



MINUTES OF THE TOWN COUNCIL MEETING HELD ON JANUARY 10, 2023

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 modification was made to the agenda:

Item No. XIII.B.2. Annual Report from the Palm Beach Island Cats will be heard under PRESENTATIONS as Item No. V.C.

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

Mayor Moore recognized Antonette Fabrizi for her five years of service and announced the retirement of Frank Magliano, Fire Department and Jane LeClainche, Director of Finance.

A. Employee Retirement Proclamation *Danielle H. Moore, Mayor*

Mayor Moore presented a Proclamation to Jane LeClainche, Director of Finance, in honor of her retirement on January 27, 2023.

B. Presentation by the Friends of Palm Beach
Diane Buhler

Diane Buhler, Friends of Palm Beach, gave a presentation to the Town Council regarding beach clean-ups carried out by her group and explained challenges that they face. She requested the use of a Dump Truck from the Town and additional bins at the Southern Boulevard bridge to assist in the organization's efforts. She explained research efforts in which she is participating to determine the source of much of the trash that ends up on the Town's beaches.

C. Annual Report from Palm Beach Island Cats
David Leavitt, Palm Beach Island Cats

David Leavitt, President, Palm Beach Island Cats presented the Annual Report. Discussion ensued regarding the issue of an increased presence of coyotes in Town. Council President Zeidman spoke in support of receiving additional information and study from Town staff on how to address this issue. She asked that staff add safety information to the Town website on coyotes.

Public Comment

Tom Parker, 215 Jamaica Lane
Diane Buhler, Friends of Palm Beach

Police Chief Nick Caristo spoke regarding the Police Department's process for addressing coyote sightings.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointments to the Code Enforcement Board
Pat Gayle-Gordon, Acting Town Clerk

Martin Klein presented his qualifications to continue serving on the Code Enforcement Board.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to appoint Martin Klein as a regular member of the Code Enforcement Board. On roll call, the Motion passed unanimously.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed concern over confusion in the community regarding the location of the 30-minute free parking spaces on Worth Avenue and inquired how they will be identified. Council President Pro Tem Lindsay and Director of Public Works Paul Brazil stated that staff is working on markers to identify the free parking spaces and that the

Business and Administrative Committee (BAC) will be receiving a report on these markers at an upcoming meeting.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton requested to add an item for discussion regarding beginning the effort of entering into a public-private partnership for a parking structure at the Apollo lot. The Town Council provided consensus to add a discussion on the February agenda regarding this item.

Council President Pro Tem Lindsay spoke regarding the Town Council's efforts in 2018 to regulate single-use plastic bags. She spoke in support of revisiting these regulations by requesting an exemption to the State legislation that preempts coastal communities from instituting regulations on single-use plastic bags.

Council Member Araskog spoke in support of holding a discussion of what to do with the Apollo lot and looking at different options for using it for parking. She expressed concern over issues with communication from the Town to the residents. She spoke regarding concerns from residents about the proposed expansion of paid parking and the institution of the mobile app. She requested that the Council revisit this item and return to Council in February in order to allow for additional public input.

Council President Zeidman spoke regarding the background and process of discussing the paid parking issue. She expressed concern over communication with residents and urged residents to sign up for the Town's alerts. Discussion ensued regarding the expansion of the paid parking program.

Council Member Cooney expressed appreciation to the Garden Club and SMI Landscape for the landscaping improvements to the traffic circle on Southern Boulevard.

Council President Zeidman spoke in support of looking at how to improve the communication from the Town to residents. She expressed concern over the effectiveness of the microphones in the Council Chambers. Bob Miracle, Deputy Town Manager, stated that staff is working with a new vendor to address the audio-visual issues in Council Chambers. Council President Zeidman spoke regarding a status report from Town Attorney Randolph on matters of litigation. Town Attorney Randolph spoke regarding the most effective method to provide updates to Town Council.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

John David Corey, 426 Australian Avenue, expressed concern over the noticing and application for a renovation project at the Chesterfield Hotel.

