



MINUTES OF THE TOWN COUNCIL MEETING HELD ON AUGUST 9, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of August 9, 2022 was called to order at 9:30 a.m. All Council Members were found to be present except Council Member Araskog.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Gayle-Gordon gave the Invocation and Chair Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the Agenda:

Item No. XIII.B.3 Request Approval of Proposed Site Plan for Mid-Town Seawall Replacement will be heard after 11:00 AM

IV. APPROVAL OF AGENDA

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the Agenda, as amended. On roll call the Motion passed 4-0 with Council Member Araskog absent.

V. RECOGNITIONS

- A. Recognition of Harry Wolin for his Service on the Underground Utilities Task Force from May 2015 to June 2022

Mayor Moore presented a plaque to Mr. Wolin for his service on the Underground Utilities Task Force.

- B. Recognition of Lewis Katz for his Service on the Underground Utilities Task Force from February 2021 to June 2022

Mayor Moore thanked Mr. Katz for his service and announced that he was unable to be in attendance.

Mayor Moore acknowledged Dan McDonnell for his service on the Code Enforcement Board.

VI. PRESENTATIONS

A. Presentation of the State of Education Report by Erica Whitfield, District 4 School Board Member

School Board Member Whitfield presented information on the impact of COVID-19 on the School District and announced that the district is once again A-rated. She spoke regarding the measures taken during the pandemic and the re-opening of schools. She spoke regarding a property tax increase that had been approved by voters to assist with mental health counseling, as well as a sales tax increase that assisted with school security and computers for every student. She provided an overview of how taxes fund education.

Mayor Moore thanked Ms. Whitfield for the presentation and for her and the School District's work.

Council Member Crampton spoke regarding the amount of funding that the Town provides to the School District and the size of the School District. He commended the School District on continuing to be an A-rated District.

Council President Pro Tem Lindsay spoke regarding an Earth Day event at Palm Beach Elementary.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations By the Applicants and Appointments to the Code Enforcement Board

The following applicants made presentations to the Town Council:

Harris Fried
John McGowan
Pamela Davies

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve the appointment of John McGowan as a regular member of the Code Enforcement Board. On roll call the Motion passed 4-0 with Council Member Araskog absent.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the appointment of Pamela Davies and Harris Fried as

alternate members of the Code Enforcement Board. On roll call the Motion passed 4-0 with Council Member Araskog absent.

VIII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore announced that Acting Town Clerk Gayle-Gordon has an upcoming birthday. She provided statistics on the Strategic Planning Board survey that had been distributed. She announced that the City of Riviera Beach withdrew its first plan for the mooring field.

IX. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay thanked Town staff, Mayor Moore and residents for their efforts in advocating against the City of Riviera Beach's mooring plan.

Council President Zeidman spoke regarding a water quality report that was distributed by the City of West Palm Beach. She announced that there will be a Public Safety Citizens Academy occurring soon. She expressed appreciation to those who assist with communication and spoke regarding the Town website and those who watch the meetings online. She spoke regarding media outlets, The Palm Beach Daily News and the Palm beach Civic Association who write synopses of what the Town Council has considered and voted on. She expressed appreciation to the Civic Association for Palm Beach TV. She also thanked the Palm Beach Police Department and Chief Caristo for their expeditious and exemplary response to keep Palm Beach as safe even during recent events which put an unexpected drain on resources.

X. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Avenue, expressed appreciation for the Café Permit process and spoke in support of ensuring that there is not an increase in total restaurant capacity.

XI. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the Consent Agenda. On roll call the Motion passed 4-0 with Council Member Araskog absent.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk
 - a. July 12, 2022 Town Council Meeting Minutes
 - b. July 13, 2022 Town Council Development Review Meeting Minutes

- c. July 13, 2022 Special Town Council Meeting - Closed Door Session
- d. July 14, 2022 Special Town Council Meeting Minutes

- 2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of July 27, 2022.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 088-2022 A Resolution of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of RFI No. 2022-HCS, On-Site Occupational Health Clinic To Concentra In The Amount Of \$344,635 For The Initial Year, \$315,348 For Year Two, \$331,115 For Year Three And \$347,671 For Year Four For A Potential Four-Year Award In The Amount Of \$1,338,769 Based On Satisfactory Performance And Budget Authorization
Dean Mealy, Procurement and Contract Manager
- 2. RESOLUTION NO. 098-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Purchase Orders To ZoneCo, LLC In The Amount Of \$250,000 And The Corradino Group, Inc In The Amount Of \$100,000 For Planning Services For Code Reform And Approval Of An Allocation Of \$350,000 From The General Fund Contingency
Dean Mealy, Procurement and Contract Manager

