

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON JANUARY 28, 1999**

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I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order by President Lesly Smith at 1:35 P.M. on January 28, 1999, in the Town Council Chambers. On roll call the following Elected Officials were found to be in attendance: Mayor Paul Ilyinsky, President Lesly Smith, President Pro-Tem Samuel McLendon, Councilmen Jack McDonald, Leslie Shaw, and Allen Wyett. Also in attendance for all or a portion of the meeting were: Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Public Works Director Al Dusey, Town Attorney John Randolph, and Town Clerk Mary Pollitt.

II INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Mary Pollitt. The Pledge of Allegiance was led by President Lesly Smith.

III. APPROVAL OF AGENDA

President Smith explained that Town Staff had requested that an item be added to the Agenda regarding the 300,000 cubic yards of sand on Peanut Island, which the Port of Palm Beach was planning to sell to a private construction company. Mr. Elwell had given assurance that the matter could be addressed briefly, but that it was important for the Town Council to consider the issue today as it could not wait until the regularly scheduled Town Council Meeting on February 9, 1999.

Councilman Wyett moved approval of the addition of the Peanut Island/sand issue to the Agenda, as Item V. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried unanimously.

At this time President Smith asked all public officials in the audience to identify themselves:

They were as identified below:

Margot Roberts, Mayor of the Town of South Palm Beach
Maurice J. Jacobson, Vice Mayor of the Town of South Palm Beach
Commissioner Ernest S. Muro, of the Town of South Palm Beach
Dan Reidy , Director of Marine Safety/Sports Complex, Town of Lantana
Lori LaVerriere, Town Manager of Manalapan

President Smith expressed appreciation for their attendance, and their work with the Shore Protection Board for the past 3-4 years.

President Pro-Tem McLendon moved approval of the Agenda as amended. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

IV. PUBLIC HEARING: PROPOSED SETTLEMENT OF DOT/STATE'S TURNPIKE AUTHORITY VS. TOWN OF PALM BEACH RELATING TO DOT'S TAKING OF 5.19 ACRES OF THE APPROXIMATELY 20 ACRE SITE OWNED BY THE TOWN ON PIKE ROAD IN UNINCORPORATED PALM BEACH COUNTY

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Assistant Town Manager Peter Elwell referred to the memorandum concerning this issue from him, dated January 25, 1999. He advised that the Town's team of professionals in this matter, as well as the Town Attorney, and Town Staff recommended approval of settlement, primarily because the Town was able to achieve a settlement of \$185,000 greater than that proposed by the Florida Department of Transportation (FDOT). The value of the settlement would be \$675,000 cash payment from the State to the Town, and a \$250,000 drainage improvement which the State would be obligated to construct for the benefit of the remaining Town property.

Councilman Wyett moved approval of the settlement. President Pro-Tem McLendon seconded the motion.

Town Manager Doney noted that the net economic benefit to the Town of this settlement was in excess of \$925,000. In addition, the FDOT would be responsible for paying all costs in connection with this acquisition, including the attorneys fees of Jones, Foster, Johnston & Stubbs, P.A., and the respective professional fees of the consultants.

Mr. Elwell requested that Staff recommended that the funds be reserved in the General Fund pending further consideration by the Finance and Taxation Committee and the Mayor and Town Council.

President Smith requested any public comments. There were none.

Councilman Wyett amended his motion to incorporate the recommendation of staff concerning the funds. The seconder of the motion accepted that amendment. On roll call the motion carried unanimously.

V. CONSIDERATION OF THE 300,000 CUBIC YARDS OF SAND ON PEANUT ISLAND THAT WAS CONSIDERED FOR SALE BY THE CORPS OF ENGINEERS

Assistant Town Manger Elwell reported that the Corps of Engineers had suggested to the Town last year that Peanut Island sand needed to be relocated, so that the Island could continue to be used as a spoil site for dredging projects, and that Peanut Island sand would be a good source of material for the first mid-Town Beach maintenance renourishment project, which would be done within the next several years. Since that time Town Staff and Port of Palm Beach Staff had discussed the possible use of the sand, and had conceptually agreed about the sand, and had not agreed about who would pay for that. The Port of Palm Beach and the Corps of Engineers had determined that the sand was not beach quality material, and that the sand could be sold without any detriment to the Town. Because data had not yet been reviewed to confirm that, Town Staff had requested that action on this issue be delayed until the next Port Commission Meeting to be held on February 11, 1999. Town Engineer Bowser and Public Works Director Dusey were currently reviewing the material regarding the composition of the sand, and would make a determination as to whether the sand was beach quality material. Town Staff recommended that the Town Council authorize staff to advise the Port of Palm Beach that there was no objection to their selling the sand if the sand was not of beach quality. Mr. Elwell pointed out that if staff determined that the sand was of beach quality, a cost estimate would be obtained to move the sand from a Peanut Island to the mid-Town beach, and that could be discussed at the February 9, 1999, Town Council Meeting.

