

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON JANUARY 16, 1997

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order by President Smith at 9:30 A.M. on January 16, 1997. The roll was called with the following Elected Officials in attendance: Mayor Paul Ilyinsky, President Lesly Smith, President Pro-Tem Jack McDonald, Councilmen Sam McLendon, Leslie Shaw, and Allen Wyett. Also in attendance were Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Town Attorney John Randolph, Public Works Director Al Dusey, Town Engineer James Bowser, and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

Mr. Wyett made a motion to approve the Agenda; seconded by Mr. McLendon. On roll call, the motion carried unanimously.

IV. CONSIDERATION OF REQUEST FOR WAIVER TO SECTIONS 12-51 AND 5-22 OF THE TOWN CODE OF ORDINANCES, HOURS OF CONSTRUCTION WORK, BY MR. PETER S. BROBERG FOR SPA THIARA, 230 WORTH AVENUE (DEFERRED FROM DECEMBER 10, 1996 AND JANUARY 14, 1997 MEETINGS)

Attorney Peter Broberg, on behalf of Spa Thiera, addressed the Town Council, stating that the request was to allow the interior construction of Spa Thiera to occur until completion, with divided hours of working. He submitted a letter from John Maus, President of Worth Avenue Association requesting that deliveries be made before 9:00 A.M. The retail shops on either side of the applicant had agreed with those working hours.

Mr. Wyett made a motion that work be allowed from 5:30 A.M. - 9:30 A.M. and from 6:00 P.M. - 11:00 P.M. until the construction was completed, with all deliveries to be made before 7:30 A.M.; in addition there would be no jack hammering, carbide sawing, nor parking of construction trucks on Worth Avenue at any time, as well as no cars of workers parked on Worth Avenue.

Zoning Administrator Paul Castro noted that staff had requested that the tenant take the paper out of the windows, and the minor exterior work remaining should not be completed until after the season, suggesting that these also be conditions attached to approval.

Mr. Broberg agreed with those terms.

Mr. Shaw seconded the motion for discussion.

Mr. Shaw stated that he was not in favor of approval, since the restrictions placed on Worth Avenue had been endorsed through the Worth Avenue Association, and suggested that be a key point of the request and approval. He cautioned that, if approved, this not be accepted as a precedent that work could commence anywhere in Town during hours that would be adverse to the community; he suggested that acceptance be on the basis that it was endorsed by the Worth Avenue Association, who by their own policy would give the Town Council the leeway to allow the work; that the work would cease if permission was withdrawn; that in the future such an application would not be considered unless there was endorsement by the Association; that if there were any complaints about noise the applicant would have to cease work.

Mr. Wyett agreed to incorporate the remarks of Mr. Shaw within his motion.

On roll call, the motion carried unanimously.

V. CONSIDERATION OF LETTER FROM MAYOR ILYINSKY TO PALM BEACH COUNTY LEGISLATIVE DELEGATION SUPPORTING PROPOSED CRUISE SHIP SURCHARGE TO FUND STATE ASSISTANCE FOR COASTAL PROJECTS

Mayor Ilyinsky indicated support for the Coastal Project funding, and urged anyone having any questions to call himself or Mr. Elwell for a response.

Mrs. Smith commented that the members of the Town Council had reviewed the letter that the Mayor would be sending to each member of the Palm Beach County Legislative Delegation.

Mr. Wyett made a motion for approval; seconded by Mr. McLendon. On roll call, the motion carried unanimously.

VI. PRESENTATIONS

Mrs. Smith noted that the Town Council had recognized each member of the Shore Protection Board present at the December Town Council Meeting, however, Mr. Dimm and Mr. Hennessy could not be at the meeting, and would be recognized today.

A. Recognition of Wayne F. Dimm, Member, Shore Protection Board - 1995-96

B. Recognition of Edward L. Hennessy, Jr., Member, Shore Protection Board - 1995 -96

Mayor Ilyinsky thanked Mr. Dimm and Mr. Hennessy for their service on the Shore Protection Board.

VII. CONSIDERATION OF THE REPORT OF THE SHORE PROTECTION BOARD

Mayor Ilyinsky welcomed those members of other municipalities present asking them to stand up and be recognized.

Chairman of the Shore Protection Board, Gary Lickle, introduced the members of the Shore Protection Board, and began the discussion with an explanation of what the beaches provide to the Town of Palm Beach--the shoreline of the Town of Palm Beach was a natural, protective barrier, securing the safety of the upland reaches of the island, and protecting life and property from wind and wave action caused by severe storms. In addition, they offered recreational opportunities, creating the reality of a beach for visitors and citizens. The condition of the beaches of the Town and its neighbors to the south were moderate to severe in damage, requiring considerable effort and funding to restore them. The 1986 Coastal Management Plan needed review and updating--once updated this Plan, and the Applied Technology Management (ATM) Plan recently adopted by the Town, County, and State of Florida, would provide the fundamental research necessary to complete a long term plan for the restoration of beaches and protection of residents. Professional coastal engineering experience must be retained to complete the review and plan. A formalized 25-year long term plan for beach restoration would have to be executed before the specific cost of the structures needed, and the sand required to renourish the beaches could be determined. Once such a plan had been completed credible estimates of the cost and timing of the short term plans could be made.

