



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JULY 11, 2023

I. CALL TO ORDER AND ROLL CALL

The Council Meeting was called to order at 9:30 a.m. On roll call, all council members were present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation and Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications and time certain were made to the agenda:

- 1) Item No. V.B. The Palm Beach Civic Association and The Citizens' Association of Palm Beach Scholarship has been deferred to the August 8, 2023, Town Council Meeting
- 2) Item No. X.B.5. Port of Palm Beach Strategic Master Plan Discussion TIME CERTAIN: 11:00 AM
- 3) Item No. X.C.1. Watershed Report TIME CERTAIN: 12:00 PM

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Palm Beach Country Club Scholarship Recipients

Danielle H. Moore, Mayor

Mayor Moore announced the following scholarship recipients:

Bianca Badolati (Gabrio Badolati, PD)
Joseph Barber (Christopher Barber, PD)
Endrit Basha (Dukagjin Basher, FIN)
Christina Caristo (Nicholas Caristo, PD)
Michael Caristo (Nicholas Caristo, PD)
Leroy Glaum (James, Duane, FR)
Gavin Gordon (Scott Gordon, PD)
Joseph Guelli (Joseph Guelli, PD)
Robert LeBrun (Brian LeBrun, FR)
Christopher Marsigliano (Lance Marsigliano, PD)
Clay Miller (James Miller, PD)
Brianna Molyneaux (Lauren Guzik-Molyneaux, FR)
Reagan Pierre (Dionne Lightbourn, FIN)
Chloe Starling (Vincent Starling, PW)
Luke Stone (Carolyn Stone, TMO)

B. The Palm Beach Civic Association and The Citizens' Association of Palm Beach Scholarship Award

Danielle H. Moore, Mayor

This item was deferred to the August 8, 2023, Town Council Meeting.

C. Thomas Mettler Memorial Scholarship Award

Danielle H. Moore, Mayor

Mayor Moore announced the following scholarship recipients:

Andrew Loihle (Billy Loihle, REC)
Kallie Kalliche-Weber (Rob Weber, PW)
Chloe Starling (Vincent Starling, PW)

Mayor Moore thanked the generous donors for their support of the scholarship program.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore congratulated Gabrio Badolati (PD) on his ten (10) years of service to the Town.

Mayor Moore commented that when she has received letters from citizens that contain inappropriate comments about the Town Council, it is disappointing. She did not appreciate receiving such correspondence but would welcome constructive criticism.

Council President Zeidman agreed with Mayor Moore. She said that sometimes there was an extreme lack of civility in the council chambers, and she wants to see that change. She urged everyone to be generous, kind, civil, and respectful to one another.

Council Member Araskog asked if town staff could distribute information about the danger of rip tides.

Council President Zeidman thanked one citizen who wrote a letter of apology for the accusations made and stated that the Mayor and Town Council very much appreciated it.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay complemented her colleagues for the job they do as council members. She has been engaged in community service in Palm Beach since 2008 and believes the Town Council listens to citizens with respect and regard.

VIII. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

Susan Riley, S. Ocean Blvd resident and Worth Avenue boutique owner, expressed concerns about the FDOT projects appearing on several recent Town Council agendas. She wanted to see all of the projects addressed as one and requested that all residents in the estate section of town be notified via a letter from the citizens association or personal phone calls. She stated that the FDOT projects would forever change the face of the Town of Palm Beach.

Town Manager Blouin responded that the FDOT projects have been under discussion for at least a year. The town staff has met with FDOT to express the objectives of the Mayor and Town Council. Correspondence has also been sent to the Governor and FDOT. Many of Ms. Riley's concerns have been raised, and he said staff would continue to communicate on behalf of the Town.

Mr. Brazil followed up by stating that some improvements had been made to the plan, and he explained the improvements. Mr. Brazil assured Ms. Riley and the Town Council that the town staff would continue to work with FDOT on the project. Mr. Blouin stated that FDOT had advised the town that they operated under a state-wide policy that was applied to all roadways when making improvements.

Ronald Matzner, 3120 S Ocean Blvd, expressed support, on behalf of the Citizens Association of Palm Beach regarding Ms. Riley's comments. He said the association appreciated the changes made but believed the principal problem was Sloan's Curve. Mr. Matzner stated he believed the Town Council represented a superb example of good government and did an excellent job for the community.

Mayor Moore reminded everyone that many municipalities across the state are supportive of the project.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled and heard under item no. X.A.

