



MINUTES OF THE TOWN COUNCIL MEETING HELD ON OCTOBER 13, 2022

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:32 a.m. On roll call, all council members were found to be present, with Mayor Moore participating on Zoom.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Churney gave the Invocation and Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

There were no changes made to the agenda.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the agenda as presented. On roll call, the Motion passed unanimously.

V. RECOGNITIONS

- A. Recognition of Michael Greenwald for his service on the Investment Advisory Committee from November 2020 through August 2022

President Zeidman presented Mr. Greenwald with a plaque and thanked him for his years of service on the Investment Advisory Committee.

President Zeidman acknowledged the following employee milestones for October: Craig Hauschild, PZB, 5 years of service; John Lawrence, Public Works, 5 years of service; Scott McCracken, Fire Rescue, 10 years of service; Alejandro Mahy, Fire Rescue, 10 years of service; and Brian Thomas, PZB, 25 years of service.

VI. BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointment to the Investment Advisory Committee

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to appoint Jacqueline de Sanctis as a regular member of the Investment Advisory Committee. On roll call, the Motion passed unanimously.

B. Presentations by the Applicants and Appointments to the Planning and Zoning Commission

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to appoint Eric Christu and Michael Vincent John Spaziani as a regular members of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

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

C. New Business

2. Maximum Number of Conflicts of Interest for Richard Sammons, Vice Chairman of the Architectural Review Commission
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the item. Mr. Sammons explained his conflicts of interest.

Council President Pro Tem Lindsay spoke regarding the history of the limit for conflicts of interest and expressed support for excusing the maximum number of conflicts of interest for Mr. Sammons.

Mayor Moore inquired regarding whether there are legal ramifications for excusing the maximum conflicts, to which Town Attorney Randolph responded. She spoke in support of excusing the maximum conflicts requirement for Mr. Sammons.

Council Member Crampton spoke in support of excusing the requirement for Mr. Sammons.

Council Member Araskog spoke regarding Mr. Sammons really only having two conflicts of interest that should have been declared. She spoke in support of waiving the requirement. She inquired about the timeline for declaring the conflicts.

Council President Zeidman spoke regarding the fact that only two of the declared conflicts should have been declared and spoke in support of having Mr. Sammons continue to serve on ARCOM.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to waive the conflicts and allow Mr. Sammons to continue in his current capacity on ARCOM. On roll call, the Motion passed unanimously.

Town Manager Blouin spoke regarding this issue should have been handled administratively due to the fact that only two declared conflicts were actual conflicts of interest. Council President Zeidman spoke regarding this item being appropriate to be placed on the agenda as directed by our current ordinance which changed the maximum from 3 to 5 and gave the Council the discretion to waive based on a hearing.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore thanked the Town Council for the recent discussion on Code Reform. She received positive and hopeful comments of change.

Mayor Moore discussed her attendance at a recent meeting of the Florida League of Cities Legislative Utilities Committee. She spoke regarding her reaching out to the Florida League of Cities in respect to House Bill 423, and the Town's opposition.

President Zeidman pointed out that the Mayor is also involved in an issue with the Port of Palm Beach. Mayor Moore spoke regarding her work on this issue.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton spoke regarding the issue of bicyclists on AIA and discussed the planned expansion of the road in the south end of town. He stated that he and Town Manager Blouin have been working with the Florida Department of Transportation (FDOT) on the issue. Town Manager Blouin discussed his conversations with FDOT, and a compromise for a shared pedestrian/bicycle lane suggested by FDOT. The Council provided consensus to bring this issue back to the November meeting for further discussion.

Council Member Cooney stated that he toured the Port of Palm Beach and spoke regarding the strategic planning that they are undergoing. Town Manager Blouin stated that the Mayor and Carolyn Stone, Assistant Town Manager, were in discussion with a Public Engagement Consultant for the Port and spoke regarding the potential expansion of the Port. He also asked that the Port attend one of the upcoming meetings to discuss their upcoming plans with the Town Council and the community.

Mayor Moore provided further background on the discussions with the Port on the proposed expansion. Council President Pro Tem Lindsay encouraged the Mayor and

the Town Manager to reach out to former partners with the Town regarding the issue, particularly due to the environmental aspects of the potential expansion of the Port. Council Member Araskog spoke regarding the possibility of determining if there are legal options dealing with the expansion. She touched on the endangerment of manatees. Council Member Araskog recommended creating a sample letter for south end residents to help them express their objections to the changes to AIA.

Council Member Araskog requested reconsideration of the vote for the project at 380 S. County Road. She discussed her reasoning for reconsideration of this item. Mayor Moore asked if the applicants needed to be in attendance to which Mr. Randolph responded. Discussion ensued on the request for reconsideration. Ms. Araskog withdrew her request for reconsideration after discussion.

