



## MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 8, 2022

### I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of November 8, 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 President Zeidman led the Pledge of Allegiance.

### III. MODIFICATIONS TO THE AGENDA

The following additions were made to the agenda:

After PRESENTATIONS: Discussion Regarding Town Council Development Review meeting for 11/9/22 relative to preparation for Tropical Storm Nicole.

XI.C.8. Review of a Stop Work Order Due to the Three Strike Rule at 221 El Vedado Road

### IV. APPROVAL OF AGENDA

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

### V. PRESENTATIONS

A. Update on Palm Beach County Schools Proposed Tax Referendum  
*Erica Whitfield, Palm Beach County School Board Member, District 4*

Ms. Whitfield provided information on the tax referendum that is on the ballot on November 8. She answered Council Members' questions. She discussed potential school

closures due to the impending hurricane. Town Manager Blouin provided additional background information on school closures. Ms. Whitfield provided further information on how the funds would be allocated if the tax measure passes in response to Council Members' questions and discussed what can be done about teachers' pay.

Town Manager Blouin spoke regarding Tropical Storm Nicole and the potential of cancelling the Development Review meeting, as well as potential issues of storm surge, flooding and wind. Discussion ensued regarding rescheduling the Development Review meeting and potential dates and times. It was the consensus of Council to wait until after the 2:00 update to determine if the meeting will be rescheduled.

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

Mayor Moore encouraged everyone to vote today. She announced the following employee milestones: Paul Brazil, Director of Public Works, 20 years of service; Craig Johnson, Fire Department, 20 years of service; Joseph Sekula, Fire Department, 20 years of service; Michael Lane, Police Department, 10 years of service; Gisele Bido, Police Department, 10 years of service; Anducci Augustine, Police Department, 5 years of service; Michael Ogrodnik, Police Department, 5 years of service.

Mayor Moore provided an update on the Strategic Planning Board and discussed a recent community meeting and upcoming meetings and focus groups. She spoke regarding an upcoming Florida League of Cities Legislative Committee meeting that she will be attending.

She introduced Bob Miracle, the new Deputy Town Manager, who provided background information on his experience.

#### VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay spoke regarding traffic congestion in mid-town and spoke regarding construction projects that are causing additional congestion.

Council Member Crampton spoke regarding traffic congestion in the South end, as well. In response to a query by Mr. Crampton, Town Manager Blouin provided an update on the discussions with FDOT on the proposed widening in the South end of Town. Mr. Crampton requested that staff return with proposed plans at the next month's meeting. Mr. Brazil provided additional information on the discussions. Council Member Crampton spoke regarding the potential of organizations sending petitions to the Governor regarding the proposed project.

Council Member Araskog spoke regarding the proposed FDOT project and asked questions regarding the potential of the Mayor sending a letter to the Governor, to which Mr. Brazil responded. She encouraged residents to vote. Ms. Araskog expressed concern over construction sites being prepared in the event that Tropical Storm Nicole impacts the Town,

to which Mr. Blouin responded. She emphasized the importance of residents preparing for the storm.

Council President Zeidman spoke regarding the Planning & Zoning Commission meeting that occurred regarding the Zoning Code Update. She announced that Council Member Cooney, Sue Patterson and Jeff Smith will be making a presentation entitled, “My Palm Beach” at the Preservation Foundation.

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

John David Corey, Australian Avenue, spoke regarding issues with the Café Seating permits and expressed concern over the process and situations that are occurring with increased capacity at certain restaurants in Town. Discussion ensued by Town Manager Blouin and Town Council regarding enforcement of this issue.

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

**Motion was made by Council Member Crampton and seconded by Council Member Cooney 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*

October 12, 2022 Town Council and Planning and Zoning Commission  
Joint Meeting

October 12, 2022 Town Council Development Review Meeting

October 13, 2022 Town Council Meeting

###### 2. Approval of Major Matters Considered by the Architectural Review Commission at its Day 2 Meeting of September 28, 2022 and of October 26, 2022

*Wayne Bergman, Director of Planning, Zoning and Building*

##### B. RESOLUTIONS

###### 1. RESOLUTION NO. 139-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Waiver to the Town Code for Construction Hours and Authorizing Additional Appropriation for the North Ocean Seawall Repair and Painting Project, in the Amount of \$110,845 and Increasing the Original Construction Phase Budget of \$264,155 for this Project, for a Revised Total Budget of \$375,000.

