



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 10, 2024

I. CALL TO ORDER AND ROLL CALL (00:51)

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 (01:10)

Acting Town Clerk Churney gave the Invocation, and Council President Lindsay led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA (01:57)

The following modifications were made to the agenda:

Added: Item No. X.C.3. Request to Consider Ordinance Nos. 020-2024 and 021-2024 at a Public Hearing Prior to 5:00 p.m.

Deferred: Item No. XI.B.1.c. Discussion of Screening for Mid-Town Switches – Presentation and Item No. XI.C.4. Palm Beach Police and Fire Foundation – Life Insurance Benefit for Police and Fire Departments

IV. APPROVAL OF AGENDA (03:41)

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

V. PRESENTATIONS (04:00)

Mayor Moore made several announcements, including the 10-year anniversary of employee Sean Pinto, Telecommunicator, and the DROP participation of Stephanie Mavigliano, Administrative Specialist in Fire Rescue, who has 30 years of service.

Mayor Moore announced that the Town of Palm Beach Procurement and Contract Management Department received the 2024 Annual Achievement of Excellence in Procurement award from the National Procurement Institute, Inc.

Mayor Moore announced that the Town of Palm Beach Marina received two 2024 Flagler Awards for outstanding marketing.

Finally, Mayor Moore announced that she was still collecting donations for the Mayor's General Employee Appreciation Fund, which was established to show gratitude to non-public safety employees.

A. State of Education Report (09:33)

Erica Whitfield, Palm Beach County School Board Member, District 4

Ms. Whitfield announced that the Palm Beach County School District achieved an "A" rating for the 2023-2024 school year. She highlighted chronic absenteeism as a countywide issue and urged local officials to promote the importance of school attendance. She also discussed the Pre-K program's positive impact on families and mentioned the half-penny tax that funds maintenance and school improvements. With the penny tax set to expire next year, Ms. Whitfield noted the district's intent to continue to request the half-penny for ongoing infrastructure and technology improvements.

Council President Pro Tem Crampton discussed the taxes raised by the Town, stating that it was money well spent. He expressed support for the half-penny tax increase.

Council Member Araskog again inquired about the local cities' lack of participation in the half-penny tax increase. Ms. Whitfield clarified that it was the county's decision, though the cities supported continuing the increase. Council Member Araskog asked how the town could help, and Ms. Whitfield stated would be to support the half-penny tax.

Ms. Whitfield announced the availability of a school start time survey on the School Board website. She encouraged families to participate, emphasizing the importance of community input.

Council President Lindsay discussed the Pine Jog Environmental Educational Center, where she serves as a board member. She mentioned that two Palm Beach residents donated the land and endowment and provided some history on the center's community benefits. The discussion also touched on quality preschool opportunities for 4–6-year-old children in Palm Beach County and the important role attendance played in a child's subsequent academic performance.

Mayor Moore echoed the importance of VPK programs, stating that these programs help children enter kindergarten ahead of their peers. She emphasized the value of learning the basics before starting kindergarten.

VI. BOARD AND COMMISSION PRESENTATIONS AND APPOINTMENTS (35:24)

A. Presentations by the Applicants and Appointments to the Planning and Zoning Commission *Kelly Churney, Acting Town Clerk*

The following individuals presented their credentials for the Planning and Zoning Commission: Matthew Ailey, Gail Coniglio, Dragana Connaughton, Victoria Donaldson, William Gilbane, Nicki McDonald, Leslie Myers, Nicole Sconzo-Rametta and Joel Zylstra's daughter, Ellyn Zylstra, read a statement on his behalf.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to appoint Gail Coniglio and William Gilbane as Regular Members of the Planning and Zoning Commission. On roll call, the motion passed unanimously.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to appoint Victoria Donaldson, Nicki McDonald, and Matthew Ailey as Alternate Members of the Planning and Zoning Commission. On roll call, the motion passed unanimously.

