



TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2024

I. CALL TO ORDER AND ROLL CALL (02:49)

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 (03:12)

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

III. MODIFICATIONS TO THE AGENDA (03:57)

The following modifications were made to the agenda:

RE-ORDERED:

Item No. XII. BOARD/COMMISSION ANNUAL REPORT

This item was moved to be heard immediately after Item No. VI.A. Legislative Update

TIME CERTAINS:

12:00 PM	Item No. XIII.B.1. <u>Town-wide Underground Project – Review of Project and Dashboard, Summary of Project Status</u>
11:00 AM	Item No. XIII.B.2. <u>Phipps Ocean Park Update</u>
2:00 PM	Item No. XIII.C.1. <u>Flood Vulnerability Assessment Update</u>

ADDITION:

Item No. XIII.C.5.	<u>RESOLUTION NO. 043-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Beautification Design</u>
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Plans for the Royal Poinciana Way Medians and Accept a Donation to Construct the Beautification Project. The Donation Amount is to be Determined at the Time of the Final Bid.

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

REVISION:

Item No. XI.B.4. RESOLUTION NO. 051-2024 – Memos revised

IV. APPROVAL OF AGENDA (06:23)

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

V. RECOGNITIONS (06:43)

- A.** Recognition of Linda Wartow for her Service on the Code Enforcement Board from April 2018 to April 2024.
Danielle H. Moore, Mayor

Mayor Moore recognized and congratulated Linda Wartow for her six (6) years of service on the Code Enforcement Board. She presented Ms. Wartow with a plaque from the Town.

VI. PRESENTATIONS

- A.** Legislative Update (08:00)
Bobby Powell, Jr., Florida Senator

Senator Bobby Powell presented a comprehensive review of what transpired during the 2024 Legislative Session.

Council President Pro Tem Crampton congratulated Senator Powell for his years of service and the integrity through which he has carried out his duties.

Council Member Araskog thanked Senator Powell for his service and for supporting the Town of Palm Beach.

Council President Lindsay wondered if there would be an opportunity to overturn the bill that required elected officials to complete Financial Disclosure Form 6. Senator Powell shared his thoughts about how the requirement has impacted the State of Florida.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. [Presentations by the Applicants and Appointments to the Investment Advisory Committee \(1:29:30\)](#)

Kelly Churney, Acting Town Clerk

Applicants Jacqueline DeSanctis and Thomas Paolozzi, III presented their applications to the Town Council.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to appoint Kathleen Anderson and Jacqueline DeSanctis to the Investment Advisory Committee. On roll call, the Motion passed unanimously.

B. [Presentations by the Applicants and Appointments to the Recreation Advisory Commission \(1:34:30\)](#)

Kelly Churney, Acting Town Clerk

Applicants Peter Harris, Lawrence Kaplan, Carolyn Pressley-Ryan, and Susan Watts presented their applications to the Town Council.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Julie Araskog to appoint Peter Harris and Susan Watts to the Recreation Advisory Commission. On roll call, the Motion passed unanimously.

The Town Council encouraged other applicants who applied to return and apply in the future.

VIII. [COMMENTS OF MAYOR DANIELLE H. MOORE \(1:53:09\)](#)

Mayor Moore stated that Dean Mealy, Contract and Procurement Manager, had done an incredible job modernizing the Town of Palm Beach's procurement process. The Town received the FAPPO Award of Excellence in Public Procurement for 2024, which Mayor Moore presented to Mr. Mealy.

Mayor Moore did a Proclamation and spoke about a recent photo shoot for EpiPen Awareness Month.

Mayor Moore read a Proclamation to Proclaim February as Historic Preservation Month. She presented the Proclamation to Friederike Mittner, Historic Preservation Planner.

Mayor Moore stated the following May service milestones: Houston Park (FOR) 6 years; Jerry Castillo (FOR) 20 years. She also thanked Terry Bayard (IT) who entered the DROP program after 24 years of service.

IX. COMMENTS OF TOWN COUNCIL MEMBERS (2:01:48)

Council member Bridget Moran had no formal comments.

Council President Pro Tem Crampton thanked Fire Rescue personnel for providing training on the Automated External Defibrillator (AED) machine to him and others. 350 defibrillators are being distributed By Fire Rescue in town.

Council Member Araskog thanked Police Chief Caristo for placing speed monitors near St. Edwards Church. She also suggested placing speed monitors on Cocoanut Row because cars seem to be speeding in this part of town as well. She wants to get it under control.

Council Member Cooney also expressed frustration with speeding and aggressive driving in the Town. He requested that town staff assign a central point person who may be contacted regarding the impending rollout of paid parking in the business community. Council President Pro Tem Crampton thought Lt. Paul Alber would be the point person.

Council Member Cooney offered condolences to Ann Summers and her family following the death of Peter Summers, who was a significant member of our community.

Council Member Cooney requested that the town council, in the future, discuss the facility conditions at the Par 3 Restaurant. He noted that the facility is showing some age and wear and tear which is not in keeping with Palm Beach standards. The facility is a victim of its own success. Mayor Moore responded that the items of concern are being addressed by staff.