Item No. IX.B.2. RESOLUTION NO. 077-2023 Heard as X.A.1

Item No. IX.B.4. RESOLUTION NO. 079-2023 Heard as X.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, Deputy Town Clerk
 - a. June 13, 2023, Town Council Meeting Minutes
 - b. June 14, 2023, Town Council Meeting Development Review Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 28, 2023
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 029-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Authorization for Waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, Restrictions for Construction Hours, and Work During Season, for Professional Tennis Court Services for the Seaview Tennis Improvements.
Dean Mealy, Procurement and Contract Manager
2. RESOLUTION NO. 077-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2024-2025 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.
H. Paul Brazil, P.E., Director of Public Works – Pulled and Heard as Item No. X.A.1
3. RESOLUTION NO. 078-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the award of a Purchase Order to Orlando Freightliner for a Freightliner Cab and Chassis with a Rear Load Packer in the amount of \$193,691 and Establishing a Project Budget of \$225,000.
Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 079-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for the Annual Awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization.
Dean Mealy, Procurement and Contract Manager –
Pulled and Heard as Item No. X.A.2.
5. RESOLUTION NO. 080-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-42, Par 3 Golf Course Practice Green Improvement to South Florida Tractor Service Inc. in the amount of \$173,030 and Establishing a project budget of \$198,984.
Dean Mealy, Procurement and Contract Manager
6. RESOLUTION NO. 081-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the amount of \$135,139 to Coastal Eco-Group, Inc. for the 2023 Mid-Town regulatory required biological monitoring and the 2023 FDEP BMA cell-wide monitoring reporting, and establishing a biological monitoring and reporting phase budget of \$148,000.
Dean Mealy, Procurement and Contract Manager
7. RESOLUTION NO. 082-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order in the amount of \$162,996.10 to Coastal Protection Engineering, LLC, for the 2023 FDEP BMA cell-wide annual biological monitoring, and establishing a biological monitoring phase budget of \$178,000.
Dean Mealy, Procurement and Contract Manager
8. RESOLUTION NO. 083-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order in the amount of \$177,470 to Applied Technology & Management, Inc., for Town-wide 2023 Annual Physical Surveys and Establishing a Physical Monitoring Budget of \$195,000.
Dean Mealy, Procurement and Contract Manager
9. RESOLUTION NO. 084-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Southern Sewer Equipment Sales Inc. for the Purchase of a new Vac-Con Sewer Combination Cleaner truck in the amount of \$515,070.00 and Establishing a

project budget of \$517,000.00.

Dean Mealy, Procurement and Contract Manager

10. RESOLUTION NO. 085-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the award ITB 2023-44 Phipps Plaza Restoration to Sherlock Tree Company Inc in the amount of \$299,638.35 and Establishing a Project Budget of \$315,000.00.

Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Accept Donation from the Kerry and Simone Vickar Family Foundation
Nicholas Caristo, Chief of Police
2. Authorization for Road Closure of Peruvian Avenue (300 Block) for a Crane to Install a Large Banyan Tree in the Rear of 341 Peruvian Avenue
H. Paul Brazil, P.E., Director of Public Works
3. Request to Consider Ordinance Nos. 009-2023, 010-2023, and 011- 2023, at the July 12, 2023, Public Hearing Prior to 5:00 PM.
Wayne Bergman, Director of Planning, Zoning and Building

X. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 077-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2024-2025 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.
H. Paul Brazil, P.E., Director of Public Works

Council President Zeidman stated it was important for everyone to understand what the Town Council did in terms of funding to the FDEP and how the erosion control of the Town's beaches was managed to keep residents safe.

Mr. Brazil stated that FDEP makes grant funding available annually for the beach management program. He stated there were millions of dollars available, and the town had done a tremendous job in soliciting grant funds to help supplement the expenses associated with recovery from coastal management.

Motion was made by Council Member Araskog and seconded by

Council Member Cooney to approve Resolution No. 077-2023. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 079-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for the Annual Awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

Council Member Araskog pulled this item and asked Mr. Blouin to explain the program. Mr. Blouin presented some history of the Onsite Clinic available to employees.

Gillian Barth, Director of People and Culture, presented general information about the clinic and the significance of this benefit to employees.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 079-2023. On roll call, the Motion passed unanimously.

B. Old Business

1. RESOLUTION NO. 073-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the Award of Construction Final GMP to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation in the Amount of \$14,855,756 and Establishing a Project Construction Budget of \$15,913,032.