Edward Kassatly, 309 Barton Avenue and owner of 250 Worth Avenue, spoke in opposition to the use of a mobile app for paid parking on Worth Avenue.

Lori Bernstein, 153 Kings Road, 301 and 312 S. County Road store owner, spoke in opposition to paid parking in the shopping districts.

Jennifer Marcello, Café L'Europe, 331 S. County Road and resident at 170 Clarendon Avenue, spoke in opposition to the expansion of the paid parking program.

Lynn Foster, 424 Brazilian Avenue, expressed concern over problems with the applicant's proposal for renovations at the Chesterfield Hotel.

Betsy Kalip, 1570 N. Ocean Boulevard, spoke in opposition to instituting the mobile app for paid parking and time-limited parking. Lt. Paul Alber, Police Dept., responded to Ms. Kalip by stating that the Town Council will be the decision-making body to set the regulations and time limits for the ParkMobile app.

Dino Peroni, OnPoint Valet, expressed concern regarding the continuation of valet service with the expansion of the paid parking program. Council Member Crampton provided clarification of what is being studied regarding valet services. Mayor Moore provided further clarification on the use of private lots, as well as how the ParkMobile app can be adapted to the Town's specifications.

Council President Zeidman stated that there seems to be a lot of misinformation among the residents. She reiterated that before any decisions are made by the Town Council it will be heard by the Business and Administrative Committee.

Linda Olson, 239 Pendleton Avenue spoke in opposition to the expansion of the paid parking program, especially the use of the mobile app.

Town Manager Kirk Blouin addressed concerns raised by public comment speakers and spoke regarding the process for discussion on this item.

Lori Bernstein, representing Palm Beach Parking, spoke in opposition to the expansion of the paid parking program.

Lt. Paul Alber assured all that there would be sufficient time and education for the community before any changes were implemented.

Anita Seltzer, 44 Cocoanut Row, spoke regarding Resolution No. 001-2023 and addressed issues with the proposed traffic and parking study.

X. APPROVAL OF CONSENT AGENDA

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

Item No. X.B.1. RESOLUTION NO. 001-2023 Heard as Item No. XIII.A.1

Item No. X.B.3. RESOLUTION NO. 004-2023 Heard as Item No. XIII.A.2

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay 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 15, 2022, Town Council Development Review Meeting Minutes
December 13, 2022, Town Council Meeting Minutes
December 14, 2022, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 16, 2022
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 001-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to The Corradino Group, Inc. in the Amount of \$199,962 for a Traffic Engineering and Parking Study.
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as Item No. XIII.A.1***
2. RESOLUTION NO. 002-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for FY23 Landfill Services in the Amount of \$103,890 and Establishing a Project Budget of \$114,000.
Dean Mealy, Procurement and Contract Manager
3. RESOLUTION NO. 004-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standards Applicable to Public Rights of Way and Easements, by Amending Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management, to Include NFPA 1, Chapter 16, Safeguarding Construction, Alteration, and Demolition Operations and the Town Code of Ordinances, Chapter 38, Emergency Services, Section 38-35, Contractor Activated False Alarms.
*Wayne Bergman, Director of Planning, Zoning and Building – **Pulled and Heard as Item No. XIII.A.2***

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Recreation Advisory Commission**

Nicholas Coniglio, Chair

Mark Bresnahan, Director of Recreation, provided background information on the Recreation Advisory Commission report and answered Council Members' questions.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to accept the Annual Report of the Recreation Advisory Commission. On roll call, the Motion passed unanimously.

XII. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on November 17, 2022
Julie Araskog, Chair

Motion was made by Council Member Araskog and seconded by Council Member Crampton to defer the Report of the Ordinances, Rules and Standards Committee Meeting held on November 17, 2022, to the January 11, 2023, Town Council Development Review Meeting. On roll call, the Motion passed unanimously.

XIII. REGULAR AGENDA

- A. Matters Pulled From Consent Agenda: If needed
1. RESOLUTION NO. 001-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to The Corradino Group, Inc. in the Amount of \$199,962 for a Traffic Engineering and Parking Study.
Dean Mealy, Procurement and Contract Manager – Pulled from Consent Agenda

Joe Corradino, The Corradino Group, Inc., provided background information on the proposed study.