X. COMMUNICATIONS FROM CITIZENS -3-MINUTE LIMIT, PLEASE (2:35:18)

Mayor Moore mentioned Diane Bueller's public comment which was provided to all council members.

Erin Actis, a Jupiter resident, spoke about the election process and provided statistics regarding voter turnout in the Town.

Micky Isaacson, a resident of Palm Beach County, spoke about elections.

Martin Klein, 1060 North Ocean Boulevard, thanked Chief Baker and the Fire Rescue Department for their help during a medical incident.

Candace Rojas spoke regarding elections and notified the Town Council about getting their oaths of office. She gave the Town Clerk a public records request.

Anne Pepper, 333 Seaspray Avenue, referenced remarks made by previous speakers regarding elections and stated her objection to their comments.

XI. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda:

Resolution No. 025-2024

Resolution No. 046-2024

Motion was made by Council Member Cooney and seconded by Council Member Moran 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. April 9, 2024, Town Council Meeting Minutes
 - b. April 10, 2024, Town Council Development Review Meeting Minutes
 - c. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting on April 24, 2024.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 025-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Ten-8 Fire & Safety for a new fire engine and associated equipment to support operations of the new vehicle in an amount not-to-exceed \$1,100,000.
*Dean Mealy, II Procurement and Contract Manager - **Pulled***
2. RESOLUTION NO. 046-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the Amount of \$1,872,490 and Establishing a Project Budget of \$2,153,363.
*Dean Mealy, II Procurement and Contract Manager - **Pulled***
3. RESOLUTION NO. 050-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 230797 and Increasing the Construction Phase Budget for the D-8 and E-5 Pump Station Improvements in the Amount of \$305,000 for a Revised Budget of \$2,679,382.

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

4. RESOLUTION NO. 051-2024 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Revising the Defined Contribution Retirement Plan for Town Employees; Providing for Amendments to the Missionsquare Retirement Governmental Profit-Sharing Plan & Trust Adoption Agreement; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.

Gillian Barth, Director of People and Culture

5. RESOLUTION NO. 052-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 23PB3, between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Mid-Town Beach Nourishment Project, in the Amount of \$148,443.75, and Authorizing the Mayor to Execute Same on Behalf of the Town.

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

6. RESOLUTION NO. 053-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 23PB4, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Phipps Ocean Park Beach Nourishment Design Project, in the Amount of \$141,375, and Authorizing the Mayor to Execute Same on Behalf of the Town.

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

7. RESOLUTION NO. 054-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 24PB5, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Lake Worth Inlet Management Plan Implementation Project, in the Amount of \$698,500 and Authorizing the Mayor to Execute Same on Behalf of the Town.

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

8. RESOLUTION NO. 055-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Duval Ford for the purchase of four (4) Ford Broncos Utilizing the State of Florida Sheriff's Contract in the amount of \$127,999 and establishing a project budget of \$136,059.

Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 056-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ No. 2024-11 for Civil Engineering to Mock, Roos & Associates, Kimley Horn and Associates, Inc. and Chen Moore and Associates, Inc. for a five-year period.

Dean Mealy, II Procurement and Contract Manager

10. RESOLUTION NO. 057-2024 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

C. OTHER

1. Donation Acceptance from Ambassador David Fischer and Mrs. Jennifer Fischer

Nicholas Caristo, Chief of Police

Clerk's Note: The following item was heard out of order after PRESENTATIONS.

XII. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Code Enforcement Board (29:21)

Bram Majtlis, Chair

Chair Bram Majtlis presented the Annual Report of the Code Enforcement Board.

Council President Pro Tem Crampton thanked Chair Majtlis for his service and the exceptional level at which he and his board members have been performing.

Council Member Araskog expressed her pleasure with how the Code Enforcement Board was effectively carrying out its role.

Council Member Cooney thanked Chair Majtlis and commended the board for being fair to business owners and residents in trouble. He noted that the balance of complaints is heavier on call-ins than on staff-initiated. He would like to see more proactive enforcement.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to accept the Annual Report of the Code Enforcement Board. On roll call, the Motion passed unanimously.

B. Annual Report of the Planning and Zoning Commission (40:16)

Gail Coniglio, Chair

Chair Coniglio presented the Annual Report of the Planning and Zoning Commission.

Council President Pro Tem Crampton suggested that a qualitative review of developers' plans in West Palm Beach was important. He thought this type of information would give the Town of Palm Beach critical information needed to determine how to address the growth. He also wondered if town staff should work on collecting information from West Palm Beach.

Chair Coniglio said the Town needed to make modifications in its own best interest. She mentioned suggestions that would be internal, such as exploring the volume and size of landscape and construction vehicles and whether there should be an allowance for recreational bicyclists versus club bicyclists.

Council Member Moran agreed that parts of the code should be revisited to make adjustments to parking. She said it may be time to evaluate alternatives to on-street parking.

Council Member Araskog said what was happening in West Palm Beach was clear. She said town-serving needed to be a priority for Palm Beach. She asked if the staff should bring forward some ideas to be deliberated on by the Planning and Zoning Commission during the summer. She thought things like landscape and construction trucks should be handled through the town Ordinances, Rules, and Standards Committee (ORS).

Chair Coniglio said that at the last PZC meeting, she asked members of the Commission to send their subjective topics to staff. She suggested that staff collate the comments and use existing data and analyses to present the topics to the Town Council. Mayor Moore suggested that the Town Council members submit their topics to staff.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to accept the Annual Report of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

C. [Annual Report of the Retirement Board of Trustees \(56:53\)](#)

Daniel W. Stanton, Chair

Chair Stanton presented the Annual Report of the Retirement Board of Trustees.

Dan Stanton, Chair of the Retirement Board of Trustees, stated that all nine members deserved recognition for their hard work and dedication. He stated that a new consultancy group, AmCo, had been hired and subsequently was acquired by another company. Its name was changed to Mariner. The professionals have assisted the town in various ways. He stated that 2021 was a robust year, but 2022

saw the re-emergence of higher inflation. Cash was the only safe place that year, resulting in rising interest rates through early 2023. A semi-annual performance update was recently provided to the Retirement Board of Trustees, and investments were up approximately thirteen percent.

Chair Stanton stated the plan had more cash on hand than ever. He explained that it had been a safe haven at a time when markets were trading near highs. Having cash on hand was also good because, historically, the retirement board scrambled every quarter for monies needed to fund the plan to meet retirement benefit needs. He said the goal was to be two or three quarters ahead, and the plan currently had that liquidity. He stated there had been a dramatic benefit to having index funds.

Chair Stanton discussed the retirement plan's returns. Through the end of March, the portfolio was up 13.1%, the quarter return for the second quarter of the fiscal year was 4.6%, and the market value was just under \$289 million. Chair Stanton also discussed plan performance in all asset categories.

Chair Stanton discussed the actuarial report from Gabriel Roeder & Smith (GRS). He noted they had worked well with the town and employees. He reviewed the actuarial calculations and the process that had been followed to lower the rate of return for the Town of Palm Beach assets. He explained that when that rate was lowered, the unfunded liability would increase. The current rate of 6.2% will be reduced to 6% as of October 1, 2024, the most conservative rate in Florida.

Council President Pro Tem Crampton commended Chair Stanton for his legacy and that of his colleagues. Changing the assumptions has been an important step for the plan. Once the plan is comfortably funded at 85%, Council President Pro Tem Crampton would like to review the continuation of an annual \$5.4 million discretionary contribution made by the Town annually.

Mayor Moore asked if consideration had been given to lowering the assumption rates even more. Chair Stanton said there was no current discussion about lowering them to under six percent. Mayor Moore thought the asset allocation was important to help remove volatility from the overall number. Mayor Moore thanked Chair Stanton for doing a remarkable job.

Council Member Araskog referred to the average earnings over the past fifteen years. She wondered if the assumption rate should continue to be lowered and if the losses had been realized. Chair Stanton said gains and losses were a mark-to-market calculation. Gains and losses may be realized. Council Member Araskog asked how much of the \$5.4 million contribution by the Town had been lost. Chair Stanton responded.

Council President Lindsay thanked Chair Stanton and his team for their work. She recognized that the organization has been healthier as a result.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to accept the Annual Report of the Retirement Board of Trustees. On roll call, the Motion passed unanimously.

Clerk's Note: A break was taken at 10:54 AM and to reconvene at 10:59 AM

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. [RESOLUTION NO. 025-2024 \(3:45:54\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Ten-8 Fire & Safety for a new fire engine and associated equipment to support operations of the new vehicle in an amount not-to-exceed \$1,100,000.

Dean Mealy, II Procurement and Contract Manager

Mr. Blouin explained the resolution. He detailed conversations that lead to the decision to request approval to purchase a new fire engine and associated equipment to support the new vehicle's operations.

Fire Chief Baker also discussed the decision to purchase a new fire engine and associated equipment to support operations. He stated there was only one back-up vehicle, and the new vehicle would allow for more redundancies in case a vehicle has to be out of service for extended repair.

Motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 025-2024. On roll call, the Motion passed unanimously.

B. Old Business

1. [Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status \(2:48:44\)](#)

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

TIME CERTAIN: 12:00 PM

Patricia Strayer, Town Engineer, gave an update on the Undergrounding Project. She provided updates for different areas of the town. She said that eight phases of the project had reached completion with no condemnations or lawsuits associated with easements. Only 2 or 3 chicanes are still contemplated at Bradley Place and Atlantic Avenue. Next month Town Council will review the next to last construction contract for the Undergrounding program and there are only 10 easements left to get for the entire Undergrounding program.

Ms. Strayer spoke about the switch cabinets and provided the number of cabinets placed within easements. She noted that there were screening options and alternatives for the cabinets. The town has already received significantly more FEMA reimbursement of \$10M which is \$1M more than was anticipated.

Council President Lindsay said at the inception of the undergrounding project, the switch cabinets envisioned were much smaller than what had been installed. She was surprised at the size and number of large switch cabinets placed in this historic part of town that is pedestrian friendly with sidewalks. She thought it would be challenging to screen them appropriately. In speaking with a horticulturist about screening the cabinets, Council President Lindsay learned that 24 inches would be needed for quality hedge-like plantings, while the distances (spaces to plant between the sidewalks and the cabinets was 9-16 inches. She stated that a second opinion should be sought. Ms. Strayer said the Town had hired a landscape architect, and all the cabinets would be screened. Mr. Brazil added that the town would be working directly with affected property owners.

Ms. Strayer wished she had an additional six months to show what mature landscaping would look like around the cabinets. She said a lot of thought and preparation went into the landscaping plan, trying to match and blend in with the surrounding area landscaping.

Council President Lindsay expressed concern that some of the streets were narrower. She wanted to focus on solutions. Ms. Strayer said the only other area where narrow streets and switch cabinets would be added would be in Phase 8, where easements had been secured to accommodate the cabinets.

Council Member Moran asked why the large yellow numbers on the cabinets were visible. She thought that shrubs would not hide the bright yellow numbers. Ms. Strayer said there would be no regular maintenance of the landscaping. There could be a time when the shrubbery would have to be cut down, but it would not be a common occurrence since the utilities were underground and would not require frequent access to the switch cabinets. One could go down and the others could provide service until FPL brought it back online. Paul Brazil added since FPL is now able to reset the switches remotely that the likelihood of requiring them to come out physically to reset it has been greatly diminished.

Council Member Araskog said she drove the area and it looks like “utility row.” She asked if all four sides of each cabinet could be screened. And referred to a photo showing the sidewalk having been narrowed physically to accommodate the cabinet. She wondered if that was ADA compliant. Mr. Strayer assured her that it remained ADA compliant Ms. Strayer said each switch cabinet services an entire block and would be screened

appropriately and she said they believe they could use vegetation with only 9-12 inches of planting area, recognizing that another horticulturist said that 24" was better. Ms. Strayer said they could also look at using bump outs into the street to make more room. Mr. Brazil added that the town wouldn't be in this position had the businesses and residents been willing to take these boxes. Ms. Araskog asked who these large cabinets serve.

Council Member Cooney asked about the requirement for sidewalk width and thought it was 5 feet minimum, but Ms. Strayer said ADA requirements would be met.

Council President Pro Tem Crampton thought this was an unpleasant situation. He said if the Town Council and the community had seen the cabinets in advance, no one in the South end would have supported installation. He thought that provisions should be made to spend money, not do this on the cheap, put some design capability into it and over-landscape rather than running the risk of not having enough landscape materials to screen the cabinets.

Council President Lindsay suggested assembling a small task force that included some neighbors with horticultural knowledge to be included to provide input on landscaping. She said that someone with landscaping talent needed to be included in the design of the screening landscape. Ms. Strayer responded. Mr. Brazil added that it would not be practical to stop working. Staff explained that moving the boxes more than a few inches would be very expensive.

Public Comments

Beth Dowell, 131 Chilean Avenue, spoke regarding the streets and sidewalks affected. She read into the record that the streets in our historic midtown are the most shared, with sidewalks, and these streets act like the town's living room. We were told that undergrounding would be an aesthetic improvement and were shown small boxes. She was shocked when she returned and saw these giant dumpster size boxes lining our sidewalks. She is also concerned about safety, maintenance, and impacted property values. How we solve this undergrounding retrofit will become a national discussion because of Palm Beach's notoriety. This is forever.

Charles Frankel, 330 Cocanut Row, spoke regarding the switch boxes, saying he didn't notice these in either Jupiter Island or Gulfstream, who had undergrounded. Staff explained that in these communities, easements were given.

Anne Pepper, 333 Seaspray Avenue, spoke regarding the Undergrounding Project. She thought that from the beginning, there was a lack of transparency and clarity concerning the project. She didn't expect the

dumpster size boxes. Future projects will need to demand more transparency and clarity in understanding what will happen.

Ellen Kaufman, 330 Cocconut Row, spoke about the switch boxes and traffic concerns along Brazilian Avenue. She also added that in addition to the big boxes and regular boxes along the streets the additional unattractive Comcast installations are eyesores.

Ms. Lindsay offered to represent the Council and look at screening options with the staff and neighboring residents. Consensus was reached for proceeding with the small group including Beth Dowdle to work with staff and designers to further address screening of the boxes.

Clerk's Note: This item was taken out of order at 11:00 AM

2. [Phipps Ocean Park Update \(2:12:50\)](#)

Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture

TIME CERTAIN: 11:00AM

Council Member Cooney pointed out that the Consent Agenda included Resolution No. 046-2024, which was relative to the Phipps Ocean Park. He suggested that the item be addressed alongside this item.

Janis Cheezem, Attorney with Akerman, LLP outlined the changes to the agreement, as follows:

Page 7: E. Change date from December 31, 2024 to December 31, 2025

Page 8: F. Second sentence, add “with respect to any future uncommitted obligations” and “any uncommitted portion of”
Third sentence add “to the foregoing extent” and “any of the then uncommitted portion of”

Page 12: B. add “taking cost into account”

Amanda Skier, Preservation Foundation of Palm Beach, requested clarification on the change regarding how landscape material at the Coastal Restoration Center would be used. She wanted to ensure that the town would have the option to donate to residents those materials not needed for plantings in the park. In addition, Ms. Skier read a comment about the Phipps Ocean Park project into the record.

