



## MINUTES OF THE TOWN COUNCIL MEETING HELD ON JUNE 14, 2022

### I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of June 14, 2022 was called to order 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 Council President Zeidman led the Pledge of Allegiance.

### III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- (1) Item No. XI.C.1 Consideration of Scheduling a Closed Door Attorney/Client Session has been removed from the Agenda.
- (2) The following items were added under ANY OTHER MATTERS:
  - ARCOM Applications
  - House Bill 423

### IV. APPROVAL OF AGENDA

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

### V. COMMENTS OF MAYOR DANIELLE H. MOORE

### VI. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog expressed concern over landscape workers working later than the ordinance allows. She also expressed concern over drivers speeding in the area of Royal Poinciana Way (Main Street) and the church.

Council President Zeidman spoke regarding the increase of positive COVID cases, which necessitates the wearing of masks in Council Chambers during the meeting. She announced that the Finance Department have distributed the Comprehensive Annual Financial Report. She spoke regarding the Council Agenda Backup and addressed large attachments. She asked the Town Council if they agree that certain back up materials are not necessary to be copied and distributed in hard copy to the Mayor and Council. Mayor Moore agreed that much of the back up does not need to be copied and spoke in support of having it available electronically and not necessarily in hard copy. Council Member Crampton spoke in support of staff using discretion with including documents in the back up. Council President Pro Tem Lindsay spoke in support of staff using discretion and used the Woods Hole item as an example. Council Member Cooney spoke in support of certain documents just being available online. He stated that he would be amenable to going to a digital packet. Council Member Araskog agreed that there are certain items that can be made electronically rather than hard copy. She spoke regarding the need to review certain contracts for accuracy. Council President Zeidman expressed support in staff having the discretion to decide what documents will be distributed in the Council book and what will be posted online only. Town Manager Blouin stated that staff would work on ensuring that the appropriate back up would be included in the Council books and if individuals wanted additional information that is available, they can either view them online or ask for a hard copy to be printed.

Council President Zeidman addressed that there are items that were discussed in previous meetings that were requested to be placed on the agenda, but were not placed on the agenda. She stated that the monthly update on code review will begin in July and stated that a discussion on white fly was handled on a staff level. She spoke regarding an item for discussion regarding private valets backing up on Worth Avenue will be placed on a future agenda prior to the beginning of season.

## VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Diane Buhler, Friends of Palm Beach, spoke regarding the results of a study by Palm Beach Atlantic University on the origins of medical waste. She requested that the Council meetings have canned water rather than bottled water.

Lisa Interlandi, Everglades Law Center, spoke regarding a local funding initiative that would assist with supporting projects that would further help the lagoon and Loxahatchee River. She provided information on a general obligation bond that is being proposed to be on the November ballot. She distributed a presentation that had been presented on the proposed bond measure and outlined projects that are being proposed. She announced that it will be brought to the County Commission at an upcoming workshop meeting. She requested that the Town of Palm Beach support the measure to be placed on the ballot. She answered questions from Council Members. Council President Pro Tem Lindsay spoke in support of the projects and the measure being placed on the ballot and requested that a letter of support sending a letter to the County Commission. Mayor Moore inquired why there are certain County Commissioners who do not support the measure to which Ms. Interlandi responded. Mayor Moore spoke regarding staff reviewing a letter to be sent to

the County Commission in support of the bond measure. Council Member Crampton inquired if Ms. Interlandi felt that there were too many projects included in the bond, to which she responded. It was the consensus of the Council to review the letter prior to the Development Review meeting and discuss approval of sending it out at that meeting.

Gregg Beletsky, Founder of Turtle Tuesday and President of the Worth Avenue Association, who provided an update on last year's Turtle Tuesday and announced that the first one of the year will be held tonight. He expressed appreciation over the new paid parking on Worth Avenue.

#### VIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

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

##### A. MINUTES

1. Town Council Meeting Minutes  
*Pat Gayle-Gordon, Acting Town Clerk*
  - a. May 10, 2022 Town Council Meeting Minutes
  - b. May 11, 2022 Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 25, 2022.  
*Wayne Bergman, Director of Planning, Zoning and Building*

##### B. RESOLUTIONS

1. RESOLUTION NO. 069-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-04, Historic Preservation Consulting Services to Murphy Stillings LLC in the Annual Amount of \$100,000 and a Proposed Five-Year Budget of \$500,000 Contingent Upon Satisfactory Performance and Budget Authorization.  
*Dean Mealy, Procurement and Contract Manager*
3. RESOLUTION NO. 070-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2022-16, Coastal Resiliency Consultant to Woods Hole Group for Initial Five-Year Award and Provide an Option for an Additional Five-Year Award Based on Satisfactory Performance to Provide Continuity of Efforts for the Program.  
*Dean Mealy, Procurement and Contract Manager*

4. RESOLUTION NO. 071-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2022-12, North Ocean Seawall Repair and Painting to Lambert Brothers, Inc. in the Amount of \$229,700 and Establishing a Project Budget of \$264,155.  
*Dean Mealy, Procurement and Contract Manager*
5. RESOLUTION NO. 072-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Piggyback Contract Award of the Southeast Florida Governmental Purchasing Cooperative Group for Unleaded Gasoline and Diesel Fuel, RFP E-03-22 for a Five-Year Contract Award in the Annual Amount of \$250,000 and a Proposed Five-Year Award of \$1,250,000 Based on Satisfactory Performance and Budget Authorization.  
*Dean Mealy, Procurement and Contract Manager*

#### IX. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Retirement Board of Trustees  
*Ed Carter, Vice Chair*

Chair Carter provided the annual report of the Retirement Board of Trustees and spoke regarding the financial performance of the fund and the current economic environment. He explained the Unfunded Liability and spoke regarding the Town's contributions and liabilities. Discussion ensued regarding smoothing and the Town's future liabilities. Mr. Carter explained the plan's portfolio and performance and spoke regarding the impact of current economic conditions, specifically the increase in interest rates from the Federal Reserve and recession. Council President Zeidman expressed appreciation to Mr. Carter and the Board's work on the plan's portfolio, especially in light of the current economy. Discussion ensued regarding the plan's performance and strength of the portfolio.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Annual Report of the Retirement Board of Trustees. On roll call, the Motion passed unanimously.**

*The Town Council meeting recessed at 10:58 a.m. and reconvened at 11:10 a.m.*

#### X. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting Held on May 24, 2022.  
*Bobbie Lindsay, Chair*

Chair Lindsay provided an update on a discussion regarding research that is being done by the Town to address the water issue. She spoke regarding the importance of continuing to analyze the various options. She spoke regarding a memo from

Public Works Director, Paul Brazil, that lists options on which the committee will provide further analysis provide once the Council gives direction. Director Brazil addressed the feasibility of a desalinization plant. Council President Pro Tem Lindsay spoke regarding a discussion the committee had requesting staff to analyze the feasibility of a new backbone distribution pipe being installed by the Town and the feasibility of the Town establishing its own water utility. In response to a question by Council President Zeidman, Director Brazil addressed the research into the pipes. Ms. Lindsay outlined the other items to be studied and spoke regarding the importance of pursuing a system with membrane technology. Director Brazil answered a question from Council President Zeidman regarding a cost estimate for replacing the aging infrastructure. Council President Zeidman requested that staff narrow down the options and present the financial piece of the options to the Finance Committee once three alternatives had been agreed to by the Council. Chair Lindsay stated that the items need to be sent back to staff for further analysis in order for Council to eliminate certain options. Council Member Araskog requested financial information on Kimley Horn further studying these issues as well as questions regarding the agreement with West Palm Beach and the costs of repairs and replacements for infrastructure, to which Mr. Brazil responded. She spoke in support of the report and expressed concern over the aging infrastructure. Council Member Crampton expressed concern over the limits of getting water from the aquifer. Discussion ensued over drawing water from the aquifers. Chair Lindsay provided clarification of what the options for water sources are and spoke regarding the importance of using membrane technology, which would make the source less important. Mayor Moore spoke regarding the City of West Palm Beach monitoring what the Town is planning to do. Council Member Cooney expressed appreciation to Council President Zeidman for putting in place an organized structure for discussion and decision making. He also expressed gratitude to Chair Lindsay for the in depth report she provided. In response to Ms. Araskog, Mr. Brazil addressed costs for Kimley Horn to conduct further research on the options. Council President Zeidman and Chair Lindsay provided further clarification on the process and expending additional cost.

