



TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 14, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of November 14, 2023, 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

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

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- 1) Consent Agenda – Town Council Meeting Minutes dated October 10, 2023: Page 7, lines 1-2 have been changed to read: *The consensus of the Town Council was as follows: Staff will return to the November 14, 2023, Town Council meeting with the details of the parking plan.*
- 2) Resolution No. 135-2023, has a revised Exhibit “A,” which has been provided.
- 3) First Reading of Ordinance No. 023-2023 has a revised Exhibit “A” with comments included, which has been provided.
- 4) Ordinance Nos. 008-2023 and 024-2023 were deferred to the December 13, 2023, Town Council Meeting.
- 5) The March Town Council Meetings will revert to March 12 and 13, 2024.
- 6) A re-hearing of the Landmark designation for 357 Crescent Drive.
- 7) Addition UNDER ANY OTHER MATTERS: Discussion of Senate Bill 250.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer Ordinance Nos. 008-2023 and 024-2023 to the December 13, 2023, Town Council Meeting for a time certain. On roll call, the Motion passed unanimously.

Re-hearing of the Landmark designation for 357 Crescent Drive

Council Member Araskog stated she had spoken to Attorneys Randolph and O'Connor about the landmarked structure located at 357 Crescent Drive. She expressed concern about communications that took place when the Town Council took a break, and felt she should have disclosed that communication as ex-parte and possibly recused herself from the vote. Instead, she had made the motion and voted to landmark the property. Upon speaking with Attorney Randolph, he indicated it would be too late for a re-hearing. Still, Council Member Araskog thought the landmarked property should be re-heard due to her having been influenced during the break prior to a motion and vote.

Council Member Araskog requested the Town Council place the de-designation of 357 Crescent Drive as a landmark on the December agenda for re-hearing. Council Member Araskog stated she had spoken to the owner who wanted a re-hearing, and Attorneys Randolph and O'Connor about this request.

Mayor Moore thought it would be awkward to go back and re-hear de-designation of a property that was landmarked a year ago. Council Member Araskog reiterated that Mr. Randolph thought it was okay to re-hear the item to de-landmark the subject structure. Mayor Moore was concerned about the precedent that would be set.

Attorney O'Connor advised that it would be too late for a motion to reconsider the item, as that motion would have had to be done at the same meeting or the next meeting. She said the other option was for a motion to de-designate the landmark by following the procedures provided in Chapter 54, including Section 54-164, which essentially applies the same rules that would be used to landmark a property. She noted that a motion to de-designate the property would involve notice at least 30 days before the hearing. She did not think it could be heard in December due to the notice requirements.

Council Member Araskog stated the property owner was present and had been impacted by the decision to landmark the property. She thought it was only fair for the Town Council to re-hear the item.

President Zeidman thought that if this item were to be re-heard, it would have to be done in January.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to consider a re-hearing to de-designate 357 Crescent Drive.

Council Member Cooney asked if the de-designation hearing request would have to

go back before the Landmarks Preservation Commission. He was also concerned about the possibility of a precedent being set. Attorney O'Connor said the requested action would be to de-designate or withdraw the landmark designation. She also said that Council Member Cooney was correct that under Section 54-164(c), the designation of a landmark being withdrawn would follow the same procedure as landmarking. Therefore, it would have to go back to the Landmarks Preservation Commission, as well.

Mayor Moore said this action would allow every landmarked property owner to ask the Commission to de-designate their property. She thought setting this precedent would be inappropriate for the Town.

Council Member Crampton agreed with Council Member Cooney and did not think this habit should be continued. However, he seconded the motion as a matter of personal privilege of a fellow council member who expressed that she was distressed about this property being landmarked.

President Zeidman stated the property was recommended for designation by the Landmarks Preservation Commission. The owner did not want the property to be designated. That owner was present at the meeting and was pleased that Council Member Araskog brought this up. Another thing that Council Member Araskog brought up was concern about the fact that she spoke to someone during a meeting recess. President Zeidman asked what difference it would make if Council Member Araskog spoke to someone during the break and failed to add to her ex-parte disclosures. Attorney O'Connor said that the Town Council taking a break was immaterial and that the ex-parte would not void the decision in any way, thereby requiring exceptional action by moving to withdraw the landmark designation.

Juliette De Marcellus, 357 Crescent Drive, addressed the Town Council. She spoke about her house and explained how she thought a misunderstanding occurred. She said the vote to make her property a landmark had changed her life, and she did not feel it was fair. She said she did not want the house landmarked because of the very serious flooding situation, which would make it difficult to keep the house the same. She thought the decision to landmark the property was very harsh and urged the Town Council to listen to Council Member Araskog's request.

Mayor Moore said that her opinion that was voiced earlier was about the process, not about Ms. DeMarcellus's home.

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

Council President Zeidman noted that Mayor Moore and Council Member Cooney had raised concern about this, and she was also concerned. She explained to Ms. DeMarcellus why there was concern being expressed. Council President Zeidman stated that the action taken seemed appropriate in this case even though the property may not be de-landmarked.

Council Member Araskog stated she had spoken to Attorney Randolph and he agreed it would be okay for her to request that the Town Council discuss PUD's, and send it to Planning and Zoning to put a Zoning in Progress in place. If the Town Council agreed to having this discussion, a resolution would be prepared for the Town Council Development meeting tomorrow.

Council President Zeidman said SB 250 would present a problem. Council Member Araskog said the bill was signed last night and restated that she wanted to discuss sending it to the Planning and Zoning to put a Zoning in Progress in place. President Zeidman agreed to place the item for discussion under Any Other Matters.

Council President Zeidman commented that there is a discussion under Undergrounding on the decorative mid-town lights. For anyone in the public who would like to participate in that conversation, it will be under Old Business.

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. PRESENTATIONS

A. Presentation of the State of Education Report
Erica Whitfield, Palm Beach County School Board Member, District 4

Ms. Erica Whitfield, District 4, Palm Beach County School Board Member, arrived late due to an accident on I-95. She gave her report following the discussion on the updated comprehensive parking plan.

Mayor Moore welcomed Ms. Whitfield and thanked her for attending and serving Palm Beach County. Ms. Whitfield stated that the input that the Town of Palm Beach provides is valued. She spoke about some things being done in the school system, scores being seen in Palm Beach Public School, and the School Board's Legislative priorities. She distributed a handout of the legislative priorities.

Ms. Whitfield said this past year, the school board worked with the early learning coalition in Palm Beach County to focus on kindergarten readiness. Kindergarten readiness kits were purchased for every child entering Kindergarten in Palm Beach County. It was noticed that parents signed their children up for kindergarten faster than usual, and their scores went up from last year to this year.

Palm Beach Public School has around 370 students, most coming in from West Palm Beach. It is a wonderful school, and the academic results have been very good. Around 70% of the students are reading at grade level in 3rd, 4th, and 5th

grades. She would like to see the numbers go even higher, but 70% is a good score. She said Math scores were 75% in 3rd grade on grade level, 59% in 4th grade and 88% in 5th grade. She said the 5th graders are taking 6th grade math.

There have been very few disciplinary issues in the Palm Beach Public School.

During the past year, one of the legislative issues that needed to be improved was the concordant scores. She explained concordant scores and stated that the State of Florida raised what was required from the concordant scores for students to pass and with that jump, there was concern that graduation rates would decrease.

Ms. Whitfield discussed the School Board's legislative priorities. A lot of safety and security requirements have had to be met as mandated by the State. They have hired behavioral health professionals in the schools because people trained in the field of mental health are needed in the schools.

She spoke about school start and stop times, an issue that would be coming up and would present challenges. The school board will be seeking flexibility from the state.

Additional funding for students and teachers is always needed. Ms. Whitfield talked about the voucher program. The school board has asked the state not to take funding from the public schools in the process of providing vouchers for students to attend private schools. With the voucher program, the State has given public schools a great opportunity. A list of de-regulation is being worked out that would benefit public schools by taking some of the more onerous responsibilities from school districts.

Pre-K in the State of Florida is supported for 3 hours per day. Ms. Whitfield said there is movement at the State level to expand the program to longer days.

Council Member Crampton noted that the Town of Palm Beach contributes roughly \$130 to \$150 million per year to the school district. He stated the Palm Beach County school district does a great job. He said the South Florida Science Center just received a \$2 million dollar grant to bring every 4th grade student to the science center for a visit, for 5 years.

