



## **MINUTES OF THE TOWN COUNCIL MEETING HELD ON DECEMBER 13, 2022**

### **I. CALL TO ORDER AND ROLL CALL**

The Town Council Meeting 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 Chair Zeidman led the Pledge of Allegiance.

### **III. MODIFICATIONS TO THE AGENDA**

The following modifications were made to the agenda:

Item No. X.A.1. Town Council Meeting Minutes November 9, 2022, Town Council Development Review Meeting was deferred to the January 10, 2023 Town Council Meeting.

### **IV. APPROVAL OF AGENDA**

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

### **V. RECOGNITIONS**

- A. Recognition of Town of Palm Beach 2022 Employee of the Year  
*Danielle H. Moore, Mayor*

Mayor Moore recognized Danny Rojas, Warehouse Technician as the Town's 2022 Employee of the Year.

Mayor Moore recognized the following employee milestones: Clifton Anderson (PW) 20 years, Will Campbell (PW) 10 years, Antonio Pataca (PW) 10 years, Christopher Barber (PD) 5 years and Daniel Carreno (FR) 5 years. She also announced the retirement of Thomas Machate (PD) after 22 years of service to the Town.

## VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

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

Presentations were made to the Town Council by the following applicants:

Barbara Altenburg  
Melissa Ceriale  
Erick Reickert  
Joel Zylstra

**Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve the appointments of Melissa Ceriale, Erick Reickert and Joel Zylstra as regular members of the Shore Protection Board. On roll call, the Motion passed unanimously.**

## VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore announced that the Strategic Planning Board will be meeting on December 15, February 9 and March 3. She announced that there will also be focus groups and public input sessions on January 5 and January 11. Mayor Moore expressed appreciation to the Citizens Association and Civic Association for hosting the Town's Employee of the Year Award event.

## VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay stated that Gail Coniglio has applied for the vacant seat on the Port Commission and urged her colleagues and residents to send emails of support for Ms. Coniglio's application.

Council Member Araskog expressed appreciation to Warren and Allison Anders for their generous donation for body armor for the Police Department. She also expressed appreciation for a donation received from the Preservation Foundation.

Council Member Cooney thanked Paul Brazil and the Public Works Department for hosting an event at their facility and expressed appreciation to the Police and Fire Foundation for hosting an event in honor of the Police Department Centennial. He expressed condolences on the passing of John Shuler.

Council President Zeidman spoke regarding messages that she has received regarding the Code Review process and addressed concerns raised by residents, specifically that the 25% FAR was an example, not a suggestion and was illustrated by the consultant along with higher FAR percentages. Secondly, she addressed the percentage of variances given by the Town Council most of which fall into the specific categories: non-conforming lots, di minimus requests, requests for placement of mechanical devices and infill.

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

Denise Budnitz, Palm Beach Towers, expressed concern over a trash receptacle complex that has been installed adjacent to Palm Beach Towers at the Royal Poinciana Plaza due to issues with noise. Council Member Araskog spoke regarding a response that she has received from Alexandra Patterson from the Royal Poinciana Plaza regarding this issue.

Donald Singer, 2229 S. Ocean Boulevard, congratulated the newly elected Mayor and Town Council Members.

## X. APPROVAL OF CONSENT AGENDA

The following items were moved from Consent Agenda and heard as follows:

Item No. X.B.1. Resolution No. 148-2022 was heard as part of Item No. XIV.B.3. Phipps Ocean Park Plan Update

Item No. X.B.7. Resolution No. 160-2022 was pulled and heard as item no. XIV.A.1.

Item No. X.C.4. 206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season was pulled and heard at Item No. XIV.A.2.

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

### A. MINUTES

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

November 8, 2022, Town Council Meeting  
November 9, 2022, Town Council Development Review Meeting  
November 15, 2022, Town Council Development Review Meeting -  
***Deferred to the January 10, 2023, Town Council Meeting***  
December 9, 2022, Special Town Council Meeting

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 18, 2022.  
*Wayne Bergman, Director of Planning, Zoning and Building*

### B. RESOLUTIONS

1. RESOLUTION NO. 148-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Pre-Construction Phase Services to Burkhardt Construction Inc. for the Phipps Ocean Park Improvement Project in the Amount of \$106,760.  
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as part of Item No. XIV.B.3.***