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the Report of the Public Works Committee meeting held on May 24, 2022. On roll call, the Motion passed unanimously.**

*The following item was heard out of order of the agenda at 11:50 a.m.*

B. Old Business

2. Phipps Ocean Park Master Plan Update TIME CERTAIN: 11:30 AM  
*Carolyn Stone, Assistant Town Manager*

Assistant Town Manager Stone introduced Amanda Skier, Executive Director of the Preservation Foundation, who provided a timeline for the Plan approvals and project construction and spoke regarding the financial

commitments of the Preservation Foundation and the Town. She introduced Guy Champin, Raymond Jungles, Inc., who presented the Master Plan Update, including background on the current park and an overview of future park updates. He spoke regarding outreach opportunities that they have undertaken in order to gain feedback from the community. He explained security improvements, potential future uses for the park and the sponsorship opportunities.

Council Member Araskog expressed concern over the proposed temporary structures and the possibility of items being blown away during storms. Assistant Town Manager Stone provided further information on the temporary items. Ms. Araskog spoke regarding the importance of each stairway having railings. She also spoke regarding the Donor Rocks. She requested if gates could be put into place to ensure that no one enters the park at night. She expressed concern over the park being a destination for tourists and was concerned for overall security issues, such as the rock garden.

Mayor Moore stated that the rock garden reminded her of the Ann Norton Sculpture Garden outdoor classroom. She inquired about the Donor Rocks and the concession area, to which Ms. Skier responded. Ms. Skier spoke regarding the concept of temporary food vendors. Mayor Moore spoke regarding certain European countries having wheelchair accessibility that is very creative. In response to a question by Mayor Moore regarding liability, Town Manager Blouin replied. Ms. Moore commended the Preservation Foundation on the plan.

Council Member Crampton spoke in support of the project. He expressed concern over the screening and requested that there be communication to the neighbors on the screening. He spoke in support of gates being put in place. He addressed the issue of liability and the Town Manager's office working with the Town's Risk Management and insurance company, which will provide feedback on items that might increase liability. He spoke regarding the revenue potential for parking and concessions to offset the maintenance costs. He addressed the concern over the park becoming a destination and spoke regarding residents in the South end appreciating improvements to that park.

Council President Pro Tem Lindsay spoke regarding the revenue being generated by beach parking at Phipps Park, but stated that she believes that revenue will increase once the improvements are made. She spoke in support of gates being installed to ensure that the park is closed to A1A at sunset, as well as installing taller gates at the beach accesses. She spoke regarding Macarthur State Beach Park and Lost, that had undergone similar updates. She spoke in support of extending the hours for lifeguards on the beach, especially during daylight savings time. She spoke regarding

security and enforcement of park hours and other rules. She spoke regarding adding a paid parking area for e-bikes, motorcycles and golf carts. Ms. Skier and Town Manager Blouin provided further information on security measures and enforcement. Mr. Blouin addressed the issues of liability and an increase of visitors to the Town.

Council Member Cooney spoke in support of the project and spoke regarding this park being underutilized since the Town has received it and addressed the concern over visitors coming to the Town. He spoke in support of the project and stated that he believes it will be positive for the Town. He addressed the concern over liability and spoke regarding the maintenance costs and the revenue for parking.

Mayor Moore spoke in support of increasing the educational opportunities for children in the new park.

Council Member Cooney spoke regarding the expectations for special events.

Council President Zeidman expressed appreciation for Phipps Park to be undergoing this renovation. She expressed concern over security and enforcement. She spoke regarding the rocks for the rock sculpture garden. She spoke in support of the concession area. She spoke in opposition to special events being held in the park.

Council Member Araskog inquired about the park upgrades not being in compliance with the comprehensive plan, to which Town Attorney Randolph responded. She spoke regarding the playground moving away from the 2100 building. She spoke in opposition to allowing special events at the park. She expressed concern over having multiple school buses arriving to the park at the same time, to which Ms. Skier responded. She spoke in support of security between the beach and the park.