Dean Mealy, Procurement and Contract Manager

Mr. Brazil stated the construction costs would be \$14.9 million, including the \$3.8 million already approved with a contingency that it equaled approximately \$1,600 per square foot. Two years ago, we thought we would be at \$1000/square foot. He noted with demolition already done, it had been realized that nothing was salvaged from the structure. The entire station had to be rebuilt, and the extent of the work was significantly more than had been anticipated. Mr. Brazil provided details about working with contractors and explained how everyone was working together to keep costs reasonable. He stated that the purchasing department staff had reviewed the bidding process and the bids for reasonableness of cost. They have found that the proposed costs align with today's market. Mr. Brazil stated that this has been a very challenging job to bid and he pointed out that fortunately, Hedrick Brothers has agreed to hold the cost at 8% which is below market

cost.

Mark Marsh, Bridges, Marsh, the Architect, discussed additional details about the design and scope of the project. Mr. Marsh stated that after the Town Council visited the site in February, their intention was to bring the new cost to the Mayor and Town Council in April, however in late March, Hedrick reported a further escalation in cost from their sub-contractors. Mr. Marsh viewed that cost as so excessive he suggested they go back and try to renegotiate a lower cost. The decision was made to “shop” several of the trades to come up with a better price. Eventually they found someone who was willing to negotiate.

Mr. Brazil has been asked questions about what would have happened if a different approach had been taken for this project, specifically, de-landmarking and building new. He pointed to a “comp” in Martin County, which was bid one year ago, that cost was \$1000/square foot. To bid that today, Mr. Brazil feels the cost would mirror the current proposed cost for the reconstruction of the North Fire Station.

Council President Pro Tem Lindsay asked if there was any possibility to apply for grant funds. Mayor Moore stated that the request was in the Governor’s last budget and was vetoed for the second year. Council President Pro Tem Lindsay asked that the funding be applied for again.

Council Member Cooney said the deadline for application to the state’s typical process for requesting historic preservation funding had passed. However, the Mayor clarified that the North Fire Station had been brought before the Governor two years ago and again last year and had been turned down. She said we were on time for requesting the funding. Mr. Cooney said there was not a lot of funding available through the National Historic Preservation.

Council President Zeidman asked if the cost could increase and Mr. Brazil said it was not likely, especially with the 10% contingency that had been put into the budget. The real risk is vendor performance and supplies which is under the control of Hedrick Brothers.

Council President Zeidman noted that the fire station was a one-hundred-year-old building, beloved in the town, and it was the town’s last civic landmarked building that would be renovated.

Council President Zeidman asked if there is a way to know ahead of a renovation the degree to which an older structure would need to be rebuilt so a more accurate cost could be determined.

Mr. Marsh responded that the existing building had four structural systems

in it, wood, steel, clay block, brick, and concrete block. Preserving as much of the structure as possible would be a challenge. He said the building had much character, and replicating that is a pricing factor. He said there is not a way to know ahead of time the actual cost.

Mayor Moore understood the cost and stated that the building was part of the town's fabric.

Council Member Cooney said the timing of this project could have been better with the marketplace, but the building is essential to public safety in the town. He confirmed that the building was being appropriately renovated to serve its purpose.

Council Member Araskog agreed with previous comments. She asked if the pilings would help when it came to sea-level rise issues. Mr. Brazil said that would not help, but that resiliency and waterproofing exposure had been considered when the project was in the design phase.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 073-2023. On roll call, the Motion passed unanimously.

A brief recess was taken at 11:00 AM and the meeting reconvened at 11:10 AM

2. Phipps Ocean Park Project - Legacy and Contract Grown Trees Donation

RESOLUTION NO. 091-2023 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Donation of Legacy and Specied Trees/Plants Which Will Be Contract Grown for Phipps Ocean Park from the Preservation Foundation of Palm Beach.

Carolyn Stone, Deputy Town Manager-Business Enterprise and Culture

Ms. Stone addressed the Town Council on this item which was brought to the Town Council at the request of the Preservation Foundation of Palm Beach in relation to Phipps Ocean Park. The Foundation asked if they could donate plant material for the park. Staff recommended that the Town Council accept the donation.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 091-2023. On roll call, the Motion passed unanimously.

3. 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, presented information about the progress of the undergrounding project. She focused on the financial summary associated with the project. The staff had done a calculation to determine what the remaining cost would be for the next three phases. The estimate was \$11 million over the engineer's cost from 2019. Presently, the project was at \$2 million over the engineer's cost of 2019 for all construction phases that had already been awarded and executed. The total overage for construction only was estimated at \$13 million over what the engineering payment cost was in 2019.