XII. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on July 15, 2022
Lew Crampton, Chair

Chair Crampton addressed the lack of back up for the item. He provided an update on the paid parking policy discussion by the Committee. He spoke regarding the direction of the Committee to move toward paid parking town-wide using the ParkMobile app. He stated that they are researching incentives for residents and using dynamic pricing. He spoke regarding the various issues that they are researching and spoke regarding working with community stakeholders on how best to implement it. He spoke regarding also addressing valet parking and regulated parking on the 300 block of Sunset Avenue and 300 block of Royal Poinciana Way, adjacent to Bradley Park.

Council President Pro Tem Lindsay spoke regarding being able to give residents discounts on paid parking. She addressed options for valet. She expressed appreciation for the input from the business owners and Worth Avenue Association.

Council Member Cooney inquired about the parking rate fee increase and when that will be coming back to Town Council. In response to Council Member Cooney's inquiry, Chair Crampton spoke regarding the proposed increase.

Council President Zeidman provided background information on the BAC addressing this issue and commended the committee on their work. She addressed the question of why Town residents will pay a different rate than non-residents.

Chair Crampton expressed appreciation to Town staff for their assistance on this issue.

In response to a question regarding the preferential parking rates, Town Attorney Randolph and Town Manager Blouin responded regarding the issue.

Chair Crampton directed staff to finalize the draft Report and return with it to the August 10, 2022, Development Review meeting for approval.

The Town Council directed the Town Manager to work with the BAC to design a Town-wide paid parking program and bring back to the Town Council for approval.

XIII. 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

Patricia Strayer, Town Engineer, announced that all conversions for Phase 2 South have been completed. She provided an update on chicanes in Phase 7. Discussion ensued regarding the chicanes.

Town Engineer Strayer spoke regarding Wi-Fi equipment that has been placed in a spot that has elicited complaints from an adjacent property owner. She answered Council Members' questions. Council Member Cooney spoke in support of changing the color of the fence surrounding the equipment to black. Council President Pro Tem Lindsay spoke in support of planting more mature landscaping to better screen it. Mayor Moore spoke regarding the potential for the property owner to pay for the equipment to be moved and Mr. Blouin spoke regarding having property owners pay to move equipment. The Town Council provided consensus to work on a solution with either using landscaping or having the property owners pay to move the equipment.

b. Suggested Modifications for Application for Abandonment of Dedicated Public Property Within the Town of Palm Beach.

Town Engineer Strayer provided background information on the item. Council President Pro Tem Lindsay provided further insight into the issue. In response to questions by Ms. Lindsay, Director of Public Works, Paul Brazil, provided information on the potential for notifying property owners on the abandonment of their rear easements. Discussion ensued regarding the complicated process for property owners and the Town to obtain accurate utility easement information. Mr. Brazil provided additional information on the process for obtaining information from the utilities on the utility easements. In response to Ms. Lindsay, Ms. Strayer provided clarification on the updated application process. Ms. Lindsay spoke in support of the updated application. Town Manager Blouin provided further clarification.

The City Council recessed at 11:13 a.m. and reconvened at 11:20 a.m.

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

3. Request Approval of Proposed Site Plan for Mid-Town Seawall Replacement
H. Paul Brazil, P.E., Director of Public Works

Director Brazil introduced Mark Marsh and Guy Vasquez, Bridges, Marsh & Associates Architects, who presented the proposed seawall replacement project and answered Council Members' questions.

Council Member Cooney spoke regarding the width of the seawall and the issue of individuals sitting on the wall. Mr. Brazil, Mr. Vasquez and Mr. Blouin responded. In response to a question from Mr. Cooney regarding the gates and landscape/hardscape, Mr. Marsh and Mr. Brazil responded. Mr. Cooney spoke in support of ensuring that the landscape improvements be made cohesively.