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

2. RESOLUTION NO. 140-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to the Award Authority of Resolution No. 083-2019 from \$240,000 annually to \$400,000 annually to support Planning, Zoning, and Building Plans Review Requirements.  
*Dean Mealy, Procurement and Contract Manager*
3. RESOLUTION NO. 141-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Orlando Freightliner Isuzu Truck of Ocala for the Purchase of a 20 CY Trash Truck in the Amount of \$193,826 and Establishing a Project Budget of \$213,382.  
*Dean Mealy, Procurement and Contract Manager*
4. RESOLUTION NO. 142-2022 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. in the Amount of \$18,735 and Establishing a Project Budget of \$22,482 for Town-wide Undergrounding of Utilities Program, Phase 4 North and Phase 2 South Easement Abandonment.  
*Dean Mealy, Procurement and Contract Manager*
5. RESOLUTION NO. 143-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Retroactive Change Order to Resolution No. 121-2022, Par 3 Restroom Renovation in the amount of \$23,597 for an Updated Budget Authorization of \$190,097 to Hedrick Brothers Construction Company Inc.  
*Dean Mealy, Procurement and Contract Manager*
6. RESOLUTION NO. 144-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Duval Ford in the Amount of \$122,685.82 and Establishing a Project Budget of \$134,685.82 for Two Ford Police Interceptors Hybrid AWD.  
*Dean Mealy, Procurement and Contract Manager*
7. RESOLUTION NO. 146-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.  
*Dean Mealy, Procurement and Contract Manager*
8. RESOLUTION NO. 147-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract and a Purchase Order to Health Fitness Corporation in the Annual Amount of \$207,413.  
*Dean Mealy, Procurement and Contract Manager*

X. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status  
*H. Paul Brazil, P.E., Director of Public Works*

Patricia Strayer, Town Engineer provided a brief update of the project status. Council Member Cooney spoke in support of the paving being done by Grainger.

*The Town Council recessed at 10:55 a.m. and reconvened at 11:10 a.m.*

2. Water Feasibility Study Update  
TIME CERTAIN: 11:00 AM  
*H. Paul Brazil, P.E., Director of Public Works*

Director Brazil provided background information on the options that have been researched in the water feasibility study and introduced Jason Lee from Kimley-Horn, who presented further information on the options that were studied, including associated costs involved. He provided an update on meetings and discussions that have occurred pertaining to the options. John Potts provided additional information on what is required for directional drilling in the intercoastal for the option of the Intercoastal Waterway Transmission Line and explained potential issues with the option.

Council Member Crampton spoke regarding the regulation of “forever chemicals” and inquired about the treatment of those chemicals, to which Mr. Potts responded.

Mayor Moore inquired about the increased allocation proposed by the Town of Lake Worth Beach, to which Mr. Lee responded.

Council Member Araskog spoke in support of no longer investigating the option of the Intracoastal Waterway Transmission Line. She spoke regarding the issue of not knowing if permits will be issued, to which Mr. Potts responded. Ms. Araskog spoke regarding trying to get agreement prior to moving forward.

Council Member Cooney inquired about the potential cost of the West Palm Beach facility, to which Mr. Lee and Mr. Blouin responded.

Council President Pro Tem Lindsay stated that she feels that the only options they should continue pursuing are the membrane technology options. She brought up the desalinization plant option and spoke regarding the possibility of looking at that option again.

Council President Zeidman spoke in support of the three options that involve the membrane technology and expressed support for sending the options to the Finance and Tax Committee to start looking at costs. She outlined the options that she feels should continue to be reviewed and raised questions regarding the various options.

Mayor Moore expressed concern over the option of the desalinization plant due to various issues.

Council Member Crampton spoke regarding the options that should move forward and spoke in support of the Tax and Finance Committee meeting and receiving a report of more specific costs.

Council President Zeidman spoke regarding staff bringing back more specific costs and feasibility of the desalinization option, to which Mr. Brazil responded.

Council Member Araskog expressed concern over looking at a desalinization plant on the west side of A1A and stated that she does not feel that this option should continue to be researched. She spoke regarding the possibility of not doing anything at this time to see what the regulation of forever chemicals might require the City of West Palm Beach to do to upgrade their equipment. In response to Ms. Araskog, Council Member Crampton spoke regarding the regulatory and standards process. Mr. Brazil responded to a question from Ms. Araskog regarding Phipps Park. She spoke in support of the option of not doing anything at this time.

Council President Pro Tem Lindsay expressed concern over the amount of time of the regulatory process and spoke in support of being on the front end of this issue rather than waiting until the regulatory process occurs. She spoke in support of having staff look at the desalinization process on the west side of A1A.

Discussion ensued regarding moving forward with investigating the desalinization option.

Council President Zeidman spoke in support of looking at the desalinization plant on the west side of A1A and if it is not feasible, then this option will be removed from consideration.

Council Member Crampton expressed concern over the impacts to Ibis Isle and neighboring communities in that area if a desalinization plant was located there.

Director Brazil provided an overview of the options that will be further researched to be returned to Town Council at the December meeting. The Council did not provide consensus to research the desalinization plant.

The Town Council provided consensus to further research the following options: City of West Palm Beach membrane upgrade and overlay of pipes that need to be replaced; City of Lake Worth Beach membrane technology with new distribution and pipes that need to be replaced. The option of not changing anything at this time will also be a consideration.

Discussion ensued regarding scheduling a public workshop and Finance and Tax Committee meetings.

*The Town Council recessed at 12:25 p.m. and reconvened at 12:33 p.m.*

*The following item was heard out of order of the agenda.*

C. New Business

2. Discussion on Naming Rights Regarding Donations  
*Kirk W. Blouin, Town Manager*

Council Member Cooney inquired regarding the procedures for materials that are included after the posting of the agenda, to which Mr. Blouin responded.

Council President Zeidman spoke regarding the importance of moving ahead and getting an answer to the naming rights issue due to time constraints and additionally developing a policy for the naming rights. Discussion ensued regarding what will be discussed as it relates to Phipps Ocean Park.

Amanda Skier, Preservation Foundation of Palm Beach, presented background information on the project, outlined the goals and presented the request for 99-year naming rights for donors.

Betsy Shivricks, Chair of the Preservation Foundation, spoke regarding the work of the foundation and provided further on the request for naming rights for 99 years.

Mayor Moore spoke regarding capital grants and naming rights in perpetuity and spoke regarding the need to work out the details of the agreements.

Council Member Crampton spoke in support of allowing the Foundation to extend naming rights in perpetuity and spoke regarding the importance of the Town assisting in developing the pledge agreements. Ms. Skier responded. Discussion ensued on the pledge agreements and the agreement for naming rights.

Assistant Town Manager, Carolyn Stone, provided additional background information on the project and the request for naming rights. Town Manager Blouin provided further information on the issues related to the naming rights and spoke regarding the Council only providing direction on the naming policy and not adopt a formal policy at this time.

Council Member Araskog expressed concern over naming rights in perpetuity due to certain potential issues and inquired what happens if the plaque or buildings, etc. get destroyed. Town Attorney Randolph clarified what is being discussed at today's meeting.

Council President Zeidman asked if there is a maximum gift amount for the 99-year naming rights, to which Ms. Skier responded. Ms. Zeidman spoke regarding the importance of those negotiating the agreement look at Item 1.B. Liability for Cost of Replacement.

The Town Council provided consensus to provide direction that naming rights will be granted, including 99-year naming rights for "major" donors.

*The Town Council recessed at 1:23 p.m. and reconvened at 2:13 p.m.*

*The following item was heard out of order of the agenda.*

5. Special Events Request from Worth Avenue Association for December 3, 2022  
*Nicholas Caristo, Chief of Police*

Capt. Will Rothrock, Police Department, provided background information on the request and provided staff comments.

Marianna Abate, Worth Avenue Association, provided further information on the request and explained issues that had occurred at the previous event. She answered Council Members' questions.

Council President Pro Tem expressed concern over the timing of the event and the issue of parking and the capability of this event with Worth Avenue.



Council Member Crampton inquired about the timing of the event, to which Ms. Abate responded.

Council President Zeidman expressed concern over the capability of Worth Avenue handling this event during the holiday season with increased car and foot traffic. She expressed serious concern over the increased needs for police to monitor such a large event over the holidays. She expressed her opinion that the event is too large and draws too many people for the event to be scheduled during the holidays.

Council Member Araskog spoke in support of the possibility of the event being held on a Sunday, to which Ms. Abate responded.

Discussion ensued regarding moving the event being moved to April.

Town Council provided consensus to provide the Town Manager with the authorization to review and approve the event to be held in April.

B. Old Business

3. RESOLUTION NO. 145-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP in the Amount of \$2,417,019 for a total Purchase Order of \$3,402,083 which Encompasses the Previously Awarded Resolution No. 133-2021 and Resolution No. 161-2021 and Establishing a Project Budget to date of \$3,810,227.

*Dean Mealy, Procurement and Contract Manager*

Paul Brazil, Public Works Director, provided an update on the status of the project and provided background information on the item.

Council Member Crampton expressed concern over the cost of the building increasing since the beginning, to which Mr. Brazil responded. Mr. Crampton spoke in support of staff ensuring that they continue to find ways to reduce costs for this project.