Council Member Crampton spoke regarding this providing an opportunity for an increase in Recreation programs at the park. He spoke regarding looking at the policy for events at this park and spoke regarding the park's unique nature. He spoke in support of the Town Council having a process where it engages the residents to provide feedback on holding special events at the park.

Susan Lerner, Preservation Foundation, addressed the invasive species issue at the park and provided information on green iguanas. She recommended that the iguana removal begin with two visits a week from an iguana removal company. She spoke regarding the invasive plant species status and a recommendation for removal, including projected costs.

Council President Pro Tem Lindsay spoke regarding the importance for removing the invasives and expressed appreciation for getting this information early in the process. In response to a question by Ms. Lindsay, Public Works Director Brazil addressed the invasive removal and stated that staff could return back to Town Council with estimated costs for the budget.

In response to Mayor Moore, Ms. Skier clarified that the costs for invasive removal is being requested to be paid for by the Town.

Council Member spoke in support of getting financial information from Public Works on the removal of the invasive species.

Jeff Koons, 2275 S. Ocean Blvd., spoke in support of Phipps Ocean Park and the proposed upgrades. He spoke in support of a crosswalk being installed that had been proposed previously. He spoke regarding the removal of an Australian pine hedge and spoke in support of the Town working with The Reef on the removal. He spoke regarding working with the Town on communication on the project, as well as the next beach restoration project.

Ronald Matzner, on behalf of the Citizens Association, spoke in support of the proposed project and thanked the Preservation Foundation for their work.

Doug Nelson, 2275 S. Ocean Blvd., emphasized the need for a crosswalk adjacent to the park. He also spoke in support of adding a sidewalk in front of the park.

Town Manager Blouin addressed the request for a crosswalk adjacent to the park. Director Brazil stated that FDOT would be willing to look at adding a crosswalk if there is a significant improvement to the park.

*The Town Council Meeting recessed at 1:26 p.m. and reconvened at 2:15 p.m.*

## XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

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



Town Engineer, Patricia Strayer, provided the project status and the dashboard. She spoke regarding demonstration chicanes being installed in Phase 7 south and spoke regarding the proposed GMP costs for Phase 6 and presented a chart of the costs in relation to the estimates from 2019.

Mayor Moore expressed appreciation that the costs have only increased 4% from 2019 prices.

Council Member Crampton spoke regarding the initial estimates of the project being \$90 million.

- b. RESOLUTION NO. 073-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Guaranteed Maximum Price (GMP) to Burkhardt Construction Inc. for Phase 6 North in the Amount of \$7,867,296 and Establishing a Project Budget of \$8,117,296.

Town Engineer Strayer read the title of the resolution.

Council President Pro Tem Lindsay expressed concern over the impact of inflation and increased interest rates on the Town's budget.

Council Member Araskog spoke regarding the 4% is over \$120 million project cost, but the original cost was estimated to be \$90 million.

Council President Zeidman spoke regarding the history of the project estimates. Director Brazil provided further clarification of the original estimate vs. the estimate that was updated in 2019.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 073-2022. On roll call, the Motion passed unanimously.**

RESOLUTION NO. 074-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Guaranteed Maximum Price (GMP) to Burkhardt Construction Inc. for Phase 6 South in the Amount of \$8,149,565 and Establishing a Project Budget of \$8,400,000.

Town Engineer Strayer 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. 074-2022. On roll call, the Motion passed unanimously.**

At the request of Council President Zeidman, Director Brazil spoke regarding Guaranteed Maximum Price contracts.

- c. RESOLUTION NO. 075-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for the Town-wide Undergrounding of Utilities Project, Phase 6 North Construction Phase Services in the Amount of \$344,177 and Establishing a Project Budget of \$395,800.

Town Engineer Strayer read the title of the resolution.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 075-2022. On roll call, the Motion passed unanimously.**

RESOLUTION NO. 076-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for the Townwide Undergrounding of Utilities Project, Phase 6 South Construction Phase Services in the Amount of \$344,007 and Establishing a Project Budget of \$395,600.