The Shore Protection Board requested the following Town Council actions:

The adoption of a resolution recognizing the importance of the beaches and shores to the Town of Palm Beach, specifying that every reasonable effort would be made to restore and maintain them. The Board recognized that the Town Council, in Resolution 24-95, stated that the greatest natural asset of the Town of Palm Beach was its beaches.

The shoreline protection and beach maintenance efforts of the Town of Palm Beach be consolidated and elevated in status and visibility by the creation of a management position reporting to the Town Manager, and responsible for the varied and extensive shore protection activities.

That the Town Council appoint members of the former Board and staff to a new Interim Advisory Committee to assist the Town staff in the first phases of the implementation and financing of a long term Shoreline Protection Program, and to appoint a new standing Citizens Advisory Committee of residents to assume the responsibilities of the Interim Committee by May 31, 1997.

That the Town Council request the staff to organize a Committee of Town Managers representing the entire coastal community from Lake Worth to Boynton Beach Inlet.

The Town Council, Mayor, staff, and Town residents themselves must take a proactive stance in the rehabilitation of the beaches. If they did not, the mistakes of the past 70 years would only be repeated and future generations would be faced with dangers that could have been minimized with farsighted management in 1997.

Mr. Lickle explained that the inlets were the primary cause of beach erosion, and the best plan possible would

incorporate everyone between the two inlets. The Coastal Management Plan had already demonstrated what they determined as three reaches, with each reach having specific areas identified as hot spots, which were simply severely eroded areas that needed immediate attention. An engineer should be hired to design a plan, identify hot spots, and determine what should be done in those areas. Meanwhile, all other reaches and areas would be defined based on erosion, and there would be different solutions for each of them. The key was to have the overall plan in place, and develop a funding vehicle.

Charles Isiminger, Shore Protection Board member, stated that one of the primary reasons for recommending consideration of inlet to inlet planning would address the concept of groins robbing the down drift neighbor, as opposed to having groins simply stop at the Palm Beach line. He noted that hot spots were caused by physical conditions, and as those conditions changed the hot spots could also change. They also could vary according to sea conditions.

Mr. McLendon stated that the flow of sand was north to south, and it had been said that on the average it would approximate a mile per year, and asked if there had been any changes in that regard?

Mr. Lickle responded that the mile per year was a best guess, and based upon sea conditions that could accelerate or slow down.

Mr. Isiminger noted that experts were all very careful to caution that the mile per year was not necessarily a rule of thumb, but was tremendously variable--it was just to give people an idea of the rate of movement.

Mr. Wyett asked if there had been any expert testimony as to the present restored central beach, and the benefits to the shoreline south of it?

Mr. Lickle responded that everyone had pointed to that as being an excellent project that worked. Monitoring projects were in place, and one of the big points in the report was that the lack of monitoring had crippled the collection of data. The overall plan and design would not be a total solution to maintenance of the beaches forever, but was more a case of getting ahead of the maintenance curve and staying on top of it.

Mrs. Smith asked how the board had responded to the question of public versus private beaches and the environmental impacts on the groins?

Mr. Lickle replied that the public versus private question was a huge issue as to how to pay for projects--this issue also involved the public access concern. If the Town wanted to address beach funding privately without State and Federal funding, public access could be determined by the Town. As far as the mid-Town beaches, where there were designated public areas, it was recommended that State and Federal funding be sought. It was also recognized that private individuals who lived along the beach should be encouraged to help pay for the projects, possibly for tax credit. He stressed that any project would need to be done in conjunction with the overall plan.

Mr. Lickle stated that the board was very sensitive to the environmental side of the issue, and its view was that the environmental impact of the projects in comparison with the safety issue had been so minimized that it was something that needed attention again, with due consideration for the turtles, etc. He noted that the projects could be done with minimal impact to the environment.

Mr. McLendon commented that any project would have some effect, which would have to be weighed before any decision was made.

Mayor Ilyinsky asked Bob Klinger, of Palm Beach County, if there would ever be a chance for the Town to have a beach renourishment project on its own without having to obtain licenses from the State and Federal governments?

Mr. Klinger replied that the issue had come before the State and Federal governments on several occasions, and some permits could be issued with a long term understanding that things would have to be done over time. He did not foresee the regulatory people giving up control at this time.

Mr. Isiminger stated that it was important to separate funding issues from permitting issues. The issues of access would come about as a result of applications for funding, and not for environmental permits. In the private areas Federal and State funding may not be available in the near future because of public access issues, but permitting should be the same regardless of whether the beach was public or private. He agreed with Mr. Klinger that the environmental permitting was not likely go away in the foreseeable future.

Mayor Ilyinsky asked what the position of the Town would be if individual property owners banded together for a communal project in their area?

Mr. Lickle replied that he did not see it being driven by the private sector at all, but by the Town Council through possible tax breaks, or because of danger to an individual home. He did not see the citizens living on the ocean banding together to spend money on beach erosion.

Mrs. Smith stated that she believed it was a distinct possibility that several residents would move ahead with beach erosion. She asked if they would be precluded from applying separately until there was an overall plan for the Town?

Mr. Lickle cautioned that any private project must be coordinated with the overall plan, since spot projects did not do that well in general.

Mrs. Smith asked why an engineer for private property owners would not design the type of project that would be compatible with the plan for the entire Town?

Mr. Lickle responded that if they were given the directive to work with whoever was designing the overall Town project that was a possibility, but if the Town did not have an overall plan the private engineer project may not work out. He pointed out that the wish plan was for all municipalities to participate financially, perhaps dividing it up based on a percentage of the length of property exposed to the ocean, and hire a common engineer to develop an overall plan going from Lake Worth Inlet to Boynton Beach. Within each area there would be specific projects recommended, and each town would have to determine whether they would build the projects on their own or through State or Federal funding. It was the recommendation of the Shore Board that the engineer designing the plan design it from inlet to inlet and that each of the towns to the south participate in that design.

In response to the question of Mr. McLendon, Mr. Randolph explained that a referendum would be necessary only for an independent special district, but the Shore Board was looking more in the form of a dependent special district where special legislation would not be necessary to create a district; it could be created by ordinance with the Town Council either serving as a district or by appointing its own Board to serve as a district, with funding to come from the ad valorem taxes.

Mr. Wyett asked Mr. Dusey to estimate how much the Town was now spending per year to maintain beaches?

Mr. Dusey responded that recurring cost was occurring at the Inlet in operation of the Sand Transfer Plant, with the budget for the current year being \$182,000. If the mid-Town project was amortized that could be added, which could be in the range of \$1 million per year.

Mr. Wyett asked how much money was available in Reserve Funds for beach maintenance?

Mr. Dusey estimated between \$1-1/2 - \$2 million.

Mr. Doney interjected that it was approximately \$1.4 million, but the Mayor and Town Council were going to re-visit that after the annual audit was completed. He noted that the Town had also been financially responsible for the ocean front roadway protective seawalls. He reminded everyone that the State had indicated its cooperation with the Town but wanted to be involved up front in the update to the Comprehensive Coastal Management Plan.

Mr. Shaw suggested that the Comprehensive Coastal Management Plan could be the basis for the inlet to inlet plan.

Mr. Lickle replied that would be a good foundation that would need to be updated and elongated. The Town had done a decent job in following the Comprehensive Coastal Management Plan, however that Plan was now 10 years old; it could be used as a foundation plan to be updated. He specified that the Town needed to go on a major public relations campaign in order to educate the citizens. There should be one person that would report directly to the Town Manager, who would be responsible to the Town citizens for information, perhaps called the "Beach Chief". It was also recommended that an interim board be appointed, including members of the Shore Protection Board as a form of continuity. The first step would be to hire the engineers, the next step would be to develop the plan, the third step would be to determine the cost, and the fourth step would be to determine how it would be paid for.

Mr. McDonald asked Mr. Doney to estimate spending on shore protection since 1986?

Mr. Doney replied that a number of projects had been implemented; he could look at the budgets for the past years and extract the information; he also suggested that Mr. Dusey could identify projects implemented, which could help give the answer in dollars.

Mr. McDonald asked Mr. Lickle how he envisioned funding of the overall project?

Mr. Lickle responded that there were several different ways: the options were through ad valorem taxes, a general revenue bond, or the creation of a special taxing district. The special taxing district for specific projects of beach protection was a somewhat new concept, although there were models available, such as Jupiter Island, Longboat Key, and Captiva Island. He explained that beach protection would protect the Town, its homes, and its citizens; it would be a large amount up front in order to get ahead of the maintenance curve; after that maintenance costs would go down. He mentioned the importance of the Sand Transfer Plant; it was the conclusion of experts that was the best thing that had happened so far, but it was not the only answer. That sand should be considered as maintenance sand.

Mr. Doney reported that he had conferred with Mr. Dusey, and the estimate of expenditures for shore protection since 1986, as requested by Mr. McDonald, was approximately \$11 million. Of the 12 miles of oceanfront property within the Town of Palm Beach, only 1 mile was in Town ownership; the other 11 miles were in private property ownership, consisting of approximately 375 individually owned properties.

Mr. Wyett remarked that the presentation by the Shore Board was excellent.

Mrs. Smith asked for public comments at this time.

Mr. Jim Koontz, 232 La Puerta Way, addressed the Town Council, stating that the report of the Shore Board was a complete waste of time, as there was no mystery about the cause or cure of beach erosion. The Lake Worth Inlet prevented the natural migration of sand from north to south. The main provisions of the Comprehensive Plan in 1986 to control beach erosion were for the continued operation and improvement of the Sand Transfer Plant and for the deposition of all beach

quality sand dredged by the Corps of Engineers from the Inlet on the beach south of the Inlet. The Plan also called for annual surveys to monitor the effectiveness of the Plan, and for periodic revisions and updates. Two cursory, partial surveys were undertaken before this part of the Plan was abandoned; no revisions were ever undertaken; the Plant was not improved, and when it broke down in 1990 it was abandoned. The Plan of 1986 called for a continuation of a policy that kept sand on the beaches for 30 years, and there was no reason why the same plan would not work today. Taking sand that should be deposited at the Inlet and moving it directly to the mid-Town beach could not lead to any long term increase in the amount of sand reaching the mid-Town beach, because the amount of sand migrating to the mid-Town beach from the Inlet would be correspondingly reduced by the same amount. He summarized that the Town Council and management were trying to obscure the ridiculous mistakes they had made, and were compounding. When the Sand Transfer Plant had been abandoned, an artificial reef had been constructed, which had accelerated erosion, and made mistakes in renourishment of the mid-Town beach.

Mr. Eric Gilbertson, 151 Chilean Avenue, addressed the Town Council, stating that the Town Engineer was capable of making the necessary recommendations to the Town Council with the help of the Shore Protection Board. He did not believe a Beach Chief was needed. The mid-Town beach had been restored with no new taxes, and he maintained that no special tax district was needed.

Mr. Louis Pryor, 227 Brazilian Avenue, Co-Chairman of the Palm Beach Civic Association, addressed the Town Council, stating that the Town must look at the beach erosion problem collectively. He applauded the Town Council for having called the workshop, and for appointing the Shore Protection Board. He noted that funding must be determined with a clear distinction between capital investment portions (which would be to renourish and consolidate renourishment) and the maintenance/operating expenses. He urged that one individual be accountable to the Town Manager regarding beach maintenance and shore protection.

Dr. Sanford Kuvin, 149 East Inlet Drive, Chairman of the Concern Citizens for Preservation of Beaches and Property, addressed the Town Council, thanking the Shore Protection Board for making an honest and diligent effort to fulfill its mission statement. Having the report in detail, however, he maintained that it was full of generalizations, errors, omissions, flaws and misconceptions. He noted that it was historic fact that the combination of the Sand Transfer Plant and the periodic dredging by the Army Corps of Engineers depositing sand at no cost at the north end feeder beach had been responsible, for 40 years, of creating a stable and steady state of the shoreline in the Town of Palm Beach, with the exception of negligence between 1990-96. As a result of that negligence the beaches had enormous attrition, including the \$6 million emergency at the mid-Town beach. Now Town residents had invested another \$1 million in refurbishing the Sand Transfer Plant, which was now pumping more sand than ever in its 40 year history. He expressed that the Town of Palm Beach had a budget of \$31 million, about \$9 million of which went towards public works, and the Town had virtually depleted its emergency fund through the expenditures so far. He maintained that there was absolutely no need to add yet another layer of bureaucracy and money for a Beach Chief. He noted that when a board of experts presented a report it was normal, customary, and mandatory that the abstracts of their recommendations be published, and the Town Council was merely listening to an overview of a lay board of their perception of technical data. He mentioned that there was no data to support the migration of sand from south to north as noted in the report; he considered the demolition of the current Sand Transfer Plant and rebuilding of a new one absurd (the Washington Army Corps of Engineers had no knowledge of that); he acknowledged that the Sand Transfer Plant had pumped over 200,000 cubic yards of sand, plus an additional 200,000 cubic yards of sand dredged out of the Inlet (noting that the report said that the amount of sand required to maintain a stable, steady shoreline was approximately 170,000 cubic yards annually). He indicated that funding should be pursued from the Federal Government (citing the Harbors and Rivers Act of 1968). He mentioned that there was no consensus concerning groins; the appropriate monitoring had not been done at the beaches; the height of the north end berm was an environmental concern and it should be raised to provide increase of sand at the north end feeder beach, which would then flow south. The report mentioned a swirling effect at the Inlet recommending that the sand pipe should go further south because it caused ponding--right now the Army Corps had fixed that ponding issue and there was no evidence, except for the holes in the south jetty. The Port was very keen to have that fixed. The Corps' only interest was to keep the navigational channel at 34' in depth. Dr. Kuvin stated that cognizance must be taken of the responsibility, obligations and mandatory dealings with the State and Federal governments. In summation, Dr. Kuvin stated that he respected the hard work of the Board, however, he believed he would be less than candid if he did not make his constructive comments.

Mrs. Judy Schrafft addressed the Town Council, stating that a few years ago she had appeared before the Town Council with a bag full of tops and bottoms of aluminum cans, which she had found on the north end beach as a result of the Inlet deepening project some years ago. It was a great indication of the southern littoral drift. She stated that she felt very strongly about the artificial movement and placement of sand from offshore onto the beaches, as it impacted the offshore area hard bottom habitat quite far out into the Gulfstream. If the sand was given a chance to migrate to the south, the beaches would benefit in a more natural way.

Mr. Dick Breesee of West Palm Beach, commented that a groin was probably the most maligned thing on a beach. Technically there were two types of groins: long groins and short groins, and a given groin could be both. If the proper sized groin was put in there would be no down wave problem. If there was no groin and the waves refracted off the seawall, a deep ditch would be dug along the base of the wall, as had happened a year ago. The way to break up the flow of energy and prevent that would be to put in a groin. Mr. Breesee stated that experts must be questioned in order to reach understanding. He explained that there was no such thing as a private beach, or a public beach, or Palm Beach's beach, or Lantana's beaches. There was one beach from inlet to inlet.

Ms. Stacy Mandell Patrice, 236 La Puerta Way, addressed the Town Council, stating that she had become educated about beach erosion, largely because of the beach at the end of LaPuerta Way, which was almost non-existent at this point. She commented that she did agree that no more dredged sand be put at mid-Town, but it must be placed at the north end feeder beach so that it could move southerly.

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Mr. Wolf Von Falkenberg, 1178 N. Ocean Blvd., addressed the Town Council, asking what had happened to the deep hole that must have been created from the removal of sand to put in mid-Town beach?

Mr. Dusey replied that the deep hole would be monitored, but would stay essentially as it was when it was dug out.

Mr. Von Falkenberg stated that he believed eventually the hole would be filled in naturally, so the sand that was used for renourishing the mid-Town beach would be taken again from LaPuerta Beach to fill in the hole. He expressed his belief that the sand must stay at the northern beach and move naturally to the south.

Mr. Hal Gehman, 215 Onondaga Ave., addressed the Town Council, stating that millions of cubic yards of sand will be required in addition to that expected to be provided by the Sand Transfer Plant and the annual dredging of the Inlet. Unless the additional sand could be placed on the shoreline soon, there would not have been much progress in efforts to save the Town. He noted that the recommendation was made to use the "Adjustable Nourished Headland Supports" (ANHS), but no supporting information had been provided. Unless this was to be construed to be the ultimate answer to the problem it should not have been included in the report. He stated that it was surprising that the question as to the legality of spending public funds to put sand on private beaches had not surfaced more often, however, it was bound to arise sometime in the future. Therefore, the issue should receive immediate attention. Long delays in pursuing actions to correct the shoreline problem could not be tolerated. He urged that the term "Beach Chief" be deleted from the report, as he believed that the shoreline problem was a function of the Town Manager, who should provide the Council with information and recommendations in the same way he carries out his other responsibilities.

Ms. Joan Booth, of Orange Grove Road., addressed the Town Council, stating that although she had no intention of speaking today, and had come to educate herself, she wondered why in the past few years sand had been lost on the beach, exposing rocks and dangerous situations. She noticed that since sand had been pumped from the north end the sand was flowing south and she was hopeful that the Sand Transfer Plant would be a solution to the problems.

Ms. Marilee Boas, Ibis Isle, addressed the Town Council, stating that she had learned a great deal by attending the meetings concerning beach erosion. She urged that natural solutions be used first before other attempts were made.

Mayor Margot Roberts of South Palm Beach addressed the Town Council, stating that when the PEP Reef was put in the beaches did accelerate tremendously. In 22 years of living on the beach she had never seen so much sand, but approximately 5' of sand had been lost since the northeaster storms had come in. Going to the Beach Shore Preservation Conventions in Captiva, she had learned that it was a question of semantics--rather than saying "beach preservation," it should be called "shore preservation," in order to obtain Federal and State money. Another affect on both cities was that beach access has been lessened. In addition, Palm Beach County had put in a vast bus system, so someone from anywhere in Palm Beach County could get on a bus and travel to the walking areas of the beach with their umbrellas and their children, and make use of the beach. This was again public access.

Mr. Lickle stated that the comments of the citizens had further reinforced the feeling of the Board that this was a public relations/communications problem. He responded to various issues brought up by citizen comments, giving the opinion of the Board that any sand that builds to the north of the Inlet should be used as maintenance sand to continue to renourish the beaches, but should not be used as capital sand to build the beaches. He stated that the Beach Chief was suggested and recommended by the Board, however, it would be a decision of the Town Council. He expressed that the Board felt very strongly that there should be one person responsible to respond with information concerning beach erosion. He mentioned that the technical data presented had been conclusions of experts, and the process of the Board was to distill that information and come up with general comments on how to proceed. He noted that the Sand Transfer Plant needed improvements in pumping and collecting. He explained that the Board felt that Town dollars could be better spent on actual capital improvements to beaches rather than fighting a lawsuit for funding from the State or Federal governments. He agreed that the hole in the south jetty should be repaired. He concluded that nature was far greater than any man made object, and in order to reverse the problems created by the Inlet, the Board advocated helping nature do its job to stabilize itself.

Mr. McLendon stated that he had been opposed to the transfer of the sand from the dredged Inlet sand down to the mid-Town beach as the sand would again be washed away very quickly. He would have liked to have seen a review by engineers as to modifications and retention ability of the project before the sand was placed there. He noted that Mr. Koontz had made mention of a petition, and he would like to have it submitted for Council records. In regard to monitoring and maintenance, Mr. McLendon asked Mr. Lickle if it would be done by in-house staff, or an outside consultant?

Mr. Lickle replied that he believed it would require expertise beyond staff capabilities.

Mayor Ilyinsky expressed that he had not heard the Gulfstream mentioned, and also questioned if an incoming tide could bring sand in with it?

Mr. Lickle replied that there would be a certain amount of sand carried in, however, there were rock piles which would tend to act as a groin.

Mr. Koontz had returned to the meeting, and Mr. McLendon asked him about the petition that he had mentioned in his letter?

Mr. Koontz replied that the petitions were the formal petitions filed with the Department of Environmental Protection, and were petitions filed to obtain a hearing. He explained that the Town had applied for permission to move sand dredged from the Inlet by the Army Corps of Engineers onto the mid-Town beach, and a petition had been sent in

opposing that. He had received, by certified mail from the State, notification that the petition had been received. He further explained that Mr. Von Falkenberg had canvassed three streets. LaPuerta, Nightingale, and El Pueblo, and everyone on those streets had been opposed to moving sand that was dredged by the Corps of Engineers to the mid-Town beach.

Mr. Wyett stated that there seemed to be a difference of opinion as to whether nothing should be done, allowing nature to take its course, or to be proactive as the Shore Protection Board had recommended. He suggested that engineering guidance was needed in order to determine how proactive the Town would be. He hoped that the wisdom of the Council would give the proper answer.

Mr. McLendon asked that the public allow the Town Council to proceed with the project concerning the Sand Transfer Plant and the ATM plan without passing judgement until complete information was gathered.

Dr. Kuvin noted that Mr. Lickle had mentioned that he had no argument with the discharge pipe, however, the Army Corps of Engineers' Coastal Florida Study had noted that the discharge began 750' south, not at the south jetty. He stressed that the Town of Palm Beach, as evidenced by a letter from the Town Engineer to the Department of Environmental Protection, had stipulated that it wanted the berm. Because the Army Corps of Engineers was running out of space in the 3,000' spoil area, Dr. Kuvin suggested that the beach should be contracted, and not made wide, because there was an enormous amount of sand that was being bladed into the ocean and wasted. He asked why the Public Works Department wanted the berm kept at 1.9'? He urged the Town Council to understand the risk that would be taken in starting in with experimentation of pipes, outlets, and new plants if the current ones that had been upgraded would work.

Mr. Dusey addressed the 1.9' berm elevation, stating that the Corps did not have legal right to place sand above 1.9' without easements from the property owners; it was also beneficial to the Town to keep the sand in the active zone. If it was piled up on a high berm that was where it would stay, and if it stayed there it would not help anyone to the south.

Mr. Breese commented that there was controversy over where the sand should be put as far as the south jetty goes, and the problem was not how many feet down it was put against the jetty, but the problem was political, and that political problem should be handled first before it was decided where to put the sand. The political problem was if sand starts being put 5,000' down the beach it would set a precedent and would go on. He suggested that the Town Council could pass an ordinance indicating that it could be changed. Mr. Breese explained that people in West Palm Beach owned the beach just as much as anyone in Palm Beach.

Mrs. Smith stated that there was no controversy that the beaches were public, and the estimate for attendance at the new beach was approximately 170,000.

Mr. Dick Raffo, 173 East Inlet Drive, addressed the Town Council, stating that there had been weather pattern changes in recent years, and the beaches were suffering as a result. That was a big consideration in shore protection issues. He mentioned that there would be a meeting on Sunday afternoon with many beach owners in the north end; an organization called "Save Our Beaches", which would be started with concerned citizens.

Mr. Wayne Dimm of the Shore Protection Board commented that the board was fortunate to have heard 12 top experts with proper degrees in oceanography, coastal engineering, etc., whose advice he would follow any day. He suggested that a top scientific consultant should be available to answer questions concerning beach protection.

Mr. Joel Martino, member of the Shore Protection Board, commented that he had made it a point to question all of the experts about the environmental aspect of preservation of beaches, and the universal reply had been that the things that were anticipated would not promote any environmental degradation, in fact, once permits were submitted a review would take place which would make it impossible to do anything environmentally objectionable. He stated that the most important thing he learned as a layman was that you need sand to protect sand, and the less sand, the greater the rate of erosion. The problem now is that the sand had been allowed to go down to the point where the rate of erosion was very great. All of the experts testified that the bigger projects did the best job--the more slope and the more sand the more protection. That was why the Sand Transfer Plant could not be the only method of placing sand onto beaches, as it would not be fast enough.

Mrs. Eileen Curran, member of the Shore Protection Board, thanked the Town Council for giving the Shore Protection Board the opportunity to hear from the 12 experts who had presented information, and believed that the Town of Palm Beach would be unique in going forward with a Shore Protection Plan that would show the rest of the State how beaches could be protected.

Mr. McLendon commented that currently there was a single engine and a single pump operating at the Sand Transfer Plant, which did not provide the Town with a great deal of back up. He hoped that part of the plan to upgrade the Sand Transfer Plant would include some consideration for a parallel or quick replacement type unit.

Mrs. Smith asked if any of the discussions of the Shore Protection Board had included the use of seawalls and how the allowing of seawalls by the Town had destroyed the coastline and started the erosion procedure much sooner?

Mr. Lickle replied that discussions had taken place regarding that, and to the extent that any private individuals wished to armor their beaches further up landward they should be encouraged to do so. Clearly a seawall acted as a final piece of armament.

Mrs. Smith noted that many experts disagreed on armoring--the Town was 95% armored already--and the beach was larger in the areas where there were no seawalls. She asked if the new coastal construction setback line had been discussed during the meetings?

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Mr. Lickle responded that the issue of the coastal construction setback line had been raised several times, however, it was not felt that it was within the bailiwick of the Shore Protection Board. He realized that it affected the issue of future construction, however, there were no recommendations made by the Shore Protection Board in that regard.

Mr. Isiminger noted that he had heard that the State was considering conducting a hearing on the relocation of the coastal construction setback line in Palm Beach County near the end of March.

Assistant Town Manager Peter Elwell stated that there had been no specific date set yet, and the meeting would likely be held at the County Governmental Center.

Mr. Doney asked for staff direction on the recommendations made by the Shore Protection Board.

Mrs. Smith replied that discussion would take place at the Town Council Meeting scheduled on February 11, 1997. She asked for Council comments on what would take place at the meeting.

Mr. McDonald stated that he did not think the Town Council would need to go over the recommendations one by one. Mr. Shaw agreed that the Town Council would not need to go over the recommendations point by point. Mr. McLendon agreed that there was no need for discussion point by point. Mr. Wyett stated that the Shore Board had given the Town Council a very good outline, and they had asked that a new committee be formed, and to consider hiring an engineering specialist; costs could not be discussed until there was a design plan. He saw those two recommendations as the accomplishments that could be made at The Town Council meeting.

In response to Mr. Doney's request for staff direction, Mrs. Smith stated that everything heard today was what the Town Council would assimilate--there would be no requests for additional information or back up other than what was on hand.

Mr. Doney asked when staff comments on the individual recommendations would be heard? He explained that he considered it important to review the recommendations one by one, because they were interdependent recommendations; there were many implications that he, Mr. Elwell, and Mr. Dusey would need to bring to the attention of the Town Council in order to proceed in an orderly fashion.

Mr. Lickle agreed with Mr. Wyett as to how to proceed. The main issue was to consider whether a Shore Board would be continued, and the appointment of a sole person to respond to the issues, and then appoint the board and that individual to go forward and find the engineers, develop a plan, and begin work on the financing issue. If that point was not reached there would have to be many more meetings of the Town Council, who would have to go over each point and determine for themselves whether the recommendations were appropriate. He believed that staff concerns would flush out while the plan was being developed.

