



MINUTES OF THE TOWN COUNCIL MEETING
HELD ON JANUARY 11, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order on Tuesday, January 11, 2022 at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Gayle-Gordon gave the invocation and President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

1. ITEM NO. IX.B.2. RESOLUTION NO. 001-2022 pulled from Consent Agenda and heard immediately after ORDINANCE NO. 28-2021
2. ITEM NO. IX.C.1. RESOLUTION NO. 015-2022 HAS BEEN AMENDED TO READ:
A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement With The Palm Beach First Responder's Foundation, Inc. to Establish A Retirement Plan for The Town of Palm Beach Police Department and Fire Department Employees that will be Funded and Maintained by the Foundation; Approving the Terms of the Retirement Plan; Authorizing the Mayor to Execute the Agreement on Behalf of the Town Council; Providing For Severability; Providing For Full Force And Effectiveness; Providing For Repeal Of Conflicting Resolutions; And Providing an Effective Date.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Agenda, as amended. On roll call, the Motion passed unanimously.

V. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations By the Applicants and Appointments to the Shore Protection Board
Pat Gayle-Gordon, Acting Town Clerk

Council President Zeidman spoke regarding Harvey Poppel removing his name from consideration for the Shore Protection Board and addressed the upcoming changes to the ordinance regarding the Shore Protection Board.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the appointments of Warren Belmar, Peter Matwiczuk, Ronald Matzner and Doug Rogers to the Shore Protection Board.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed her appreciation to those who attended the Lighting of the Bridge event for the Promise Fund and spoke regarding the remarkable work being done by that organization. She commended Town staff on the state of the Marina and expressed her appreciation to the residents and the Police and Fire Foundation for their generosity. She spoke regarding the Town moving in a positive direction despite facing challenges and expressed appreciation for the teamwork of Town staff, Council and the residents.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog expressed her appreciation to the community for their generosity and the exceptional work of Town staff. She expressed appreciation to the Police and Fire Foundation and staff for mobilizing testing. She expressed gratitude to the Mayor and Town Council.

Council President Zeidman expressed her appreciation to Mayor and Council, Town Manager Blouin and Town Attorney Randolph for their attendance at a Special Meeting and wished everyone a Happy New Year.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Diane Buhler, Friends of Palm Beach, spoke regarding upcoming beach clean-up efforts and the upcoming Great Charity Challenge event. She also spoke regarding the Friends of Palm Beach and Town's Public Works Department working to get the bucket stands installed in February.

IX. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk

December 7, 2021, Special Town Council Meeting
December 10, 2021, Special Town Council Meeting
December 14, 2021, Town Council Meeting
December 15, 2021, Town Council Development Review Meeting
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 17, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 161-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc. for Modular Building Systems to House North Fire Staff during Rehabilitation of the Station as part of Pre-construction Services in the Amount of \$534,449 for a total Purchase Order of \$1,393,208.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 001-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standard Applicable to Public Rights of Way and Easements, by Changing the Title and Amending Chapter XII, Miscellaneous Provisions, Construction Parking.
Wayne Bergman, Director of Planning, Zoning and Building
Pulled and Heard immediately after Ordinance No. 28-2021
3. RESOLUTION NO. 002-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2022-08, A-7 Pump Station Improvement to TLC Diversified, Inc. in the Amount of \$333,000 and Establishing a Project Budget of \$383,000.
Dean Mealy, Purchasing Manager
4. RESOLUTION NO. 003-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2022-05, Prequalification of General Utility Project Vendors to the Following Four Firms: D.S. Eakins Construction Corporation, Johnson-Davis Inc., TLC Diversified Inc. and Hinterland Group, Inc.
Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 004-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2022-06, Prequalification of General Utility Project Vendors to the following four Firms: Murray Logan Construction, LLC, TLC Diversified, Inc., Kiewit Infrastructure South Co., and Hinterland Group, Inc.
Dean Mealy, Purchasing Manager
6. RESOLUTION NO. 005-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Piggyback Contract to Convergent Technologies for Public Safety Camera System in the Amount of \$200,000.
Dean Mealy, Purchasing Manager

C. OTHER

1. Updated Request from the Palm Beach Navy SEAL Evening of Tribute
Jay Boodheshwar, Deputy Town Manager
2. Annual Report from Palm Beach Island Cats
David Levitt, Palm Beach Island Cats

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Recreation Advisory Commission
Nicholas Coniglio, Chair

Mark Bresnahan, Director of Recreation, presented the Recreation Advisory Commission report on behalf of Nicholas Coniglio. He provided information on the revenue that was generated by the Recreation facilities and programs and spoke regarding the cost recovery goals. He spoke regarding Covid mitigation measures being taken by the Department and special events that the department had provided over the past year. He spoke regarding the Recreation Advisory Commission's focus on pedestrian safety improvements at the intersection of Cocoanut Row and Seaview Avenue.