Council Member Cooney expressed concern that the Town Council did not provide input on the scope for the parking study. He spoke in favor of the addition of areas to be studied that were raised by Anita Seltzer, specifically Sunrise Avenue and County Road, Sunset Avenue and County Road, Royal Poinciana Way and County Road. He also expressed concern over how staff will select three restaurants for review.

Council President Pro Tem Lindsay spoke in support of additional areas of study as previously mentioned and the areas of County Road and Bradley Place and County Road and the Breakers.

Council Member Crampton expressed concern over the study potentially not having the correct data points. He recommended that the scope return to staff and the consultants for further review to ensure that all of the areas of concern are covered in the study.

Council President Zeidman expressed concern that traffic queuing in West Palm Beach impacts the traffic in Palm Beach. Director Brazil spoke regarding the scope of the study and Mr. Corradino provided further clarification. Ms. Zeidman spoke regarding the BAC looking at the shared parking ordinance in their discussions about options for future parking. Council President Pro Tem Lindsay spoke regarding moving the time for valets to 5:00 p.m. and spoke regarding the areas for valet.

Council Member Araskog spoke in support of the additional areas of study as previously mentioned. She expressed concern over ensuring that the study addresses how many parking spaces are required for different uses. In response to a question by Council Member Araskog, Mr. Corradino addressed the hours for study. She spoke regarding potential changes to the hours for study in critical areas. She expressed concern over how the restaurants are selected, to which Mr. Corradino responded.

Public Comment

Anita Seltzer, 44 Cocoanut Row, stated that the Planning and Zoning Commission should be involved in the planning regarding the Traffic and Parking Study. She stated her concern regarding the use of cellphone data and what happens to the phone numbers afterward. Mr. Corradino responded that the numbers are collected by a data company and his company (Corradino Group) does not have access to the numbers or any other private data which are scrubbed from the data provided to them.

Please note: A brief break was taken at 1:12 p.m. until 1:25 p.m.

2. RESOLUTION NO. 004-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standards Applicable to Public Rights of Way and Easements, by Amending Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management, to Include NFPA 1, Chapter 16, Safeguarding Construction, Alteration, and Demolition Operations and the Town Code of Ordinances, Chapter 38, Emergency Services, Section 38-35, Contractor Activated False Alarms.
*Wayne Bergman, Director of Planning, Zoning and Building – **Pulled from Consent Agenda***

Director Bergman provided background information on this item.

Council Member Araskog spoke in support of the proposed changes and stated that she would support a stop work order being issued after two false alarms and separating out false alarms into its own category.

Director Brazil spoke regarding potential changes to the right-of-way manual.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 004-2023. 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, Town Engineer, provided the project status and spoke regarding chicanes necessary for Phase 7 north and south. Discussion ensued regarding the location of the potential chicanes.

Council Member Crampton spoke regarding the project costs and requested confirmation from Town Manager Blouin regarding how the future costs will be financed, to which Mr. Blouin responded.

2. Annual Report from Palm Beach Island Cats

*David Leavitt, Palm Beach Island Cats – **Heard as Item No. V.C.***

C. New Business

1. Discussion Regarding Expansion of Landmarks Program
Danielle H. Moore, Mayor / Wayne Bergman, Director of Planning, Zoning & Building

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer the discussion to the February 14, 2023, Town Council Meeting. On roll call, the Motion passed unanimously.

The Town Council recessed for lunch at 1:45 p.m. and reconvened at 2:22 p.m.

2. Review of a Stop Work Order Due to the Three-Strike Rule at 221 Ocean Terrace

Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the item.

Council Member Araskog expressed concern over the number of citations for this project.

Mayor Moore expressed concern over the actions by this contractor on this project.

Jason Vassalotti, Vassalotti Stone Works, West Palm Beach, spoke regarding issues that had occurred on the project and attempted to provide an explanation of the citations.

Director Brazil and Town Engineer Strayer addressed the issue of why a right-of-way permit would be denied.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney 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.