Mr. Doney reminded the Town Council that 11 out of 12 miles of beach line were in private ownership, and there were many implications of spending Town money on creating new beaches, which would be public. He wanted to be sure that the Mayor and Town Council were informed as to the outcomes.

Mr. Shaw remarked that presently the decision would be to review the report, decide whether there was need for a comprehensive Inlet to Inlet plan, and whether to go forward to get an engineering report study. Other issues could be considered after that time.

Mr. Dusey stated that the Town Engineer could give a cost estimate.

Mr. Wyett asked that the staff be authorized to present all existing data in detailed summary form to be used at the February meeting, to include any recommendations that staff would like to make. The information that the Town already had could be evaluated, and a policy formulated.

Mr. Doney asked if the Town Council would like to visit the recommendations one by one today or at the February 11, 1997 meeting. As an example, he pointed out that the creation of a Beach Chief position would be dependent upon policy decisions that the Town Council would make about the overall recommendations. Currently Town staff did the best it could to implement projects on the 1 mile of beach owned by the Town, including lobbying, communication with other agencies, permitting, and coordinating with consultants. The scope of that would be substantially changed when a Town-wide program was undertaken for the entire 12 miles. If the Town Council believed that all of the recommendations of the Shore Board were to be implemented, Mr. Doney stated that he believed there should be a position created with one person totally accountable.

Mrs. Smith stated that before a Beach Chief was appointed, the legal ramifications of private versus public must be made totally clear. She suggested that a legal opinion be given by Mr. Randolph.

Mr. Randolph stated that sand deposited on property of a beachfront owner would require that easements be given, however, until an engineer evaluated the project, the extent of use of private properties was not known. There could be a combination of the operation of the Sand Transfer Plant, a combination of fill projects which may or may not involve private lands; there may be some projects that would involve private lands that would require easements. Until an overall plan was heard there would be no way of knowing what private property rights would be affected and what portion of the project would involve public rights. A decision would have to be made about who would be responsible for the project--would it be a Town-wide project--would the beaches be beneficial to everyone in the Town, thereby being taken care of through ad valorem taxes, or would a dependent special assessment be created where certain beach front properties would be assessed

more than other properties, etc. He noted that those type of decisions did not have to be made at the outset before an overall plan was heard.

Mrs. Smith remarked that this was an enormous project, and perhaps a referendum should be held.

Mr. Wyett stated that it must be decided whether to hire a full time Beach Chief, or whether there was capacity within the existing staff to assign the job. That would be a Town Council decision needing input from Town staff.

Mrs. Smith explained that the Town would have to decide what was wanted; a Beach Chief for 1 mile was much different from a Beach Chief for 12 miles.

Mr. McLendon suggested that an item by item response be given by Mr. Doney, Mr. Dusey, Mr. Elwell, and Mr. Bowser. If there was a difference of opinion the majority decision with exceptions noted could be given. He suggested that a time line of two weeks be given.

Mr. Doney replied that could be done through a memorandum. He explained that it had become evident to the Shore Protection Board members that there were many issues regarding legalities, funding, private/public ownership, etc. He suggested that the updated Comprehensive Coastal Management Plan would be a necessary piece of information necessary to determine the scope of needing a Beach Chief.

Mr. Lickle stated that he believed there needed to be someone appointed who could do all of the lobbying, come up with legal answers, design parameters, etc.

Mr. McDonald agreed with the suggestion of Mr. McLendon to have Town staff respond to all ten recommendations by memorandum to the Town Council before the next meeting

Mr. McLendon reiterated his suggestion, incorporating it as a motion; seconded by Mr. McDonald. On roll call, the motion carried unanimously.

Mr. McLendon proposed that Mr. Elwell be appointed as the Beach Chief for the time being.

Mr. Doney replied that Mr. Elwell was involved in many important projects, although he had a special knowledge of this issue, as did Mr. Dusey. He believed that staff was currently doing the best it could right now, and he strongly recommended against naming Mr. Elwell as Beach Chief, as he had too many other valuable contributions to make to the Town.

Mr. McLendon explained that he was thinking of someone with experience with shore line issues being used as an interim measure.

Mrs. Smith suggested that until the next meeting in February Mr. Elwell could answer questions on this issue.

Mr. McLendon agreed with that suggestion.

Mr. Doney agreed that would be a temporary situation.

Mr. Elwell stated that regardless of his skills or role, in the Town form of government it was important that Mr. Doney be able to make decisions about how to assign staff members, although he appreciated the positive comments from Town Council. In terms of the overall work load he believed it was important to recognize that Mr. Doney needed to retain that authority.

Mr. Lickle stated that the eventual goal would be that the person appointed could speak for the Town with one voice.

VIII. ANY OTHER MATTERS

There were none.

IX. ADJOURNMENT

The meeting was adjourned at 1:30 P.M.