Council President Zeidman spoke regarding the changes to the Phipps Ocean Park. She indicated that staff and The Preservation Foundation were still working out the details and it would be coming to the Town Council once the details were resolved. Council President Zeidman indicated that she requested staff to review the contract with each Council Member once it has been received. Council President Zeidman indicated that she read the Collective Bargaining Agreement with the Firefighters and Paramedics and spoke in support of the agreement.

IX. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak.

X. APPROVAL OF CONSENT AGENDA

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

THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA
AND HEARD UNDER ITEM NO. XI.A.:

X.B.3 Resolution No. 127-2022

X.C.1 Authorization for Road Closure for the Construction of a Private Sewer Lateral to the Town's Sanitary Sewer Main in the Middle of Cocoanut Row North of the Clarke Avenue Intersection.

A. MINUTES

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

September 13, 2022 Town Council Meeting
September 14, 2022 Town Council Development Review Meeting

September 14, 2022 Special Town Council Meeting - FY23 First Public Hearing

September 22, 2022 Special Town Council Meeting - FY23 Final Public Hearing

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 28, 2022
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 097-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Jacober Creative Design and Marketing Services in the Amount of \$268,000 for FY23.
Dean Mealy, Procurement and Contract Manager
2. RESOLUTION NO. 126-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Enter into an Agreement with the Supervisor of Elections for the March 2023 Municipal Election(s) Vote Processing Equipment Use and Election Services.
Pat Gayle-Gordon, Acting Town Clerk
3. RESOLUTION NO. 127-2022 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
4. RESOLUTION NO. 128-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2023 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.
Jane Le Clainche, Director of Finance
5. RESOLUTION NO. 129-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Amendment No. 1 to the Interlocal Agreement for Dune Restoration Project – Reach 9 for 2022/2023 Dune Restoration Project Between the Town of Lantana, the Town of South Palm Beach and the Town of Palm Beach; Authorizing the Mayor to Execute the Easement Agreement on Behalf of the Town.
H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 130-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 to Continue Support of the Water Feasibility Study.
Dean Mealy, Procurement and Contract Manager
7. RESOLUTION NO. 131-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Gov Connection in the Amount of \$200,000 for FY23.
Dean Mealy, Procurement and Contract Manager
8. RESOLUTION NO. 132-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Insight Public Sector in the Amount of \$200,000 for FY23.
Dean Mealy, Procurement and Contract Manager
9. RESOLUTION NO. 133-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$9,800 to Purchase Order No. 220509 for a Total Amount of \$74,700 for Site Civil Plan Review Assistance.
Dean Mealy, Procurement and Contract Manager
10. RESOLUTION NO. 134-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Mock Roos & Associates for the D-8 Stormwater Pump Station Rehabilitation Project in the Amount of \$59,970 and Establishing a Project Budget of \$66,000.
Dean Mealy, Procurement and Contract Manager
11. RESOLUTION NO. 135-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Blanket Purchase Order to Vetted Security Solutions in the Amount of \$100,000 and Authorizing a Transfer of \$44,337.38 from the Equipment Replacement Fund Contingency for the Purchase of a Trailer to Support License Plate Recognition on the Southern Bridge.
Dean Mealy, Procurement and Contract Manager
12. RESOLUTION NO. 136-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Piggyback Contract Award to Convergent Technologies for Public Safety Camera System, Establishing a Blanket Purchase Order in the Amount of \$200,000 and Authorizing a Transfer of \$100,000 from the Equipment Replacement Fund Contingency for the Pending Work on the Southern Bridge.
Dean Mealy, Procurement and Contract Manager

13. RESOLUTION NO. 138-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Waiver of Work Hours to Include Weekend Work for the Par 3 Restroom Renovation for the Awarded Contractor, Hedrick Brothers Construction.
Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Authorization for Road Closure for the Construction of a Private Sewer Lateral to the Town's Sanitary Sewer Main in the Middle of Cocoanut Row North of the Clarke Avenue Intersection
H. Paul Brazil, P.E., Director of Public Works
2. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts.
Jane Le Clainche, Director of Finance
3. Health Insurance Rates for Calendar Year 2023
Gillian Barth, Director of People and Culture
4. RESOLUTION NO. 137-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Collective Bargaining Agreement Between the Town and the Professional Firefighter/Paramedics, Palm Beach County, Local 2928.
Gillian Barth, Director of People and Culture

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda:

X.B.3 RESOLUTION NO. 127-2022

Council Member Cooney spoke regarding the three-strikes program. Director Bergman provided background information on the resolution. Town Engineer Strayer and Director of Public Works Brazil provided additional information in response to questions by Council Member Cooney. Council President Pro Tem Lindsay spoke regarding the negative impacts of shutting down projects, as well as the issue with the timeline for contractors obtaining a right-of-way permit. Town Manager Blouin and Director Brazil spoke regarding processing of right-of-way permits. Council Member Araskog expressed concern over the issue of the two-month work stop. She stated that work stops do not always cause more concerns from the neighbors. Town Manager Blouin spoke regarding enforcement and the appeal process.