In response to a question by Council President Zeidman, Town Manager Blouin explained that he is working with Paul Brazil, Director of Public Works, on the safety of multiple crosswalks and that this item will be on the list of Council priorities being presented to the Town Council in February. He spoke regarding the expense of safety improvements which will be discussed as part of the budget process and that certain crosswalks in mid-town will be addressed during the undergrounding process.

Council President Zeidman commended the Recreation Department on their excellent work, especially during Covid.

In response to a question by Council Member Araskog, Mr. Bresnahan presented the revenues and expenditures for each of Recreation Department's primary facilities and programs. Council Member Araskog commended the Recreation Department's staff on the work they have accomplished.

Council Member Lindsay spoke regarding cost recovery numbers and how these types of programs usually have low cost recovery. She commended the Department on their excellent work.

Mayor Moore spoke regarding historical cost recovery numbers. She congratulated Mr. Bresnahan on his recent nuptials and wished Tony Chateauvert a happy birthday.

In response to questions by Council Member Araskog, Mr. Bresnahan spoke regarding the process for tee time reservations.

Council President Zeidman commended the department on RecConnect.

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

XI. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on December 8, 2021
Lew Crampton, Chair

Chair Crampton presented a brief overview of the Business and Administrative Committee Report.

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 December 8, 2021. On roll call, the Motion passed unanimously.

1. Proposed Conversion of Twelve (12) 2-Hour Parking Spaces on the 200/300 Block of Worth Avenue to 30-Minute Parking Spaces
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided background information on the item and explained the proposed expansion of the program.

Council Member Araskog expressed concern that twelve spaces total would be too many.

Council President Pro Tem Lindsay stated that she didn't feel that twelve spaces was too many considering the total amount of free spaces on Worth Avenue.

Council Member Araskog proposed having the spaces be 1 hour rather than 30 minutes in order to allow shoppers more time.

Council Member Crampton stated that they had discussed 1 hour and that 30 minutes seemed more amenable to the turnover that they desired, but he would support 1 hour if that was the desire of Council. He spoke regarding the valet option.

Council Member Cooney spoke in support of the 30-minute time limit.

Town Manager Blouin spoke regarding the need to decide on the desired outcome in order to make the decision regarding the time limit.

Council President Zeidman spoke regarding the desired outcome of this process and stated that although, at first, she thought 16 total spaces was too many, in comparison to total number of spaces available, she feels that it is not. She spoke regarding the valet option.

Council Member Araskog spoke in support of moving the time to 45 minutes on two on each of the two blocks.

Council Member Crampton spoke regarding the research that had been done on the project and spoke in support of moving forward with 30-minute limits at this point.

Council President Pro Tem Lindsay spoke regarding support that she has received from shop owners on Worth Avenue for the 30-minute time limits and valet parking.

Mayor Moore spoke in support of moving forward with this plan and spoke regarding her belief that most residents would be supportive.

Town Manager Blouin spoke regarding the fact that the Town would be supportive of giving residents preferential parking, but it is prohibited by State law.

In response to a question from Council Member Araskog, Deputy Town Manager Boodheshwar stated that there would not be additional signage on Worth Avenue.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to convert twelve 2-hour parking spaces on the 200 and 300 blocks of Worth Avenue to 30-minute parking spaces. On roll call, the Motion passed unanimously.

In response to a question by Council Member Cooney, Deputy Town Manager Boodheshwar explained that an evening parking space utilization study will be occurring in the upcoming weeks in the commercial districts to understand nighttime parking needs.

The Town Council recessed at 10:50 a.m. and reconvened at 11:00 a.m.

The following item was heard out of order of the agenda:

C. New Business

1. Proposed New Benefit for Public Safety Personnel Provided by the Palm Beach Police and Fire Foundation

RESOLUTION NO. 015-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement with the Palm Beach First Responder's Foundation, Inc. to Establish a Retirement Plan for The Town of Palm Beach Police Department and Fire Department Employees that will be Funded and Maintained by the Foundation; Approving the Terms of the Retirement Plan; Authorizing the Mayor to Execute the Agreement on Behalf of the Town Council; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.