2. RESOLUTION NO. 155-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of \$382,769.80 and Establishing a Project Budget of \$421,047.  
*Dean Mealy, Procurement and Contract Manager*
3. RESOLUTION NO. 156-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer Trailer to Spector Manufacturing Inc. in the Amount of \$171,076 and Establishing a Project Budget of \$179,629.  
*Dean Mealy, Procurement and Contract Manager*
4. RESOLUTION NO. 157-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Regions Security Services, Inc. in the Amount of \$133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of \$526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization.  
*Dean Mealy, Procurement and Contract Manager*
5. RESOLUTION NO. 158-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-22, Worth Avenue Living Wall Maintenance Program to GSky Plant Systems, Inc. in the Annual Amount of \$36,000 and a Proposed Five-Year Award of \$180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization.  
*Dean Mealy, Procurement and Contract Manager*
6. RESOLUTION NO. 159-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Sovereignty Submerged Lands Fee Waived Lease Renewal No. 500026426.  
*Carolyn Stone, Deputy Town Manager*
7. RESOLUTION NO. 160-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 091-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization.  
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as Item No. XIV.A.1.***

C. OTHER

1. Donation Acceptance - PBP&FF (*Palm Beach Police and Fire Foundation*)  
*Nicholas Caristo, Chief of Police*
2. Request for Approval of Payment under Town's Supplemental Life Insurance Program - Valerie Tonge  
*Gillian Barth, Director of People & Culture*
3. Public Employees Relations Commission 2022 Reappointments  
*Gillian Barth, Director of People & Culture*
4. 206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season  
*H. Paul Brazil, P.E., Director of Public Works – **Pulled and Heard as Item No. XIV.A.2.***
5. Waiver to Town Code for Extended Construction Hours and Road Closure for Ranger Construction to Construction Drainage and Roadway Improvements on Via Palma  
*H. Paul Brazil, P.E., Director of Public Works*
6. Preservation of Dune Plantings Along Mid-Town Seawall  
*H. Paul Brazil, P.E., Director of Public Works*
7. 2000 S Ocean Blvd – Parking Adjacent to Rights-of-Way  
*H. Paul Brazil, P.E., Director of Public Works*
8. 217 Mockingbird Trail, Large Bismarck Palm Tree Replacement  
*H. Paul Brazil, P.E., Director of Public Works*
9. 218 Debra Lane, Fire Hydrant Relocation, Sewer Lateral Replacement, and Gas Service  
*H. Paul Brazil, P.E., Director of Public Works*

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report  
*Melissa Ceriale, Chair*

Melissa Ceriale, Chair of the Shore Protection Board, presented the Annual Report.

Council President Pro Tem inquired about the work that the Shore Protection Board has been doing on the signage for sea turtle awareness, to which Ms. Ceriale responded.

Council Member Crampton inquired about using offshore sand for future beach renourishment, to which Director of Public Works, Paul Brazil, responded.

Council Member Araskog spoke in support of the Board including a video regarding the Lake side and Ms. Ceriale spoke regarding the education being done with the videos.

In response to a question from Council President Zeidman, Ms. Ceriale spoke regarding the videos.

**Motion was made by Council Member Crampton and seconded by Council Member Araskog to accept the Annual Report of the Shore Protection Board. On roll call, the Motion passed unanimously.**

## XII. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on October 27, 2022  
*Lew Crampton, Chair*

Council Member Lew Crampton, Chair of the Business and Administrative Committee presented the report of the meeting held on October 27, 2022 and made the following recommendations, which were accepted by the Town Council:

1. Implement paid parking from Harmon to Wells (except for the permit parking areas);
2. Utilize ParkMobile for paid parking;
3. Intersperse 30-minute free parking spots throughout the paid parking district;
4. Investigate valet locations on Worth Avenue and North County Road;
5. Provide incentives for residents to park for a lower cost than non-residents;
6. Incorporate the traffic and parking data that is being collected as part of the Corradino Group study; and
7. Integrate the permitted program into the proposed paid parking districts.

Mr. Crampton outlined the goals for the parking program. Council President Pro Tem provided additional background on the proposed program. Mayor Moore addressed the origins of the discussions on a paid program parking.

Council Member Cooney spoke in support of the proposed program but expressed concern that there will continue to be issues that arise that will need to be addressed.

Council Member Araskog expressed concern that many of the Town's residents do not use technology and stated that she would like to see more 30-minute free parking spaces.

Council Member Crampton spoke regarding a signage plan that will also be brought to Town Council for approval.

Council President Zeidman congratulated the Committee Members and Mayor Moore on their diligent work on this program.