Council President Pro Tem Crampton confirmed what the town contribution was in terms of dollars. Mr. Brazil responded that the town had planned projects in the park. There was existing town infrastructure in the park that would require work, and the town would be prepared to cover those project

costs. The tennis courts required refurbishing, which would be paid for by Recreation. The town was prepared to pay for the renovation of the lifeguard building. The town would also donate \$2 million toward the park project, excluding the pre-planned work. He stated the town was going to take care of necessary maintenance in the park long-term, and a baseline cost had been determined to cover that maintenance. The Preservation Foundation would be paying for the delta on the lifeguard station to make the renovation consistent with other buildings in the park. Mr. Blouin, Town Manager, further clarified the maintenance costs that would be paid by the town and the Preservation Foundation. Mr. Blouin noted if there was substantially more use in the park, higher parking revenue would be generated to help cover any increase in expenses.

RESOLUTION NO. 032-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Phipps Ocean Park Capital Grant and Operating Agreement with the Preservation Foundation of Palm Beach, Inc.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Resolution No. 032-2024 with the changes read into the record by the Town Attorney. On roll call, the Motion passed unanimously.

Attorney Cheezem had read into the record a change in the agreement that stated additional landscaping materials would be subject to the town's first right. She confirmed that it had been agreed not to include that language in the agreement. The Preservation Foundation, in its discretion, may donate additional landscape materials or provide them to the town.

RESOLUTION NO. 046-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the Amount of \$1,872,490 and Establishing a Project Budget of \$2,153,363.

Dean Mealy, II Procurement and Contract Manager

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Resolution No. 046-2024. On roll call, the Motion passed unanimously.

3. [Review of Traffic Management Plan \(5:02:40\)](#)
Nicholas Caristo, Chief of Police

Police Chief Caristo discussed the Mar-a-Lago traffic management plan. He provided history of the issues, which included a review of the 1999 traffic management plan. During the past year, following the construction of a

guardhouse, areas were identified where improvements to the traffic management plan may be appropriate. Chief Caristo said that although the proposed improved plan had not been officially adopted, Mar-a-Lago staff had voluntarily adhered to the updated traffic plan, significantly impacting traffic and safety concerns. He said nothing would ever solve all of the issues. However, the updated plan presents a strong foundation for success. He presented key points that contributed to the updated plan's success.

Council President Pro Tem Crampton thought the event held at Mar-a-Lago with off-site check-ins was successful and should be a model for future events. Chief Caristo said the Mar-a-Lago staff have agreed to use shuttle buses, Uber, and Lyft drivers. He noted that the Police Department would continue to work with Mar-a-Lago to find a pre-determined location for drop-offs. He stated that even if the Palm Beach Police Department isn't hired by Mar-a-Lago, they would be involved in organizing the events and ensuring plans are carried out as intended in the traffic management plan.

Council Member Moran said there had been noticeable improvements in the past year and thanked them for their efforts.

Council Member Araskog asked about the events with 300 – 740 attendees. She wondered if a shuttle should be required when the event is for that many people. Council Member Araskog preferred stronger language in the plan, which stated that “best efforts” would be made to have off-site parking. Chief Caristo said there would be plans in place for the use of shuttles.

Council Member Cooney felt the use at Mar-a-Lago had changed and intensified since the special exception was approved to convert a single-family residence into a commercial use. He said security needs had impacted traffic. He thought the plan should be enforceable. Council Member Cooney agreed with Council Member Araskog's concern. He requested that strengthened language be included in the agreement.

Chief Caristo stated that small and medium-sized events had occurred during the past months, and the traffic management plan had been followed.

Harvey Oyer, the Attorney representing Mar-a-Lago, read language in the agreement that addressed what would happen if an off-site parking facility was unavailable. Ms. O'Connor, the Town Attorney, clarified that the subject document was a traffic management plan, not a contract. Mr. Oyer added that it is rare for an event to be held at the club, which would result in people entering and existing between 3:00 p.m. and 5:30 p.m. Most events are held during lunch, evening, and weekend hours.

Council Member Cooney asked Mr. Oyer if he objected to deleting the language that stated the club was not legally required to make the

modifications. Mr. Oyer objected because the club was improving in response to being asked to do so, and their twenty-five-year-old legal special exception use was not being amended. He stated that discussions had ensued regarding updates and tweaks to the traffic management plan and his clients had agreed to every requested change. There was further discussion about the language contained in the agreement.

Council Member Cooney did not think it was fair to say that the club was not legally required when the situation changed, through security needs external to the Town, which shifted the stacking of vehicles for the accommodation of large events. Council Member Araskog agreed.

Mr. Oyer maintained that under the original traffic management plan, his client was not obligated to make any changes. He read a condition of the Town as written in the agreement: "The applicant agrees to return to Town Council in one year to discuss the traffic management plan with your public safety officer, in order to access the current traffic management plan conditions and consider alternate solutions."

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to accept the Traffic Management Plan as submitted. On roll call, the Motion passed 4-1 with Council Member Cooney dissenting.

Council Member Cooney clarified that if the plan were approved, it would become something referenced in the Declaration of Use, so a violation of this would be a violation of the Declaration of Use. Mr. Oyer affirmed that it would become Exhibit D to the Declaration of Use.

Naheem Kasmir, 100 Worth Avenue, shared his opinion about the issues discussed. He thought the traffic issue had not been resolved due to Mar-a-Lago.

Mr. Oyer thanked Chief Caristo and former Council President Zeidman for their assistance in reaching an agreement on updates to the traffic plan.

C. New Business

1. [Flood Vulnerability Assessment Update \(3:49:01\)](#)

TIME CERTAIN: 2:00 P.M.

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

Mr. Brazil introduced Bob Hamilton, President Senior Coastal Engineer and Nasser Brahim, Senior Climate Resiliency Specialist from the Woods Hole Group (WHG). Mr. Brazil reminded the council that previously (2019) WHG assessed town vulnerabilities and identified weaknesses. Later, they

introduced a Level Up plan, suggesting what we do about the town's weaknesses. WHG later modified that plan so that it was consistent with the State requirements which helped the Town pursue state grants within that framework. Mr. Brazil suggested that after Code reform, WHG will be coming back to have longer conversations about resiliency going forward. Mr. Hamilton stated the purpose of the work now is to build upon what has been done proactively in the past. The past work had positioned the town well to participate in the State program. The work now will update the work the Town did before to further comply with state standards and also make the town eligible for cost-sharing grants with the state. The work will also provide additional information so the town can identify, plan, and prioritize capital investments in infrastructure going forward. The town had WHG create a model of flood risk that simulated present and future sea level rise. WHG reminded us that the major source of flood vulnerability is mainly from the Lake Worth shoreline and had suggested the town can identify areas of that shoreline it can improve. Level up also produced flood risk maps. in 2021 to put our town on a path forward.

Council President Pro Tem Crampton asked if WHG would list some of the major policy decisions that the town council would have to make. Mr. Hamilton said the outcome of the work would allow confirmation or definition of the necessary policy decisions. He said WHG would not request specific policy changes. Mr. Brazil said WHG had identified where changes may be necessary to the Code. They started crafting language for code revisions in case the town council decided to make such revisions. Mr. Brazil agreed to summarize the code suggestions made by WHG, particularly on the intracoastal side.

Mr. Nasser stated that some decisions may be delayed based on updated flood modeling.

Council President Lindsay asked how the acceleration in sea level rise occurring in the southeast coast of Florida (per recent article) should be considered by the town. Mr. Hamilton responded that the article shows the value of reliable sea level measurements. Good that you are starting to measure. Lake Worth Pier shows some rise but not as high as those in the news piece. Mr. Hamilton presented a brief update on water level monitoring efforts. He shared measurements and publicly available information. He stated that the WHG is working with NOAA and the Port for a new sea level gauge near Palm Beach Inlet.

Mr. Nasser discussed the tasks in the study, shared the necessary data to achieve state compliance, and explained the critical and regionally significant assets that must be assessed for the program.

Council Member Cooney clarified the schools included in the State definitions and asked Mr. Nasser to elaborate on how he reached the

numbers for historical and cultural assets. Mr. Nasser responded that the study only included public schools and town owned historical and cultural assets.

Council President Lindsay asked about elevation and vulnerability. She suggested that street names be clearly shown on the flood risk model maps so that residents could identify the conditions where they live. Mr. Nasser responded there was a work order to create a story map which would provide information about the town's resiliency efforts. This would allow anyone interested to zoom in and see information in specific areas.

Council President Pro Tem Crampton asked about evaluating the Lake Worth shoreline and whether other technologies would be used besides armoring. Mr. Brazil said yes, and the town council's decision-making process would involve rising seawall elevations over time.

Council President Lindsay stated that all assets should be considered for prioritization for the Coastal Resilience Implementation Plan. Mr. Brazil said staff will take care of the pump stations, but the larger decisions must be made relative to both public and private property.

Council President Lindsay entertained public comment.

Naheem Kasmir, 100 Worth Avenue, spoke supportively about the Level-Up Palm Beach study.

Ronald Matzner, 3120 S Ocean Blvd, stated that he serves on the Shore Protection Board. He asked that the board receive a copy of the presentation. He stated the plan is critical for all the properties at the island's south end.

2. [Annual Comprehensive Financial Report \(ACFR\) for Fiscal Year Ended September 30, 2023 \(6:46:24\)](#)

Bob Miracle, Deputy Town Manager - Finance and Administration

Mr. Miracle introduced Nicholas Martin, CPA Manager with Marcum LLP, to make a brief presentation regarding the audit results for Fiscal Year 2023.

Alex Auguste, CPA with Marcum LLP, was also present. He said the Annual Comprehensive Financial Report had been completed. He stated that the financial statements were presented fairly in all material respects, which is known as a clean opinion. He congratulated the Town of Palm Beach on its leadership and management.

Mr. Martin reviewed the auditor's report and the schedule of federal award expenditures. He explained the single audit to which the town was subject due

to the town having expended more than \$750,000 worth of federal grants during the current year. He said the two specific grants were for ARPA and hazard mitigation.

Mr. Miracle stated that the audit was challenging due to staff turnover. He thanked Amy Wood, who retired in January but came back to assist with the audit process. He also thanked everyone on staff who contributed to the audit and the Marcum LLP professionals.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to accept the Annual Comprehensive Financial Report. On roll call, the Motion passed unanimously.

Discussion ensued about the specifics of the budget and audit process. Mr. Miracle responded to the questions raised by the Town Council, and Mr. Blouin also added explanations regarding budgetary funds.

3. [Revision of 2024 Town Council Meeting Schedule \(7:13:51\)](#)

Kirk W. Blouin, Town Manager

The Town Council consensus was to accept the new meeting date of September 11, 2024, for the First Public Hearing on Budget.

4. [Discussion Regarding Brazilian Avenue and South County Road Traffic Pattern Changes \(7:21:26\)](#)

Nicholas Caristo, Chief of Police

Mr. Blouin introduced changes in the traffic patterns on Brazilian Avenue and South County Road. The intersection poses some challenges for both safety and traffic flow interruption. The right turn only proceeding east and the right turn only proceeding west helps with the flow of traffic but still poses some unsafe conditions. Town staff has contacted FDOT to make some changes. Vehicles can still turn north and south, but the concrete barrier is being extended to prevent anyone from driving through the intersection.

Jason Debrincat, Assistant Director of Public Works, provided photographs of the existing conditions and the proposed changes and explained the proposed changes. The long-term change would include curbing and a grass median to improve the area. For a short-term improvement, staff requested permission to stripe the median area for safety.

Mayor Moore pointed out that the proposed changes would improve pedestrian safety, and a discussion continued regarding the proposed changes.

Motion was made by Council Member Araskog and seconded by Council Member Moran to proceed with painting and to bring back the median, parallel path, and ground cover to next month's meeting. On roll call the Motion passed unanimously.

5. [RESOLUTION NO. 043-2024 \(7:21:25\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Beautification Design Plans for the Royal Poinciana Way Medians and Accept a Donation to Construct the Beautification Project. The Donation Amount is to be Determined at the Time of the Final Bid.
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil presented the resolution. He stated that the Garden Club had worked with the town for many years on beautification projects. He displayed a conceptual plan for improvements to the medians and explained the proposed site plan. The Garden Club would like to donate the plantings for beautification. The donation would be valued at approximately \$300,000. Mr. Brazil stated that if this project were to move forward, it would be proposed that the town fund infrastructure for the project. He said the most economical time to do that infrastructure hardscape would be when restoration is done in the area. Staff is recommending approval of the resolution for design money and permitting money required to finalize plans.

Council Member Araskog asked how much the staff recommendation would be, and Mr. Brazil said \$115,015, which would get the project to construction phase services. If the Town Council decided not to move forward, unspent money would be returned to the capital program. Council Member Araskog expressed concern about the budget. Mr. Blouin responded that he intends to do a full review of the budget with each council member.

Council President Pro Tem Crampton suggested allowing the project to undergo the value engineering process. He thought this project was worthy of being presented to a wider audience because the garden club is offering a legacy gift to the town. He asked if the budget for this project would come from reserves. Mr. Brazil said this project was not part of the existing capital improvement funding plan.

Mayor Moore disclosed her membership of the Garden Club. She understood the budgetary concerns but thought a portion of the funding would be fixed no matter what. She asked Mr. Brazil not to forget about Coconut Row when replacing sidewalks. She thought doing the project while the area was already under construction made sense.

Council President Lindsay wanted to ensure that the risk would be low if the design were completed now. He affirmed this, and Council President Lindsay stated she was comfortable moving this project forward.

Mr. Blouin suggested the Town Council allow staff to make this part of the budget process.

Mayor Moore pointed out that the subject area is a major entrance into the Town of Palm Beach.

Jeannie Parker, 215 Jamaica Lane, stated that the Garden Club supports the project. She spoke about the project and expressed her support for the design of the beautification project. She encouraged the town council to consider conceptual approval of the request.

Jorge Sanchez, 239 Southland Road, spoke in support of the project. He spoke about the work that his firm had done for the design that had not been billed to the Garden Club or to the town. He noted that the drawings are complete for bidding and ARCOM and/or Landmarks Commission review.

Mr. Brazil appreciated Mr. Sanchez's willingness to prepare the plans for Landmarks and/or ARCOM review. He said he would eventually need construction drawings from Chen Moore, and other specifications not included in the design plans would be needed.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve Resolution No. 043-2024. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

XIV. ORDINANCES

A. Second Reading

1. [Proposed Ordinance to Amend the Town Code Relative to the Deferred Retirement Option Program \(DROP\) \(7:39:27\)](#)

ORDINANCE NO. 010-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Joanne O'Connor, Town Attorney

Motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to adopt Ordinance No. 010-2024 on Second Reading. On roll call, the Motion passed unanimously.

2. [Proposed Ordinance to Amend the Town Code at Chapter 74, Section 74-282 to Include All Town-Owned Parks \(7:42:13\)](#)

ORDINANCE NO. 013-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks, and Recreation, at Article VI, Recreational Access Closures, by Amending Section 74-282; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Nicholas Caristo, Chief of Police

Attorney O'Connor noted that the Town Council changed the park closure hours at first reading. She stated that the change would be reflected in the final ordinance for adoption.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance No. 013-2024 on Second Reading. On roll call, the Motion passed 4-1 with Council Member Cooney dissenting.

3. [Proposed Ordinance to Amend Chapter 82 of the Town Code Relative to Personnel and Employee Benefits \(7:46:29\)](#)

ORDINANCE NO. 014-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-52, Definitions; Amending Subdivision III, Firefighters; Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Amending Section 82-95, Amount Of Pension - Firefighters; Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Amending Subdivision IV, Police Officers; Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Amending Section 82-115, Amount Of Pension - Police Officers; Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Amending Subdivision V, General Employees And Lifeguards; Amending Section 82-135, Amount Of Pension For Benefit Group General And Benefit Group Lifeguard; Amending Section 82-139, Deferred Retirement Option Program For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In

Conflict; Providing For Codification; Providing An Effective Date.
Jim Linn, Town Attorney – Pension

Council Member Araskog asked if the DROP program could be six years rather than eight years unless the Town Manager deemed the employee essential. Janice Rustin, Pension Attorney, stated it could be done. However, the town's direction was to make it consistent with FRS, even though they have seen a trend in the eight-year drop programs.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance No. 014-2024 on Second Reading. On roll call, the Motion passed unanimously.

Mr. Blouin provided a summary of the benefit plans. He broke down the town's contributions to the plans and explained how the town arrived at the percentages based on best practices. Council Member Araskog felt that department directors should have the same defined contribution (DC) option as public safety. Mayor Moore confirmed that Council Member Araskog was talking about new employees. Attorney Rustin said that currently, there are categories of employees that provide some flexibility. Another category would be created for those employees who start work with the Town as department directors. The only thing that would change is that it would take two years to vest.

Gillian Barth, Director of People and Culture, did not think making the change would impact the employee application process. However, the lack of consistency could be a small issue. Council Member Araskog suggested the change be inclusive of all general employees. Ms. Barth said the challenge lies with the effort being made to match the town against FRS and non-FRS entities, all of whom are being given the choice of a fully defined benefit 401 plan with one-year vesting.

No additional plan changes were approved.

4. [Proposed Ordinance to Amend the Town Code at Chapter 18 Relative to Regulations Regarding Construction Screening Fences \(8:03:47\)](#)

ORDINANCE NO. 016-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 54, Historical Preservation, At Article III, Certificate Of Appropriateness, Division 2, Procedures and Effect, Section 54-99, Construction Screening Plan, by Providing Reference to Section 18-353, Construction Screening Required; at Chapter 18, Buildings and Building Regulations, at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-201, Construction Screening, by Providing Reference to Section 18-353, Construction Screening Required; at Article VII, Construction Site

Management, by Adding Section 18-353, Construction Screening Required; by Amending Article XVI, Storm Shutter Regulations, at Section 18- 1010; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing For Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

Council Member Araskog brought up coverings required for portable toilet facilities. Attorney O'Connor said the code was intended to say that the stated materials need to be inside the fence or gate. Mr. Blouin added that a screen plan has to be submitted and approved by ARCOM.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to adopt Ordinance No. 016-2024 on Second Reading. On roll call, the Motion passed unanimously.

5. [Proposed Ordinance To Amend the Town Code at Chapter 122 By Providing A Definition of "Public Utility Structures" \(8:07:57\)](#)

ORDINANCE NO. 018-2024 An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 122, Utilities By Adding Section 122-1, Definitions, Providing A Definition Of Public Utility Structures; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; and Providing An Effective Date.

Joanne O'Connor, Town Attorney

Motion was made by Council Member Cooney and seconded by Council Member Moran to adopt No. 018-2024 on Second Reading Ordinance. On roll call, the Motion passed unanimously.

B. First Reading

1. [Proposed Ordinance to Amend the Town Code at Chapter 74 Regarding the Hours for the Lake Trail \(8:09:13\)](#)

ORDINANCE NO. 019-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, Article VI - Recreational Area Closures, By Amending Sec. 74-283 To Change the Hours of Closure of Lake Trail; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Nicholas Caristo, Chief of Police

Council Member Araskog stated she had received a call from the McKelveys, who expressed concern about the proposed ordinance.

Motion was made by Council Member Moran and seconded by Council Member Araskog to approve First Reading of Ordinance No. 019-2024. On roll call, the Motion passed 4-1 with Council Member Cooney dissenting.

XV. ANY OTHER MATTERS (8:14:28)

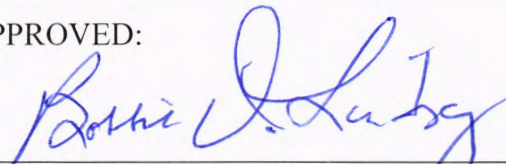
1. Reconsideration of the Carriage House
Julie Araskog, Town Council Member

There was a brief discussion regarding the Carriage House. The Town Council agreed not to change any previous decisions.

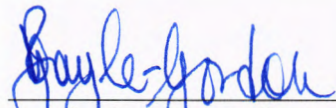
XVI. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adjourn the May 14, 2024, Town Council Meeting at 6:40 PM. On roll call, the Motion passed unanimously.

APPROVED:


Bobbie D. Lindsay, Town Council President

ATTEST:



Pat Gayle-Gordon, Deputy Town Clerk

6/11/2024
Date