Town Engineer Strayer read the title of the resolution.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 076-2022. On roll call, the Motion passed unanimously.**

Town Engineer Strayer and Director Brazil provided background information on the following three items.

Mayor Moore expressed support for delegating the approval for these types of requests to Town staff.

Council Member Araskog spoke in support of these types of requests to be brought before Town Council when possible, but stated that she would support staff's approval in urgent cases.

d. Utility Construction Services Work Hours

e. Approve Request by Florida Power & Light (FPL) for Road Closure of Seaview Avenue

f. Approve Request by Florida Power & Light (FPL) for Road Closure of Mediterranean Road

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve work in right-of-way for utility construction and road closure of Seaview Avenue and Mediterranean Road by Florida Power and Light (FPL). On roll call, the Motion passed unanimously.**

2. Phipps Ocean Park Master Plan Update TIME CERTAIN: 11:30 AM  
*Carolyn Stone, Assistant Town Manager*

*This item was heard out of order at 11:50 a.m.*

C. New Business

1. Consideration of Scheduling a Closed-door attorney client session pursuant to Section 286.011(8) to discuss the following matter: In Re South Atlantic Regional Center, LLC – Case Number 19-257-BKC-EPK Chapter 7 (Converted), pursuant to the request for advice by the Town Attorney. The session shall commence immediately following this Council meeting in the conference room behind Town Council Chambers, second floor, 360 South County Road with the following persons in attendance; Danielle H. Moore, Mayor, Council Members: Margaret A. Zeidman, President; Bobbie Lindsay, President Pro Tem; Julie Araskog, Ted Cooney, Lew Crampton; Kirk Blouin, Town Manager, Town Attorneys John C. Randolph and Robert W. Wilkins; and Court Reporter From Pleasanton & Marsaa Court Reporting.  
*John C. Randolph, Town Attorney*

*This item was removed from the agenda.*

2. Consideration of Foreclosure of Code Enforcement Board liens on 226 and 287 Pendleton Avenue.  
*John C. Randolph, Town Attorney*

Mayor Moore recused herself from the item due to the proximity of her home to the properties.

Town Attorney Randolph provided background information on the item.

Jackie Miller, on behalf of Susan Gibson, requested that the memorandums of law and affidavit be included in the record for this agenda item. She spoke in opposition to foreclosure on both properties. She clarified the homestead exemption issue and provided further information on the case.

Alan Ciklin 260 Pendleton, provided additional information on the history of the code enforcement on the homes and the lack of compliance for the past 15 years on one house and 15 years on the other. He spoke regarding

the alternative to foreclosing on the properties, which is to file a lawsuit in order to force compliance and recuperate the fees owed to the Town.

Ms. Miller responded to Mr. Ciklin's comments regarding a lack of efforts to comply with the code enforcement citations. She spoke regarding Ms. Gibson's efforts to comply.

Mr. Ciklin responded to Ms. Miller's comments.

Council President Zeidman spoke regarding the fact that the residents on the street have been dealing with the code enforcement issues with these homes for many years.

Town Manager Blouin expressed concern over continuing the discussion due to the fact that there will most likely be litigation. Discussion ensued regarding whether or not photos from Ms. Miller will be shown and distributed to the Town Council.

Council Member Araskog spoke in support of giving the Town Attorney discretion to file foreclosure after the court proceedings.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to authorize the Town Attorney to use his discretion to file foreclosure proceedings on one, both or neither properties after the court ruling. On roll call, the Motion passed unanimously.**

3. Essential Town Services Work Hours  
*H. Paul Brazil, P.E., Director of Public Works*

Director Brazil requested clarification from Town Council on ensuring that Public Works staff is complying with services work hours. He provided background information on essential Town services that occur earlier than the recently approved work hours.

Council Member Araskog spoke in support of the Town staff providing essential services at earlier hours as long as it doesn't disturb any residents.

*The Town Council provided consensus for Public Works to continue their services at the times they currently work.*

4. Consider Shore Protection Board Recommendation To Create Videos For Public Communication  
*H. Paul Brazil, P.E., Director of Public Works*

Rob Weber, Coastal Program Manager, provided background information on the item.