Council Member Cooney and Mayor Moore spoke regarding the historic nature of this building and the importance of preserving the structure appropriately and that higher costs may be involved to do so.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 145-2022. On roll call, the Motion passed unanimously.**

C. New Business

1. Discussion Regarding Town Caucus To Be Held on Tuesday, December 6, 2022

*Margaret A. Zeidman, Town Council President*

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve that the Town Caucus will be held on Tuesday, December 6, 2022 at 6:00 PM. On roll call, the Motion passed unanimously.**

2. Discussion on Naming Rights Regarding Donations

*Kirk W. Blouin, Town Manager*

This item was heard out of order of the agenda.

3. Request for Waiver of Construction Limitations in the Right-of-Way November 12, 2022, for Delivery of a Tree to 756 Hi-Mount Road

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

Director Brazil provided background information on the item.

Mayor Moore expressed concern over traffic issues when there was a delivery of a tree a few weeks ago, to which Mr. Brazil responded.

Council Member Araskog expressed concern over the request being two Saturdays in a row.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to grant a waiver of construction limitations in the Right of Way to 756 Hi Mount Road. On roll call, the Motion passed unanimously.**

4. Waiver of Third Charitable Solicitation Event Permit for MorseLife Health System

*Carolyn Stone, Deputy Town Manager*

Assistant Town Manager Stone provided background information on the item.

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve a waiver of a third Charitable Solicitation Permit to MorseLife Health System. On roll call, the Motion passed unanimously.**

Mayor Moore inquired about the charitable solicitation process and if the applications were vetted, to which Ms. Stone responded.

5. Special Events Request from Worth Avenue Association for December 3, 2022  
*Nicholas Caristo, Chief of Police*

This item was heard out of order of the agenda.

6. Review of a Stop Work Order Due to the Three Strike Rule at 266 Colonial Lane  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the item.

Jeff Brokov, General Contractor, stated that the fines have been paid and explained the violations that had been done by a delivery contractor.

Council Member Araskog spoke regarding a construction site on her street with a full-time monitor, which helps with these types of issues.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to lift the Stop Work Order, rescind the third strike and issue right-of-way permits conditional to all fines being paid. On roll call, the Motion passed unanimously.**

7. Review of a Stop Work Order Due to the Three Strike Rule at 1540 South Ocean Boulevard  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the item.

Josh McAlees, Seagate Capital Construction, explained the violations that had occurred and spoke regarding getting a second monitor for the site.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to lift the Stop Work Order, waive the third strike and issue right-of-way permits subject to all fines being paid. On roll call, the Motion passed unanimously.**

8. Review of a Stop Work Order Due to the Three Strike Rule at 221 El Vedado Road  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the item and explained that since it is a 5<sup>th</sup> strike, then it is a \$5,000 fine and 30 days of no work allowed.

Gabriel Otheguy, Hedrick Brothers Construction, explained the violations that had occurred and explained that the first two strikes listed were from a previous permit. He spoke regarding the Police Department assisting with parking enforcement, as well as a parking monitor. He explained the future mitigation measures.

Mayor Moore expressed concern over Hedrick Brothers having these issues due to their experience on the island.

Council President Pro Tem Lindsay spoke regarding the parking for the right-of-way permits.

Council Member Araskog spoke regarding issues that have been occurring during the construction project on this site and spoke regarding violations she has personally seen. She spoke in support of the \$5,000 fine and no work for 30 days.

Mr. Otheguy spoke regarding the proposed timeline for the remainder of the job.

**Motion was made by Council Member Araskog spoke regarding maintaining the Stop Work Order for two weeks, and to issue right-of-way permits after two weeks subject to all fines being paid; and to waive the third, fourth and fifth strikes. Motion died to a lack of second.**

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to lift the Stop Work Order, waive the third, fourth and fifth strikes and issue right-of-way permits subject to all fines being paid. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.**

## XI. ORDINANCES

### A. Second 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*

Attorney Randolph read the Ordinance by title.

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

**XII. ANY OTHER MATTERS**

Chief Donatto provided an update on Tropical Storm Nicole and explained that the barrier island has been issued a mandatory evacuation and spoke regarding closures of Palm Beach County and Palm Beach County Schools. Town Manager Blouin provided additional information. Discussion ensued regarding rescheduling the Development Review Meeting. The consensus was to hold the Development Review meeting as scheduled, via Zoom.

**XIII. ADJOURNMENT**

The Town Council meeting of November 8, 2022 was adjourned at 3:40 PM without benefit of a Motion.

APPROVED:

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Margaret A. Zeidman, Town Council President

ATTEST:

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Pat Gayle-Gordon, Acting Town Clerk

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Date