President Pro-Tem McLendon moved approval of the recommendation of staff. Councilman Wyett seconded the motion.

Councilman Wyett asked if the sand could be barged from Peanut Island to the mid-Town Beach if it was of beach quality?

Mr. Dusey explained that the deal the contractor was working with the Port of Palm Beach was to physically remove the sand, expend the money to move the sand out onto a barge, and then pay the Port of Palm Beach \$1 per cubic yard in excess of that. He noted that staff was looking into costs related to the movement of the sand.

Councilman Wyett commended the Mayor for his action in this regard.

On roll call the motion carried unanimously.

VI. SHORE PROTECTION BOARD'S RECOMMENDATIONS REGARDING THE COMPREHENSIVE COASTAL MANAGEMENT PLAN UPDATE AND RELATED FINANCING AND PUBLIC EDUCATION

Gary Lickle, Chairman of the Shore Protection Board, introduced and recognized the members of the Shore Protection Board, and gave a synopsis of the Shore Protection Board's efforts for the past three years.

Mr. Lickle summarized that the Town of Palm Beach was located on a barrier island, and had been concerned with erosion for over seventy years, beginning with the construction of the Lake Worth Inlet jetty and the navigational channel in the 1920's. Prior to 1970 all material dredged to maintain the channel was deposited off-shore, meaning that nearly two-million cubic yards of sand were lost to the beaches. In the late 1950's a Sand Transfer Plant was constructed to capture some of that sand that could not pass around the Inlet to place it on beaches to the south. In addition, a series of hurricanes from 1903 to 1933 further eroded the beaches to the point where the Town authorized a seawall and groin construction

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program in 1926. The seawalls have continued to provide storm protection, yet many of the groins had deteriorated or had been removed. Responding to the need for an overall program to protect the Island, the Town of Palm Beach authorized the development of the Comprehensive Coastal Management Plan (CCMP) in April of 1986. In March of 1997 the Town of Palm Beach decided to update that plan, for the purpose of considering changes that had occurred to the Island of Palm Beach shoreline over the last decade and develop new shoreline management goals and objectives. The implementation of the plan would help the coastal communities restore and sustain a healthy shoreline on a regional basis, from inlet to inlet, which is more stable, provides storm protection, supports recreational use, and enhances property values. While many of the shoreline management initiatives from the original CCMP had been implemented, most of the Island beach front was still eroding at a significant rate. Causes of erosion include inadequate transfer of the sand across the Palm Beach Inlet through the Sand Transfer Plant shutdown, and nonfunctional erosion management structures, i.e., groins. The need to eliminate or manage the causes of erosion had been given the highest priority in the CCMP. The Island continues to lose approximately 550,000 cubic yards of sand per year. The effects of this loss cumulatively reduced the storm protection capabilities of the existing beach. Beach nourishment had been recommended along much of the Island to restore the eroded beach front to a degree where storm protection is provided to protect coastal properties from a 15-year storm, which is typical for a beach restoration project. A 15-year storm is a severe coastal storm, having wind speed, wave heights, and a duration within a one-in-fifteen chance of occurring in any given one year period, roughly comparable to a Category 2 hurricane. Individual recommendations were formulated considering the principles and regulations relied on by the State and Federal governments when evaluating a proposed project for environmental and natural resource impacts. An effort was also made to recommend management initiatives consistent with State and Federal guidelines for shore protection and inlet management projects. These factors are important when seeking permits and funding support from these entities. When developing the management recommendations on each shoreline segment various alternatives were considered and effort was made to maximize the net project benefits in a cost effective fashion while considering completeness, effectiveness, efficiency and acceptability. Specifically the CCMP update recommended the following key actions:

1. Implement the Lake Worth Inlet Management Plan, which was adopted by the Town Council on March 4, 1995, and by the State of Florida on November 25, 1995.
2. Construct sand retention structures and restore and maintain beaches along the designated reaches.
3. Implement a comprehensive coastal monitoring plan.
4. Maintain, restore, or replace existing coastal structures and renourish restored reaches periodically to sustain project benefits.

Mr. Lickle explained that one year after beginning the Shore Protection Board had come to some conclusions about what needed to be done, and twelve bullet points were issued to the Town Council and to the public:

1. **Conclusion that the Lake Worth Inlet the jetty is the number one problem. This has been going on for many, many years.**

The Lake Worth Inlet is the primary cause of accelerated beach erosion by blocking the migration of beach sand from the north to the south and directing the sand that occasionally migrates from south to north back into the Inlet. Sand continues to accrete on the north side of the Inlet and erode on the south side throughout the Town of Palm Beach, and historical data suggests that this has been ongoing for many years.