Council Member Cooney spoke in support of the item and spoke regarding using video as a means of communicating with residents. He inquired about what the deliverables would be for the cost, to which Mr. Weber responded.

Council Member Araskog spoke in opposition to doing videos due to the cost, and stated that she would prefer staff doing PowerPoints at this point.

Council President Zeidman spoke in opposition to doing PowerPoints and spoke in support of the importance of doing something to increase public participation and communication in order to provide accurate information to the public. She spoke in support of the interviews and trying out the videos.

Council Member Crampton spoke in support of the project as long as staff supports it. He spoke regarding having a full communications plan from the Shore Protection Board to ensure that the public is made aware of the videos.

Council President Pro Tem expressed concern that this issue is complex, but spoke in support of trying the videos. She recommended having a way to track the views of the video to determine a return on investment.

Council President Zeidman spoke regarding using footage to show the difference that the beach restoration has made.

In response to a question from Council Member Cooney, Mr. Brazil clarified that a subcontractor who specializes in this type of video will be doing this work.

Council Member Araskog spoke regarding asking Tim Alloy to assist with the videos due to his experience.

Mayor Moore stated that the videos would be worth the cost, in her opinion.

Diane Buhler, Friends of Palm Beach, spoke in support of posting both the videos and PowerPoint because some people may prefer the PowerPoints to video.

Antonette Fabrizi, read a question from a Zoom public comment speaker named Leah, regarding opening the item to other video companies. Mr. Brazil responded to the question.

*The Town Council provided consensus for the Shore Protection Board to create videos.*

5. Review of Sea Turtle Nesting  
*H. Paul Brazil, P.E., Director of Public Works*

Rob Weber, Coastal Program Manager, provided background information on the item.

Council President Pro Tem Lindsay spoke regarding the Town fought hard to use the sand from the dredging project on the beach restoration. She requested that Mr. Weber address the scheduling of the project, to which Mr. Weber and Mr. Brazil responded. Director Brazil expressed concern over residents not granting easements to the project if work will be occurring during the holidays.

In response to a question from Council Member Crampton, Mr. Brazil and Mr. Weber spoke regarding Reach 8 and working with different agencies on the project.

Dragana Connaughton, Marine Road, spoke in opposition to doing beach restoration project during sea turtle season because the turtles are federally protected. She read a letter into the record pertaining to the beach being tilled after the beginning of turtle season and the disruption to the sea turtle nests due to work that was done by the Army Corps of Engineers during the dredging project. She requested better signage and enforcement of sea turtle protections.

Diane Buhler, Friends of Palm Beach, spoke regarding the improvement of sand that's being used for the beach restoration projects. She expressed concern over activity that is occurring that negatively impacts the sea turtle nests.

Council President Pro Tem Lindsay spoke regarding the importance of striking a balance between protecting the sea turtles and having the appropriate type and amount of sand on the beach in which the turtles can nest. She spoke in support of increasing educational signage for the public regarding sea turtle protection.

Council Member Araskog spoke regarding creating a video on sea turtle protection and how to treat the beaches.

Mr. Weber spoke regarding the beach sea turtle and biological monitoring and physical surveys on the beach that are occurring. Town Manager Blouin spoke regarding the efforts that the Town has made to ensure that sea turtles and their nests are not being harmed.

Council Member Crampton spoke regarding the beach monitors being responsible in their activities and stated that he believes that the work is being done correctly.

John McGrindy, North end of Palm Beach, spoke regarding him witnessing the ATV riders not being responsible on the beach.

Mr. Weber addressed the protocol that is being done by the monitors on the ATVs.

Council President Zeidman spoke regarding the sea turtles now having a habitat due to the beach restoration.

Mr. Weber stated that there were three nests lost the past year due to weather, which is less than normal. At the request of Council, he stated that he would bring back historical data from previous years. The Town Council also requested to have educational signage be brought forward to a future Council meeting.

*The Town Council Meeting recessed at 4:24 p.m. and reconvened at 4:35 p.m.*

6. Discussion Regarding Possible Bradley Park and Lake Trail Closure Hours  
*Nicholas Caristo, Chief of Police*

Chief Caristo provided background information on the item.

