

TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on January 5, 2026

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 02:59 PM in the Town Council Chambers.

Members Present: Bridget Moran, Ted Cooney, Lewis Crampton, Bobbie Lindsay, Danielle Moore, Julie Araskog

Staff Present: Kirk Blouin, Kelly Churney, and Town Attorney Joanne O'Connor

PLEDGE OF ALLEGIANCE

Chair Lindsay led the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the agenda as presented. The motion was carried unanimously, 5-0.

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

All members wished each other a Happy New Year.

2. PUBLIC - 3 MINUTE LIMIT

Council President Lindsay called for public comment. No one indicated a desire to speak.

PUBLIC HEARINGS

3. Consideration of Proposed Settlement with Warden House Association, Inc. in *The Condominium Association of Ocean Towers, Inc., et al. v. Town of Palm Beach*, Case No. 502022CA005042XXXXMB AN (15th Judicial Circuit in and for Palm Beach County, Fla.)

Town Attorney O'Connor provided an overview of the long-pending beachfront litigation involving the Town and several property owners between Wells Road and Sunrise Avenue. She explained that two consolidated cases are scheduled for trial, including claims by condominium associations and individual property owners asserting exclusive private rights to dry sand beach areas and seeking compensation for an alleged taking. She outlined the Town's defenses, including common-law customary use and statutory defenses related to long-standing public use and publicly funded beach renourishment. Ms. O'Connor then summarized the key terms of a proposed settlement with the Warden House condominium, noting that it would resolve its claims, clarify the scope of prior easements, recognize limited public recreational use with specified restrictions, address enforcement of parking and beach regulations, and include a \$10,000 contribution toward attorneys' fees, while preserving the Town's legal positions in ongoing and future litigation involving other properties.

Council Member Moran asked whether the proposed settlement required removal of beach access signage and questioned whether, for consistency, similar signage elsewhere along the same stretch of beach should also be removed. Ms. O'Connor responded that beach access signage is required at certain locations to meet federal and state cost-share requirements, and that such signage cannot be removed uniformly. Council Member Moran wondered about allowing beach umbrellas. Ms. O'Connor stated that the restrictions on beach umbrellas are covered in paragraph E and added that she would include similar language in paragraph F. Council Member Moran questioned the \$10,000 contribution toward their attorneys' fees, thinking it should be less.

Council President Lindsay asked about the roping of the immature plants and who would decide to remove the rope. Director of Public Works Paul Brazil stated that the Town would rely on the Florida Department of Environmental Protection (DEP) and its permitting requirements, explaining that DEP would determine when dune vegetation is considered mature, at which point the property owner would be required to remove any permitted posts or ropes.

Council President Pro Tem Crampton did not favor any marketing or advertising of the area's beaches. Council President Pro Tem Crampton asked if this settlement would remove the Warden House from the pending lawsuit. Ms. O'Connor stated that if the Town Council approved the settlement agreement, she would expect the Warden House to notify the court that they had reached a settlement. Council President Pro Tem Crampton asked whether the proposed settlement would result in Warden House effectively inviting the public onto its private property and whether that would allow members of the public to place beach towels east of the erosion control line. Ms. O'Connor responded that Warden House would not characterize the agreement as an invitation to the public, but explained that by ratifying the perpetual easement required for the Midtown beach nourishment project, certain limited public uses are acknowledged. She clarified that the settlement does not allow unrestricted public use of the property, but instead recognizes only traditional recreational uses expressly listed in the agreement, which she stated are consistent with the historical public use anticipated to be presented at trial.

Council Member Araskog asked if the two condominiums were part of the federal program. Ms. O'Connor stated that they are part of the federal program; however, the individual property owners were not.

Council Member Cooney questioned why the Town would agree not to continue asserting customary use for the Warden House property when customary use remains a central issue in the Town's ongoing beachfront litigation, noting that the area functions as a continuous stretch of land and that related cases are still pending. Ms. O'Connor stated that the proposed settlement would not negatively affect the Town's pending litigation, including the upcoming trial or related federal claims. She explained that the Town is not affirmatively seeking a judicial declaration of customary use, but is instead defending against claims brought by the property owners by asserting that the public has long exercised traditional recreational use of the beach. She noted that the court could still determine that the plaintiffs lack the right to exclude the public, and potentially recognize customary use, regardless of the settlement. Ms. O'Connor further explained that Warden House's participation in the Army Corps project and its perpetual easement would not materially change the overall legal outcome.

Council Member Moran expressed concern about the provision referencing off-leash dog hours, noting that the Town had previously not allowed off-leash dogs. She asked whether that provision could be tied to the Town's ordinance so that it would automatically reflect any future changes, explaining that she did not want the area to effectively become a dog beach if policies were expanded in the future.

Council Member Cooney noted that there have been prior requests to adjust permitted times due to potential impacts on sea turtle nesting, particularly during nesting season. He cautioned against language that would limit the Town's ability to respond proactively to environmental concerns or make future adjustments as needed.

Ms. O'Connor believed that the plaintiffs would agree to stricter language. Town Manager Blouin thought an ordinance outside the settlement agreement could address the concerns.

Council President Lindsay called for public comment.

James Held, El Vedado Road, expressed appreciation for the Town Council's continued support of public beach access, noting that such access has existed for decades. He raised a concern regarding the potential replanting of vegetation on the dry sand, stating that it should be monitored to ensure it does not encroach upon the public's ability to use or traverse the beach.

Council Member Araskog wondered if it would be wise to indicate 9:00 a.m. or stricter if the Town Council wanted to amend the language. Ms. O'Connor believed that they would agree to stricter language.

Council Members Araskog and Cooney both stated that they would be willing to proceed with the settlement. Council Member Cooney expressed hesitation about withdrawing the Town's customary use claim.

Alice Held, of Root Trail, echoed Mr. Held's concerns regarding vegetation on the dry sand, explaining that in the past, plantings, ropes, and posts had been progressively moved seaward, which had narrowed the usable beach area. She stated that this practice created conflict with beachgoers and gave the appearance of encroachment on the public's use of the beach. Ms. Held expressed concern that similar vegetation practices could again limit public access if not carefully monitored.

Mr. Brazil suggested refining the settlement language to specify dune plantings, rather than general vegetation on the dry sand, and to allow posts and ropes only outside of sea turtle nesting season for the purpose of protecting permitted dune plantings. Sara Gutekunst, Coastal Coordinator, stated that Florida Department of Environmental Protection (DEP) requirements provide that any permitted structures or plantings must not alter dune topography, damage dune vegetation, or obstruct public beach access, noting that DEP establishes these standards.

Council Member Araskog suggested adding a reference to the Florida Department of Environmental Protection's policies and requirements within the paragraph addressing applicable statutes. She emphasized the importance of including clear language limiting vegetation to dune plantings, noting that this clarification would be a key modification if the Town proceeds with the settlement.

A motion was made by Council Member Araskog and seconded by Council Member Moran to accept the proposed settlement with Warden House Association, Inc. in *The Condominium Association of Ocean Towers, Inc., et al. v. Town of Palm Beach*, Case No. 502022CA005042XXXXMB AN (15th Judicial Circuit in and for Palm Beach County, Fla.) with the change of dune vegetation to paragraph M, and also to add in paragraph E "also 9:00 AM or stricter", and adding to paragraph F, an umbrella no greater than 9 feet. The motion was carried 4-1, with Council Member Cooney dissenting.

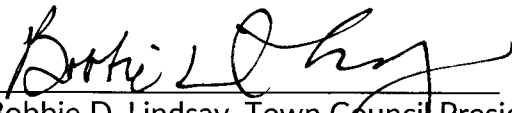
ANY OTHER BUSINESS

Council Member Araskog asked if an update on the air traffic in Palm Beach County could be provided at the next Town Council meeting. After some discussion, it was decided that a digital update would be sent out to the residents.

ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council Member Moran to adjourn the meeting at 03:40 PM. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

APPROVED:


Kelly Churney, CMC, Town Clerk
Date: 2/10/26