2. **The Lake Worth Inlet Sand Transfer Plan should always be operational at all costs in order to assist with the maintenance of the beaches, no excuses.**

A Sand Transfer Plant discharge pipe should be located further south of the Inlet and further upland as may be recommended by a consultation with the coastal engineer in order to prevent the sand from returning south to north into the Lake Worth Inlet.

3. **If the Town Council decides to move forward with the plan and the residents of the Town agree to move forward, it is the recommendation of the Shore Protection Board that a position be created within the Town for a staff position to be responsible for implementation of the project.**
4. **The beach and shoreline protection project should be combined with an overall plan which involves other communities from Lake Worth to Boynton Inlet, at a minimum.**
5. **Beach and shoreline protection must first be done locally and be funded by local dollars. Any reimbursements by County, State, or Federal agencies should be of secondary concern, and reimbursement should be applied for after the project is completed.**
6. **Past plans and studies. It was concluded that the CCMP report of 1986 was an excellent document, however, it was not fully implemented and was implemented piece by piece, requiring the update that was authorized to be done by Applied Technology Management (ATM).**
7. **Beach and shoreline protection through renourishment and structures.**

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This was the common theme that came out time and time again as discussion took place with experts. In today's environment, the best method of shoreline protection is a combination of renourishment together with rigid structures where necessary.

- 8. An ongoing Beach and Shoreline Protection Committee should be maintained and meet on a regular basis to advise the Mayor and town Council of their findings in order to create continuity of information and historical data for implementation of beach and shoreline protection measures.**

This committee, along with the staff position, can also assist the Town in designing the best mechanisms for funding such projects locally. Any plan will require continual maintenance. One of the problems is lack of historical data regarding what has happened to the shoreline. The mid-Town project is an excellent example of a terrific project, because it is now being monitored.

- 9. The Town should continue to monitor the progress of legal remedies; was there an appropriate legal remedy for the Inlet having been dug, and is there a claim against the Federal Government for the loss of sand to Town beaches?**

It was the conclusion that there was not sufficient law in this area to recommend spending good dollars after bad dollars by engaging in a lawsuit at this time, however, it should not be abandoned as an idea, should, in the future, one of these lawsuits be successful in some other township.

- 10. Monitoring the project.**

This was the biggest problem in trying to go forward with the plan. It was the hope that one day that there would be sufficient data on the Town website to be able to create a moving map that any citizen could access.

- 11. Environment.**

Beach and shore protection is paramount to the protection of lives and property of the Town of Palm Beach. The Shore Protection Board is very sensitive to environmental concerns such as turtle nesting, silting of reefs, and the damage of hard and soft bottom environments. Current techniques are such that with proper procedures in place, and the oversight of the Department of Environmental Protection of monitoring programs, beach and shoreline protection projects, whether renourishment or hard structures, can and should be installed with minimum detrimental effect to the environment.

- 12. Implementation of outside agency approvals.**

The Town should hire the best qualified coastal engineers, giving consideration to a regional engineering entity, to implement an inlet to inlet plan, and concurrently hire a third party coastal consultant to review the plan design. That had been accomplished. ATM was hired, and had experience in the area; there was local knowledge that was very important to understanding the dynamics of inlet to inlet. Aubrey Consulting, a division of the Woods Hole Group, to review what ATM did. Aubrey had comments and criticisms of the report, which were eventually resolved between the two entities, and a joint letter was signed agreeing that the plan was sound and solid.

Mr. Lickle explained that an overview of costs would be reviewed, after which Dave Decker of ATM would describe the project, Dr. William Stronge would address the economic report, and Kate Gooderham would address the educational campaign.

Mr. Lickle began with the costs of the project, explaining that the entire project was at 55.8 million dollars, inlet to inlet, including the neighboring communities to the south. The portion for the Town of Palm Beach was approximately 48 million dollars. On an annual basis, which would include the implementation of the project, financing of the project, future monitoring of the project, and future renourishment, costs would amount to 3.6 million dollars per year for the Town to fund their share of the project. That would translate to a millage rate of .82 mills per year. The Town was already spending approximately \$1 million on shore protection annually, which would thus reduce the costs to 2.6 million dollars per year, reducing the millage to .59 mills per year. Mr. Lickle explained that .82 mills on a million dollar home would amount to \$800 per year. Funding was also possible from the County, State and Federal Governments, which would further reduce cost to the Town. The Shore Protection Board was recommending that the entire project go in as one project, not over the ten year period, but in two to three years, which would also save money.