Council President Pro Tem Lindsay spoke regarding the importance of looking at these projects as a whole, including landscaping and aesthetics. She spoke regarding this particular project being in a highly visible and historical portion of Town. She spoke regarding issues that have been raised by the Director of Planning, Zoning and Building concerning views, specifically through the Clock Tower. Mr. Marsh and Mr. Vasquez responded. Mr. Brazil requested that the Council allow staff to continue through ARCOM for the seawall at this time.

Director of Planning, Zoning and Building Wayne Bergman spoke regarding the proposed project and addressed design concerns in certain areas.

Mayor Moore requested clarification of the process and the various agency approvals that are necessary, to which Mr. Brazil responded. She spoke in support of the seawall concept approval moving forward and spoke in support of the terrace and looking at the project as a whole.

Council Member Cooney spoke in support of moving forward with the seawall concept. He spoke regarding looking at potential improvements for pedestrian crosswalks.

Council President Zeidman spoke in support of moving forward with the seawall concept, but expressed concern over the loss of the balustrade and the view in portions of the project.

The Town Council provided consensus to move forward with the seawall concept with the request to review the balustrade, the alteration in view and aesthetic issues.

2. Update on Florida Department of Transportation Projects within the Town of Palm Beach
H. Paul Brazil, P.E., Director of Public Works

Town Engineer Strayer and Director Brazil provided background information on the item.

Council Member Crampton spoke in opposition to the FDOT project proposal and requested that a letter from the Mayor be sent to FDOT to express opposition to the widening of the road and bike path in the South end of Town.

Council President Pro Tem Lindsay spoke in opposition to the proposed bike path and widening and stated that she feels that it is an urbanization of the Town.

Council President Zeidman and Council Member Cooney expressed agreement with Mr. Crampton and Ms. Lindsay.

Mayor Moore spoke regarding FDOT staff attempting to increase the amount of bike lanes, but spoke in support of sending the letter up the FDOT chain of command to express opposition to the proposed project.

Town Manager Blouin provided further insight into the project and stated that Town staff will work with the Mayor on addressing this issue. He stated

that there is a meeting with FDOT in the upcoming week and this issue will be mentioned at that meeting.

Discussion ensued regarding the inappropriateness of a bike lane in the proposed area.

Ms. Strayer provided information on the FDOT paving project in Town that will include sidewalk replacement from Brazilian Avenue to Royal Palm Way. She spoke regarding FDOT designing mast arms that will need to be approved by the Town. Discussion ensued regarding the potential costs of the mast arms to the Town. Ms. Strayer spoke regarding a lighting study that was conducted by FDOT. She expressed appreciation for the cooperation of the FDOT team with which she met. Discussion ensued regarding the brightness and type of lights that will be proposed.

Town Engineer Strayer provided further updates on other FDOT projects.

C. New Business

1. Request Approval of Proposed Modification to Parking Area Within East Parking Lot of Par 3 Facilities
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided background information on the item. He requested Council's consent to take a proposed modification to the parking area to ARCOM for approval.

Council President Pro Tem Lindsay spoke in support of taking the proposed plan to ARCOM. She spoke in support of looking at the other side of the property in anticipation of future needs.

Council Member Crampton expressed concern for the complexity of the proposed plan, to which Mr. Brazil responded. He spoke in support of looking at longer term solutions and spoke regarding looking at reducing the size of the driving range and looking at alternatives across the road.

Mayor Moore spoke regarding looking at options across the road and other items that will need to be done that impact the cost.

The Town Council provided consensus to direct staff to move forward with the proposed parking modifications to ARCOM.

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

3. Lake Drive Park Donations Acceptance and Donor Signage Overview
Carolyn Stone, Assistant Town Manager

Assistant Town Manager Stone provided an overview of the item.

a. Review of Donations Received to Date for Lake Drive Park

Ms. Stone provided a review of the donations.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the donation of \$1,932,000. On roll call the Motion passed 4-0 with Council Member Araskog absent.

b. RESOLUTION NO. 099-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an agreement between national philanthropic Trust and Town of Palm Beach for a Donor Gift to Lake Drive Park

Assistant Town Manager Stone provided background information on the item.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 099-2022. On roll call the Motion passed 4-0 with Council Member Araskog absent.

Discussion ensued regarding Ms. Stone's work on getting the donor to accept the terms of the agreement.

c. Proposed Donor Signage

Ms. Stone presented the proposed signage.