Clerk's note: A short break was taken at 10:47 a.m. The meeting resumed at 10:59 a.m.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE (1:19:08)

Mayor Moore thanked the residents who had submitted supportive comments that she received about the recent traffic situation caused by the closure of the South Ocean/Southern Boulevard access to the Town. She also announced that resident Charlie Frankel had recently passed away.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS (1:21:43)

Council President Pro Tem Crampton asked Police Lieutenant Paul Alber to speak about the parking signage as part of the parking program implementation. Lt. Alber explained the signage and indicated that there would be an educational period during which tickets would be forgiven. Deputy Town Manager Bob Miracle announced that the 2025 sticker initiative would begin in October. Mayor Moore suggested extending the ten-day grace period to allow residents time to adjust. Council Member Moran clarified that the sticker would permit two hours per zone, and Lt. Alber affirmed and explained that the small zones were designed to help gather better data.

Council Member Pro Tem Crampton asked Lt. Alber to explain the difference between resident permit parking and ParkMobil parking. Council Member Araskog proposed a two-month grace period ending in November when more residents return, but Mr. Blouin thought two months was too long and suggested issuing tickets after the first warning. Council President Lindsay asked Lt. Alber to specify the streets using ParkMobil, and Council Member Araskog inquired if all ParkMobil zones allowed for two-hour parking. Lt. Alber provided clarification and mentioned that the town was developing an app to assist with the program.

Council President Lindsay urged all town associations to inform their members about the parking program and emphasized the need to educate merchants on how they could pay for customer parking. Mr. Miracle confirmed that staff had sent information to the Worth Avenue Business Association for dissemination.

Council Member Araskog congratulated Dean Mealy and the Procurement team on their award. She also noted that she was unaware that Charlie Frankel had passed away.

IX. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (1:39:41)

John Eubanks, Attorney at 605 North Olive Avenue, stated that he and his clients were still interested in the Paramount lawsuit. He introduced two new partners who will assist with the lawsuit.

Diane Buhler, Friends of Palm Beach, provided an update on the beach cleanup over the last few months in Palm Beach.

Gail Coniglio, 1139 North Ocean Blvd., thanked the Mayor for her assistance and diligent efforts in reaching a solution regarding the road closure. She also urged the Town Council to oppose any additional development of Florida's parks, stating it is problematic when the very bureau that protects the environment is compromised.

Lori Bernstein, a Palm Beach businesswoman and homeowner, spoke about the valet operations on Worth Avenue, particularly when there are many events in the area. She advocated for assistance to smaller businesses in the town regarding their rent and parking expenses. She expressed dissatisfaction moving some valet drop off and pick up operations from Worth Avenue to Peruvian Avenue.

Council Member Araskog asked if an alert could be pushed out for the bridge openings. Mr. Blouin provided an update and noted the idea had been to separate normal traffic alerts from the bridge alerts. Unfortunately, the software would not allow that, but he stated that live updates regarding traffic would be pushed out at the top of the Town of Palm Beach website. He also noted that message boards would be placed to help convey information to residents approaching the island from WPB.

Council President Pro Tem Crampton asked if valet operations could be sent to the Business and Administrative Committee for study. Mr. Blouin stated that he received a number of complaints about the valet operations on Worth Avenue. He stated that the Corradino Group had recommended and was working on a more robust valet review. Council President Pro Tem Crampton requested that staff share information about valet operations with the Town Council as available.

Council Araskog thought the valet operations should be sent to a committee for additional review.

Mayor Moore explained some issues that occurred on multiple holiday weekends during the season. She said Renato's valet was stacked fifteen vehicles deep, and street traffic stood still for 45 minutes. That was the impetus for the valet operation being moved to Peruvian. Police Chief Nick Caristo further discussed the situation at Renato's.

X. [APPROVAL OF CONSENTAGENDA \(2:10:10\)](#)

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the Consent Agenda, as amended, with the following items pulled for discussion: Resolution No. 110-2024 and Resolution No. 126-2024. On roll call, the motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Kelly Churney, Acting Town Clerk