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to accept the report of the Business and Administrative Committee meeting held on October 27, 2022 and the seven (7) recommendations regarding parking. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.**

*A break was taken at 11:15 a.m.*

*This matter was heard out of order at 5:07 p.m.*

### XIII. PUBLIC HEARINGS

- A. RESOLUTION NO. 162-2022 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating And Abandoning Portions of an Existing Public Utility Easements Within the Property Commonly Known as 1265 South Ocean Boulevard, in The Town of Palm Beach, Florida.  
*H. Paul Brazil, P.E., Director of Public Works*

Patricia Strayer, Town Engineer, read the title of the resolution and provided a brief background on the item.

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 Cooney to approve Resolution No. 162-2022. On roll call, the Motion passed unanimously.**

### XIV. REGULAR AGENDA

*The Matters Pulled from Consent Agenda were heard at 5:23 p.m., out of order of the agenda:*

- A. Matters Pulled From Consent Agenda: If needed
1. RESOLUTION NO. 160-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 091-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of \$324,405.90 for FY23 and FY24 for a Total Revised Authorization of \$2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization.  
*Dean Mealy, Procurement and Contract Manager*

Director of Public Works Brazil provided information in response to questions from Council Member Araskog.

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 160-2022. On roll call, the Motion passed unanimously.**

2. 206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season  
*H. Paul Brazil, P.E., Director of Public Works*

Director Brazil provided information on the item in response to a question from Council Member Cooney.

Tommy Morrison, owner, 206 Phipps Plaza, provided an update on the construction project and additional information on the request.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Right-of-Way permit for scaffolding during season at 206 Phipps Plaza. On roll call, the Motion passed unanimously.**

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 answered a question from Ms. Araskog regarding a resident who has called regarding an easement agreement.

*The Town Council Meeting reconvened at 11:25 a.m. and the following item was heard:*

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

Jason Lee, Kimley Horn & Associates presented the options that Council had requested to be studied further. He provided a cost analysis for each option and discussed the timeline and operational complexity of the options. John Potts provided additional information in response to Council Members' questions. Mr. Lee presented proposed pipeline improvements for the City of Lake Worth Beach option. Discussion ensued on the impact of the proposed project in certain areas of Town over a period of several years.



Council Member Crampton spoke regarding the length of the regulatory process for the federal government to provide regulations on “forever chemicals” and spoke regarding the option that the Town could continue to renew its agreement with the City of West Palm Beach until that process is complete.

Mr. Lee provided information on the option of the desalination plant on the west side of A1A across the street from Phipps Park.

Council President Zeidman spoke regarding the amount of information that has been presented and spoke in support of holding a workshop in January to further discuss the options.

Council Member Araskog spoke in opposition to the desalination plant option. Discussion ensued on the desalination option.

Mr. Potts provided information on the regulation of public water utilities in response to questions by Council President Zeidman. Discussion ensued regarding the cyanotoxin contamination and the issue of not being noticed of the contamination. Ms. Zeidman spoke regarding the Town Council wanting to provide the cleanest water possible to its residents. Council President Zeidman requested the Council make a decision about the desalination plant on the west side of A1A across from Phipps Park. The Council spoke in support of discontinuing the study of the desalination option because of its impact to the residential neighborhood specifically that the utility plant would require approximately 500 plus linear feet divided on both sides of the entrance to Ibis Isle; that construction would take a minimum of 4 years and would require installation of large diameter pipes on the majority of the north/south streets. The open cut construction would last for several years resulting in rerouting of traffic to West Palm Beach during construction and finally the cost.

**Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to discontinue the option of constructing a desalination plant at Phipps Ocean Park and to arrange a workshop to be held in January 2023 regarding the West Palm Beach and Lake Worth Beach options. On roll call, the Motion passed unanimously.**

Council President Zeidman requested along with Councilman Crampton that the Finance Committee meet to review the financial impacts of each alternative. Mr. Crampton asked that Mr. Miracle be included in the presentation. Town Council provided consensus to refer the discussion of the two remaining options to the Finance and Taxation Committee prior to the workshop.

*The Town Council recessed for lunch at 12:40 p.m. and reconvened at 2:20 p.m.*

3. Phipps Ocean Park Plan Update  
*Carolyn Stone, Deputy Town Manager*  
*Amanda Skier, President and CEO, Preservation Foundation of Palm Beach*  
TIME CERTAIN: 2:15 PM

- A. ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) including modifications to the parking lot and pedestrian ways, the relocation of the existing Little Red Schoolhouse, the construction of sports courts, restroom facilities, beach pavilions and an educational facility including variances to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

Carolyn Stone, Deputy Town Manager, provided a brief background on the item and introduced Amanda Skier, Preservation Foundation. Ms. Skier introduced Raymond Jungles, Landscape Architect and Guy Champin, Project Manager, who presented the landscape design for the park. Richard Sammons, Architect, presented the site plan and Scott Collinson presented the project plans for proposed buildings to be constructed. Harvey Oyer explained the variances that would be required for this project. Council Member Araskog inquired about the hardship, to which Mr. Oyer responded.

Council President Zeidman explained the process for the approval of the proposed project.

Council Member Araskog expressed concern over the potential maintenance costs and the agreement with the Preservation Foundation. Town Manager Blouin spoke regarding the potential maintenance costs and the process for the approval of the agreement.

Acting Town Clerk Gayle-Gordon administered the oath of office at this time.

Ex-parte communications were declared by Council President Zeidman, Council President Pro Tem Lindsay, Mayor Moore, Council Members Crampton, Araskog, and Cooney.

Council Member Araskog expressed concern over confusion from residents about what the item on the agenda entails. She expressed concern over certain elements of the site plan. Mr. Oyer spoke regarding issues with the project being delayed if Council would vote to defer the item. Ms. Skier addressed Ms. Araskog's concern over the pickleball courts.

Council President Zeidman clarified what the agenda item entails and confirmed that the item was properly noticed. Town Council provided consensus to continue hearing the item at this time.

Director of Planning, Zoning & Building, Wayne Bergman, provided staff comments.

Council President Zeidman called for public comment. The following individuals spoke on the item:

Carla Horwitz, The Reef, expressed concern that the landscape buffer between the proposed project and the Reef was no longer 30 feet and expressed concern over the placement of the pickleball courts. She requested that the Preservation Foundation present the alternative plan that the Landmarks Preservation Commission requested the Preservation Foundation to complete.

Ellyn S. Bogdanoff, representing 2100 Condominium, spoke in support of being provided a copy of the agreement with the Foundation as soon as possible in order to ensure that the residents' concerns are being addressed.

Peter Wilson, The Reef, expressed concern over the installation of pickleball courts.

Mr. Oyer spoke regarding the pickleball courts. Discussion ensued regarding the pickleball courts and whether or not the Town Council would be considering approval at this time. Mr. Champin presented the alternative plans for the landscape buffer and the pickleball courts.

Council Member Crampton spoke in opposition to the installation of pickleball courts as part of this project.

Sherry Crist, The Reef, spoke regarding the noise from pickleball courts being an issue nationwide and expressed concern over the installation of pickleball courts at this location.

Lawrence Kaplan, Ibis Isle, spoke regarding the importance of the rules and regulations being delineated and enforced. He spoke in support of the project moving forward quickly in order to mitigate impacts to nearby residents.

Steve Tannenbaum, 2100 Ocean Blvd, President of the 2100 Board, spoke regarding a letter sent that outlined concerns, including the width and height of the buffer between 2100 and the proposed project. He expressed concern over safety and spoke regarding the importance of the rules and regulations being enforced.

Alfred “Skip” Aldrich, 2295 S. Ocean Blvd., on behalf of the Citizen’s Association, spoke regarding letters sent by the Citizen’s Association in support of the project, but stated that there are concerns over the installation of pickleball courts. He spoke in support of the approval of the site plan and the project construction commencing as soon as possible.

Council Member Cooney expressed appreciation to the Preservation Foundation for this project and spoke in support of the proposed project. He spoke regarding the pickleball courts and stated that he would be supportive of continuing the discussion on pickleball. He spoke in support of option 3 presented today pertaining to the hedge and the proposed pickleball courts. He suggested that with 20 acres of park land there may be better options for locating the pickleball courts so that residents are not disturbed by the bouncing of the pickleball.

Council President Pro Tem Lindsay spoke in support of the proposed project and spoke in support of deferring the approval of the pickleball courts at this time and continuing the discussion of installing pickleball courts. She spoke in support of option 3.

Council Member Araskog spoke in opposition to the installation of pickleball courts at this location due to the noise. She spoke in support of option 3 without the pickleball courts. She raised additional items pertaining to safety.

Council Member Crampton spoke in support of the proposed project and spoke regarding residents’ support of the project. He expressed concern over the pickleball courts being installed at this location because the project is a passive and educational park. He spoke in support of taking out the pickleball courts and adding back greenspace.

Council President Zeidman inquired about the gymnasium being used for pickleball, to which Ms. Stone responded.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance ZON-22-107 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. On roll call, the Motion passed unanimously.**

**Motion was made by Council Member Cooney and seconded by Council Member Crampton that Site Plan Review and Special Exception ZON-22-107 be approved as said applications meet the criteria set forth in Section 134-229 and Section 134-329 of the Town Code, and finding that approval of the Site Plan will not adversely affect the public interest and that all zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, as amended with the direction to defer the decision on pickleball court to the February 14, 2023, Town Council Meeting. On roll call, the Motion passed unanimously.**

RESOLUTION NO. 148-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Pre-Construction Phase Services to Burkhardt Construction Inc. for the Phipps Ocean Park Improvement Project in the Amount of \$106,760.

*Dean Mealy, Procurement and Contract Manager – Pulled from Consent Agenda*

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 148-2022. On roll call, the Motion passed unanimously.**

*A break was taken at 4:38 pm. and reconvened at 4:47 p.m. The following item was heard:*

4. Evaluation of Impacts to Right-of-Way Due to Revised Plans for “Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation”

TIME CERTAIN: 3:30 PM

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

Jason Debrincat, Senior Project Engineer, provided a brief background on the item and introduced Brett Whitfield, Chen Moore & Associates, who presented the proposed improvements for the FDOT project. He answered questions by the Mayor and Council Members. Mr. Blouin stated that the

action for this item is to authorize the Mayor to send a letter to the Governor regarding the Town's opposition to the proposed project.

The following residents spoke regarding the improvements to the roadway:

Ronald Matzner, 2130 S. Ocean Boulevard  
Lawrence Kaplan, 2299 Ibis Isle Road

The Town Council provided consensus to authorize Mayor Moore to draft a letter to Governor DeSantis in opposition to the proposed FDOT project.

C. New Business

*The following item was heard at 5:54 p.m., out of order of the agenda:*

1. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project  
*H. Paul Brazil, P.E., Director of Public Works*

Director Brazil provided background information on the item.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the waiver and begin dredging in the Lake Worth Lagoon. On roll call, the Motion passed unanimously.**

*The following item was heard at 5:31 p.m., out of order of the agenda:*

2. Discussion Regarding Overtime Policy for Public Safety  
*Nicholas Caristo, Chief of Police and Darrel Donatto, Fire Rescue Chief*

Prior to unionization and collective bargaining impasse in January of 2012 police officers and firefighters were paid overtime for additional hours worked beyond their normal work schedule consistent with other Town employees and the local marketplace. Police officers and firefighters are routinely required to cancel days off and work mandatory overtime to meet operational needs for which they are compensated straight time for additional hours worked. A recent market survey conducted of police and fire departments in Palm Beach County confirmed that all pay overtime for additional hours worked beyond their normal pay period. A policy change would make PBPD and PBFR more competitive, improve employee morale and will help getting employees to work on a voluntary versus mandatory basis.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the revised overtime policy for public safety as**

**presented by the Town Manager. On roll call, the Motion passed unanimously.**

*The following item was heard at 5:14 p.m., out of order of the agenda:*

3. Kevin Morine vs. TOPB Special Magistrate's Report  
*Gillian Barth, Director of People & Culture*

Town Attorney Randolph provided background information on this item.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to reject the Special Magistrate's decision and uphold the termination. On roll call, the Motion passed unanimously.**

4. Review of a Stop Work Order Due to the Three Strike Rule at 232 Tradewinds Drive  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the violations.

Lloyd Ecclestone III, Vero Beach, explained the third strike violation and stated that the individual that caused the third strike is no longer with his company.

**Motion was made by Council Member Cooney and seconded by Council President Lindsay to lift the Stop Work Order, waive the third strike and issue right-of-way permit(s) subject to all fines being paid. On roll call, the Motion passed unanimously.**

5. Review of a Stop Work Order Due to the Three Strike Rule at 333 Sunset Avenue  
*Wayne Bergman, Director of Planning, Zoning and Building*

Director Bergman provided background information on the violations. Fire Marshall Marty DeLoach provided additional information on the project's fire code violations.

Mayor Moore spoke with regard to ensuring that the Fire Marshall provides his approval prior to the stop work order being lifted.

Council Member Araskog expressed concern over the seriousness of the violations.

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to lift the Stop Work Order conditional on Fire Rescue deeming property is safe for work to begin, waive the third strike and issue**

**right-of-way permit(s) subject to all fines being paid. On roll call, the Motion passed unanimously.**

Jeff Hardin, owner of Straticon, expressed remorse for the violations and explained the work that his company is doing to ensure that the issues are addressed.

**XV. ANY OTHER MATTERS**

Council Member Araskog requested that matters concerning demolition work be added to the January Town Council Meeting agenda. Her request was accepted by the Town Council.

**XVI. ADJOURNMENT**

The Town Council Meeting of Tuesday, December 13, 2022 was adjourned at 6:00 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