Council Member Crampton spoke in support of the proposed signage.

Council President Pro Tem Lindsay spoke in support of the plaques being placed in the park. She spoke regarding the importance of inspecting the plaques to ensure they are being properly maintained.

Mayor Moore spoke in support of listing out all donors who did not designate a purpose on a single plaque and spoke regarding this item going before the Landmarks Preservation Commission.

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

XIV. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Use of the Public Beaches

ORDINANCE NO. 012-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, Article II, Division 3., Regulation of Use of Public Beaches, Section 74-193, Drinking to Retitle Said Section to Read Drinking and Smoking So As To Prohibit Drinking of Intoxicating Beverages and Smoking of Cigarettes or any Tobacco Product With The Exception of Unfiltered Cigars Upon The Public Beaches In The Town; Further, Creating A New Article VII Titled Smoking In Public Parks, Creating A New Section 74-284 Titled Prohibition Of Smoking, So As To Prohibit The Smoking Of Cigarettes Or Any Tobacco Product Excepting Unfiltered Cigars In The Public Parks In The Town; Providing A Penalty; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification And Providing An Effective Date.

Nicholas Caristo, Chief of Police

Town Attorney Randolph read the title of the ordinance.

Mayor Moore requested clarification regarding vaping, to which Mr. Randolph responded.

Council President Pro Tem Lindsay spoke regarding the specificity of this ordinance.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 012-2022 on Second Reading. On roll call the Motion passed 4-0 with Council Member Araskog absent.

2. Proposed Ordinance to Amend Chapter 74, Parks and Recreation, to Modify Closures of Recreational Areas

ORDINANCE NO. 014-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74, Parks and Recreation, by Creating New Article VI – Recreational Area Closures, and by Adding Sec. 74-282 and 74-283; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Nicholas Caristo, Chief of Police

Town Attorney Randolph read the title of the ordinance.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance No. 014-2022 on Second Reading. On roll call the Motion passed 4-0 with Council Member Araskog absent.

The Town Council recessed at 12:42 p.m. and reconvened at 2:00 p.m.

2. Mechanical Equipment on the Beach During Sea Turtle Nesting Season
TIME CERTAIN: 2:00PM
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided background information on the mechanical equipment that is allowed on the beach during sea turtle nesting season. He spoke regarding the work done by the Town's sea turtle monitoring contractor and the manual that is used for best management practices. He spoke regarding the Town's Police Department use of ATVs on the beach and the beach cleaning work that is done. He explained what other municipalities do for beach cleaning. He spoke regarding possible recommendations for beach cleaning procedures. He introduced Dr. Lainie Edwards from the Florida Department of Environmental Protection and Dr. Robbin Trindell from the Florida Fish and Wildlife Conservation Commission.

Dr. Edwards provided background information on FDEP's permitting of beach cleaning equipment and requirements for beach cleaning activities. Dr. Trindell provided additional information on requirements for allowing beach cleaning activities during sea turtle nesting season. She spoke regarding the sea turtle monitoring program. Dr. Edwards and Dr. Trindell answered questions from Director Brazil regarding the best management practices and the beach monitoring plan, nest marking, beach nourishment projects, and the removal of seaweed from the beach.

Dragana Connaughton, Palm Beach, requested that the contracts for inlet dredging and beach nourishment have specific dates outside of sea turtle nesting or shorebird nesting and that heavy equipment be brought in by barge. She emphasized the negative impacts of heavy equipment on the nests. She spoke regarding ensuring there is a review of the monitoring plan and the activities being done.

Jamie Crowley, on behalf of the Breakers, spoke regarding the procedures and protections being made by the contractor that conducts beach cleaning for the Breakers.

Jimmy Zisson, Palm Beach, spoke in support of condos doing hand raking beach cleaning rather than using tractors.

Eric Reichert, Vice President of Palm Beach Hampton Condominium, spoke regarding the importance of being able to use mechanical cleaning on the beaches.

Bettina Anderson, Palm Beach, expressed concern over repeated issues of dogs on the beach digging up nests, individuals digging umbrellas in nests, deep tractor tracks and light pollution on the beach. She spoke in support of hand raking of the beaches rather than using mechanical equipment. She spoke regarding the importance of the Police Department and Code Enforcement enforcing the Code in regards to sea turtle protection.