Mr. Lickle advised that Dr. Stronge was hired as an economic consultant in order to determine how to make the plan legally defensible, determine a fair implementation of the costs across the citizenry, and determine where money would be accessible from County, State and Federal Government. Dr. Stronge had made two recommendations: straight ad valorem tax, which means the .82 mills would be applied to the assessed value of a property; the second way was ad valorem plus a special assessment, with a .52 millage rate and a rate of \$37 - \$54 of assessment per linear foot of ocean front property. After lengthy discussions, the Shore Protection Board had decided that the recommendation to the Town Council would

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be straight ad valorem for the following reasons:

1. Ad valorem is simple to understand for everyone.
2. Ad valorem is also simple to administer.
3. The ad valorem tax is fully deductible.

President Pro-Tem McLendon asked for clarification on the \$3.6 million per year figure, as he saw it as merely paying the debt service on the original construction and would not provide any surplus to pay for future restoration.

Dr. William Stronge, Economic Consultant, responded that the \$3.6 million was the annual cost of the 30-year program, at 5%.

Dave Decker, of Applied Technology Management (ATM), addressed the Town Council, reporting on the technical portion of the project. The basic objective had been to look at the Island on an overall basis, and try to update the Coastal Management Plan. The purposes were to improve storm protection to the island and to prepare a program to help control shoreline erosion. The condition of the shoreline structures had been evaluated, a draft plan had been developed, a peer review consultant (Aubrey Consultants) had assessed the plan, Dr. Stronge completed surveys of the beach users so that benefits derived from the beach could be ascertained, and Dr. Stronge had then been asked to develop a funding program. Mrs. Gooderham would now put together a public education program.

Mr. Decker reported that the initial evaluation found the condition of the beach to be that about 82% of the Island shoreline was eroding, seawalls were in good condition in front of most properties, the condition of existing groins was poor, about 67% of the sand was remaining at the mid-Town beach restoration project according to the University of Florida monitoring report, and the adjacent beaches were benefitting as well. The first renourishment costs were included in the plan. The plan recommendations were to implement the Inlet Management Plan, implement the monitoring program so that we have a better handle on what is occurring, restore the eroding beaches, to maintain the coastal structures that are functioning and restore them wherever possible, the installation of approximately 39 additional groin style structures. There was approximately \$2.4 million remaining to implement the Inlet Management Plan, and much of those costs were attributable to extending the pipeline further south. Mr. Decker exhibited a display of the shoreline for review by the Town Council and the public. The cost for monitoring was approximately \$1.1 million for the initial plan effort, which would be over the first ten years of the program. After that any monitoring would be rolled into the actual project costs. The beach restoration projects themselves involved restoring about 10.7 miles of shoreline within the Town limits, placing 4.3 million cubic yards of sand, installing 39 groin structures, for a total cost of approximately \$45 million. Approximately \$8 million of that was for the cost of the structures.

Mr. Decker explained that the plan had a 10-year planning window, so the plan was developed to look forward for the next 10-years, however, the projects called for in the plan were actually evaluated on a 30-year period. He referred to two slides showing the inlet to inlet costs for the total plan: if the total inlet to inlet program was implemented the cost to the Town would approximate \$4.1 million, and those costs were not directly related pro-rata per length of shoreline, but related back to the relative cost of improvements being accomplished in front of each municipality. The benefits of the plan had been studied, and the benefits to the Town were approximately \$83 million present value, and present value costs of approximately \$54 million. That worked out to a cost to benefit ratio of about 1.5. That benefit ratio is somewhat lower because of the structures. All of the structures being proposed are within the Town limits. The overall benefit ratio, if the plan was done inlet to inlet, was approximately 2.4 cost to benefit, and the benefits overall are about \$156 million, at a cost of approximately \$63 million. The reason for the big disparity on the cost to benefits is there are many public beaches in the neighboring communities to the south, and they therefore receive a higher level of benefit. Mr. Decker commented that there was a movement in Tallahassee, with more money appropriated for beach related projects in the last couple of years, and a study had just been completed that was sponsored by the State to look into the extent of erosion down drift of the Lake Worth Inlet, and the State was using that study as the basis for determining their involvement from a funding perspective on future beach restoration projects. They were now looking at things with a little more of an opened mind than they had in the past, and the rationale was that they had come forward and made recommendations that shorelines be managed comprehensively, and the Town has done that. The plan has shown that there was an adverse effect down drift, and now the State was basically considering coming forward.

Dr. Stronge clarified that a quarter of a mile or more on either side of each public beach would be included for funds from the State, in addition to funding for hotel beaches as public access. In general, most beach projects receive generous funding from the State, as there was a belief that the beaches were essential to the economy, etc.

Mr. Lickle commented that Mr. Decker was looking into another source of funding, which was the mitigation funding by the State for erosion caused as a result of the Inlet, which had nothing to do with public access, but had to do with the direct causal relationship of the Inlet upon erosion all the way down to the Boynton Inlet.

Mr. Dusey added that discussions had been held with the State Department of Environmental Protection regarding Mr. Decker's recent study, and its possible impact on the Town. It was not yet finalized, however, the indication was that there would be substantial parts of the Town beaches receiving 50% of the State funding because of the impact of the Inlet. He cautioned that until it was received in writing, it was not a fact. Generally, the State would want agreements signed up front, then proceed with the project, with reimbursement when their funding became available.

Dr. Stronge commented that different communities elect to fund their beaches in different ways, and he had been

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retained to look at a number of the ways that were primarily related to property tax methods. There were some other ways that could be used, but in most cases it would come back to some kind of property tax or front footage assessment. The methods generally divide into two groups: one is to go straight ad valorem; the other was to go through some kind of special assessment procedure, which is normally an attempt to collect funds from property owners on the basis of their share of the benefits received from the project. It would be up to the Town to decide what the fairest way would be. If fairness was set aside for a moment, the ad valorem method had a lot of advantages. It was an understandable method that was relatively easy to administer, and relatively inexpensive to administer compared to a special assessment method. Under special assessments, the placement of liens against properties is often involved for the amount of the assessments that are outstanding, if the assessments are being funded on some kind of installment plan. Another issue had to do with tax deductibility, and the basic concept was that a tax was something that you pay regardless of the amount of the benefit that you get from the expenditure of the tax dollars. Special assessment procedures tend to be adopted when issues of fairness come up. There could also be the circumstance where a municipality was undertaking a variety of infrastructure projects, a number of which were being paid by ad valorem, and under those circumstances some properties benefit more from some projects and some properties benefit more from other projects, and it more or less averages out.

Councilman Shaw asked Dr. Stronge if the Town would have the authority to levy a tax that would parallel a bed tax?

Dr. Stronge replied that he did not know.

Councilman Wyett noted that many condominium residents would be assessed different rates, and suggested that more information was needed in that regard.

President Smith commented that the reaction she had received was that the beach front property owners were very upset, as were the lake front property owners. She suggested that more specificity was needed with the numbers so that residents could understand clearly.

Kate Gooderham, of Gooderham & Associates, addressed the Town Council stating that her company was not a traditional public relations company, and specialized in coastal issues. She explained that her job was not to convince anyone to do anything, but to inform the public in the best way possible about the project, so that an educated decision can be made. Her strategies were to develop presentations for various levels of interest, with a variety of learning styles. She explained that when a community undertakes a major public works project it was important that the staff throughout the Town have a base understanding of the project.

Ms. Gooderham referred to the strategic plan that she had submitted, pointing out that as part of the process she was recommending two beach workshops to explain the project and ask for public input; one beach forum to take place next winter; one seminar for people who required in-depth knowledge of the project; several meetings with the Citizens' Association of Palm Beach and the Palm Beach Civic Association. The materials she was considering using were newsletters, guest editorials, media kits, press releases, and updates to community leaders. Visuals would include a video/cd, some additions to the website and a power point presentation that any member of the Town Council or Shore Protection Board could use in going out into the community. Communication and coordination would include a speakers bureau, a calendar, a basic speech, monthly reports, discussions with owners, coordination with staff, and briefings to the Town Council. She had suggested a schedule beginning with March 1999, and extending into the year 2000, and suggested the March 7, 2000 Presidential Primary as a time for a referendum if it was decided to go ahead with the project.

President Smith suggested that there be several Special Town Council Meetings with opportunities for public comment, in order to give the Town Council a chance to hear from the people before a final determination was made. She expressed concern regarding the large amount of money being spent for the services of Gooderham & Associates, that in the past had been done by residents and local leaders. She referred to the Sunshine Law in Florida, which prevented any two members of the Town Council or a Town Commission to give presentations at meetings. Mrs. Smith also suggested that the issue could be considered at the same time as the Town Election.

Ms. Gooderham clarified that the workshops could be held in March in order for a final determination to be made in May, and that the initial program that she had referred to included a certain list of items that she believed needed to be done between now and May, that would need approval. Fine tuning decisions could then be made in May, after hearing from the public. She indicated that the Town Council would clearly make any decision on a referendum date, and explained that her logic in choosing the Presidential Primary was that Town Council elections were not always held every year; in addition, she understood that the Town Charter was a complex issue that was being considered, and to avoid confusion the beach project should be voted on its own merits. She explained that the majority of the community was in residence in January, February, and March, which limited the available public education time, and holding a referendum at the same time as the March Presidential Primary would allow more time for the community to digest information. She also indicated that there was usually a very high turn out for Presidential Primaries, and had suggested that date in order to get a significant number of voters voting.

Councilman Wyett commented that a number of people had indicated that they would have liked to attend today, and at the future workshops, however, they work during the day. He suggested that the workshops be held in the evening so that all those interested could attend, as well as holding them at other locations in order to make it easier for residents to attend.

Assistant Town Manager Peter Elwell interjected that he had spoken with Attorney Randolph regarding the bed tax, and the response had been that the Town could not impose a bed tax, as that power was given by the State to the County.

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Councilman Shaw commented that the Town Council was present today to hear a tactic of approach, and to fund that tactic, which was proposed at \$171,000. If an ongoing dialogue was desired, step one was to look at the plan that had been presented and consider it. He indicated that he believed it was the obligation of the Town Council to present all options to the public, so that voters could make an educated decision.

Councilman McDonald moved that this issue be placed on the Agenda for the February 9, 1999, Town Council Meeting in order to schedule another meeting where the project could be discussed and public input could be heard. The motion was seconded by Councilman Shaw. On roll call the motion carried unanimously.

Public Comments were now heard:

South Palm Beach Mayor Margot Roberts commented that South Palm Beach could not go forward without the Town of Palm Beach. She advised that the Federal government was looking at the project, as it was the first mega-project regarding beach renourishment. She commented that the Shore Protection Board was a wonderful, bright group, and it had been a pleasure being part of the process.

Mr. Bob Clinger, Engineering Assistant III, Palm Beach County Department of Environmental Resource Management, commented that it had been a privilege for him to attend the Shore Protection Board meetings. He clarified that in its 30-year plan, the County was already looking at projects in the Town where cost-sharing could take place. The greatest amount of financial assistance would most likely be on a 50/50 basis with the Town, after Federal and State participation was determined. The Federal Government had identified a number of reaches within the Town that it would be willing to assist with, however, it would require more in-depth work. General Design Memorandums would have to be developed, which was a lengthy process. Their participation was typically based on up to 65% of a project cost for storm protection, and 50% for recreational benefits. This would translate typically into a 50% participation by the Federal Government. The State had a plan to participate in projects as well, and it was his understanding that the State would participate in that portion of the cost that would be approximately 50% of a non-Federal portion. The Federal guidelines for beach access were not as clearly defined as the State guidelines. The State would then participate in 50% of the non-Federal portion, which would reduce the costs to the local area to 25% of the cost. The County would most likely participate in 50% of that cost, which would essentially bring the cost to the Town at 12.5% for the Town, and 12.5% for the County. Although it was alluded to earlier that the County had not been overly generous in participation for beach projects, Mr. Clinger made it clear that the Town had decided to move forward with the project that at one time did qualify for Federal funds, and could have qualified for Federal funds if the Town had decided to take the time to do what was necessary. That would have reduced the costs to the Town substantially, and the State would also have participated in it. It was the position of the County that it would participate in that, with the assumption that the Federal government would have participated in it at 50%. At that time the State was actually moving from a 75/25 position to a 50/50 position, which was where they were at now. The County had assumed that the Federal government would participate 50%; that the State would participate 25% (in other words, 50% of the remaining 50%); the County would then participate 12.5%, and the County felt that it had done its share towards that particular project, and wanted to do that in the future. The County was already including several projects that it had conceptually become aware of in its 30-year plan.

President Smith responded that she appreciated the comments of Mr. Clinger, who had helped the Town through the whole process, even expediting various projects, however the Town had declared an emergency at the mid-Town beach, and was able to get the permits through the Corps of Engineers in about a week, and had therefore moved ahead with the project. The State would have required an extensive wait for the permit, and the Town did not have the time to do that.

Mr. Clinger clarified that in the areas where there was no public access and there was all private property, there would be most likely be no State or Federal dollars for those areas. The Federal and State governments would prefer entering into contracts prior to the work being done. The County was a little more flexible, but would also like to have that happen.

Councilman Wyett asked if the beach area near the Palm Beach Par 3 was a public area or a private area?

Mr. Clinger replied that it would be considered public land, but whether that would be considered as public access to the beach would be a little different question. If the public could access the beach from the parking lot, and the parking lot could be used on a dual purpose basis, there would be a strong case to say that it was a public beach access.

Councilman Wyett responded that in the north end of the beach there were two or three public accesses off the public road, but no parking, and he asked if those were considered public access for purposes of receiving benefits?

Mr. Clinger responded that, under the State guidelines, that was considered to be a public access, but it had limited value.

Councilman Wyett commented that, as he understood it, the Town could get support for those areas that were public, and relatively no support for those areas that were primarily private.

Mr. Clinger replied that was quite accurate.

Mr. Elwell commented that it was important for the Town Council not to look upon the potential financial assistance from any other government as being any particular number, because not only were there access and timing issues that would need to be ultimately addressed, but it was unknown at this time as to how much the State would be willing to participate,

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because of the impacts of the Inlet.

Mr. Lickle asked for comments from Mr. Clinger regarding regional approach versus spot projects.

Mr. Clinger commented that the State had clearly taken a decision direction that has been more clearly defined in recent material that regional approaches are considered to be a higher priority, and in terms of getting State funds, that would clearly put the Town at an advantage over those areas that are doing spot or pocket beach areas. When there are a number of miles of beach being built, cubic yard costs are reduced, as well as mobilization costs; therefore, there would be a better rating from the State, and the County was also looking for that benefit. The County was already trying to organize its projects so that they could be constructed at the same time as an adjacent municipality.

In response to Councilman McDonald, Mr. Clinger explained that if there was a bathroom associated with a public park the State would consider one-half mile either side of the public park property. Using Phipps Park as an example, if the shoreline was 2,000 feet long, there would actually be one mile + 2,000 feet that would qualify for State funding. In areas where there was no bathroom, a quarter mile on either side of the public property was considered.

Dr. Sanford Kuvin addressed the Town Council, commenting that Mr. Lickle and the Shore Protection Board had done an extraordinary job of diligence and perseverance, however, he was in strong disagreement with some of their conclusions. He referred to the statement of Mr. Lickle that not much had been done regarding beach restoration in the Town after the 1930's, and disagreed, stating that a lot had been done, with one million cubic yards of sand being put on the beach by the Army Corps of Engineers for the last ten years, free of charge; a rejuvenated Sand Transfer Plant had been paid for by the Town, with double the capacity; a PEP reef had been removed; and the mid-Town beach had been restored with sand. He pointed out that Palm Beach was a barrier reef, and everything that was done would be temporary. He referred to the statement of Mr. Lickle that the CCMP report had not considered non-proven, experimental issues, and disagreed, stating that it did consider non-proven, experimental issues, such as the pipe with faucets every 500 feet. He maintained that the report contained educated guesses by illustrious, well-educated people, however, they were dealing with Mother Nature, and it was still soft science. He referred to the statement of Mr. Lickle that Aubrey Engineering had come to the conclusion saying that they were basically in agreement with the CCMP report, and that the letter had included the comment that "generally we do not feel there is enough information available to develop the extensive sweep or projects proposed in the CCMP Update." It went on further to say that "the series of projects recommended in the CCMP Update is unprecedented, both in scope and cost, and therefore additional information is required prior to implementing the long term plan." He emphasized that the plan was a conceptual plan, and the Shore Protection Board had recommended the beach restoration plan to the Town, which would cost at least \$56 million initially, and \$115 million over the 30-year course of the plan. He suggested that it was not only outrageously expensive, but the plan was not an engineered plan, and was untried, unproven, and had no engineering back up to support it. He noted that the peer review group had severely criticized the plan. He urged that the CCMP plan not be approved by the Town Council until significantly more research and engineering data had been obtained.

Dr. Sten Lilja addressed the Town Council, stating that he was hoping to find the best solution for the Town, and that there was no intent to criticize any individual or organization. He noted that the beach user survey conducted by Dr. Stronge indicated that 95% of the beach users were not from Palm Beach, and that it was utterly improper to use alleged "storm protection" as a camouflage for building wider beaches. He maintained that the Peer Review performed by Aubrey/Woods Hole contained professional competence and clarity, and warned that the foundation for the proposed project was built on inadequate research and conclusions. He cited specific quotes from the letter written by Robert Hamilton of the Woods Hole Group. Dr. Lilja suggested that the Town, in its own interest, ascertain that historic problems with sand supply and vendors have been rectified or resolved, and that conflicts do not exist, and submitted a copy of a news article in the Palm Beach Post dated December 2, 1990, a list of rulings in 25 cases of United States vs. some 20 dredging companies, his presentation before the Shore Protection Board on December 28, 1998, and noted that he had extensive additional information which he would be happy to share.

Former Mayor Yvelyne de Marcellus Marix addressed the Town Council, stating that the Town Council was being asked to assign \$174,000 to educate, however, she maintained that it was being asked to assign \$174,000 to brainwash. She commented that the idea that her tax money would be used to brainwash her was incredible. She urged that the Town Council provide fair exposure to both pros and cons, and not consider the public education program presented today.

Mr. Eric Gilbertson addressed the Town Council, commenting that local leaders had addressed the beach problem, and protested additional ad valorem taxes.

Mrs. Nancy Douthit addressed the Town Council, commenting that perhaps another \$174,000 should be provided to those not agreeing with the project for equal time. She stated that it was very clearly time to stop, look, and listen. She stated that the questions, statements, and observations of the Woods Hole Group proved that the Shore Protection Board had been inadequately advised about oceanographic habits, alternative erosion methodology, and the possible serious hazards of sand pumping to the ecology of the underwater shoreline. Inadequate knowledge and planning would deny the possibility of accurate financial planning. Clearly the Town was not ready to undertake a record breaking nourishment project.

Mr. Joel Martino, member of the Shore Protection Board, addressed the Town Council, stating that it would be difficult to find a cost level at which the plan would be regarded by the community as affordable and prudent, however, he believed general agreement on the total cost was needed before meaningful progress could be made. He asked if the Town Council had any particular mechanisms in mind at this time that could be useful to arrive at a consensus on what the plan should cost?

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President Smith responded that it was just being heard today, and there had not been time to discuss it.

Mr. Stuart Schulman addressed the Town Council, asking Councilman Wyett to elaborate on his concern for the condominiums in Town?

Councilman Wyett explained that his concern was to assure that the condominiums did not pay more than their fair share. He further explained that there was a high concentration of condominium residents occupying space on a given piece of land, and private residences occupying large spaces may not compare on a fair individual basis.

Mr. Richard Raffo, member of the Shore Protection Board, addressed the Town Council, thanking the Town Council for listening to the presentation today. He maintained that the twelve or fourteen experts that had made presentations to the Shore Protection Board had all said that the Town had an erosion problem. He stated that the weather in the past 5-7 years had been unusual, with many northeast storms, which had endangered the beaches even more. He pointed out that the Shore Protection Board was an advisory board, and had advised the Town Council that the shoreline problem must be addressed. He noted that there was proof that beaches could be maintained and protected, using the mid-Town beach as an example, as well as the Bath & Tennis Club, where groins had been in place and sand pumped.

Mr. Louis Pryor addressed the Town Council, stating that different figures had been heard regarding how much sand the shoreline has lost per year. He suggested that the precise figure was not important, and that the experts had agreed that the Town of Palm Beach shoreline had lost sand at the rate of 200,000 cubic yards per year, and during 30 of those years sand was being pumped at the rate of 70,000 cubic yards. Without the Sand Transfer Plant, there would probably have been a sand loss of approximately 250,000 cubic yards per year. Sand would continue to be lost unless there was some plan to address it with a long range plan. The comparison costs of doing nothing, and then having to deal with emergency spending, and doing something, which would cost approximately \$3 million per year, would perhaps give a better idea of which direction should be recommended to residents.

Mrs. Douthit pointed out that the Bath & Tennis Club had refurbished the groins, however, no sand was pumped.

Ms. Karen Tinsman addressed the Town Council, asking Public Works Director Al Dusey if the mid-Town beach had 2/3 of the sand left that had pumped in?

Mr. Dusey replied that 1/3 of the sand had moved out of the confines of the original fill, which was predictable, and the public had been told that would happen.

Mr. Daniel Vinick, Chairman of Waveblock, addressed the Town Council, stating that he had made a written proposal to the Town Council as well as the Shore Protection Board to install proven technology in the Town of Palm Beach, which had established itself over the last eleven years as being a permanent solution to shore protection. The Canadian scientists that had developed this had recently formed a U.S. marketing company, of which he was the Chairman. It was his desire to offer the technology to an Atlantic coastal town to enable the technology to be proven in the Atlantic waters, at no cost to the Town.

Mr. Elwell explained that the Shore Protection Board had briefly addressed this at its meeting on January 20, 1999, when they had indicated that it was premature at this time to consider any particular innovative technology without being able to see how it might fit into the overall plan that was before the Town Council today.

President Smith commented that the Town Council would discuss the issue at the appropriate time and place it on the Agenda for a future Town Council Meeting, and would get back to Mr. Vinick.

Mr. Lickle commented that he thought that examples had now been heard of exactly why education was so important. Although he respected Dr. Kuvin and Dr. Lilja, he was confident that if they could be educated as to the last three years of experience by the Shore Protection Board they would have a better understanding of the project. He pointed that the one unfortunate part about the presentations had been that the most important document was not recited, and that was the August 28, 1998 letter signed by both ATM and Aubrey Consultants stating: "The purpose of this letter is to advise the Town Council, Shore Protection Board, and staff that Applied Technology & Management, Inc. (ATM) and Aubrey Consultants, Inc. (Aubrey) agree upon the recommendations presented in the recently completed Update of the Comprehensive Coastal Management Plan." Mr. Lickle pointed out that both companies had signed the letter.

Dr. Kuvin responded that there were two letters in the material: one was the combined letter from ATM and Aubrey, and it did say that it should be emphasized that the updated CCMP was a planning document, which relied heavily on numerous assumptions and available data presented in historic studies and reports. The other document, dated March 9, 1998, from Aubrey said that the update was unprecedented both in scope and cost; therefore additional information was required prior to implementing this long term plan. Dr. Kuvin asserted that the "feel good" letter was nothing but a "feel good" letter.

President Smith clarified that discussion on this issue would take place at the February 9, 1999, Town Council Meeting, at which time a date would be set for a subsequent beach meeting.

VII. ANY OTHER MATTERS

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There were none.

VIII. ADJOURNMENT

The meeting was adjourned at 5:07 p.m.

Mary A. Pollitt
Town Clerk

Prepared by:
Susan Eichhorn
Deputy Town Clerk
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