



# TOWN OF PALM BEACH

## MINUTES OF THE TOWN COUNCIL MEETING HELD ON JANUARY 9, 2024

### I. CALL TO ORDER AND ROLL CALL (00:05)

The Town Council Meeting of January 9, 2024, was called to order at 9:30 a.m. On roll call, all council members were present.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE (00:40)

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

### III. MODIFICATIONS TO THE AGENDA (01:18)

The following items were added to the agenda:

Item No. X.C.2. Request to Consider Ordinance No. 008-2023 at the January 10, 2024, Public Hearing Prior to 5:00 PM

*Wayne Bergman, Director of Planning, Zoning and Building*

Item No. XII.D. Town Attorney Report

*Joanne O'Connor, Town Attorney*

### IV. APPROVAL OF AGENDA (04:07)

**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. COMMENTS OF MAYOR DANIELLE H. MOORE (4:55)

Mayor Moore recognized Skip Randolph, Town Attorney, for his retirement from service to the Town of Palm Beach. She read a Proclamation honoring Mr. Randolph for 44 years of service to the Town and wishing him the best. January 9, 2024, was proclaimed John C. Randolph Day in

the Town of Palm Beach. After reading the Proclamation, it was presented to Mr. Randolph.

Mr. Randolph was given an opportunity to address the Town Council. He expressed his sentiments and was happy to have his family in attendance. He thanked his wife, Leslie, of 54 years, for standing beside him and supporting him during his service to the town. He thanked the Town Council, Town staff, and residents for their support.

Mayor Moore recognized the law firm of Jones Foster, proclaiming January 2024 as a celebration of the company's 100th anniversary. After reading the Proclamation, it was presented to Larry B. Alexander, L. Benton Alexander, Jr., and Scott G. Hawkins on behalf of the entire law firm.

Mr. Alexander stated on behalf of the firm, they deeply appreciated the Town Council for recognizing their 100th anniversary.

*Please use [this link](#) for Mayor Moore's reading of the two proclamations.*

Mayor Moore recognized employee milestones and retirements. She also congratulated Fire Chief Sean Baker on his promotion to Fire Chief.

Mayor Moore recognized the following employees for their years of service:

- Steven Mancino, Police Officer – 5 years
- Angel Scronce, Lieutenant/Paramedic, Fire Rescue - 10 years
- Hugo Rivera, Water Resources Technician, Public Works– 35 years
- Eric Legore, Firefighter, Driver, Paramedic, Engineer, Fire Rescue - 10 years
- Brian Lebrun, Firefighter, Driver, Engineer, Paramedic, Fire Rescue – 25 years
- Michael Koerner, Police Lieutenant - 20 years
- Jonathan Hanning, Police Sergeant - 10 years
- Eximond Elisias, Equipment Operator, Public Works - 15 years

Mayor Moore recognized Amy Wood, Controller/Finance, who recently retired after 25 years of service to the Town of Palm Beach.

Mayor Moore congratulated Darrel Donatto, recently retired Town of Palm Beach Fire-Rescue Chief & Director of Emergency Management, on his new position as Fire Chief of Jupiter. Jupiter has a new Fire Department, and Mayor Moore said they are blessed to have Chief Donatto join them in organizing and opening their new department.

Mayor Moore recognized and congratulated Fire Chief Sean Baker on his new position.

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

## **VI. [COMMENTS OF TOWN COUNCIL MEMBERS \(18:16\)](#)**

Members of the Town Council expressed their sentiments and gratitude to Mr. John “Skip” C. Randolph, Town Attorney.

*Clerk's note: A short break was taken at 9:55 a.m., the meeting resumed at 10:06 a.m.*

Council President Pro Tem Lindsay announced that on Monday, February 5, 2024, the town will be sponsoring a panel of experts, Dr. Ray Dorsey and Dr. Bruce Lanphear, to discuss the impact that toxic chemicals have on the environment.

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

**VII. [COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE \(51:35\)](#)**

Diane Buhler, Friends of Palm Beach, made a request for the Town Council to consider changing the off-leash privilege for dogs from the current dawn to 9:00 a.m., back to from dusk to sunset. This change would protect turtle hatchlings during the season. Ms. Bueller requested that tractor use on the north end of the island be on an “as needed only” basis, from Angler Avenue north.

**VIII. [PRESENTATIONS \(56:45\)](#)**

- A.** Annual Report from Palm Beach Island Cats  
*David Leavitt, Palm Beach Island Cats*

Mr. Leavitt, Palm Beach Island Cats (PBIC), presented the 2023 report. The trap, neuter, return, and maintenance program humanely allow all cats to live safely in houses. He shared the serious challenges being faced concerning cats on the island. Mr. Leavitt provided the current cat census and stated that the population of cats has increased from 230 in 2022, to 350 in 2023. Donations may be made through the following website: [www.PalmBeachIslandCats.com](http://www.PalmBeachIslandCats.com).

Please use [this link](#) for direct access to a recording of Mr. Leavitt's full presentation and the council's comments. The discussion lasted for approximately ten minutes.

**IX. [BOARD AND COMMISSION PRESENTATIONS AND APPOINTMENTS \(1:15:46\)](#)**

- A.** Presentations by the Applicants and Appointments to the Code Enforcement Board  
*Kelly Churney, Acting Town Clerk*

Mr. Armand Harris provided a brief biography and spoke about his desire to serve on the Code Enforcement Board.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the appointment of Armand Harris as an Alternate Member of the Code Enforcement Board. On roll call, the Motion passed unanimously.**

**X. [APPROVAL OF CONSENT AGENDA \(1:18:30\)](#)**

**A. MINUTES**

1. Town Council Meeting Minutes  
*Kelly Churney, Acting Town Clerk*
  - a. December 8, 2023, Special Town Council Meeting Minutes
  - b. December 12, 2023, Town Council Meeting Minutes – ***Pulled and Heard as XII.A.1***
  - c. December 13, 2023, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 15, 2023

*Wayne Bergman, Director of Planning, Zoning and Building*

## **B. RESOLUTIONS**

1. RESOLUTION NO. 002-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Bridges, Marsh & Associates for Renovation to the North Fire Station in the Amount of \$125,000 for a Total Purchase Amount of \$685,000.

*H. Paul Brazil, P.E., Director of Public Works – **Pulled and Heard as XII.A.2***

## **C. OTHER**

1. Donation Acceptance - PBP & FF  
*Nicholas Caristo, Chief of Police*
2. Request to Consider Ordinance 08-2023 at the January 10, 2024, Public Hearing Prior to 5:00 PM

*Wayne Bergman, Director of Planning, Zoning and Building*

**Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the consent agenda, as amended. The motion was carried unanimously.**

## **XI. BOARD/COMMISSION ANNUAL REPORT (1:21:53)**

- A.** Annual Report of the Recreation Advisory Commission  
*Grier Pressly, Chair*

Mark Bresnahan, Recreation Director, presented the annual report.

Council Member Crampton spoke about the importance of the recreation program. He recollected when the Town Council was considering whether or not to build the recreation center, the anticipated cost recovery was quite low. Council Member Crampton was pleased to announce that this facility had been a town-serving asset, and that gradually, the town would experience full cost recovery. The council members extended kudos to the Recreation Department for a job well done.

Council Member Cooney questioned revenue forecasting with regard to golf. Mr. Bresnahan said it is really about the customer experience and town staff was not anticipating increased number of rounds played. There was some discussion about the golf course and clientele using the facilities.

Mr. Bresnahan announced a 4<sup>th</sup> Birthday Bash to celebrate the facility on Saturday, January 20, 2024, 10:00 a.m. to 12:00 noon. He invited everyone to attend.

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

*Clerk's Note: Discussion lasted 11 minutes.*

## **XII. REGULAR AGENDA**

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

1. December 12, 2023, Town Council Meeting Minutes

Page 11 has been revised to read "Council Member Cooney was not willing to return this request to ORS...." This was accepted by consensus by the Town Council.

2. [RESOLUTION NO. 002-2024 \(1:35:38\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Bridges, Marsh & Associates for Renovation to the North Fire Station in the Amount of \$125,000 for a Total Purchase Amount of \$685,000.