Bram Majtlis, Vice Chair of the Citizens Association of Palm Beach, spoke in support of continuing to allow mechanical beach cleaning and expressed concern over the costs and other issues with requiring hand raking.

Brian Galvin, Delray Beach, Friends of Palm Beach, spoke regarding the procedures for the UTV use of the Friends of Palm Beach. He expressed concern over the use of heavy machinery to clean the beaches.

Dave Roland, Owner of Beachraker, spoke in support of helping to protect sea turtles and addressed his company's procedures for use of tractors on the beaches. He spoke regarding the difficulties with conducting hand raking of the beaches.

Bob Meister, Palm Beach, expressed concern over the lack of police protection, specifically in relation to enforcing codes and laws on the beach. He expressed concern over the amount of seaweed on the beach causing problems for turtle hatchlings.

Council Member Crampton stated that everyone is doing their job and complying with State laws. He stated that there is no evidence that the turtles are being harmed. He spoke in support of better public information and education on what to do and what not to do in relation to sea turtles. He expressed concern over restricting using mechanical equipment to clean the beaches due to the issues with requiring hand raking.

Council President Pro Tem Lindsay spoke regarding historical issues with not having enough sand on the beaches. She spoke regarding a lack of public education due to an increase in visitors and individuals moving into Town from other places. She spoke regarding the serious problem with the large increase of sargassum that is impacting South Florida as well as other areas and she spoke regarding the necessity to have it removed from the beach. She spoke in support of posting signs to provide education to the public regarding sea turtles. She spoke regarding the Shore Protection Board working on the education component and that there are many

successful nests, but there is room for improvement with regards to public education.

Council President Zeidman stated that she feels that individuals have the right to clean the beach as long as they are following the State laws and permitting process. She expressed concern over requiring hand raking. She spoke regarding the Breakers' process. She spoke in support of the work being done by the Friends of Palm Beach. She spoke in support of the monitoring being done by the Breakers. She spoke regarding the issue with the drastic increase in sargassum and spoke in support of increasing monitoring prior to mechanical cleaning.

Council Member Crampton spoke in support of planning ahead for removal of the sargassum in the annual budget. Director Brazil spoke regarding Staff looking into the permitting and cost for the Town. He addressed the process and procedures the Town would take to clear the sargassum.

Mayor Moore spoke regarding clearing the seaweed which may help some turtles and harm others. She spoke regarding the copious amounts of seaweed that needs to be cleared. Mr. Brazil spoke regarding using the sea turtle monitors during the removal process. Mayor Moore spoke regarding Mr. Meister contacting Code Enforcement regarding lighting violations.

Council President Pro Tem Lindsay spoke in support of moving quickly on the removal due to the amount of seaweed on the beaches and the impact on the sea turtles and hatchlings.

Town Manager Blouin spoke regarding the direction to move forward on getting an expedited permit, logistics and cost. He clarified that the Council has not provided consensus to move forward with an ordinance to restrict mechanical equipment for beach cleaning during sea turtle season.

Council President Zeidman requested clarification from Town Attorney Randolph regarding ensuring that the beaches on private property are being kept clean, to which he responded.

Council President Pro Tem Lindsay spoke regarding areas on the North end with large amounts of sargassum which are on sovereign lands.

Council President Zeidman spoke regarding much of the areas that need to be cleaned that are on private property. She spoke in support of putting up signs at the Town's public beaches to educate the public on sea turtles and Mr. Brazil spoke regarding being able to temporarily install signage at public accesses. Council President Pro Tem Lindsay spoke regarding Diane Buhler attempting to obtain signage from the County, to which Mr. Brazil responded.

Dragana Connaughton spoke in support of looking at what some of the Caribbean countries have done to address this issue due to problems with removing too much sand with the sargassum. She spoke regarding the possibility of burying it and emphasized the importance of looking deeply into the issue.

Anne Pepper, Palm Beach, spoke in support of private property owners using hand raking on the beach when possible.

XV. ANY OTHER MATTERS

There were no other matters.

XVI. ADJOURNMENT

The Town Council Meeting of August 9, 2022 was adjourned at 4:09 PM by Motion made by Council Member Crampton and seconded by Council Member Cooney but without benefit of a Roll Call.

APPROVED:

Margaret A. Zeidman, Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk