TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 12, 2008

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, February 12, 2008, at 9:30 a.m., in the Town Council Chambers. On roll call, the following elected officials were found to be present:

Mayor Jack McDonald
President Richard M. Kleid
President Pro Tem Denis P. Coleman
Council Member William J. Brooks
Council Member Gail Coniglio
Council Member Susan Markin

Others present for all or a portion of the meeting were:

Town Manager Peter B. Elwell
Deputy Town Manager Thomas G. Bradford
Assistant Town Manager Sarah E. Hannah
Town Attorney John C. Randolph
William Amador - Fire-Rescue Chief
Jay Boodheshwar - Recreation Director
James Bowser - Town Engineer
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
Veronica Close - Planning, Zoning and Building Assistant Director
Paul Castro - Zoning Administrator
William Crouse - Human Resources Director
Jane Day - Historical Preservation Consultant
Tim Frank - Planning Administrator
Fred Hess - Police Sergeant
Charles Langley - Public Works Assistant Director
John Page - Planning, Zoning and Building Director
Michael Reiter - Police Chief

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Jane Struder - Finance Director
Jeff Taylor - Acting Building Official
Susan Eichhorn - Town Clerk

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Eichhorn gave the invocation. President Kleid led the Pledge of Allegiance.

III. <u>RESOLUTION NO. 13-08</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 5th Day of February 2008, Between the Hours of 7:00 a.m. and 7:00 p.m. on Said Date. [Susan A. Eichhorn, Town Clerk]

Town Attorney Randolph read Resolution No. 13-08 by title, as printed above.

Motion made by Council Member Brooks, seconded by Council Member Coniglio to approve Resolution No. 13-08. On roll call, the motion carried unanimously.

IV. Recognition of William J. Brooks for Service on the Town Council From 2000 Through 2008.

Mayor McDonald recognized and gratefully acknowledged William Brooks for his eight years of faithful service to the Town, noting that he would be missed very much and wishing him the best.

V. SWEARING IN OF ELECTED OFFICIALS-
The Honorable Judge Kathleen Kroll

Mayor McDonald, as presiding officer, recognized The Honorable Judge Kathleen Kroll.

The Honorable Judge Kathleen Kroll administered the oaths of office to the following newly elected officials: Richard M. Kleid, Susan Markin, and David Rosow.

VI. ORGANIZATIONAL ITEMS

A. Election of the Town Council President
Pursuant to Section 3.01 of the Town Charter.

The Town Council cast ballots: Richard M. Kleid was elected as President of the Town Council.

B. Election of the Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter.

After casting ballots, President Kleid announced that Gail Coniglio was elected by the Town Council as President Pro Tem of the Town Council.

VII. PRESENTATIONS

A. Recognition of Ray Daley, Firefighter Driver/Engineer/Paramedic, Upon His Retirement from the Town of Palm Beach After 25 Years and 9 Months of Service.

Mayor McDonald recognized Ray Daley, Firefighter Driver/Engineer/Paramedic, Fire-Rescue Department, for his years of service.

B. Update Regarding City of West Palm Beach Water System.
[Lois Frankel, Mayor, City of West Palm Beach]

Mayor McDonald welcomed City of West Palm Beach Mayor Lois Frankel.

Mayor Frankel commented on the expert panel the City of West Palm Beach had convened in October 2007; commented on a citizens' committee consisting of two Town residents: Bill Mikus and Paul Leone; and commented that the intention, right now, of the City of West Palm Beach was to put everything on the table. The City's consultants had been asked to lay out every option for the future that could be fully vetted and discussed, not only by the citizen's committee, but by the City of West Palm Beach, by the Town of Palm Beach, by any customer, and by anyone that wanted to have a say in it. She advised that was their intention.

Mayor Frankel along with Gary Deremer, President of U.S. Water Services Corporation, addressed the Town Council and discussed the following:

- History of Water System
- Quality of Water
- Quantity of Water
- Water Contamination Event
- Corrosion of Copper Piping

Mayor Frankel and Mr. Deremer responded to questions and concerns of the Town Council.

After discussion, and in response to Mayor Frankel, Mayor McDonald advised that the Town would be willing to send a member of the Town Council to participate in City of West Palm Beach meetings related to the water system.

Dr. Michael Dennis, Chairman of the Town of Palm Beach Medical Care Commission, spoke on behalf of the Commission. He commented on the following:

- The presentation made by Dr. Jean Malecki, Director of the Palm Beach County Health Department at the last Medical Care Commission Meeting relative to the options available to the Town for a better water source.

- The Medical Care Commission's recommendation to the Town Council to aggressively find ways to improve the Town's water supply from West Palm Beach or to try to negotiate a way to produce water on their own.

- Development of a reverse osmosis plant on Town owned property.

- The City of West Palm Beach Comprehensive Annual Report (CAFR)
  - Payment in Lieu of Taxes (PILOT)

Mayor Frankel responded to the comments made by Dr. Dennis relative to the PILOT process.

Mayor Frankel advised that she was present today in the spirit of friendship; to look at the needs of the Town, the needs of the City of West Palm Beach in obtaining the best quality water and in obtaining the resources needed for the future. She noted that she was here with open arms to embrace that concept and hoped that the Town would also.

President Kleid thanked Mayor Frankel and Mr. Deremer stating that the Town Council was most appreciative for coming to speak to them and that they were always welcome.

C. Comments on Taxes and County Tax Situation.
[Sid Dinerstein Introduced by Town Council Member Susan Markin]

Council Member Markin explained that she had invited Sid Dinerstein to speak today before the Town Council, noting that he was the Chairman of the Republican Party in Palm Beach County, Chairman of the Palm Tran Advisory Board; and that he had recently written a book called "Adults Only - For People Who Love Their Country More Than Their Party." She advised that she believed it would be very beneficial to the Town if he shared some of his concepts and ideas about taxes and budgetary reform.

Sid Dinerstein addressed the Town Council and discussed the following:

- Taxes

- Budget Ladder of Pain - 10 ways (least to most painful) to look at the budget and ask the right questions of staff:

    1. Cut Back on Capital Projects
    2. Unfilled Job Postings
    3. Overtime Control
    4. Net Hiring Freeze
    5. Non-profits
    6. Industry Competitive Health Benefits
    7. Management Wage Freeze
    8. Generalized Wage Freeze
    9. Across the Board Pay Cut
    10. Staffing Level Rollback

Council Member Markin noted that Mr. Dinerstein had increased, over his tenure, the ridership of Palm Tran by more than 50% without increasing staff or budget expenses.

VIII. COMMENTS OF MAYOR JACK McDONALD

None.

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Pro Tem Coniglio:

Acknowledged and congratulated staff on their encouraging response for the permit for Reach 8, and applauded the Herculean efforts of Senators Klein and Atwater in their efforts to assist the Town of Palm Beach. She gave thanks to Mr. Elwell, Mr. Brazil, and the efforts in moving this forward. She offered her deepest gratitude to Mr. Brooks and his gifts of time and talent to the Town of Palm Beach, and his lovely wife, for sharing that treasure of his service for eight years. She welcomed David Rosow to the team, to work together very diligently and passionately for the Town of Palm Beach.

Council Member Rosow:

Stated that it was a privilege to join the ladies and gentlemen of the Town Council, and that he was deeply honored that the residents gave him that opportunity. He thanked everyone who had voted for him, and to those who had not voted for him he hoped that it would be seen that he was going to work for all of the residents. Bill Brooks and he had the same thing in mind – to make Palm Beach the best it could be. He noted that he had met privately with Town Manager Peter Elwell in early January, and contrary to what other people had said and heard, Mr. Rosow stated that he had no intention, no desire, to change Mr. Elwell's position in this Town. He also had no intention of changing anything in the Police Department.

Council Member Coleman:

In April, the Town Council had scheduled the hearing for consideration of landmarking Poinciana Plaza. It had been his hope that in the interim since the Landmarks Preservation Commission had made its recommendations last year, that the owner of the Plaza property would engage the Town in good faith discussions, and that had not happened. As a landlord, he was deficient in maintaining the property. As a man who had a contract and a 1979 agreement with the Town, he was in default. In making that contract he had received consideration. He had failed to make good on his side of the bargain. Even if the owner were to come forward now, there would be little basis for believing that, in the future, he would abide by a new agreement. He questioned whether the Town should be seeking damages for the owner's failure to abide by his contract. Mr. Coleman stated that he knew of no hardship that ran with the land, and thus, no basis for variances. Poinciana Plaza was sited on one of the main entrances to the Town. The Playhouse was the first thing seen when coming over the north bridge. The question was how to protect the interest of the Town. He stated that he made no recommendation yet, however, he had a number of questions relative to the concept of the Town exercising eminent domain and acquiring the Playhouse portion of the Plaza. Were this to occur, no future change should be permitted, except by a vote of the residents. That is the only way that the rights of the residents could be protected in perpetuity. The issue was highly complex, and he asked that it be added to the Agenda for the next Town Council meeting. He stated that he was also open to any other idea that might achieve the same objective.

[President Kleid advised that the subject of eminent domain on the Playhouse alone would be added to the Agenda for the March 11, 2008, Town Council meeting].

Council Member Markin:

Thanked the citizenry for their confidence in allowing her to run unopposed in the last election and expressed gratitude and appreciation. She suggested that a conversation take place regarding term limits for Town Council members, and putting a cap on campaign fund raising; she explained that the community was blessed with intelligent and well-educated citizens; term limits and caps on campaign funding may offer the incentive for more citizens to become involved. She requested that the issue be added to the March 11, 2008, Town Council meeting agenda for discussion.

Council Member Coniglio requested that consideration of the at-large versus specific seat issue be added to the discussion at the March 11, 2008, Town Council meeting agenda.

[President Kleid advised that the subjects would be added to the Agenda for the March 11, 2008, town Council meeting].

President Kleid:
Bill Brooks had brought his love of Palm Beach and its history to the Town Council, and was always cognizant of the future and worked faithfully to blend the two. Frequently, to make a point Bill had referenced baseball, (particularly his beloved Red Sox), as well as Latin phraseology and quotes from literature. That would be missed at the Town Council meetings, and hopefully other ways would be found to use the talents of Bill Brooks. With respect to David Rosow, Mr. Kleid commented that he had recently gotten to know David Rosow, and looked forward to his contribution to the Town Council and was hopeful that everyone could work together in harmony and collegiality to better serve all of the citizens of the Town.

X. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

Etonella Christlieb, 200 Everglades Avenue commented regarding the landmarking of the Royal Poinciana Plaza. She requested that it be added to the March 11, 2008, Town Council Agenda.

Ida Goldstein, 3120 South Ocean Blvd., commented regarding the landmarking of the Royal Poinciana Plaza, requesting that it NOT be added to the March 11, 2008, Town Council Agenda. She referred to the Charrette process that was now ongoing regarding the Royal Poinciana area, and suggested that after the residents speak at those meetings, it would take the consultants some time to put together a proposal to reflect the desires of the citizens. She also commented regarding the permit for Reach 8, and requested that dune restoration for Reach 8 be considered on the March 11, 2008, Town Council Agenda.

John Arthur Marshall, President of the Arthur R. Marshall Foundation, proclaimed that Everglades Restoration was part of the solution to the water problems in the County including Palm Beach and West Palm Beach; commented on the Comprehensive Everglades Restoration Plan (CERP); commented on the current drought; commented that the Town of Palm Beach and the City of West Palm Beach declared March 7, 2008, Water for our Children's Day.

Mary Biederman expressed her gratitude to all the Town Council Members, in particular Council Member Brooks for his eight years of devoted service and congratulated David Rosow. She commented on the importance of water quality and system of delivering water through the use of stainless steel pipes.

Patrick Flynn, on behalf of the Palm Beach Theater Guild, commented regarding the landmarking of the Royal Poinciana Plaza.

Walter Ross, 456 Worth Avenue, congratulated Mr. Kleid on his continued Presidency, thanked William Brooks for his eight years of great service to the Community and congratulated David Rosow, who will bring new ideas to old and new projects. He thanked the Town Council, on behalf of the Royal Park Homeowners Association, for abandoning the plans for the expansion of the docks by a 5/0 vote, and hoped that was the end of dock projects

John Ripley, President of the Preservation Foundation, commented as follows:

- A heartfelt thank you to William Brooks, noting that he had been a tremendous supporter of preservation in the Town of Palm Beach and the history of the Town.
- Thanked President Kleid and Council Member Markin for two more years of service, and welcomed David Rosow.
- The referendum mentioned by Council Member Coleman earlier relative to Royal Poinciana Plaza should be explored by the Town.
- April 2008 landmark hearing of Royal Poinciana Plaza.

Helen Howe, 2295 South Ocean Boulevard, commented as a representative of a Tennis Committee at Phipps Ocean Park, to express concern relative to the residents ability to get court time and requested that the Town Council consider building two additional courts at Phipps Ocean Park.

Binnie Bower, 130 Sunrise Avenue, commented regarding noise related to Saturday work by landscapers in Town, and yard trash left in front of the property at 130 Sunrise Ave.

The consensus of the Town Council was for Town Manager Elwell to provide a report at the March 11, 2008, Town Council Meeting relative to landscape maintenance regulations, in particular those associated with Saturday landscaping; decibel levels relative to the leaf blowers; what if anything the Police Department was doing regarding same; if there had been *any code enforcement problems and if code enforcement should keep a closer eye on what was occurring in that area.*

Sara Robertson, 214 List Road, President of the Parent School Council Association and parent of three students at the Palm Beach Day Academy, commented on the parking plan, which to be proposed by Palm Beach Day Academy and requested that the Town Council consider approving the plan; commented that the number one concern of parents this year has been parking.

XI. APPROVAL OF AGENDA

The following modifications were made to the Agenda:

DEFERRED Item XIV.A.1., Placement of Overhead Utility Lines Underground, to the March 11, 2008, Town Council Meeting.

WITHDREW Item XIV.B.1.b., Extension of the Peruvian Dock - Potential Grant Funding - Impact on Schedule and Budget.

DEFERRED Item XVI.C.3.b., Special Exception #14-2007 with Site Plan Review and Variances, 476 South Ocean Boulevard, to the March 11, 2008, Town Council Meeting.

RECOGNIZED Item XVI.C.3.c., Special Exception #15-2007, Palm Beach Day Academy, 241 Seaview Avenue, was modified on January 11, 2008, which was not changed on the agenda on the website. This application modified the plans by reducing the size and design of the parking lot from 41 parking spaces to 24 parking spaces. This revised application eliminated the variances requested in the original application.

Mr. Elwell clarified that the modified application had been posted on the website, but the modified language had not been included in the Agenda.

DEFERRED Item XVI.C.3.d., Site Plan Review #23-2007 with Special Exceptions and Variances, 333 Peruvian Avenue, to the March 11, 2008, Town Council Meeting.

DEFERRED Item XVI.C.4.b., Special Exception #2-2008, 290 Sunset Avenue, to the March 11, 2008, Town Council Meeting.

MOVED Item XII.J.2., Approval of Schedule for 5-Year Update of Strategic Plan, to the Regular Agenda, Item XIV.B.8.

MOVED Item XII.J.5., Confirmation of Authorization to Re-Create Coastal Coordinator Staff Position to the Regular Agenda, Item XIV.B.9.

Motion made by President Pro Tem Coniglio, seconded by Council Member Markin to approve the Agenda as amended. On roll call, the motion carried unanimously.

XII. CONSENT AGENDA

A. MINUTES: JANUARY 8, 2008
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: JANUARY 15, 2008
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING

C. MINUTES: JANUARY 15, 2008
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION (TOWN OF PALM BEACH VS TRINA LANE)

D. MINUTES: JANUARY 22, 2008
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING

E. MINUTES: JANUARY 31, 2008
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL WORKSHOP

F. MINUTES: JANUARY 31, 2008
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION (TOWN OF PALM BEACH VS TRINA LANE)

G. MINUTES: JANUARY 31, 2008
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION (TOWN OF PALM BEACH VS WOLFGANG VON FALKENBERG, ET AL)

H. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON JANUARY 23, 2008, WITH THE EXCEPTION OF APPLICATION NO. B100-07, WHICH IS THE SUBJECT OF AN APPEAL.

I. RESOLUTIONS

1. RESOLUTION NO. 6-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Palm Beach County Information Systems Services, Palm Beach County Property Appraiser and the Town of Palm Beach for Assignment of Computer Tape to Facilitate the Implementation and Collection of the Town's Non-ad Valorem Assessments and Authorizing the Town Manager to Execute the Same on Behalf of the Town. [Jane Struder, Director of Finance]

2. RESOLUTION NO. 8-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Marc & Sons Landscape & Tree Services, LLC, for Turf Maintenance Service for the Town of Palm Beach, Sealed Bid Number 2008-03. [H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 9-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the First Amendment to the Original Interoperability Communications Agreement, R2003-1697, Between Palm Beach County and the Town of Palm Beach, Set to Expire October 28, 2008. This Amendment Will Extend the Agreement to October 21, 2013. This Resolution Authorizes the Mayor to Execute the Same on Behalf of the Town. [Michael S. Reiter, Chief of Police]

4. RESOLUTION NO. 11-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to ITT Flygt, LLC, to Supply Pumps for the Inline Booster Station Project. [H. Paul Brazil, Director of Public Works]

J. OTHER

1. Approval of Public Works Committee Report for the Meeting of January 3, 2008.
[Susan Markin, Town Council Member]
Deferred from the January 8, 2008, Town Council Meeting.
Public Works Committee Meeting Report in its entirety is included as an attachment - "Exhibit A"

2. Approval of Schedule for 5-Year Update of Strategic Plan.

[Sarah E. Hannah, Assistant Town Manager] - **Removed from Consent Agenda and added to Regular Agenda as Item XIV.B.8.**

3. Approval of Budget Calendar and Schedule for Pre-Budget Goal Setting. [Jane Struder, Director of Finance]

4. Authorization to Purchase Police Patrol Vehicles. [Michael S. Reiter, Chief of Police]

5. Confirmation of Authorization to Re-Create Coastal Coordinator Staff Position. [Peter B. Elwell, Town Manager]- **Removed from Consent Agenda and added to Regular Agenda as Item XIV.B.9.**

6. Authorization for Town Effluent to be Utilized in a Water Reclamation Project Involving Palm Beach County, East Central Regional Water Reclamation Facility, and the Florida Power and Light Company. [H. Paul Brazil, Director of Public Works]

Motion made by Council Member Markin, seconded by President Pro Tem Coniglio to approve the Consent Agenda as amended.

XIII. BOARD/COMMISSION ANNUAL REPORT

A. Landmarks Preservation Commission. [Eugene Pandula, Chair, and John S. Page, Director of Planning, Zoning, and Building]

Eugene Pandula, Chairman of the Landmarks Preservation Commission, presented a summary of the Commission's Annual Report for 2007, as provided in the Town Council backup.

In response to Council Member Coleman, Mr. Pandula explained that he believed the handling of variances for landmarked property was in the purview of the Town Council and not the Landmarks Preservation Commission.

President Pro Tem Coniglio and Council Member Markin applauded Mr. Pandula's leadership and the work of the Landmarks Preservation Commission.

Mr. Pandula believed that Council Member Markin's suggestion to create an annual or seasonal award to residents who voluntarily landmarked their property, going above and beyond the call of duty to keep their property intact, was a great idea.

President Kleid, on behalf of the Mayor and Town Council, thanked Mr. Pandula and the members of the Commission for their dedicated service to the Town.

XIV. REGULAR AGENDA

A. Old Business

1. Placement of Overhead Utility Lines Underground.
[Thomas G. Bradford, Deputy Town Manager]
TIME CERTAIN: 10:30 A.M.

Item XIV., A.1., Placement of Overhead Utility Lines Underground, was deferred to the March 11, 2008, Town Council Meeting.

2. Status Report on Townwide Hiring Freeze.
[Peter B. Elwell, Town Manager]

Town Manager Elwell referred to his memorandum to the Mayor and Town Council dated February 5, 2008, and included in the backup material, to provide a monthly status report on the Town hiring freeze.

The consensus of the Town Council was to accept the status report on the Townwide hiring freeze as presented by Mr. Elwell and that the report would continue to be a monthly Agenda item.

B. New Business

1. Extension of Peruvian Dock.
[H. Paul Brazil, Director of Public Works]

a. CCNA Selection Committee Rankings.

Director of Public Works Paul Brazil referred to his memorandum to the Mayor and Town Council dated January 31, 2008, and included in the backup material, to report on the status of the CCNA Selection Committee Rankings for a marine structure design consultant. He advised that the Selection Committee recommended offering a Continuing Services Contract to the following two firms:

- Kimley-Horn & Associates
- Isiminger & Stubbs Engineering, Inc.

Mr. Brazil explained that there was no financial implication to this selection as the Town did not have a project to assign to them, but it gave the Town the ability to retain these firms for future projects. Staff recommended that the Town Council authorize Town Manager Elwell to enter into a Continuing Services Contract for marine design consultant with the two firms as classified by the Selection Committee.

Motion made by Council Member Markin, seconded by President Pro Tem Coniglio directing the Town Council to authorize Town Manager Elwell to enter into a Continuing Services Contract with the two firms chosen by the Selection Committee: Kimley-Horn & Associates and Isiminger & Stubbs Engineering, Inc. On roll call, the motion carried unanimously.

b. Potential Grant Funding–Impact on Schedule and Budget.

I. Resolution No. 12-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Sign a Resolution for Assistance under the Florida Inland Navigation District Waterways Assistance Program on Behalf of the Town.

Withdrew from the Consent Agenda, Item XIV.B.1.b., Extension of the Peruvian Dock - Potential Grant Funding - Impact on Schedule and Budget.

2. Par 3 Golf Course Renovation Design.
[Jay Boodheshwar, Director of Recreation]
TIME CERTAIN: 2 P.M.

a. Offer by Raymond Floyd to Donate Design Services, Charging Only for Out-of-Pocket Expenses.

Director of Recreation Jay Boodheshwar referred to his memorandum to the Mayor and Town Council dated February 5, 2008, and included in the backup material, to provide background information related to this issue as well as a report regarding details of the proposal of Raymond Floyd Design for design and engineering services for the restoration of the Par 3 Golf Course.

Mr. Boodheshwar explained that Resolution No. 10-08 authorizing the Town Manager to execute a contract on behalf of the Town would be presented to the Mayor and Town Council at the February 26, 2008, Special Town Council Meeting as subsequent action needed to execute an agreement.

Steve Hall, Co-chair of the Par 3 Group, provided a report of the Par 3 Group and commented on the following:

- The Par 3 Group was delighted and excited that Raymond Floyd agreed to help the Town with this wonderful Town-serving project.
- The Par 3 Group worked very hard in raising awareness of this project as well as obtaining pledges/donations for this project.
- The Par 3 Group, at their next meeting, hoped to have completed their pledge drive in the amount of $221,000, which was to be paid to Mr. Floyd's group.
- Mr. Floyd was very enthusiastic about this project as was evidenced by his willingness to donate his time on this very important project.
- Public relations development.
- Green space and environmental concerns relative to the Par 3 Golf Course.

President Kleid thanked Mr. Hall for his report and his devoted service as well as the others who would be involved in this project, noting that the Town was in their debt.

Co-chair of the Par 3 Group Floyd Wideman, 260 El Dorado Lane, announced that this morning he had received a $100,000 pledge. The first pledge toward the goal of $221,000.

President Kleid commented that pledge was a great movement forward.

Council Member Markin sincerely thanked Raymond Floyd for coming forward, noting that his involvement in this project had raised the awareness of the need for renovation of the Par 3 Golf Course. She commented that the Town was extremely fortunate and grateful for all the expertise and knowledge he brought to the project. It was a prime example of bringing private citizens and expertise of some of the residents into a private/public joint venture, and the Town could not thank him enough.

b. <u>ORDINANCE NO. 3-08</u> An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Recreation Enterprise Fund Budget Adopted for the Fiscal Year Commencing October 1, 2007, Providing an Effective Date. [Jane Struder, Director of Finance]

Town Attorney Randolph read Ordinance No. 3-08 by title, on first reading, as printed above.

Council Member Markin moved approval of Ordinance No. 3-08 on first reading. The motion was seconded by President Pro Tem Coniglio. On roll call, the motion carried unanimously.

3. RESOLUTION NO. 7-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Recognizing the Importance of a Western Landfill and Accepting the Location in Western Palm Beach County, in Accordance with the Palm Beach County Comprehensive Plan. [Sarah E. Hannah, Assistant Town Manager]

Assistant Town Manager Sarah Hannah referred to her memorandum to the Mayor and Town Council dated February 1, 2008, and included in the backup material, to discuss support by the Town of the Solid Waste Authority's (SWA) Proposed Western Landfill through Resolution No. 7-08.

Amber Barritt, Project Manager with C.M. Engineering, presented the details of the project and responded to questions and concerns of the Town Council.

Town Attorney Randolph read Resolution No. 7-08 by title, as printed above.

President Pro Tem Coniglio moved approval of Resolution No. 7-08. The motion was seconded by Council Member Rosow. On roll call, the motion carried unanimously.

4. Delegation of Town Council Authority for Development Review Items to be Heard by ARCOM, LPC, or Some Other Commission [Denis P. Coleman, President Pro Tem]

Council Member Coleman questioned whether the Town Council wanted to consider reassigning the task of reviewing variance requests to either the Architectural Commission or the Landmarks Preservation Commission, on an experimental basis in order to save time. The Town Council would retain oversight of commercial properties.

The consensus of the Town Council was to continue discussion of this item.

William Guttman, 216 West Indies Drive, Chairman of the Planning and Zoning Commission, commented that the decision making for development review items should remain as is, but recommended that the Town Council relegate decision making, if they wanted to unburden themselves, in zoning cases, to the Zoning Commission rather than ARCOM or the Landmarks Preservation Commission.

After discussion, **Council Member Markin made a motion to approve leaving the hearing of development review items at the Town Council level; and that the Town Council move toward scheduling half day special meetings explicitly for development review items, with a time certain, on an appointment basis. President Kleid passed the gavel to second the motion.**

Allen Wyett, 1145 North Lake Way, commented that if the Town Council chose not to hear variances, a separate board would be needed, as both the Planning and Zoning Commission and the Landmarks Preservation Commission would become burdened unnecessarily, more so than it would burden the Town Council.

On roll call, the motion carried 4/1 with President Pro Tem Coniglio dissenting.

Discussion ensued and **President Pro Tem Coniglio made a motion that the Town Council maintain development review items on the day of the Town Council Meeting until such time that it was seen that a time frame had become so inordinate that the Town Council needed to make another decision.** The motion died for lack of second.

The consensus of the Town Council was to hold Special Town Council Meetings explicitly for development review items, scheduled by appointment, on Monday afternoons, beginning with the April 2008, Town Council Meeting.

5. Status Report on Implementation of Traffic and Parking Items. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Thomas Bradford referred to his memorandum to the Mayor and Town Council dated February 5, 2008, and included in the backup material, to provide a status report on the implementation of the following traffic and parking items:

- The purchase of kiosks to replace all parking meters.
- The purchase of electronic chalking equipment to increase the efficiency in parking enforcement activities.
- Implementation of valet parking on Worth Avenue.
- Expansion of the permit placard parking program.
- New valet parking permit regulations.
- North end parking regulation issues.

In response to questions and concerns of the members of the Town Council, Mr. Bradford commented on the following:

- The owner of the Apollo Parking Lot did not want to cooperate with the implementation of valet parking on Worth Avenue because he did not believe valet parking was appropriate for Worth Avenue.

- Staff was in the process of investigating automating/bar coding the parking placards in order to provide a report on what staff had located in the marketplace.

- Staff would research the north end parking regulation issue to provide recommendations relative to this issue.

6. Early Voting for Municipal Elections.
[Susan A. Eichhorn, Town Clerk]

Town Clerk Susan Eichhorn referred to her memorandum to the Mayor and Town Council dated February 4, 2008, and included in the backup material, to discuss early voting for municipal elections.

Jere Zenko, 232 Tangier Avenue, commented in favor of early voting.

William Diamond, 220 Wells Road, commented on absentee ballots, and the timing of the Town's municipal election. He noted that it behooved the Town to hold their elections, if possible, at the same time the County, the City of West Palm Beach and the State held their elections.

Ned Barnes, Palm Beach Civic Association, commented on the confusion related to early voting.

Yvelyne D. Marix, 1570 North Ocean Boulevard, commented in favor of early voting, noting that in years past, residents had come to Town Hall for early voting.

The Town Council at the March 11, 2008, Town Council Meeting will review the Town Charter to consider amending the window of time between the Town Caucus and the end of the qualifying for office.

Motion made by Council Member Coleman that the Town Council approve early voting for municipal elections held in the Town of Palm Beach, and that the elections would be paid for by the Town. The motion died for lack of a second.

Mr. Elwell advised that this item would be discussed under the cluster of items regarding the Town Charter at the March 11, 2008, Town Council Meeting.

7. Planning and Zoning Commission Appointments.
[John S. Page, Director of Planning, Zoning, and Building]

President Kleid announced that, after casting ballots, the Town Council had appointed the following to the Planning and Zoning Commission:

Regular Members:	William Anthony Dowell
	Eugene Lawrence
Alternate Members:	Martin E. Klein
	E. James Ryan

8. Approval of Schedule for 5-Year Update of Strategic Plan.
[Sarah E. Hannah, Assistant Town Manager]

Assistant Town Manager Sarah Hannah explained that the Strategic Plan was adopted in 2003, and it called for an annual update review, which, traditionally, occurred in March. She explained that due to the Comprehensive Review of Town Operations and the requirement at the 5-year mark to do a much more extensive and comprehensive review of the Strategic Plan, staff was recommending that the Town Council review be conducted after the summer months, between the October and November Town Council Meetings when residents were back in Town.

Council Member Coleman advised that he had this item pulled from the Consent Agenda because he did not believe October or November were times when the maximum number of people were in Town. He recommended that the review occur in February.

The consensus of the Town Council was to hold a Special Town Council Meeting in February 2009 for a formal review and update of the Strategic Plan.

9. Confirmation of Authorization to Re-Create Coastal Coordinator Staff Position. [Peter B. Elwell, Town Manager]

Town Manager Elwell referred to his memorandum to the Mayor and Town Council dated January 31, 2008, and included in the backup material, to provide some history on the Coastal Coordinator staff position. The Town Council had directed staff to fill this position and recruitment had begun. He noted that the job description was before the Town Council today, and advised that staff was recommending that the Town Council provide funding to allow the hiring of a Coastal Coordinator at a cost of approximately $61,000 for the remainder of FY 2008 and an estimated $120,000 in FY 2009.

Council Member Rosow discussed the reasons he had this item moved from the Consent Agenda to the Regular Agenda: the description of the caliber of person to be hired was not sufficient; the Town needed to hire a much stronger person; hire a person that had much more experience in regulatory agencies such as the Florida Department of Environmental Protection (FDEP) or the Army Corps of Engineers (CORPS); hire someone who had been through the routine and knew the people to speak to in order to obtain permits through the process. He advised that he was disappointed that the Town was looking for a person with a three-year minimum qualification, noting it was a vital position for the Town and that person should report directly to the Town Manager.

The consensus of the Town Council was to revise the job description of the Coastal Coordinator to include more than the three years of experience in the proposed job description and to leave it to the discretion of Town Manager Elwell to hire the most highly qualified candidate, with the Coastal Coordinator position reporting to the Director of Public Works Paul Brazil.

Motion made by Council Member Coleman, seconded by Council Member Markin to provide funding for the Coastal Coordinator position. On roll call, the motion carried unanimously.

XV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 2-08 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances at Article IV, Section 18-242, So as to Rescind Section 18-242 in its Entirety and to Incorporate by Reference Amendments, Corrections, Additions and Deletions to the Florida Building Code in the Manner and Form Attached; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Ordinance No. 2-08 by title, on second reading, as printed above.

Council Member Markin moved adoption of Ordinance No. 2-08 on second reading. The motion was seconded by Council Member Coleman. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 1-08 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2, Administration, to Include a New Article IX Creating a Shore Protection Board; Providing for Appointments, Terms, Qualifications, Functions, Regulations and Procedures; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John C. Randolph, Town Attorney]

Town Attorney Randolph read Ordinance No. 1-08 by title, on first reading, as printed above.

Council Member Markin moved approval of Ordinance No. 1-08 on first reading. The motion was seconded by Council Member Coleman. On roll call, the motion carried unanimously.

XVI. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision No. B100-07 - 476 South Ocean Boulevard.
[John S. Page, Director of Planning, Zoning, and Building]

Ex-parte communication was declared by Council Member Markin and President Pro Tem Coniglio with the property owner; President Kleid met with the property owner and Attorney Kolins.

A court reporter was present on behalf of the appellant.

Attorney Ron Kolins, on behalf of the appellant, displayed architectural renderings to provide a history of the project and explain the reason for the appeal of ARCOM Decision No. B100-07 - 476 South Ocean Boulevard.

Staff Comments:

Zoning Administrator Paul Castro provided staff comments and addressed the questions and concerns of the members of the Town Council.

- Staff had concerns relative to the revised plans, which required an additional variance if the parapet was to be placed on the pitched roof house.

- Timeliness of the plans relative to the Town Council having an opportunity to review either the plans with the parapet or the plans without the parapet.

- Tim Frank, Planning Administrator, was prepared to speak on the architectural issue.

- The variances related to this item were on the Agenda, but staff was recommending deferral. The reason for the request for deferral was that the plans that were being submitted, after the Development Review Committee Meeting, involved a parapet, which required a variance with a pitched roof.

- If a project was denied or ARCOM's decision was upheld, the applicant would have to wait a year or they would have to substantially modify the project to bring it back before the Architectural Commission.

Attorney Randolph advised that there was no need for an appeal to be filed in regard to a recommendation to deny a variance because it was only a recommendation.

Tim Frank, Planning Administrator, commented on the following:

- If the balustrade was removed and the variances were removed, ARCOM would rule that the project was substantially different than what had been presented. The removal of the one variance with respect to the roof would change the character of the house.

- The denial, referred to in the backup material, was based on architectural reasons, and the Chairman of ARCOM was present and could speak to the matter along with other members of the Commission.

- Staff believed that the denial was for architectural reasons, which may very well have been connected to the variance request.

- The criteria of the architectural ordinance was believed to be cited in the denial.

Architectural Review Commission Chairman Morgan Wheelock commented on ARCOM's decision to deny the project, noting that ARCOM believed a major redesign was needed.

Attorney Kolins addressed the hardship, noting that the applicant met all requirements but did have certain issues that needed to be addressed. He commented on the following items:

- The applicant was willing to work further with ARCOM if the Town Council chose not to overrule ARCOM's decision.
- The lot coverage variance was a very meritorious variance. If the Town Council granted that variance and remanded this to ARCOM, the applicant would then work further with them.

Mr. Castro clarified that this application did not meet all of the Town's lot, yard, and bulk requirements as was testified by Mr. Kolins.

Architectural Commission Member Jeff Smith clarified comments made by Mr. Castro related to yard bulk regulations.

After discussion, relative to the applicant's request for the Town Council to rule on the variances, Attorney Randolph reiterated that the issue before the Town Council was not the variances. The item relative to variances had been deferred and would be heard at the March 11, 2008, Town Council Meeting.

Mr. Kolins advised that he had not known about the deferral until now, as it was a request staff had made.

Mr. Castro clarified that staff had recommended deferral and that the applicant knew that staff was going to recommend deferral.

Council Member Markin and President Pro Tem Coniglio both agreed that the underground garage was an asset to the property.

President Pro Tem Coniglio made a motion to sustain the findings of ARCOM with the recommendation that ARCOM come to some agreement with the applicant to allow him to build the house and put this to rest.

Discussion ensued and President Kleid reiterated that the Town Council was voting only on the appeal, and the applicant would have to come back before the Town Council for the variances.

In response to Council Member Markin who questioned whether the applicant would have to wait a year before coming back before the Town Council, if the decision by ARCOM was sustained by the Town Council, Attorney Randolph explained that the applicant could come back before the Town Council with a redesigned project. He questioned whether the Town Council really wanted to remand it back to ARCOM with direction, noting that the Town Council would then be accepting the applicant's appeal by remanding it back to ARCOM with direction.

President Kleid commented that if the Town Council affirmed the appeal, the Town Council could still request that it go back to ARCOM provided that there was a substantial modification.

Attorney Kolins noted that legally, the question of the recommendation of the denial of the variances had not been deferred, and that it was staff's recommendation to defer, but that was not what had happened. He advised that the Town Council had the legal ability to vote on that variance, and if that was done and depending on how that came out, the applicant would go back to ARCOM with some of these changes. He believed that should occur today.

After further discussion, **President Pro Tem Coniglio made a motion to sustain the findings of ARCOM; the applicant should return to ARCOM with the recommendation of the Town Council that ARCOM come to some agreement with the applicant to allow him to build the house, putting this item to rest. Council Member Coleman seconded the motion. On roll call, the motion carried unanimously.**

Council Member Rosow made a motion, seconded by Council Member Markin that the Town Council suggest to ARCOM that the underground garage constituting the lot coverage issue, was not something they should consider; recommended that ARCOM reconsider the parapet and deal with the architecture of the house. The variance for lot coverage would come back to the Town Council. On roll call, the motion carried unanimously.

The applicant agreed to work with Zoning Administrator Castro to meet the legal requirements for advertising and notice for the appropriate ARCOM Agenda.

2. Request for Waiver of Section 42-198, Operation of Certain Machinery During Winter -120 Via Del Lago.
[John S. Page, Director of Planning, Zoning, and Building]

Ex-parte communication was not declared by any member of the Town Council.

Billy Locker, Project Manager for Worth Builders, reviewed the request for permission to use hot water pressure water-blasting to remove all of the paint surface on the house located at 120 Via Del Lago, which was owned by Mr. Harold Smith.

Director of Planning, Zoning and Building John Page referred to his memorandum dated January 31, 2008, and included in the backup, to review the reasons staff had recommended that this request be denied.

In response to President Pro Tem Coniglio, Mr. Locker advised that the only option to remove all of the layers of paint on the house was to use hot water pressure water-blasting.

Acting Building Official Jeff Taylor advised that without chemical assessment of the paint on the building there was no way to tell if the only available option was to use that piece of equipment. He noted that the use of that type of noisy apparatus was generally not permitted in season.

Mr. Locker responded to questions and concerns of the members of the Town Council.

Motion made by Council Member Rosow to deny the request for Waiver of Section 42-198, Operation of Certain Machinery During the Winter Season- 120 Via Del Lago. The motion was seconded by President Pro Tem Coniglio. On roll call, the motion carried unanimously.

3. Request for Waiver of Section 42-198, Operation of Certain Machinery During Winter - 447 Primavera.
[John S. Page, Director of Planning, Zoning, and Building]

Ex-parte communication was not declared by any member of the Town Council.

Gerald J. Waser, Pool Contractor, Almar/Jackson Pools, Inc, residing at 8375 Palm Street, Hobe Sound, reviewed his request for permission to excavate a swimming pool at 447 Primavera Way using a large backhoe without rubber treads, cutting excavation time in half.

Director of Planning, Zoning and Building John Page referred to his memorandum dated February 1, 2008, and included in the backup, to review the reasons staff was recommending that this request be denied.

Motion made by President Pro Tem Coniglio, seconded by Council Member Markin to deny the request for Waiver of Section 42-198, Operation of Certain Machinery During the Winter Season - 447 Primavera Way. On roll call, the motion carried unanimously.

4. Request for Waiver of Section 42-199, Hours for Construction Work -221 Worth Avenue.
[John S. Page, Director of Planning, Zoning, and Building]

John Sumner, 12407 North Mopac, Austin, Texas, on behalf of Graff Palm Beach, reviewed the request for Waiver of Section 42-199, Hours for Construction Work, 221 Worth Avenue. He explained that Graff of Palm Beach had been instructed by their insurance company to immediately install a preconstructed entry vestibule for security purposes. The work would take one day and the store would be shut down during that time.

Director of Planning, Zoning and Building John Page referred to his memorandum to the Mayor and Town Council dated February 1, 2008, and included in the backup, to review the recommendations made by staff.

Craig Miller, Director of Graff Palm Beach, read into the record, a letter from the Willis Insurance Company, London, England, advising that the insurer required a double door entry system.

Motion made by Council Member Markin, seconded by President Pro Tem Coniglio, to approve the Request for Waiver of Section 42-199, Hours for Construction Work - 221 Avenue, with the following conditions, as included in staff recommendations:

- **Work to be completed in two days.**
- **Work hours are from 8:00 a.m. to 5:00 p.m. with quiet work only between 8:00 a.m. and 9:00 a.m.**
- **No work allowed on Saturdays, Sundays, and Town of Palm Beach legal holidays.**
- **Approval of the Worth Avenue Merchants Association.**
- **No construction related parking will be allowed on Worth Avenue.**
- **No construction related use of Worth Avenue will be allowed.**
- **No workers shall congregate or loiter on Worth Avenue.**
- **No exterior work will be performed during this extension of working hours.**
- **Any verified complaints from neighbors may be cause to revoke this extension of hours.**
- **Subject to an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200-foot radius of the subject property have been notified of this request prior to 10 days of the**

scheduled hearing date.

- **Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.**
- **All materials and workers shall utilize the rear entrance of the building.**

B. Time Extensions

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes

None

2. New Business- Less Than 15 Minutes

a. VARIANCE #1-2008 The application of Mary Brittain B. Cudlip; relative to property described as Lot 35 and the North 75 feet of Lot 37, of Plat No. 3 EVERGLADES ISLAND DEVELOPMENT, according to the Plat thereof as recorded in Plat Book 23, Page 120, of the Public Records of Palm Beach County, Florida; commonly known as 555 Island Drive; located in the R-B Zoning District. The applicant requests a variance to allow lot coverage of 25.6% in lieu of the 24% existing and the 25% maximum allowed for a lot over 20,000 square feet in the R-B Zoning District. The variance is to allow the addition of a bathroom on the north side of the house and convert the entry into a family room, thereby increasing total lot coverage by 169 square feet.

Ex-parte communication was declared by Council Member Coleman via email and Council Member Rosow with the property owner, Brittain Cudlip and Attorney Maura Ziska.

Attorney Maura Ziska, on behalf of the applicant, provided an overview of the request.

Architect Tom Kirchhoff, on behalf of the applicant, presented architectural renderings of the project.

Zoning Administrator Castro advised that staff comments were related to demonstrating the hardship criteria in the code, which had not been addressed by the applicant's representative.

Responding to Mr. Castro, Architect Kirchhoff explained that the applicant could add 2,500 square feet as there was 25,000 cubic feet of space remaining, that could be developed on this property, but the applicant preferred to place it on the first floor, and basically keep it within the footprint of what was there.

Motion made by Council Member Markin, seconded by President Pro Tem Coniglio to approve Variance #1-2008.

Town Attorney Randolph requested that the motion be amended to include that the criteria applicable to this application, items 1 through 7, had been met.

Motion amended by Council Member Markin, seconded by President Pro Tem Coniglio to approve Variance #1-2008, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 has been met. On roll call, the motion carried unanimously.

3. Old Business- More Than 15 Minutes

a. SPECIAL EXCEPTION #10-2007 REVISED The application of Island Hotel, Inc., by Brad Bleefeld, Vice President and Treasurer; relative to property described as Palm Beach Hotel Condominium. Commercial Unit C-22, Per Condominium Declaration of 2/12/81; commonly known as 235 Sunrise Avenue, Unit C-22; located in the C-TS Zoning District. The application requests a special exception for a 200-seat synagogue on the top floor of the Palm Beach Hotel where a function room exists.

(i) Consideration of Proposed Declaration of Use Agreement. *Deferred from the December 11, 2007, and January 8, 2008, Town Council Meetings.*

Ex-parte communication was declared by President Pro Tem Coniglio with Mr. Reuven Blank, President of the New Synagogue of Palm Beach; and Council Member Rosow with a congregant.

Attorney James Brindell, on behalf of the applicant, presented the revised Declaration of Use Agreement.

Staff Comments:

Zoning Administrator Castro commented on the following conditions of the revised Declaration of Use Agreement as presented by Attorney Brindell:

- Article IV, Condition No. 1:

  Staff accepted the applicants compromise related to tracking events being held in the Synagogue.

- Article IV, Condition No. 4:

  The applicant needed to attach a copy of the document cited and it needed to be made an exhibit of the Agreement.

- Article IV, Condition No. 9:

  Zoning Administrator Paul Castro provided a historical overview related to 1988-89, C-22 Conference Facility, Palm Beach Hotel litigation.

  - The kitchen equipment would be used only for keeping warm pre-prepared or catered food.

- Article IV, Condition No. 10:

  The Synagogue could not hold a liquor license to sell liquor at that location, but they were allowed to cater in food and alcoholic beverages.

- Article IV, Condition No. 11:

  Attorney Brindell accepted May 15, 2008 as acceptable for completing the insulation of the wall between the Unit and the adjoining penthouse Unit 12.

- Article IV, Condition No. 15:

  The Synagogue would be allowed to request, in writing, 30 to 45 days prior to the June 10, 2008, Town Council Meeting that they be placed on the Agenda to address how the conditions in this Agreement would be complied with.

Motion made by Council Member Coleman, seconded by Council Member Markin, to approve the Declaration of Use Agreement, as amended, for Island Hotel, Inc. And New Synagogue of Palm Beach, Inc., Special Exception #10-2007 Revised, 235 Sunrise Avenue,

Unit C-22. On roll call, the motion carried unanimously.

b. <u>SPECIAL EXCEPTION #14-2007 WITH SITE PLAN REVIEW AND VARIANCES</u> The application of Janina Radtke Revocable Trust; relative to a property described as the northerly 100 feet of Lot 1, Singer Addition to Palm Beach, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 8, Page 81, together with the land lying directly east; commonly known as 476 S. Ocean Blvd.; located in the R-A Zoning District. The applicant requests special exception with site plan review to allow a single-family structure on an existing nonconforming lot of 15,001 square feet in area in lieu of the 20,000 square foot minimum required, and 100 feet in width in lieu of the 125 foot minimum required. In addition, a variance is requested to permit lot coverage of 29.12% in lieu of the maximum 25% allowed for the construction of an 8,556 square foot single family home. A variance is also requested to have a building height plane setback of 42.92 feet in lieu of the 58.67 foot minimum setback required. *Deferred from the November 13, 2007, and January 8, 2008, Town Council Meetings.* **Request for Deferral to the March 11, 2008, Town Council Meeting Per Memorandum Dated February 1, 2008, From John S. Page.**

Special Exception #14-2007 with Site Plan Review and Variances was deferred to the March 11, 2008, Town Council Meeting.

c. <u>SPECIAL EXCEPTION#15-2007 WITH SITE PLAN REVIEW AND VARIANCES</u> The application of Palm Beach Day Academy, Inc.; relative to property described as lengthy legal description on file; commonly known as 241 Seaview Avenue; located in the R-B Zoning District. The applicant requests a special exception with site plan review to modify a previous condition of approval on Special Exception#13-2002 with Site Plan Review to allow the portable trailer to remain through the 2008-2009 academic year (June 2009); special exception with site plan review is also being requested to build a 41 space gated parking lot on the west field for school parking and student drop

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off and pick up. Variances requested for the parking lot are as follows: a variance for a minimum overall landscaped open space of 46% in lieu of the minimum 55% required; a variance for a minimum drive aisle width of 13 feet for one-way 45-degree parking, in lieu of the 15 foot minimum required; a variance to allow off-street parking within the front setback of 9.8 feet in lieu of the 25 foot minimum required. *Deferred from the December 11, 2007, and January 8, 2008, Town Council Meetings.*

*(**RECOGNIZED** Item XVI.C.3.c., Special Exception #15-2007, Palm Beach Day Academy, 241 Seaview Avenue, was modified on January 11, 2008, which was not changed on the agenda on the website. This application modified the plans by reducing the size and design of the parking lot from 41 parking spaces to 24 parking spaces. This revised application eliminated the variances requested in the original application.)*

Ex-parte communication was declared by Council Member Coleman, Council Member Markin, Council Member Rosow, President Pro Tem Coniglio, and President Kleid with Head of the Palm Beach Day Academy Dr. Rebecca van der Bogert.

Head of Palm Beach Day Academy Dr. Rebecca van der Bogert noted that she appreciated the time everyone had put into this issue. She thanked the Town Council for the opportunity to provide a brief history of the proposed plan to create more parking spaces on the portion of the west field of the Palm Beach Day Academy.

Attorney James Brindell, on behalf of the applicant, displayed architectural renderings to provide an overview of the proposed plan. He advised that the description of the Special Exception was not correct as previously noted.

Mr. Brindell commented on the following:

- The Palm Beach Day Academy requested to be allowed to extend the use of the portable unit containing two classrooms through the 2008-2009 school year, until June 15, 2009.

- The two parking spaces, across the street and in front of the faculty house, next to the gymnatorium, be posted to allow 15 minute parking, Monday through Friday, 7:30 a.m. - 3:30 p.m.

- The suggestion by Town staff to place another control gate at the west end of the parking lot.

- The applicant wanted to ensure that if a hedge was placed on the west end as requested by Town, that it was low enough to ensure visibility out on the field for security purposes.

Staff Comments:

Zoning Administrator Castro commented on the following:

- Schools were special exception uses within the zoning district. The parking lot and the vacant field used to be single family homes.

- Portable Unit:
  The applicant requested that the transfer of the six parking spaces to be built once the trailer was removed to the proposed parking lot.

- Staff review on the impact to the surrounding neighborhood relative to the parking lot from a standpoint of noise, aesthetics, drainage impacts.

- Staff recommended certain conditions be placed on this request to ensure that impacts to the neighbors were mitigated as much as possible:

  - The parking lot only be used by faculty and staff.
  - The parking lot should be opened during peak morning and peak evening hours with some type of secured gating system possibly a scanning bar with sliding gate so when school was in session, the lot was secured.
  - Staff recommended that the lot be locked in the evening.
  - Staff recommended low level lighting for the parking lot and for the entire field to be used only during special events.
  - Public Works requested that the Palm Beach Day Academy provide the neighbors to the north a retaining wall to help keep the drainage on their property and provide 2' storm water retention in the form of engineering as well as design.
  - Modification of the Declaration of Use Agreement to require the hedge material be maintained at a height of at least 12' to 14'.
  - Revise the Declaration of Use Agreement to reflect any conditions related to this and the enforcement provisions recently adopted by the Town Council, to be incorporated into the Declaration of Use Agreement.

Responding to Mr. Brindell, Mr. Castro advised that staff preferred cars using the

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parking lot were issued a bar-coded sticker rather than the use of a key pad to enter.

Alexandra Anlyanan, 154 Atlantic Avenue, requested that the Town Council deny the request of the Palm Beach Day School, noting that there were other options to be considered to deal with this. She commenting on the following:

- Drainage issues should not be exacerbated.
- Palm Beach Day Academy should provide permanent solutions.
- Negative impact of the school on the neighbors.
- Requested each member of Town Council walk into the backyard of each house on the street to observe the impact of the school on their properties.
- Resident hardships.

Michael Spaziani, 322 Seaspray Avenue, provided a slide presentation as well as a history of the Palm Beach Day School/Academy. He commented that the major objection to the parking lot was the loss of green space, environmental problems and loss of property values.

Mr. Spaziani read a letter to Mayor McDonald from John Lucks, 332 Seaspray Avenue, into the record, which expressed his opposition to the parking plan. He explained that Mr. Lucks was unable to attend today's meeting.

Leslie Shaw, 318 Seaspray Avenue, commented on the following:

- Referred to recommendation he had made when he was on the Town Council for a mutual agreement between the Town and the Academy to allow for an easement which shifted the parking area into the playing field on the west. An easy fix would be to allow on the east field what was on the west field.
- If the field was not actively being used for sports, then the next step might be to consider diagonal parking, increase the amount of the cut in on the west field and increase the amount of parking without actually taking away excessive green space.
- Drainage issue.
- Supportive of the school, noting that it was not a bad neighbor, but there was the constant din of machinery running;
- The concern relative to the actual parking lot was the impact of the parking lot for the residents.

Discussion ensued with the Town Council Member Markin commenting on the following:

- The Town Council had an obligation to stand firm relative to the Strategic Plan relative to preserving green space and to exhaust all other options for parking.

- Enforcement would fall under the new form of Declaration of Use Agreement: $2,000 instant penalty.
- Removal of six (6) spaces from the proposed plan because the trailer, when removed, would provide those six (6) spaces.
- Increased enrollment population/cap placed on student enrollment.
- Deed restriction.

Barry Donahue, 346 Seaspray Avenue, advised that he had been a resident of the Town for ten years and lived directly behind the west field, and that when he purchased his home, there was a small home behind his, which the school purchased. He commented regarding noise and the visual disturbance of the parking lot, requesting that the Town Council consider the impact this proposal had on the neighbors.

Beth Cole, 1193 North Lake Way, advised that she was a Palm Beach Day Academy parent for ten years. She encouraged the Town Council to work with the Academy expeditiously on the proposal, commenting that the Academy was Town serving; the parking issue was not a matter of convenience, but a crisis situation; and on property values.

Discussion ensued relative to compromise between the Academy and its neighbors; property values; ratio of faculty to students; green space; traffic and parking problems exacerbated by the Public School rebuild; noise; drainage; port-o-let; trust issues; and construction of a 10' wall.

Motion made by Council Member Markin to deny parking in the field at this particular point and time.

Attorney Brindell requested that the applicant be allowed to defer the application in order to pursue the requests of the Town Council.

Council Member Markin amended her motion and deferred Special Exception #15-2007 with Site Plan Review and Variances. The motion was seconded by Council Member Rosow. On roll call, the motion carried unanimously.

In response to Council Member Rosow, Mr. Castro advised that he would further investigate the issue of the Public School keeping their lights on 24-7. He noted that he had contacted Kris Garrison, Director of the Palm Beach School District Planning Department. He advised that he would follow up with her and report back to the Town Council on his findings.

Mr. Brindell advised that the applicant would provide a status report to the Town Council at the March 11, 2008, Town Council Meeting.

d. SITE PLAN REVIEW #23-2007 WITH SPECIAL EXCEPTIONS AND VARIANCES Application of L.G.Lima, LLC (Robert and Donna Lloyd George, Principles); relative to a property described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; commonly known as 333 Peruvian Avenue; located in the C-TS Zoning District. Applicant requests Site Plan Review to construct a new three story 10,607 square foot building. The first floor is to include retail space and twenty-nine (29) parking spaces. The second floor is proposed to include a mix of residential and office uses. The third floor is to include a fountain, two open pergolas, open deck and landscaping. Also, a request for special exception to permit a second floor, special exception to permit approximately 3,910 square feet of residential tenancy on the second floor. Request a variance to permit height of 28.67 feet in lieu of 25 feet maximum height permitted. A variance to permit backing isle for parking with width of 21.5 feet in lieu of 25 feet minimum required for ninety degree parking; a variance to permit parking spaces with a width of 8.5 feet in lieu of 9 feet minium required; a variance to permit five (5) stacked parking spaces to be serviced by valet parkers to comply with the requirement of 29 total parking spaces; a variance to permit front set back of 11 feet in lieu of 13 feet minimum required; a variance to permit third floor use for an elevator, fountain, open deck and open pergolas in lieu of the two story maximum permitted; a variance to permit total floor area of 22,230 square feet in lieu of 15,000 square feet permitted; a variance to permit side yard setback on both side yards of 5 feet in lieu of 6.84 feet minimum required; a variance to permit balcony on the west side with setback of 1 foot in lieu of 2.84 foot minimum required and on the east side with setback of 1 foot in lieu of 2.84 minimum required; and a variance to permit no commercial loading zone in lieu of one required. *Deferred from the December 11, 2007, and January 8, 2008, Town Council Meetings.* **Request for Deferral to the March 11, 2008, Town Council Meeting Per Letter Dated January 18, 2008, From M. Timothy Hanlon.**

Site Plan Review #23-07 with Special Exceptions and Variances was deferred to the March 11, 2008, Town Council Meeting.

4. New Business- More Than 15 Minutes

a. SPECIAL EXCEPTION#1-2008 WITH SITE PLAN REVIEW AND VARIANCES The application of Royal Poinciana Chapel, Inc., by Brian LaRue, Secretary; relative to property described as lengthy legal description on file; commonly known as 58 & 60 Cocoanut Row; located in the R-B Zoning District. The applicant requests a special exception with site plan review to allow for the proposed modification in the Special Exception use and site plan. The proposed modifications would allow a small second story expansion to the south side of the Royal Poinciana Chapel to accommodate new air conditioning equipment which is needed for the Seagull Cottage and the Chapel. The new equipment would be placed within an enlarged enclosure over the Chapel's storage room. In addition, the previously approved columbarium expansion has been redesigned in a configuration, which makes it larger and places it closer to the south property line. Finally, the previously-approved site plan has been modified to reflect proposed changes in landscape open space area; the variances being requested would allow a side setback of 13.25 feet (south side) for the air conditioning enclosure expansion in lieu of the 30 foot minimum required; a side setback of 10.10 feet (south side) for the columbarium expansion in lieu of the 30 foot minimum required; landscaped open space of 47.17% in lieu of the 55% minimum required for a lot greater than 60,000 sq. ft.; a building height (two-story building) of 22.67 feet for a parapet of the air-conditioning equipment enclosure in lieu of the 22 foot maximum; a variance for a Cubic Content Ratio (CCR) of 4.38 in lieu of the maximum 3.5 CCR allowed by Code for a lot greater than 60,000 sq. ft.

Ex-parte communication was declared by President Pro Tem Coniglio with a member of ARCOM concerning the plan.

Town Attorney James Brindell, on behalf of the applicant, explained that there were two components to the project:

1. The proposed expansion of the existing air-conditioning facility to upgrade the unit.

2. A proposed expansion of the columbarium and revision of the garden area.

Mr. Brindell advised that the application would be bifurcated and discussion would occur today on the request relative to the proposed expansion of the existing air-conditioning facility to upgrade the unit. It had been discovered a few days ago that the calculations used in the application only addressed the proposed expansion of the existing air-conditioning area and that the applicant would have to revise an application and re-notice it with respect to the columbarium and the garden area.

In response to Council Member Coniglio, Zoning Administrator Castro commented that staff was always concerned about bifurcating an application and in most cases would recommend the entire project be deferred and considered in totality. In this case, they were somewhat separate issues, and staff believed they could proceed forward with the air-conditioning component, coming back at a future date on the other component.

Responding to Architect Jackie Albarran, Mr. Castro advised that the second component might have to return to ARCOM for reconsideration of the increased variance relief for the Plaza itself and the columbarium.

Architect Jackie Albarran, on behalf of the applicant, displayed architectural renderings and photographs, and along with Attorney Brindell presented the proposed project.

Staff Comments:

Zoning Administrator Paul Castro commented on the following:

- ARCOM had no concerns relative to the plans for the proposed chiller area.

- Staff had concerns related to the impact on the neighbors.

Council Member Coniglio addressed Ms. Albarran to advise that she had heard from members of ARCOM that the site would not be impacted by this replacement. She expressed her appreciation for the hard work that the Royal Poinciana Chapel had done to incorporate Seagull Cottage into their Church. She noted that, by the fact that there had been no complaints by the neighbors, she would support this project; but she stated clearly that she had a tremendous level of trust with that relationship and with that commitment, and should a neighbor complain, it would have to be addressed.

Motion made by President Pro Tem Coniglio, seconded by Council Member Markin to approve the first component of Special Exception #1-2008 with Site Plan Review and Variances for the expansion of the existing air-conditioning facility to upgrade the unit

with the condition that the applicant would address any complaints made by the neighbors.

In response to Council Member Coleman, Brian La Rue explained that it was expected the system would cost at least $500,000 or more and a special engineer would handle noise abatement.

Attorney John Randolph requested that the motion be amended to include that the Town Council made a finding that this meets all of the requirements for special exception with site plan review and variances.

President Pro Tem Coniglio amended the motion to grant the first component of Special Exception #1-2008 with Site Plan Review and Variances for the expansion of the existing air-conditioning facility to upgrade the unit with the condition that the applicant would address any complaints made by the neighbors, based upon the finding that such approval would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was seconded by Council Member Markin. On roll call, the motion carried unanimously.

In response to Council Member Coleman, Mr. Brindell advised that he had compiled a list of items to follow up on, and he would report back at the March 11, 2008, Town Council Meeting.

b. SPECIAL EXCEPTION #2-2008 The application of New Bradley House, LTD (George Levin); relative to property described as The East 10 feet of Lot 30 and all of Lots 31-37 inclusive, FLORAL PARK, a subdivision in the Town of Palm Beach, Florida, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach, Florida, in Plat Book 2, Page 6; commonly known as 290 Sunset Avenue; located in the C-TS Zoning District. The applicant requests a modification to the previously approved Special Exception #10-2002 Condition Number 3 to allow the restaurant to be open for lunch between 11:00 a.m. and 3:00 p.m. and to allow for a modification which would allow for the use of the parking lot previously approved for off-site supplemental parking for the restaurant during the proposed lunch hours. **Request for Deferral to the March 11, 2008, Town Council Meeting Per Memorandum Dated February 4, 2008, From Maura A. Ziska.**

Special Exception #2-2008 was deferred to the March 11, 2008, Town Council Meeting.

c. MODIFIED SITE PLAN REVIEW #22-2007 WITH VARIANCES

The application of Sirenity Investors LTD (Kasia Adelstein, Director); relative to property described as The west 80 feet of Lot 1, Block 2 of "Villa Marine", according to the Plat thereof, as recorded in Plat Book 2, at Page 98 of the Public Records of Palm Beach County, Florida; commonly known as 106 Hammon Avenue; located in the R-C Zoning District. The applicant requests Site Plan Review to renovate and convert a non-conforming two story 12 unit multi-family building into a two story 4 unit building. The site plan is being modified by renovating the existing building in approximately the same footprint with the following modifications: 1) remove and replace all windows with impact windows and add decorative surrounds; 2) MODIFICATION: add a pitched roof to replace the flat roof; 3) remove concrete walkways and replace with grass; 4) remove canopy, stairs and piers from front entrance; 5) relocate entrance from north side to west side of the building; 6) add handicap ramp to west side of building; 7) remove roofed staircase on west side of building; 8) add 47 square foot second floor balcony on east side of building; 10) lowering the interior 1 st and 2nd floors to create taller ceiling heights on both floors; and 11) MODIFICATION: relocate the air condensing units from the roof to the rear setback. The variances requested to accomplish the modifications to the site plan are as follows: (I) to construct a pitched roof which would increase the height of the building in a required front yard setback. The additional height will be a maximum of 10 feet taller than the existing building with a front yard setback of 5.67 feet in lieu of the 25 foot minimum required; (ii) to construct a pitched roof which would increase the height of the building in a required rear yard setback of 5 feet in lieu of the 30 foot minimum required; (iii) east side yard setback of 8 feet in lieu of the 20 foot minimum required to enclose an existing covered entry and add a covered balcony and to construct a pitched roof which would increase the height of the building in a required side yard setback. The additional height will be a maximum of 10 feet taller than the existing building with a side yard setback of 8 feet in lieu of the 20 foot minimum required; (iv) west side yard setback of 8 feet in lieu of the 20 foot minimum required for a balcony and to construct a pitched roof which would increase the height of the building in a required side yard setback. The additional height will be a maximum of 10 feet taller than the existing building with a side yard setback of 8 feet in lieu of the 30 foot minimum required; (v) overall height for the pitched roof to be 34 feet in lieu of the 31.5 feet maximum allowed; (vi) height for the tie beam to be 24.1 feet in lieu of the 23.5 feet maximum allowed; (vii) to allow three (3) air conditioning condensing units in the rear setback that will be 3 feet from the property line in lieu of the two allowed and the 5 foot minimum setback required.

Ex-parte communication was declared by President Pro Tem Coniglio with the President of the Winthrop House and Council Member Rosow with Attorney Maura Ziska.

Attorney Maura Ziska, on behalf of the applicant, provided an overview of the project. She noted that Kasia Adelstein, Principal of Sirenity Investors LTD and Architect John Moore were both present.

Ms. Ziska advised that they had been approached by a neighbor on the westside after the ARCOM meeting held two weeks ago, informing them that he had not been noticed, which was not the case. Zoning Administrator Castro had proof that the neighbor had received notice relative to this request. She advised that a meeting had been held with the neighbor who expressed the following concerns:

1. The applicant declined to lower the pitch of the roof as requested by the neighbor.
2. The applicant had agreed to place landscaping between the properties, but had not agreed to enter into a recorded agreement to maintain the landscaping.
3. The applicant had agreed to place a construction fence around the property during construction.

Ms. Ziska requested Town Council approval to move this project forward, as she believed her client had gone overboard to work with the neighbors.

Staff Comments:

Zoning Administrator Paul Castro commented on the following:

- For the record, the Certified Registered notices had been signed by a Steven Lindburgh, on behalf of Cummings-Karp, registered owner of the property at 110

Hammon Avenue, on October 25, 2007 on January 15, 2008.

- The applicant had modified the plans based upon the concerns of the neighbors located directly to the north, relative to putting a pitched roof on the building, to eliminating the air-conditioning units on the roof as well as any access under the roof.

- The applicant required an additional variance for the air-conditioning units on the ground.

- The applicant needed to address the hardship criteria in the code relative to several of the variances requested.

Attorney Ziska addressed the hardship, which ran with the land and also the property was non-conforming in size, width, and depth for a multi-family building.

Public comment was made by Rosemary Reder relative to her opposition to the project.

Attorney Ron Kolins, on behalf of Mr. and Mrs. Karp, advised that they were the only residents of the Town immediately affected by this project. The other abutting uses, he believed, were commercial uses. He noted, for the record, that his client objected to all of the variances and that the applicant had not met any of the criteria for the variances. He commented on the three requests made by his client as previously discussed by Attorney Ziska and requested that the Town Council either deny the application in its entirety or if granted, do so conditioned upon the requests made by his client.

In response to Council Member Coleman, Attorney Randolph advised that there was no right to a view over another person's property.

After discussion, Attorney Kolins requested that a meeting be held between Mr. Castro, Ms. Ziska and himself to discuss the process relative to construction fencing and netting.

Architect John Moore, on behalf of the applicant, displayed architectural renderings in order that Ms. Ziska review the pitched roof request. She advised that she believed the request of Mr. And Mrs. Karp was an empty request, which the applicant did not need to accommodate.

Attorney Kolins distributed photographs, which showed his client's view to the northeast to discuss this issue further. He noted that any type of pitched roof on this house would impose upon the neighbor, and if the price that had to be paid was to go back to ARCOM, that was a very small price to pay.

Attorney Joseph Janssen, on behalf of the Winthrop House, 100 Worth Avenue, clarified several issues and objected to comments made by Attorney Kolins.

Architect John Moore advised that a 4-12 pitch was a classic pitch for the proportions of an Italian design such as this and many roof manufacturers would not warranty a roof that was less than a 4-12 pitch.

After further discussion, **Council Member Markin made a motion, seconded by Council Member Coleman to approve Modified Site Plan Review #22-2007 with Variances. The approval is based upon the finding that the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use had been met and that satisfactory provision and arrangement had been made concerning Section 134-329, items 1 through 11 with the condition that the applicant would put construction fencing and netting in as agreed upon. On roll call, the motion carried unanimously.**

D. Other

None.

XVII. ANY OTHER MATTERS

A. Request Board of Trustees of the Internal Improvement Trust Fund to Establish an Erosion Control Line for Reach 8 Beach Restoration Project. [Paul Brazil, Director of Public Works]

<u>RESOLUTION NO. 14-08</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Requesting the Board of Trustees of the Internal Improvement Trust Fund to Establish an Erosion Control Line for the Reach 8 Beach Restoration Project and to Approve the Project.

Director of Public Works Paul Brazil briefly reported on the draft permit the Town had obtained from the Florida Department of Environmental Protection (FDEP) at the end of last week. He commented on the following:

- Staff reviewed that permit, and early today, there was a conference call with FDEP to work through some of the potential conflicts and concerns, in particular those related to the Erosion Control Line. (ECL).

- Staff, procedurally, was requesting that the Town Council approve Resolution No.

14-08.

- FDEP tentatively set a Public Hearing in Town Council Chambers for March 7, 2008.

- Staff would assist FDEP to move this process forward in any way possible.

Motion made by Council Member Markin, seconded by President Pro Tem Coniglio to approve Resolution No. 14-08. On roll, call the motion carried unanimously.

XVIII. ADJOURNMENT

There being no further discussion, the February 12, 2008, Town Council Meeting was adjourned at 7:20 p.m.

Please see "Exhibit "A" (Report of the Public Works Committee Meeting Held on January 3, 2008) as identified under Item XII.J.1.

APPROVED:

Richard M. Kleid
Town Council President

ATTEST:

Susan A. Eichhorn
Town Clerk

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"Exhibit A"

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON JANUARY 3, 2008

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee Meeting was called to order on Thursday, January 3, 2008, at 1:00 p.m., in the Town Council Chambers. On roll call, Chair Susan Markin and Committee Member Coniglio were present.

Others present for all or a portion of the meeting were:

Thomas G. Bradford - Deputy Town Manager
Kirk Blouin - Police Department Support Services Captain
James Bowser - Town Engineer
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
Veronica Close - Assistant Director of Planning, Zoning, and Building
Charles Langley - Public Works Assistant Director
John Page - Planning, Zoning, and Building Director
Jeff Taylor - Acting Building Official
Susan A. Eichhorn - Town Clerk

II. APPROVAL OF AGENDA

The consensus of the Public Works Committee Members was to change the order of the discussion items. Item IV., CONSTRUCTION PERMITTING PROCESS, would be addressed before Item III., DISCUSSION REGARDING CAPITAL IMPROVEMENT PROJECTS.

Chair Markin explained the purpose of the meeting as follows:

1. To improve and make the Town's permitting process more efficient;
2. To make people more aware of the Public Works' Capital Improvement Projects.

III. DISCUSSION REGARDING CAPITAL IMPROVEMENT PROJECTS
(Discussed after Item IV., Construction Permitting Process)

Director of Public Works Paul Brazil advised that Assistant Director Charles Langley would discuss the approved, 5-year short-term Capital Improvement Projects, and Town Engineer James Bowser would discuss the long term Capital Improvement Projects.

Assistant Director of Public Works Langley referred to the memorandum to the Mayor and Town Council dated December 28, 2007, and included in the backup material, to summarize the Capital Improvement Program, Fund 307, FY 2008 through 2012.

Mr. Langley commented on the following and responded to the questions and concerns of the Public Works Committee Members along with Mr. Brazil, Assistant Director of Public Works Eric Brown and Deputy Town Manager Bradford:

- Storm Water System
- Sanitary Sewer System
- Streets and Roads
- Bury FPL Overhead Lines
- Refurbish Memorial Fountain
- Water Main Improvements
- Fuel Tank Replacement Program
- North Fire-Rescue Station

In response to Chair Markin, Mr. Langley explained that most of the projects were less than a year old and some were within the last six months. The numbers he had discussed were for projects that were scheduled to go to construction. He advised that most of the costs for known projects were good, but there might be things that Public Works did not anticipate, such as the occurrence of the concrete shortage.

Town Engineer Bowser referred to the Capital Improvement Program (CIP) Forecast dated December 27, 2007, and included in the backup material, to provide a broad overview of the long term CIP beyond the published Five-Year Plan, for years 6 through 20. He commented on the following items and responded to questions and concerns of the Public Works Committee Members along with Mr. Brazil:

- Coastal Management Program
  - Noted that each year the Town prepared a document titled, "Long-Range Budget Plan," which was submitted to the State and was included in the Town's funding requests.
- Town Buildings

- Storm Drainage Pump Stations
  - D-9 Pump Station, Mediterranean Road, was scheduled for upgrade/renovation under the 2001 Storm Drainage Improvement Plan as was D-10.
  - Money had been programmed for storm station rehabilitation, in the out years. It was recommended for FY 2009.

Mr. Bowser commented that he believed the station should be expanded rather than making interim improvements to keep it at a limited pumping capacity.

Ms. Coniglio questioned whether there was a chart listing the planned projects, which were no longer going to be funded due to the defeat of the bond referendum, and if in fact, how could those be funded and when could they be funded.

Mr. Brazil responded that those projects could be accomplished through the Storm Water Program, noting that there were two components: pump stations and collection system in the ground. He advised that both of those components were used to increase the level of service. The Town had constructed the new stations that had been planned to construct, which had never existed before, and some rehabilitation had been done to increase the capacity of some of the existing stations. He advised that if the program was not to be continued, the funding that would be asked for was rehabilitation money for existing stations. Money would not be requested to increase the capacity of the collection system, but just repair what was already underground.

In response to Ms. Coniglio, Mr. Brazil advised that relative to D-9 the Town was at a fork in the road, either they did one program or the other: rehabilitation or improvement. Money would be wasted if both were tried or it was staged over time. It did make economic sense to increase capacity, but the Town might literally not have the money to do it.

Mr. Bowser commented that instead of finishing the 2001 Storm Drainage Improvement Plan over the next five years, it could be done over the next fifteen or twenty years. The blueprint could be continued as long as the stations were not falling into a state of disrepair and could not provide the level of service expected. It was an analysis that needed to be done, and it was part of the 6 through 20-year plan.

Chair Markin noted that the backup contained capital expenditures for various pump stations, and that a list of all the different stations and the order Public Works was trying to do them had been given to the Town Council, which combined, provided a full picture as to what the costs would be by pump station, by location.

Chair Markin referred to pages three and four of the backup, expressing concern over the information that equipment had not been updated since Bond Issues in 1956 or 1962, and that

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the mains had served the Town for 50 years, and it was hoped that they would last 75 years. The backup stated, "An acoustic study, or condition survey, similar to that done in West Palm Beach, may be prudent in the future for the evaluation of the Town's force mains." She questioned whether a study had been done before, and if so, when was the last time it was done."

Mr. Bowser responded that one had never been done, noting that in his twenty years with the Town, there had been a very limited number of breaks, but when they occurred, an engineering analysis was conducted to determine the cause of the break. If it was determined that a segment had significant deterioration, rather than an isolated problem, a line was replaced. He noted that a reserve had been started at one time for force main replacement. He believed that the force mains were in really good shape, but there were some that could lend themselves to an acoustic study. He reiterated that the Town did not have a lot of breaks and they were not recommending replacement of the force mains at this time. He advised that the Town did not have a reserve account and recommended the establishment of one, funded on an annual basis.

Mr. Brazil advised that presently the Town had in reserve $237,000, which would get the acoustic study started. The Town had consolidated, in the proposed out years of the Capital Program some of the various line items that were placed in sanitary. The Town needed to accumulate those funds, over time and hopefully, pick them off project by project with an affordable amount each year. He explained, that historically, Public Works had always stayed ahead of these items and historically, the Town Council had funded and invested in the infrastructure much better than most communities.

Discussion ensued relative to the large projects facing the Town. Mr. Brazil advised that the dollars being looked at and the projects being discussed were just to maintain the present system.

Chair Markin noted that one of the reasons for holding this meeting was to bring an awareness of these long term potential expenditures needed to maintain the Town's infrastructure. She advised that she agreed with Mr. Brazil that the Town had been very good, through the efforts of previous Mayors and Town Councils, in funding and investing in the infrastructure, and she believed it was very important, from this Committee's perspective, to bring a renewed awareness to the Town Council.

Chair Markin commented, relative to the bond referendum, that a response had been received from the tax payers that they did not want to pay debt service on projects, which she said further supported the need to build a reserve as an insurance policy for funding these projects. She explained that when projects were done, the Town would pay cash for them, and not have to pay cash plus debt service.

Mr. Brazil explained that what they had tried to do during the budget process was, at the very least, show the Town Council the five-year window of what was available. There were very

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few opportunities to show years 5 through 20.

Chair Markin advised that she believed they needed to put some kind of earmark on a number so that the Town Council did have a goal when talking budgets, and that when they were making choices for many different projects, what the potential earmark number would be. The number could be increased or decreased every year, but at least, there would be an emphasis on having a number there.

Mr. Bradford noted that absent of an unusual circumstance, a good rule of thumb for funds set aside in reserve for renewal and replacements, was typically 5% of the utilities budget. He advised that for sanitary sewers, the typical target would be to set aside 5% per year of the total budget. The Town did not have a normal environment as it had high water tables, brackish water, and other odd issues, which had to be taken into account.

In response to Chair Markin, Mr. Bowser responded that he used the budget that the regional plan used: 2% of the asset value. He noted that in using 2%, all assets could be replaced in fifty years, if everything had an average useful life of fifty years, but with the 2% there was a shortfall because of major work that had to be done there. He noted that they were not falling short by a lot, perhaps $10 million over twenty years, a half million dollars a year on average based on today's dollar.

Ms. Coniglio noted that it appeared one of the goals would be to prioritize projects, with the knowledge that there could be an emergency situation, which would leave the Town, at that point, without the funds needed.

Mr. Brazil responded that the 5-Year Capital Program had been presented by priority, by contingency, and how it would be dealt with.

ACTION ITEM:

Chair Markin requested the following as an action item:

A justifiable formula should be created so that when budgets were being discussed at the Town Council level, it would not be ignored, and that it was put in as a priority with whatever figure seemed reasonable. It did not mean that the figures would be increased or decreased year to year, but that there would be an objective. It could be brought to the Town Council as an expectation, which could be seen as part of the Town's budgetary forecast. On the discussion relative to 2% and 5% of the asset value, it needed to be somewhere in the middle.

In response to Mr. Brazil, Chair Markin advised that they the Committee would like to stop reviewing this section of the report at this point. She noted that it was a consensus of the Committee that the ultimate goal was to receive a report from Public Works with the requested information. She requested that a followup meeting be held within the next 30 days when the formula would be available for discussion.

Discussion ensued and Chair Markin advised that 60 days would be acceptable for the meeting to be held. Mr. Brazil suggested he be allowed to fall back and discuss it as a group at the Public Works level, and then come back to Ms. Markin to set up a meeting schedule.

IV. CONSTRUCTION PERMITTING PROCESS

A. Communication Between the Planning, Zoning, and Building Department and the Public Works Department

Chair Markin welcomed Director of Planning, Zoning, and Building (PZ&B) Department Director John Page, noting that even though this was a Public Works Committee Meeting, he volunteered, as the new Director, to participate knowing that the permitting process sometimes became intertwined and overlapped. She introduced Deputy Town Manager Bradford, thanked Committee Member Coniglio for participating today, and requested Director of Public Works Brazil to introduce the members of his team.

Director of Public Works Brazil introduced the following Public Works staff members:

Eric Brown - Assistant Director of Public Works
Charles Langley - Assistant Director of Public Works
James Bowser - Town Engineer

Mr. Brazil provided a brief review of the permitting process commenting on the following:

1. Coordination between Public Works and Planning, Zoning, and Building for all permit applications and one stop permitting

2. Plan Review

- Erosion Control Plan
- Demolition Plan
- Construction Site Utilization Plan
- Site Plan
- Drainage Plan
- Easement Encroachments/Abandonments

- Landscape Plan
- Electrical Plan
- Plumbing Plan
- Driveway Replacement
- Shoreline Structures

3. Right-of-Way Permitting

4. Inspections

5. Public Works Certificate of Occupancy (CO) Review

Mr. Brazil concluded his review and reiterated the reason for today's meeting, as stated by Chair Markin, was to discuss and receive input on the Public Works side of the permitting process, which included construction permits and Right-of-Way inspections and permits. The construction permitting process performed by other departments (PZ&B) would not be discussed at this meeting.

Chair Markin commented on the statement in the backup material provided for this meeting that "Most plans were accomplished the day they are received by Public Works staff. In exceptional cases, plan reviews may take up to 10 working days."

Mr. Brazil responded that plan reviews were done, on the most part, by Project Engineer Martin Gauthier and Public Works Inspector Allan Powery handled Right-of-Way permits and inspections. He explained that the goal was to have a set of plans picked up from PZ&B, that day the plans would be reviewed and comments made. The next day the plans would be returned to PZ&B. He advised that Public Works only had a small part in the plan review process.

Mr. Brazil responded to Ms. Markin's comment that there was the perception that permits were held up in the Public Works Department, noting that unfortunately that has been a common comment for many years, and he was aware of that perception. He advised that not all plan reviews happened in one day. He explained that early on in his career with the Town, he had performed plan reviews himself, and was very familiar with the process. He explained that not all plans were perfect upon arrival for first review. He mentioned that there were times when something relatively small could be dealt with directly by his contacting, over the phone, the civil engineer who could then begin making the necessary revisions. The goal in doing that was to expedite the process.

Mr. Brazil responded that the applicant submitted the plans to the Planning, Zoning, and Building Department and filled out an application. Public Works tracked when the plans were received and when they were returned PZ&B. He explained that Public Works worked behind PZ&B who physically received the plans and was the face to the applicant for the building permit process. The Public Works Plan Reviewer physically went to PZ&B to pick up the plans that were ready, the plans would be signed out to him, the plan review was done, the plans were returned to PZ&B by him with written comments, and the plan reviewer signed them back in.

Director of Planning, Zoning, and Building John Page explained that, as the new Director, he was asking many of the same questions being asked today in order to learn the process and departmental operations. He requested that Assistant Director Close respond to questions concerning the time line.

In response to Chair Markin, Assistant Director of Planning, Zoning, and Building Veronica Close advised that the plans remained at PZ&B for about a day before they were picked up and taken to Public Works.

Mr. Brazil responded to Ms. Markin that Plan Reviewer Martin Gauthier would have something to drop off and pick up every day. The position of plan reviewer was developed to ensure that there was improved interaction between Public Works and PZ&B, and Mr. Gauthier was the only staff member assigned that responsibility on a full time basis; he also did inspections. He advised that if Mr. Gauthier took a vacation, sick day, etc., he would temporarily be replaced by the project engineer.

Mr. Brazil explained that Public Works had its own tracking system for plans that were physically brought into the building, which was done by the plan reviewer.

In response to Committee Member Coniglio, Mr. Brazil explained that the plans were logged in on the spreadsheet by the tracking number assigned by PZ&B. Mr. Gauthier would manually return the plans to PZ&B when he was finished with the plans. Public Works has had several meetings with applicants at the Public Works Department to review the plan review process.

Ms. Close responded that PZ&B had a digitized logging system to track when the plans came in and when they went out. She explained that at any given time when an applicant phoned in relative to their plans, PZ&B would be able to tell them where they were in the process. She advised that the spreadsheet could not presently be placed online. The new software system would have that capability. It was expected that the system would be put on line in the Fall.

In response to Ms. Markin who questioned whether the applicant was notified when plans were returned to PZ&B, Ms. Close responded that the plans were placed in a bin for the applicant to check on and see if they were ready, as PZ&B did not have the resources to notify applicants. She explained that there was nothing to prevent PZ&B from doing that, but it was a matter of how much time was allocated to do specific duties.

In response to Committee Member Coniglio, Ms. Close advised that there were approximately 60 permits daily for final approval, and Mr. Brazil noted that not all of those permit applications had to go through Public Works.

Ms. Markin questioned whether any other method of notification had been looked into and if there was anything via the internet that could be checked just by entering a tracking number.

Ms. Close responded that the new system would allow owners/contractors to check the status of a permit application, which PZ&B believed was a service that should be provided.

In response to Committee Member Coniglio, Mr. Brazil provided the following example of a time line for Martin Gauthier:

- Picked up and dropped off plans on Monday;
- Conducted field inspections while out of office;
- Finished reviews sometime on Tuesday;
- Consulted with others, if a problem existed;
- Returned to PZ&B w/comments on late Tuesday/early Wednesday, if there was nothing abnormal with the project.

In response to Committee Member Coniglio, who questioned whether the process would be lengthened if a problem was found upon inspection, Mr. Brazil noted that the plan review process was conducted before an applicant received a permit application. The inspection process came after they had received their permit and the project was under construction. He advised that it was a three too four-day process.

Town Engineer James Bowser noted that Mr. Brazil had focused on post permitted construction inspections, but there were times when reviewing a plan, one would have to go into the field to verify field conditions. He advised that depending on the volume of permits, at any one particular time, there might not be enough time in a day to get to all the permit applications, which could lengthen the time. The Right-of-Way Manual provided, or did in the past, ten days to for a review, return, and unforeseen circumstances. The goal was to return the plans as soon as possible, but there might be circumstances and conditions that extended the permit process. He advised that Right-of-Way permits took three days, noting that Building Department permits were different.

Mr. Brazil responded that Public Works did not offer the possibility of an expedited review. He reviewed information PZ&B had just provided to him on expedited reviews noting that for Public Works alone, the average was five working days for a simple review, and 6.87 working days for all reviews.

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Ms. Close clarified that there were permits that required more than one review, and when all reviews were counted and added together, the total review time was 6.87 working days, even if the project was reviewed three or four times. The average of five working days was per review by Public Works. She advised that the figures did not include Right-of-Way permits.

In response to Ms. Markin, Mr. Brazil responded as follows:

- The drainage plan, the demolition plan, etc., were part of the construction permit package, and that all of those items combined were looked at in one review.
- The process took approximately two days.
- Larger sites, complicated drainage issues, poor soil conditions, easement encroachments, etc. were some of the issues that bogged down the approval process, in his experience.
- Yellow tagging took place during construction and was a function of PZ&B inspectors.
- During a plan review, Public Works provided their written comments and attached them to the plans, which were then returned to PZ&B.
- After Public Works conducted their review, PZ&B reviewed the plans, with comments from other plan reviewers, and the entire set went back to the applicant.
- The applicant then would take all those comments back to their design team for corrections to be made.
- The entire revised package would be resubmitted, and would be reviewed again to make sure Public Work's concerns were addressed, and PZ&B and plan reviewers did the same.

In response to Ms. Markin, Mr. Brazil advised that it was not the norm for plans to be reviewed once. He noted that there could be a list of ten comments coming out of Public Works, five or six of them were successfully addressed, some were not, and the plans would have to be sent back.

Ms. Close advised that PZ&B was in the same situation as Public Works.

Public Comment:

Chair Markin requested public comment relative to the current process not working.

Dale Hedrick, President of Hedrick Brothers Construction Company, noted that he would become involved in the process when there was a problem his people could not solve, and so, he noted that he had been involved with Public Works. He stated that he had an excellent relationship with Public Works and PZ&B with two exceptions: Heart of Palm Beach Hotel and 240 Royal Palm Way. He discussed the problems he experienced and how they were resolved.

Mr. Hedrick noted that it was frustrating to determine exactly what Mr. Gauthier wanted relative to the Heart of Palm Beach, and it took six weeks to resolve. He explained that he was aware that Public Works and PZ&B did not want to be the engineer or the architect, but when Mr. Gauthier knew what he wanted, it would be helpful to communicate that in order to eliminate the time spent finding out what was actually wanted on the site.

Chair Markin advised that this was not the first time she had heard those comments, and she did not understand why, when there was a rejection to a permit, a very specific description of what the remedy should be was not provided at that point and time. She explained that the Town would learn from what was discussed today, noting that anytime an issue had to be revisited, it was a waste of time, money, and manpower.

In response to Ms. Markin, Mr. Brazil advised that he appreciated Mr. Hedrick's comment relative to Public Works staff not being designers or architects. He noted that it was not Public Works responsibility, and that he could not modify another engineer's plans, as he would then be taking responsibility for the entire design by changing one aspect of it. He explained that it was against what a professional engineer was supposed to do, and it would be a huge liability for the Town.

Mr. Brazil advised that he was open to suggestions, but he believed the solution to this problem was communication. Time should be invested with the design professional, in a timely manner, if there were problems, explaining what it was the Town was requesting.

Mr. Hedrick responded that had he used an engineer the Town was familiar with, there would have been a different result. The engineer used at the Heart of Palm Beach did not have a relationship with the Town or an ongoing understanding of what Mr. Gauthier was looking for, and consequently there was an educational process going on even though he was a very competent and qualified engineer.

In response to Mr. Brazil, Mr. Hedrick responded that the Town could have intervened after the second time around advising them what would have been accepted, and that he had become involved on the fourth go round.

In response to Committee Member Coniglio, Mr. Brazil advised that resources were limited, but in addition to Mr. Gauthier, he was available along with Mr. Langley and Mr. Bowser. He commented that perhaps, what Public Works needed to do better was to make people realize on that second round they should call to set up a meeting. He explained that he believed that Public Works, as a group, needed to contact the applicant and request a meeting when there were problems.

Chair Markin thanked Mr. Hedrick for his input. She noted that she understood from an engineering perspective that the Town did not want to take on the liability for doing someone else's design, but in reality, the Town did do that as they went back and forth until it became exactly what they wanted. She advised that she was suggesting that the Town find a way to communicate more effectively and more efficiently.

ACTION ITEM:

Chair Markin requested the following as an action item:

> A specific direction should be given to the homeowner or contractor when a design was not accepted. The Town needed to become more efficient and effective when communicating with an applicant. She advised that going back for review three or four times was unacceptable.

Mr. Brazil advised that could be done in many cases, which would be helpful, but there would be some cases where that could not be done.

Discussion ensued and Chair Markin commented that if it was an exception to the rule, then those were the problem children, but there were things that came up all the time, and the Town should have a certain specification range that was applicable to those applications.

Mr. Brazil discussed the following solutions:

- Public Works had some standard details available but more were probably needed.
- Public Works needed to ensure that people understood that those standard details were available.
- Public Works when they realized, early on, there was a particular problem, needed to request that the applicant come in to meet with him, Mr. Langley or Mr. Gauthier.

Jim Braden, 305 Hibiscus Avenue, noted that he was a real estate developer working with small and large municipalities. He commented as follows:

- During the renovation of his house, phone calls had not been returned on more than one occasion and there had been "no shows" by inspectors.
- Ms. Markin had been kind enough to come over to his house, and he had pointed out to her, that in June of last year, it had been determined that two other homes were being served through his property into the public sewer system.
- At Ms. Markin's suggestion, he contacted the Town Manager, and spoke with Mr. Brazil, but had not as yet received, in writing, when the lateral would be put in, and all he was requesting was an acknowledgment of the situation.

- The Town was a bureaucracy out of control.
- Jeff Taylor, Acting Building Official was the only staff member that was able to help him and that paid personal attention to what was being done.

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Ms. Markin thanked Mr. Braden for his comments.

Mr. Brazil responded that he would hope that an inspector would make contact with a site if they could not keep an appointment. He explained that an applicant calling in for an inspection would get the inspector's voice mail.

Ms. Coniglio suggested that Mr. Gauthier's voice mail could state that he was not available, but if there was a problem you could contact another staff member, giving the name and number.

Chair Markin noted that she was aware that the inspectors were spread thin, but an occasional missed appointment or being late for an appointment was one thing, but not to make a phone call was unacceptable, and sometimes it was just a matter of attitude. She commented that, in going along with what Ms. Coniglio had suggested, there needed to be a procedure that staff, who interfaced with the residents, contractors, and builders, returned phone calls. She suggested that there should be a phone call log as part of a solution to the responsiveness to individuals.

Mr. Brazil advised that it was not common for homes to share sewerage lines, but it did occur. He explained the existing problem and how it would be resolved, but noted that because it was during season that work would not happen until the Spring, which he had advised Mr. Braden when they talked about it about two months ago.

Discussion ensued and Mr. Brazil advised that he had informed Mr. Braden when the Town would begin work on the sewer lines and when they expected it would be finished. He advised that he had not as yet put that in writing, which was Mr. Braden's specific request and he would provide that to him.

Mike Daniels, Daniels Brothers, Inc., commented on the following:

- Mr. Gauthier did a very good job but was lax at returning phone calls.
- Mr. Gauthier was very responsive to e-mails, and within a few hours, one would typically have an e-mail response back.
- Public Works and PZ&B conduct their reviews simultaneously.
- PZ&B had an expediting service set up, but Public Works did not.
- Requested receipt of Right-of-Way permits in less than three days.
- Parking Issues
  - During the summer, construction vehicles should be allowed to park in the

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parking lots of private clubs.

Mr. Daniels responded to Chair Markin that he would be amenable to parking offsite and shuttle in his people during the summer months.

The following points brought up by Mr. Daniels were addressed as follows:

Concurrent Review Process Between Public Works and PZ&B

Mr. Brazil advised he believed it was a great idea to concurrently run the review processes between Public Works and PZ&B, but logistically he did not know how to do so. It did not mean that it could not be done.

Ms. Close advised that PZ&B had looked at that a few years ago, as it would be a much faster process. The problem was that the plan reviewers made comments on the plans themselves, creating the need for several sets of plans, which staff would have to deal with, each would have different comments on them, and that created a problem when going back to check plans. PZ&B worked consequently rather than concurrently in order to have all of the comments contained on the same set of plans.

Ms. Close noted that they actually had two sets of plans and comments were made on both sets. When the permit was finally approved, one set of plans went with the contractor and the other set, with identical comments, remained in the office.

Ms. Close advised that the goal was to review the plans digitally with all the comments going into the system, all contained in one location. There would not be any sets of paper plans floating around. The contractor, at any time in the process, could look at the comments made on a particular day and review them.

Ms. Close noted that reviewing plans digitally would be addressed in the future, and PZ&B would have that capability. It would not be the first item that was brought on line, as PZ&B wanted to bring their base building permit program on line, sometime in the Fall, and then build onto it with that type of capability. The second item they would like to bring online was the web capability. In the next month or so, staff would have a better idea as to exactly when they would be expecting the various components of the new computer software.

Expediting Plan for Reviews at Public Works

Mr. Brazil advised that the problem in being able to institute a plan for expediting reviews was a manpower issue, as he only had one person to do reviews. Public Works presently reviewed plans on a first come first served basis turning the plans around as quickly as possible. To expedite reviews would put one person in front of everyone else, and the wait would be longer.

Mr. Brazil responded to Ms. Coniglio that it would be ideal to use contractual personnel, but the question was how could Public Works expedite Right-of-Way permits. He noted that there was only one person processing approximately 1,300 permits per year as well as field inspections and violations. He noted that without resources he did not know how either function could be done better since it was not a good idea to request more resources right now.

In response to Ms. Markin who noted that PZ&B had an expedited process, which cost more, Ms Close advised that PZ&B did not have a backlog of permits. The average time for processing was 9.5 days, but PZ&B used a lot of overtime and contract personnel. PZ&B traditionally had used contract help for all of their services. The contract help conducted plan reviews, some expedited reviews and some of the staff of PZ&B also did expedited reviews.

In response to Ms. Coniglio who questioned if there was another person that Mr. Hedrick or Mr. Daniels could go to if there was a problem, Mr. Brazil advised that the chain of command in Public Works for this was very short. It was Mr. Gauthier, Mr. Langley and himself. He noted that if a person called the main line with a complaint that could not be resolved, it would be sent to him or Mr. Langley.

Ms. Close noted that in PZ&B, the point person was Jeff Taylor.

Discussion ensued and Ms. Markin suggested the use of more contract help for expediting reviews.

ACTION ITEM:

Chair Markin requested the following as an action item:

The Town should look into hiring contract help for expediting reviews.

Right-of-Way Permits

In response to Ms. Markin, Mr. Brazil advised that it was not realistic with the existing resources to get them done in less than three days. He noted that Public Works tried to accommodate special concerns.

Parking Issues

Ms. Markin noted that parking was a battle and that one thing the contractors were being asked to do was to shuttle their employees. She advised that staff would work with Mr. Daniels to try to coordinate a parking plan using his suggestion.

Ms. Coniglio advised that she believed Mr. Daniel's suggestion was a great idea, but she was not certain it was something the Town would take on. She suggested that if he wanted to contact some of the clubs relative to the use of their parking lots, the Town could assist in mediating that. The residents had spoken loud and clear on that issue, and regardless of the fact that it was off-season, there were still people who lived on those streets who were not happy with construction traffic.

Mr. Brazil advised that the Town was renting out spaces at the Phipps Ocean Park parking lot during the summer. The Town did not own a public lot closer to mid-town or the north end.

Mr. Daniels commented on landscapers, moving vans and car carriers blocking traffic, noting there was no equality as construction people were required to obtain Right-of-Way Permits.

Ms. Markin suggested that the Town approach some of the private clubs explaining that they were trying to remedy the parking problem that existed for contractors and would they be amenable to allowing contractors to park their construction vehicles in the club's parking lot during the summer when they were closed, for a fee. It would be a source of revenue for the clubs. The Town could obtain a list of parking lots that might be available in the summer.

The consensus of the Committee was to have Mr. Brazil make that recommendation to the Ordinances, Rules, and Standards Committee as they were working on multiple solutions to construction parking issues.

Ms. Close noted that the use of private clubs' parking lots by contractors for construction vehicles would probably involve zoning changes. She advised that she would add that to the list of PZ&B's study items.

Discussion ensued regarding the use of the Apollo Parking Lot for shared parking, and Ms. Close advised that they would explore the use of that lot.

Ms. Markin advised that if the Town provided the contractors with a list of locations that would consider allowing them to park, it would be up to the contractors to contact the parking lots leaving the Town out of the loop but facilitating something that was needed, which might help with the parking issue.

Robert Moore, former Director of Planning, Zoning, and Building, representing Woolems Inc., noted that in all his years working with Public Works, nothing worked smoother than when working with Mr. Brazil. He commented as follows:

- The corporate culture of the Town/the vision statement.
- The Project Engineer position:
  - Mr. Gauthier had been hired by Public Works and was paid for by PZ&B as a PZ&B employee for all other purposes except for his annual review, which was shared by both departments.
  - Mr. Gauthier was an engineer under Mr. Brazil's and Mr. Bowser's jurisdiction.
  - Mr. Gauthier was housed at Public Works as there was no room in PZ&B at the time he was hired. Presently, there was room for Mr. Gauthier at PZ&B.
  - Mr. Gauthier probably should be reporting to PZ&B to review plans, which would take three days off of the plan review time, solving many of the problems discussed today.
  - The project engineer could be paid for by building permit fees.
- Contractors and architects should provide additional plans if other reviews were to be conducted such as electrical, drainage, etc.
- The Town had the fastest and best system to obtain a permit that he was aware of.
- Jeff Taylor and his plan reviewers were doing their job and doing it well.
- The Town should hire a contract person to conduct Public Works expedited plan reviews, it would pay for itself as expedited plan reviews were more costly.
- Engineers and plan reviewers were both licensed.
- Institute a returned phone call system.
- Right-of-Way Permits and the possibility of expediting them.

Ms. Markin thanked Mr. Moore for his comments.

In response to Ms. Coniglio, Mr. Moore explained that there was a job site copy of the plans, an office copy, a set always had to be on file at all times in the Public Works Department, and one had to be in the field for the Public Works Department to inspect.

In response to Ms. Coniglio, Mr. Brazil advised that it made sense in some respects, and in some respects it did not make sense to have Mr. Gauthier located in Town Hall. He did not believe that having the Public Works Plan Reviewer working in PZ&B, physically reviewing plans there would be a problem, but there was a constant interaction and face to face that occurred with other Public Works personnel.

Mr. Bowser explained that PZ&B hired Mr. Gauthier to assist with the plan review required by the Public Works Department, and he believed that person should remain in Public Works. He addressed the hiring of a contractual employee and advised that once a person was trained and understood how the Town operated, they could be located anywhere.

Mr. Brazil noted that they both had compelling arguments and the answer was somewhere in between all of this, with the goal of the Town's customer in mind as to how this could be done better. He believed it was something that needed to be done as group, between PZ&B and Public Works.

Mr. Bowser advised that Mr. Brazil was correct. He suggested that Public Works should be given the goal of improving the 9-day average for completion of a review. He noted that, as Mr. Moore had pointed out, the Town did conduct reviews a lot better than many other places. He advised that every day they tried to do more with less.

Ms. Coniglio commented that she did not believe anyone denied that, and they were all in agreement that it was a tough job, and they did it the best they could, there may be more that could be done to do it better.

In response to Mr. Bowser, Ms. Coniglio advised that conversation was always better than confrontation, and that was the point she was trying to make. She suggested instituting a centralized communication system.

Tim Benitz, Benitz Building, LLC, suggested that the design professionals be drawn into the equation and be contacted directly in order to get the design done right the first time around.

Ms. Markin questioned if workshops were ever held for the design professionals to inform them of the design standards.

Mr. Brazil responded that the Town had not held a workshop or open house for design professionals. He noted that design professionals that worked in Town frequently knew to go to the Right-of-Way Manual and knew when to request a meeting. The issue, he believed, was with design professionals who had not previously worked in Town, such as the civil engineer working on the Heart of Palm Beach project who had not worked in Town before.

Ms. Markin suggested that holding workshops for design professionals might be something to add to their list to look at in the future. She suggested the Town should have a database of design standards when the systems were automated, the Town could provide notification on what was available, and the Town could have "canned" approaches to communication.

ACTION ITEM:

Chair Markin requested that the following be an action item:

The Town should provide "canned" communication letters for informational purposes.

In response to Ms. Coniglio, Mr. Bradford advised permits were on line.

Discussion ensued and the recommendation was to provide a list of standard details along with the application, and that they be put on line. Ms. Coniglio advised that a letter would then not be needed as all the information would be placed on line and/or handed out to them.

Mr. Brazil advised that he was sure that the possibility existed and staff needed to find the best way to do that.

Don Malasky, Malasky Homes, Inc., noted that they had experienced most of the frustrations and problems that had been expressed here. He noted that he had sympathy and empathy for Mr. Gauthier. He commented on a situation his company had at 10 Via Vizcaya when obtaining their Certificate of Occupancy. He suggested that it would be helpful for inspectors to provide a two to three-hour window for when they would be on a site to conduct an inspection. He noted that it would be helpful if the contractor could be notified if it would be morning or afternoon.

Mr. Malasky provided to the Committee a list that his employees put together, which they believed would be helpful in expediting the process for obtaining permits and CO's. He suggested that list be placed on the Town's website in order that builders could be made aware of what was needed from them.

The list provided by Mr. Malasky was read by Ms. Markin for the members of the audience.

1. Public Works Division of the Building Department should provide a detailed checklist for permit requirements for applicants use, prior to submitting plans and specifications for a building permit.

2. Upon issuances of a building permit, Public Works should provide a detailed checklist of requirements, approvals and documents required by Public Works for final inspection and issuances of the Certificate of Occupancy.

3. If the final inspection by Public Works fails, Public Works should provide Builder with a detailed written list of the corrections Builder must make prior to re-inspection. Public Works current policy is "not built according to plans," without being specific as to what was not built according to plans or specifications.

Discussion ensued relative to Mr. Malasky's problems in obtaining the CO at 10 Via Vizcaya, and Mr. Brazil advised that he had been involved with that project, and would be glad to talk to him regarding that issue.

In response to Ms. Coniglio, Mr. Brazil advised that the only list an applicant received from them during the plan review phase was a list of what was deficient on their submittal.

Ms. Markin thanked Mr. Malasky. She commented on the following:

- Suggested the creation of a road map/flow chart with time frames, contacts/phone numbers, and checklists.
- Public Works needed to look specifically at all the phone calls coming in, specifically calls to Mr. Gauthier, who obviously was overworked, overwhelmed, and overburdened. Noted that it has nothing to do with him personally and that she had never seen such a huge amount of business going through a department, which was so reliant on one person.
- Public Works should become much more specific and creative as to what things could possibly be offloaded, and that there should be some form of a phone call contact list that did not have to go to Mr. Gauthier. The administrative work should be offloaded from him with calls going to a phone administrative person.

Mr. Brazil appreciated Ms. Markin's comments relative to Mr. Gauthier and that it was not a lack of effort on his part, noting that the work, in the past used to go through only part of one person, with Jim Bowser. Mr. Gauthier was a big upgrade from where they had been before.

Ms. Markin noted that she had a list of complaints and commented on the following for the record:

"All the comments that were made here today, I know, especially when people take time out of their schedules to come here, are made in the effort, and in the vein, and spirit of improving this. This is not to say that we have a terrible Public Works Department. I do not think anybody here thinks we do. And I have spoken to people who have had projects in Wellington and West Palm Beach, which were absolute nightmares. I do believe and I would like to agree with what Bob Moore said, that we do have a good Public Works Department. A lot of it has to do with confusion, mis-communication, and under staffing. The under staffing part the Town might not be able to address, especially at this point and time. So, we need to get more efficient in the other areas. Technology is certainly one of those areas that we need to take more advantage of and according to Veronica, we'll be seeing some changes in that within the next year. Hopefully, the sooner the better.

I would hate to think that there would be any type of retaliatory issues that come out of any of this, and I don't believe that there will be, because I have the word of every individual sitting up here that they were going to work with anybody that was here, that if you have an issue, you bring it to the Public Works Department, the Planning, Zoning, and Building Department. These people have come here especially John Page who was new and has a lot on his plate. He is here because he knows that this was a process that they all need to work together on. I appreciate your taking that time today to do this.

I think, also, that we just need to make sure that we have a sensitivity to our customer base, whether it was a resident, whether it was a contractor, and I would like to know and let everyone go on record here today, to say that we do not intend to have any insensitivity to these issues. I believe you can tell anybody anything including tear down that wall, because it was not done properly, if you do it in the right spirit and if you explain why it has to be done. And, I think sensitivity and attitude go an awful long way in what is a very frustrating job.

I do not know how contractors deal with this business on a daily basis and I do not know how Public Works does it on a daily basis. It is tough, and I do believe in that spirt, this meeting could be very productive. We have made a list of some of things we talked about today and you heard me mention which ones we are going to work on." She noted that they knew what they needed to do and what they had to focus on."

Ms. Markin and Ms. Coniglio thanked everyone for attending the meeting.

Ms. Markin questioned whether there was anyway to assign an inspector to a job to see that job through from beginning to end versus having multiple inspectors.

Director of Planning, Zoning, and Building Director Page responded that they could move in that direction, and they were aware of the fact that if they could do more cross training and allow for better coverage and more uniformed consistency in inspections, it would be a good thing. He noted that unfortunately, in the case of PZ&B, there were many specialities which had specific inspectors trained in those specialities. It is important, and they recognized that and will do what they could to streamline it.

In response to Ms. Markin, Ms. Close added that recently they developed a system of tracking their comments. PZ&B had a tri-part form where they left all of their comments for the contractor and kept a set for themselves. She noted that if another inspector came in on the job, the comments of the prior inspections would be there right in front of them. She noted that system had been implemented about a month ago. It was virtually impossible to provide a time frame as to when an inspector would be there. She advised that the contractors were requested to contact their inspectors in the morning. The inspector would then provide some sense of when they would be onsite as they had their schedule in front of them then.

V. ANY OTHER MATTERS

There were none.

VI. ADJOURNMENT

There being no further business, the Public Works Committee Meeting of January 3, 2008, was adjourned at 4:02 p.m.

Susan Markin, Chairman

Gail Coniglio, Committee Member