TIME CERTAIN: 11:00 AM

Kirk W. Blouin, Town Manager

John Scarpa, 1676 S. Ocean Blvd., Chairman and CEO of the Palm Beach Police and Fire Foundation, Tim Moran, 257 Dunbar Road, and Howard Burnick, 120 Sunset Ave., presented background information on the proposed Police and Fire Retention Program.

Council President Zeidman spoke regarding the compensation study that the Town had undergone a few years ago, and the result that there was a 40% turnover rate for public safety employees. She stated that she believes that this proposed program is one of the best recruitment and retention programs she has ever seen.

Council Member Cooney expressed appreciation to the Foundation for all the work they do for the public safety employees and spoke in support of the proposed program. He spoke regarding this program being an enhancement to the employees and not a replacement for any Town compensation.

Council Member Araskog expressed appreciation to the Foundation for all of their work and for the proposed program. She also spoke regarding the

Town not having any liability in regards to this program and that it is being funded completely by the Foundation.

Council President Pro Tem Lindsay expressed her gratitude to the Foundation for this groundbreaking program for the public safety departments.

Mayor Moore expressed her appreciation to the Foundation and spoke regarding this program also including the non-sworn public safety employees in this program.

Council Member Crampton expressed appreciation to the Foundation and spoke regarding the intricacies of the program. In response to questions by Council Member Crampton, Barbara Delaney, HUB, provided information on the administration of the program. Rebecca Torres Goodwin, and Tim Moran, Palm Beach Police and Fire Foundation explained that this program will have a separate board and 501©3 designation.

In response to a question by Mayor Moore, Ms. Delaney explained the financial planning assistance that the firm will be providing to the employees.

Council Member Cooney posed a question regarding security of the plan with regards to the markets. Mr. Moran provided additional information on the Foundation's expectations for the plan.

Town Manager Blouin explained the participation of Town staff in the process of developing the plan. He introduced Jim Linn, the Town's pension plan attorney, who provided information on portions of the agreement for the plan and spoke regarding the uniqueness of having a private foundation funding a retirement plan for public employees.

Town Attorney Randolph read the title of the resolution.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 015-2022. On roll call, the Motion passed unanimously.

Mayor Moore spoke regarding her efforts with Town staff in putting together a plan for general employees that is similar to the Foundation's plan. She stated that she will be bringing it forward in the future.

Police Chief Caristo expressed his gratitude to the Foundation for all of its support of the department.

Gail Coniglio, 1139 N. Ocean Blvd., spoke regarding the extreme generosity of the Police and Fire Foundation and the community and spoke in support of Mayor Moore's plan for employees.

Town Manager Blouin expressed appreciation to all Town employees and stated that although the plan that was approved today is only for public safety employees, all employees are appreciated and Mayor Moore is working on something to benefit them.

Council President Zeidman expressed her appreciation to the Town's employees and to Mayor Moore and her mother, former Mayor Smith, for their support of the employees.

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. COVID-19 Situation Update
Kirk W. Blouin, Town Manager

a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

Sean Baker, Division Chief, provided an update on the omicron variant of COVID-19. He recommended that everyone wear a high quality mask, keep physical distance, wash hands and get the vaccine and boosters. He provided updated CDC guidance on exposure. He spoke regarding the Palm Beach Police and Fire Foundation purchasing tests for the residents and spoke regarding the Fire Department's testing process. He stated that the positivity rate in Palm Beach is lower than the rest of the County. He spoke regarding the monoclonal antibody treatment not being available due to supply chain issues at the federal level. In response to a question from Council President Zeidman, Division Chief Baker addressed the reason why individuals had scheduled appointments for tests but never showed up.

Council Member Cooney expressed his gratitude for the quick coordination of testing residents and spoke regarding his parents' experience with being tested and commended the department on its efficient process.

Council President Zeidman commended the Fire Department and the Foundation, Citizens Association, and the Civic Association for their coordination on providing tests to the residents.

In response to a question by Council Member Cooney, Town Manager Blouin spoke regarding having test kits available for employees. In response to a question by Town Manager Blouin, Division Chief Baker spoke regarding how many of the recent positive cases had experienced symptoms. He also responded to a question regarding the effectiveness of Regeneron on the Omicron variant.

Council Member Araskog spoke regarding the number of actual positive cases would be higher due to individuals testing at home. Division Chief Baker and Town Manager Blouin spoke regarding the positivity rate and the actual reflection on the rate in the community. Division Chief Baker responded to a question regarding the case numbers not being supplied to the Town by the Health Department.

b. RESOLUTION NO. 010-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency within the Corporate Limits of the Town to February 8, 2022, Unless Earlier Terminated by the Chief of Police, at which time the Town Council will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

Town Attorney Randolph read the title of the resolution.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 010-2022. On roll call, the Motion passed unanimously.

Council President Zeidman clarified that this resolution allows for going back to Zoom meetings for Town meetings.

2. 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, Town Engineer, spoke regarding the Coffee with the Crew meetings and that they had hoped to resume them, but with the increase of COVID-19 cases due to Omicron, they have not resumed them yet. She provided times/dates/locations for them once they have been restarted.

She provided a presentation on the status of the undergrounding project and explained the dashboard. She spoke regarding delays due to easement acquisitions, FPL and materials not being delivered. She spoke regarding negotiations with the Breakers on easements for equipment and stated that

they have made a request for improvements that would need to be approved by Town Council separately. She stated that they are on schedule to finish the townwide undergrounding project in 2026.

She provided an overview of the construction project, especially since several phases will be occurring near mid-town at the same time. She explained the coordination that the Town has with FPL, ATT and Comcast.

Ms. Strayer answered questions by Council Member Araskog and stated that any delays due to deliveries will hopefully be made up.

Paul Brazil, Director of Public Works, emphasized that with several phases happening at the same time in mid-town, it will be very disruptive. Council President Zeidman inquired as to the time frame for this disruption and Ms. Strayer stated most likely three years. She spoke regarding efforts being made by the Town staff and the contractors on ensuring that there is good communication with the businesses and agreements with certain businesses on minimizing disruptions.

In response to a question by Council President Zeidman regarding protocols for gas lines, Ms. Strayer discussed the fact that fewer gas lines have been hit recently.

In response to a concern raised by Council President Pro Tem Lindsay, Ms. Strayer and Town Manager Blouin discussed the traffic plans and mitigation that will occur with each phase and explained that the Contractor at Risk will ensure that the plans are being followed.

Town Engineer Strayer stated that the new demonstration streetlights will be installed in the coming days and requested that Town Council look at them once they're functional and then notify her of their choices for the poles in mid-town.

b. RESOLUTION NO. 006-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Modification No. 1 to State Grant of Florida Division of Emergency Management Contract No. H0374, Between the State of Florida Division of Emergency Management and the Town of Palm Beach Under the FEMA Disaster Declaration No. 4337 for Hurricane Irma, Specifically Reimbursement for Utility Protection Measures Within the Town Utility Undergrounding Project in the Modified Amount of \$8,062,242.74, Authorizing the Town Manager to Execute Same on Behalf of the Town, and Authorizing the Town Manager to Execute Future Modifications on Behalf of the Town.

Town Engineer Strayer provided background information on the item and read the title of the resolution.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 006-2022. On roll call, the Motion passed unanimously. Ms. Araskog was absent.

The following two items were heard out of order of the agenda:

4. North Fire Station Renovation Update
H. Paul Brazil, P.E., Director of Public Works

Director of Public Works, Paul Brazil, provided the update on the North Fire Station Renovation, specifically regarding air quality tests on the building and the temporary housing. He spoke regarding possibility of costs increasing for the project due to supply chain issues.

5. Discussion Regarding Meeting Options for the Retirement Board of Trustees
Margaret A. Zeidman, Town Council President

Council President Zeidman spoke regarding issues with retaining board members due to the requirement for in-person meeting attendance during the summer. She spoke regarding Zoom meetings becoming common due to COVID-19 and spoke regarding the specific issues with the Retirement Board.

Deputy Town Manager Boodheshwar spoke regarding limitations that the Town has with having an in-person quorum for meetings due to State law. He spoke regarding the possibility of lobbying the State to give local government agencies the authority to hold hybrid meetings due to the advances in technology.

Town Attorney Randolph spoke regarding the Town possibly being able to regulate who, amongst a quorum, can vote, specifically in terms of the Retirement Board. He explained the AGO's opinions on holding in-person meetings and excused absences for board members. He addressed the limitations that the Town has due to the State law, but spoke regarding the possibility of making some changes to the Code regarding the Retirement Board and possibly other non-quasi-judicial boards. In response to a question from Council President Zeidman, Town Attorney Randolph stated that board members who are remote would be able to vote, but the members who are physically present have the priority.