- a. August 12, 2024, Local Planning Agency Meeting Minutes
 - b. August 12, 2024, Town Council Development Review Meeting Minutes
 - c. August 13, 2024, Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 28, 2024.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 107-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving and Adopting the 2024 Revised Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and for Other Purposes.
Wayne Bergman, Director of Planning, Zoning and Building
2. RESOLUTION NO. 109-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFP No. 2024-15, Worth Avenue Commercial District Maintenance Program to Property Works for a five-year award in the amount of \$1,254,995.59, approving a contingency in the amount of \$175,000 and establishing a project budget in the amount of \$1,529,995, contingent upon satisfactory vendor performance, mutual agreement and budget authorization.
Dean Mealy, II Procurement and Contract Manager
3. RESOLUTION NO. 110-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2024-24, Traffic Engineering Consultant to Kimley-Horn and Associates, Inc. and The Corradino Group, Inc. for a five-year term contingent upon satisfactory service, mutual agreement and annual budget authorization.
Dean Mealy, II Procurement and Contract Manager
This item was Pulled and Heard as Item No. X1.A.1
4. RESOLUTION NO. 111-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFP No. 2024-25, Plans Review and Inspection Services to Hy-Byrd, Inc., C.A.P. Government, Inc., Diversified Building Department Management, SAFEbuilt Florida, LLC., and Universal Engineering Services and establishing a five-year term contingent upon satisfactory

service, mutual agreement and annual budget authorization and establishing an allocation in the amount of \$500,000 for FY25.

Dean Mealy, II Procurement and Contract Manager

5. RESOLUTION NO. 112-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2024-26, Temporary Staffing Services, Manual and Semi-Skilled to Community Connect Staffing Solutions as the primary awardee, Spur Staffing as the secondary awardee and A&A Associates as the tertiary awardee for a five-year award contingent upon satisfactory service and annual budget authorization for the Recreation Department and awarding purchase orders for FY25 to the awarded vendors in a total amount not-to-exceed \$1,089,946.

Dean Mealy, II Procurement and Contract Manager

6. RESOLUTION NO. 113-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2024-21, Landscape Maintenance Services for a five-year term to Mainguy Landscape Services for Zone 1 in the amount of \$362,180, Approving a Contingency in the amount of \$54,217 and Establishing an Overall Project Budget in the amount of \$416,507, Zone 2 & 2A in the amount of \$443,040, Approving a Contingency in the Amount of \$66,456 and Establishing an Overall Project Budget in the Amount of \$509,496, Zone 3, Zone 3A in the Amount of \$994,326.70, Approving a Contingency in the Amount of \$149,149 and Establishing an Overall Project Budget in the Amount of \$1,143,475.70 and Brightview Landscape Services, Inc. for Zone 4 and Zone 4A in the Amount of \$494,647.38, Approving a Contingency in the Amount of \$74,197 and Establishing an Overall Project Budget in the amount of \$568,844.38 Contingent upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization.

Dean Mealy, II Procurement and Contract Manager

7. RESOLUTION NO. 116-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Blanket Purchase Order to Gov Connection in the amount of \$150,000 for FY25 utilizing the OMNIA Partner's Contract.

Dean Mealy, II Procurement and Contract Manager

8. RESOLUTION NO. 117-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Blanket Purchase Order to Insight Public Sector in the Amount of \$100,000 for FY25.

Dean Mealy, II Procurement and Contract Manager

9. RESOLUTION NO. 118-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Government Jobs Inc. d/b/a NEOGOV in the Annual Amount of \$80,000 and Establishing a Two-Year Contract Award of \$160,000 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization.

Dean Mealy, II Procurement and Contract Manager

10. RESOLUTION NO. 119-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Lucity, Inc. for continued services for the Town's Work Order Management System in an annual amount of \$70,000 and establishing a Two-Year Contract Award of \$140,000 Contingent Upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization.

Dean Mealy, II Procurement and Contract Manager

11. RESOLUTION NO. 120-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving retroactive purchase orders to Flock Safety for installation of cameras to support Police Infrastructure in the amount of \$300,855.18 and establishing a blanket purchase order for FY25 in the amount of \$250,000.

Dean Mealy, II Procurement and Contract Manager

12. RESOLUTION NO. 121-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Palm Beach County in the amount of \$570,000 for new radio start charges.

Dean Mealy, II Procurement and Contract Manager

13. RESOLUTION NO. 122-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFP No. 2024-27, Marina Marketing Services to Jacober Creative for a five-year award in the amount of \$1,429,825, approving a contingency of \$150,000 and establishing a project budget of \$1,579,825.

Dean Mealy, II Procurement and Contract Manager

14. RESOLUTION NO. 126-2024 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs For Property, Liability, Workers' Compensation, Automobile And Ancillary Coverages For FY2025 In The Amount Of \$2,225,864 And Variable Costs In The Amount Of \$1,250,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Relation Insurance Service Of Florida, Inc. "Relation", In The Amount Of \$65,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount Of \$7,500; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The Amount Of \$67,766; Conditioning All Matters Contained Herein Subject To Approval Of The Fiscal Year 2024 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG, And PGCS On Behalf Of The Town.

Karen Temme, ARM, Risk Manager

This item was Pulled and Heard as Item No. X1.A.2

C. OTHER

1. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2024/2025 Palm Beach Harbor Inlet Maintenance Dredging Project

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

2. Request from the Town of Palm Beach United Way for 5K Run/Walk Event

Carolyn Stone, Deputy Town Manager

XI. REGULAR AGENDA

A. Matters Pulled from Consent Agenda: If needed

1. RESOLUTION NO. 110-2024: (2:12:39) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2024-24, Traffic Engineering Consultant to Kimley-Horn and Associates, Inc. and The Corradino Group, Inc. for a five-year term contingent upon satisfactory service, mutual agreement and annual budget authorization.

Dean Mealy, II Procurement and Contract Manager

Mr. H. Paul Brazil, Director of Public Works, discussed the history of

the RFQ, the review process, the departmental needs, and the two consultants who were rated the highest.

Council Member Araskog thought Volkert did a great job representing the neighbors in the Paramount issue. She wondered if Volkert could be added in case the Corradino group had conflicts. She recommended having Volkert on board as a third vendor. Mr. Brazil reviewed the state process that had to be followed when reviewing an RFQ.

Council President Pro Tem Crampton asked about the relationship between the two vendors and the budget. He asked clarifying questions about which vendor would be called upon for specific projects. Mr. Brazil provided further clarification. Council President Pro Tem Crampton asked where the funds would come from for these items, and Mr. Miracle responded.

Council Member Cooney understood the conflicts with Kimley-Horn because of the volume of business they conduct in the area. Mr. Brazil shared why Kimley-Horn was valuable to him, while the Planning, Zoning and Building Department (PZB) thought the Corradino Group would be more valuable because of their independence.

Council Member Moran trusted the selection committee to rank and select vendors. She thought having two options was a nice solution.

Council President Lindsay wondered if the text regarding the transportation element in the Comprehensive Plan should be included in the resolution. Town Attorney Joanne O'Connor stated she would be hesitant to add any new language to the resolution without another public notice. Mr. Brazil stated that the resolution referenced a specific RFQ, which discussed the transportation element.

Mayor Moore asked about the selection committee's standard procedures. Mr. Brazil responded and explained the rating matrix used by the committee.

Council Member Cooney asked if Kimley-Horn would decline private business opportunities because of their involvement with the Town. Mr. Brazil said the relationship with the Town is very important to them and they had already committed to stop doing all public sector work on the island, regardless of this selection.

Council Member Araskog wondered if the Corradino Group did not

work out, the town could use Kimley-Horn instead. Mr. Brazil responded in the affirmative and stated that the opposite would also be true.

Public Comment

Anita Seltzer, 44 Cocoanut Row, expressed concern about Kimley-Horn's conflicts. She felt they had previously provided flawed data to the town. She requested the Town Council reconsider the components of the resolution presented.

John Eubanks, Attorney, 605 Olive Avenue, represented residents at the Sun and Surf. He pointed out that Kimley Horn had presented information to support the Paramount project, which was currently in litigation with the Town. He advised that the Town should wait before making the decision. Mr. Eubanks believed there was a conflict.

Council President Lindsay asked Town Attorney Joanne O'Connor to advise the Town Council. Attorney O'Connor stated she was not prepared to provide a legal opinion on whether or not there would be a potential conflict with Kimley-Horn. However, she opined that the pending litigation matter regarding the Paramount was a petition for certiorari, which is an appeal and would not require testimony by Kimley-Horn. Whether there would be any other litigation requiring testimony from Kimley-Horn was unknown. Attorney O'Connor advised that she really did not see a conflict with Kimley-Horn handling public works issues for the town. She also advised the Town Council that they could delay the item until the October 8, 2024, Town Council meeting.

Council Member Araskog wondered if Kimley-Horn could represent a developer on a town project. Wayne Bergman, Director of Planning, Zoning, and Building, stated that Kimley-Horn, along with two other firms, was recently awarded contracts for civil engineering services. He noted that some contracts are routinely used during the plan review process. From time to time, conflicts arise due to firms doing work in the private sector. Mr. Brazil stated that the no-conflict declaration stands if this was conditioned in any way. Therefore, if they were going to work for the town in any capacity, they could not work for a private contractor on the island.

Council Member Moran pointed out the difference the selection committee scoring makes in the vendor quality. This is why the selection committee ranks the vendor submittals.

Motion was made by Council Member Moran and seconded by Council Member Cooney to defer Resolution No. 110-2024 to the October 8, 2024, Town Council Meeting. On roll call, the motion passed unanimously.

Clerk's note: A lunch break was taken at 12:35 p.m. The meeting resumed at 1:20 p.m.

2. [RESOLUTION NO. 126-2024 \(2:57:58\)](#) A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs For Property, Liability, Workers' Compensation, Automobile And Ancillary Coverages For FY2025 In The Amount Of \$2,225,864 And Variable Costs In The Amount Of \$1,250,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Relation Insurance Service Of Florida, Inc. "Relation", In The Amount Of \$65,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount Of \$7,500; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The Amount Of \$67,766; Conditioning All Matters Contained Herein Subject To Approval Of The Fiscal Year 2024 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.

Karen Temme, ARM, Risk Manager

Council President Pro Tem Crampton had questions regarding the insurance coverage for the underground storage tanks. Deputy Town Manager Bob Miracle responded that he, along with Public Works, Fire Rescue and Risk, had been working with the insurance company on the entire project. He said whatever was reimbursed by the insurance company would be credited back to the capital improvement fund. Mr. Brazil provided additional clarification.

Council President Pro Tem Crampton noted that he did not see anything relating to the loss of insurance for the docks. Mr. Miracle responded.

Council Member Cooney asked if the docks had to be insured, and a premium added to be eligible for the business interruption insurance. Mr. Miracle affirmed. He also asked if the additional funds outside of

the marina budget were specifically earmarked for the marina. Mr. Miracle said the risk fund was townwide, and the marina fund was specific to the marina. He also noted that the general fund was available to use townwide.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Resolution No. 126-2024. On roll call, the Motion passed unanimously.

B. Old Business

1. [Town-wide Undergrounding Project \(3:06:50\)](#)
H. Paul Brazil, P.E., Director of Public Works

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

Patricia Strayer, Town Engineer, provided an update on the town-wide undergrounding project. She noted that the chicane on Oleander had been resolved thanks to the Temple's generosity in granting an easement to the town. She noted that the transformer did not serve the Temple. Ms. Strayer said that 251 Bradley was supposed to be a permanent chicane, and that one had also been resolved.

Ms. Strayer advised that ATT has been on strike, and, therefore, they were not finalizing any conversions to underground work because it would generate customer calls. While ATT hardware remains on the poles, FPL cannot remove the poles.

She said the paving project is moving along. It is a challenging process, and the Town continues to work with the contractor to ensure care is used for as many birdbaths as possible.

Ms. Strayer reported that the Town was nearly 100% finished with acquiring easements. However, because the Town could not include funds for the hybrid traffic signal, a pre-warning system for golf carts crossing at Bethesda, The Breakers had decided not to execute the two easements at this time. Ms. Strayer said the cost to design and install a signalized crossing would be approximately \$350,000, based on last year's estimate. She said this project was listed as unfunded when the budget was finalized in July. Council President Pro Tem Crampton asked if it could be added to the budget. Mr. Miracle said one option would be next year when the fiscal year 2025 books are closed and surplus funds realized, those

funds could be allocated to another project through a budget amendment. Council President Pro Tem Crampton thought this project was worth additional discussion. He said the same crossing configuration located in the south end has worked quite well. Council Member Araskog was not interested in paying for the signalized crossing. Ms. Strayer noted that all of the phases have been completed without any concessions being made. Mr. Blouin noted that no concessions had been made throughout the entire project. Making concessions would have increased the cost.

- b. RESOLUTION NO. 123-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute Easements and Use Agreements between the Town of Palm Beach and Florida Power & Light (FPL) Upon Town Owned Land Located at 240 Park Avenue and 247 Park Avenue for Phase 8 and 300 North County Road (North Fire) In Phase 7 South.

Ms. Strayer provided the background for Resolution No. 123-2024. She stated that the transformers only served the north side of Park Avenue and noted a conduit easement that allows Comcast to connect. The transformers would be close to the front of the park and based on input during the negotiations for those two parks, the surrounding residents preferred the transformers to be closer to the front.

Council Member Cooney confirmed that the location would not interfere with the two large Live Oak trees that flank the entrance to the parking lot. He also asked if low-level vegetation could be used between the sidewalk and the transformer, and Ms. Strayer said yes. Council Member Cooney also asked if a standard buffer would be accommodated between the residents next door and the conduit easement. Again, Ms. Strayer affirmed that was correct.

Ms. Strayer stated that she would prepare some renderings of the projects with vegetation for presentation to the Town Council.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve Resolution No. 123-2024. On roll call, the motion passed unanimously.

- c. Discussion of Screening for Mid-Town Switches – Presentation

This item was deferred to the October 8, 2024, Town Council Meeting.

2. [Stormwater Quality Improvement Report \(3:30:01\)](#)

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

Director Brazil discussed the Town's thirteen stormwater pump stations. He explained that townwide, stormwater is gathered into the road, flows into inlets, is piped by gravity, and moved into a pump station. Ultimately, the stormwater is discharged under pressure into the intracoastal waterway. The Town has certain permit conditions that have to be met to discharge into the intracoastal waterway.

Per Town Council direction, Town staff investigated opportunities to improve the quality of stormwater runoff being discharged by the pump stations. In April of 2023, Chen Moore and Associates were engaged to perform an analysis of options that would work with the town's existing drainage system to achieve the goal of improving water quality. The professionals presented options to the Public Works staff and were tasked with developing costs for the implementation of each option.

Brent Whitfield and David Cowan, Chen Moore, and Associates presented a review of the Countywide MS4 permit program, demonstrating how the Town is participating in cleaning up stormwater that is discharged to the lagoon. They explained the permit process and stated that the Town of Palm Beach is just under 5% of the pollutant load into the Lake Worth Lagoon. He discussed the current reduction strategies being used by the Town to reduce pollution to the lagoon.

The professionals discussed options for additional water quality treatment and provided a comparison of the construction and operations costs that would be incurred by implementing each of the options. The options presented included new infrastructure 1) Baffle Boxes; 2) Vortex Separator; 3) Catch Basin Filters; or 4) Combination of Baffle Boxes and Vortex Separators. There were also some non-structural improvements that were explained.

Council Member Cooney asked what the impact of any of the options would be on the current level of drainage. Mr. Whitfield said everything they looked at ensured that treatment was met up to a certain flow rate.

Mr. Brazil advised that simply working at the inlet level would not benefit the Town. Council Member Cooney asked what materials the conceptual interventions would capture and prevent pollutants from entering the water system. Council President Lindsay discussed the expense, but she echoed the question of what, exactly, the system

would remove from the water. She also inquired about state grant funding available for this type of stormwater quality improvement program.

Mr. Whitfield discussed the pollutants that would be removed from the water. He said many storms would capture a certified level of pollutant reductions. He noted that a Vortex Baffle Box would be expected to remove approximately 55% of total suspended solids during a 2-inch storm event. Mr. Brazil added that this would be something to work toward, and the improvements would not have to be made all at once. He noted that B-17 was going through the design phase now, and suggested it be used as a test case to determine the delta. He said a master plan had already been implemented for all stations for the next five years. He said those could be projected, also.

Mr. Brazil explained that if the Town Council had the appetite to invest in improvements, the staff could bring back a comprehensive list of improvements that could be done as part of the Capital Plan, what could be done administratively, and what measures could be taken on private property where stormwater quality improvements are not already in place.

Mr. Brazil commented that grant program availability would also be part of the research, and those opportunities would be presented to the Town Council, as well as what initiatives could be undertaken in partnership with other local municipalities. Mr. Brazil said the permit described comes with conditions that increase over time. The administrative controls gradually diminish in return. He said entering into a long-term program such as this would leave the Town in a better position for future permit conditions.

Council President Pro Tem Crampton said the C51 canal generates the most pollution, so this should be approached with caution. He thought local initiatives must be a collective effort with other local jurisdictions. Council President Pro Tem Crampton mentioned two areas along A1A that needed attention due to water collecting during storm events.

Council Member Moran thanked CMA for their presentation. She said the Town of Palm Beach is a contributor to the pollutants, and she thought the Town should do something. She thought making the improvements gradually was a good idea.

Council Member Araskog agreed with Council Member Moran. She

thought 2 inches was too low for the larger properties. She suggested raising it to 3-4 inches.

Council President Lindsay said the Town's efforts to educate the residents have been successful. She agreed with Council Member Araskog that larger properties should be looked at more closely.

Mr. Brazil stated that the staff would start with the pump stations, putting those together in a package for the Town Council to discuss. Staff will also look at grant opportunities, and this topic will be presented to the Town Council several times before any money has to be expended. He said all of the ocean outfalls that the Town can control have been eliminated.

Mayor Moore asked if there were other municipalities with the same concerns as Palm Beach. Mr. Cowan responded that there were not too many municipalities trying to get ahead of a situation if they had already met the state requirements.

Council President Pro Tem Crampton said with the focus on fertilizers, he did not know of any technique beyond pre-treatment that would have any effect on removing those types of chemicals. He thought it would be useful to have that tested since the key to chemicals is prevention, not removal.

C. New Business

1. [Proposed 2025 Town Council Meeting Schedule \(4:23:45\)](#)
Kirk W. Blouin, Town Manager

There was a conversation about the meeting schedule, and several options were discussed.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer the 2025 Town Council Meeting Schedule to the October 8, 2024 Town Council Meeting. On roll call, the Motion passed unanimously.

2. [Acceptance of Donation for Renovation of Birdbath-Type Fountains at Hibiscus and Worth Avenues \(4:29:31\)](#)
H. Paul Brazil, P.E., Director of Public Works

Director Brazil explained the donor's reason for wanting to make the donation.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer the acceptance of donation for renovation of the birdbath-type fountain at Hibiscus and Worth Avenues for further review. On roll call, the Motion passed unanimously.

3. [Discussion Regarding Commercial Motion Picture Applications \(4:34:32\)](#)

Kirk W. Blouin, Town Manager

Mr. Blouin stated that last month an application was submitted for a commercial film production in Palm Beach. There were some differences in opinion relating to the subject. This is being brought back to the Town Council to solicit additional feedback from the Town Council.

Council Member Moran thought sunset should not be discounted from the allowable times. She said a local photographer often carries more than one camera and limiting cameras to only one was unrealistic. She also asked why six people were chosen.

Attorney O'Connor and Deputy Town Manager Stone explained how the personal use exemption was determined. Mr. Blouin said the general type of photography on any normal day would be difficult to enforce. He said the main concern he had heard was protecting the culture and the brand of the Town of Palm Beach.

Council Member Cooney thought some guidelines needed to be in place to protect the parks as tranquil places. Complaints were primarily generated by commercial activity, contrasted with family gatherings to take photographs on special occasions. He asked about drones and home photography in terms of real estate sales.

Hanna Rubin, Attorney, Jones Foster stated that real estate photography and aerial photography devices were considered. She said if filming did not impact the public, it would be up to the property owner to decide what filming they would allow.

Council Member Cooney asked whether a reality TV show could be filmed in a private residence. Attorney O'Connor agreed that if it were a reality TV show, it would be a series that would involve operating a business out of a private residence.

Ms. Rubin said the draft ordinance is also designed to capture any filming that impacts town residents, such as having crew vans parked on Town rights of way or equipment impeding town rights of way, which would open it up to town regulation.

Mr. Blouin said that even if filming were illegal, it would be difficult to enforce. Ms. Rubin said that, in general, the ordinance, as drafted, would prohibit commercial filming in residential areas.

Council Member Cooney thought that if someone called to inquire about filming in Palm Beach, they should be told they would not be allowed to film in residential areas. Attorney O'Connor thought that commercial filming in a residential zoning district would be prohibited by the zoning regulations.

Council Member Cooney asked if the ordinance could include a reference to clarify filming activities in residential areas.

Council President Lindsay said she would like the Lake Trail to be looked at closely. Everything from The Four Arts to the end is a residential district. She said there are homes all along there, and people would not want film crews in front of their homes. Also, in any residential district, drone usage should be regulated. Mr. Blouin noted that the Town has a separate drone ordinance. She also suggested limiting the number of permits issued per month.

Council Member Araskog would prefer that the ordinance spell out the regulation of drone usage for real estate. Ms. Rubin cautioned about the regulation of content. She said there was language included to address advertising. Council Member Araskog also thought that the noise ordinance should be referenced.

Attorney O'Connor stated that the town has an ordinance for drones and model aircraft. She asked if additional requirements needed to be imposed relative to drone use. Ms. Rubin thought that a permit would be required, given the way the ordinance was written.

Council Member Moran asked if a private photographer would need a permit to carry multiple cameras. She expressed concern about enforcement.

After discussion, the Town Council directed staff to return with a revised draft Ordinance to next month's council meeting.

4. Palm Beach Police and Fire Foundation - Life Insurance Benefit for Police and Fire Departments
TIME CERTAIN: 11:00AM

RESOLUTION NO. 125-2024 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Council To Enter Into A Participation Agreement With The Palm Beach First Responders Foundation, Inc. To Memorialize The Town's Commitment To Provide Necessary Information To The Foundation For Purposes Of The Foundation's Establishment Of A Term Life Insurance Benefit For Town Of Palm Beach Police And Fire Sworn And Civil Employees Funded And Maintained By The Foundation; Approving Terms Of The Agreement, Authorizing The Mayor To Execute On Behalf Of The Town Council; Providing Severability; Providing For An Effective Date; Providing For Full Force And Effectiveness; Providing For Repeal And Conflicting Resolutions.

Joanne O'Connor, Town Attorney

This item was deferred to the September 11, 2024, Town Council Meeting.

D. Quarterly Litigation Report

1. [Litigation Status Report - September 2024 \(5:15:11\)](#)

Joanne O'Connor, Town Attorney

Attorney O'Connor gave an update on the various legal proceedings in which the Town is currently involved.

XII. ORDINANCES

A. First Reading

1. [ORDINANCE NO. 031-2024 \(5:24:09\)](#) An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Providing For An Amendment To The Town's Equipment Replacement Fund Adopted For The Fiscal Year Commencing October 1, 2023, And Providing An Effective Date.

Bob Miracle, Deputy Town Manager - Finance and Administration

Mr. Miracle gave an overview of the need for the Ordinance. He read the Ordinance by title.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve the first reading of Ordinance No. 031-2024. On roll call, the motion passed 4-0, with Council Member Araskog not present for the vote.

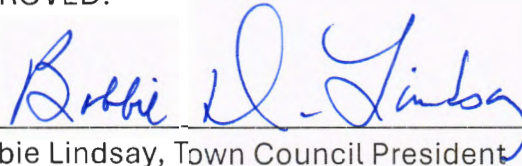
XIII. ANY OTHER MATTERS (5:25:44)

Deputy Town Manager Carolyn Stone requested a time certain for Res. No. 125-2024 (Police and Fire Foundation item), which will be heard at the September 11, 2024 Town Council Meeting. The Town Council decided that the item would be heard at 11:00 AM.

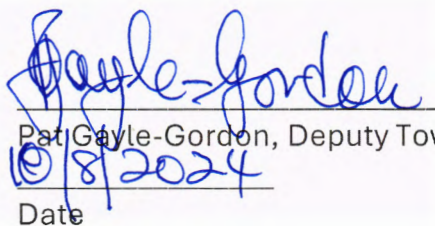
XIV. ADJOURNMENT (5:27:14)

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adjourn the September 10, 2024, Town Council Meeting at 3:51 PM. The motion passed unanimously.

APPROVED:


Bobbie Lindsay, Town Council President

ATTEST:


Pat Gayle-Gordon, Deputy Town Clerk
10/8/2024
Date

