



# TOWN OF PALM BEACH

## MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 12, 2023

### I. CALL TO ORDER AND ROLL CALL (3:25)

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

### II. INVOCATION AND PLEDGE OF ALLEGIANCE (4:05)

Led by Deputy Town Clerk Gayle-Gordon and Council President Zeidman.

### III. MODIFICATIONS TO THE AGENDA (4:44)

The following modifications were made to the agenda:

- 1) Item No. X.C.1 Discussion Regarding Traffic Issues and Presentation of Mitigation Plans

TIME CERTAIN: 11:30 AM

Summary added to the backup.

- 2) Item No. X.C.2 Discussion Regarding Agreement for Legal Fees with Jones, Foster  
Addition of RESOLUTION NO. 157-2023
- 3) Withdrawal of ORDINANCE NO. 023-2023

### IV. APPROVAL OF AGENDA (6:43)

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

V. **RECOGNITIONS (7:09)**

- A. Recognition of Zachary Shipley for Service on the Underground Utilities Task Force  
*Danielle H. Moore, Mayor*
- B. Recognition of John B. McGowan, Jr. for Service on the Underground Utilities Task Force  
*Danielle H. Moore, Mayor*
- C. Recognition of Leslie Shaw for Service on the Underground Utilities Task Force  
*Danielle H. Moore, Mayor*

VI. **COMMENTS OF MAYOR DANIELLE H. MOORE (11:07)**

Mayor Moore thanked the Police Department for putting on their recent Safety Day event, recognized employee milestones with the Town, and recognized the retirement of Mr. John “Skip” Randolph, Town Attorney.

**Please see [this link](#) for direct access to a recording of Mayor Moore’s full comments.**

VII. **COMMENTS OF TOWN COUNCIL MEMBERS (17:36)**

Each council member thanked Mr. Randolph for his service to the town.

Council President Pro Tem Lindsay encouraged everyone to attend a presentation on Monday, February 5, 2024, at 2:00 p.m. by Dr. Ray Dorsey and Dr. Bruce Lanphear on toxic chemicals, pesticides, and their impact on children’s health. She said that the presentations would also be live-streamed and recorded.

Council Member Crampton discussed a letter in the November 26, 2023, issue of the Shiny Sheet written by former Mayor Gail Coniglio and ten other women. He said that he believed the town was at an inflection point and everyone should be more protective of the decisions being made for the town.

Council Member Araskog agreed with Council Member Crampton’s comments about the letter he read and apologized for her comments regarding Mrs. Ailes at a recent meeting.

Council President Zeidman mentioned the upcoming text amendments, and she requested education be provided relative to the procedure. She also said the Town Council members could let staff know if they wanted to see the Corradino Traffic Study draft.

**Please see [this link](#) for direct access to a recording of the council’s full comments.**

VIII. **COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE (36:18)**

Richard Sammons, a member of ARCOM and resident of 455 Worth Avenue, retroactively declared a conflict of interest due to his prior subcontractor work for the

Charette in February. He highlighted the need for balance between zoning, the RB, and development restrictions in order to maintain the town's character. Council President Zeidman praised ARCOM's work on the zoning code but expressed concern about commercial projects, fearing they could become too large and monolithic or could become regional destinations. She said that the council would review the list of Special Exception Uses. Diane Buhler from Friends of Palm Beach discussed environmental issues, including an increase in medical waste on the beach and the installation of bucket stands by condominiums. Council Member Crampton addressed dilapidated billboards on the southern bridge, advocating for their removal, and Council Member Cooney mentioned that he had been asked to serve on the aesthetics committee for the bridge. Council Member Araskog thanked the Police and Fire Foundation for Public Safety Day, urging alerts for future events. Mayor Moore recognized Doug Evans from the Palm Beach Chamber of Commerce and said that the Town's Employee of the Year would be announced on December 18, 2023.

Please see [this link](#) for direct access to a recording of the public's full comments.

IX. [APPROVAL OF CONSENT AGENDA \(47:51\)](#)

**Motion was made by Council Member Cooney 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  
*Kelly Churney, Acting Town Clerk*
  - a. November 14, 2023, Town Council Meeting Minutes
  - b. November 15, 2023, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 20, 2023  
*Wayne Bergman, Director of Planning, Zoning and Building*

B. RESOLUTIONS

1. RESOLUTION NO. 151-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an award to Coastal Protection Engineering LLC in a not-to-exceed amount of \$278,515 for professional services related to federal permitting of the Mid-Town Beach Nourishment Project.  
*Dean Mealy, Procurement and Contract Manager*
2. RESOLUTION NO. 152-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive payment authorization to the Municipal Public Safety Communications Consortium of Palm Beach County, LLC for annual membership dues in the amount of \$124,777.15.  
*Dean Mealy, Procurement and Contract Manager*

3. RESOLUTION NO. 153-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving Police and Fire Departments radio replacement with Motorola Solutions utilizing the NASPO Value Point Cooperative Contract in the amount of \$1,479,388.91 for police radios, \$690,369.91 for fire radios and \$972,613 for dispatch consoles for a total price of \$3,092,371.82 which includes a \$50,000 trade-in allowance. Payment milestones will be \$2,061,581.21 upon issuance of contract and \$1,030,791.61 at final system acceptance no earlier than October 1, 2024.  
*Dean Mealy, Procurement and Contract Manager – Pulled and Heard as Item No. X.A.1*
  
4. RESOLUTION NO. 154-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kelly Tractor Company in the amount of \$357,400 and establishing a project budget of \$375,500 for the acquisition of a replacement Landfill Bulldozer.  
*Dean Mealy, Procurement and Contract Manager*
  
5. RESOLUTION NO. 155-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for on-call consulting, permit compliance, sampling, and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities in the annual amount of \$143,452 and establishing a project budget of \$160,000.  
*Dean Mealy, Procurement and Contract Manager – Pulled and Heard as Item No. X.A.2*

**C. OTHER**

1. Donation Acceptance from the Police and Fire Foundation  
*Darrel Donatto, Fire Rescue Chief – Pulled and Heard as Item No. X.A.3*
  
2. West Palm Beach Mobility Coalition  
*Bob Miracle, Deputy Town Manager -Finance and Administration*
  
3. Permission to Close Country Club Road for Annual Inspection of the Delta-8 Stormwater Station and Permission to Close North Lake Way for Annual Inspection of Sanitary Sewer Stations Echo-1 & Echo-2  
*H. Paul Brazil, P.E., Director of Public Works*
  
4. Recommending Dissolving the Undergrounding Utilities Task Force  
*H. Paul Brazil, P.E., Director of Public Works*
  
5. Authorization for 160 Royal Palm Way - Use of Right-of-Way During Season  
*H. Paul Brazil, P.E., Director of Public Works – Pulled and Heard as Item No. X.A.4*

**X. REGULAR AGENDA**

**A. Matters Pulled from Consent Agenda: If needed**

1. [RESOLUTION NO. 153-2023 \(49:45\)](#) A Resolution of the Town Council of

the Town of Palm Beach, Palm Beach County, Florida, approving Police and Fire Departments radio replacement with Motorola Solutions utilizing the NASPO Value Point Cooperative Contract in the amount of \$1,479,388.91 for police radios, \$690,369.91 for fire radios and \$972,613 for dispatch consoles for a total price of \$3,092,371.82 which includes a \$50,000 trade-in allowance. Payment milestones will be \$2,061,581.21 upon issuance of contract and \$1,030,791.61 at final system acceptance no earlier than October 1, 2024.

*Dean Mealy, Procurement and Contract Manager*

Council President Pro Tem Lindsay sought an explanation for the cost of the purchase. Mr. Blouin clarified that the request involves a 5-year contract for Police and Fire radios and dispatch consoles as part of the town's membership with the Municipal Public Safety Communications Consortium of Palm Beach County, Inc. (MPSCC), a relationship dating back to 2006. Council Member Araskog raised concerns about verifications and existing fiber connectivity, inquiring about potential additional costs outlined in the contract. Director of Information Technology, Andy Jadoo, assured the council that current systems function without issues, and any extra expenses would be assessed by consultants once operational necessities are determined. Council Member Araskog suggested that the item be deferred, but Bob Miracle emphasized the staff's desire for approval to sign the contract by the end of the calendar year. Captain William Rothrock, Police Department, reported successful recent testing of the Motorola radios, and expressed confidence in avoiding unforeseen costs, with Mr. Blouin noting that Palm Beach County also uses this system.

**Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 153-2023.**

**On roll call, the Motion passed unanimously.**

**This issue was discussed for 19 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

2. [RESOLUTION NO. 155-2023 \(1:07:56\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for on-call consulting, permit compliance, sampling, and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities in the annual amount of \$143,452 and establishing a project budget of \$160,000.

*Dean Mealy, Procurement and Contract Manager*

Council Member Crampton asked for an update on the project. Mr. Blouin said there would be additional information on a future agenda. He said it would be costly for them to maintain the full bond, and the town staff believes it to be reasonable and fair to reduce the bond. That will be a Town Council decision, and staff will work with the Town Attorney to develop language for presentation to the council.

At this time, Council Member Araskog requested a re-consideration of the

Consent Agenda.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to re-consider the Consent Agenda. On roll call, the Motion passed unanimously.**

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to pull item no. IX.C.5. from the Consent Agenda. On roll call, the Motion passed unanimously.**

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 155-2023. On roll call, the Motion passed unanimously.**

**This issue was discussed for 5 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

3. [Donation Acceptance from the Police and Fire Foundation \(1:13:59\)](#)  
*Darrel Donatto, Fire Rescue Chief*

Sean Baker, Assistant Fire Chief, announced that donations from the Police and Fire Foundation would support Palm Beach's AED program, enhancing community safety with strategically placed units and training for local businesses and residents. Council President Zeidman confirmed that the AED units would be available for purchase. Council Member Cooney confirmed that the AED units will be placed in both public and private spaces, requesting that the Town Council be allowed to review the design for freestanding units before their installation.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve acceptance of the donation from the Police and Fire Foundation. On roll call, the Motion passed unanimously.**

**This issue was discussed for 8 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

4. [Authorization for 160 Royal Palm Way – Use of Right-of-Way During Season \(1:20:10\)](#)  
*H. Paul Brazil, P.E., Director of Public Works*

Council Member Araskog asked to hear from the Police Department about the loss of seven metered spaces. Mr. Brazil responded that this would be like Palm Beach Hotel where there is scaffolding and a work zone inside the scaffolding and said pedestrians would walk around the scaffolding.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to authorize the use of right-of-way during season for 160 Royal Palm Way. On roll call, the Motion passed unanimously.**

**This issue was discussed for 2 minutes. Please see [this link](#) for direct access to**

**a recording of the full discussion.**

**B. Old Business**

1. [Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status \(1:22:30\)](#)

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

Patricia Strayer from Public Works provided an update on the undergrounding project. Phase III will proceed with conversions, and Phase V north and south will involve energizing the underground network, with conversions yet to start. Phase VI north has exceeded 50 percent completion for construction and drilling. Phase IV south may impact residents as construction progresses. Florida Power and Light (FPL) will exchange the streetlights without delay or extra cost. Council Member Cooney inquired about lane closures, and Ms. Strayer explained that some will be needed to conduct drilling. Reflectors will be installed after the permanent striping. Council Member Araskog raised concerns about the progress of easements, urging staff to check areas with old systems after the fire on El Vedado Road.

**This issue was discussed for 10 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

2. [RESOLUTION NO. 156-2023 \(1:30:00\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving additional funding to Kimley-Horn and Associates, LLC in the amount of \$50,000 for professional engineering on an as-needed basis related to the Water Supply Feasibility Study for a total award amount of \$666,380.

*Dean Mealy, Procurement and Contract Manager*

Mr. Brazil said staff has been working with Kimley-Horn on this water supply feasibility study for almost four (4) years. He explained the selection process and their progress so far. To secure the assistance of Kimley-Horn in the future, an additional Change Order would have to be approved in the amount of \$50,000.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 156-2023. On roll call, the Motion passed unanimously.**

**This issue was discussed for 2 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

3. [Updated Comprehensive Parking Plan \(1:32:40\)](#)

*Lew Crampton, Town Council Member*

Council Member Crampton announced an amicable parting between the ride-share service Rove and the town as the service moves to another area. Lieutenant Paul Alber from the Police Department provided updates on the parking initiatives and answered questions from the council. He highlighted increases in revenue on

specific blocks, indicating successful implementation of the paid parking. The council also discussed how data can be collected from the program and the potential for valet parking on Worth Avenue.

**This issue was discussed for 25 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

4. [Landscape and Lawn Maintenance Request Earlier Start Time at 8:30 AM on Weekdays. \(1:58:55\)](#)

*Margaret A. Zeidman, Town Council President*

Colin Goldsmith, 2116 Bellcrest Court, Royal Palm Beach, FL, Botanica Landscaping discussed challenges with the 9:00 a.m. start time for landscaping services and proposed an earlier start to enhance efficiency and ease morning congestion. Council President Zeidman expressed openness to considering an earlier start time. Council Member Araskog stated that the work must be quiet, citing the town's median age as a factor for the 9:00 a.m. start. Council Member Crampton supported flexibility and suggested the Ordinances, Rules & Standards Committee (ORS) examine adjusting the start time. Council President Pro Tem Lindsay, concerned about rule compliance, suggested a potential adjustment only on the island's south end due to noisy equipment. Mayor Moore and Council Member Cooney were open to returning the request to ORS, acknowledging the challenge of enforcing rules. Council President Zeidman was open to a half-hour adjustment, confirming from Mr. Goldsmith that it may result in trucks getting off of the island earlier, but was not ready to decide. Council Member Crampton inquired about the potential involvement of an association of landscape professionals and said that peer intervention and traffic mitigation would motivate the Town Council to consider the requested change.

**The consensus of the Town Council was to direct Mr. Goldsmith to return to next month's council meeting with confirmation of an Association of Landscape Professionals and a summary of actions to be accomplished by the association's members which would benefit the residents of the town.**

Council Member Araskog asked to hear from the Police Department about morning traffic. Mayor Moore noted the timing of pick up and drop off at the day school and the public school.

**This issue was discussed for 23 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

**C. New Business**

1. [Discussion Regarding Traffic Issues and Presentation of Mitigation Plans \(2:22:32\)](#)

*Margaret A. Zeidman, Town Council President / Nicholas Caristo, Chief of Police*

**TIME CERTAIN: 11:30 AM**

Council President Zeidman reported on a meeting with Mar-a-Lago officials, highlighting planned changes to the Declaration of Use such as limiting event hours and requiring the use of the Bath & Tennis Club Parking Lot. Chief Caristo discussed the compromise reached with the Mar-a-Lago, updates on the effort to delay bridge openings during peak hours, and several traffic mitigation strategies under discussion. Public comments included concerns about traffic and communication with residents regarding changes, particularly on Barton Avenue. Council President Pro Tem Lindsay expressed concern about taking Barton out of the plan, discussed a potential earlier start time for construction in order to get workers off of the island earlier, and suggested tweaks to the Breakers traffic lights on South County Road to optimize traffic flow. Council Member Cooney believed that the council would likely evaluate the effectiveness of the proposed traffic management plan over a full season.

**This issue was discussed for 59 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

2. [Discussion Regarding Agreement for Legal Fees with Jones, Foster \(3:30:48\)](#)

RESOLUTION NO. 157-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Memorandum of Understanding and Agreement and Fee Agreement with Jones Foster, P.A.; Authorizing the Town Council President to Execute the Memorandum of Understanding and Agreement; Authorizing the Town Manager to Execute the Fee Agreement; Providing an Effective Date.

*Margaret A. Zeidman, Town Council President*

Council President Pro Tem Lindsay inquired about the duration of the proposal, and Ms. O'Connor suggested incorporating CPI adjustments into the agreement with guidance from Mr. Miracle. Council President Zeidman asked Ms. O'Connor to explain her plan for educating her associates on various boards and commissions. Ms. O'Connor identified two associates who work for other municipalities and mentioned accompanying them to meetings over the next few months. Anita Seltzer, 44 Cocanut Row, expressed concerns about information transfer between boards/commissions. Mayor Moore suggested that, as a caveat to the contract, Ms. O'Connor should attend relevant ARCOM or Landmarks Preservation Commission meetings for commercial projects, which Ms. O'Connor agreed to.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 157-2023, and the agreement regarding legal fees being set for the next two (2) years after which returning to the Town Council for CPI increase. On roll call, the Motion passed 4-0 with Council Member Araskog absent.**

**This issue was discussed for 9 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

## XI. ORDINANCES

### A. Second 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*

This item was withdrawn.

### B. First Reading

1. [Proposed Ordinance to Amend the Town's Equipment Replacement Fund \(3:21:16\)](#)

ORDINANCE NO. 027-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, providing for an Amendment to the Town's Equipment Replacement Fund Adopted for the Fiscal Year Commencing October 1, 2023, and Providing an Effective Date.

*Bob Miracle, Deputy Town Manager - Finance and Administration*

Mr. Miracle explained the item and advised that this budget amendment would allow for the first installment payment for the police and fire radio equipment. Council President Zeidman said that in February, there would be a tax and finance meeting to look at reserves with Mr. Miracle's guidance.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 027-2023 on First Reading. On roll call, the Motion passed 4-0 with Council Member Araskog absent.**

**This issue was discussed for 9 minutes. Please see [this link](#) for direct access to a recording of the full discussion.**

## XII. [ANY OTHER MATTERS \(3:46:08\)](#)

XIII. [ADJOURNMENT \(3:46:49\)](#)

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the Town Council Meeting of December 12, 2023, at 3:12 PM. On roll call, the Motion 4-0 with Council Member Araskog absent.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Pat Gayle-Gordon, Deputy Town Clerk

\_\_\_\_\_  
Date