Council President Pro Tem Lindsay spoke in support of members of the Retirement Board, who are attending remotely, being able to vote in meetings.

Town Manager Blouin provided an overview of the issues at hand. First, he spoke regarding sending a letter to the Governor to request a change in State law to allow for hybrid meetings due to the advances in technology and the high usage of remote meetings for municipalities during COVID-19. He addressed possible changes to the ordinance regarding the Retirement Board, such as the requirement for quarterly meetings and the quorum requirement.

Council Member Crampton spoke in support of the proposed changes and mentioned that the League of Cities may be a good avenue for lobbying the State on this issue.

Mayor Moore spoke in support of approaching the League of Cities and sending a letter to the Governor. She spoke regarding the high caliber of board applicants that the Town receives and stated that many of them are not in Town for several months out of the year.

Council President Pro Tem Lindsay spoke regarding proceeding with making the change to allow those members who are participating remotely to vote and addressing the other issues at a later time.

Council Member Araskog spoke in support of sending the letter to the Governor. She addressed an issue with the Retirement Board quorum if only employees are physically present. She spoke regarding changing the quarterly meeting dates in order to accommodate those members who are not in Town during the summer. She addressed specific issues with ARCOM and LPC members, such as wanting to have architects present in order to view plans.

Town Attorney Randolph stated that it would be a policy decision and not an ordinance change to allow remote members to vote. He stated that changing the quarterly dates would need an ordinance change.

Council President Zeidman was not in favor of changing the quarterly schedule for the Retirement Board because the allocations and financial health of the pension plan needs to be reviewed on a quarterly basis. She voiced her strong opinion that this Board is fundamentally different than other Boards in that it has 5 members who represent the employees and five members who must possess specific financial expertise and experience. Further she recommended that the Chairman, possessing this expertise and having been elected must be able to vote if on zoom. There was consensus on this issue.

The Town Council provided consensus to authorize the Mayor to send a letter to the Governor, work with the League of Cities and possibly lobbyists on addressing the State law regarding in-person meetings.

The Town Council recessed at 1:00 p.m. and reconvened at 2:00 p.m.

C. New Business

2. Florida Power and Light's (FPL) Request for Waiver of Construction Limitations in the Right-of Way Between December 1, 2021 and May 1, 2022

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

Town Engineer, Patricia Strayer, provided background information on the item. Jason Henard, Project Manager, provided the timeframe for the project. Director of Public Works Brazil answered Councilmembers' questions.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the request for waiver of construction limitations in the right-of-way between December 1, 2021 and May 1, 2022. On roll call, the Motion passed unanimously.

3. Request from Contractor to Restart Work at 1191 North Lake Way

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

Director Brazil provided background information on the item and answered Councilmembers' questions.

Mayor Moore spoke in support of granting the request due to the fact that the project is only two weeks from completion.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the request from the Contractor to restart work at 1191 North Lake Way. On roll call, the Motion passed unanimously.

4. Discussion Regarding Additional Modifications to Construction and Landscaping Hours During the Holiday Season

Bobbie Lindsay, Council President Pro Tem

Council President Pro Tem, Bobbie Lindsay, provided background information on this item and requested to have staff look at shutting down construction the two days preceding Thanksgiving and Christmas this year.

Council Member Cooney spoke in support of the proposal. In response to a question by Council Member Cooney, Town Manager Blouin addressed public safety responses during highly congested times.

Council Member Araskog spoke in support of the proposal and mentioned whether or not there could be different ending times for various construction sites.

The Town Council provided consensus to direct staff to look at amending the ordinance to modify the days for construction in the days leading up to Thanksgiving and Christmas.

5. Discussion Regarding Potential Resolution Requesting that the State of Florida Allow Non-Agricultural Communities to Enact Local Policies to Regulate Chemical Applications
Bobbie Lindsay, Council President Pro Tem

Council President Pro Tem, Bobbie Lindsay, provided background information on the item and explained that it is a public safety issue. She spoke regarding the potential resolution and stated that she would be bringing back additional information at the next Council meeting.

There was no action taken.

XIII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 18 of the Town Code and the Public Works Right of Way Manual to Include Certain Construction Site Violations as “Strikes” Under the “Three Strike Program”

ORDINANCE NO. 28-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, by Creating Article VII. - Construction Site Management, and by Adding Sections 18-309 and 18-310; 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 the title of the ordinance.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 28-2021 on Second Reading. On roll call, the Motion passed unanimously.

RESOLUTION NO. 001-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standard Applicable to Public Rights of Way and Easements, by Changing the Title and Amending Chapter XII, Miscellaneous Provisions, Construction Parking.
Wayne Bergman, Director of Planning, Zoning and Building

Town Attorney Randolph read the title of the resolution.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 001-2022. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 42 of the Town Code, Relative to Lawn Maintenance and Prohibited Acts

ORDINANCE NO. 29-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise at Section 42-197. Specific Acts Prohibited and at Section 42-230. Lawn Maintenance; Providing for Severability; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Codification; Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read the title of the ordinance.

Council Member Cooney spoke regarding emails he received regarding this ordinance due to a newspaper article. He provided clarification on what this ordinance will be changing. Discussion ensued regarding older language that was still included in the noise ordinance.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 29-2021 on Second Reading. On roll call, the Motion passed unanimously.

3. Proposed Ordinance to Amend Chapter 74, Article V of the Town Code to Grant Beach Access to Root Trail Residents

ORDINANCE NO. 30-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance 21-2021 at Article V. - Beach Access Closure at Section 74-281. - Limited Closure of Access from Wells Road South to Sunset Avenue, to Include a New Subsection 2 Recognizing the Right of Root Trail Property Owners to have Continuous Access to the Beach Access Area located at Root Trail; Providing for Severability; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Codification; Providing an Effective Date.
John C. Randolph, Town Attorney

Town Attorney Randolph read the title of the ordinance. Town Manager Blouin provided background information on the item.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance No. 30-2021 on Second Reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

Council President Pro Tem Lindsay announced that the Arbor Day event will be occurring on Thursday at 10:00 a.m. at the Park Avenue Park.

B. Old Business

3. Update from John Potts Regarding the Work of the City of West Palm Beach's Panel of Water Quality Experts

TIME CERTAIN: 3:00 PM

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

Jason Debrincat, Senior Project Engineer, provided an update on the eighth meeting of the expert panel at the City of West Palm Beach regarding water quality. He stated that the meeting was just informational and that there will be a report and long-term master plan forthcoming and that there will be no further expert panel meetings. He stated that they have successfully implemented chlorination and carbon filtration. He spoke regarding the approval process for the long-term master plan.

Town Manager Blouin stated that there are many unknowns regarding this process and spoke regarding the Town's participation in the City's process. He assured the public that the City water is safe to drink and that the City has found a way to treat the cytotoxins that had been at issue.

In response to a question by Council President Pro Tem Lindsay regarding a notice that had been sent to residents of the Town regarding elevated levels of a disinfectant, John Potts stated that the City is committed to retain safe levels for drinking standards. He spoke regarding the City's current testing process and stressed the importance of them having a treatment process in place at all times. He stated that they are waiting for the report to understand the City's processes. He addressed the issue of excess disinfectants in water systems and stated that individuals could use bottled or filtered water if they are concerned. He stated that the notice should have been sent out in advance of the free chlorination process. Town Manager Blouin stated that the notice was attempting to notify residents many months after there was an over-chlorination process. Council President Zeidman spoke regarding the notice and recommended that Mr. Potts should follow up on the notice and what levels of these chlorine byproducts are safe in drinking water. Mr.

Potts spoke regarding doing a study on the safety levels of the trihalomethanes.

In response to a question by Council Member Araskog, Mr. Potts and Mr. Debrincat stated that the City is continuing to test the water supply and spoke regarding the process for obtaining the averages.

Paul Brazil, Director of Public Works, spoke regarding the expert panel and the City's process and recommended that Town staff work with the City's staff on the issue.

Council President Zeidman spoke regarding the expert panel that was assembled for the short-term. She spoke regarding the importance of waiting and evaluating to see what's going to happen and ensure the Town is still participating in the process.

Council Member Crampton spoke regarding the various phases of this process and emphasized the importance of the Town participating in the process.

Council President Zeidman expressed her appreciation to Mr. Potts and Mr. Debrincat for their work on this issue and spoke in support of their continued participation in working with the City on communication to the residents and in the remainder of the process.

XV. ADJOURNMENT

Motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the Town Council Meeting of January 11, 2022 at 3:46 p.m. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date