3. Review of a Stop Work Order Due to the Three-Strike Rule at 346 Seabreeze Avenue for Multiple Strikes
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the item.

Richard Stevenson, owner of 346 Seabreeze, provided explanations of the violations.

Council Member Araskog expressed concern over the contractor and spoke in support of additional fines being imposed on the contractor.

Erica Bauman, Woolems, provided additional explanations on the violations that occurred.

Town Manager Blouin spoke regarding the violation and fee process.

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 permit(s) subject to all fines being paid and an additional \$2,500 fee paid by the contractor. On roll call, the Motion passed 3-2 with Council Members Cooney and Lindsay dissenting.

XIV. ORDINANCES

A. First Reading

1. ORDINANCE NO. 001-2023 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, 2022, and Providing an Effective Date.
Robert Miracle, Deputy Town Manager Finance & Administration

Town Attorney Randolph read the title of the ordinance.

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

Council Member Araskog expressed concern over the expenditures listed for the Code Reform project. Town Manager Blouin provided clarification and Director Bergman provided information on the proposed Code Reform expenses. Deputy Town Manager Miracle provided additional information on the proposed expenditures and the budget process. Council President Zeidman spoke regarding the Code Reform process and the expenses that are required. Council Member Araskog inquired about the architects for the charrettes, to which Mr. Bergman responded.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Ordinance No. 001-2023 on first reading. On roll call, the Motion passed unanimously.

2. ORDINANCE NO. 002-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Adding a New Section 82-77, Reemployment After Retirement; Amending Subdivision V, General Employees and Lifeguards, By Amending Section 82-147, Worker's Compensation Benefits Offset; Return of Retirant to Town Employment; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Gillian Barth, Director of People & Culture

Town Attorney Randolph read the title of the ordinance.

Janice Rustin, Pension Attorney, provided background information on the proposed ordinance and answered Council Members' questions. Town Manager Blouin provided further clarification.

Mayor Moore spoke regarding reemployment of previous retirees being approved by Town Council. Town Manager Blouin provided additional background information.

Council Member Crampton spoke regarding this ordinance providing the Town Manager additional flexibility.

Council Member Cooney inquired about succession planning with Town staff, to which Mr. Blouin and Deputy Town Manager Stone responded. Council President Zeidman spoke regarding the importance of succession planning.

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 Ordinance No. 002-2023 on first reading. On roll call, the Motion passed unanimously.

XV. ANY OTHER MATTERS

1. Pilot Program Regarding Garbage Collection at the Town Marina

In response to questions by Council President Pro Tem Lindsay, Director Brazil provided information regarding the new truck that was expected to be utilized for the pilot program. Deputy Town Manager Stone provided further information on training and the process involved with pickups. Discussion ensued regarding potential procedures that can be put into place to address challenges to trash collection in the marina.

Council Member Araskog inquired about the potential of increased costs for this program.

Council President Zeidman spoke regarding the necessity to please both the customers of the marina and the residents who live adjacent to the marina.

Council President Pro Tem Lindsay spoke regarding the great success of the marina and stated that she believes that staff will handle this issue effectively.

2. Notification Regarding Application Issues

Council Member Araskog expressed concern that she and other residents are not receiving notices from the Planning, Zoning and Building Department on public hearings. The Council agreed to discuss this item at the January 11, 2023, Town Council Development Review Meeting.

3. Construction Parking

Council Member Araskog spoke regarding a requirement in the Code that requires a parking plan and attendants at construction sites. She expressed concern over the

multiple violations from construction sites in regards to parking. The Council agreed to discuss this item at the January 11, 2023, Town Council Development Review Meeting.

Council President Zeidman stated that the following items should be placed on the February 14, 2023, Town Council Meeting Agenda:

1. Review of Parking and Traffic Study
2. Public/Private Partnership Regarding the Apollo Parking Lot
3. Friends of Palm Beach Requests for a Dump Truck and additional Bins
4. Beach Cleaning of Sargassum Seaweed

XVI. ADJOURNMENT

The Town Council Meeting of Tuesday, January 10, 2023, was adjourned at 4:03 PM, without benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date