Council President Zeidman noted that the original cost was projected to be \$90 million. When Mr. Blouin became the Town Manager, an updated opinion of the cost was provided in the amount of approximately \$120 million. Mr. Blouin explained some of the serious increases in construction cost. Mr. Blouin said the plan was to continue using revenue from the marina for the undergrounding project. Mr. Miracle added that this would be included in the proposal on Thursday. He said that until phases 7 and 8 were bid and presented to the Town Council, a true bottom-line estimate would not be available.

Council Member Araskog thanked the staff for the information provided. She asked if the CPI were to drop again, significantly, if the town would be stuck at seven. Ms. Strayer said that with negotiations being in progress for 7 North, seven is much better than the current CPI. She said that when negotiations were in progress for 7 South in November or December, another conversation would be necessary.

No action was taken following this discussion.

A lunch break was taken at 1:05 PM and the meeting reconvened at 1:50 PM

4. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil noted there had been discussions about garbage collection at the marina, and at the last meeting, there were still some questions that needed to be answered. He made a presentation about the garbage pickup process to address previously raised questions. He said if the garbage pick-up location were changed, there would be one option with the least impact, and the vendor had already agreed they could make it work. The truck would pull into the driveway, and there would be a compactor with a canopy. Mr.

Brazil said there would be a net loss of greenspace, approximately 1,532 square feet. The existing area at Australian would not be abandoned. He explained what would need to be done if the Town Council wanted to move forward with the proposed change.

Council President Pro Tem Lindsay thought the difference between this proposal and the others was that it wasn't the residents' garbage being picked up even though they were being impacted. She asked the staff to explore changes to the existing buffer around the industrial part of the parking lot. She would like to see a recalculation of greenspace since moving the garbage pick up to the Public Works section should help to regain some greenspace. Additionally, she pointed out that the current pick up, on South Lake Drive causes traffic to be backed up and relocation of the garbage pick up would eliminate that issue. Some residents were not thrilled with the situation, but they thought the proposal would be a viable solution.

Joanne O'Connor, attorney, advised the Town Council of language in their Town Charter that addressed referendum and governed improvements. She said the provision would apply to any construction of an above-ground structure that would diminish open green space unless there was an applicable exception.

Mayor Moore reminded the council that a hedge is considered greenspace during development review. She wanted to avoid setting any precedent by recalculating things, she reiterated that a hedge is considered greenspace. Mayor Moore asked if the town would have to purchase another piece of equipment, and she expressed concern about the noise.

Mr. Brazil said ten compactors exist on the island, and the same vendor services them all. He affirmed that the backup alarm on the trucks could be heard from the east and the west.

Council Member Araskog expressed concern about the cost of moving forward.

Council President Zeidman suggested looking at whether there were any opportunities to pick up greenspace with the proposed plan, then the project could move forward. She stated she would not be in favor of moving the garbage pick up if a referendum is triggered by loss of greenspace in the park. Additional discussion ensued.

Frank Slattery, 369 S. Lake Drive, spoke about the garbage proposal. He understood the comments being made by the Town Council, but he thought it would be worthwhile to look further into buffer, budget, and aesthetics. He expressed concern about the cost of making a change that would solve an issue for one small segment of the community. He commended the Town

Council for their hard work.

Motion was made by Council Member Araskog to leave garbage in same place with greenscape added and the area cleaned. Motion failed due to lack of a second.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to direct staff to re-calculate the greenspace carefully with any opportunity to add greenspace and to return to the Town Council in September. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

5. Port of Palm Beach Strategic Master Plan Discussion
TIME CERTAIN: 11:00AM

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

Mayor Moore introduced Kerry Simpson from Moffatt and Nichol, representing the Port of Palm Beach.

Mr. Simpson discussed the Port of Palm Beach master plan. He provided demographic information about the port and summarized recommendations for the plan.

Mayor Moore stated that the plan was ambitious and she asked what the anticipated cost would be for the project. She noted she had heard concerns from residents about more traffic creating more noise and environmental impacts. Most of her concerns were in the waterward section of the expansion.

Mr. Simpson said the growth was not as much about larger ships as it was about more traffic.

Council President Pro Tem Lindsay stated in the June 27th presentation that Mr. Simpson wanted to bring 1,000 and 1,100-foot cruise ships into the terminal. She asked if this was still the plan.

Mr. Simpson said there was an economic study among several studies in section 4 of the master plan. Those were the studies and analyses used to evaluate the port. He said the cruise opportunity was an optimistic view of future growth, which would increase capture of up to 3.5% of CARIB forecast and could achieve over 1.5 million passengers with extensive cruise berth and terminal improvements. He said this would be challenging for the port in that it would be expensive and would require the berth to be lengthened and the cruise terminal to be doubled in size. He said this optimistic view would require larger cruise ships, and he did not think this was being recommended.

Council President Pro Tem Lindsay thought this was promising because, in the previous version of the study, it was evident that what everyone feared was larger ships and the changes accompanying them. She viewed the Port of Palm Beach as a boutique niche port for essential container cargo. Once the big boats come into the port, in terms of storm surge, that would require widening and deepening the inlet to accommodate those vessels. She confirmed that the presentation today was the final version.

Mr. Simpson affirmed and stated that in the input section of the presentation was where information was gathered that prompted the studies. He said what was different about this version was that the previous version was longer. He said the larger vessels were off the table in the current presentation.

Council President Pro Tem Lindsay noted that manatees and boats highly traverse the subject area since it was the main north/south channel. She reiterated that the cruise ship terminal and the threat to make the channel wider and deeper were great cause for concern.

Mayor Moore asked about necessary permissions from Florida Power and Light. Mr. Simpson said there had been discussions and Florida Power and Light had expressed no opposition.

Mr. Blouin said there had been ongoing discussions with staff, the Mayor and the port for well over one year. The objections and concerns from the town council had been part of the discussions. He requested council consensus to what the points would be, and what the specific concerns were so staff could coordinate with the Mayor and let those concerns be known.

Council President Zeidman noted the following concerns: 1) environmental and marine life; 2) deepening/widening of the port which leads to flooding; 3) small boats; 4) noise.

Council Member Araskog mentioned a great concern about noise and thought it would be very aggressive to double the number of vessels.

Public Comment

Lisa Interlandi, Everglades Law Center, has represented environmental groups throughout the state and in Palm Beach County. She stated that approximately 8-10 years ago, opposition to the proposals for the port were made known. She noted that they were very sensitive to any issues related to port growth. She would like to see the things that would not happen submitted in writing. She said that while it was ambiguous, it was difficult to support anything either way. Ms. Interlandi provided an economic study that the Durst organization had funded. It was done on the Lake Worth

Lagoon and referred to the economic value, concluding that the lagoon value was well over \$5 billion. She stated it was critical to protect the lagoon. She noted the scrap heap on the pier, and she thought it would be great to either get that off the pier or shield it from public view. She stated it looks like a garbage heap on the port.

Council President Pro Tem Lindsay reaffirmed that the study provided by Ms. Interlandi showed what a huge economic impact the lagoon brought as it currently exists. She said the Lake Worth Lagoon was the only one of its kind left on the east coast of Florida with its ecological diversity. In addition, the county had invested significant funding for the lagoon for improvements that would benefit everyone. She said surrounding the port through Peanut Island had not only been successful, but it was a treasure that the entire county would defend. Council President Pro Tem Lindsay also commented about the noise associated with the port. She said noise travels over the intracoastal, and while the niche business is supported, if it was a 24/7 operation, it could be a real problem for residents in Palm Beach, Riviera Beach and Palm Beach Shores.

Mayor Moore asked Mr. Simpson if he had presented this to the Mayor Fiers in Palm Beach Shores. She suggested the presentation be made to Palm Beach Shores Mayor and Commission for transparency.

Mr. Simpson stated that any water work would have to go through a regulatory environmental process. The port wants to expand responsibly, be resilient and be sustainable. Regarding the scrap pile, it has been a challenge throughout the master plan process. There have been discussions about relocating the pile.

Council President Pro Tem Lindsay introduced Keith Beaty, President of the Save Our Inlet Coalition of Palm Beach. Mr. Beaty stated that, fortunately, everything he would comment on has already been said. He strongly reinforced those comments. He asked about previous versions of the plan, which identified four areas in the channel or in the turning basin which were earmarked for dredging. The current plan does not include any dredging but does refer to the improvement of the channel and areas as needed. He asked if those areas have been completely removed from the plan. He brought up the non-water related improvements, and he agreed with Mr. Blouin that those activities would be fine for surrounding residential communities; however, those improvements could offer a significant opportunity to improve impacts on surrounding residential communities.

Mr. Simpson said there are no recommendations to widen, deepen, or improve the channel. He said there were plans for new lighting to reduce light pollution and beautification along the project's perimeter.

Council President Pro Tem Lindsay brought up a circular area on the southwest corner of Peanut Island for the touring basin. That was a very sensitive area because the gentleman who designed it for the county had advised them that dredging in the area would increase erosion of the park and the circular area around it.

Mr. Simpson said those were not recommendations, they were simply comments.

Council Member Crampton did not see anything with respect to how the project would unfold. He asked if the project would be done in phases and how each would affect the town.

Mr. Simpson referred to the last page of the master plan, there was a fold-out that shows all of the projects and a corresponding timeline.

Council Member Crampton asked how air pollution would be addressed. He said air pollution from ocean-going vessels was a big problem. He asked what would be done for the Town of Palm Beach and surrounding communities.

Mr. Simpson responded that the port was trying to get more opportunities to move cargo by rail. He had not heard any of the measures for the ships concerning using cleaner fuel or coal burning because those measures were not part of the master plan.

Council Member Crampton asked what was being done to deal with the loss of amenities if the project moved forward at the planned size and scale. He suggested a community action group. He said if the project can be made better for the communities around it, there may be less opposition.

Mr. Simpson thought a community action group might be helpful. He said the port had already begun to support the community with things they had done to support public outreach. The port wants to be a good neighbor and address the issues along with the growth.

No action was taken following this discussion.

Council Member Araskog mentioned the southwest corner for turnaround and making sure that it was no longer being considered. Mr. Blouin noted that it is no longer part of the plan. The Town Council thought it should still be in writing for assurance.

C. New Business

1. Watershed Report

TIME CERTAIN: 12:00 PM

Reinaldo Diaz, Lake Worth Waterkeeper

Mr. Diaz, Lake Worth Waterkeeper, presented a State of the Lake Worth Lagoon Watershed update. He mentioned a concern with nutrient pollution. He said it was entirely possible that the dominant species in the lake can have a significant impact on the environment around the affected water body. He discussed the condition of various key locations in the lagoon that were connected to Lake Okeechobee.

Council Member Crampton asked if there were plans to increase the level of community insulation. Mr. Diaz said yes and expanded on the information within the Lake Worth Lagoon Master Plan. The priority was to protect what currently exists.

Council President Zeidman asked what was being done about agriculture in the area. Mr. Diaz mentioned Best Management Practices (BMP), a policy program in which agriculture can participate. The goal is to clean up their practice. On the other end, there needed to be more enforcement actions. He felt the program needed to be required and more stringent to create accountability.

Mr. Diaz suggested a letter be written to the editor to remind them that the Lake Worth Lagoon was a major financial contributor to the greater everglades and business community.

No action was taken following this discussion.

XI. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to Prohibiting Persons from Standing in the Public Rights of Way, Roadways or Public Sidewalks for any Purpose which Interrupts the Normal Flow of Vehicular or Pedestrian Traffic

ORDINANCE NO. 013-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks and Other Public Places At Article II, Streets To Create A New Section 106-48 Prohibiting Persons From Standing In The Portion of, Public Rights of Way, Roadways or Public Sidewalks of The Town For

Any Purpose Which Is Intended to or Actually Interrupts The Normal Flow of Vehicular or Pedestrian Traffic or For The Purpose of Inviting or Enticing A Person To Enter A Commercial Establishment Adjacent To Said Right of Way, Street or Sidewalk; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney Joanne O'Connor read the Ordinance by title.

There was no public comment.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to adopt Ordinance No. 013-2023 on second reading. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend the FY23 Budget

ORDINANCE NO. 014-2023 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.

Bob Miracle, Deputy Town Manager - Finance and Administration

Mr. Blouin stated this item was for a budget amendment to pay for the code reform project and to purchase a new truck for the Public Works Department.

Attorney Joanne O'Connor read the Ordinance by title.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 014-2023 on second reading.

Anita Seltzer, 44 Cocoanut Row, addressed the Town Council about the costs of the code reform project.

On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

3. Proposed Ordinance to Amend Chapter 114 of the Town Code Relative to Local Business Tax

ORDINANCE NO. 015-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida,

Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

Attorney Joanne O'Connor read the Ordinance by title.

There was no public comment.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to adopt Ordinance No. 015-2023 on second reading. On roll call, the Motion passed unanimously.

XII. ANY OTHER MATTERS

Council Member Araskog directed everyone to information from the Planning, Zoning and Building Department regarding an item to be heard at the July 12, 2023, Town Council Development Review meeting.

XIII. ADJOURNMENT

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to adjourn the Town Council meeting of July 11, 2023, at 3:27 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date