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

Council President Zeidman asked Mr. Brazil about the additional \$125,000 and where such requests for additional funding would end. Mr. Brazil clarified that consultants had been advised that they would need to include all additional requests at this time because they simply could not return with any additional requests. Mr. Brazil said the additional funding would be covered by designated contingency funds. Council Member Cooney asked about the project schedule. Mr. Brazil advised that the project was on schedule and on budget. He said that Jason Debrincat, Assistant Director of Public Works, was in the process of preparing a status update for the Town Council. The update will include photographs, the project schedule, and the budget.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 002-2024. On roll call, the Motion passed unanimously.**

*Clerk's Note: Discussion lasted 16 minutes.*

*Clerk's note: A short break was taken at 11:10 a.m. and the meeting resumed at 11:16 a.m.*

### **B. Old Business**

1. [Discussion Regarding Town Council Meeting Minutes \(2:48:13\)](#)

*Margaret A. Zeidman, Town Council President*

Council President Zeidman thanked the staff for preparing such detailed information regarding the different Minute styles. Acting Town Clerk Churney explained the differences between styles of Minutes presented.

Mr. Blouin noted that as desired, on items where additional information is necessary, a transcript could be prepared.

Council Member Araskog expressed concern regarding the shortened Minutes and stated that she was in favor of having the transcript be the record.

After a brief discussion the Council directed staff to prepare Minutes as shown in Exhibit A and return to the Council after three (3) months for review.

**Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve the staff recommendation of preparing meeting minutes as shown in Exhibit A, shorter-length summary minutes with timestamps, and to return to the Town Council after three (3) months for review. On roll call, Motion passed 4-1 with Council Member Araskog dissenting.**

*Clerk's Note: This discussion lasted 28 minutes.*

**2. Phipps Ocean Park Project (1:45:48)  
TIME CERTAIN: 11:00A.M.**

a. RESOLUTION NO. 003-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Modifications to the Approved Site Plan for Phipps Ocean Park, Located at 2185 South Ocean Boulevard, Palm Beach, Florida.

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

Patricia Strayer, Town Engineer, presented a review of the revised site plan. She noted that Amanda Skier, Palm Beach Preservation, and Tricia Richter, Landscape Architect with Kimley-Horn, were present to review details of the proposed project. Ms. Strayer said that staff had reviewed all proposed modifications and believed the modifications could be handled through an administrative review and approval process.

Ms. Skier stated the plans were at 90% complete. She said that site modifications had been made to reduce cost. Burkhardt Construction, Construction Manager at Risk (CMAR), sent updated plans to the subcontractors and anticipates having the guaranteed maximum price (GMP) in March 2024. The CMP is an important component of the Capital Gift Agreement between the Town of Palm Beach and the Preservation Foundation of Palm Beach. The agreement will outline terms of the Preservation Foundation's underwriting of the project and their long-term involvement upon completion of the project. After the GMP is accepted, the Capital Gift Agreement will be presented to the Town Council for approval.

Ms. Skier stated the groundbreaking for the project was anticipated to begin in June 2024. The Preservation Foundation was finalizing pledge paperwork and preparing to apply for a bridge loan to assist with funding. She noted that signed pledge agreements would be used as capital to obtain the loan. Ms. Skier noted that one of the pledge agreements, a naming opportunity, could not be utilized until Town Council approves the terms for a naming opportunity.



Ms. Skier respectfully requested that the Town Council approve the naming term for the one feature to allow an outstanding pledge agreement to be finalized and financing for the project to be secured.

Ms. Skier respectfully requested the Town Council approve a 75-year term for the naming of coastal conservancy at Phipps Ocean Park.

Ms. Skier respectfully requested approval of site modifications to the previously approved plans for Phipps Ocean Park.

Tricia Richter, Kimley Horn, presented a recap of the project timeline, beginning in December 2020. The site plan modifications were discussed and included a rendering of the conceptual master plan. Notably, the wildflower garden and the oak terrace had been modified. Beginning with the site plan that was approved in 2023, Ms. Richter reviewed modifications and stood by to respond to questions.

Mayor Moore asked if greenspace had increased with the removal of walkways. Ms. Richter said yes, overall, the open space had increased and the 66% requirement had been met.

Council President Pro Tem Lindsay asked for further clarification with regard to the chosen playground equipment. Ms. Richter described the playground equipment. Council Member Crampton thought the playground, as presented, was less passive than had been intended for the subject site. Ms. Skier said historically, there had been a playground at Phipps Ocean Park. She said the equipment was in keeping with the history of the park.

Mr. Brazil followed up, stating the playground had been shifted considerably south due to noise concerns, and the landscape buffer had been significantly improved. Council President Pro Tem Lindsay was concerned about the park being more of an attraction than anticipated. Council Member Araskog shared concerns about the park and thought a more passive park would have been appropriate.

Council Member Cooney expressed concern about the deletion of pathways into the site, which may lessen the pedestrian experience. Mayor Moore said with the removal of sidewalks through the middle of the project, there would be space for increased vegetation, which would help mitigate sound.

Council President Pro Tem Lindsay expressed concern about the sole reliance upon parents to manage the safety of the playground.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 003-2024, authorizing modifications to the improved site plan for Phipps Ocean Park, with the conditions that (1) the applicant and staff may work out changes to the**

**south pedestrian access into the site, (2) the north landscape buffer with regards to sound attenuation, (3) selection of final material selection for slides on the playground, and (4) any substantial changes will be presented to the Town Council. On roll call, the Motion passed unanimously.**

*Clerk's Note: The presentation and discussion lasted 48 minutes.*

**b. RESOLUTION NO. 004-2024** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A 75-Year Naming Rights Term for the Lead Donor to Phipps Ocean Park as Part of The Preservation Foundation of Palm Beach's Extraordinary Spaces Capital Campaign.

*Carolyn Stone, Deputy Town Manager and Amanda Skier, Preservation Foundation of Palm Beach*

Joanne O'Connor, Town Attorney, discussed the background of and changes made to the agreement by which the Town of Palm Beach and the Palm Beach Preservation Foundation will be providing additional parameters around the 75-year naming rights term for the lead donor to Phipps Ocean Park as Part of The Preservation Foundation of Palm Beach's Extraordinary Spaces Capital Campaign.

Ms. Stone noted that the Capital Gifts and Management Agreement will be presented to the Town Council once the Guaranteed Maximum Price is determined.

**It was the consensus of the Town Council to defer Resolution No. 004-2024 to the January 10, 2024, Town Council Development Review Meeting.**

**3. [Mid-Town Beach Renourishment Project Update \(3:20:28\)](#)**

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

Ms. Strayer provided an update on the town staff's interactions with the United States Corps of Engineers ("USACE"), with regard to the Mid-Town Beach Renourishment Project. The Corp of Engineers had received funding and approval for a Flood Control and Coastal Emergencies ("FCCE") Act project for the Mid-Town Beach Federal Nourishment Project in the Town of Palm Beach to replace sand lost from Hurricane Nicole. USACE Headquarters had determined that the project could not be designed or constructed due to the Town of Palm Beach's inability to acquire 100% of the required perpetual easements. Staff members have been working with the Jacksonville District Office of USACE in an effort to find a way to allow a one-time waiver to construct the project within the limits of the area where the Town has secured the necessary easements. Ms. Strayer advised that Town staff would be working to schedule a meeting with USACE Headquarters to specifically request utilizing the procedure for seeking a perpetual construction easement, Section 103(d) of the 1986 Water Resources Development Act, to allow the USACE to construct the federally approved FCCE without using federal dollars on those portions of private properties that have not executed the



required easement for reasons of perpetual public access (portions of the project landward of the Erosion Control Line (“ECL”).

Ms. O’Connor advised the Town Council of two pending lawsuits against the Town relating to property owners and sand being placed on the beach, which is basically in their back yards.

*Clerk’s Note: This discussion lasted for 23 minutes.*

4. [Town-Wide Undergrounding Project - Review of Project and Dashboard Summary of Project Status \(3:42:47\)](#)

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

Patricia Strayer from Public Works provided an update on the undergrounding project. She said that pole removal is expected to begin in Phase IV North, which will be during season.

*Clerk’s Note: Meeting was reconvened at 2:10 p.m. after the lunch break*

**C. New Business**

1. [Wells Fargo Site - Review and Feedback of Comprehensive Plan Amendments and Zoning Code Amendments \(4:38:49\)](#)

**TIME CERTAIN: 2:00 P.M.**

*Wayne Bergman, Director of Planning, Zoning and Building*

Rob Frisbie from The Frisbie Group, 4 Via Flagler, presented an overview of the project. He noted that this would be a presentation, meant to begin the educational process for the community. Mr. Frisbie said that no approvals were being requested and specifically, any proposed amendments to town ordinances such as the proposed text and map amendments to the comprehensive plan and zoning code, would be submitted to the Town Council for review and feedback. Mr. Frisbie presented a draft timeline for the project, followed by a detailed review of the proposed comprehensive plan and zoning code amendments. He spoke about landmarked facades, and noted the façade elements that would remain, but would be updated. Mr. Frisbie pointed out that as currently zoned, approximately 70% of the subject property could be developed for commercial uses and intensities. He reviewed the driving set of guiding principles by which The Frisbie Group is working. He said some of their objectives were to de-intensify the zoning and use, emphasizing the pedestrian experience, increasing open space and reducing density. A comparative analysis was outlined between the potential development as it could be under the existing zoning, without variances, and with special exceptions versus the proposed plan under a PUD without variances. Renderings of the elevations were presented with and without landscaping.

Josh Martin, AICP, CNU-A, on behalf of the Frisbie Group, shared the PUD and technical zoning requests being proposed for the project. He explained what a PUD zoning change would mean for the site. The proposed rezoning of

the property to a PUD would address both the Comprehensive Plan's Future Land Use Goals and Objectives, as well as Town Council-approved Vision Benchmarks for the ongoing Code Reform effort with ZoneCo.

Mr. Wayne Bergman, Planning Zoning and Building Director stated that the presentation today was to review the application and provide feedback to the applicant. He explained the zoning code amendment process.

Ms. O'Connor reviewed some educational information about Planned Unit Developments and how they affect zoning and land use.

Council Member Araskog requested additional clarification on whether the proposed use would be an intensification or a de-intensification of use. Mr. Bergman responded that as presented, it would be an intensification of use with respect to density and an increase in allowable height. Council Member Araskog asked about the Special Exception Use process and thought the Town Council had denied several. She also noted that the Planning and Zoning Commission had recently voted against the allowance of any future PUDs in the comprehensive plan.

Council President Pro Tem Lindsay was unsure about PUD allowances. She read from prepared notes her opinion which was against a PUD. She inquired about the square footage of the residential structures. Mr. Frisbie said homes range in size from 3,500 square feet to 8,000 square feet. He said there would be approximately 160,000 square feet of sellable residential and 35,000 square feet of commercial. He noted the gross square footage total was closer to 240,000 square feet. The height of the buildings on the north side were two stories and in the middle of the property, building height went up to a third story. On the south side of the property, buildings were three full stories.

Council Member Cooney asked how the finished grade related to the existing parking lot. Mr. Frisbie said the grade slopes downward from east to west. The finished floor elevation of the proposed homes would be at 16 feet NAVD ("North American Vertical Datum"), 4 feet above sidewalk level.

Mayor Moore noted concern about drainage because of the difference in grade, compared to the existing office building. She confirmed the building was three stories and asked to see documentation of what historical plans had been for the site. Mr. Frisbie said he would get that information to the Town Council. Mayor Moore asked Mr. Frisbie why the developer desired to undertake this project now instead of waiting until the code reform process was complete. Mr. Frisbie said the project could be delayed, but the reason it was being proposed at this time was because the developers were trying to work from the code and thought there were other individuals who were interested in working on the project now. He thought the idea was that the developer needed to act immediately, because the property was being sold; and the developer was hopeful that some of the planning may be inspirational in terms of the zoning code reform. Mayor Moore referred back to the Wells Fargo County Road

façade. She said the current code called for two story residential and she felt that was appropriate.

Public Comment

Liza Pulitzer Calhoun, 263 El Pueblo Way, could not support additional height and increased density.

John Coke, 100 Royal Palm Way, Apt 5E, and President of 100 Royal Palm Way Condominium Association, represented 39 units in the condominium building. He said the condominium owners had evaluated the proposal and were against any increase in existing height restrictions on the property. Concern was also expressed with regard to the elimination of access onto South Ocean Blvd.

Rick Smith, 130 Sunrise Ave, was supportive of residential versus commercial development.

Tina Fanjul, 1161 North Lake Way, could not support the project due to the impact it would have on the community.

Dina Barsky, 126 Seaview Ave, was appreciative of the effort taken by The Frisbie Group to design a community that would continue to uphold existing restrictions onto Seaview. She supported the project.

Skyler Saffer, 130 Everglade Ave, stated support for the project. He thought the Frisbie Group was an ideal partner to lead redevelopment of the Wells Fargo site.

Frank Lynch, Attorney on behalf of the One Royal Palm Way Association, stated his clients' concerns which included building heights and traffic impact. He suggested the number of people using the building remain the same.

Jim Crowley, 3450 South Ocean Blvd, spoke in support of the project.

Kathryn Pressly, 133 Seaspray Ave, spoke against any deviation from the existing comprehensive plan or zoning code. She indicated she was also speaking on behalf of her daughter who resides at 136 Seaview Avenue.

Martin Klein, 1060 North Ocean Blvd, made supportive comments about the proposed development.

Matt Iorio, 131 Seaview Ave, spoke about the PUD. His concerns were traffic impact and building heights.

Ann Jackson, 135 Seaview Ave, expressed concern about the impact that would occur with increased density. She thought density, parking and impact on neighboring streets should be considered.

Paul Leone, 1 South County Road, spoke favorably about the Wells Fargo site being a residential development. He felt that residential development would be far less intense than commercial development. He was pleased that The Frisbie Group had taken on this project.

Joan Goodman, 911 North Ocean Blvd, asked how the landscaping shown on the renderings could be installed since there was proposed underground parking. Mr. Frisbie said that provisions would be made to accommodate the plants.

Russell Kelly, 100 Royal Palm Way, endorsed previously stated comments made by John Coke, Liza Pulitzer Calhoun and Tina Fanjul. He did not see any reason to give up the two-story height restriction on Royal Palm Way.

Maisie Grace, 247 Seaspray Ave, reiterated the importance of following the town's planning process.

Amanda Skier, Preservation Foundation of Palm Beach, stated the Foundation's keen interest in plans proposed for the Wells Fargo site. She focused her comments on the historic resources on the site which include landmarked buildings along South County Road, the curved building at the corner of County Rd and Royal Palm Way and the Gunster Building located at 151 Royal Palm Way. She noted it is a great tragedy that only the first fifteen feet of the landmarked buildings are protected from demolition and no effort is being made to preserve more of the original building footprints than is required by law. Ms. Skier stated the Foundation is not in favor of facadism as an appropriate treatment for historic properties.

Annie Iorio, 131 Seaview Ave, mentioned there were a lot of children on Seaview, which is a one-way street. She was concerned about the traffic impact that would accompany the Wells Fargo project.

Maura Ziska, Attorney, spoke about special exception uses. She did not recall the Town Council denying a lot of requests for special exception uses. She said the threshold is much less for proving a special exception and it is hard to prove that a special exception would be detrimental to the neighborhood without them operating to show whether or not they would be a good neighbor.

The Town Council members provided feedback to the applicant, as requested.

Council Member Araskog stated she would not be in favor of granting a PUD while working through the code reform project.

Council President Zeidman commended The Frisbie Group and Josh Martin on their efforts to de-intensify the property use. She thought the property should be limited to two stories throughout and the entire project should be scaled down. More green space would be preferred. From County Road, the second and third floors were not desirable. Council President Zeidman stated that the

application had been submitted in time that the developer will be governed by the existing code. She thought the problem with the code was the CB, not the hotel. She asked if the zoning could be changed to something more fitting. Mr. Bergman said to get the multi-family being sought by the applicant, they would be looking at RB Zoning. Mr. Frisbie said that would require a variance. He said everything discussed today will be taken into consideration as the developer moves forward with their proposed plan.

Council Member Cooney expressed serious concerns about some of the elements of the plan. As a baseline, he remained open to the concept of a PUD, provided that it is tailored to fit the direction and vision of the town. He was pleased with the residential focus. However, he thought additional public spaces, something similar to Phipps Plaza, would be appropriate. He was appreciative that the applicant had looked into the history of the area. The central garden area was not enough and did not provide as much public benefit as it could. He thought the greenspace could be better organized. Council Member Cooney agreed with requests for lower height although an occasional third story element may be acceptable along Royal Palm Way. He wanted to see less density and fewer units. He requested additional information about the project due to varied opinions about de-intensification. He said this project created an opportunity for a strong preservation effort. He was concerned about keeping the front of the buildings intact but continuing to add on to the rear. It was important to Council Member Cooney that the Gunster Building be preserved. Traffic impacts on Seaview Avenue and on Royal Palm Way were an issue. Additional information was requested with respect to the setbacks, he wanted more data on what kind of setbacks were being proposed, particularly for the residential structures. Council Member Cooney felt the starting point could be a lot worse, but he also raised the question of why the developer wanted to do this now instead of after completion of the code reform effort.

Council Member Crampton agreed with Mr. Cooney's comments. He noted that the plan could be much different by the time the Town Council has to vote. He would not support a PUD without limiting structural heights to two stories and he couldn't support the proposed density.

Council President Pro Tem Lindsay thought the proposed plan had a lot of interesting aspects. She said the homes were beautiful but were out of scale in size. She also preferred something similar to Phipps Plaza. She was uncomfortable with there not being any public space in the development, as proposed. She inquired about setbacks and thought it would be a typical PUD with crowded property lines. This proposal was just too high, too many units and not enough green space. Council President Pro Tem Lindsay did not like underground garages. Her opinion was that they may be functional, but not attractive. She also wanted to see the Gunster building preserved.

Council Member Cooney added that along South County Road, he was troubled by the loss of any ground floor commercial space. He said CTS does not allow residential on the first floor because it is meant to have some type of

streetscape activation. He thought the second-floor addition on the corner building was undesirable.

Council Member Araskog agreed with the comments made by her fellow Council members. She thought residential elements would be terrific if scaled appropriately.

President Zeidman discussed the CB zoning district along Royal Palm Way where a hotel would be permitted by special exception. She opined that the Council would not approve a hotel because it does not meet several of the criteria for a Special Exception Use, therefore the community should not be overly concerned about the development of a hotel along the Well's property that borders Royal Palm Way. In addition, she addressed the community's wishes that the property become a park. President Zeidman stated that building a park would be the prerogative of whomever owns the property. President Zeidman stated she remained open to further discussion about the PUD, but had concerns on how the council would limit uses; that three stories is too high; that there is inadequate green space provided; that 8000 square feet was too large a home in the RB district. She was supportive of the Frisbie's effort to deintensify the use by forgoing the commercial use in the CB district.

*Clerk's Note: The approximate length of the discussion was 1 hour and 55 minutes.*

#### **D. Town Attorney Report**

*Joanne O'Connor, Town Attorney*

[RESOLUTION NO. 005-2024 \(3:44:09\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Participation in a Lawsuit Seeking a Declaration that the Provisions of Section 112.144(1)(d), Florida Statutes, that Require Municipal Elected Officials to File Form 6 Financial Disclosure Forms is Unconstitutional and Invalid, and Providing for an Effective Date.

Ms. O'Connor advised that the firm of Weiss Serota Helfman Code + Bierman, a South Florida-based government and business firm is spearheading a litigation effort regarding Senate Bill 774, requiring city and municipal elected officials to file a Form 6, public disclosure of an official's exact net worth, 401(k) plans and personal assets and liabilities over \$1,000. Weiss Serota Helfman Code + Bierman has decided to file a lawsuit for declaratory injunctive relief, if at least ten municipalities sign on as plaintiffs. Ms. O'Connor presented a form Resolution that may be used if the Town Council wishes to participate in the lawsuit.

*Clerk's Note: This issue was discussed and recessed for lunch. Discussion will continue after the 2:00 p.m. TIME CERTAIN.*

*A lunch recess was taken at 1:25 p.m. to reconvene at 2:10 p.m.*



[RESOLUTION NO. 005-2024 - RESUMED DISCUSSION \(7:43:02\)](#)

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 005-2024. On roll call, the Motion passed unanimously.**

**XIII. ORDINANCES**

**A. [Second Reading \(7:51:39\)](#)**

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*

Ms. O'Connor read Ordinance No. 023-2023 by title only.

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to adopt Ordinance No. 023-2023. On roll call, the Motion passed unanimously.**

2. [Proposed Ordinance to Amend the Town's Equipment Replacement Fund \(7:53:30\)](#)

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*

Ms. O'Connor read Ordinance No. 027-2023 by title only.

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance No. 027-2023. On roll call, the Motion passed unanimously.**

**XIV. ANY OTHER MATTERS (7:44:42)**

Council President Zeidman announced that she was asked by Tim Hanlon, if she thought the Town Council would consider a previously denied variance request at 162 E. Inlet Drive for a variance to enclose a balcony.

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to reconsider the 162 E. Inlet Drive at the February 14, 2024, Town Council Meeting. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.**

Council Member Araskog asked if she could change the way she voted earlier during this meeting regarding changes on the site plan for preservation. She was concerned about how she voted on the playground.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to reopen the vote regarding the playground at Phipps Ocean Park. After concerns expressed by the Town Attorney, the Motion was withdrawn.**

**XV. ADJOURNMENT (7:58:09)**

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the January 9, 2024, Town Council Meeting at 5:31 PM. On roll call, the Motion passed unanimously.**

APPROVED:

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Margaret A. Zeidman, Town Council President

ATTEST:

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

\_\_\_\_\_  
Date