Council Member Araskog thanked Ms. Whitfield for all that is being done to develop the Pre-K program. She said the interaction with parents is also important.

Council President Zeidman asked if the school received money necessary for the music program. Ms. Whitfield said a huge investment has been put into the music program throughout the county. She has heard amazing feedback from Palm Beach County music teachers. Council President Zeidman stated she would like to know, because they were looking for funding and if needed, it is important to

get that information out to the public, especially in a community like Palm Beach where people may be willing to help.

Council Member Cooney thanked Ms. Whitfield for her service as a school board member. He acknowledged the difficulty experienced in recent years due to Covid and other challenges. He expressed his thankfulness for the stability in Palm Beach County schools and the excellence the school board constantly aspires to achieve.

B. Updated Comprehensive Parking Plan
Lew Crampton, Town Council Member

Council Member Crampton stated that details of the approved comprehensive parking plan had been discussed at the last meeting. Issues that were discussed included resident parking stickers, dealing with day school parking, Palm Beach parking on Seaview Avenue, and details related to the additional 30-minute parking spaces on County Road along with the relocation plan, and the program start date for the paid parking program, which is part of the seven-point program. The paid parking program will more than likely start in May, allowing time for signage to be prepared and installed. Council Member Crampton stated that Lt. Paul Alber had done a lot of work on the parking plan and would be presenting it.

Lt. Alber discussed items about which the Town Council had requested additional information.

Lt. Alber stated that a location has been identified for additional 30-minute Free Parking spaces. The first location is on the west side of S. County Road, 300 block. Staff recommended spaces at the Southwest Corner of Brazilian and S. County Road. He said there was also a request for more additional spaces north of Royal Palm Way. Staff suggested the best place for that would be opposite the pharmacy, providing for 30-minute free spaces on both sides of S. County Road at the intersection of Seaview Avenue.

There was some discussion about the ParkMobile hours and rates. Staff maintains that the rate of \$5.00 per hour within the business district is the best plan. He looked at rates for some local parking lots and he said the Esplanade has \$25 per day for self-parking, with scaled rates starting at \$7 for ten minutes and hourly parking at \$15 and then the scale goes down the longer a vehicle is parked, all the way to \$45 per day. Down the block at the Apollo lot, parking is \$8 per hour. Lt. Alber said in an ideal world, the off-street parking would be less expensive than the on-street parking, which may encourage people to park off-street, leaving the on-street parking available for business patrons. However, these rates for off-street parking would make the program cost-prohibitive for the town. At the same time, the town staff would like to discourage people who are going to the beach from parking in business spaces. He said if the rates are

significantly less than \$5 or \$7, beachgoers will continue parking and will make the walk. This would continue the problem in the areas of S. County and Royal Palm where beachgoers would walk past the \$7 per hour spots to park for free.

The hours in effect for rates would be 9:00 a.m. to midnight in the residential areas and 9:00 am to 6:00 p.m. for the business corridor. Lt. Alber said the Police Department does not ticket service people in the business corridor since they are town-serving businesses that are serving the town's businesses. He said a later start time would cause beachgoers to park on Worth Avenue and Peruvian Avenue.

The resident decals distribution started on November 13, 2023, the stickers allow for 2-hour parking within any of the ParkMobile spaces. Lt. Alber said the price for Resident Parking Permits (RPP) was not anticipated, but that is being resolved.

Bob Miracle, Deputy Town Manager, pointed out that the RPP window was opened to those people who have residential parking permits. The town-wide parking sticker program was opened up yesterday with a total of approximately 1,000 requests. Approximately 60% were RPP residents. Mr. Miracle said the stickers have been in high demand and staff is working to accommodate the volume. People may apply for the stickers online or in person. He said for residents who hold RPPs, have a town-wide benefit as well as the RPP benefit. Those were combined into one sticker for \$100. Staff has found that there are some residents who do not want the RPP sticker, they only want the town-wide parking sticker benefit so they can take advantage of the 2 hours of free parking. Staff has been working with those residents to accommodate their requests. Mr. Miracle explained how the Residential Parking Permits (RPP) program works. He also said during the past year, there has been Town Council discussion about the total number of permits per resident. It used to be 8 permits but that has been reduced to 4 permits.

Council President Zeidman confirmed that a system is being developed so that people in the RPP districts who do not wish to use the RPP sticker may get a decal sticker that will allow them to park in paid parking spaces for up to two hours. Lt. Alber affirmed.

Lt. Alber said that in addition to the RPP program, the Parking Placard Program is available to business owners for the store employees, if they need on-street parking. The placards are available for 1-, 4-, 6-, or 12-month periods. The cost is \$1454 yearly, which equates to \$4 per day. He said the placard program would be used primarily by businesses and employees. Once the ParkMobile system is implemented and the data is quantifiable for each parking zone in the business district, staff anticipates identifying some of the zones that are underutilized and expand the placard program to make more space available to businesses and their employees.

Teacher parking was an expressed concern. The Palm Beach Day Academy has approximately 65 staff members. They lease 30 parking spaces in the Wells Fargo lot, but the lease ends at the end of this calendar year, and they are unsure whether it will be renewed. If it is not renewed, an additional 30 cars will be on the street. It should be noted that they are constructing a parking lot. If their parking lot request had been approved as it was requested, the day school would not need any on-street parking. The Palm Beach Public School has approximately 50-60 staff members. There are 16 on-campus parking spaces, and they lease 35 parking spaces in the Four Arts lot. Town staff recommends that in the interim, between now and when the day school parking lot is finished, the town may implement a short-term policy allowing the current placard holders to park on the street during school hours and on school days until their parking lot is completed.

Lt. Alber said the existing infrastructure will be updated once the Town Council approves the program. This will include replacing signs, and poles as needed, along the beach and on the 100 blocks of the adjacent beach streets, the 200 blocks of Peruvian, Royal Palm, and at the Recreation Center. He said it would take time to obtain the new signs and poles, and get the zones renumbered.

Mr. Miracle iterated where the benefit is currently. He said along Ocean Drive, along the public beach and along the 200 block of Peruvian. He said what the map did not show is that people would be allowed to park for 2 hours at Phipps Park. On the north end, there would be some paid parking right along Bradley Park and a few spots on N. County Road, north of Ponciana, and on Sunrise. Lt. Alber said at the end of the season, late April, early May, the ParkMobile sites would be expanded starting from the north to the south, working east to west. Each street would be activated upon completion of the program.

Council President Pro Tem Lindsay asked for clarification for people in the historic district and the RPP area of the historic district and those along Seaspray. She wanted to confirm that one side of the street would be designated for RPP parking, and the other would be ParkMobile. Lt. Alber responded yes, and that the permitted parking would be 24/7 even though now, the time varies from street to street.

Council Member Araskog asked where the ParkMobile streets were located. Lt. Alber said the new proposed ParkMobile areas are all of the streets in the business areas from Seaview south to Hammon. The current free, time-limited spaces are being converted to ParkMobile spaces.

Council Member Araskog asked if the neighborhoods would have the option to do RPP on both sides of the road. She said Seaspray did that and this area is exclusively residential. She was concerned about the volume of traffic on Hammon. Mr. Miracle said there will be a process for residents to ask for RPP exclusively. He said that staff had spoken with residents in the area, and they

liked the ability to have 24/7 parking with their residential parking permits on the north side, and with the ParkMobile, they could still park with their town-wide stickers.

Council Member Araskog agreed that having different prices, with a higher price at the beach, would push everything into the residential areas. She thought that whatever is decided, should be consistent.

Mr. Miracle said currently, parking along the beach is \$7 per hour. On County Road, parking is free. So, now the parking on County Road will become \$5 per hour. He said the differential is not great and that is why staff believes that making those spaces \$5 per hour, people would move more toward the beach to park. He also said the rates will not be published on the signs but can easily be adjusted through the ParkMobile program.