Mayor Moore expressed concern over the hours starting at 10:00 p.m. She spoke regarding safety issues and spoke in support of doing anything that makes the Town's residents and visitors safer.

Mr. Caristo clarified that local residents to the trail and Bradley Park special event permit holders will not be restricted access.

Council Member Araskog spoke in support of making the hours of closures sunrise to sunset due to safety issues after dark.

Council Member Cooney stated that sunset is too early to close the Lake Trail and spoke in support of closing it later due to individuals walking their dogs.

Town Manager Blouin clarified that there aren't any immediate crime issues in that area, but the Police Department is trying to be proactive.

Council President Pro Tem Lindsay spoke regarding property owners on the Trail still being allowed to be on the Trail after hours. She stated that she no longer walks alone on the Trail at night.

Council Member Crampton expressed appreciation to the Police Department for being proactive. He spoke in support of using cameras in the area as well. He spoke regarding going with whatever time the Police Department wishes.

Police Chief Caristo stated that 11:00 p.m. would be acceptable.

Mayor Moore spoke regarding there being restaurant workers who ride their bikes on the Trail at 10:30 at night and advocated for 11:00 p.m.

*The Town Council provided consensus for staff to return with an ordinance with the hours for closing the Lake Trail and Bradley Park.*

Council President Zeidman expressed concern over an article in the newspaper regarding enforcement on the beaches. In response to a request from Council President Zeidman, Chief Caristo provided an update on the Police Department's response to calls for service at the beach in mid-town and proactive measures they are taking, specifically installing cameras. He spoke regarding the number of unfounded calls that had been made.

Council President Lindsay expressed concern over there not being specific hours for the beach and the confusion that it causes.

Town Attorney Randolph explained the legal issues with closing all of the beaches in Town. He spoke regarding only being able to close the beaches where the Town owns the upland property. There was further clarification that the Town can post signs at the accesses, but not the beaches in the sovereign lands. Discussion ensued regarding the areas that can be closed.

Council President Pro Tem Lindsay stated that she has been told that the issues that had occurred at Root Trail have improved by 75% since it is being locked at night. She spoke regarding placing taller gates on the Town's beach accesses. Chief Caristo spoke in support of placing surveillance cameras at the access.

Council President Zeidman spoke regarding individuals being on the sovereign lands and ensuring that they are not conducting illegal activities.

Town Manager Blouin addressed the concern regarding illegal activities and spoke regarding the Police Department continuing to monitor and patrol the area.

Council Member Crampton expressed concern over the article and the lawsuit and spoke regarding the Town's enforcement being appropriate.



Town Attorney Randolph stated that the Town feels that they are doing everything they can do to appropriately address the problem.

Council President Zeidman stated that she believes that the Police Department is always responsive and has responded appropriately in this regard.

Town Manager Blouin and Town Attorney Randolph addressed the lawsuit and the Police Department's response to the complaints.

Council Member Araskog spoke regarding getting complaints the day after a situation. She stated that she believes that the Police Department has been appropriately responsive and stated that the only way to increase enforcement is to have 24/7 security on-site.

Chief Caristo and Town Manager Blouin addressed the issue of residents having guests who have a right to be in certain areas. Town Manager Blouin spoke regarding having private security in certain areas.

Council Member Araskog spoke regarding there not being the serious crimes occurring in that area and Town Manager Blouin clarified that the same types of crimes occur throughout the Town and it's no worse in that area.

7. Review of a Stop Work Order Due to the Three Strike Rule at 315 Cocoanut Row  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the item.

Brad McPherson, attorney on behalf of the owner, provided the contractor's and owner's defense of the violations. He spoke regarding there being one subcontractor who was responsible for the violations and stated that there have been staffing changes and the fines have been paid.

Gary Maresca, GM Construction, spoke regarding having discussions with the subcontractor regarding the hours, but they did not follow the hours. He spoke regarding having staffing changes and explained how he is addressing the issue.

Council Member Cooney stated that he believes that the lessons have been learned.

Council Member Araskog requested clarification on the violations, to which Mr. Maresca responded. She stated that she is supportive of the lift the stop work order.

Mayor Moore spoke in support of allowing the work to continue.

Melissa Shore, 315 Cocoanut Row, requested if they could start from the beginning because the subcontractor has been fired.

Council President Zeidman spoke regarding not allowing this in the past and that she believes the Town Council needs to be consistent in these requests.

Director Brazil extended an invitation to the general contractor and owner to reach out to the Public Works Department to work on a schedule.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to direct staff to lift the Stop Work Order and waive the third strike upon payment of all outstanding fines regarding 315 Cocoanut Row. On roll call, the Motion passed unanimously.**

8. Review of a Stop Work Order Due to the Three Strike Rule at 171 Via Bellaria  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the item.

Dan Swanson, Addison Development, explained how the violations occurred and stated that they are a week away from certificate of occupancy.

Director Brazil stated that he has spoken with Mr. Swanson on how to finish this project.

**Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to direct staff to lift the Stop Work Order, waive the third strike and provide permission to issue right-of-way permits upon payment of all outstanding fines regarding 171 Via Bellaria. On roll call, the Motion passed unanimously.**

Council President Zeidman inquired about whether there is a remedy for contractors who cannot obtain parking permits, to which Mr. Brazil responded.

Council Member Araskog spoke in support of the “closeout” process be included in the contractor’s packet and/or brochure.

9. Protection of Construction Sites During Storm Events  
*Julie Araskog, Town Council Member*

Council Member Araskog provided background information on the item. She expressed concern over many sites not being secured during the last time there was a storm that was threatening the area.

Town Manager Blouin spoke regarding the requirements for job sites to secure their sites during storm events. He spoke regarding Code Enforcement working with the construction site monitors to ensure the sites are secure.

Ms. Araskog spoke regarding the ordinance stating that once a tropical storm watch is called, then they must secure their sites.

Director Bergman spoke regarding the process for alerting construction sites at this point and stated that they will work on alerting the sites earlier.

Ms. Araskog stated that she had wanted to notify residents and contractors of the ordinance requirement.

## XII. ORDINANCES

### A. Second Reading

1. Proposed Ordinance to Amend Chapter 42 Article V, Section 42-228 to Modify the Decibel level in Area 4 of the Town

ORDINANCE NO. 008-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental at Article V, Noise at Section 42-228, Nonvehicular Noise Amending the Maximum Level, dba Measurement In Geographic Area 4 to be Consistent with the Measurements in Geographic Areas 1 and 3, I.E., 61 Decibels During the Day and 55 Decibels at Night; Providing for Repeal of Ordinances or Parts of Ordinances in Conflict Herewith, Providing for Severability; Providing for Codification; Providing an Effective Date.

*Nicholas Caristo, Chief of Police*

Town Attorney Randolph read the title of the ordinance.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton adopt Ordinance No. 008-2022 on second reading. On roll call, the Motion passed unanimously.**

B. First Reading

1. Proposed Ordinance to Amend Chapter 46 Article III, Sections 46-67 and 46-68 to Modify the Fire Prevention Permit and Fire Prevention Fees

ORDINANCE NO. 011-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 46, Fire Prevention and Protection, at Article III, Fire Prevention Code, Sections 46-67, Permits, and 46-68, Annual Fire and Life Safety Inspections; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

*Darrel Donatto, Fire Rescue Chief*

Town Attorney Randolph read the title of the ordinance.

Marty DeLoach, Fire Marshal, provided background information on the item.

**Motion was made by Council Member Lindsay and seconded by Council Member Crampton approve on first reading Ordinance No. 011-2022. On roll call, the Motion passed unanimously.**

XIII. ANY OTHER MATTERS

- ARCOM Applications

Council Member Araskog spoke regarding proposed changes, including adding the rendering with notices; codifying 14 days for revisions; and including elevations chosen by staff. She requested this item be placed on the agenda in July.

- House Bill 423

Council Member Cooney recommended that this item be moved to the June 15 Development Review Meeting agenda.

XIV. ADJOURNMENT

**Motion was made by Council Member Cooney and seconded by Council Member Lindsay\_\_ to adjourn the Town Council Meeting of June 14, 2022, at 6:05 PM. On roll call, the Motion passed unanimously.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Pat Gayle-Gordon, Acting Town Clerk

\_\_\_\_\_  
Date