Chair, Landmarks Preservation Commission, spoke regarding the 3-minute rule at Landmarks Preservation Commission meetings as it related to the Preservation Foundation, which was inadequate, so that the presenters all provided lengthier

presentations. He considered these presentations extremely important since they framed the issues for the Commissioners. As Chair, he was uncomfortable at not complying with the 3-minute limit as it might open the Town Council to criticism. He asked for an exception for these presentations by changing the time or giving him discretion to use his judgement for time allowed for Preservation Foundation presentations. Town Attorney Randolph responded it was totally at the discretion of Chair Silvin to control the time allowed. Council President Zeidman stated her support for Mr. Silvin as Chair to make those decisions. Mayor Moore also felt it was within Chair Silvin's discretion, but suggested he set a length of time in order to keep the meetings moving. Council Member Cooney supported Chair Silvin to make decisions as he saw fit. Council Member Araskog commented the Landmarks Preservation Commission often had history others could not provide, and she fully supported Chair Silvin allowing them the time they needed. Chair Silvin expressed his thanks.

Tom Parker, 215 Jamaica Lane, spoke about the problem of feral cats. He reported a loophole in Section 10 of the Code which contained a safe harbor for the feral cat program. He stated residents who willingly fed cats on their property facilitated breeding by other stray cats, which Palm Beach Island Cats must then struggle to control. He felt the problem would soon be uncontrolled. Council President Pro Tem Lindsay asked that staff meet with Palm Beach Island Cats to reach a solution and put out an alert to residents. Council President Zeidman announced this would be on the agenda in August and the phone number for Palm Beach Island Cats would be posted on the Town's website.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled and heard under item no. XIII.B. as follows:

1. Item No. IX.A.1.b. June 9, 2021, Town Council Development Review Meeting Minutes heard as Item No. XIII.B.1
2. Item No. IX.B.4. RESOLUTION NO. 072-2021 heard as Item No. XIII.B.2
3. Item No. IX.C.2. Potential Sale and Request for an Appraisal of Boyd Park heard as Item No. XIII.B.3.

Motion was made by Council Member Araskog 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. June 8, 2021, Town Council Meeting Minutes
 - b. June 9, 2021, Town Council Development Review Meeting Minutes –
Pulled and Heard as Item No. XIII.B.1.

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 23, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 069-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2021-15 To Greentech Group Solutions, LLC for Royal Poinciana Way Irrigation Improvements in the Amount of \$98,532 and Establishing a Project Budget of \$112,000.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 070-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFI No. 2021-13 for Annual Physical Exams for Fire and Police Departments to the Primary Vendor Life Scan Wellness Center and Secondary Vendor Sitedmed North America in the Annual Amount of \$62,000 and Establishing a Five Year Award Contingent on Satisfactory Performance and Budget Authorization in the Amount of \$310,000.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 071-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2021-03 for Street Light and Decorative Post Painting by Lot to a Primary, Secondary and Tertiary Vendor in the Annual Amount of \$43,000 and a Proposed Five Year Award of \$215,000 Contingent on Satisfactory Performance and Budget Authorization.
Dean Mealy, Purchasing Manager
4. RESOLUTION NO. 072-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of Historic/Specimen Trees at Lake Drive Park, Providing An Effective Date.
*H. Paul Brazil, P.E., Director of Public Works – **Pulled and Heard as Item No. XIII.B.2.***
5. RESOLUTION NO. 073-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Worth Avenue Improvement Project; Establishing the Estimated Assessed Cost Against the Properties that will be Benefitted Thereby; Directing the Town Manager to Prepare Updated Assessment Rolls; Establishing a Public Hearing to Consider Approval of the Assessment Rolls and Reimposition of the Maintenance Assessments and their Collection Pursuant to the Uniform Assessment Collection Act; Directing the Provision of Notice; and Providing for an Effective Date.

Jane Le Clainche, Director of Finance

6. RESOLUTION NO. 074-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Peruvian Avenue Improvement Project; Establishing the Estimated Assessed Cost Against the Properties that will be Benefitted Thereby; Directing the Town Manager to Prepare Updated Assessment Rolls; Establishing a Public Hearing to Consider Approval of the Assessment Rolls and Reimposition of the Maintenance Assessments and their Collection Pursuant to the Uniform Assessment Collection Act; Directing the Provision of Notice; and Providing for an Effective Date.

Jane Le Clainche, Director of Finance

7. RESOLUTION NO. 075-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Collection and Disposal of Commercial Solid Waste; Establishing the Estimated Assessed Cost Against the Properties that will Be Benefitted Thereby; Directing the Town Manager to Prepare an Updated Solid Waste Assessment Roll; Establishing a Public Hearing to Consider Approval of the Assessment Roll and Reimposition of the Service Assessments and their Collection Pursuant to the Uniform Assessment Collection Act; Directing the Provision of Notice; and Providing for an Effective Date.

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

C. OTHER

1. Request to Consider Ordinance Nos. 16-2021 and 17-2021 at a Public Hearing on Wednesday, July 14, 2021 Prior to 5:00 p.m.

Wayne Bergman, Director of Planning, Zoning and Building

2. Potential Sale & Request for an Appraisal of Boyd Park

*H. Paul Brazil, P.E., Director of Public Works – **Pulled and Heard as Item No. XIII.B.3***

3. Request to Hold Preservation Foundation 2022 Dinner Dance in Bradley Park

Jay Boodheshwar, Deputy Town Manager

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Retirement Board of Trustees

TIME CERTAIN: 9:45 AM

Ed Carter, Vice Chair

Ed Carter, Vice Chair of the Town's Retirement Board, provided a presentation of the annual results of the pension plan. He reported the plan had been turned around

to a more positive situation by modifications and changes over the past few years. He presented the annual report for the fiscal year ending September 30, 2020. GRS, the actuarial accountant, had performed their review. This plan was the largest liability of the Town, and was constantly changing, making its management very challenging. Funded ratio was 72.7% as of 9/30/2020, and unfunded actuarial accrued liability was \$94M, down from \$100M the prior year, which meant \$6M worth of progress had been made in the last year. Based on these results, the Board had felt comfortable dropping the expected rate of return for this fiscal year ending 9/30/2021 to 6.8% with a planned reduction each year until 2024 when it would reach 6%. He explained why the Board had made this decision, which was considered prudent for the next 15+ years, and the cost of doing so. He reported changes the Board had made and that proposed future projections could lead to the Plan being funded at a rate of 92.7% in 10 years, which would be fantastic for the retired employees, the Town, and the taxpayers.

Mayor Moore asked if the Board had considered lowering the rate of return to 30 basis points. Mr. Carter responded they would like to get to 6% over the next four years, before making changes, but changes could be made at any time.

Council Member Crampton thanked Mr. Carter for the report and spoke about the partnership between the Council and the Board. He felt 85% funded was a safe space. Mr. Carter expressed appreciation for Council's support.

Council Member Araskog thanked the Board for being aggressive and for being an incredible team with Town Council. At her request, Mr. Carter further explained the UAAL calculation for the last year. She asked how the Town's contribution could be protected, and Mr. Carter responded, by diversification and reducing exposure, but there was no guarantee.

Council President Pro Tem Lindsay expressed her opinion this was probably the most professional highly qualified Board in the Town's history, and asked if Mr. Carter felt the Council should add to the stated contribution while their financial situation allowed. Mr. Carter felt this was already a very large liability and it would be prudent to wait until the situation was known at the end of this fiscal year and the actuary's opinion was received.

Council President Zeidman recalled it was a lot of work to educate the Council, and she thanked the Board, Mr. Stanton, and Mr. Carter. She noted the changes that Mr. Carter had mentioned, but also commented the Board had changed their asset allocation and had made 18% return on the investments. Mr. Carter further explained the changes, now based on a goal to make money, not just not to lose money.

Mr. Carter reported the market valuation. As of May 31, 2021, the fund was valued at \$286M, up from \$230M on May 31, 2020, adding \$56M to the fund over the past year and 16.8% returns to this point in this fiscal year. He discussed the new

allocation, called alternatives, which in the beginning would be invested in disruptive technologies.

Council Member Araskog asked the sweet spot for rate of return. Mr. Carter was comfortable with today's 6.8%. The legacy plan was discussed. Council Member Araskog thanked Mr. Carter and the Board for putting their heart and soul into this job.

Council Member Crampton commented on how tough the Board was on their portfolio managers, and added thanks to the Town Manager and the Deputy Town Manager for their support.

Council President Zeidman thanked Mr. Carter and the Board.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to accept the Annual Report of the Retirement Board of Trustees. On roll call, the Motion passed unanimously.

XI. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on May 28, 2021
Lew Crampton, Chair

Council Member Crampton reported that the Council had passed the Committee's suggestion for utilizing private underground parking lots to get cars off the street and was poised to do the same thing with respect to above ground parking lots that would be utilized only during business hours. They had also reviewed proposals to broaden the placard system and revised inconsistencies in the way paid parking was handled.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to accept the report of the Business and Administrative Committee Meeting held on May 28, 2021. On roll call, the Motion passed unanimously.

1. Recommendations from the Business and Administrative Committee
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar presented two items for Council consideration. The first was to expand the placard program in the 400 block of Peruvian Avenue, currently all residential parking.

Council Member Araskog asked if residents in that area had been notified, and expressed concern that the study had only been for one week. Deputy Town Manager Boodheshwar responded the study had been to confirm long-term observations, and this could be limited to six months. Council

Member Araskog asked what would prevent beachgoers from parking there. Town Attorney Randolph stated this was a public street.

Council Member Cooney expressed support for the placard program in this block.

Council Member Crampton stated the goal was to get employee cars off Worth Avenue, and the proposal was for six months.

Council President Pro Tem Lindsay pointed out this was 25 placards for six months, inclusive of the elimination of 40 placards that used to be handed out, and expressed her support.

Mayor Moore felt this was a good baby step, and pointed out a resident could bring a complaint to the Council at any time, and if this did not work the Council could try something else.

Council President Zeidman also expressed support.

Council Member Araskog wanted to monitor moving traffic into residential areas.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to direct staff to reopen the Employee Placard Program for six (6) months. During discussion of the motion there was public comment by John David Corey, 426 Australian Avenue, who opposed this change and felt it was anti-residential. **On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.**

Deputy Town Manager Boodheshwar presented the second item for Council consideration, related to the 100 block adjacent to Midtown beach where Council had given approval in April to convert a number of the hourly time limited free spaces along the eastern ends of the ocean blocks to paid parking. It had been verified that the East end of Worth Avenue continued to be used by beachgoers. The request was to offset that by establishing three to four free 15-minute spaces to create some consistency along the eastern edges of these ocean blocks to encourage beachgoers to first use the spaces along South ocean and not on the 100 block of Worth Avenue. He stated there would be no physical changes, only changes in the wording on the signs.

Council Member Cooney asked if a parking enforcement vehicle would be circulating every 15 minutes. Response was the time would turn into 30 minutes, but most people would not push it.

Council President Pro Tem Lindsay commented this timing had been discussed, and if there were complaints, changes could be made.

Council Member Araskog felt the time should be 30 minutes, and to limit the program to six months.

Mayor Moore asked for clarification of which spaces would be 15 minutes, which were pointed out on a graphic. She was not sure how this would be helpful.

Council Member Zeidman asked if it was possible the 15- or 30-minute parking should be more centrally located on Worth Avenue. Discussion ensued on the timing and location. Three spaces were recommended.

Town Manager Blouin suggested 20 minutes because on the 21st minute there was a good chance of getting a ticket. Deputy Town Manager Boodheshwar recommended 30 minutes for consistency.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to institute paid parking on the 100 block of Worth Avenue with inclusion of three locations as identified, at thirty minutes within the 100 block, for a six-month testing period, and to return to either the Committee or the Town Council for review of the results. On roll call the Motion passed unanimously.

Council President Zeidman confirmed with everyone that they had read the backup listing of items the Committee intended to address moving forward, and obtained consensus to allow the Committee to proceed.

A 30-minute lunch break was taken. The meeting resumed at 1:30 p.m.

XII. PUBLIC HEARINGS

- A. RESOLUTION NO. 076-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements within Phase 3 North Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.
Patricia Strayer, P.E., Town Engineer

Town Engineer Strayer presented Resolution No. 076-2021 and reported Phase Three North utility underground easements located on properties where parties had donated easements could now be abandoned.

Town Engineer Strayer reported no objections had been received. She read Resolution No. 076-2021 by title.

Council President Pro Tem Lindsay commented on the cost in time and money to abandon an easement and urged residents who were trying to decide whether they should do this on their own or accept the Town's offer that it was a benefit for the Town to take care of everything.

Council Member Cooney expressed gratitude for those who offered easements.

There was no public comment.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 076-2021. On roll call, the Motion passed unanimously.

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. June 9, 2021, Town Council Development Review Meeting Minutes

Council Member Araskog wished to add to a motion “to go back to the drawing board”.

Mayor Moore indicated she did not see the difference. Council Member Araskog stated she would not have voted for the motion without that wording. Council President Zeidman also did not see the difference, and was trying to understand her role in the motions. Town Attorney Randolph advised she had no role, but if a Council Member brought something up and it was accurate, it was appropriate to vote approval of the minutes as amended. Council Member Araskog pointed out another error, that Paul Castro had said he did not believe the parking study was incomplete, but he actually said he believed the parking study was incomplete.

Deputy Town Manager Boodheshwar presented the procedure to be followed: Kelly and Queenester would work with the Council President to put together the minutes with Council approval, then they would be in the backup. It was possible, and actually highly probable that from time to time there would be errors, or something might not be properly phrased, because a lot of paraphrasing was done, and the time to bring that up would be at this meeting. What staff would like to avoid was after the backup and the minutes were published, was the back and forth between individual Council members and staff to make changes on the go because it became confusing what was in a purple folder or what was not. Therefore, staff would like to follow the process described, for the sake of consistency and to make sure everyone was on the same page. Town Attorney Randolph advised that Council should not be making typographical changes. He stated Council members should not be making typographical changes and passing them on. Those changes, if staff agreed with them, those should be brought to the Council in the new minutes, otherwise, the minutes Council approved might not be accurate because the changes were not approved by Council.

Council Member Araskog commented President Zeidman had stopped members from coming to Council with changes—they used to be discussed

at Council, and then approved. The procedure was changed so that members were to send notes to Kelly, Queenester, and/or Antonette. She liked the previous process better. President Zeidman asked if she was talking about commas and things like that. Council Member Araskog responded they used to pull them, and let the President know. Town Attorney Randolph commented if there was a mistake, typographical changes, he wouldn't change grammar, and the clerk was doing the best she could to record what was actually taking place. What he often saw happening was somebody would say "that is not what I meant to say", but the clerk recorded what was said, not what was meant to be said. If members brought to the attention of the clerk some typographical errors, they could do that prior to the minutes coming to Council, so that the minutes they were approving had those typographical errors in them. Council President Zeidman responded what Council Member Araskog was talking about was that she made more changes than President Zeidman, in terms of grammar or commas. Council Member Araskog stated she stopped doing grammar. Town Attorney Randolph stated what Deputy Town Manager Boodheshwar was saying, was we don't want every Council member contacting the clerk in regard to changes they think should be made, but do that at the Council meeting. Council Member Araskog commented she only contacted them when it was important, substantive, incomplete versus complete. They would have to listen and not take her word for it, and if she listened to the motion, which was what happened here, and the motion was not written as stated, and she felt it did not portray the same thing, she did need to send it ahead of time because it could be brought up but it couldn't be changed until the next meeting. Deputy Town Manager Boodheshwar responded, you would defer the minutes. Council Member Araskog clarified that he was saying he would rather she brought it up here, which used to be done, and which she preferred, but it had been decided it took too much time at meetings. President Zeidman commented on the way it used to be done, that there had been so many changes, and took a very long time; now when she thought if it contained the meat of the conversation and seemed accurate, then she approved it. So, changes needed to be in ahead of time, and if not, then Council would do exactly what was done today and pull it. Council Member Araskog asked if it would help if members received the minutes earlier. Town Manager Blouin stated he did not believe that was possible with staff stretched so thin, that the process was very time consuming, took several weeks, and priorities must be set to utilize existing resources to get the job done efficiently. Council President Zeidman commented it took her about three hours to go through the minutes. Deputy Town Manager Boodheshwar commented each Council President had a different tolerance level relative to grammar, paraphrasing, etc. To work individually with each member, there would be

very different writing styles, and staff would rather work with the President, publish the backup, and if there was something substantive or incorrect, that change would be made, and staff would bring back the corrected minutes to Council for approval at a subsequent meeting. Town Manager Blouin noted there could be wrong interpretations of discussions, and an accurate recording was available on the website that was posted almost immediately following meetings. Council President Zeidman explained how the process worked after she received the minutes, she had her meeting with the Town Manager, and they made additions to the agenda. The last time there had been a lot of additions was last Friday they were still doing additions to the agenda. She was explaining this because unless one had been President they did not realize, and asked if members had something to add that they try to get it in before Friday before the meeting.

Council President Pro Tem Lindsay recalled a time when almost court reporting style minutes were done and today they had recordings that captured everything. She asked Town Attorney Randolph for any applicant or anyone speaking if the legal record was what was said at the time of the motion, not necessarily how it was paraphrased in the minutes, because she understood the minutes were supplementary. Could the Council take a legal position that the legal record was what they actually did, not the paraphrase, and if that could be done it would take care of Council Member Araskog's issue. Town Attorney Randolph responded minutes were not necessarily supplementary, because they were required under the Florida statute to have a Sunshine Law meeting, to have minutes recorded. However, Council could advise anyone who had a question regarding what actually took place to listen to the recording. Minutes were a rendition or a summary of what took place. If the summary was accurate, they were fine, but if that summary had a conflicting statement from what was recorded, you needed to make sure that was changed in the minutes. You did not need to be worried about syntax, grammar or spelling, but about the accuracy of a substantive issue. You could direct people to the recording but the minutes were not necessarily supplemental, as they were required by law. A disclaimer could be published each month stating that they were a summary. If it went to a court of law, he believed a judge would listen to the recording to determine what actually took place. He had not seen anyone else put a disclaimer on their minutes. Be concerned when approving minutes that they were an accurate summary of what substantively took place. He commented what Council Member Araskog had brought up today was okay, but not a substantive change that he would have worried about if the minutes were passed without having that change included. If the minutes were approved rather than disapproved, then the Council should be concerned about it, and the change should be made at a public meeting as was done today.

Council Member Araskog asked about the other change where Paul Castro said it was a complete parking study rather than incomplete, could she let that go? Town Attorney Randolph responded no, that was totally opposite what was said, and was the kind of thing that should be fixed, and if she found things like that all the time, she should bring them up to be corrected at a Council meeting.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the Minutes of the Development Review Meeting Held on June 9, 2021, as amended with changing “complete” to “incomplete”, and changing the motion to verbatim as shown in the purple folder.

Town Manager Blouin commented by law only action minutes were required, and he believed most cities had moved to that. The level of detail provided by the Town was unusual, and he asked Queenester or Mr. Boodheshwar to clarify that for him. Mr. Boodheshwar responded he had seen action only minutes all the way to full transcription, and it really was up to Council and what they thought was the most efficient way to pull together minutes. Ideally, the less time focused on minutes and the more time focused on the motion being approved—that was the most critical. All the paraphrasing and summaries that preceded the motion were only to give the reader a flavor of the conversation, and what the emphasis was. This had been discussed in the past, and Council decided they liked the summary, which was paraphrased. Sometimes quotes were done if something was very important. Town Manager Blouin commented the ability was available to go back later on and transcribe a particular section, when needed. He commented Council would tell staff how to proceed, and staff would much prefer an action-only type of minutes. Council President Zeidman commented that would be without everyone’s opinions. Council Member Araskog commented, and without the public comment. Council President Zeidman stated Council was not prepared to make any changes today, but could think about it. She knew it was very time consuming for staff. She asked how Jupiter Island did their minutes. Town Attorney Randolph responded they did minutes very similar to Palm Beach, with a summary of actions taken—really more than a summary since comments made by Council and the public were included, but it was a summary of the discussion as opposed to a lengthy transcription. Actions would simply be: item 2 of the agenda, you would publish the topic, say discussion ensued, and motion was made by and seconded by, etc., and what the vote was. Those were action minutes which could be done if Council wished, but wouldn’t give the public much indication of what was done.

Public Comment:

Anita Seltzer, Coconut Row, commented minutes had been taken since the Town was established and if something was left out of the written record it

was a problem since the audio tapes no longer existed. It was not required to keep those records but why not keep them since people were interested in who they were and how they got here. Very often people representing applicants were identified as licensed architects in the minutes but doing that gave them credibility which they did not have, if they had no license. With Zoom, perhaps a better recording transcription service could be had so that it did not make mincemeat of names, and of what was said. She felt this needed more discussion.

On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 072-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of Historic/Specimen Trees at Lake Drive Park, Providing An Effective Date.

Council President Pro Tem Lindsay stated she pulled this item on behalf of the Garden Club, who asked her, as a member, to make a statement on the record regarding historic designation of one set of trees, the beloved six Ficus altissima trees in South Lake Drive Park. These trees were hosts to the exotic whitefly pest, and while the garden club supported this recommendation to designate the trees as historic, they wanted to make sure that the town gave on the record assurances that should something happen to the trees, such as that they died because of their susceptibility to whitefly, that the town would replace them with a sustainable canopy species that did not require toxic chemical treatment in order to stay green. Director Brazil confirmed the statement. Council President Pro Tem Lindsay commented the Garden Club of America had taken a very strong stand about invasive species and growing natives.

Council Member Cooney commented he asked to pull this item because he wanted to support designation of all the trees, but felt 108 wasn't enough and supported further investigation of adding more. There were probably more specimen trees on public property, but that could be discussed another day. His other issue was the language in the resolution referring to another location, and he had thought the ten trees were all in Lake Drive Park. Director Brazil apologized that any reference to other streets was in error. Mayor Moore suggested that Director Brazil review the language and bring it back tomorrow for approval. Director Brazil indicated he would bring it back.

Council Member Cooney commented he supported a green community and minimizing pesticide use, but there were species brought in by early residents which added to the history of the Town. If these trees died he would want them replaced with same species. In little areas, such as the

Australian pines on Wells Road, and these trees in Lake Drive Park, he felt history should be preserved. Council President Pro Tem Lindsay commented the Garden Club instituted this program here and once the Benjamina was removed there had not been another big issue, but now with Ficus altissima becoming infected, they had asked for a statement to be put on the record. She commented that did not mean they would not support replacing with a designated species if the trees died; also, the Town had the authority to replace the trees with whatever they desired.

This Resolution was deferred to the August 10, 2021, Town Council Meeting.

3. Potential Sale and Request for an Appraisal of Boyd Park

Council Member Araskog stated she had pulled Boyd Park because she went by and saw it was really pretty and green, and she did not think the Town should sell it, and she was against an appraisal. She commented if they own it, they could move the house out farther than the other houses on Bahama Lane, and could make their setback way up there. She did not think that it isn't in keeping with the town, and the Town had so few parks and green spaces. Also, they were now feeding the cats at Boyd Park. She was against selling and was against an appraisal.

Mayor Moore agreed with Council Member Araskog. She had been against selling Town property in West Palm Beach.

Director of Public Works Paul Brazil said thank you for pulling one of his items. He was asking for Council direction.

Mayor Moore asked if Council decided to move forward would it change the amount of green space on the island. Town Attorney Randolph advised you could not get rid of green space without a referendum.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to deny the potential sale and appraisal of Boyd Park. On roll call, the Motion passed unanimously.

B. Old Business

1. Town-wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

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

Patricia Strayer, Public Works, provided an update on the status of each undergrounding project phase that was underway. She listed items she would be bringing to Council in August, and reported of the eleven chicanes

discussed last month, six had been negotiated away, leaving only five remaining.

The previous month she had presented two switch cabinets at Pan's Garden with five options; however, those options had gone away because they had been unable to obtain easements. This month she presented three options, the first of which was the design that had been put out to bid, with the two boxes together on the corner, losing two trees, and no increase in cost. Second option was moving the boxes apart on either end of the block, losing three trees and increasing cost by \$60,000. Third option was placing both boxes in the island at Peruvian and Hibiscus on the south part of that intersection which would cost \$160,000 because sewer and drainage lines would have to be moved.

Mayor Moore disclosed ex parte that she had been in contact with two owners of the Apollo lot. If Council chose to place the two boxes in the island the owners would raise the \$160,000 and pay for it, because the two parking spots that would have to be given up were worth more than that, and they were willing to find the funds to improve the general neighborhood.

Council President Pro Tem Lindsay pointed out with this option the boxes would look like part of the median, and expressed her support.

Mayor Moore commented the drawback would be all the construction work and moving the underground utilities.

Council Member Araskog agreed, and if the promise to pay could be obtained in writing, this was the only option for her.

Council Member Cooney agreed with the third option.

Mayor Moore offered to sign a letter thanking the owners of the Apollo lot and telling them the Town would be happy to take their money.

2. Coastal Update:
H. Paul Brazil, P.E., Director of Public Works

Director Brazil presented the annual funding request to DEP for their budget ending June 2022, to get in line for grants and reimbursements for Town projects. He reported most projects were eligible for 50% of the cost, and inlet-related items were eligible for up to 75% of their cost. Staff recommended approval of the resolution.

a. RESOLUTION NO. 077-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal

Year 2022-2023 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 077-2021. On roll call, the Motion passed unanimously.

b. Consideration of Land Donation from Audubon Society of the Everglades, Inc. for Parcel on South Ocean Boulevard for Preservation

Director Brazil reported in 1985 the Town donated to Audubon a vacant parcel on South Ocean between 1220 and 1225 South Ocean, consisting of approximately four acres, reaching from the west side of the road to the intracoastal, intended for conservation. The local Audubon chapter had reached out to the Town asking if they would like to take control of the property. Director Brazil commented there were invasives to be removed, but the Town might be able to use the cleanup work as future mitigation. The maintenance cost for the property as conservation land was relatively low. Staff recommended approval.

Council Member Cooney expressed his support.

Mayor Moore also supported the donation.

Mr. Scott Zucker, President of Audubon Everglades, thanked the Town for considering their offer and for holding this meeting. He commented the Audubon Society was unable to maintain the property, and hoped the Town would place a conservation easement on this unique property which had the largest grove of old mangroves remaining in the Town of Palm Beach.

Council President Pro Tem Lindsay asked if a conservation easement could be a requirement in the motion. Town Attorney Randolph advised that was not needed in the motion, but Council could follow up with that at a later time.

Council President Pro Tem Lindsay asked that it be placed on next month's agenda.

There was no other public comment.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to accept the generous land donation from the Audubon Society of the Everglades, Inc., now Audubon Everglades. Town Attorney Randolph advised this would be followed up with a Resolution of Acceptance. On roll call, the Motion passed unanimously.

c. Shore Protection Board Individual Member Tasks with Town Staff

Director Brazil reported at a recent Shore Board meeting the members had directed staff to make arrangements to work with them individually on certain elements that they felt needed more attention in the program, including communication, coastal resiliency, groins and seawalls, easements for cost sharing public access for state and federal funding, and inlet-related issues. Because in 2018 the Town Council had chosen to limit the number of Shore Board meetings because of staff resources, and this new initiative seemed to be contrary to that and a departure from what was normally done, as well as from the original intent of the Shore Board, staff wanted to make sure Town Council approved this direction.

Mayor Moore asked Town Attorney Randolph if this was stretching the definition of the Sunshine Law. Director Brazil commented staff had the same concerns, and would have to have staff work with each individual separately or it would be a public meeting. Attorney Randolph concurred, and stated the members could not be polled individually. Mayor Moore expressed great anxiety.

Council Member Araskog stated she was completely against this, staff did not have a lot of time, and this became almost like the development meetings and Town Council meetings, and it was not the purpose of the Shore Protection Board. She questioned whether communication was under the realm of the Shore Protection Board and whether the items mentioned were things Council wanted them to study. Staff time was limited, and Council usually dictated what boards were going to talk about so that staff time was not used doing all kinds of things that Council would never approve or discuss. She wanted to figure out how to move forward to decide the things the board would like to do, to charge them with what goes with a 10-year plan or what goes with a new plan.

Council Member Crampton stated he did not have enough information to make a decision. If they were trying for better organization by putting individuals in charge of different items, he did not have a problem, but if it made more work for staff and created inefficiency, he might have a problem with it. Director Brazil responded the board had told him they wanted more participation in the programs, that these were topics they felt were important and had not been addressed well, and they wanted to work individually with staff on these items. Director Brazil stated it would take a substantial amount of staff time to do this, and some of the topics were things the Shore Board typically had not dealt with. Council Member Crampton was concerned with stifling innovation, and suggested Council give the board more direction, but did not see a problem with them trying to organize themselves to deal with multitudinous issues, as Council was

adding the resiliency issues to their mandate. Director Brazil responded that Council had not given them resiliency; Council basically had a charter for the Shore Board of what that they wanted them to work on, and since a lot of these topics went beyond that and staff time would be required, he was asking for Council direction. Council Member Crampton responded that the issue Director Brazil was bringing up was not subject matter, but the process, and he did not see a problem quite yet.

Council President Zeidman stated she had spoken to Melissa Ceriale and also listened to the meeting. In speaking with Ms. Ceriale, she learned the board was looking for direction from Council. She commented many times that Mr. Silvin had stated the advisory boards and commissions needed to tap into the Council meetings, so that they knew what the Council was thinking, and Council needed to do that also but there was no way they had time to listen to all board meetings. The Sunshine law set up a very inefficient communication system. There was a disconnect going on which could only be remedied by Council, the board, and staff. President Zeidman asked if the Shore Protection Board was still needed and stated she believed it was needed. She commented on the issues they had mentioned that were not under their control, and that the suggested process could not be done under the Sunshine Law. She felt four meetings a year was the right number, but they could have more if needed. The Council needed to advise the board what they wanted them to do.

Council President Pro Tem Lindsay recalled a 10-year plan had been instituted for the Shore Protection Board about ten years ago and had been written for that decade rather than the current situation. She asked her colleagues to think about direction for the Shore Protection Board and come back to discuss changing the definition.

Council Member Crampton stated he totally agreed with President Pro Tem Lindsay, and thought the first step was for Director Brazil to think about where the Shore Board could really assist Council, and bring those thoughts to Council to work together to frame a mission; then the board could organize, focused on the tasks Council wanted them to cover.

Town Manager Blouin felt the mission should be updated to work together, and staff would bring their recommendations back to Council.

There was no public comment.

Council Member Araskog suggested staff provide some history so Council could address some of the things the board had brought up. President Zeidman commented if they picked groins then they needed to go back to a memo provided by Town Attorney Randolph several years ago on the limits

on that subject. Liability for the groins was a concern, and she requested that memo be provided to each member of the board.

Council Member Araskog suggested the possibility of appointing a liaison. Town Attorney Randolph stated that was a staff function.

3. Town Marina Project
H. Paul Brazil, P.E. Director of Public Works

Director Brazil provided a broad overview, commenting a lot of work had been assigned to two major projects--the Marina which now included the park, and the underground which included waterline replacement and drainage improvements in the road. Work assigned to one now should be assigned to the other because of where they were physically working.

He described new work, the vast majority of which was replacement of the curb along the east and west side of Lake Drive, which was already funded, and advised there was plenty of money for the other proposed work but it was not in the right accounts, so he had conferred with Finance Director Le Clainche to arrive at the proper accounting procedure.

Staff recommended approval.

Council President Pro Tem Lindsay asked for clarification on costs. Director Brazil responded new work was less than \$100,000, with redistribution work closer to \$50,000. The net at the end of the day for the Town would remain the same, and they were not spending—there was a lot of contingency in the Marina for the park. The overall budget would not increase.

Council Member Cooney stated he was thrilled that new money was not requested and he thought leaving an area with all work completed was admirable.

Council Member Crampton stated he had no problem and was prepared to make a motion.

There was no public comment.

- a. RESOLUTION NO. 078-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Murray Logan Construction Inc. in the Amount of \$107,445 Associated to Lake Drive Park Improvements and a Change Order to Burkhardt Construction Inc. in the Amount of \$267,205 Associated to Phase 4 South Lake Drive Improvements.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 078-2021. On roll call, the Motion passed unanimously.

Council Member Araskog thanked Town Engineer Strayer for her work on the easements and chicanes.

A 5-minute break was taken. The meeting reconvened at 3:40 p.m.

4. COVID-19 Update
Kirk W. Blouin, Town Manager

Council President Zeidman gave an update, announcing the COVID report would be provided to Council weekly and they could also rely on Dr. Alonzo and the CDC. The county's positivity rate was up, and very high at 8.15% on Friday, because of the highly contagious Delta variant. This was happening because not enough people were vaccinated. If you are not vaccinated you are part of the problem because the longer this goes on the virus will continue to mutate. Vaccinated people could get the Delta variant, but usually experienced mild symptoms and would not require hospitalization. Until enough people were fully vaccinated, variants would keep happening, and the danger was that there would be one that would evade the immune system. The South African variant, now renamed Beta, was one that seemed to be able to partially evade the immune response. She reported what was going on in Africa and in England. She commented decisions made in May to get back together might have to be changed, but she hoped there were enough people in Palm Beach fully vaccinated so that would not happen. She reminded everyone that the virus affects your heart, lungs, and brain. The question of masks would probably come up again. She urged anyone not vaccinated to do so.

a. Clarification of Voting Protocol for ARCOM, LPC, Code Enforcement and Retirement Board of Trustees During Hybrid Meetings

Council President Zeidman commented on how good the boards had done in having members present to vote, which was the law in Florida. She asked if an architect was on Zoom and everyone else was present, whether the architect could vote.

Council Member Araskog commented the Town Attorney had made clear everyone present voted first. She asked for clarification on how to break a tie if 4 were present and 4 on Zoom at ARCOM meetings.

Town Attorney Randolph commented nothing had changed since the direction he gave last time, and this situation had not occurred because so many people were present. But you would need a quorum present, which

would be 4 out of 7, and in case of a tie you would call on the voting members that were online to break the tie. He suggested that at times decisions would need to be made on an individual basis. For example, and this had not been discussed previously, should there be a tie, the person could be chosen to vote based on seniority, which he believed was the best way to do it.

Council Member Araskog commented she thought seniority was great but you would lose all the architects.

Town Attorney Randolph responded that two architects are appointed based on our code, but it was not a requirement that those two architects be involved in a decision.

Council Member Araskog stated she knew that, but was saying she would like one of the architects there too, whether they voted or not, so they could give their opinion. Attorney Randolph responded, yes, but he thought there was confusion.

Council President Zeidman tried to clarify the nature of the question. She said the question was, do you let the architects vote over someone else who was present.

Council Member Araskog stated she thought you had to have a particular excuse in order to vote online, such as hospitalization, and how would they be allowed to vote if they didn't pass muster on the reasonable excuse for not being present.

The Town Attorney responded, because that was the only option. He gave an example: if you had four people online and all might have a reasonable excuse of not wanting to travel here during COVID.

President Zeidman commented every premutation that might happen could not be discussed, and the Town Attorney was present at all those meetings, and Chair could always ask him to provide direction when something came up.

b. Discussion on Virtual Participation in Meetings (Presenters and Members of Public)

President Zeidman commented this was about architects presenting in person or remotely at ARCOM.

Council Member Cooney felt public comment should be allowed remotely, and with residents away, and he thought there should be a function for them to participate remotely in the summer going forward after COVID was over. He was frustrated to see presenters at their offices two blocks away and not

come to present before ARCOM. Occasionally someone had an out-of-state landscape architect as part of a presentation team and that could be dealt with, but there were one or two occasions of someone presenting in their car and he did not think that fit Town standards.

Council Member Araskog confirmed with Mr. Bergman he had sent a letter to ARCOM that presenters were to be there in person, and she agreed with that. She felt the public was different. Also, when a presenter was presenting online, time was taken with helping them get on screen and sharing their screen, etc. She felt strongly that presenters needed to be present and if not, they should defer.

Council President Pro Tem Lindsay agreed and stated she felt the applicants and the applicants' advocates should be present.

Mayor Moore felt the applicants should demand their professionals attend in person.

Council President Zeidman commented Council would like to continue to have the public speak on Zoom, and asked about the downside of continuing that setup.

Deputy Town Manager Boodheshwar responded the only downside was staff resources, because someone must stay in the back room to monitor and flip back and forth between Zoom and the Council chambers. He explained video from the chambers was now clear and could be watched from home.

Council President Zeidman asked how many staff hours were spent on monitoring Zoom meetings. Town Manager Blouin said he did not know, but the administrative staff did not have that many people to take on these additional tasks. The existing work load was heavy, even in summer.

Council Member Araskog thought it would always be important to allow the public to speak from Zoom in the summer, and she hoped that could continue. She commented it was essential for members of boards to be in the room.

Mayor Moore felt it was incumbent on the Town to have enough staff to get the work done and one more person would be an asset. She thought it was important for the public to participate.

Council President Pro Tem Lindsay felt it was important for public to participate at quasi-judicial meetings and Council meetings. She felt ARCOM, LPC, Code Enforcement, and Council meetings should continue to have public participation via Zoom, and hiring even a part-time person might help.

President Zeidman commented all boards were on Zoom now, and a decision would be made in September how to continue.

5. Update on ADA Access Associated with the Proposed Addition of Stairs on the South Side of Memorial Fountain
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar recalled this was last discussed in May, resulting in delaying any decision on the merits of this project until the October Town Council meeting, and a request from Council to staff to explore ADA requirements. Director Bergman wrote a memo, which was in Council's backup, providing the opinion that the Town would need to provide some sort of platform lift which would be the least impactful to the site. He reported a conversation with the Centennial Commission and they made a commitment to fund the additional cost to the project. He reminded Council of additional actions needed if they decided to move forward after weighing the merits of the project in October, including review by Landmarks and updated renderings and drawings for LPC to consider, full approval process and site plan approval.

Director of Planning, Zoning and Building Wayne Bergman reported he looked at all possible exemptions from the ADA requirement or from the accessibility requirement for the proposed Mizner stairs and could not find one. The only opportunity to receive any type of relief would be from the State, and it was a State agency that told him we probably need accessibility for this project.

Council President Zeidman asked if Mr. Bergman had contacted the State after the May meeting for further clarification about the ADA requirements. Mr. Bergman stated he had not, but there were numerous references in the accessibility code and the Florida Building Code that said you would need to comply, and to be even safer, he had done a peer review with three other Building Officials in Palm Beach County. Two had responded and both said absolutely comply.

Council Member Crampton stated he was prepared to make a motion which would be to defer the question of the new design of the stair lift installation and send it back to the Landmarks Preservation Commission for a full review and decision on the proposed design.

Council Member Araskog opposed making a motion because in May the decision had been to consider at the Council meeting in October whether to move forward or not. Today was just to be an update from Director Bergman.

Council Member Crampton agreed.

President Zeidman also agreed and stated if Council decided to move forward in October, then it would go to Landmarks.

Town Attorney Randolph stated no motion was needed for it to go to Landmarks. If Council decided to move forward, it would automatically go to Landmarks.

Discussion ensued. Council Member Crampton withdrew his motion.

Public Comment:

Bill Bone, 322 Pendleton Lane, speaking as a resident and as the Chairman of the not-for-profit known as the Palm Beach Centennial Commission, thought the motion was right. He reported he had consulted with experts and learned that disabled access could be designed in an attractive, subtle way, completely harmonious with the new stairs. He felt waiting until October to see what it would look like was a mistake and asked Council to authorize staff to work with architects engaged by the Centennial Commission without cost to the Town, and submit a new stair design to the Landmarks Preservation Commission that met ADA requirements. In his opinion, it was wrong to wait until October because those opposed to the stair lift would take the position the ADA requirements would make it look ugly. He indicated the Centennial Commission was committed to a beautiful stair design that everyone could be proud of.

Council President Zeidman thought there were two ways of looking at this—one was from the owner's point of view (the Town), and the other was his point that Landmarks was the arbiter of taste for a landmarked property.

Addison Link, 251 Esplanade Way, suggested the Centennial Commission should beautify the park they had created before they thought about altering Addison Mizner's memorial fountain. He commented looking at original postcards of what was behind the fountain, there were beautiful luscious colorful flowers. Mr. Link stated he had read Wayne Bergman's memo on the importance of complying with ADA. He reported his father had an informal phone call on July 9 with Alyssa Lutein, Deputy Chief of Historic Preservation for the State, working with Dr Timothy Parson. Mr. Link relayed her comments regarding the stair lift. She preferred a ramp that did not require maintenance or an attendant. Mr. Link reported she noted that the fountain was a historic landmark so you did not need to add a new staircase or a ramp. She had suggested that if access was truly the main issue, a Z-shaped ramp up the rear of the fountain could work in lieu of a grand staircase. If the Town chose to add a new staircase to the fountain, she wouldn't want to be the one to write a letter asking for a waiver of non-compliance with the ADA. She recalled several issues of the fountain renovation that her department argued against, and also mentioned the 10-

year restrictive covenant which prevented significant alterations to the historic landmark site.

Anita Seltzer, Coconut Row commented three things came out of the May meeting. President Zeidman had instructed Attorney Randolph to provide legal counsel. The Town was budgeting thousands of dollars to educate residents about the landmarking program, and this approval would take place in a parallel universe if Council abdicated their own stewardship. She mentioned three town-owned fountains were shamefully neglected, including the one in Phipps Plaza. She asked why the Town was risking scorn and loss of credibility in the preservation community and commented there were enough expenditures without shouldering an ongoing liability with vanity stairs requiring an ADA lift. She felt this was the writing on the wall; however, suggested in October it would be wise for Council to thank the Centennial Commission for their service and terminate the delegation.

Bill Metzger, 277 Esplanade Way, an officer of the Centennial Commission, thanked the Council for continuing to consider this completion of their grand idea for the park. He was in favor of the stairs and respected everyone's opinion. He was seeking a sense of fairness. He reported attending the Zoom meeting where Alyssa Lutein commented they understood the new idea, but asked them to look at the ADA issues, which caused him to do some research and learn about ideas and new technology. His position was to do this right, and be fair to everyone's opportunity to discuss it. It seemed fair to him if it was going to be discussed in October that they have drawings of what was going to be discussed. If it was not attractive to people it would not work, and his request was to find a way of doing the renderings and to have something to discuss.

Mayor Moore commented her concern was with the timeline set out last month. Her understanding was Council's intent was not to have a full discussion on the stairs until more residents were available. She thought Council should wait for more resident participation. She thought today was to be a brief update and the full discussion would be in October.

Council President Zeidman agreed today was to be an update.

Council Member Cooney thanked staff for the update.

Council Member Araskog thanked the speakers for coming and clarified the timeline was not for her, it was to allow more public participation about aesthetics, maintenance costs, accidents, safety and things like that. At the last meeting they had promised to wait until October for any decision. She thanked Director Bergman and the Centennial Committee.

Council President Pro Tem Lindsay now recalled the conversation from last month, which she did not remember when she discussed this with the Centennial Committee representatives. ADA issues often affected architecture, and too often had an aesthetic effect. It was correct that Council made the decision to discuss this in October.

Council Member Crampton stated he had no problem discussing this in October, but the question was, would that be before or after a Landmarks review.

Council Member Araskog responded, before, was what everyone was saying.

Council Member Crampton stated after would be better.

Council President Zeidman commented it might appear to the public that Council had jumped the gun, since they promised to wait until October to discuss and make a decision.

Council Member Crampton commented then it would be the same process with Landmarks as if it had been sent to them before the October meeting with a full presentation and a decision on the merits. In his opinion Landmarks was the normal place for that to happen, but normally as an owner you went to Landmarks to ask for a Certificate of Appropriateness.

Town Attorney Randolph asked, and why would you go to Landmarks before you had made a determination as to whether you want to ask for a Certificate of Appropriateness.

Council Member Crampton stated he was just trying to think about the best way to review this.

Mayor Moore, speaking to her colleagues, commented they were going to have to decide if they wanted stairs. If not, this was dead. If so, it would proceed through the proper channels.

Council Member Crampton responded in order to make that decision Council would need to see the same kind of things Landmarks would see.

Mayor Moore believed it should be taken step by step, with the first step in October when Council made a decision whether to move forward with stairs. If the decision was to move forward you then got renderings. You did not spend time and energy before a decision was made.

Council President Pro Tem Lindsay commented the reason Town Attorney Randolph said the process would include first coming to the Town Council because we are the owner. Once the owner makes a decision then this issue will go to the Landmarks Commission. be to come here with the photos was

the Town had to pay to go to Landmarks, so Council would want to see the project first.

Council Member Araskog commented everyone had spoken, and what she heard from at least two other colleagues was to keep their promise and wait until October. She thought Council Member Crampton had a great idea and maybe they would come with all the drawings, then Council might be more comfortable to send it to Landmarks.

Council President Zeidman commented she would like to see drawings, but the first thing was to decide if Council wanted stairs.

Deputy Town Manager Boodheshwar summarized that the issue of ADA changed the design, so for Council to make an informed decision as owners, they needed to look at something, so he suggested to the Town Attorney there were precedents either way where Council had decided on what they wanted and a design was sent to ARCOM and Landmarks. Or they previously deferred to ARCOM and Landmarks with a conceptual idea asking them to make it look good, as an informal way to help with Council consideration to help make the October decision. He thought making a decision today one way or the other in the absence of any new information would not be good.

Council President Zeidman reminded the Council that the item is on the agenda as a follow up, an update, and that no decision was to be made today. She stated if there were drawings they should be included for review at the October meeting. Council Member Crampton clarified there could be a full presentation in October. All agreed.

C. New Business

1. Discussion and Consideration of Creating a Building Safety Inspection Program

Wayne Bergman, Director of Planning, Zoning & Building

Director Bergman reported on a news article updated at 2:01 p.m. that afternoon that spoke about today's County meeting and another released about 4 p.m. Palm Beach County Commission was interested in moving forward with a building recertification program, but were going to take their time and study it. Nothing was decided today other than the fact they were committed to a program like this and they wanted to send a letter to all their commercial and high-rise and mid-rise buildings to put the people on notice. He discussed the programs in place in Miami and Dade County. If the County created a program that the Town of Palm Beach followed, the timing might be more like 25 years for reinspection. Another thing for the Town to decide was the threshold building that would trigger this program. In Miami and Dade County it included square footage as well as height. He had

provided information in today's backup for the Council. His intent was to stay engaged.

Council Member Araskog asked about criteria, and asked if staff would be available to implement a program like this. Director Bergman clarified single family homes, one and two story, and government buildings were excluded.

Town Manager Blouin commented Palm Beach would need to vet the programs in Miami, Dade County, and Palm Beach County in deciding on a program for the Town. The Town would administer the program but building owners and condo associations would need to hire structural engineers, etc. to meet the criteria set by the Town, and the Town would not be liable.

Council President Zeidman congratulated Director Bergman for his incredible job in getting this information out so soon.

Council President Pro Tem Lindsay commented nothing would be done overnight, but condo associations in Palm Beach were active and well-funded and would be working on this very soon. There was no need to have an overreaction. The County had said they would do something. She asked Director Bergman to stay involved and report back.

Council Member Cooney thanked staff for a quick response and being strong communicators. He thought most condo associations were already working on this. He agreed with not rushing into something too soon.

Mayor Moore asked if when a building came in for a balcony permit it was an indication they had used a structural engineer. Director Bergman responded a lot of buildings were now going through concrete restoration for the whole building. She commented some of the people in Miami-Dade believed their building already had a structural engineering report. Mayor Moore asked if anyone had responded to Mr. Bergman's letter by offering to provide that to the Town. Director Bergman said they had not and the Town had not asked for copies. Mayor Moore thought it would be best to wait and see what Palm Beach County did and piggyback on that. She asked that further down the line, he ask for copies of the reports.

Council Member Crampton reported his condo association had been very active since this whole situation occurred. He felt the Town should have an arms-length relationship with this problem at the present time, since the responsibility was with building owners to correct it. He felt keeping eyes and ears open but waiting to see what the County did was most prudent.

Council President Zeidman asked how the 40-year time had been established. Director Bergman responded both of the buildings with problems were 40 years old; he believed 40 years was a standard and may be arbitrary. She felt the Town had done exactly what was needed to be done. She inquired whether holding copies of structural reports was the right way to go for our Town.. Town Manager Blouin advised that the architect who signed off on the report was responsible—the Town would just have a program and that might be a condition of compliance. He commented on the Surfside situation that there were structural problems that were ignored, and Palm Beach did not have that. Also, the programs in Miami-Dade might not have been well supervised, and that would not happen in Palm Beach. The plan was to wait to see what Palm Beach County did.

Council Member Araskog commended Director Bergman for including the list of things that should be looked at, and educating the public. She suggested the associations could do a program that did not involve the Town. Town Manager Blouin reported staff had already contacted all the condo associations and other associations in the Town and workshops were planned for the fall.

2. Reconsideration of Ordinance No. 20-2020, Sec. 74-281, Limited Closure of Access from Wells Road South to Sunset Avenue
Bobbie Lindsay, Council President Pro Tem

Council President Pro Tem Lindsay commented park hours were sunrise to sunset for all parks year round, except from Wells Road South to Sunset Avenue, and asked that the hours be reconsidered to make all have the same hours for consistency.

Discussion ensued about why hours had been changed, because of daylight savings time and for walking dogs.

Council President Pro Tem Lindsay requested reconsideration of Ordinance No. 20-2020 to make hours consistent for all public beaches. Council Consensus was to make the requested change and to bring this change back next month in ordinance form.

XIV. ORDINANCES

A. Second Reading

1. An Ordinance to Amend Chapter 66, Section 66-236 to Regulate the Removal of Landscape Buffers.

ORDINANCE NO. 14-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article IV Vegetation, Division 2 Permits, Section 66-236 Application Procedure for Vegetation Removal Permit; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

Town Attorney Randolph read Ordinance No. 14-2021 by title only on second reading.

Council Member Araskog commented it appeared staff could not approve if a hedge was lowered.

Mr. Bergman suggested he add this to landscaping ordinances he was working on.

Mayor Moore related her situation with the hedge between her property and a neighbor.

There were no public comments.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to adopt Ordinance No. 14-2021. On roll call, the Motion passed unanimously.

2. Residency Requirements for Elected Officials

ORDINANCE NO. 15-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 34, Elections at Article II, Candidates, Division I, Generally to Include a New Section 34.36 to Provide that any Candidate for Mayor or Town Council Shall Have Resided in the Town for a Period of at Least One Year Prior to Qualifying for Election; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

John C. Randolph, Town Attorney

Town Attorney Randolph read Ordinance No. 15-2021 by title only on second reading.

There were no public comments.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 15-2021. On roll call, the Motion passed unanimously.

B. First Reading

1. Amendment to the Town Charter Regarding Town Caucus and Qualifying Dates

ORDINANCE NO. 18-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 5.03, Relating to Qualifications, to Modify the Date to Qualify for Election to the First Tuesday of December of Each Year or on a Date at Least Ninety-Five (95) Days Prior to the March Election Date, Whichever Comes First; Further Amending the Town Code of Ordinances at Chapter 34, Elections at Article II, Candidate, Division 2, Caucus, Section 34-56, Calling and Notice of Election to be Consistent with Section 5.03 of the Town Charter, Providing that the Date of the Town Caucus be Held on the First Tuesday of December of Each Year or on a Date at Least Ninety-Five (95) Days Prior to the March Election Date, Whichever Comes First; Providing for Severability; Providing for Codification; Providing for an Effective Date.

Queenester Nieves, CMC, Town Clerk

Town Attorney Randolph read Ordinance No. 18-2021 by title only on first reading.

There were no public comments.

Motion was made by Council Member Crampton and seconded by Council President Zeidman to approve Ordinance No. 18-2021 as amended, on first reading. On roll call, the Motion passed unanimously.

XV. ANY OTHER MATTERS

There were no other matters to come before the Council.

XVI. ADJOURNMENT

The Town Council Meeting of July 13, 2021 was adjourned at 5:50 p.m. without benefit of a motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date