Council Member Araskog thought parking ending at midnight was too late in the residential areas. Lt. Alber said the Police Chief recommended midnight because that would mirror West Palm Beach rates. Council Member Araskog asked which streets included the 9:00 a.m. to midnight parking. Lt. Alber responded that it included all the streets south of Royal Palm and around Seaview and Four Arts. As far as the school is concerned, Council Member Araskog did not think the town should do anything until the schools find out whether their current agreement is going to be renewed. Mr. Miracle said the schools want to keep their current parking space, but they do not think the Frisbie is going to renew the lease in December. Council Member Araskog suggested they could rent another location for parking because many people use the Recreation Center. Mr. Miracle said the staff is working with the school to have an agreement rather than the town trying to accommodate employee parking on that street. Council Member Araskog explained that if there is a 30-minute space, one can't park for more than 30 minutes, even if they have a resident permit. The residents will need to stay within the designated time frames for parking. She asked if any of the businesses stamped for the Apollo Lot. She said since there are a lot of stamps, rates are not like a regular lot with a designated payment. She thought staff should be careful about basing the rates on that. Mr. Miracle said they can do the same thing under the ParkMobile program. Their business can start their desktop ParkMobile and pay for their customers' parking. It was clarified that the Apollo Lot was being used as an example. Lt. Alber said adjustments can be made, but the staff is trying to balance the needs of the business owners and the community.

Mayor Moore gave some examples of challenges. She asked that if she were a resident and purchased two parking stickers, how would staff know those stickers were not being given away. Mr. Miracle said the stickers must be placed on the left rear bumper. Mayor Moore was concerned about someone gaming the system. She also asked if she had an RPP, and whether she could obtain two stickers. Mr. Miracle said each sticker has a unique identifying number, and police officers can look them up. Mr. Miracle said if everything had been tied to

a license plate, staff did not know how that would work for residents, and it would also require everyone to visit town hall to provide proof. The unique identifying numbers were the solution for tying residents to the stickers. Lt. Alber also pointed out that the amount of gaming that could take place would be limited because of the number of decals allowed per resident. Mayor Moore pointed out that if she bought placards, she could get RPP and town-wide stickers. Lt. Alber said she could only get a combination of four. Four hang placards, two placards, and two stickers. The stickers work both as the RPP placard and the parking sticker. Mayor Moore thought there would be problems because of the number of vehicles at their houses. She is concerned about logistical issues that the program may create. She wanted to make sure that this program improves existing conditions.

Mr. Blouin, the Town Manager, interjected that Mayor Moore was correct in her concerns. Staff expects any abuse of the program to be minimal, but there is potential for abuse. He said that as the program progresses with monitoring, adjustments may be necessary to be presented to the Town Council.

Council President Pro Tem Lindsay asked how many available hourly spaces were on Seaview that the Recreation Center could use. Lt. Alber did not have the number. She noted that the new lot would accommodate half of the staff for Palm Beach Day Academy, and now all the staff for the Palm Beach Public School would be accommodated by the others. She noted that staff parking for the Palm Beach Day Academy would be in jeopardy, temporarily. She said it would be important for staff to stay vigilant on the users of the Recreation Center to make sure there is a happy medium for the number of patrons that can park on the street for their games. She also mentioned parking spaces in the lot on the other side of the Recreation Center, near the office.

Council Member Cooney asked about S. County around Seaview with 30-minute parking spaces. His only concern was that once Seaview was filled, some of the recreation center users would park on S. County Road and walk-up Seaview to get to the center. He wanted to ensure there were not so many spaces being taken out of inventory that it would be detrimental to recreation center visitors. He also wanted to ensure that enforcement of the policy would be fair. Council Member Cooney said he had some hesitations, one being with the extension of enforcement to midnight and the two-hour limit. Lt. Alber said the 2-hour limit would be on the business streets. Council Member Cooney asked how many 1-hour spaces would be converted to 2-hour spaces. Lt. Alber said when the preliminary numbers were looked at, there was a higher rate of violators of the 1-hour limited spaces. He said staff thought it would be best to have a uniform time limit throughout the business district. Council Member Cooney asked if progress had been made on a valet program. Council Member Crampton said there hasn't been as much progress as he would like to see, but it is being worked on.

Mr. Miracle said in conjunction with the traffic study that will be released, valet services are being looked at and data will be provided.

Council Member Cooney expressed some frustration about the roll-out and implementation phase of the program. He did make the motion last spring to approve the large, broad components of the plan. He said he remains frustrated about the pace at which this project is moving forward, and he remains concerned about not receiving all the details promised. He said he has not been shown any data, to date. He also stated he had not had an opportunity to review the traffic study, details of which are important to him. He would still like to see the data. He felt that the Town Council had not received enough information and detail. He was also frustrated when the sticker component was rolled out before the Town Council meeting.

Council President Zeidman said the sticker program was discussed at the last meeting. Council Member Cooney said part of the implementation could have included whether 2 hours was the appropriate length of time. Council President Zeidman stated that the town is nine years into working on resolving the parking issues. She shared frustration with not having received the \$350,000 parking study. That is why the Town Council said, last month, that they would not give anything to Corradino until they saw the study and knew what kind of work they were doing. She said Corradino was picked by staff during a meeting in the Purchasing Department. Also, she understood why Corradino was chosen for the study since the town was working with them on the code.

Council President Zeidman thought the program had too many 30-minute parking spaces. She said some of the Worth Avenue stores expressed concern that 30 minutes was too brief and would reduce patron traffic.

Council Member Crampton said this program has been in planning for 3 years. He said the staff has been fully cooperative. He acknowledged that as the program progresses, there would be opportunities to make changes based on ongoing dialogue. He said the important thing to realize is that changes can be made if deemed necessary. He said over the past years, parking has been disjointed incrementalism and it is time to bring order to parking. The goals were to promote turnover in parking for the businesses, to provide residents with a first approach to the sticker program, and to look at the revenue for the town. He reiterated the importance of continuing to move forward.

Council Member Cooney said the committee has been working for a long time, but this was his first opportunity to dive into the details.

Council President Zeidman shared her concern about the resident parking permits. She said many streets have no cars on the street. That is not something that she wanted on her street, and it almost caused a lawsuit with the church by people who did not understand that parking was shared with the church. She

recognized that RPP was a good program that could never be taken away because people would be upset if public parking were allowed on those streets again. She said all the spaces are marked with white paint on Barton, Clarke, and the sea streets. She asked if someone parked could use their phone to extend their parking time. Lt. Alber said yes. She asked how much it would cost to park at Phipps Park. Mr. Blouin said when renovations are complete in Phipps Park, the cost of parking will increase. The fee for parking at Phipps Park was reduced because of the construction. Council President Zeidman said that midtown was very congested, and it was nearly impossible to make a left or right turn heading east during the season due to Ocean Blvd being so highly travelled.

Mayor Moore said it seems rather arbitrary that the number of placards has been incrementally reduced since the parking program originally began. It has gone from 8 placards per property down to 4 placards per property. She asked what data backs up the numbers.

Mr. Miracle said 4 was the original number used for RPP, it then increased and currently is being decreased. Mr. Blouin affirmed the numbers were based upon opinion. Mayor Moore said notice should be provided to everyone who has placards that the number of placards is being reduced to 4 per property.

Council President Zeidman said there would be special situations where residents may need more than 4 placards. She thought that needed to be looked at and addressed.

Council Member Araskog agreed with the potential for abuse of the system, she agreed about there being too many 30-minute parking spaces, she agreed that enforcement to midnight was too late. She thought the program implementation was moving too fast. She thought the approval in October was for the seven points, in concept only. She also did not understand how the Town Council was judging the program without seeing the parking study. She did not feel the Council had been allowed enough time to discuss the program and move through it piece by piece. She thought further research was necessary into the 30-minute parking spaces. Her main concern was the residents and small business owners. She said some of the small businesses may be lost because of the implementation of the parking program. She thought the 1-hour parking spaces were better than the 2-hour parking spaces.

Council Member Crampton read minutes from the May Town Council meeting, including the motion that was seconded and approved by most of the Town Council. He said approval of the seven-point program was settled. Moving forward, the ParkMobile component was not scheduled to begin until May 2024. He expected that any issues expressed by the Town Council members would be dealt with. There is a serious problem that needs to be solved. The Town Council needed to give up sovereignty of opinion to make this work. He said the issues will be worked out as the program is being implemented.

Council President Pro Tem Lindsay said this is the perfect type of program where the “slow is fast” concept applies. She said the RPP program was a patchwork of unfairness. People in the 200 block of Chilean had every restaurant employee parked in front of their house where people in the 300-block had 24 hours. She said a lot of this came out of the cost of free parking because most employees in the business district were moving their cars every few hours and people who wanted to patronize the businesses were having difficulty finding parking spaces. She said the placard program for employee parking sounded expensive, but it really was not if considered daily. She said one of the things as the town moves into this program, particularly with the RPP, is the district between County Road and the Marina, and RPP, Royal Palm and Worth Avenue areas are happy with the current changes being made. However, if lots of vacant spaces are observed, it will be obvious that adjustments are necessary. Not every area has the same amount of parking. The committee has tried to find a starting point from which to move forward and fine tune as necessary. Council President Pro Tem Lindsay said that when RPP was granted from the 100 block down, it was a trade for bathrooms, fundamental needs at the public beach. Suddenly, 100 blocks of all the streets that had historically been parking for the beach were taken to 24/7 RPP and now stay empty all summer. She acknowledged that there would be work to be done on the program, but it was imperative to start somewhere. She loved the idea of 30-minute parking, because along County Road there are businesses where 30-minute parking spaces are more than adequate. She cited the pharmacy as an example.

Council President Zeidman commended staff and the committee for a job well done. She said changes like this are always challenging.

Public Comments

Lynn George, 249 Mockingbird Trail, stated the merchants are working against themselves. She stated that concerning a hotel, she had asked Maura Ziska, Attorney, if the Town Council could require employees to park in provided places off the island. She said there was another hotel in town that could be controlled because the Town Council granted special permissions. She asked what was being done to investigate the problem as Mayor Moore had previously illustrated it. She stated her main concern was people parking on the island who are working, and what could be done to encourage the merchants to be their own advocates.

Siera Bugg, Property Manager for Palm Beach Hotel Condominium Association at 235 Sunrise Avenue, noted the building was 100 years old. When the hotel was converted to a condominium association in the 1980s, parking was not a consideration. The association currently pays almost \$18,000 per month for a valet service to park residents in assigned parking lots under contract with the association. She said the contracts are fleeting and parking on the island is becoming increasingly difficult. She said the condominium also has 13 staff

members, none of whom have dedicated parking spaces. She stated the parking placard program has been a game-changer for the 194 residents in the condominium building. They could not stay in their units without the placard program. The residents look forward to a revised version of the placard program to provide easier parking in the Sunrise block.

Michael Scharf, 225 Dunbar Road, stated he was shocked to learn they were only entitled to 4 placards. He said he did receive notice, but it lacked clarification. He urged the Council to watch the program to see if the objectives are being met with the program. He said on Dunbar Road, there is a home that has been under construction for more than 2 years. There have been at least 6-8 vehicles parked along that street. He said not all those vehicles had parking permits. He felt that congestion that builds up on streets due to construction should be better enforced. He said there has been no enforcement, and a food truck comes to the site to serve the workers daily.

Council President Zeidman asked the Town Council if they wanted to look again at the appropriate number of allowed placards; currently set at four. Council Member Araskog said she would be interested in revisiting the number of placards.

Council Member Araskog asked the Town Council to look into helping with parking for the private school. She asked if an ordinance could be written to require existing hotels to provide off-site parking for their staff members. Attorney O'Connor stated she would research and provide an answer at the next meeting.

Council Member Cooney asked if the Town Council would vote on the parking plan. He wanted to register his objection to the implementation phase of the parking plan as currently designed.

Council President Pro Tem Lindsay thought that the report on parking and traffic would need to be reviewed, and an analysis of the information presented. She said that would help, and there are other options where changes can be discussed. She thought it would be best for the council members to get all the information promised before the implementation of the program, which is not scheduled until May 2024.

Council President Zeidman said that currently, the only thing being implemented is the parking decals for residents. Other aspects need continued review and discussion, but those aspects are not ready to be implemented. She said the committee would go back and look at the 30-minute parking and the school. Council Member Crampton said the study would be reviewed and compared to what is already in place.

Council member Araskog made a motion to hold off on continuing with the plan

until the Town Council has seen the parking and traffic study, and additional discussion be conducted before what has been presented becomes the program. Motion died due to lack of a second.

The Town Council directed staff to place this item on the December 12, 2023, Town Council Meeting agenda for further discussion.

A recess was taken at 12 Noon, and the meeting reconvened at 12:10 PM

C. Presentation by Rove Regarding Tesla Ride Service in Palm Beach
Lew Crampton, Town Council Member

Council Member Crampton introduced Jack Brinkley-Cook, co-owner of Rove. He said this is one area of the seven-point program that will require a vote. He noted concerns that were expressed which included commercialization, advertising, and unintended consequences. He said there are some changes in the program, it is intended to be restricted to Palm Beach, only, at no cost to residents or anyone in the town. With respect to advertising and commercialization, all decisions with respect to each car will be approved by the town, adding accountability. Council Member Crampton understands the concern about encroachment on north end beaches. He said the program will be in-town only and it can be cut off at Wells Road, making it a central business district and south end program.

Mr. Brinkley-Cook presented the Tesla Ride Service, stating it is a micro mobility model that was launched in The Hamptons in 2021. The service operates in zones and the rides are free to users. Efforts are made to combat traffic, parking, congestion and driving while under the influence of alcohol. Other points Mr. Brinkley-Cook presented included overnight parking, design/advertising, safety & operations. He said if the town could not accommodate parking, Rove personnel would find a lot to lease for overnight parking. All Rove drivers are full-time employees with a high level of oversight for driver and vehicle safety. The program is elevated and only operates in luxe markets. The Rove program is closer to a free chauffeur service than a free ride service.

Council Member Crampton asked for a summary from town staff. Mr. Miracle said that the staff continues to work with the Rove representatives. He said the program is flexible and if changes are desired, accommodation will be made.

Council President Zeidman asked for additional images of advertising used on the cars. Mr. Miracle said before a vehicle is on the streets, the town would have to approve proposed advertising. Council President Zeidman was concerned about including the north end of the island.

Council President Pro Tem Lindsay asked Mr. Brinkley-Cook how many

vehicles would be required to begin the program. Mr. Brinkley-Cook said ten. Mr. Brinkley-Cook said the vehicles may not be waved down. The pick-up address and destination must be within the zoned areas.

Council Member Araskog confirmed there will be no trolling. She has heard concern about the vehicles driving through the neighborhoods rather than only responding to calls. Mr. Cook said the drivers are trained so that in between rides they hold out in specific areas that have been identified rather than aimlessly cruising the streets. He said when holding areas are identified, those areas will be shared with the town staff to ensure the areas are appropriate. Council Member Araskog thought that the Town Council should see the advertising for approval in addition to staff. She asked where the Tesla vehicles would charge, and Mr. Brinkley-Cook said they would use existing Tesla charging stations.

Mayor Moore asked about the frequency of charging. Mr. Brinkley-Cook said the vehicles get about 300 miles of range, and because most of the rides are less than 3 miles, the battery is conserved.

Council Member Cooney asked if local governments subsidize the program. Mr. Brinkley-Cook said they are not currently subsidized. He said the service would never look for government subsidies in Palm Beach. He stated that a consulting firm is employed to aid the company with government relations, permitting, and approvals. Council Member Cooney asked why the Rove service needed action from the Town Council. He noted that Uber, Lyft, and similar services operate in the town without council approval. Mr. Miracle said about potential staging and overnight parking; one option may be for them to park overnight at Phipps Park, which would need council approval.

Mr. Brinkley-Cook said Rove strives to create a program that would be sustainable and well-received by the community.

Council President Pro Tem Lindsay asked Mr. Brinkley-Cook to explain why ten cars would be required to start the service. Mr. Brinkley-Cook said Palm Beach's proposed zones are larger than those in other jurisdictions. He said that his ridership expects rides in a timely fashion, and ten cars will ensure the program's reliability.

Council Member Cooney said on a Friday or Saturday evening, there are numerous Uber or taxis operating in Palm Beach. He thought ten cars would not be excessive.

Council President Pro Tem Lindsay noted that Palm Beach has enjoyed a billboard free community for many years. She felt the cars were mobile billboards which are illegal in the Town of Palm Beach. To her, advertisements on vehicles are not desirable. She said if the town has a serious problem, perhaps the town should look at subsidizing a program to avoid roaming billboards. She feels the

advertisement will degrade the aesthetics of the town. She would like to know the demand for free rides in town.

Council Member Crampton offered some comparisons with other vehicles with advertising, such as service vehicles and the buggy from West Palm Beach. He said people are accustomed to seeing advertisements on vehicles. This service would solve some parking issues in town by taking cars off the road.

Mayor Moore noted that Mr. Brinkley-Cook and Rove had asked the Town Council for permission. They could have opened business in the town without any inquiry to the Town Council. She said there are many vehicles on the road with advertising.

Council President Zeidman asked if the town ordinance refers to any specific type of billboard advertising. Mr. Blouin said he was unsure, but that commercial vehicles must be marked.

Council Member Araskog said the brand in Palm Beach needs to be protected. She said this service would bring ten cars to town with advertising. She said when the town tried to use buggies for advertising, no one liked them. She was not inclined to move forward, but if the program is implemented, she thought residents at the north end would need to be included. Council Member Araskog said the island is difficult to navigate due to intense traffic. She also had a problem with using Phipps Park for overnight parking.

Council Member Crampton said the town would benefit from the program, and they are asking for accommodation from the town. He said the town gives up some space for them to park their vehicles, and people in town get free service. He said the benefits of this program are clear.

Josh Harlan, 160 Reef Road, provided some perspective on the program. He noted a 2021 MIT study indicated that ride sharing increases traffic in urban locations. There have been several mentions of the experience of this service in the Hamptons. He has spent time in South Hampton and despite what some officials are stating, many residents of South Hampton have had a negative experience because one of their main accomplishments have been shuttling large numbers of non-residents from the main street in South Hampton and various hotels in South Hampton to the beaches, resulting in over-crowding of the beaches. Mr. Harland thought this service should be avoided in Palm Beach. He said as an investor in media and technology companies, there are multiple ways for consumers to pay for things. He said there is no such thing as “free” without advertising. He noted that transaction and subscription services are already available to Palm Beach residents.

Donald Singer, 2295 South Ocean Blvd and co-chair of the Citizens Association of Palm Beach said when residents on the south end first heard of this service,

they surveyed approximately 6,000 residents. Most residents supported the program if the Town Council was involved in the advertising. He stated that on October 2, 2023, a Resolution was passed by the Citizens Association, supporting the newly proposed Rove service with guidelines for advertising to be established by the Town Council. The proposal was supported because it would assist with parking, safety, and convenience and be environmentally responsible.

Ronald Matzner, 3120 South Ocean Blvd, supported Mr. Singer's comments. As director of the Oasis Condominium Association, Mr. Matzner said the Rove concept was presented at a recent meeting, and he thought it was very well received. He said this service would be excellent for the island's south-end residents.

Council Member Araskog read a constituent's letter of opposition to the Rove program.

Council Member Crampton read a letter from Eleanor Kennedy, supporting the Rove program. He added that this program is not a commuter program, and the program is restricted to the Town of Palm Beach and would not increase traffic. He thought the program should be looked at from the standpoint of a pilot program, in cooperation with Town authorities, particularly with overnight storage of vehicles and advertising.

Council President Zeidman asked Attorney O'Connor if the Town Council has the authority to restrict advertising on mobile vehicles. Ms. O'Connor stated she would like to review the town ordinances. Mr. Blouin recalled that the town could regulate buses, but not on state roads.

Council Member Cooney was willing to support the program on a trial basis for one year, although he shared some of the concerns expressed.

Council President Pro Tem Lindsay stated she was also uncomfortable with using a public park for overnight parking. She said there were many other empty garages in town where the vehicles could be stored overnight. She reiterated her concern about the advertising.

Council President Zeidman said the representative from Rove should have approached the council with some examples of advertising. She thought this item should be deferred to await a legal opinion. She stated the town is opposed to having the town commercialized.

Council Member Araskog said the advertising needs to be worked out. She pointed out that Rove does not want to come to Palm Beach without approval from the council.

Motion was made by Council Member Araskog and seconded by Council

President Pro Tem Lindsay to defer to the December 12, 2023, Town Council meeting to allow Rove to return with vehicle ad samples and for the Town Council to get a legal opinion. On roll call, the Motion passed unanimously.

A lunch break was taken at 1:20 PM, and the meeting reconvened at 2:05 PM

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore recognized the following employee milestones: Kurt Konopasek, Irrigation and Spray Technician in Public Works, 15 years of service; Demond Allen, Transfer Station Operator in Public Works, 25 years of service; William Lohle, Golf Course Mechanic in Recreation, 30 years of service.

Mayor Moore mentioned that Mr. Lohle's child recently received a scholarship.

Mayor Moore reminded the Town Council that the Employee of the Year will be announced at the December Chamber Breakfast.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog has received complaints about whitefly, and neighbors are not spraying. She suggested an ordinance to allow for a six-month follow-up to make sure people spray more than one time.

Council President Zeidman thought traffic might be placed on the agenda this month. She said one incident had already occurred on Mar-a-Lago due to an event. She said the Police Chief has been collecting data in preparation for a discussion in December. However, just last night, an event at Mar-a-Lago caused issues. The Police Department has sent officers down to speak to someone at Mar-a-Lago, but they are not communicating well with each other within Mar-a-Lago. She stated that Mar-a-Lago needs to get their act together, or the Town will get their act together for them. Chief Caristo has been down two times to speak with them and will continue to monitor the situation. She also mentioned the location of the guardhouse may need to be revisited.

Council Member Cooney noted that Mar-a-Lago had a traffic plan as part of their Declaration of Use plan that is no longer being followed due to security changes. They had a newly proposed traffic plan that included checking in from the right-of-way, which may contribute to the congestion.

VIII. COMMUNICATIONS FROM CITIZENS -3-MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and heard under Item No.

XI.A.:

IX.C.1. Authorization for 235 Sunrise Avenue – Use of Right-of-Way During Season – *H. Paul Brazil, P.E., Director of Public Works*

- IX.C.2. Authorization for 363 Cocoanut Row – Use of Right-of-Way During Season – *H. Paul Brazil, P.E., Director of Public Works*
- IX.B.7. RESOLUTION NO. 141-2023

Council President Zeidman recently listened to the Recreation Advisory Commission. She advised that when the commissioners make their comments regarding issues they may have, they should do so in a respectful manner. She also said if problems come up, they should be addressed to the Director or Assistant Director of the Recreation Department rather than during a public meeting.

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

A. MINUTES

1. Town Council Meeting Minutes
Kelly Churney, Acting Town Clerk
 - a. September 12, 2023, Town Council Meeting Minutes
 - b. September 13, 2023, Town Council Development Review Meeting Minutes
 - c. October 10, 2023, Town Council Meeting Minutes
 - d. October 11, 2023, Town Council Development Review Meeting Minutes
 - e. October 12, 2023, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its meeting of October 25, 2023
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 135-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting an Amendment to the Town of Palm Beach Retirement System Investment Policy Statement; Providing for Repeal of Conflicting Resolutions; And Providing an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration
2. RESOLUTION NO. 136-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting an Amendment to the Investment Policy of the Town of Palm Beach; Providing for Repeal of Conflicting Resolutions; And Providing an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration
3. RESOLUTION NO. 137-2023 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Amendments to the Statement of Investment Policy for the OPEB Trust Board of Trustees

of the Town of Palm Beach Pursuant to Section 82-153 Of the Code of Ordinances of the Town of Palm Beach; Providing an Effective Date.
Bob Miracle, Deputy Town Manager - Finance and Administration

4. RESOLUTION NO. 138-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a non-competed proposal to the Government Finance Officers Association for Enterprise Resource Planning (ERP) Advisory Services in a not-to-exceed price of \$121,000 for Consulting Services.

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 139-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an extension of the Banking Agreement for General Banking and Merchant Card Processing Services with TD Bank N.A. for a five- year period based on satisfactory performance.

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 140-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Rechten International Trucks, Inc. for a replacement Rear Steer Loader on International Chassis in the amount of \$252,047 and Establishing a project budget in the amount of \$264,649.

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 141-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2023-49, Seaview Tennis Courts Resurface and Fence Replacement Project to Mor-Sport Group in the amount of \$292,799.95 and Establishing a project budget in the amount of \$336,718.

*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard under Item No. XI.A.***

8. RESOLUTION NO. 142-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving funding authorization to ITB No. 2021-12, Irrigation Contractor Services to B. Ellis Enterprises, Inc. in the amount of \$42,046 and Establishing a new five-year award authority in the amount of \$230,000 based on satisfactory performance and budget authorization.

Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 143-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Enter into an Agreement with the Supervisor of Elections for the March 2024 Municipal Election(s) Vote Processing Equipment Use and Election

Services.

Kelly Churney, Acting Town Clerk

10. RESOLUTION NO. 146-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Expressing Support for the Extension and Continuation of the Palm Beach County One-Cent Sales Surtax to Fund Local Infrastructure Projects through December 31, 2036; Providing an Effective Date; and for Other Purposes.