Council Member Araskog spoke regarding effective use of parking site monitors and spoke in support of the one-month work stop and increasing the fines that have been put into place.

Council President Zeidman expressed concern over the two-month work stop and spoke in support over the one-month work stop and increasing the fines.

Motion was made by Council Member Araskog and was seconded by Council Member Cooney to adopt Resolution No. 127-2022 with an amendment to change the two-month work stoppage to one month. On roll call, the Motion passed unanimously.

X.C.1 Authorization for Road Closure for the Construction of a Private Sewer Lateral to the Town's Sanitary Sewer Main in the Middle of Cocoanut Row North of the Clarke Avenue Intersection.

Council President Zeidman spoke regarding an email received from an irate constituent regarding the road closure on Cocoanut Row. She spoke regarding the enormity of this project. Director Brazil provided further information on the project and the work that is happening.

Motion was made by Council Member Cooney and was seconded by Council Member Crampton to authorize the proposed road closure. On roll call, the Motion passed unanimously.

The Town Council recessed at 11:35 a.m. and reconvened at 11:51 a.m.

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 Strayer provided the update on the Undergrounding Project and explained the impact of Hurricane Ian on the project, specifically regarding crews from FPL not being available to conduct necessary work. She provided an update on the chicanes in the phases on the north end and presented photos of equipment in front of a property that has recently been sold and a request for equipment to be shifted at a neighboring property.

Council President Pro Tem Lindsay spoke regarding residents in the north end that had made changes to the location of equipment paying for the change.

John David Corey, 426 Australian Avenue, spoke regarding his request to move one of the pieces of equipment that are planned to be in front of his

property. He spoke regarding not being aware that the original location had been moved and expressed concern over the new location.

Council President Zeidman addressed the request and inquired about the cost that's involved, to which Director Brazil responded. Ms. Strayer spoke regarding the number of transformers on that block and Mr. Brazil stated that he recommends that the equipment stays as it is designed.

Council Member Araskog spoke regarding working with Mr. Silvin on the placement of equipment when he was not the property owner.

Council President Pro Tem Lindsay spoke regarding one of the pieces of equipment will not be seen and spoke in opposition to making another change to the equipment due to the conduit already being installed.

b. Review of Proposed North County Road Alignment

Director Brazil introduced Brent Whitfield, Chen Moore and Associates, who presented background information on proposed work improvements to address anticipated safety, drainage, visibility and aesthetic issues that will need to be addressed on North County Road in the historic canopy during upcoming phases of the undergrounding project. He spoke regarding the unique nature of the project due to the need to protect the trees in the canopy. He answered Council Members' questions.

Council Member Cooney spoke regarding his work with the Landmarks Commission on designating this area as an historic visage and spoke in support of maintaining the width and appearance of greenery while doing the roadway and drainage improvements. He spoke regarding a section of this area being higher than some of the properties and inquired about ensuring that these improvements don't exacerbate the problem. Mr. Brazil and Mr. Whitfield addressed the concern.

Council President Pro Tem Lindsay expressed concern that the aesthetic of this area is retained and expressed concern over narrowing the medians. Mr. Whitfield and Mr. Brazil spoke regarding the proposed roadway improvements, specifically the medians, and provided clarification of the drainage improvements in response to questions from Ms. Lindsay. She expressed concern over not having the ability to filter out harmful chemicals and spoke in support of looking into alternate technologies to improve water quality prior to the water entering the lagoon.

Council Member Araskog requested before and after photos of the corridor for future meetings.

In response to a question from Mr. Cooney, Director Brazil spoke regarding the next steps for this project.

Council President Zeidman expressed concern over the narrowing of the medians. In response to Ms. Zeidman, Town Manager Blouin addressed the issue of drivers driving over the medians.

Amber Mathis, Chen Moore and Associates, spoke regarding implementing silvicultural practices, which are drawn from land management of forests and a succession of planting to have a continued land management plan.

Council President Pro Tem Lindsay spoke in support of planting ground cover in the area and the necessity for the plants to grow well in shade. She spoke regarding looking at improving the drainage of the walking trail area, to which Mr. Brazil responded.

Council Member Cooney expressed support for the proposed land management plan and spoke in support of authorizing Mr. Brazil to get into the queue for the Landmarks Commission.

Council President Zeidman inquired when the canopy would be created, to which Ms. Mathis and Mr. Brazil explained that the canopy would continue to be in place. She inquired as to whether a video could be prepared to show the Council what the suggested changes would look like and it was decided the video representation would be included to assist the Council with their decision.