Bob Miracle Deputy Town Manager-Finance and Administration

11. RESOLUTION NO. 147-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving award authorization of Resolution No. 22-2019 to Zimmerman Tree Services from \$430,399 to \$555,000 for the remainder of the contract period that expires September 2024.

Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Authorization for 235 Sunrise Avenue - Use of Right-of-Way During Season
*H. Paul Brazil, P.E., Director of Public Works – **Pulled and Heard under Item No. XI.A.***
2. Authorization for 363 Cocoanut Row - Use of Right-of-Way During Season
*H. Paul Brazil, P.E., Director of Public Works – **Pulled and Heard under Item No. XI.A.***

X. PUBLIC HEARINGS

- A.** RESOLUTION NO. 144-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement within the Property Commonly Known as 216 Tradewind Drive, in the Town of Palm Beach, Florida.

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

Ms. Strayer presented the resolution and stated that all property owners within 300 ft of the easement had been notified. No objections have been received.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 144-2023. On roll call, the Motion passed unanimously.

XI. REGULAR AGENDA

- A. Matters Pulled From Consent Agenda: If needed**

1. Authorization for 235 Sunrise Avenue - Use of Right-of-Way During Season
H. Paul Brazil, P.E., Director of Public Works

Council Member Araskog asked if any parking spaces would be lost. Mr. Brazil said they are occupying 4 parking spaces out in front of the hotel. He said this is an emergency.

Council Member Cooney heard from a business owner on the ground floor of the Palm Beach Hotel that the scaffolding obstructs their business signage. He said if the town could come up with something small and tasteful, it would be very much appreciated. Mr. Brazil asked Council Member Cooney to send the business owner to him and he will help her as allowed by town code.

Don Romaniak, 4558 Thornwood Circle, Palm Beach Gardens, and general contractor for the project, stated that January 19, 2024, is the estimated completion date for the phase. At that time, the scaffolding and the barricades will be removed.

Mr. Brazil said the work that will be necessary on the building will be extensive. He stated that staff would like to request permission to issue right of way permits as necessary for this reconstruction, beyond the current phase. He said there is a lot of necessary work that will happen at that hotel.

Council Member Araskog stated her preference would be for the contractor to come back to the council. Mr. Brazil said the contractors have used a small space to accommodate their work.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to authorize the right-of-way permit during season for 235 Sunrise Avenue with the condition that the property owner work with other business owners during the construction process. On roll call the Motion passed unanimously.

2. Authorization for 363 Cocoanut Row - Use of Right-of-Way During Season
H. Paul Brazil, P.E., Director of Public Works

Council Member Araskog asked how many parking spaces are being used for this job.

John Hart, Mele Associates, 13200 Crisa Drive, Palm Beach Gardens, stated that 4 spaces had been used on-site, but 3 extra spaces were created on Cocoanut Row.

Council Member Araskog was concerned about how the barricades look. Mr. Brazil said they were there for safety and suggested they remain.

Mr. Brazil asked Mr. Hart if he could continue construction without using the crane. Mr. Hart said no, due to the structural damage. He said it is very important to keep the historical preservation of the building.

Mr. Brazil said the work was emergent.

Council Member Cooney said that in talking with Amy Sunny, Palm Beach Historic Preservation, he learned that the contractors were creative about their crane needs and took big steps to be as minimally invasive as possible while getting the job done.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to authorize the right-of-way permit during season for 363 Cocanut Row. On roll call the Motion passed unanimously.

3. RESOLUTION NO. 141-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2023-49, Seaview Tennis Courts Resurface and Fence Replacement Project to Mor-Sport Group in the amount of \$292,799.95 and establishing a project budget in the amount of \$336,718.

Dean Mealy, Procurement and Contract Manager

Council Member Cooney pulled the resolution because there were some editorial comments in the newspaper about tennis. He wanted to give staff the opportunity to address the comments publicly.

Carolyn Stone, Deputy Town Manager, said this would be a re-bid because the previous contractor was unable to meet the time schedule. This is to start June 1, 2024, and get all the court work necessary done in time to open for the season.

Ms. Patricia Strayer added that the project was re-bid quickly to ensure the summer schedule can be met.

Council Member Araskog asked if there is any way to add a hitting wall. Ms. Strayer explained that the hitting wall takes up an entire court and with such demand in play, that then the facility can't be fully utilized for tennis needs. Ms. Strayer said the decision was made by the Recreation Advisory Commission not to have a hitting wall for a variety of reasons. She said she could investigate the reasons.

Council member Cooney read the resolution.

Motion made by Council Member Cooney and seconded by Council

Member Araskog to approve Resolution No. 141-2023. On roll call the motion passed unanimously.

B. Old Business

1. Town-Wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

Patricia Strayer, Town Engineer, spoke about the schedule of the different phases. Phase 4 North has been paved. Phase 2 South, all the poles have been pulled. Phases 3, 4 and 5 South, all drilling has been done. She asked forgiveness because the concrete sidewalk replacement is not completed. Concrete is hard to come by, and that part of the project did not happen at this time. However, the sidewalk replacement will occur as soon as the concrete can be obtained.

Mr. Brazil said the goal was to restore sidewalks in Mid-Town before the season. It is not Ms. Strayer's fault that the job is not complete.

Ms. Strayer said the pressure cleaning will be completed before next Wednesday. She pointed out that the red paint is difficult to remove. It will be removed but will take extra work.

Council Member Cooney asked who else was drilling on Royal Palm. Ms. Strayer said Verizon and Crown Castle. She said that won't continue through the season.

Council President Pro Tem Lindsay asked if there was any way not to use red paint in the future. Mr. Brazil said red signifies an electrical circuit, is required.

a. Review of Project and Dashboard, Summary of Project Status

Ms. Strayer said Phase 5 North and South would not be finished by November 30, 2023. But last month FEMA extended their event deadline by two years. The event deadline relates to the grant period given after Hurricane Ian. The town's contractors met their deadlines. FPL was not ready to do the switching. Strong conversations have been taking place with FPL since August. Switching is to begin next week. A letter was received from FPL yesterday stating that they will do everything possible to complete all the phases by the 3rd quarter of fiscal year 2024, allowing the town to get paving done next summer.

Council Member Araskog asked if sending the FPL to FEMA would be

good. Ms. Strayer said it had already been done, and the town received the requested grant extension.

Ms. Strayer provided an update on streetlight replacement throughout the town. She showed a map that depicted where the lights were located. She stated that all the cobra headlights would be replaced with decorative lights.

Discussion ensued regarding the styles of decorative streetlights. Ms. Strayer and Mr. Brazil answered council member's questions about the lumens and the color of the lights.

Council President Zeidman asked what the Town Council would like to do.

The consensus of the Town Council was to direct Florida Power and Light to change the streetlights to a new selection for Phases 4 and 5 South.

Ms. Strayer stated that an attorney had received a letter representing the property owner at 215 Seminole Avenue. She responded the next day, and a copy of the response was e-mailed to the Town Council. She said the 100 block of Seminole had a nice strip of land that would house multiple transformers. The attorney's letter requested that the town council direct staff to reconstruct the street and add a grass strip on the 200 block of Seminole for transformers.

Mayor Moore said this project would be costly. Ms. Strayer said it would be a tremendous effort to avoid putting a transformer in the road when neither of the property owners will grant an easement. The staff is still hoping to get an easement.

Mr. Blouin said fairness and consistency were important. Other situations like this meant that those owners who wanted something moved, absent special circumstances, did so at their own expense.

b. Recommending Dissolving the Undergrounding Utilities Task Force

The consensus of the Town Council was to defer this to a future town council meeting after all Task Force Members have been notified.

c. RESOLUTION NO. 145-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Chen Moore and Associates for Undergrounding Phases 5S, 4S, and 3S Paving Bidding Exhibits in the amount \$198,620 and Establishing a Project Budget of \$218,620.

Ms. Strayer explained Resolution No. 145-2023.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 145-2023. On roll call, the Motion passed unanimously.

Council Member Araskog asked, concerning utility design cost, why there was such a change in cost. Ms. Strayer said AT&T and Comcast charged the town more for their design than was estimated. The change in cost was not made by Kimley-Horn.

She asked if project revenues could be broken down further. Mr. Miracle said that what Council Member Araskog was seeing was sources for how the underground project is being funded. He further explained the sources of funds paying for the cost of the project. Council Member Zeidman suggested that Council Member Araskog meet privately with Mr. Miracle.

2. Discussion Regarding Town Council Meeting Minutes
Margaret A. Zeidman, Town Council President

Council President Zeidman said that during her session with Mr. Blouin, she was informed that Jessica Savidge would be meeting with her about the minutes, and that Pat Gayle-Gordon and Kelly Churney sometimes feel bad when she corrects the minutes. Then, during the meeting, additional corrections are pointed out. President Zeidman stated from her experience with changes to the minutes by Council members she understands how Ms. Gayle-Gordon and Ms. Churney feel.

Council President Zeidman said Ms. Gayle-Gordon and Ms. Churney are involved in the preparation of the minutes, which are outsourced. Staff provided the Robert's Rules of Order requirements for minutes.

Council Member Araskog thought the problem was that the minutes are outsourced. She said before the minutes were outsourced; they were prepared better. Ms. Churney said the minutes had been outsourced for the past three years. She said there was no presentation, staff had gathered as much information as possible to let the Town Council know what other municipalities are doing in terms of their minutes. Samples have also been provided. Ms. Churney said it is time-consuming to prepare the minutes. Mr. Blouin said for a relatively small city, there are a lot of public meetings for which minutes are required.

Mr. Blouin described some of the various types of minutes. He stated that Palm Beach prepares summary minutes, with a high level of information being transcribed. He said that with the new technology agenda items can be

bookmarked electronically; it is easy to get an audio recording for a specific agenda item. Council President Zeidman acknowledged it would be difficult for anyone preparing summary minutes to meet everyone's expectations.

Mayor Moore did not think summary minutes would ever make everyone happy.

Council Member Araskog advocated for transcript (verbatim) minutes. She thought transcript minutes would be better. She asked for the cost of the vendor outsourcing, including the staff time spent on the minutes. That could then be compared to the cost of having the minutes in transcript form.

Mr. Blouin suggested that the Town Council not decide today. He mentioned that Artificial Intelligence (AI) is available and may be an option.

Mayor Moore said the transcription of a meeting such as this could be 500 – 600 pages. She thought transcript minutes would be unnecessary. She said discussions are much longer now than in the distant past.

Council Member Crampton advocated for a minimalist approach to the minutes. He liked the minutes the way they are but would accept even less effort. He suggested the next minutes be 20% less, to give the council a chance to react to it. He said it would not hurt to test various types of minutes with the council.

Council President Zeidman suggested the three-hour discussion about parking this morning could be used to provide short summary minutes for comparison to how the minutes are currently transcribed.

Council President Pro Tem Lindsay reminded everyone that back when transcripts were done for regular meetings, there were no audio recordings. She said if there was a legal issue, someone would be paid to create a verbatim transcript. She also said that AI is growing, and it is conceivable to think that in the future, AI may be the way to have minutes transcribed. In the meantime, she suggested to Mr. Blouin that zoning and selection of a water system are items coming up that will be very important. She said before those items are heard, the council could decide how they want those minutes prepared, summary or verbatim transcript.

Council President Zeidman said AI will summarize the minutes. She thanked Carolyn for putting links in the minutes to allow a convenient way to listen to specific discussions.

Council President Zeidman stated that a request has been made for what it costs to outsource the minutes, along with staff time spent on the minutes, test out three versions of minutes (short, medium, and as currently prepared).

The consensus of the Town Council was for staff to return to the January 9, 2024, Town Council meeting with costs regarding each type of minutes preparation style.

C. New Business

1. Discussion Regarding Town Caucus to be Held on Tuesday, December 5, 2023

Margaret A. Zeidman, Town Council President

Council President Zeidman expressed concern about the Adopted Family of the Palm Beaches Annual Tree Lighting Celebration at Sailfish Club. She asked who would be attending, and she said what matters is that this is being done at a time when people can attend. She asked what time the caucus should be held, suggesting 5:00 or 5:30 p.m. Council Member Araskog thought 6:00 p.m. would be better and would allow more people to attend.

Mayor Moore said the most people that may show up for the Caucus would be 30 people.

The consensus of the Town Council was that the Town Caucus will be held at 6:00 pm on Tuesday, December 5, 2023.

XII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 10 of the Town Code Relative to Temporary Animal Permits

ORDINANCE NO. 016-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 10, Animals; Section 10-10. Temporary Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In Application, 10-14. Permits Nontransferable, 10-15. Waiver Of Provisions, And 10-16. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney Randolph read Ordinance No. 016-2023 by title only.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 016-2023 on second reading.

Council Member Araskog asked some questions for clarification of the ordinance.

Jessica Savidge, Administrative Manager, stated that the fee schedule for the town sets forth pricing and breakpoints for the different prices.

On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 78 of the Town Code Relative to Charitable Solicitation Permits

ORDINANCE NO. 018-2023 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Providing Amendments to Chapter 78, Peddlers and Solicitors at Article III. Charitable Solicitations Division 1. Generally, By Amending Section 78-77. Definitions, By Deleting Section 78-79. Receipts Required, By Amending Section 78-80. Misrepresentation Prohibited And By Renumbering Said Section, And By Adding Section 78-80. Duties Of Permittee And 78-81. Possession; Further Amending Division 2. Permit At Section 78-101. Required; Exceptions, Section 78-102. Application, Section 78-104. Town To Issue Permit, Section 78-105. Fees, Section 78-106. Permit Form, Duration, Section 78-108. Credentials For Solicitors, Section 78-109. Permit Suspension, Revocation, By Deleting Sections 78-110. Permittee To Keep Records, Section 78-111. Reports Required, By Amending Section 78-112. Appeals And Section 78-113. Penalties And By Renumbering Said Sections; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney O'Connor read Ordinance No. 018-2023 by title only.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to adopt Ordinance No. 018-2023 on second reading. On roll call, the Motion passed unanimously.

3. Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Auction Permits

ORDINANCE NO. 019-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article II. Auctions And Auctioneers By Deleting Section 94-31. Night Sales Prohibited And Section 94-32. Prohibited In Season On Certain Streets, By Amending Section 94-33. Permit Required And By Renumbering Said Section, By Renumbering Section 94-34. Permit Limitation, By Amending Section 94-35. Application And Section 94-36. Standards For Issuance And By Renumbering Said Sections, By Deleting Section 94-37. Notice Of Approval Or Denial, By Amending Section 94-38. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 94-39. Duties of Permittee And Section 94-40. Possession, By

Deleting Section 94-41. Revocation, And By Adding The Following New Sections 94-38. False Information Prohibited In Application, 94-39. Permits Nontransferable And 94-40. Waiver Of Provisions; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney Randolph read Ordinance No. 019-2023 by title only.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 019-2023 on second reading. On roll call, the Motion passed unanimously.

4. Proposed Ordinance to Amend Chapter 94 of the Town Code Relative to Closing-Out or Distress Sale Permits

ORDINANCE NO. 020-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 94. Sales At Article III, Closing-Out Or Distress Sales At Division 2. Permit By Amending Section 94-101. Required, By Deleting Section 94-102. Application Required; Form, Contents, By Amending Section 94-103. False Information Prohibited in Application And By Renumbering Said Section, By Deleting Section 94-104. Investigation, Issuance Of Permit; Duration, By Renumbering Section 94-106. Not Transferable, By Amending Sections 94-107. Denial Of Permit, 94-108. Renewal, And 94-109. Fees And By Renumbering Said Sections, By Deleting Section 94-110. Permit Suspension, By Amending Section 94-111. Permit Revocation, Appeals And By Renumbering Said Section, By Renumbering Section 94-112. Display Required, By Amending Section 94-113. Duplicate Application And Inventory To Be Kept On Premises And Section 94-114. Records Required; Inspection And By Renumbering Said Sections, By Renumbering Section 94-115. Additions To Stock Prohibited And Section 94-116. Accuracy of Advertising, By Amending Section 94-117. Statement Required in Advertising And By Renumbering Said Section, By Renumbering Section 94-118. Marketing Of Distressed Goods, By Amending Section 94-119. Doing Business Beyond Closing Date And By Renumbering Said Section, And By Adding The Following Sections, 94-116. Duties Of Permittee, 94-117. Waiver Of Provisions, 94-118. Penalties, 94-119. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney O'Connor read Ordinance No. 020-2023 by title only.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to adopt Ordinance No. 020-2023 on second reading. On roll call, the Motion passed unanimously.

5. Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to

Special Event and Religious Display Permits

ORDINANCE NO. 021-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee, By Amending Section 106-287. Possession and By Renumbering Said Section, By Deleting Section 106-288. Revocation, By Renumbering Section 106-288.1. Walks and Runs, And By Adding A New Section 106-288. Religious Holiday Symbol Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney Randolph read Ordinance No. 021-2023 by title only.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to adopt Ordinance No. 021-2023 on second reading. On roll call, the Motion passed unanimously.

6. Proposed Ordinance to Amend Chapter 22 of the Town Code Relative to Commercial Motion Picture Making Permits

ORDINANCE NO. 022-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 22, Businesses At Article IV. Commercial Motion Picture Making, Division I. Generally At Section 22-127. Penalty For Violations; Further Amending Division 2. Permit At Sections 22-151. Required; Application Fee, 22-152. Application, 22-153. Prerequisites To Issuance, And By Adding New Sections 22-154. Appeals, 22-155. Duties Of Permittee, 22-156. False Information Prohibited In Application, 22-157. Permits Nontransferable, 22-158. Waiver Of Provisions And 22-159. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Attorney O'Connor read Ordinance No. 022-2023 by title only.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to adopt Ordinance No. 022-2023 on second reading. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend Chapter 46 of the Town Code Relative to Fire Prevention and Protection

ORDINANCE NO. 023-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection in Accordance with Florida Statute 633.202 and 633.208 the "Florida Fire Prevention Code" Adopted by the State of Florida Fire Marshall In Chapter 69A-60 Of the Florida Administrative Code with Local Amendments, National Fire Protection Association National Fire Code - N.F.P.A. 1, Florida Current Edition; And National Fire Protection Association Life Safety Code - N.F.P.A. 01, Florida Current Edition; Including Amendments To Sections 46-32, 46-33, 46-36, 46-66, 46-68, 46-69, 46-70, 46- 71, 46-72, 46-73, 46-74, 46-75, 46-76, 46-77, 46-78, 46-80, And 46- 82 All As Provided In Exhibit A Attached; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For Codification; And Providing For An Effective Date.
Darrel Donatto, Fire Rescue Chief

Attorney Randolph read Ordinance No. 023-2023 by title only.

Chief Donatto explained the necessity that Codes be adopted to maintain the three-year cycle mandated by the State of Florida. He said every three years, the State updates their Fire Code and the Town updates its Fire Code to be consistent with the State.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve first reading of Ordinance No. 023-2023. On roll call, the Motion passed unanimously.

XIII. ANY OTHER MATTERS

1. Discussion Regarding Florida Senate Bill 250

Wayne Bergman, Planning, Building and Zoning Director, stated that Senate Bill 2C became House Bill 1C and has been signed by the Governor. The signing of this bill removes the restriction that the town may not amend its comprehensive plan or its land development regulations until October 2024.

Council Member Araskog stated that she would like the Planning and Zoning Commission to consider removing PUDs from the town code. She said there are several reasons for that, and she thought a Zoning in Progress would be appropriate.

Mr. Bergman said last week, he spoke to the Planning and Zoning

Commission, advising them that the comprehensive plan and the zoning code does allow applicants to request new PUDs and amendments to existing PUDs. The town is currently undergoing a Comprehensive Plan Evaluation and Appraisal Review, working on the future land use element with Planning and Zoning. The code review with Sean Suder is underway and will include transitioning from proposed residential changes into commercial ones. PUDs are being looked at in the comprehensive plan and the zoning code. Mr. Bergman advised the Planning and Zoning Commission that this would be a good opportunity to review whether to have this remain in the code. They asked staff to place the discussion on their December Planning and Zoning Commission agenda.

Council President Zeidman confirmed that a Zoning in Progress would be in effect for 6 months. Attorney Randolph said 6 months is a wise timetable because there must be a first and second reading of an ordinance.

Mr. Randolph said Zoning in Progress would preclude anyone from filing an application, which is in contravention of the study being undertaken. He said it was announced by Mr. Bergman at the meeting that it was something the Commission could look at. Based on that, the Town Council could decide that this matter would be under study and that therefore a Zoning in Progress is being declared and no permits would be issued in contravention for a period of 6 months.

Council Member Crampton did not want to rush to a judgement on Zoning in Progress today. However, he did not object to a Planning and Zoning Commission discussion.

Council President Pro Tem Lindsay said as she read the comprehensive plan draft and attended the last Planning and Zoning Commission meeting, she thought a Zoning in Progress needed to be declared. She did not see PUDs being relevant to the Town anymore into the future. She said the small residential community of Palm Beach is already built out. She supported sending this issue to the Planning and Zoning Commission for study. As for declaring a Zoning in Progress, she would want to hear Attorney Randolph's advice.

Attorney Randolph said the purpose of declaring a Zoning in Progress is to avoid, once an announcement is made to study something, having applications submitted before the ordinance is in effect. Zoning in Progress is often done by Resolution. However, a Resolution is not necessary to pass a motion to declare Zoning in Progress.

Mayor Moore did not favor enacting a Zoning in Progress. She was supportive of sending it to the Planning and Zoning Commission for discussion. She does not think it would be fair to put a Zoning in Progress

in place without proper notice. She said the Society for the Four Arts has a plan that has been months in the making and the Town Council knows they will be bringing their plan forward for approval. Mr. Bergman said the Four Arts is not a PUD. Mayor Moore said there was no notice to the public that this would even be a discussion item.

Council Member Cooney said he was aware of a pending PUD application coming from Frisbie's, related to the Wells Fargo property. Attorney Randolph said in that case, they would have to make a zoning change to follow through with their plan. Council Member Cooney said he was sure they were going to apply for a PUD. Mr. Randolph said they would have to apply for a zoning text amendment before they can file for a PUD.

Mr. Bergman said if the Wells Fargo site was to become a PUD per the application, there would be comprehensive plan amendments to the future land use map and zoning text amendments and zoning map amendments. That would be a series of ordinances that would have to be presented to the Town Council.

Council Member Cooney said that is the largest potential development site in the town. The only other sites he saw potential for would be redevelopment of south end properties. He was trying to foresee the problems that need to be solved.

Council Member Araskog said her request was not aimed at anyone; she had heard there was potential for several PUD applications to be filed.

Council President Zeidman thought a Zoning in Progress would be a solution without a problem. She said the council is totally within its rights and authority to decide on a PUD.

Council President Pro Tem Lindsay the council knows about the PUD that has been discussed. Individual town council members have met with the group and voiced their opinions about pursuing the PUD. She understood that the council had control, and she was not aware of any other potential PUDs.

Council President Zeidman asked Attorney Randolph when the Town Council would not have authority relative to a PUD. Mr. Randolph advised if the code allows, under the language provided, for someone to apply for a PUD, then it is negotiable, and the Town Council would decide whether to approve the request. However, the Town Council may not summarily say no to granting a PUD. It would be better to have a code section that states no more PUDs will be accepted. If a PUD is allowed for, the Town Council must negotiate in good faith with the applicant to consider their proposal. In the request that has been referred to today, the applicant would need a

zoning text amendment and a comprehensive plan amendment. Regardless of whether a Zoning in Progress is declared, they have no entitlement to a zoning text amendment or a comprehensive plan amendment.

Mr. Bergman stated he was not sure that the town needed a Zoning in Progress right away. Council Member Cooney asked what action would put the Town in its best position. Mr. Randolph said declaring a Zoning in Progress would be the most protection, but the question is whether it is necessary at this time.

Motion made by Council Member Araskog to direct staff to place this discussion on the Planning and Zoning Commission Agenda for discussion, and to put a Zoning in Progress in process for 6 months while they study PUDs in the town of Palm Beach and direct Planning and Zoning not to accept any application for PUDs. Motion died due to lack of a second.

Council Member Araskog withdrew motion for a Zoning in Progress. Direction was provided to staff not to accept any PUD applications. The consensus of the Town Council was to direct staff to have a discussion on the Planning and Zoning Commission Agenda.

Mr. Bergman was not advocating for a Zoning in Progress, but he thought this was an opportunity for the Town to look at PUDs in the code and the comprehensive plan. He thought this needed to go to Planning and Zoning Commission for discussion which had already been raised at the previous Planning & Zoning meeting. He reiterated that this is the time to study PUDs.

XIV. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the November 14, 2023, Town Council Meeting at 4:44 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date