Director Brazil spoke regarding making this presentation at the Garden Club meeting and obtaining their input on the proposed species. He spoke regarding getting into the queue of the Landmarks Commission. He emphasized that they will not go to Landmarks until after returning to Council for approval of the proposed improvements.

The Town Council recessed at 1:24 p.m. and reconvened at 2:03 p.m.

C. New Business

1. Discussion Regarding Limiting the Number of Restaurants in a One Block Area

Julie Araskog, Town Council Member

Council Member Araskog provided background information on the item. She requested that the Town Council approve asking the Department of Planning, Zoning and Building to look at what other municipalities have done to attempt to limit the number of restaurants in a one-block area.

In response to a question from Council President Zeidman, Director Bergman spoke regarding looking into possible studies that could be done, such as a market saturation study.

Council President Zeidman spoke in support of looking at the commercial districts and whether there is too much commercial in Town. Council Member Araskog spoke in support of this type of study, as well as conducting a traffic and/or parking study. Ms. Araskog requested to expand it to nightclubs, bars and restaurants.

The Town Council provided consensus to authorize PZB to look at what other municipalities have done to attempt to limit the number of restaurants, bars and nightclubs in a one-block area.

2. Maximum Number of Conflicts of Interest for Richard Sammons, Vice Chairman of the Architectural Review Commission
Wayne Bergman, Director of Planning, Zoning and Building

This item was heard previously out of order of the agenda.

3. Exterior Construction Waiver for Gucci Store on Worth Avenue
Wayne Bergman, Director of Planning, Zoning and Building

Rico Gatmaitan, Atmosphere Design Group, Architect for Gucci, provided background information on the necessity to extend the exterior construction for the Gucci Store on Worth Avenue.

Director of Planning, Zoning and Building, provided further information on the request.

Mr. Gatmaitan stated that he would ensure that the exterior work would be completed by November 18. Ms. Araskog emphasized that no work would be done over Thanksgiving, to which Mr. Gatmaitan agreed.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve the extension of exterior work at the Gucci Store on Worth Avenue to no later than November 18, 2022; and any issues from surrounding stores or neighbors should go to Director Bergman. On roll call, the Motion passed unanimously.

4. Waiver of Town Code Section 18-237, For Building Permit Extension at 230 Atlantic Avenue
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the extension request.

Russell Palmeri, PalmCorp. Construction, provided further information on the request and explained what work needs to be completed.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve the extension of work at 230 Atlantic Avenue with the condition that no work can be done from November 21 – 27, 2022; and the week of Christmas through the day after New Year's Day; and any issues from neighbors should go to Director Bergman. On roll call, the Motion passed unanimously.

5. Review of Stop Work Order Due to Three-Strike Rule at 251 Tangier Avenue
Wayne Bergman, Director of Planning, Zoning & Building

Director Bergman explained the violations that occurred for the project at 251 Tangier Avenue.

Amadou Dial, Project Executive, Willems, explained the circumstances that occurred with the violations and explained measures that have been put into place to ensure no further violations occur. He spoke in support of trying to ensure that third-party vendors are held accountable for their violations.

Erica Bowman, CFO, Willems, provided additional information on the measures to be taken. She spoke in support of using off-duty officers for additional support and enforcement and explained the company's training efforts.

Council Member Cooney expressed appreciation for the management of a different project that is being done by the same company on a different street.

Council Member Araskog spoke regarding another project hiring an additional person to enforce parking. She spoke regarding the company having sub-contractors sign a contract to ensure compliance with these rules.

Council Member Crampton expressed appreciation for the company's response to the situation.

Motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay to direct staff to lift the stop work order and grant the ability for the Contractor to apply for future right-of-way permits. On roll call, the Motion passed unanimously.

XII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Section 42-199 of the Town Code to Include Additional Days When Construction and Landscaping Work is Prohibited

ORDINANCE NO. 004-2022 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, Section 42-199, Hours For Construction Work at Subsection (B) Limited, To Provide Additional Limitations On Dates And Hours Of Construction and Landscaping Work; Further Amending Section 421-230, Lawn Maintenance, to Add Language Providing for Certain Exceptions for the Use of Lawn Maintenance Equipment On The Wednesday Immediately Preceding Thanksgiving And On The Friday Immediately Following Thanksgiving; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Nicholas Caristo, Chief of Police

Town Attorney Randolph read the title of the ordinance.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Resolution No. 004-2022. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend the FY22 Budget

ORDINANCE NO. 017-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2021, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read the title of the ordinance.

Director LeClainche and Town Manager Blouin provided background information on the budget amendment and answered questions.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Ordinance No. 017-2022 on first reading. On roll call, the Motion passed unanimously.

XIII. ANY OTHER MATTERS

None.

XIV. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the October 13, 2022, Town Council meeting at 2:47 p.m. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk