



TOWN COUNCIL MEETING

TOWN OF PALM BEACH

AUGUST 12, 2025

9:30 AM

TOWN HALL COUNCIL CHAMBERS, 2ND FLOOR | 360 SOUTH COUNTY RD | PALM BEACH, FL 33480

Danielle H. Moore, Mayor
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

AGENDA

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. July 8, 2025, Town Council Meeting Minutes
2. July 9, 2025, Town Council Development Review Meeting Minutes
3. July 10, 2025, Special Town Council Meeting Budget Workshop Meeting Minutes
4. July 23, 2025, Architectural Commission Meeting Minutes
5. **84-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, award of RFP No. 2025-019, Worth Avenue Commercial District Maintenance Program and recommend Brightview Landscape Services, Inc. as the primary awardee, Superior Landscaping & Lawn Service, Inc. as the secondary awardee and Mainguy Landscape Services as the tertiary awardee for a five-year award based on satisfactory performance and budget authorization in the amount of \$1,647,742.01, approving a contingency in the amount of \$164,774 and approving a project budget in the amount of \$1,812,516.01.
6. **87-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to Amend Town Manager's Award Authority from \$100,000 to \$250,000 for FEMA Declarations
7. **88-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, awarding the 2025 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2025 Hardbottom Map to Coastal Protection Engineering LLC in the amount of \$170,740.54, approving a contingency in the amount of \$25,611 and approving a project budget in the amount of \$196,351

8. **89-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, awarding the 2025 Beach Management Agreement Hardbottom Monitoring for the 2020 Mid-Town Nourishment Project and 2025 Palm Beach Harbor Operations and Maintenance Project to Coastal Eco-Group, Inc. in the amount of \$143,641, approving a contingency in the amount of \$21,546 and approving a project budget in the amount of \$165,187
9. **91-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to approve a change order in the amount of \$11,100 to Resolution No. 003-2023 for an approved project budget in the amount of \$171,100 to Kimley-Horn and Associates, Inc. related to construction phase services for D-12 Stormwater Pump Station

APPROVAL OF AGENDA

COMMENTS

10. MAYOR AND TOWN COUNCIL MEMBERS
11. PUBLIC - 3 MINUTE LIMIT

For those unable to attend in person: [Submit a written comment](#) [Register to comment virtually](#)

GENERAL BUSINESS

12. Appointments to the Planning and Zoning Commission
13. Proposed 2026 Town Council Meeting Schedule
14. Request for Proclamation in Support of CS/CS/HB 987 – Transportation Facility Designations

UNFINISHED BUSINESS

15. Coastal Matters
 - 15.1 Groin Rehabilitation at 1341 and 1415 S Ocean Blvd
 - 15.2 **82-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Requesting Authorization for Town Manager to Sign the Memorandum of Understanding and License Agreement and Adopt the Atriums Easement Language for the Reach 8 Dune Restoration Project
 - 15.3 Palm Beach County Request for Continuing Waivers of Town Ordinances for Bonefish Cove Construction
 - 15.4 **92-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the Department of Army Mid-Town Beach Renourishment Proposal for the Town to provide cost sharing in the amount of \$3,000,000, approving a contingency in the amount of \$500,000 and approving an overall project budget in the amount of \$3,500,000.
 - 15.5 **90-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Requesting Town Approval of Riparian Rights Easement at Clarke Beach
16. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status
17. Update and Schedule of the Florida Department of Transportation (FDOT) A1A Projects

NEW BUSINESS

18. Discussion – Regulating the Use of Electronic Mobility Devices

ANY OTHER BUSINESS

ADJOURNMENT

Access this meeting video on the 'Public Meetings' page at www.townofpalmbeach.com.

If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Disabled persons needing accommodations to participate in this meeting should contact the Town Clerk's Office at (561) 838-5416 at least one day prior to the meeting.



TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on July 8, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:29 AM in the Town Council Chambers.

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

Members Absent: Bobbie Lindsay

Staff Present: Town Attorney Joanne O'Connor, Kirk Blouin, Carolyn Stone, Bob Miracle, Paul Brazil, and Kelly Churney

INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Churney gave the invocation. Council President Pro Tem Crampton led the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA

Council Member Araskog asked to remove Resolutions 70-2025, 73-2025, and 76-2025 from the consent agenda, and Council President Pro Tem Crampton asked to remove the Town-wide Undergrounding Project from the consent agenda.

A motion was made by Council Member Moran and seconded by Council Member Araskog to approve the amended consent agenda. The motion was carried unanimously, 4-0.

1. June 10, 2025, Town Council Meeting Minutes
2. June 11, 2025, Local Planning Agency Meeting Minutes
3. June 11, 2025, Town Council Development Review Meeting Minutes
4. June 25, 2025, Architectural Commission Meeting Minutes

5. **58-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2026-2027 Annual Funding Applications to the Florida Department of Environmental Protection Beach Management Funding Assistance Program
6. **68-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving renewal of the Dockwa Contract for Marina Software for a Five-Year Award in the amount of \$174,440 contingent upon satisfactory service and budget authorization
7. **69-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2025-015, HVAC Maintenance and Repair to Anchor Mechanical Inc. for a five-year term contract in the amount of \$441,931.37, approving a contingency in the amount \$66,000 and approving a project budget in the amount of \$507,931.37 contingent on satisfactory performance and budget authorization
9. **71-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving general expenditures with Amazon.com which include office supplies, office furniture, IT supplies, mechanical parts, electrical parts and automotive parts in an amount of \$400,000 for the next fifteen months
10. **72-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the extension of Concentra Health Services, Inc Contract for a three-year period in the amount of \$1,107,314 contingent upon satisfactory performance and budget authorization
12. **74-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorization to Apply for a Lake Worth Lagoon Initiative (LWLI) Legislative Funding Grant for the Town of Palm Beach North Lake Way Living Shoreline Project and Adopt the 2021 Lake Worth Lagoon Management Plan
14. **78-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a change order to Kimley-Horn and Associates, Inc. for Engineering Services Amendment for Sand Transfer Plant Improvements in the amount of \$68,600, approving a contingency in the amount of \$13,720 for an approved project budget in the amount of \$181,620
15. **79-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the lease of Forty Golf Carts for a Twenty-Month Period and approving the purchase of a Driving Range Vehicle from Club Car in the amount of \$129,323.40, approving a contingency in the amount of \$10,000 and approving a project budget of \$139,323,40
16. **80-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving a change order for Ferric Sulfate Solution to Kemira Water Solutions, Inc. in the amount of \$65,000 for a total awarded purchase order in the amount of \$179,527.72

17. **81-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving change orders in the amount of \$79,900 to Earth Balance Corporation for additional work at Phipps Ocean Park of invasive plant removal and approving a new award authority of the purchase order in the amount of \$189,350

APPROVAL OF AGENDA

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the amended agenda. The motion was carried unanimously, 4-0.

COMMENTS

19. MAYOR AND TOWN COUNCIL MEMBERS

Mayor Moore congratulated Director of Recreation Mark Bresnahan on the birth of his second child.

Mayor Moore announced the following July Milestones: 5 years of service for Thomas Hammel (PD) and Andrew Howell (PW), 10 years of service for Michael Bennett (FR), Laura Deckers (FR), Abigail Frawley (FR), and Cesar Lora (FR), and 20 years of service for Nancy Lasken (PD), Mar Bortot (FR), Adam Zeller (PD), and Marcel Ennis (PW). The mayor urged residents to begin making plans for the upcoming Hurricane Season. She reminded residents to stay connected by signing up for town alerts, including the one that will notify you when agendas have been published. Lastly, she announced that in April, Giselle Bido of the Police Department was awarded the Kunkel award, and that the Palm Beach Fire Rescue Department earned the 2025 Mission: Lifeline EMS Gold Award.

Mayor Moore spoke of the privilege that she had of driving a Korean War veteran in the Fourth of July parade in Harbor Springs, MI. Lastly, Mayor Moore recognized the lives lost due to the flooding in Texas, asked for prayers for the families, and urged everyone to sign up for Town alerts.

Council Member Moran congratulated the employees on their longevity in the Town. She also asked the staff to provide an update on Florida House Bill 683, relating to artificial turf, at Wednesday's meeting under "Other Business."

Council Member Araskog asked for prayer for the lives lost in Texas and urged everyone to sign up for Town alerts. She asked the staff to remind the construction sites to secure the site before storms. She also mentioned that she is proud of the work completed on the north fire station and thought it would enhance services.

Council Member Cooney noted that his discussion on construction site screening would be postponed until August to allow the staff to prepare for the discussion; however, he asked that the construction screening be considered during the preparation for storms. Council Member Cooney acknowledged the passing of Patsy Johnson, a longtime resident of the town, and extended his condolences to the family.

Council President Pro Tem Crampton asked for a moment of silence for the lives lost due to the flooding in Texas and for all the people who have yet to be found. He indicated that several

complaints had been made about the water pressure in the south end of town; he asked that this item be presented today during the Town-wide Undergrounding Project discussion.

Mayor Moore acknowledged the passing of Epigmenio Ortega, the longtime manager of Pizza Al Fresco. She asked for prayers for Mr. Ortega's family.

20. PUBLIC - 3 MINUTE LIMIT

Diane Buehler of Friends of Palm Beach spoke about the town's beach clean-up efforts and announced upcoming opportunities to assist. She made a shout-out to Meg Weinberger for abandoning her bill, which related to the limitation for municipalities to ban plastics.

Camilo Celis, founder of Celis Juice Bar, spoke about a new ordinance that prohibited commercial deliveries before 8:00 a.m., which caused issues. He requested an alternative, along with a change in the ordinance timeframe, which is that all deliveries be made in the north end parking lot and must enter through the east entrance between Royal Poinciana Way and Coconut Row.

Town Manager Blouin said that he would assist Mr. Celis.

GENERAL BUSINESS

21. Presentation of the Palm Beach Country Club scholarship awards

Mayor Moore announced and congratulated the following recipients of the Palm Beach Country Club scholarships: Celeste Davies, Liam Rothrock, Brianna Molyneaux, Mark Bonfante, Santos Bonfante, Andrew Loihle, Michael Horn, Michaela Watson, Gavin Gordon, Chloe Starling, Evan Correll, and Joseph Guelli.

22. Presentation of the Thomas Mettler Memorial scholarship awards

Mayor Moore congratulated the following recipients of the Thomas Mettler Memorial scholarship award: Josephine Mittner and Michael Horn.

23. Presentation of the Palm Beach Civic Association and Citizens' Association of Palm Beach scholarship awards

Mayor Moore congratulated Josephine Mittner, who received the Palm Beach Civic Association Scholarship, and Michael Horn, who received the Citizens' Association Scholarship.

8. 70-2025 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the award of ITB No. 2025-18, traffic signalization at Bradley Place and Sunset Avenue to Aum Construction, Inc. in the amount of \$909,395, approving a contingency in the amount of \$136,409, and establishing a project budget in the amount of \$1,045,804

Patricia Strayer, Town Engineer, discussed the change of Sunset Avenue to a two-way road, the traffic signal, and the installation of the mast arm.

Council Member Araskog thought it was good for the residents to be informed.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution 70-2025. The motion was carried unanimously, 4-0.

Mayor Moore asked for assurance that once the signalization is changed, any valet operation on Sunset Avenue will be in the proper location.

- 11. 73-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the 2024 Palm Beach County Local Mitigation Strategy (LMS) Plan and Authorizing to Include Midtown Beach Seawall Replacement Project Application on the Local Mitigation Strategy Prioritized Project List

Council Member Araskog asked for an explanation of the timing for this project and the linear park.

Julie Parham, Senior Project Engineer, said that the mid-town seawall construction would begin in November 2027, after turtle nesting season.

Town Manager Blouin stated that the wall needs to be replaced since it helps support the roadway.

Ms. Parham noted that this agenda item authorizes staff to be put on the Palm Beach Local Mitigation Strategy Priority Project list so that they are eligible to apply for FEMA grant funding in the future.

Council President Pro Tem Crampton stated that this project was a high priority and traffic is a significant concern.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution 73-2025. The motion was carried unanimously, 4-0.

- 13. 76-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to Propose a Waiver to the Town Code of Ordinances to Allow Extended Construction Work Hours and Saturday Work for Huurr Homes for the North County Road Drainage Improvement - Phase I project

Council Member Araskog stated she objected to the Saturday work hours during the season.

Town Manager Blouin stated that the request for work on Saturdays was to help get the work completed before the season.

Paul Brazil, Director of Public Works, stated that he asked for Saturday work hours only in the event that they were needed.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution 76-2025. The motion was carried unanimously, 4-0.

18. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

Jason Debrincat, Assistant Director of Public Works, gave an update regarding the water pressure issue in the south end. He stated that it was a distribution issue that the City of West Palm Beach was working through. They have reassured staff that there is no need to be concerned about not having water.

Patricia Strayer, Town Engineer, spoke about the undergrounding project, Phase 3 South, with only a few poles to be pulled. She said four poles in Phase 5 North need to be removed, and in Phase 6, the lines and equipment were being removed from the poles.

Council Member Moran suggested a map of all the phases to inform residents of which areas were affected.

Council Member Araskog asked about Florida Power and Light's (FP&L) commitment to removing poles and the possibility of them being interrupted in the event of a hurricane. She congratulated Ms. Strayer on the wonderful job she had done. Ms. Strayer stated that Paramount still needed an easement for undergrounding.

Council Member Cooney acknowledged that the construction sequencing had to be changed due to traffic. He was pleased that the work was being done efficiently during the off-season.

Town Manager Blouin stated that it was unusual to bring a request to work outside of normal work hours. He noted that staff mitigates any noise complaints immediately upon receipt.

Council President Pro Tem Crampon asked about the cost and how the expense would be covered without asking taxpayers for additional funds.

Mr. Miracle said the project's total cost will be in the high \$140 million range. The difference would be covered by other revenue sources, such as the marina.

Mayor Moore asked Ms. Strayer to provide before-and-after pictures of South County Road, south of the Colony, and the improvements in the areas where poles had been removed.

Council Member Araskog asked to speak about North County's issues with signage, from Jungle to South Ocean and South County Road, where one lane is closed. She thought one of the issues was that there was no signage to indicate that there would be no through traffic allowed. Ms. Strayer agreed it was confusing and stated she would speak to FDOT.

Mayor Moore stated that some of the plant boxes along Coconut Row near Chilean need some attention because they look a little sparse. Ms. Strayer responded that town staff would address the plant boxes. She noted that FP&L did cut some of the new plants down around one of the switches.

**Note: A short break was taken at 10:35 a.m., and the meeting resumed at 11:59 a.m.*

UNFINISHED BUSINESS

24. Mid-Town Beach Renourishment Project Status TIME CERTAIN: 11:00 AM

Patricia Strayer, Town Engineer, provided a history of beach renourishment over the last 30 years in the mid-town area. She reviewed the cost of these renourishments and the 30 perpetual easements that were obtained during the renourishment project in 2020. She spoke about the future federal project with the Reach 5 extension, and the total costs, including the federal and state cost shares. She stated that if the federal project were to move forward, the perpetual easements would need to be acquired for public use.

Mr. Brazil stated that the town staff had developed an alternative plan in case the federal project failed, and the town did not receive necessary perpetual easements.

Ms. Strayer discussed an option called the Federal Storm Recovery Project Area. She said the President of the United States directly requested easement language, and the town had tried to influence it. She noted that the town could continue to use temporary easements until January 2026.

Council Member Cooney asked for clarity on the Reach 5 extension. He wanted to know what the Federal Government's reason was for extending that section. Mr. Brazil stated the original report included that section. Ms. Strayer said that after Sandy, they completed an audit of all of the projects regarding land interest. Mr. Brazil spoke about a compromise for Reach 5, which was dune only and permitted in the BMA, and would provide direct sand placement in Reach 5. He added that it may meet the technical requirements of that original report and would be the best way to reach a long-term compromise in Reach 5. Council Member Cooney asked about engineering for the Breakers and receiving sand from the north. Mr. Brazil responded that the Breakers permit fundamentally assumes that sand would be placed north of them. He stated that they need to mitigate any impact on Clarke Avenue.

Council Member Araskog noted that if the Town loses the federal agreement, we would not get it back. Ms. Strayer confirmed this statement. Mr. Brazil said that to keep the federal project, everyone within that project area would have to sign a perpetual easement that includes public use. Specific properties have stated that they would not sign perpetual easements. He said what is being discussed is whether the town could get the recovery project done with the town paying \$3 million for those property owners who won't sign a perpetual easement. As soon as that is done, the town will be faced with not having the easements in place in the event of future damage. He said an outstanding permit requirement is for the town to sign an easement for the portion of the structures that extend over the riparian right for Clarke Avenue and the beach. The Breakers were allowed to go to construction without that document, although it is still a permit condition.

Mayor Moore asked about the mitigation costs that the Breakers would have to pay the town for sand on the beach at Clarke Avenue. Mr. Brazil stated that typical mitigation would be placing sand either on the problem area or immediately north of the problem area. He said it is an agreement between Florida Department of Environmental Protection (FDEP) and the Breakers; any mitigation would be enforced by FDEP. He said the role of FDEP is to make sure that the Breakers do not harm any neighbors, and in this case, the town is the neighbor. Mayor Moore stated that there may be a new opportunity for conversations with the Lauder family with the

passing of Mr. Lauder.

Council Member Moran asked how the FDEP requirement with the Breakers is being monitored. Mr. Brazil said the permit requirement is that the Breakers do specific monitoring, and the town is monitoring Clarke Avenue. She agreed with Mayor Moore that the town should move forward with paying \$2,994,600. Ms. Strayer stated that she would need to get new temporary easements, and at that time, she would talk about the assessment.

Council Member Cooney asked about Jamie Crowley (Gunster)'s customers. Ms. Strayer stated that Gunster submitted a 47-year temporary easement, which will expire in January 2027.

Council Member Araskog asked for further clarification on the easements for Gunster clients. Ms. Strayer responded. Council Member Araskog asked if the temporary easements could be retained in case there are changes in the future. Ms. Strayer noted that temporary easements are needed by August 2025.

Council Member Moran asked about state funding and whether federal funding had been lost. Ms. Strayer said submitting for state funding is an annual process, and the town would apply. Council Member Moran asked Mr. Miracle where the \$3 million would be found in the budget. Mr. Miracle responded that this money is already budgeted in the coastal fund, and what has been presented today is the worst-case scenario.

Council President Pro Tem Crampton called for public comment.

Warren Belmar, 130 Sunrise Avenue, expressed concern about the sand north of The Breakers. He asked about using eminent domain. Town Manager Blouin stated that he had been told by several attorneys that eminent domain is not an option. Town Manager Blouin recounted advice he had received on other projects regarding eminent domain. Mr. Belmar asked about the lawsuit on the 11 properties, referred to as North Ocean Eleven. Joanne O'Connor, Town Attorney, stated that the case involving the 11 property owners is set for trial on an October-November trial docket. She said the litigation is focused on the facts that impact the 11 property owners.

Council Member Araskog asked if the town said no, what would happen. Mr. Brazil was unsure. He said typically, FDEP would have required that easement before the permit was issued. However, he said it would be an enforcement action by DEP.

Victoria Donaldson, 227 Brazilian Avenue, suggested including ADA access to the ocean.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the town staff's securing temporary easements from the remaining nine parcels, with the Town paying for the placement of sand on private property and the land eastward of the Erosion Control Line (ECL). The motion carried unanimously, 4-0.

**Note: The meeting was recessed for lunch at 11:59 a.m. and resumed at 2:00 p.m.*

25. Discussion on Sun and Surf's Request for Deferment of the Paramount Development Project Until November
TIME CERTAIN: 2:00 PM

Town Attorney Joanne O'Connor introduced Mr. Bain, special outside counsel from Lewis, Longman and Walker, representing the Town. Mr. Bain is prepared to provide an update on the procedural status of the litigation.

Seth Bain, of Lewis, Longman, and Walker, stated that the town received a request from residents to postpone the Paramount agenda item. He provided some background on why this item is on the agenda and the purpose of the hearing. He discussed the timeline of events that had occurred with regard to the Paramount.

Council Member Araskog asked if the Town Council decision would be memorialized. Mr. Bain stated that no vote would be taken, and changes could be made. Council Member Araskog wondered if the zoning code and comprehensive plan needed to be followed in any decisions. Mr. Bain responded that when an approval is made, the town council decides that it satisfies the comprehensive plan. As to the zoning code, he said an entirely vetted package by staff would be provided so the town council would know that the approvals could be granted as part of the settlement.

Council President Pro Tem Crampton wondered if specific processes could proceed under the Planning, Zoning, and Building Director. Mr. Bain stated that they could, and that it may be part of the guidance provided during this meeting.

Jamie Crowley, attorney representing WEG Paramount, clarified the reason for this hearing. He stated that settlement discussions had taken place with the council and staff. He thought it would be best for everyone to hear what had been discussed. He stated that he desired to keep the timely settlement discussions moving forward, and if given the opportunity, would be willing to address comments made against the project during prior reviews in front of the Landmarks Preservation Commission (LPC) and the Town Council.

John Eubanks, an attorney representing residents of the Sun and Surf Condominiums, spoke on behalf of his clients. He noted that the vast majority of people who are involved in these cases were not present. He said that the public had not been given adequate time to read the support documentation for this agenda item.

Mr. Crowley reiterated that he was bringing the issue into a public meeting, and he did not have to do so.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

Council Member Araskog asked for one additional month to review the information. She thought that November would be best for the public and thought it was best to defer the item.

Mr. Bain said that no decision would be made today; the purpose of today was to allow for a presentation and feedback.

Mr. Crowley confirmed they would not bring any promissory estoppel claim against the Town Council.

Mayor Moore stated she was not necessarily against a one-month deferral; she was against a deferral to November. She did not believe it was fair to the applicant and expressed concern about a deteriorating historic landmarked building continuing to deteriorate due to further lack of attention.

Council Member Moran was in favor of hearing the presentation. Council Member Cooney agreed.

Skip Aldridge, 2295 S. Ocean Blvd., stated that the public could not provide feedback until the plan is revealed.

Jerry Zero, President of the 100 building of Sun and Surf, stated that this matter has been pending for several years. He asked why there was a sudden rush to make a decision. He noted that the strong opposition is from those who live in the neighboring buildings and are most impacted.

Council Member Araskog moved to defer the Paramount Development discussion for one month to the August 13, 2025, meeting. The motion died for lack of a second.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to proceed with the Paramount Development discussion. The motion carried 3-1, with Council Member Araskog dissenting.

**26. Consideration of proposed settlement terms for the Paramount Theater redevelopment pursuant to Florida Statute Chapter 70.51 and associated Petition for Writ of Certiorari
TIME CERTAIN: 2:00 PM**

Seth Bain, attorney, stated that the Town Council received a letter of intent for the revised development concept. The Paramount will be given an opportunity to present the concept to the Town Council. He stated that no decision would be made at this time; it would be limited to a discussion.

Jamie Crowley, attorney for WEG Paramount, introduced the discussion and the Paramount redevelopment team. He stated that the exterior retail is being preserved, and he discussed other elements of the project that had been under consideration as a result of previous discussions with staff and the Town Council about the project.

Rick Gonzalez, REG Architects, presented possible floor plans and space uses for the Paramount. He displayed the plans for the project and discussed what had been proposed.

Lester Woerner, owner, thanked the Town Council for allowing the team to make a preliminary presentation. He discussed the capital expenditures needed to be made so that the building could be insured. He asked for feedback because he stated it would be helpful in moving the project forward.

Mayor Moore stated she had hoped to see the plans so that she could answer questions from the public. She thought there were nuances that could be improved. She thought that at first glance, the project looked good.

Council Member Cooney thought adjusting the hours to 6:00 p.m. onward was a sizeable concession. He asked how livable space would be created on the second floor without many windows. Mr. Gonzalez discussed the natural light but also stated that windows would be added to the rear of the building. Council Member Cooney asked Mr. Kelly about the traffic numbers. Brian Kelly, of Simmons and White, discussed the substantial reduction of peak hour traffic from the original proposal. He noted it was also a reduction in traffic from the existing use. Council Member Cooney asked Mr. Kelly to include 3 p.m. in peak traffic hours in the future.

Council Member Araskog thought the new plan was good. She thought there should be a declaration of use for the club and the cafe, and she thought the Carriage House Declaration of Use Agreement should be referenced when creating one for the new uses.

Council Member Moran thought the owner had taken all the suggestions from previous meetings and was moving in the right direction.

Town Attorney O'Connor read comments from Council President Lindsay. Council President Lindsay expressed concern that the café may be too small to be financially viable. She was also concerned that the owner may use the café to build a more robust kitchen with the real intent of closing the café and adding those seats to the club with a larger kitchen. She was also concerned about possible plans to close much of the lower courtyard to the public, and the retail establishments would only be accessible through street access from Sunrise and County Roads. She noted that she had voted against the previous application because it didn't meet the purpose of the C-TS zoning. She wanted to have the applicant start working with LPC to design a private home upstairs while maximizing parking opportunities for public use in appropriate portions of the parking lot, be ready with a revised plan in November to return to meet with neighbors, due to the unacceptable traffic congestion in and surrounding the area, recognize that seats, as well as members would strictly limit any private club approved by her. She also required a higher percentage of town resident memberships as currently exists in the Carriage House Club. Council President Lindsay's statement indicated it was only likely that she would consider any growth of future memberships/seats limited to the summer off-season, per an agreed-upon formula. Heavy restrictions on private events for club members during the season, returning retail to the ground floor courtyard, as well as the streets, and considering a larger restaurant, i.e., 60 seats, which has a solid chance of viability.

Council President Pro Tem Crampton thought the members' response was positive. He agreed that a declaration of use agreement for the club would be very important.

Council Member Araskog agreed with Council President Lindsay's comments, with the exception of comments regarding the cafe. She wondered if the public could have access to a hallway with historic photographs. She thanked the owner and stated that many people wanted the building to be viable and successful.

Council President Pro Tem Crampton thought the courtyard could greatly benefit the neighborhood. He also thanked Mr. Woerner for adjusting the hours and making the club an evening club.

Council President Pro Tem Crampton called for public comment.

John Eubanks, attorney for the residents of the Sun and Surf, expressed concerns with regard to the proposed plan.

ANY OTHER BUSINESS

There was no other business discussed.

ADJOURNMENT

A motion was made by Council Member Moran and seconded by Council Member Cooney to adjourn the meeting at 3:33 PM. The motion was carried unanimously, 4-0.

APPROVED:

Lewis S.W. Crampton, Council President
Pro Tem

APPROVED:

Kelly Churney, CMC, Town Clerk
Date: _____



TOWN OF PALM BEACH

Minutes of the Town Council Development Review Meeting Held on July 9, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 AM in the Town Council Chambers.

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

Members Excused: Bobbie Lindsay

Staff Members Present: Town Attorney Joanne O'Connor, Wayne Bergman, James Murphy, Jennifer Hofmeister, Kelly Churney

INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Churney gave the invocation. Council President Pro Tem Crampton led the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Churney mentioned two minor changes to the agenda and noted that the changes had been published.

Mr. Bergman read the agenda items that would be deferred.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve the amended agenda. The motion was carried unanimously, 4-0.

ADMINISTRATION OF THE OATH

Town Clerk Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

Council Member Moran thanked Friederike Mittner for thoroughly preparing and reviewing the agenda in Mr. Bergman's absence.

2. PUBLIC - 3 MINUTE LIMIT

No one indicated a desire to speak.

GENERAL BUSINESS

3. Proposed Zoning Code Study Items

Director Wayne Bergman stated that the Town Council, local design professionals, and the Landmarks, Planning, Zoning, and Architectural Review Commissioners had mentioned the following proposed items over time.

Assistant Director James Murphy discussed the following issues regarding seven items in the Code: mechanical equipment (including screening walls, rooftop location and height, A/C equipment, generators, and pool equipment), non-conforming parcels, angle of vision, residential use in C-TS, C-WA, or C-OPI District defaulting to R-C, appeals, duration of land use approval/extension of time, floodplain notice.

Council Member Araskog thought screening walls for mechanical equipment had gotten too high. She thought they needed to increase the setbacks for taller screening walls and that they should be presented to the Town Council for public input.

Mayor Moore thought all the items should be sent to the Planning and Zoning Commission for review and feedback.

Council Member Moran asked how many of the mechanical equipment screening walls had been approved and how many had been denied. She thought a hybrid solution would be good, with a requirement for taller portions to be covered with greenery. She did not believe the setback needed to be increased for taller screening walls.

Council Member Cooney was happy to entertain solutions, but agreed with Council Member Moran. He agreed that the council typically approved these mechanical equipment screening walls.

Council Member Araskog asked the staff to return with drawings and photographs, so the council could see different scenarios. She agreed with Council Member Moran on adding greenery. She also agreed with the Mayor that the Planning and Zoning Commission should review these requests.

Mayor Moore expressed concern that these items had been in the queue for study since 2021. Mr. Bergman said this item was intended to solicit direction from the Town Council. He said these items would be quick and easy to fix.

Council Member Araskog asked that the Director of Planning, Zoning, and Building be authorized to require the Town Council to review rooftop equipment if necessary.

Council Member Cooney had an issue with too much subjectivity in the Code.

Council Member Moran thought that, if they were properly screened, the placement of generators on the roof would be appropriate.

Council Member Araskog agreed with the proposed pool equipment change.

Council Member Cooney agreed with the proposed pool equipment change and stated that the code was changed due to one incident.

Council Member Moran agreed with the proposed pool equipment change and thought the section should be removed from the code.

Council Member Cooney thought that during a new build, creating an equipment yard would be appropriate.

Council Member Moran agreed that spreading the equipment around looked less pleasant than making one yard.

Council Member Araskog asked if there was a wall without a cover and what the noise impact would be on neighbors. Mr. Murphy noted that this has been a common problem at inspections.

The consensus of the Town Council was to move forward with the angle of vision, eliminating the requirement for one-story homes, residential use in C-TS, C-WA, or C-OPI Districts, defaulting to R-C, appeals, and the floodplain notice. The only item that the Town Council wanted additional study on was the height and aesthetics of screening walls.

Council President Pro Tem Crampton called for public comment.

Attorney Maura Ziska thanked Mr. Murphy for his presentation and stated that she requests many of these variances. She asked for consideration to include variances that she has to request for demolishing over 50% of a structure for renovation on a nonconforming lot. Mayor Moore was not ready to consider anything in addition to what staff had presented. Council Member Araskog agreed, but she thought consideration could be given to the roof component for the required removal for renovations. She encouraged Ms. Ziska to bring her request to the staff by going through the appropriate process. Ms. Ziska also shared her thoughts about the other items presented.

Mr. Murphy stated that staff would look at notice requirements and start working on a draft ordinance.

**Note: A short break was taken at 10:43 a.m. and the meeting resumed at 10:50 a.m.*

4. Discussion Regarding Recommendation from the Planning and Zoning Commission Regarding the Zoning In Progress and Possible Extension of the Zoning in Progress.

Director Bergman discussed the extension of the Zoning in Progress (ZIP), which expired today. He said that the Planning and Zoning Commission (PZC) had been studying the item, and at their June meeting, the Corradino Group recommended prohibiting any new food and beverage establishments from opening before 5:00 p.m., basically lunchtime, Monday through Friday, of everything north of Everglades Island, based on their traffic study. At last month's meeting, the Corradino Group recommended prohibiting food and beverages before 5:00 p.m. Monday through

Friday on the Sea Streets based on a traffic study. The PZC recommendation was to take no action at this time, but to allow any changes to food and beverage operations to be handled as part of the full code reform. He mentioned options that were discussed by the Planning and Zoning Commission. The recommendation of the PZC was to take no action at this time.

Council President Pro Tem Crampton thought that the options presented by Mr. Bergman should be more fully expressed and reviewed in another setting.

Council Member Araskog thought that the ZIP should be extended by one month. She spoke about software that could track vehicles that come onto the island and where they go. She did not want to allow any additional new restaurants to open in locations where none existed. Council Member Araskog thought that no new clubs were to be allowed since the ZIP was for both clubs and restaurants. Ms. Hofmeister-Drew stated that it was a recommendation of the PZC one year ago not to see any more private clubs at that time. That may have changed, and staff would be taking that issue back to the Planning and Zoning Commission.

Mayor Moore confirmed with Town Attorney O'Connor the decision made yesterday with regard to the Paramount. Attorney O'Connor stated it was essentially grandfathered.

Council Member Araskog said she would like to have a discussion to support an 80% town serving requirement.

Council Member Moran stated that she had listened to the PZC meeting and did not feel that the data supported extending the ZIP or banning new restaurants. Therefore, she did not favor extending the ZIP. Council Member Cooney and Mayor Moore agreed with Council Member Moran's observation. Mayor Moore also mentioned that she had not supported the ZIP when it first came up, and she definitely felt the time had come for the ZIP to be a thing of the past.

Council Member Araskog thought the reason the PZC did not support extending the ZIP was that they questioned the data that they received. She stated that she would like to see this discussion deferred, or see it go forward with the exception that any restaurant that now exists may have a new restaurant. She expressed frustration to The Corradino Group representative, Mr. Czerniejewski, that cell phone data tracking did not occur as requested. She thought that could be why the Planning and Zoning Commission did not move forward, as she recalled them all talking about the study.

Eric Czerniejewski of the Corradino Group stated that they did track cell and streetlight data. He said the food and beverage locations were broken down into zones. He stated that from a data collection standpoint, it was a three-legged stool approach.

Council President Pro Tem Crampton called for public comment.

Attorney Maura Ziska did not believe that restaurants and clubs were the issue. She thought the problem was service providers, staff, and contractors. She thought there were other ways to address the issue without a blanket prohibition against town-serving clubs and restaurants.

Attorney Jamie Crowley agreed with Ms. Ziska's comments.

A motion was made by Council Member Araskog to extend the Zoning in Progress to the August

13, 2025, meeting. The motion died for lack of a second.

The consensus of the Town Council was not to make a motion and to allow the Zoning in Progress to expire.

UNFINISHED BUSINESS

5. ZON-24-0046 (ARC-24-0090) 2720 - 2730 S OCEAN BLVD—EDGEWATER/ AMBASSADOR SITE (COMBO) - SPECIAL EXCEPTION(S), SITE PLAN REVIEW AND VARIANCES The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application requesting Town Council review and approval for two (2) Special Exceptions for 1) five-stories in the R-D(2) zoning district, and 2) the construction of a pedestrian tunnel under S Ocean Boulevard, and Site Plan Review for multifamily dwelling(s), for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace an existing three-story building on the lakefront parcel (west site) and for the construction of a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace one existing five- and one existing eight-story buildings on the oceanfront parcel (east site). Additionally, the project includes the following twenty-one (21) variance requests: 10 for the west lakefront (Edgewater) parcel for 1) to exceed the maximum lot coverage, 2) to exceed the maximum building length, 3) to exceed the maximum amount of fill in a required yard, 4) and 5) to reduce the required minimum side (north and south) yard setbacks, 6) to exceed the maximum height for rooftop mechanical equipment, 7) to permit generators on roofs, 8) to exceed the maximum area for mechanical equipment located on a rooftop, 9) to exceed the maximum overall building height for mechanical screening and 10) to increase the maximum height of walls in required side and front yards; and 11 for the east oceanfront (Ambassador) parcel for 11) to exceed the maximum lot coverage, 12) to exceed the maximum building length, 13) to exceed the maximum amount of fill in a required yard, 14) and 15) to reduce the required minimum side (north and south) yard setbacks, 16) to exceed the maximum height for rooftop mechanical equipment, 17) to permit generators on roofs, 18) to exceed the maximum area for mechanical equipment located on a rooftop, 19) to exceed the maximum overall building height for mechanical screening, 20) to exceed the maximum building height for building 2 for the portion of the building located east of the CCCL, and 21) to increase the maximum height of walls in required side and front yards. The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Review Commission deferred this matter to the May 28, 2025, meeting with the condition to be reviewed by Town Council for zoning relief prior to design review.] [The Town Council deferred this project to the May 14, Town Council meeting to complete safety repairs prior to hearing the project.][The Town Council deferred this project to the July 9, 2025, Town Council meeting, pending Architectural Commission review.]*

Director Bergman stated that this item was deferred to a date certain, but the project had not moved through the Architectural Commission.

Keith Spina, Spina O'Rourke, provided a brief update on the Ambassador Edgewater Project.

Council Member Moran stated that, without agreeing with the increase in lot coverage, she appreciated the decrease in density. She thought the ARCOM needed to address the lot coverage. She also thanked the applicant for going through the Architectural Commission (ARCOM) prior to Town Council review.

Council Member Araskog agreed with Council Member Moran's comments. She asked about the height of the mechanical equipment room. Mr. Bergman respectfully cautioned the Town Council on having conversations since this item was only on the agenda because it was deferred to a date certain.

Council Member Cooney agreed with Council Member Moran's concerns about lot coverage. He acknowledged that the approval process is lengthy.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to defer item ZON-24-0046, indefinitely. The motion was carried unanimously, 4-0.

6. ZON-24-0093 (ARC-24-0128) 203 VIA VIZCAYA (COMBO)—SPECIAL EXCEPTION & VARIANCE. The applicant, PAUL Z. OKEAN (Trustee, under Trust Agreement dated 5/21/91 as the Paul Z. Okean Revocable Living Trust), has filed an application requesting Town Council approval for a special exception for redevelopment of a nonconforming parcel and one (1) variance for deficient landscape open space as it relates to development of a new residence. The Architectural Commission shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions at the April 23, 2025, meeting to return for further approvals. Carried 6-1.] [The Architectural Commission heard and approved the remainder of the application at the May 28, 2025, meeting. Carried 7-0.][The applicant requested a deferral to the July 9, 2025, Town Council meeting. This request was approved at the June 11, 2025, Town Council meeting.]*

Council Members Cooney, Moran, and Council President Pro Tem Crampton disclosed ex parte communications.

Assistant Director Murphy provided staff comments and answered questions from the Town Council members.

Attorney Jamie Crowley, representing the owner, provided an overview of the project and explained the hardships supporting the zoning requests. He noted that platted roadways on both sides of the property reduce the landscape open space calculations.

Jonathan Parks, of Solstice Planning and Architecture, presented the architectural plans for the new residence.

Mayor Moore stated that while it was not her favorite style of architecture, she thought it was appropriate for the neighborhood. She also hoped that all the neighbors would contribute to beautifying the alleyway.

Council Member Araskog asked if the driveway was artificial turf. Mr. Parks said they were real grass pavers.

Council President Pro Tem Crampton called for public comment.

John Eubanks, the attorney representing the adjacent neighbor, discussed the project and stated that the neighbors would communicate to resolve their issues.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-24-0093 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Special Exception No. ZON-24-0093 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried unanimously, 4-0.

NEW BUSINESS

7. ZON-25-0018 (ARC-25-0018) 164 SEMINOLE AVE (COMBO) – VARIANCES. The applicant, JPBK Properties #2, LLC (James G. Held, Manager), has filed an application requesting Town Council review and approval of two (2) variances related to the construction of a new residence and accessory structure, including (1) a variance to exceed maximum angle of vision and (2) a variance to exceed the maximum cubic content ratio permitted. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the August 13, 2025, Town Council meeting, pending Architectural review.]*

Please note: This item was deferred to August 13, 2025, at the approval of the agenda.

8. ZON-25-0022 (ARC-25-0020) 2875 S OCEAN BLVD (COMBO) –SITE PLAN REVIEW AND VARIANCE. The applicant, 2875 OCEAN LLC (Jim Randall, Manager), has filed an application requesting Town Council review and approval of site plan review related to addition of over 2000 square feet of new commercial area resulting from enclosure of the existing drive-thru at a commercial structure; with one (1) variance required to forgo providing the additional on-site vehicle parking spaces required. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project will be heard by ARCOM after the zoning requests are approved by Town Council.]*

Council Member Moran disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project and answered comments from the Town Council Members.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests. Keith Spina of Spina O'Rourke presented the architectural plans for the project. Mr. Spina spoke about the traffic analysis that was made on the proposed change.

Council Member Araskog asked if the code's parking space requirements were incorrect. Mr. Bergman said this would meet the definition of intensification of use because it increases parking

demand. Ms. Ziska stated that a parking study had been conducted, which indicated that parking was not a concern.

Mayor Moore recalled that during the ZIP, the town council approved the expansion of the Aqua Café. At that time, there was no feeling that the parking was inadequate for the building. She stated that the applicant should be held to the same standards as the Aqua Café.

Council President Pro Tem Crampton said he knew the building well and thought it was underutilized. He thought there was an opportunity to turn the building into something more productive. He also felt that the net effect of the existing parking mitigated the impact of the intensification of use. He thought the project should proceed to ARCOM.

Council Member Araskog thought that whatever action was taken should be conditioned on allowing ARCOM to continue to make its decisions.

Council Member Cooney had no issue with the request.

Council Member Moran struggled with the increase in GLA and adding parking. However, she agreed that the proposal would make the building better, architecturally. She also acknowledged that one size does not fit all throughout the town.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0022 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 3-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Site Plan Review No. ZON-25-0022 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provisions and arrangements have been made concerning Section 134-329, items 1 through 11. The motion was carried 3-1, with Council Member Araskog dissenting.

9. ZON-25-0021 1170 S OCEAN BLVD – BATH & TENNIS CLUB (COMBO) – SPECIAL EXCEPTION, SITE PLAN REVIEW, AND VARIANCES. The property owner, Bath & Tennis Club, Inc. (Armend Berisha, General Manager), has filed an application requesting Town Council review and approval for one (1) Special Exception with Site Plan Review for the construction of a temporary padel court for the Landmarked property, and five (5) variances to (1) reduce the off-street parking, (2) reduce the west front yard setback, (3) reduce the south side yard setback, (4) reduce the landscape open space, and (5) reduce the front yard landscape open space.

Council Member Araskog, Council President Pro Tem Crampton, and Mayor Moore disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests. She noted this would be a temporary amenity.

Council Member Araskog asked about the Padel court and if it was only there until President Trump was no longer President. Mr. Spina explained that the Padel court was portable and could be moved or removed, as deemed necessary. Council Member Araskog asked if the landscape open space could be remediated. Mr. Spina stated that some of the Australian Pines would be removed. Council Member Araskog asked about the hardship. Ms. Ziska explained the hardship.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Variance No. ZON-25-0021 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 3-1, with Council Member Araskog dissenting.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Special Exception and Site Plan Review No. ZON-25-0021 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 4-0.

10. ZON-25-0026 (COA-25-0009) 1200 S OCEAN BLVD (COMBO) – SPECIAL EXCEPTION. The applicant, Dustin Mizell with Environment Design Group, has filed an application requesting Town Council review and approval for a special exception to allow the construction of a new padel court. The scope of work includes exterior alterations, landscape, and hardscape modifications for the landmarked property. The Landmarks Preservation Commission shall perform design review of the application. *[This project shall be deferred to the August 13, 2025, Town Council meeting, pending Landmarks review.]*

Please note: This item was deferred to August 13, 2025, at the approval of the agenda.

11. ZON-25-0029 (ARC-25-0023) 224 BARTON AVE (COMBO) – VARIANCE(S). The applicant, 224 Barton Land Trust (MHK Architecture), has filed an application requesting Town Council review and approval of one (1) variance related to a one-story addition, exceeding allowable Cubic Content Ratio (CCR). The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project. Carried 7-0.]*

Council Member Moran and Mayor Moore disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project.

Attorney M. Timothy Hanlon, representing the owner, provided an overview of the project and explained the zoning requests.

Council Member Araskog asked about the CCR calculations; she thought they were increasing. Mr. Bergman confirmed that they were increasing.

Caroline Forrest, of MHK Architecture, presented the architectural plans for the project.

Council Member Araskog asked about the hardship; Mr. Hanlon responded. She asked about the addition to the home, and Ms. Forrest said it would be a laundry room.

Council Member Moran supported the project.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council Member Cooney that Variance No. ZON-25-0029 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0.

12. ZON-25-0030 (ARC-25-0024) 124 BRAZILIAN AVE (COMBO) – VARIANCES. The applicant, Gulf Stream Trust (Maura Ziska Representative, Kirchoff & Associates Architect), has filed an application requesting Town Council review and approval of four (4) variances to (1) reduce required number of garage spaces, (2&3) retain reduced west side yard setbacks at both first and second floors and (4) to reduce the required east side yard first floor setbacks for various additions and alterations. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the August 13, 2025, Town Council meeting, pending Architectural review.]*

Please note: This item was deferred to August 13, 2025, at the approval of the agenda.

13. ZON-25-0031 (ARC-25-0028) 266 SOUTHLAND RD (COMBO) – VARIANCE(S). The applicant, Mr. & Mrs. Roberts (Vintage Building and Design), has filed an application requesting Town Council review and approval of one (1) variance related to a one-story addition, not meeting the required side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative impact on the subject property. Carried 7-0.] [The Architectural Commission approved this project with conditions. Carried 6-1.]*

There were no disclosures of ex parte communications.

**Note: Council Member Cooney disclosed a conflict of interest for the project and left the dais during the discussion.*

Assistant Director Murphy provided staff comments on the project.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton that Variance No. ZON-25-0031 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 2-1, with Council Member Araskog dissenting.

14. ZON-25-0032 1247 S OCEAN BLVD – VARIANCE. The applicant, Providencia Partners, LLC (Gerard Beeson, Manager), has filed an application requesting Town Council review and approval for a variance to exceed the maximum fence height permitted within a side yard setback.

Council Member Cooney disclosed ex parte communications.

Assistant Director Murphy provided staff comments on the project and answered questions of the Town Council members, as necessary.

Attorney Maura Ziska, representing the owner, provided an overview of the project and explained the zoning requests.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

Council Member Araskog asked about the hardship; Ms. Ziska responded.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-25-0032 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 4-0.

15. ZON-25-0033 (ARC-25-0031) 218 ROYAL PALM WAY (COMBO) — SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, 218 Holdings LLC (Susan Hudson, Manager), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review and including variances (1) to reduce side (east) setback for the new exterior egress stairs, (2) to reduce the required side setback for a 100kw generator, (3) to exceed the maximum height of a generator and screening wall in a required yard and (4) to reduce the required parking. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project will be heard by ARCOM after the zoning requests are approved at Town Council.]*

There were no disclosures of ex parte communications.

Assistant Director Murphy provided staff comments on the project and answered questions of the Town Council members, as necessary.

John Lindgren, Planner with Gunster and representing the owner, provided an overview of the project and explained the zoning requests. Jason Drobot of Brasseur and Drobot Architects presented the architectural plans for the project. Sean Twomey of Environment Design Group presented the landscape and hardscape plans for the site.

Council Member Araskog inquired about the hardship. Mr. Lindgren provided the hardship.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-25-0033 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 3-1, with Council Member Araskog dissenting.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception and Site Plan Review No. ZON-25-0033 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provisions and arrangements have been made concerning items (1) through (11) of section 134-329. The motion was carried 3-1, with Council Member Araskog dissenting.

**Note: A short break was taken at 1:19 p.m. and the meeting resumed at 1:24 p.m.*

ORDINANCES - SECOND READING

- 16 6-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article Vi, District Regulations, At Division 4, To Amend Section 134-890 To Remove Public And Private Academic Schools As Special Exceptions In The R-B Low Density Residential District; At Division 5, To Amend Section 134-945, To Remove Public Or Private Academic Schools As Special Exceptions In The R-C Medium Density Residential District; At Division 6, To Amend Section 134-1000, To Remove Public Or Private Academic Schools As Special Exceptions In The R-D(1) Moderate Density Residential District; At Division 7, To Amend Section 134-1055, To Remove Public Or Private Academic Schools As Special Exceptions In The R-D(2) High Density Residential District; At Division 8, To Amend Section 134-1109, To Remove Public Or Private Academic Schools As Special Exceptions In The C-Ts Town-Serving Commercial District; At District 12, To Amend Section 134-1304, To Remove Public Or Private Academic Schools As A Special Exception In The C-B Commercial District; Providing For Exhibit A, Map Of Affected Area; Providing For Exhibit B, Map Of Unaffected Area; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance 006-2025 by title only.

Council Member Cooney confirmed that any existing schools that needed to make a change would be grandfathered in, and this ordinance prohibited new uses. Town Attorney O'Connor provided confirmation.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran to adopt Ordinance 006-2025 on second reading. The motion was carried unanimously, 4-0.

- 17 7-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42 - Environment, Article V - Noise, By Amending Section 42-199(B) To Prohibit Construction Work From December 24 Through January 1; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance 007-2025 by title only.

Council Member Cooney stated he had received feedback and asked for confirmation that the landscapers could still provide maintenance during the holidays. Mr. Bergman confirmed this. Council Member Cooney asked the staff to clarify the hours to all users.

Council Member Araskog asked that all landscapers receive an email about summer hours and winter hours. Council Member Moran suggested that the hours be updated on the website.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to adopt Ordinance 007-2025 on second reading. The motion was carried unanimously, 4-0.

- 18 8-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18 - Buildings And Building Regulations, Article VII. - Construction Site Management, By Adding Section 18-355 To Mandate The Use Of A Construction Management Agreement On All Construction Projects That Receive One "Strike" Under The "3-Strike Rule," A Code Enforcement Notice Of Violation, Or A Stop Work Order; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Joanne O'Connor read Ordinance 008-2025 by title only.

Council Member Cooney sought clarification on an adjudicated notice of violation.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Araskog and seconded by Council Member Moran to adopt Ordinance 008-2025 on second reading. The motion was carried unanimously, 4-0.

ANY OTHER BUSINESS

19. Requesting a Waiver of Town Code Section 18-237, For a Building Permit Extension at 144 Chilean Avenue

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request and provided recommendations.

Chara, a project manager with Tim Givens Building, provided information on the extra time needed.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Araskog to grant the waiver of Town Code Section 18-237 as requested. The motion was carried unanimously, 4-0.

20. Requesting a Waiver of Town Code section 18-237, For a Building Permit Extension at 150 Seminole Avenue

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the building permit extension request and provided recommendations.

Roy Dunworth, of Dunworth Construction, provided information on the extra time needed.

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran to grant the waiver of Town Code Section 18-237 as requested. The motion was carried unanimously, 4-0.

21. Requesting a Waiver of Town Code Section 42-199, For Working Hours at 350 S County Rd.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the waiver for working hours and provided recommendations.

**Note: Council Member Cooney declared a conflict of interest for the item and left the dais during the discussion.*

Council President Pro Tem Crampton called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Moran and seconded by Council Member Araskog to grant the waiver of Town Code Section 42-199 as requested. The motion was carried unanimously, 3-0.

ADJOURNMENT

A motion was made by Council Member Araskog and seconded by Council Member Moran to adjourn the meeting at 1:43 PM. The motion was carried unanimously, 4-0.

APPROVED:

Lewis S.W. Crampton, Council President
Pro Tem

APPROVED:

Kelly Churney, CMC, Town Clerk
Date: _____



TOWN OF PALM BEACH

Minutes of the Town Council Special Meeting: Budget Workshop Held on July 10, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 AM in the Town Council Chambers.

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

Members Absent: Bobbie Lindsay

INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Churney gave the invocation. Council President Pro Tem Crampton led the Pledge of Allegiance.

APPROVAL OF AGENDA

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve the agenda as presented. The motion was carried unanimously, 4-0.

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS

Council Member Araskog thanked the department directors and assistant directors for their contributions to the town.

2. PUBLIC - 3 MINUTE LIMIT

No one indicated a desire to speak.

GENERAL BUSINESS

3. Fiscal Year 2026 Proposed Budget

Council President Pro Tem Crampton discussed millage rates and presented a chart showing an 11-year trend, noting a 25% reduction in town property tax rates. He thanked staff and colleagues for the opportunity to continue serving a safe, secure, clean, and well-managed town.

Town Manager Blouin made introductory remarks. He stated that operations had been thoroughly reviewed, and staff continued to seek ways to meet community expectations. He noted increased staffing, particularly in the Police Department, and that additional Council-approved positions, some contractual and some revenue-generating, had been added to the budget. Mr. Blouin discussed capital projects and investments made to improve software and technology townwide. These improvements will better prepare the town for the future. He said that the adoption of the budget in September does not end the budget process as the town staff will continue to look for ways to reduce costs. He noted that the town has been without any increase in property taxes for seven years.

Mr. Miracle stated that the workshop's intent was to provide transparency, facilitate discussion, and assure that financial resources are properly aligned with the community's needs. He thanked the Finance Department staff for their work on the budget.

Mr. Miracle discussed a property tax proposal reducing millage rates, resulting in a zero-tax increase for homestead property owners, and a \$120 per \$1 million increase for non-homestead property owners. He summarized the major FY26 revenue and expenditure changes.

Mr. Miracle stated that while home sales in Palm Beach were declining, sale prices continued to rise. He reviewed expected property tax revenue for FY 2025-2026 and discussed revenues from parking, investments, and fund transfers. He noted that the marina transfer to the Underground Project would increase from \$6 million to \$8 million. He also noted that the transfer to capital was being reduced by \$0.5 million.

Mr. Miracle addressed healthcare costs. He said Palm Beach had been a model for healthcare cost containment. However, recently, there has been a history of high/sustained claims. He noted that with that, there have been pharmaceutical changes and increases, and the cost increases have remained consistent with the public sector. He noted that the stop loss is \$135,000. He stated that the town clinic had been a huge benefit for the town and continues to be used by employees. He discussed the history of the healthcare fund, which is a separate fund. He stated that staff had been trying to mitigate the healthcare costs for the past few years. In 2026, there is a proposed increase in deductibles, out-of-pocket maximum, and a new prescription cost-saving plan.

Mr. Blouin discussed the new positions in the budget. He stated that the Police new hires would be staffing the south end for the opening of the Phipps Park project. He also felt that with additional traffic and parking needs, it was more than justified to add police officers. Two police aides were also being added to assist with traffic and parking. He said the Planning, Zoning and Building Department will be hiring a new civil engineer, which would result in contractual cost savings while improving permit processing time. This position will be charged to the Building Fund. Mr. Blouin said that in accordance with the agreement with the Preservation Foundation, a crew foreman and two park attendants would be hired to assist with Phipps Park. He also discussed positions that were requested but not included in this budget. He noted there would be at least two key senior staff members leaving the town within the next two years, and additional positions would be necessary for succession planning.

Mr. Miracle explained the Capital Improvement Program (CIP)/Coastal projects that have been funded in the budget. In addition to budgeted capital/coastal items included in the budget, he discussed planned budget items for FY 27, which include the Mid-Town Seawall and Mid-Town Beach Renourishment. He noted that the anticipated State Reimbursement would be \$7 million.

Mr. Miracle discussed the paving project related to the undergrounding project and provided a schedule for finishing the final phases. He said it would likely be in the range of \$20 million. He noted it was great that the town could do this without incurring additional debt.

Mr. Miracle discussed various funds and the reserve status as of September 30, 2024. He stated that the Town's policy has been to maintain Unassigned Fund Balance (FB) at least 30% of General Fund budgeted operating expenses, which includes all transfers besides the \$5.42 million transfer for retirement. He was pleased that the minimum fund balance requirement had increased from 25% to 30%.

Mr. Miracle stated that there may be some headwinds in the future. He discussed the state legislature, noting the constitutional amendment that passed in November 2024 on homestead exemptions, which says that each year, exemptions will be increased by Consumer Price Index (CPI). He stated that the exemption would increase every year. He noted that homestead property owners are capped at 3% and non-homestead property owners are capped at 10%. He also noted discussions about total elimination of property taxes as well as other proposals, none of which got through at the last legislative session. He noted that a task force was put together to look at ways to reduce property taxes between now and the next legislative session. Mr. Miracle discussed that FEMA (Federal Emergency Management Agency) may no longer support local governments after this hurricane season. The federal government currently reimburses 90% of storm claims. He further discussed the potential financial impact. Mr. Blouin noted concern about the possible changes in federal funding.

Mayor Moore asked what the dollar change would be if the millage rate was maintained rather than lowered. Mr. Miracle stated an additional 2.6 million dollars in revenue. Mayor Moore wondered if the police officer positions would be difficult to fill. Gillian Barth, Director of People and Culture, responded that the ability of the town to attract high-quality candidates had improved considerably. She also said that changes were made to the compensation structure, where experienced people can be hired without starting at the bottom of the pay scale. Police Chief Nicholas Caristo stated that the Police Department does its own recruitment and maintains a wait list. He did not anticipate any challenges filling that position. Mayor Moore asked about a market analysis of the positions. Ms. Barth responded that the compensation studies are consistent, and around this time of year, all public safety market studies and for general staff, 33% of all positions are filled every year. By every third year, all positions have been reviewed. She also noted that as new positions are recruited, market studies are conducted to maintain on-market trends as much as possible.

Council Member Moran had no questions at this time.

Council Member Araskog wondered if a reduction was made to the millage rate this year; could it be increased next year? Mr. Miracle confirmed it could be increased. Council Member Araskog thought that the millage rate should be held consistent, rather than reduced, in the event there are unexpected costs.

Mr. Blouin stated that staff's goal was always to present a budget without property tax increases. He noted that maintaining the current millage rate would not compromise the town's position.

Council Member Araskog asked how many new officers would be dedicated to Phipps Ocean Park. Carolyn Stone, Deputy Town Manager, responded that a crew foreman and two park attendants were included in the capital grant agreement. She noted that for this year, those positions were only being budgeted for two months. Mr. Blouin added that the Town agreed to increase police presence in the park. Council Member Araskog asked about the cost for the additional employees in the park. Ms. Stone thought it was about \$660,000. Council Member Araskog confirmed that the seawall would not be replaced when the President is in town. Mr. Blouin stated that the item is not in the 2026 budget but would be on the agenda for discussion in the fall. Council Member Araskog asked about the state easements and the 2027 \$7 million reimbursement cost. Paul Brazil, Director of Public Works, stated he could not guarantee that the state would have reimbursement costs, but this was a typical reimbursement. Council Member Araskog asked about the paving project schedule, and Mr. Miracle stated the paving would be following the stages of completion.

Council Member Cooney asked about the increase in healthcare deductibles. Ms. Barth talked about slightly increasing the healthcare deductibles. She stated that slow incremental responses were being implemented while never putting any employee in a situation where it is unattainable for them to deal with their healthcare issues. Council Member Cooney wanted to make sure that the town was competitive. Council Member Cooney asked about recruitment and the cost of living in this area. Ms. Barth felt that the town was doing quite well with recruitment. Council Member Cooney thanked Town Manager Blouin, Mr. Miracle, and all the department directors for their hard work on the budget. Council Member Cooney was happy to see the increased staffing request for public safety. He asked about recruitment and staffing levels. Chief Caristo stated that the town had a strong recruitment and many new, quality recruits were from the northeast. Council Member Cooney asked about his thoughts on contractual employees. Mr. Blouin discussed that prior to the great recession, hiring contractual employees was ideal. However, substantial changes have been made, and the town is competitive. He said many times it would cost the town more to hire contractual help than full-time employees. He also mentioned that the town maintains better quality control when hiring its employees. Council Member Cooney wondered if the town should be concerned about the limited ability to find new revenue streams. Mr. Blouin said the town has adopted a new philosophy for generating revenue streams. One would be to maximize its assets. He said there are a few opportunities left, but other opportunities would require council direction, legal research, and possibly additional staff.

Council President Pro Tem Crampton added that many groups and residents contribute to the town's expenses. Mr. Blouin agreed that the town has received great gifts, but they do so with some discussion and trade-offs. Mr. Miracle stated that when there are small surpluses, the staff looks at the capital improvements where they can contribute when it makes a small difference. The town strives not to take on new debt, strategically evaluating needs versus wants. Mr. Blouin stated that financial planning is helping to set the town up for the future. Council Member Cooney acknowledged that keeping the millage rate the same as last year helped to allow for good budget planning this year. He asked if keeping the millage rate the same would help. Mr. Blouin thought that planning the FY27 budget would be challenging, anticipating a lot of unknowns; Mr. Miracle concurred.

Council President Pro Tem Crampton asked about the costs for undergrounding, and Mr. Miracle

stated that all the costs had been submitted and were known. Council President Pro Tem Crampton asked about the positions open in the Police Department and wondered if they would assist with traffic. Chief Caristo discussed the external and internal need for more police officers.

Council Member Araskog asked about the dollar amount the town spends to protect the President and if the town receives any reimbursement. Chief Caristo said the Sheriff's Office is tasked with providing additional security around Mar-a-Lago. He said anything related to Mar-a-Lago is broken down by hours and costs. The Police Department does submit for reimbursement. Mr. Blouin said the Town did get some reimbursement from the federal government for duties related to the 45th President.

Council President Pro Tem Crampton acknowledged that the ADAC (the amount of money the town contributes to pension funds) would be reduced in the next few years. He stated that the \$5.4 million in annual contributions would not have to be made in the future, after next year. He said the town is in great shape with regard to long-term funding.

Council Member Moran recommended making the parking revenue its own enterprise. She thought keeping the millage rate was a good idea, as it would contribute the extra money to future capital projects.

Council President Pro Tem Crampton thought the budget was solid, and the millage rate did not need to be raised. He discussed the excess reserves that should handle contingencies. He did not believe the millage rate needed to be maintained and could be reduced.

Council Member Araskog asked about the health fund's minimal requirement. Mr. Miracle explained that, when working with the consultants, they look at claim experience and make a recommendation as to what they believe the fund balance should be to cover the healthcare costs. This is the first time healthcare has been underfunded. He said this was why staff was asking to increase the transfer by roughly \$2.6 million to stabilize that fund. Council Member Araskog wondered if the new employee in Public Works would be hired early enough to train, and if the two outgoing employees would be allowed to consult with the town. Council Member Araskog thought the millage rate should be held consistently and not reduced; she thought there were many unknowns, and the town should keep a cushion.

There was a consensus of the Town Council to keep the millage rate at the existing 2.6110, and not to lower it to 2.5311.

Council President Pro Tem Crampton called for public comment.

Mark Zeidman, 229 Barton Avenue, spoke about the budget and agreed with the meeting's consensus, holding the millage rate at 2.6110. He said that looking ahead, he sees more headwinds than tailwinds. He felt the increase in protective capital expenditures for capital improvement and coastal resiliency projects had been significant. He noted that these two funds were projected to run net deficits from time to time over the next several years.

4. **60-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Proposed Operating Millage Rate Of 2.6110 For The Tentative Fiscal Year 2026 Budget; Approving The Computed Rolled-Back Millage Rate Of 2.4310 To Be Provided To The Property Appraiser In Accordance With F.S. 200.065;

Establishing The Date, Time And Place Of The First And Final Budget Hearings To Consider The Proposed Millage Rates And Tentative Fiscal Year 2026 Budget And Directing The Town Manager To Transmit This Information To The Property Appraiser Of Palm Beach County In Accordance With The Requirements Of F.S. 200.065.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 060-2025. The motion was carried unanimously, 4-0.

5. **61-2025** A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Golf Fees for Fiscal Year 2026.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 061-2025. The motion was carried unanimously, 4-0.

6. **75-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Marina Annual and Transient Dockage Rates for the Fiscal Year 2026.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 075-2025. The motion was carried unanimously, 4-0.

7. **62-2025** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for Fiscal Year 2026.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 062-2025. The motion was carried unanimously, 4-0.

8. **63-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Relating To The Worth Avenue Improvement Project; Establishing The Estimated Assessed Cost Against The Properties That Will Be Benefitted Thereby; Directing The Town Manager To Prepare Updated Assessment Rolls; Establishing A Public Hearing To Consider Approval Of The Assessment Rolls And Reimposition Of The Maintenance Assessments And Their Collection Pursuant To The Uniform Assessment Collection Act; Directing The Provision Of Notice; And Providing For An Effective Date.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 063-2025. The motion was carried unanimously, 4-0.

9. **64-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Relating To Maintenance Of The Peruvian Avenue Improvement Project; Establishing The Estimated Assessed Cost Against The Properties That Will Be Benefitted Thereby; Directing The Town Manager To Prepare An Updated Assessment Roll; Establishing A Public Hearing To Consider Approval Of The Assessment Roll And Reimposition Of The Maintenance Assessments And Their Collection Pursuant To The Uniform Assessment Collection Act; Directing The Provision Of Notice; And Providing For An Effective Date.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 064-2025. The motion was carried unanimously, 4-0.

10. **65-2025** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Relating To The Collection And Disposal Of Commercial Solid Waste; Establishing The Estimated Assessed Cost Against The Properties That Will Be Benefitted Thereby; Directing The Town Manager To Prepare An Updated Solid Waste Assessment Roll; Establishing A Public Hearing To Consider Approval Of The Assessment Roll And Reimposition Of The Service Assessments And Their Collection Pursuant To The Uniform Assessment Collection Act; Directing The Provision Of Notice; And Providing For An Effective Date.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 065-2025. The motion was carried unanimously, 4-0.

ANY OTHER BUSINESS

There was no other business discussed at this time.

ADJOURNMENT

A motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 11:51 AM. The motion was carried unanimously, 4-0.

APPROVED:

Lewis S.W. Crampton, Council President
Pro Tem

APPROVED:

Kelly Churney, CMC, Town Clerk

Date: _____

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: July 23, 2025, Architectural Commission Meeting Minutes

Date: 7/28/2025

Staff recommends that the Town Council approve the major items that ARCOM approved at the regularly scheduled meeting on July 23, 2025.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve major items considered at the regularly scheduled meeting on July 23, 2025.

GENERAL INFORMATION

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Collaborative Town Government

FUNDING

No Fiscal Impact



TOWN OF PALM BEACH

Minutes of the Architectural Commission Meeting Held on July 23, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:01 AM in the Town Council Chambers.

Members Present: Claudia Visconti, KT Catlin, Kathy Georgas, Sue Patterson, David Phoenix, Richard Sammons. Elizabeth Connaughton arrived at 9:36 a.m.

Members Absent: Betsy Shiverick, Kenn Karakul

Members Excused: Jeffery Smith

Staff Members Present: Assistant Town Attorney Lainey Francisco, Friederike Mittner, Sarah Pardue, Bradley Falco, and Kelly Churney

PLEDGE OF ALLEGIANCE

Vice Chair Sammons led the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA

A motion was made by Ms. Catlin and seconded by Ms. Patterson to approve the consent agenda as presented. The motion was carried unanimously, 6-0.

1. ARC-25-0033 (ZON-25-0037) 171 EL PUEBLO WAY (COMBO) The applicants, Kevin Ryan & Carolyn Pressly-Ryan, have filed an application requesting Architectural Commission review and approval for minor modifications to the site plan of a previously approved new residence including the relocation of swimming pool heater and swimming pool pump equipment from its previously approved location with associated hardscape and landscape modifications, alternate hardscape materials for a vehicle drive, and incorporation of a new dining trellis, among other small adjustments related to comments received during construction permit review; variances are required as they pertain to pool heater setback and distance separation of pool equipment from the swimming pool. Town Council shall review the application as it

pertains to zoning relief/approval.

2. ARC-25-0034 (ZON-25-0036) 3300 S OCEAN BLVD (COMBO) The applicant, Meridian of Palm Beach Condominium (Environment Design Group), has filed an application requesting Architectural Commission review and approval for modifications to the entry guardhouse with associated landscape and hardscape changes. Town Council shall review the application as it pertains to zoning relief/approval.

APPROVAL OF AGENDA

A motion was made by Ms. Catlin and seconded by Ms. Patterson to approve the agenda as presented. The motion was carried unanimously, 6-0.

MINUTES

3. June 25, 2025, Architectural Commission Minutes

A motion was made by Ms. Catlin and seconded by Ms. Visconti to approve the June 25, 2025, minutes as presented. The motion was carried unanimously, 6-0.

ADMINISTRATION OF THE OATH

Town Clerk Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

COMMENTS

4. OFFICIALS

Ms. Catlin raised concerns about the landscaping surrounding the tennis structures at The Breakers. While she acknowledged that a final inspection had not yet occurred, someone contacted her and asked her to walk the site. After doing so, she understood the concern about whether the landscaping would be mature enough to adequately screen the structures during the final inspection. She believed that additional trees might be necessary to provide sufficient screening.

5. STAFF

No one indicated a desire to speak.

6. PUBLIC - 3 MINUTE LIMIT

No one indicated a desire to speak.

UNFINISHED BUSINESS

7. ARC-24-0141 (ZON-24-0079) 1 S COUNTY RD – THE BREAKERS FAMILY ENTERTAINMENT CENTER (COMBO) The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting ARCOM review and approval for

the demolition of an existing two-story building (Family Entertainment Center & The Italian Restaurant structure) and the construction of a new, three-story structure with basement to replace same that will connect with an overhead enclosed pedestrian bridge to the existing two-story building (Beach Club) at The Breakers Palm Beach Resort, with related site improvements. The proposal requires an amendment to the existing Breakers PUD and special exception approvals and site plan to be reviewed by Town Council.

Mr. Falco provided staff comments on the project.

There were no ex parte communications disclosed.

David Rau of Hart Howerton presented the architectural modifications for the proposed entertainment center.

Mr. Phoenix asked about the columns on the Via and the proposed embellishments. He also asked about the color of the pre-cast embellishment and the benches. Mr. Rau responded.

Mr. Sammons asked about the detailing of the arches. Mr. Rau responded.

James Neville of Hart Howerton reviewed the proposed landscaping details.

Mr. Sammons asked about the changes to the building's height, scale, and mass since the last presentation. Mr. Rau reviewed the areas where there had been reductions.

Ms. Catlin asked about the proposed artificial turf and stated she did not prefer the material. Mr. Neville stated it would be a high-traffic area, which was why the material was chosen.

Ms. Visconti asked about the proposed Gumbo Limbo and how they would handle it when it defoliates. Mr. Neville responded and discussed the proposed tree and how they would handle the tree droppings. Ms. Visconti asked about the hedging. Mr. Neville responded.

Ms. Georgas asked about the number of seashell benches that would be proposed. Mr. Neville stated there would be two and showed their location on the plan.

Ms. Catlin thought the changes were good and lightened up the building. She thought the surroundings of the sea life were appropriate for the family building. She liked the color and whimsy of the columns; she thought it would be inviting. She recommended labeling the plants with small signage for families to walk around and learn about the materials. Mr. Neville addressed the request.

Mr. Phoenix thanked the professionals for listening to the comments and for the samples; he thought that made a big difference. He liked the materials and color choices, but was unclear about the column design. He asked if they were plastered with sea life engravings. Mr. Rau responded. Mr. Phoenix appreciated the updated design and noted it was a clear improvement from the previous presentation.

Ms. Patterson agreed with Ms. Catlin and Mr. Phoenix's comments. She liked the Moorish influences. She understood the proposal for turf on the putting green.

Ms. Visconti agreed. The one item she struggled with was the Jerusalem stone; she thought it looked foreign. Mr. Rau responded. She thought a limestone or coral stone would be more appropriate.

Mr. Sammons identified three main concerns with the design. First, he felt the arches in the Moorish court appeared too squat and recommended adjusting them to a more traditional proportion for better visual lift. Second, he noted that arches on the south elevation had become oversized compared to earlier versions; he urged the team to revisit the design to maintain elegance while accommodating utilities. Lastly, he critiqued the door surround, stating it felt postmodern and lacked authenticity, and suggested refining the molding details, proportions, and ornamentation to align more closely with historical precedents.

A motion was made by Ms. Visconti and seconded by Ms. Patterson to approve as presented with the following conditions: the hardscape material be changed to cast or coral stone, the span of the arches on the south elevation should be reduced as shown in the previous presentation, the bed molding on the surround of the family entertainment center be restudied and brought back for staff approval in coordination with the Chair. The motion was carried unanimously, 7-0.

8. ARC-24-0071 224 VIA MARILA The applicant, Adrian Tauro, has filed an application requesting Architectural Commission review and approval for construction of a new, two-story single-family residence and attached accessory structure with final hardscape, landscape, and swimming pool.

Mr. Falco provided staff comments on the project.

Several members disclosed ex parte communications.

Michael Perry of MP Design & Architecture presented the architectural modifications for the new residence. He showed alternate elevations on the overhead projector.

Ms. Visconti did not favor the lights for the garage; she wondered if a downlight could be added. Mr. Perry showed the alternate light that was proposed. Ms. Visconti thought that the light choice was better. She asked about the material for the driveway. Cory Nievera of Nievera Williams Design confirmed the material.

Mr. Phoenix asked about the options for the front door. Mr. Perry stated he would change the material to wood if preferred.

Ms. Connaughton asked about the type of windows proposed. Mr. Perry stated they would be casement windows.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Mr. Phoenix did not believe the house was exceptional, but it was improving. He did not believe the palate was indicative of Palm Beach.

Ms. Connaughton thought the palette with the renderings made everything look gray. She

thought the mass was strange. Mr. Perry reviewed the changes that had been made and the owners' wishes.

Ms. Visconti thought the middle window on the second floor's front elevation needed to be differentiated. She provided a suggestion for the vines proposed on the front elevation.

Ms. Patterson thought the house was fine, but agreed it needed something more to add some interest. Mr. Perry showed an inspiration photograph and described his intent.

Ms. Connaughton thought the rear elevation felt repetitive without any hierarchy.

Ms. Georgas thought there was no point of interest in the house.

Mr. Phoenix provided some suggestions to bring interest in the design: iron brackets under the balcony, solid shutters on the first floor, louvers on the second, and a different shape for the small windows on the second floor.

Ms. Catlin thought the home was simple and agreed with Ms. Visconti's suggestion for the center portion of the home. She suggested brightening the shutter color.

Ms. Visconti thought Mr. Perry could add a small wooden gate with an arch in the front, an arched hedge, and vines on the front elevation for more interest.

Mr. Sammons offered several design critiques, noting that while the design is overall improved, it lacks subtlety and suffers from disproportionate elements. He felt the balconies were overly large and visually overwhelming due to shallow wall depths, oversized openings, and unsupported corbels, and suggested clipping corners or adding center brackets. He also pointed out missed architectural opportunities, such as better roof variation, more substantial wall thickness for authenticity, and more distinction between the door and windows. He encouraged further refinement.

A motion was made by Mr. Phoenix and seconded by Ms. Patterson to approve the project with the condition that the following will return for review by staff in coordination with the Chair: the balconies, the wall thickness, the sliders on the rear elevation, the corbels on the balcony, the shutter color and the front door, which will revert to the previous design in a wood material. The motion was carried 6-1, with Ms. Connaughton dissenting.

9. ARC-25-0018 (ZON-25-0018) 164 SEMINOLE AVE (COMBO) The applicant, JPBK Properties #2, LLC (James G. Held, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new, two-story, single-family residence and detached accessory structure with final landscape and hardscape improvements with variances requested as they pertain to angle of vision and cubic content ratio. Town Council shall review the application as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Several members disclosed ex parte communications.

Owner Rob Frisbie discussed his intent with the newly proposed home. Dan Kahan of Smith and Moore Architects reviewed the architectural modifications for the new residence, and Cory Meyer of Nievera Williams Design reviewed the landscape and hardscape modifications for the site.

Mr. Sammons questioned the wall design with a chimney that appears to float above the kitchen. Mr. Kahan explained they aligned the wall with the intersecting laundry room and adjusted it to better integrate the chimney. Mr. Sammons confirmed the corbels were reduced, and the front entry widened, which he viewed as improvements. He also suggested adding a transom bar to the tall casement windows, noting that such a feature would typically be included in European design for better proportion and authenticity.

Ms. Visconti requested that the tabby driveway be a warmer tone, such as Beach Bay or Jupiter Beige, rather than the lighter color shown. She also inquired about the type of coral used, suggesting Florida coral for its warmth and texture, which Mr. Meyer confirmed. Lastly, she asked whether the team was satisfied with the fully exposed house, expressing concern about the lack of buffering. Mr. Meyer responded that existing landscaping would provide adequate screening.

Ms. Connaughton asked if any changes had been made to the cubic content ratio; Mr. Kahan stated it stayed relatively the same. Mr. Sammons thought the house could be angled or situated differently on the lot to eliminate the variance in the angle of vision.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Visconti asked if the landscaping in the front would be loose or more tropical. Mr. Meyer responded and described the design. She asked about the hedge material, why it was chosen, and if they would be open to a different one. Mr. Meyer confirmed he could change the material. She discussed her feelings about the proposed landscaping on the front elevation and expressed concern about the rhythm of the proposed trees. She recommended moving the palms in front of the arched windows. She liked Mr. Kahan's landscaping rendering.

Ms. Catlin missed the pops of color in the original landscaping and thought too much landscaping was removed from the front elevation. She supported the proposed CCR and angle of vision variance requests.

Mr. Phoenix also liked the first rendition of the landscaping and supported the variances.

Ms. Connaughton thought there were a lot of windows on the first floor on the south side. She thought the house was interesting. She thought the reduction on the east side was good and recommended more differentiation. She was not opposed to the variance requests, but thought the cubic content variance could be reduced.

Ms. Patterson complimented the renderings and thought the changes were good. She supported the design.

Mr. Sammons praised the overall improvements to the project but pointed out some design issues that needed refinement. He expressed concern about the lack of traditional detailing in

elements like gates and moldings and the bulky appearance of chimney masses that protrude unnecessarily. His main concern was the "floating wall" with a fake chimney between two building volumes, suggesting it should be a full-height structural wall to better define space and function.

Mr. Frisbie expressed his strong desire to move forward with an approved plan at the meeting so he could proceed with closing on the property. He was willing to incorporate the Board's design suggestions, was open to a conditional approval, and acknowledged that further architectural refinements could be addressed after the meeting.

A motion was made by Mr. Phoenix and seconded by Ms. Visconti to approve the project with the following items to be restudied and approved by the staff in coordination with the Chair: the stoop adjacent to the laundry room, the chimney, the end wall where the two buildings converge, the landscaping to be a mix of the current and previous presentations, and the driveway material will be a lighter color tabby. The motion was carried unanimously, 7-0.

A motion was made by Ms. Visconti and seconded by Mr. Phoenix that the implementation of the proposed variances will not cause a negative architectural impact on the subject property. The motion was carried 5-2, with Ms. Connaughton and Mr. Sammons dissenting.

**Note: A short break was taken at 11:09 a.m., and the meeting resumed at 11:24 a.m.*

10. ARC-25-0024 (ZON-25-0030) 124 BRAZILIAN AVE (COMBO) The applicant, Gulf Stream Trust (Maura Ziska Representative, Kirchoff& Associates Architect), has filed an application requesting Architectural Commission review and approval for facade, roof and other architectural demolition, new additions and alterations that require variances along with associated hardscape and landscaping modifications. Town Council shall review the application as it pertains to zoning relief/approval. *This item has been deferred to the September 25, 2025, meeting.*

**Note: This item was deferred to the meeting on September 25, 2025, at the approval of the agenda.*

11. ARC-24-0090 (ZON-24-0046) 2720 – 2730 S OCEAN BLVD—EDGEWATER / AMBASSADOR SITE (COMBO) The applicant, Palm Beach Edgewater Fee Borrower LLC and Palm Beach Ambassador Fee Borrower LLC, has filed an application for Architectural Commission review and approval of a new multifamily, multibuilding residential development on the east and west sides of S Ocean Boulevard with a new multi-story residential building with five residential levels and a subterranean parking level and rooftop penthouse mechanical equipment to replace two existing five- and eight-story buildings on the east side of S Ocean Boulevard and to replace an existing three-story building on the west side of S Ocean Boulevard, to be demolished. This project includes multiple variances related to building height, building setbacks, building length, lot coverage, maximum amount of fill, rooftop generators, and rooftop mechanical equipment. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *This item has been deferred to the September 25, 2025, meeting.*

**Note: This item was deferred to the meeting on September 25, 2025, at the approval of the agenda.*

NEW BUSINESS

12. ARC-25-0020 (ZON-25-0022) 2875 S OCEAN BLVD (COMBO) The applicant, 2875 OCEAN LLC (Jim Randall, Manager), has filed an application requesting Architectural Commission review and approval to enclose a vehicular drive-thru at an existing commercial site, with zoning application required for site plan review and a parking variance. Town Council shall review the application as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Mr. Sammons disclosed ex parte communications.

Keith Spina of Spina O'Rourke presented the architectural modifications proposed for the existing commercial building. Mario Nievera of Nievera Williams Design presented the landscape and hardscape plans for the site.

Mr. Phoenix asked if a clock would be on the tower; he said it looked like it needed one. He asked about the color palette and wondered if anything was changing. Mr. Spina stated the colors were existing.

Ms. Visconti agreed and wondered if the black trim color could be changed.

Mr. Sammons asked for a detailed plan for the new glass windows. Mr. Spina further explained the design.

Mr. Sammons called for public comment. No one indicated a desire to speak.

A motion was made by Ms. Visconti and seconded by Ms. Catlin to approve the project as presented. The motion was carried unanimously, 7-0.

13. ARC-25-0031 (ZON-25-0033) 218 ROYAL PALM WAY (COMBO) The applicant, 218 Holdings LLC (Susan Hudson, Manager), has filed an application requesting Architectural Commission review and approval for the exterior alterations to an existing three-story building including new windows, doors, roof, new building color, demolition and reconstruction of the covered entry, complete demolition of the existing northeast exterior stair, replacement of existing southeast exterior metal stair fire escape with a slightly larger footprint, and associated hardscape and landscape and the addition of a generator. The project involves variances from setback requirements, wall height, and parking regulations to eliminate one parking space. Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex parte communications.

Attorney Jack Rice, representing the owner, provided an overview and advocated for a positive recommendation on the zoning requests. Jason Drobot of Brasseur and Drobot Architects, P.A.,

reviewed the proposed architectural modifications to the existing commercial building. Dustin Mizell of Environment Design Group presented the landscape and hardscape plans for the site.

Ms. Visconti wondered if the landscape architect would use a material other than grass; Mr. Mizell was open to the change.

Mr. Phoenix asked about the material for the windows; Mr. Drobot confirmed they would be bronze.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Connaughton thought the rustication and detailing could be improved.

Mr. Sammons thought the parking lot needed shade from landscaping; he recommended adding trees. Mr. Sammons provided suggestions for the cornice and moldings. He also suggested narrowing the windows on the second floor, and perhaps adding mullions or stone columns. He also noted that the rustication bands appeared too widely spaced and flat, recommending deeper, more frequent grooves for better texture. He suggested further refinement.

Ms. Patterson recommended adding shade trees where the piers exist.

A motion was made by Mr. Phoenix and seconded by Ms. Patterson to approve the project with the following conditions: shade trees be added to the parking lot spaces in a zigzag fashion, the mullion pattern matches the elevation drawings, the grass is removed, the cornice is enlarged, and the upper windows are narrowed slightly. The motion was carried 6-1, with Ms. Connaughton dissenting.

14. ARC-25-0035 940 N LAKE WAY. The applicant, 940 N LAKE WAY LLC (Maura Ziska, Attorney), has filed an application requesting Architectural Commission review and approval for the construction of a new, 10,000+ square foot single-family residence including basement, accessory structure and final hardscape, landscape and swimming pool improvements on a vacant lakefront parcel.

Mr. Falco provided staff comments on the project.

Several members disclosed ex parte communications.

Leslie Pearce of Smith Architectural Group presented the proposed architectural plans for the new residence. Christopher LaGuardia of LaGuardia Design Group presented the landscape and hardscape plans for the site.

Ms. Visconti asked about the height of the gatehouse and the base floor of the home. Ms. Pearce responded. Ms. Visconti also asked about the material for the balcony railings; Ms. Pearce stated they would be bronze, but could not confirm the material.

Mr. Phoenix asked about the window color and the limestone. Ms. Pearce responded.

Ms. Georgas asked about the stone on the rear terraces and the motor court. Ms. Pearce and Mr. LaGuardia responded.

Ms. Connaughton asked about the cubic content ratio; Mr. Falco stated that there are cubic content ratio exemptions for lots on the Lake Trail.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Catlin thought the home was beautiful, but thought it was too large, boxy, and heavy for the area of town. She did not feel the gatehouse fit into the area as well.

Ms. Visconti agreed with Ms. Catlin that the home was beautiful. However, she thought the gatehouse was too large and that more landscaping was needed on the rear of the home.

Ms. Connaughton thought the plan was too wide. She thought the home was beautiful from the cornice down, but did not favor the mansard roof. She recommended a more tropical roof and did not support the dormers. She liked the gatehouses but recommended reducing them in size. She also thought the west elevation landscaping needed some study.

Ms. Patterson agreed with the previous comments. She thought the gate seemed heavy and large. She also thought it was important to see the view of the home from the lake.

Mr. Phoenix liked the gatehouse and thought it was clever to hide the mechanical equipment. He thought the home was beautiful but needed some whimsy. He thought the lower level should seem more like a grotto.

Ms. Visconti thought the stone was too light and needed more warmth. She provided a recommendation for the hardscape.

Mr. Phoenix thought the west elevation needed a different texture and material for the lower floor.

Ms. Catlin thought the home was too massive for the location.

Mr. Sammons questioned the architectural elements' design in the proposed style, pointing out the mismatched elements like oversized sliding doors, incorrect rustication, and improperly detailed mansard roofs with slate, arguing they were inappropriate for the tropical context. He also criticized the window proportions, structural inconsistencies in the pavilions, and superficial architectural detailing.

A motion was made by Ms. Catlin and seconded by Ms. Patterson to defer the project to the meeting on September 25, 2025. The motion was carried unanimously, 7-0.

15. ARC-25-0036 138 BARTON AVE. The applicant, The Barton Avenue Trust (M. Timothy Hanlon, Representative, Shope Reno Wharton Architect), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family house, including an accessory structure and associated hardscape, landscape, and swimming pool.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex parte communications.

David Boettcher of Shope Reno Wharton presented the proposed architectural plans for the new residence. Kelly Chen and Fernando Wong of Fernando Wong Outdoor Living Design presented the landscape and hardscape plans for the site.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Visconti asked about the height of the proposed Coco Plum; she asked if the material could be changed to Green Buttonwood. Mr. Wong responded. Ms. Visconti liked the roof design in the inspiration photo. She asked about the doors on the front elevation and which portion would be limestone. Mr. Boettcher responded. Ms. Visconti recommended greening up the wing walls.

Mr. Sammons thought the home was a nice design. He suggested adding a column on the rear porch and provided a recommendation for the porches and the rear doors. Mr. Sammons provided suggestions for the pedestrian gate and addressed the chimney molding.

Ms. Patterson thought the home was lovely and recommended adding more color to the landscaping.

Ms. Connaughton questioned the design of the roof and thought it appeared more casual than the others on the street. She agreed with Mr. Sammons' comment on the rear doors.

Mr. Sammons confirmed that the shutters would close if the eave height were lowered. Mr. Boettcher responded.

A motion was made by Ms. Catlin and seconded by Ms. Visconti to approve the project as presented. The motion was carried unanimously, 7-0.

16. ARC-25-0029 220 WELLS RD. The applicant, 220 Wells Trust (MP Design & Architecture), has filed an application requesting Architectural Commission review and approval for modifications to an existing one-story residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex parte communications.

Michael Perry of MP Design and Architecture presented the architectural modifications proposed for the existing home. Mario Nievera of Nievera Williams Design presented the landscape and hardscape plans for the site.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Visconti thought the design was a nice take on a Regency-style home. She thought the finials were too big and wondered if they could be reduced; Mr. Perry stated he could reduce them. Ms. Visconti asked about the front and wondered if two Podocarpus could be added to the front-facing wall of the garage. Mr. Nievera responded.

Ms. Catlin asked about the pergola design; Mr. Nievera further explained the design.

Mr. Phoenix asked about the stucco colors; Mr. Perry responded and discussed the proposed colors. Mr. Phoenix suggested changing the window next to the garage door to a straight window rather than an arch. Mr. Phoenix also asked about the step next to the pool, which was a semicircle. Mr. Nievera discussed the reason for the design.

Ms. Connaughton asked about the entablature above the front columns. Mr. Perry responded.

Ms. Georgas liked the home and the proposed colors.

Ms. Connaughton thought the pavilion felt top-heavy; she recommended studying the alignment.

Mr. Sammons acknowledged the overall improvement while encouraging more refinement. He recommended adding a proper cornice to the main pavilion, adjusting finial bases with plinth blocks, and narrowing the oversized front door for better proportions. He also suggested raising small windows beside the front door and realigning roof columns for better visual coherence. Additional comments included adjusting rustication spacing, refining molding profiles, enlarging keystones, and ensuring consistent scale across architectural elements.

A motion was made by Ms. Patterson and seconded by Ms. Catlin to approve as presented with further refinement based on the comments, with the refinements returning to staff for approval in coordination with the Chair. The motion was carried unanimously, 7-0.

17. ARC-25-0032 589 N COUNTY RD. The applicant, Jonathan P. Harvey Trust (Madison Worth Architecture Representative), has filed an application requesting Architectural Commission review and approval for the replacement of three (3) French Doors with divided lites with three (3) fixed plate glass windows without muntins.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex parte communications.

Gerard Beekman of Madison Worth Architecture presented the architectural modifications for the existing home.

Ms. Sammons asked how the other windows were changed without approval. Mr. Beekman responded. Ms. Mittner stated that the windows Mr. Sammons was referring to were approved as part of the original approval.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Patterson knew there had been issues with the windows in the past.

Ms. Connaughton acknowledged that no one would be looking at the windows from the street, but added that the plate glass felt incongruous with the house.

Ms. Catlin agreed with Ms. Connaughton but acknowledged they could not be seen from the

street.

Mr. Sammons was worried about setting a precedent for plate-glass windows.

Ms. Patterson thought the windows seemed large and odd.

Ms. Connaughton stated that this plate glass would normally not be preferable even on the side, or less important facades.

Ms. Georgas was not in favor of plate-glass.

A motion was made by Ms. Connaughton and seconded by Ms. Patterson to deny the project based on criteria 2 and 4 in Section 18-205 (a). The motion was carried unanimously, 7-0.

18. ARCS-25-0918 201 VIA LAS BRISAS The applicant, Phipps Estates HOA (Walsh Roofing Representative), has filed an application requesting Architectural Commission review and approval for replacement of concrete Spanish S tile with clay Spanish S tile at the entry structures to Phipps Estates.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex parte communications. *Ms. Visconti declared a conflict of interest and did not participate in any discussion regarding the project.*

Ms. Mittner stated that Attorney Lainey Francisco recommended deferring the presentation since neither the applicant nor the applicant's representative was present.

A motion was made by Ms. Catlin and seconded by Ms. Patterson to defer the project to the meeting on August 27, 2025. The motion was carried unanimously, 6-0.

19. ARCS-25-1087 237 WORTH AVE. The applicant, CSPB Worth LLC, has filed an application requesting Architectural Commission approval for exterior façade alterations, including awnings, windows, door, and signage. *This application has been deferred to the August 27, 2025, meeting.*

**Note: This item was deferred to the meeting on September 25, 2025, at the approval of the agenda.*

ANY OTHER BUSINESS

Ms. Connaughton asked staff about the concept of waivers versus variances, referencing recent discussions and news coverage. Staff explained that while waivers were being explored as part of potential zoning code reforms, such as allowing existing nonconforming conditions to continue, no formal language or definitions had been established. Ms. Connaughton suggested forming a special committee for zoning reform. She emphasized the value of involving the Architectural Commission early in the process to provide feedback on commonly encountered issues before any changes are finalized.

MEETING SCHEDULE

20. The next meeting will be on Wednesday, August 27, 2025.

ADJOURNMENT

A motion was made by Ms. Visconti and seconded by Ms. Patterson to adjourn the meeting at 1:55 PM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Richard Sammons, Vice Chair

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Robert Miracle, CPA
Kirk W. Blouin, Town Manager

From: Dean Mealy, II Town Procurement and Contract Manager

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, award of RFP No. 2025-019, Worth Avenue Commercial District Maintenance Program and recommend Brightview Landscape Services, Inc. as the primary awardee, Superior Landscaping & Lawn Service, Inc. as the secondary awardee and Mainguy Landscape Services as the tertiary awardee for a five-year award based on satisfactory performance and budget authorization in the amount of \$1,647,742.01, approving a contingency in the amount of \$164,774 and approving a project budget in the amount of \$1,812,516.01.
84-2025

Date: 7/29/2025

STAFF RECOMMENDATION

Staff recommends that Town Council approve the Selection Committee Recommendation for RFP No. 2025-019 for the Worth Avenue Commercial District Maintenance Program, and recommend Brightview Landscape Services, Inc. as the primary awardee, Superior Landscaping & Lawn Service, Inc. as the secondary awardee and Mainguy Landscape Services as the tertiary awardee for a five-year award based on satisfactory performance and budget authorization in the amount of \$1,647,742.01, approving a contingency in the amount of \$164,774 and approving a project budget in the amount of \$1,812,516.01.

GENERAL INFORMATION

Town Procurement and Contract Management issued RFP No. 2025-019 for the Worth Avenue Commercial District Maintenance Program. A business decision was made not to extend the current solicitation with the incumbent vendor for a variety of reasons. The Scope of Services noted the work generally includes cleaning, landscape, and garden maintenance (including turf and planter areas), quarterly pressure washing of the tabby sidewalk, crosswalks and concrete curbing and gutter. Sealing may be required annually at the discretion of the Contract Coordinator. The detailed Scope of Work is attached.

The Selection Committee consisted of the following members:

Voting

Dennis Polski, P.E.
Association
John Lawrence
Steward of Beautification
Jose Viramontes

Non-Voting

Frank Steinhart, President, Worth Avenue
Marley Herring, Past President and General
Paul Colby
Donavon Davies
Ryan Canterbury and Duke Basha - facilitators

Both voting and non-voting members ranked the top three firms in the same order for award. The Selection Committee decided not to have oral presentations from the top-ranked firms based on solid proposals. We recommend awarding a secondary and tertiary in the event that, as we approach annual renewals over the five-year period, there is no mutual agreement to extend. This allows for the work to continue without re-soliciting. Per State Statute, vendors/proposers are required to provide five-year pricing for the term of the contract. While we have an annual price for each of the five years, it eliminates requests for CPI adjustments.

FUNDING IMPACT

This project will be funded by Worth Avenue Association Special Assessment.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

Donations

RESOLUTION NO. 84-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARD OF RFP NO. 2025-019, WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM AND RECOMMEND BRIGHTVIEW LANDSCAPE SERVICES, INC. AS THE PRIMARY AWARDEE, SUPERIOR LANDSCAPING & LAWN SERVICE, INC. AS THE SECONDARY AWARDEE AND MAINGUY LANDSCAPE SERVICES AS THE TERTIARY AWARDEE FOR A FIVE-YEAR AWARD BASED ON SATISFACTORY PERFORMANCE AND BUDGET AUTHORIZATION IN THE AMOUNT OF \$1,647,742.01, APPROVING A CONTINGENCY IN THE AMOUNT OF \$164,774 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$1,812,516.01.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No/ 084-2025 awarding RFP No. 2025-019 for the Worth Avenue Commercial District Maintenance Program, and awarding Brightview Landscape Services, Inc. as the primary awardee, Superior Landscaping & Lawn Service, Inc. as the secondary awardee and Mainguy Landscape Services as the tertiary awardee for a five-year award based on satisfactory performance and budget authorization in the amount of \$1,647,742.01, approving a contingency in the amount of \$164,774 and approving a project budget in the amount of \$1,812,516.01.

Section 2: The Town Manager is hereby authorized to execute the contract and purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on August 12, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



TOWN OF PALM BEACH

RFP No. 2025-019

WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM

SCOPE OF SERVICES

BACKGROUND

The location/area to be maintained include those within the public right of way and easements on Worth Avenue, between Cocoanut Row and South Ocean Boulevard, including the improvements contained within and adjacent to the intersections of Cocoanut Row and South Ocean Boulevard, and the area surrounding the clock tower at the east terminus of Worth Avenue. The area also includes the public right of way of Cocoanut Row between Peruvian Avenue and Worth Avenue, Hibiscus Avenue between Peruvian Avenue and Worth Avenue, and South County Road between Peruvian Avenue and the mid-block alley south of Worth Avenue. All sidewalks that are constructed with decorative tabby concrete, whether they are located in the rights-of-way or not, are to be maintained under this contract.

The work generally includes cleaning, landscape, and garden maintenance (including turf and planter areas), quarterly pressure washing of the tabby sidewalk, crosswalks and concrete curbing and gutter. Sealing may be required annually at the discretion of the Contract Coordinator or designee. The Town requires that a maintenance schedule be established, approved by the Contract Coordinator and followed by the awarded contractor.

RFP ITEM DESCRIPTIONS

The following explanations of the items to be priced (as shown on the Proposal Pages) are provided; however, the omission of reference to any item shall not alter the intent of the Proposal Pages or relieve the Proposer of the necessity of providing a complete schedule of maintenance under this Contract.

The pricing provided by the Proposer for the various items of work is intended to establish a total price for completion of the maintenance on an annual basis in its entirety.

The quantities set forth on the Proposal Pages are the minimum number of quantities/services and are given to establish a uniform basis for the comparison of RFPs. The Town reserves the right to increase or decrease the quantity of any item or portion of the work during the maintenance period in accordance with the terms of the Contract. The Proposal Pages shall serve as a basis of developing additive or deductive Change Orders.

Unit prices are used as a means for computing the proposal, for Contract purposes, for periodic payments, and for determining value of additions or deletions. Payment shall be made for the items listed on the Proposal Pages on the basis of the work actually performed and completed, such work including but not limited to, the furnishing of all necessary labor, materials, equipment, tools, transportation, delivery, disposal of waste and surplus material, restoration and all other appurtenances necessary to complete the maintenance operations as described in this document.

Unforeseen conditions may arise that create the need to provide services for work elements that were not contemplated on the Proposal Pages. In this case, Proposers are instructed to provide hourly rates for the various labor forces and equipment listed on the Proposal Pages as a cost basis for these unforeseen assignments. Materials and subcontracted services will be paid for by the Town on a cost-plus basis with the percentage listed on the RFP item list being added to the actual material cost. A



TOWN OF PALM BEACH

RFP No. 2025-019

WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM

written quotation shall be submitted to the Town for approval before any work is undertaken to address any unforeseen conditions.

Unforeseen conditions include, but are not necessarily limited to, the following:

- Any other Items that may arise throughout the course of the contract that are not accounted for on the proposal.

The Town has the right to require that three competitive quotations be obtained by the maintenance contractor for any subcontracted services and material orders prior to the execution of the work. The Town may elect to procure the services of other contractors on an as needed basis during the term of the agreement to address unforeseen items that may arise during the course of the maintenance period at the Town's sole discretion.

Repair work shall be performed at the project site whenever possible. However, should the nature of repairs make it necessary to remove the Town-owned item to the Contractor's shop for repairs, the Contractor shall, prior to removal, contact the Town and inform them what repairs are required and obtain approval for the removal of said item. Transportation charges to and from the Contractor's shop shall be the sole responsibility of the Contractor. The Contractor shall be responsible for loss of, or damage to, any item while it is in the possession of the Contractor or in transit to and from Contractor's shop for repairs and service.

The Contractor shall prepare a work ticket for each maintenance visit performed. A copy of the work ticket shall be delivered or emailed to the Town Contract Coordinator within one (1) week after completion of the work. The Contractor shall retain the duplicate work ticket for his records. A sample work ticket is provided as an attachment to this RFP. The work ticket shall include the following information at a minimum:

- Name of contractor
- Date of service
- Description of services performed
- List of parts replaced, if applicable
- Issues or potential future issues the Town should be made aware of
- Signature of maintenance contractor representative

These tickets will form the basis of payment for the monthly payment applications submitted to the Town by the Contractor.

Any damage caused by the maintenance contractor while carrying out maintenance operations shall be repaired by the maintenance contractor without charge to the Town.

The Contract Coordinator will perform inspections of all areas on an as needed basis. The inspection report will be sent to the awarded contractor (a sample report is attached).



TOWN OF PALM BEACH

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WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM

PUBLIC SAFETY AND CONVENIENCE

In the Contractor's use of streets and highways for the work to be done under these specifications, they shall conform to all Municipal, County, State and Federal laws and regulations as applicable.

The Contractor shall at all times so conduct their work as to insure the least possible obstruction to normal pedestrian and vehicular traffic including access to all public and private properties during all stages of construction, and inconvenience to the general public and the residents in the vicinity of the work, and to insure the protection of persons and property, in a manner satisfactory to the Contract Coordinator. No more than one-half (1/2) of the road or street shall be closed and traffic shall be controlled, so as to provide minimum hindrance. There shall be no obstruction of the travel lanes without approval from the Contract Coordinator. No road or street shall be closed to the public, except with the permission of the Town Engineer and proper governmental authority. Fire hydrants on or adjacent to the work shall be kept accessible to fire-fighting equipment at all times. Temporary provisions shall be made by the Contractor to insure the use of sidewalks, and the proper functioning of all gutters, sewer inlets, and drainage ditches.

A description of the RFP items follows:

SECTION 1- PRESSURE CLEANING

Items 1.1-1.4 - Pressure Cleaning:

Pressure cleaning (Item numbers 1 through 4) shall be performed over the areas indicated on the Proposal Pages and at the frequency indicated on the Proposal Pages on an annual basis. Area wide pressure cleaning is to occur quarterly and is typically performed during hours where there is low pedestrian impact. The contractor will use steam as the pressure washing method of cleaning. The Town desires the use of a steam cleaner/pressure washer with nozzle output capable of 250-degrees Fahrenheit to clean the sidewalks so as to not unduly impact the decorative tabby sidewalks. The Town further requires that any chemical agents used in the process of steam-pressure washing are approved by the Town prior to beginning any cleaning by the Contract Coordinator. The pressure cleaning line items costs shall include storefront window washing by a professional window cleaning business with experience in cleaning storefronts. Window washing shall be performed immediately after pressure cleaning and after tabby concrete sealing to remove debris that is deposited on the storefronts during pressure cleaning non-glass surfaces shall receive a light washing to remove debris on walls. Pressure washing may only occur during non-business hours and within the time periods established by the Town of Palm Beach at the discretion of the Facilities Maintenance Manager or their designee.

This item does not include street sweeping or commercial garbage collection. Both of these services are already provided by the Town of Palm Beach Public Works Department under a separate contract.



TOWN OF PALM BEACH

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WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM

SECTION 2 - Weekly Maintenance & Cleaning

ITEM 2.1 - Turf Grass & Turf Maintenance:

Mowing, edging and string trimming will occur/be performed in conjunction at the same time. All turf grass areas will be mowed a minimum of once a week on Wednesday with Thursday the alternate day in the event of weather issues. The contractor will mow the entire project area in a singular day. Depending on the growth rate and other factors the Town may desire a second weekly mowing. The turf will be mowed with a reel mower; use of a string trimmer in place of the mower is unacceptable. The contractor will use a grass catcher to catch the clippings and must dispose of the clippings to an offsite facility of their choice. The height will be adjusted and maintained as determined by the Contract Coordinator. Edges shall be trimmed to maintain a neat appearance. The contractor shall also keep the islands and turf areas of Turf grass level with existing curbs and sidewalks by applying topdressing sand as needed to areas where the turf has become lower than the adjacent structure to minimize tripping hazards. This shall be done on an as needed basis and/or at the request of the contract coordinator.

Note – Fertilization of the turf area is the responsibility of the vendor. This shall be done on an as needed basis and/or at the request of the contract coordinator. Fertilizer: Maximum 5 lbs. per 1000 sq. ft. of Nitrogen per year applied at or below label rate. No Nitrogen or Phosphorus to be applied between June 1st and September 30th. All fertilizer applications will be following soil analysis recommendations and in accordance with Town Ordinance. Recommended palm fertilizer with macro and micro minerals (magnesium and iron). Fungus: Fungicides should be applied prior to disease development at a preventative rate as conditions warrant. A Contractor shall be responsible for adjusting/modifying the fertilizer application to maintain the proper appearance of all turf areas. The vendor will follow the Town Ordinance regarding fertilizer application. All fertilizers and fungicide applications shall be applied per town ordinances and be scheduled with the contract coordinator prior to any application.

ITEM 2.2 - Tri-weekly Cleaning:

On a three times per week schedule the contractor will supply sufficient labor to Tri-weekly cleaning duties to remove litter, trash, debris, gum, vegetation, animal waste and general cleaning of the Avenue and pertinent structures, including but not limited to: fencing, benches, plaques, bollards, chains, light poles, hydrants, pier lights, pier screening, etc. These services must occur on Mondays, Wednesday and Fridays and may, at the contractor's discretion, coincide with other work occurring on the Avenue such as mowing or trimming. Town requires the use of battery-powered blowers (No gas-powered blowers are permitted).

The contractor is required to dispose of material such as litter and trash in approved devices and receptacles. However, landscaping debris, or large debris/trash items must be taken off-site by the contractor upon discovery. The contractor is to be mindful to and adhere to all Town ordinances regarding work start and end times based on the calendar year and noise restrictions on equipment. This information may be found at www.townofpalmbeach.com. The contractor must also be mindful of the commercial nature of the Avenue as many stores have open doors throughout the day - the



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contractor must finish blowing-off of areas prior to 10AM when the majority of the shops open. The contractor shall maintain all benches, trash containers and potted plants are cleaned and free of animal excrement, droppings, gum, tobacco products, etc., all fountains and the pool are free of debris animal excrement, droppings, gum, tobacco products, etc. The Town shall be notified of any equipment or system that is in need of repair whose repair is not otherwise covered under these items.

SECTION 3 – LANDSCAPE & STREETScape MAINTENANCE

ITEM 3.1 - Bougainvillea Trimming and Training-

The contractor will trim all shrubs and vines including all bougainvillea's (see attached: Town owned bougainvillea) throughout the Avenue in the first week of each month. The contractor will ensure that all the lower portions of the bougainvillea vines are free of spikes, thorns and growth that may be a hazard to pedestrians. The contractor will either trim or weave the bougainvillea (as needed) to continue the training of the plant against the various walls and structures.

ITEM 3.2 - Hedge, Shrub, Ornamental Tree and Plant Trimming:

The contractor will perform maintenance trimming in ornamental trees (up to a height of 10') as per the direction of the Contract Coordinator or Town Arborist. The contractor will further hand prune other ornamental hedges, shrubs and plants such as bromeliads away from benches, waste receptacles, and walkways.

ITEM 3.3 - Ground Cover Trimming:

The contractor will keep all plant beds at a uniform height and away from GFI receptacles and other inanimate objects, ensuring consistent spacing between such items. Jasmine minima should be trimmed level on an as needed basis; keeping the median height at 5".

ITEM 3.4 - Bed Cleaning:

Weed pulling and cleaning of all landscaping beds shall be performed as needed by hand or with a scuffle hoe or similar equipment. Under no circumstance will synthetic chemical weed control be permitted; The contractor will maintain a weed-free and debris free condition, in all ornamental beds and turf grass at all times. The contractor shall observe and make note of any electrical outlet receptacle covers missing or needing replacement. The contractor is expected to keep all sidewalk expansion joints, beds, turf, gutter curbing and control joints, and similar places weed-free at all times. Atlas 3000 amendment shall be used to supplement any bare or open areas after bed cleaning.

ITEM 3.5 - Flowering Annuals Replacement:

All of the annual beds throughout the Avenue are typically changed four (4) times per year. The design/schedule will be provided to the contractor in advance of the plant replacement activity. The contractor will install the Town provided top-quality annuals at each specified location according to the



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schedule. Generally, the annuals are to be changed in May, August, November and February of each calendar year. In most cases the plant sizes are under 6".

The vendor will also have the opportunity to provide and install the annuals. The vendor can provide the cost to the Town and the Town, at its discretion, can authorize the purchase of the plant materials.

ITEM 3.6 - Holiday Planting Schedule:

The contractor will remove the plantings in the bed located at the southern tip of Hibiscus Ave. in preparation for the annual holiday tree installation (typically the Friday of the weekend before the Thanksgiving holiday). In addition, the contractor will remove any annuals present in the bed in the Avenue (at the south end of Hibiscus Ave.) and install a pre-determined amount of 10" poinsettias.

On the first week of each new year, after the holiday tree removal, the contractor will replant the end of Hibiscus Ave. with alternate plants and the bed across the street with an annual provided by the Town.

The vendor will also have the opportunity to provide and install these plantings. The vendor can provide the cost to the Town and the Town, at its discretion, can authorize the purchase of the plant materials.

ITEM 3.7 – Verticutting of Turf:

The contractor shall verticut all of the turf in the project area. The verticutting depth shall be between ½" and 1". The contractor will clean all debris in progress through the project area.

ITEM 3.8 – Aerification of Turf:

The contractor shall aerify all of the turf in the project area. The depth and time to be determined prior to service. The contractor will clean all debris in progress through the project area.

ITEM 3.9 - Topdressing of Turf:

Immediately upon completion of the verticutting process, the contractor shall apply topdressing sand for re-growth and fill of the Turf grass lawn throughout the project area. The sand shall be of medium particle size and grit and free of organic matter. The contractor shall apply between 1/8" and 1/4" of the topdressing sand evenly across the Turf grass.

The contractor shall apply this same sand to low areas around curbs, sidewalks and the medians on Hibiscus Ave periodically as the turf becomes lower than the adjoining surfaces creating trip hazards. The same unit rates shall apply to all additional applications.

SECTION 4 – LANDSCAPE REPLACEMENT

ITEM 4.1 - Bed Amendment and Planting Soil:

This service shall be provided on an as needed basis. The vendor shall remove and replace soil in planting beds up to a depth of 6". Additional soil amendments may be supplied by the Town and added



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by the vendor during this process. In all locations, the vendor will be responsible for removal and off-site dumping of the soil.

ITEMS 4.2 - Empire Zoysia grass:

Shall include landscaping removal, hauling, disposal, installation of new landscaping, landscape staking/support as required, and restoration as required in the event removal and replacement of any of the landscaping within the project area is required.

The maintenance contractor shall make the Town aware of any vegetation that appears to be in need of replacement. The Town shall then judge whether this vegetation requires replacement and then provide the maintenance contractor with approval to perform the replacement before any work is performed. Replacement shall occur within 30 days after an item is deemed by the Town in need of replacement.

In the event that landscaping replacement is required, the contractor must schedule the work with the Contract Coordinator. Contractor will be responsible to protect pedestrians, vehicular traffic, and storefronts. All barricades and traffic/parking control are the responsibility of the vendor.

SECTION 5 – ADDITIONAL ITEMS

ITEM 5.1 - Debris Vacuuming:

To include the vacuuming of debris instead of blowing and raking cuttings, clippings or other debris. The Town may request that this service be performed in specific areas.

ITEM 5.2 - Decorative Succulent Pots – Remove and replace plants at the Hibiscus Ave Fountain:

Periodically, all of the succulent plantings in the decorative pots are to be removed and replaced. The design/schedule will be provided to the contractor in advance of the activity. The successful contractor will provide multiple quotes of the suggested plant types, supply and install top-quality succulents at the specified size according to the schedule.

ITEM 5.3 - Painting of Utility Boxes:

This is an annual service, performed during the first week of November, where all utility boxes are cleaned and prepared as per manufacturer's recommendation for the application of paint. Paint will be provided by the Town.

ITEM 5.4 - Porter Service:

The vendor shall provide a daily porter service from December 1 through April 15 from the hours of 1:30pm to 3:00pm, Monday through Friday. This porter will be responsible for the collection of any and all debris, to include animal waste, on the sidewalks, turf areas or gutters.



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ITEM 5.5 - Hourly Repair Labor Rate:

The Town is seeking a hourly labor rate for miscellaneous repairs or services on an as needed basis.

ITEM 5.6 - Tabby Concrete Sealing:

If directed by the Contract Coordinator or designee, immediately after pressure cleaning the tabby concrete surfaces, a concrete sealant shall be applied to all tabby concrete sidewalks in accordance with the sealant manufacturer's application instructions. Sealant to be used is Increte Systems' Clear-Seal, a pure acrylic crystal clear, non-yellowing sealer. Other sealers matching the same ingredients and composition may be used upon written approval by Town staff. Historically, this service has been performed during the overnight hours due to the quiet nature of the operation and limited pedestrian traffic. The contractor must gain verbal permission from the Facilities Maintenance Manager or Contract Coordinator prior to beginning the sealing.

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Robert Miracle, CPA, Deputy Town Manager
Kirk W. Blouin, Town Manager

From: Dean Mealy, II Town Procurement and Contract Manager

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to Amend Town Manager's Award Authority from \$100,000 to \$250,000 for FEMA Declarations
87-2025

Date: 7/29/2025

STAFF RECOMMENDATION

Staff recommends that Town Council amend the Town Manager's award authority to award contracts/agreements during FEMA Declarations from \$100,000 to \$250,000.

GENERAL INFORMATION

FEMA procurement thresholds determine the appropriate method based on the estimated cost of an item or service. FEMA's simplified acquisition threshold is \$250,000. FEMA guidelines hold local governments to their highest noted threshold for acquisitions during declared events. Based on normal operations and maintaining that threshold of \$100,000 as the cap, the Town would have to navigate a more tedious process to secure goods and services between \$100,000 and \$250,000.

Any request for reimbursement of expenditures must adhere to Town Procurement Administrative Procedures and FEMA CFR §200.318-326, which governs Grant Funded and Declared Disaster Policy. It is imperative that Procurement and Town Administration adhere to all established guidelines to meet the reimbursement guidelines.

The objective is to have sufficient award authority that matches FEMA guidelines to expedite recovery efforts. This increased authorization is only for the period of the FEMA declaration. As soon as the period ends, the Town Manager's threshold would return to a maximum of \$100,000 without Town Council review and approval.

TOWN ATTORNEY

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community

Strategic Focus Areas:

Sound Fiscal Management

Emergency Management

Community Preservation

FUNDING

No Funding

RESOLUTION NO. 87-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO AMEND TOWN MANAGER'S AWARD AUTHORITY FROM \$100,000 TO \$250,000 FOR FEMA DECLARATIONS

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 087-2025 amending the Town Manager's award authority to award contracts and/or purchase orders during FEMA Declarations from \$100,000 to \$250,000.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on August 12, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Robert Miracle, CPA, Deputy Town Manager
Kirk W. Blouin, Town Manager

From: Dean Mealy, II Town Procurement and Contract Manager

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, awarding the 2025 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2025 Hardbottom Map to Coastal Protection Engineering LLC in the amount of \$170,740.54, approving a contingency in the amount of \$25,611 and approving a project budget in the amount of \$196,351 88-2025

Date: 7/30/2025

STAFF RECOMMENDATION

Staff recommends that Town Council approve awarding the 2025 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2025 Hardbottom Map to Coastal Protection Engineering LLC in the amount of \$170,740.54, approving a contingency in the amount of \$25,611 and approving a project budget in the amount of \$196,351.

GENERAL INFORMATION

Town Council awarded Coastal Protection Engineering, LLC a continuing service contract under RFQ No. 2024-214. Coastal Protection Engineering, LLC submitted a proposal for the 2025 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and the 2025 Hardbottom Map.

The scope of services is for the 2025 harbottom monitoring required by the Beach Management Agreement for a portion of Reach 2 and Reaches 6-11. The scope includes the creation of a hardbottom map based on the delineation of exposed hardbottom in aerial photography and nearshore edge mapping of the entire Beach Management Agreement, biological of transects and offshore stations, data analysis, and preparing a report. Coastal Protection Engineering, LLC was awarded the same service in 2024 and performed with a high level of satisfaction.

FUNDING/IMPACT

This project will be funded by the Coastal Budget.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship, Community Culture and Character

Strategic Focus Areas:

Management of Environmental Threats

Quality of Life

FUNDING

Coastal

RESOLUTION NO. 88-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE 2025 FDEP BEACH MANAGEMENT AGREEMENT CELL-WIDE HARDBOTTOM MONITORING AND 2025 HARDBOTTOM MAP TO COASTAL PROTECTION ENGINEERING LLC IN THE AMOUNT OF \$170,740.54, APPROVING A CONTINGENCY IN THE AMOUNT OF \$25,611 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$196,351

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 088-2025, awarding the 2025 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2025 Hardbottom Map to Coastal Protection Engineering LLC in the amount of \$170,740.54, approving a contingency in the amount of \$25,611 and approving a project budget in the amount of \$196,351.

Section 2: The Town Manager is hereby authorized to execute the contract and purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on August 12, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



COASTAL PROTECTION ENGINEERING

5301 N. FEDERAL HWY, SUITE 335

BOCA RATON, FL 33487

561-565-5100

June 30, 2025

Revised July 23, 2025

Sent via Email

Sara Gutekunst

Town of Palm Beach Public Works Department

951 Old Okeechobee Road

West Palm Beach, Florida 33401

Submitted via email to:

Re: Proposal for the 2025 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2025 Hardbottom Map

Dear Ms. Gutekunst,

This proposal is being provided to the Town of Palm Beach (Town) for Coastal Protection Engineering LLC (CPE) to provide professional environmental services in support of the Beach Management Agreement (BMA) annual monitoring and reporting. This proposal has been divided into two tasks that will result in the creation of the 2025 BMA Hardbottom Map and production of the 2025 BMA Annual Hardbottom Monitoring Report. Language repeated directly from the BMA is shown in italics.

Scope of Services

The scope of services outlined below will include creation of the 2025 hardbottom map based on delineation of exposed hardbottom in aerial photography and nearshore edge mapping of the entire BMA cell, participation in one public meeting, biological monitoring of transects and offshore stations, data analysis, and reporting required by the BMA. The specific scope of work to be implemented is described in the BMA, Appendix B - Cell-Wide Monitoring and Mitigation Plans.

Task 1. 2025 Hardbottom Mapping and Creation of 2025 BMA Hardbottom Map

Task 1 includes digitization of exposed hardbottom from aerial photographs, in situ hardbottom edge mapping, and development of the 2025 BMA Hardbottom Map. This corresponds to the BMA requirements as presented in Section 1.2.51 Aerial Photograph Survey and 1.2.5.2 Hardbottom Edge Survey of the BMA Appendix B.

Aerial Delineation of Exposed Hardbottom

Exposed hardbottom will be digitized from one set of 2025 aerial photography (Town's boundaries) provided by the Town using ArcGIS, including inter-observer QA-QC, following the standards used to develop the Town's historic hardbottom GIS database in the BMA. The area south of the Town's boundaries will be digitized using aerial imagery from the County-wide aerial photographs, if acceptable.



In situ Nearshore Hardbottom Edge Survey

CPE divers will map the nearshore hardbottom edge from R-82 to R-87 and R-110 to R-151. The hardbottom edge between R-76 and R-82 and in the Mid-Town Project area between R-87 and R-106 will be mapped by others (under separate contract) and the resulting shapefiles will be provided to CPE for inclusion in BMA cell-wide maps. The nearshore hardbottom edge is defined as the visible border between sand and hardbottom. A two-person dive team will follow the nearshore edge while towing a buoy with a survey-grade DGPS, which transmits continuous positions to hydrographic survey software on board the survey vessel. The buoy shall be on the shortest possible tether, such that the buoy is directly over the diver. In areas where the nearshore edge is located in the intertidal/subtidal zone, the nearshore edge will be mapped by qualified biologists using a handheld Trimble Geo 7x DGPS (or comparable) system. The biologists will carry the DGPS unit as they walk/wade around the hardbottom features at the sand/rock interface. The DGPS unit shall collect data every second during edge mapping. Photographs will be taken when it is not possible to record video. Survey mapping methods are compliant with the BMA cell-wide monitoring plan for mapping of the nearshore hardbottom edge.

During the edge mapping, divers will take periodic relief measurements or assign a relief category along segments with obvious changes in relief along the hardbottom edge. The coordinates of each relief point will be recorded by signaling to the vessel to take a GPS position. The relief features will be included in the geodatabase and BMA maps. As conditions allow, digital video will be recorded to document the nearshore edge for descriptive analysis of relief, benthic communities, and sediment condition. The final video record will be hyperlinked to the hardbottom edge shapefile in GIS.

2025 BMA Hardbottom Map

The delineation of exposed hardbottom from the 2025 aerial photographs and the in situ hardbottom edge mapping will be used to generate the final 2025 BMA Hardbottom Map. A geodatabase with the hardbottom edge, relief designations, and hyperlinked video files will also be submitted to FDEP and the Town on an external hard drive.

Task 2. BMA Biological Monitoring (Transects and Offshore Stations), Data Analysis and Annual Report Development

Task 2 includes biological monitoring of the BMA transects and offshore stations, along with data analysis and report development of the 2025 Annual Hardbottom Monitoring Report.

BMA Biological Monitoring – Transects, Mid-Town Transect Extensions, and Offshore Stations

CPE will monitor the BMA transects, Mid-Town transect extensions, and offshore stations as listed in Table 1. If exposed hardbottom is observed seaward of the BMA transects listed in Table 1 during the 2025 survey, the transects will be extended to the length of exposed hardbottom, and sediment depth and line intercept monitoring will be performed across the full cross-shore extent of the hardbottom. Transects T-14, T-13, T-9 are sediment only transects and will not be extended if hardbottom is exposed beyond the transect end point. The seaward end of exposure in 2025 will be marked with a 6-inch PK nail, and DGPS coordinates will be recorded.

Table 1. BMA transects, offshore stations, and Mid-Town BMA extensions to be monitored in 2025.

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-83	156.8	6/22/2015	7/16/2015
R-88 ext.	21.5	10/30/2014	12/17/2014
R-90 ext.	132	10/20/2014	12/16/2014
T-14	50	10/3/2014	12/14/2014
T-13	50	10/2/2014	12/15/2014
R-91 ext.	158	10/3/2014	12/16/2014
R-92 ext.	175.6	10/17/2014	12/15/2014
R-93 ext.	53	10/17/2014	12/15/2014
R-94 ext.	131	10/29/2014	12/17/2014
Station R-92	22	6/22/2015	7/16/2015
Station R-94	22	6/22/2015	7/16/2015
T-9	44	10/2/2014	12/14/2014
R-113	2.2	10/30/2014	12/18/2014
R-115	15.5	10/30/2014	12/18/2014
R-116	29.5	10/30/2014	12/18/2014
R-132	117	10/30/2014	12/18/2014
R-133	143	10/30/2014	12/18/2014
R-136	137	6/19/2015	7/16/2015
R-139	67	6/19/2015	7/16/2015
R-142	125.5	6/19/2015	7/15/2015
R-145	157.4	6/19/2015	7/15/2015

Transect Survey Methods

Cell-wide hardbottom monitoring shall occur along non-regulatory biological transects (and, when occurring, along sections of regulatory transects beyond 150 m [see Section 1.2.4.3]). Monitoring of specific projects within the BMA shall occur along regulatory transects of two types — biological and sediment only. All survey methods described below apply to biological transects while only line-intercept, interval sediment depth, and video collection apply to sediment only transects. To obtain the most accurate information on sediment depth and the location of sediment and hardbottom, line-intercept and interval sediment depth shall be the first surveys conducted along each transect. For biological transects, initial surveys (line-intercept, interval sediment depth, video) shall be followed by benthic quadrat and belt transect sampling.

Line-Intercept Survey

In order to document larger areas of uninterrupted sand (physical transitions along the monitoring transects between sand and hardbottom) and to track changes in sediment cover on the hardbottom, line-intercept surveys shall be conducted along all permanent transects. During each monitoring event, the landward and seaward position of each sand patch / trough at least 0.5 m in length shall be recorded along each transect by reference to transect tape meter marks. Meter mark references will be to one

decimal place (e.g., patch from 2.4 to 3.2 m).

Interval Sediment Depth Measurements

In order to track changes in sediment depth associated with changes in sediment cover, each monitoring event will include collection of interval sediment depth measurements along each permanent transect. Sediment depth shall be measured and recorded to the nearest centimeter at two (2) meter intervals (e.g., 0m, 2m, 4m, etc.) along the length of each transect. For each measurement, a ruler graduated in centimeters (0 to 30 cm) shall be pressed through the sediment until the ruler reaches the surface of hard substrata or is totally immersed in sand. Depth measurements shall be rounded to the nearest cm (i.e., sediment thickness of less than 0.5 cm will be recorded as "0 cm", while thickness greater than 0.5 cm but equal or less than 1 cm shall be recorded as "1 cm", etc.). Measurements greater than 30 cm will be recorded as ">30 cm". Measurements may be truncated to the first and last few meters of each trough in areas of Mid-Town known to contain large, deep sand troughs.

Video Survey

Video survey data collected as part of required biological monitoring functions as an archival data set that can be used for general reference purposes or to help resolve potential impacts suggested by quadrat and sediment survey data. As such, video data could be reviewed and compared between surveys and must be of a quality sufficient to allow for post-collection quantitative image analysis using point count procedures.

Video surveys shall be conducted along all permanent monitoring transects using a digital video camera. Video of the seafloor along each transect shall progress no faster than 5 meters per minute over hardbottom and 10 m per minute over large sand patches (troughs). A convergent laser guidance system shall be used to indicate the precise height of the camera at 40 cm from the bottom. The transect line shall be clearly visible in all video so that locations may be accurately referenced. A 360° panoramic view at an angle of roughly 30° to the horizon shall be recorded both at the beginning and end of each transect from an elevation of roughly 1 m above the bottom. At the beginning and end of each transect, a standard underwater display shall also be recorded and integrated directly onto the digital video track. The standard display shall report: 1) the BMA transect number; 2) the survey date (e.g., 06/25/2021); 3) the water depth in meters for both the beginning (transect meter 0) and end (final meter) of the transect (e.g., start depth = 2 m, end depth = 4.5 m); and 4) any pertinent notes (e.g., poor visibility, large swell, etc.). Video data (files) will be supplied to FEDP during raw data submittal. Video shall be reviewed at the end of each transect surveyed to ensure the quality is acceptable for general characterization of the benthos; poor quality video shall be re-filmed.

Quadrat Sampling

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples benthic habitat and assemblages within permanently positioned quadrats along all nonregulatory transects and along each biological regulatory transect. This method ensures the same quadrats (same location, same size) are sampled in each monitoring event in order to document changes in hardbottom/sediment and benthic communities over time. The sampling protocol is similar to that used in the Benthic Ecological Assessment for Marginal Reefs (BEAMR) (Lybolt and Baron, 2006). Similar to all other non-invasive and non-consumptive methods of sampling, the quadrat method is limited to

physical characteristics and organisms that can be visually recorded and identified in the field. As described below, three (3) main benthic characteristics will be assessed in each quadrat during sampling: physical structure, planar percent cover of sessile benthos, and coral (scleractinian and octocoral) size and density. Datasheets have a standardized layout similar to that used in BEAMR (Baron and Lybolt, 2006), and will simplify data collection and entry for statistical treatment.

Physical Structure: Maximum topographic relief and mean sediment depth (average of five [5] depth measurements) shall be measured (in centimeters) within each quadrat to document physical structure.

Cover (Percent) of Functional Groups: The distribution of substrata and composition of the benthic community within each quadrat shall be documented by estimating the planar cover (percent) of functional groups. Specifically, the following 15 major functional groups shall be assessed: sediments, bare hardbottom, macroalgae, turf algae, encrusting red algae, sponges, scleractinian corals, octocorals, zoanthids, hydroids, hydrocorals *Millepora* sp., sessile worms (including wormrock, *Phragmatopoma* spp.), bivalves, bryozoans, and tunicates. Each functional group shall be assigned a cover value (percent) from 0%-100%, with the total of all functional groups in each quadrat equaling 100%. Macroalgae with at least 1% cover shall be identified to genus and the cover (percent) of each genus shall be recorded. Unattached or floating macroalgae shall be disregarded and shall be removed from quadrats prior to sampling. The cover (percent) of cyanobacteria shall also be assessed but will be recorded separately from other cover estimates (i.e., not included with the main 15 functional groups).

Coral Size and Density: Monitoring staff shall also measure and record to the nearest centimeter (cm) the maximum dimension (height or width) of each scleractinian coral and octocoral colony within each quadrat. The smallest size recorded shall be one (1) cm; for colonies less than one (1) cm in size, the measurement recorded shall be "< 1 cm". Each colony within each quadrat shall also be enumerated and identified (by species for scleractinians, by genus for octocorals) to determine coral density and composition. Abnormal colony conditions shall also be recorded (e.g., bleaching, disease, predation, etc.) when encountered.

Offshore Station Survey Methods

The sampling protocol for stations very far offshore will follow the protocol employed by the Southeast Coral Reef Evaluation and Monitoring Project (SECREMP). The monitoring stations will be established with permanent stainless-steel markers and will include permanent, shore-parallel 22-m long photo-transects (N=3 per station), and a 1-m wide belt transect (N=1 per station).

Photo Transects

The three photo-transects will be sampled using a digital camera. Non-overlapping consecutive photographs will be taken along the full length of each transect at a height above the reef substrate to yield images approximately 40 cm wide by 30 cm in height. A constant distance above the substrate will be maintained using an aluminum bar affixed to the bottom of the camera housing or converging lasers which confirm the 40-cm distance. Percent cover of benthic functional groups

is analyzed post-collection by way of image analysis software based on the point-count methodology.

Belt Transects

The 1-m wide belt transect will be surveyed in the field to assess stony coral, octocoral and barrel sponge populations. All scleractinian coral colonies greater than 4 cm in maximum dimension will be identified and counted along the entire 22-m belt transect, maximum height and diameter of each colony will be recorded, and each colony will be visually assessed for the presence of diseases, bleaching and other conditions. Where these conditions result in partial mortality, the percentage will be visually estimated. All octocoral colonies will be counted along the first 10 m of the belt transect to provide an estimate of overall density. Following the octocoral colony count, erect octocorals listed as target species will be identified, measured, and their condition (presence of disease/predation) recorded along the first 10 m of the transect. Target octocoral species are Eunicea calyculata, Antillogorgia americana (formerly Pseudopterogorgia americana), Eunicea flexuosa (formerly Plexaura flexuosa), Pseudoplexaura porosa, and Gorgonia ventalina.

Barrel sponge (Xestospongia muta) density will be assessed by counting all sponges within the 1 m x 22 m belt transect. For each sponge colony, maximum diameter, maximum base diameter, and maximum height will be measured, and the sponge will be visually assessed for the presence of disease, bleaching and other conditions (i.e. damage/injury, predation). The percent of the sponge affected by injury, disease, and/or bleaching will be recorded.

Raw Data Deliverables, Data Analyses, and Annual Report Development**Raw Data**

All raw post-construction monitoring data will be provided to FDEP on portable hard drives or via an FTP site). All data submitted shall be provided in standard formats, as specified below. All transect monitoring data submitted shall have been checked against field datasheets and corrected (if necessary) to ensure accuracy. Raw data provided shall consist of aerial photographs, hardbottom edge survey data, raw transect and quadrat survey data, underwater video and photographs, and field datasheets, and survey logs.

Data Analysis

Descriptive statistics along with univariate and multivariate analyses will be conducted on the data collected based on the list of suggested data treatments and statistical analysis in Section 1.5.3 of the BMA Appendix B. Temporal comparisons by way of univariate and multivariate tests shall be confined to data collected during the most recent monitoring event (current survey) and the baseline survey.

Report

The 2025 BMA Annual Report will include hardbottom distribution maps based on the 2025 aerial delineation and diver-mapped hardbottom edge survey. It will also include a comparative analysis of sediment cover, sediment depth, and benthic community data between the baseline survey and the 2025 survey. The report will provide results in appropriate graphical, tabular and text formats. The



final report will be submitted as a PDF file to the Town and FDEP.

Cost Estimate

CPE proposes to provide these services as detailed in Attachment 1 on a Time and Materials basis with the support of our subcontractor Aptim Environmental & Infrastructure, LLC (APTIM) for an estimated Not-To-Exceed amount \$170,740.54 to be performed in accordance with this proposal and Professional Services Agreement (PSA) 2020-24 between the Town of Palm Beach and CPE. The compensation for services rendered under this proposal will be based on the Rate Schedule of the PSA as shown in Attachment 1. Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff and subconsultant will be used as needed to achieve the scope of services and to meet the stated objectives and timelines within the proposed budget. Should the Town desire additional services beyond this scope, CPE will be available to discuss adjustments as appropriate.

Thank you for the opportunity to serve the Town of Palm Beach. If you have any questions, please feel free to contact me directly at 561-632-1210.

Sincerely,

A handwritten signature in blue ink that reads "Stacy E. Buck".

Stacy Buck
Senior Marine Biologist
Coastal Protection Engineering LLC
Mobile: 561-632-1210
sbuck@coastalprotectioneng.com

Cc: Lindino Benedet, PhD, CPE
Thomas Pierro, PE, D.CE., CPE



Attachment 1

CPE Cost Proposal

Town of Palm Beach
2025 BMA Monitoring

CPE Cost Proposal		LABOR			MATERIALS	SUBCONTRACTOR
		Principal Coastal Scientist Hours	Senior Marine Biologist Hours	Marine Biologist II Hours	Equipment & Insurance diver/day	APTIM Cost
Task 1	Aerial Delineation		68			\$ 7,260.00
	Hardbottom Edge Mapping		48	36	6	\$ 15,877.40
	Map		40			\$ 4,840.00
	Public Meeting	16	24			\$ -
Task 2	Transect Monitoring and Offshore Stations		88	72	12	\$ 28,480.00
	Data Entry and Raw Data Submittal		116	44		\$ 3,762.00
	Data Analysis and Annual Report	2	100	24		\$ 5,412.00
TOTAL		18	484	176	18	\$ 65,631.40
RATE		\$ 279.00	\$ 153.00	\$ 104.50	\$ 60.00	\$ 1.10
COST		\$ 5,022.00	\$ 74,052.00	\$ 18,392.00	\$ 1,080.00	\$ 72,194.54
LABOR			\$ 97,466.00			
MATERIALS			\$ 1,080.00			
SUBCONTRACTOR			\$ 72,194.54			
TOTAL			\$ 170,740.54			

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Robert Miracle, CPA, Deputy Town Manager
Kirk W. Blouin, Town Manager

From: Dean Mealy, II Town Procurement and Contract Manager

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, awarding the 2025 Beach Management Agreement Hardbottom Monitoring for the 2020 Mid-Town Nourishment Project and 2025 Palm Beach Harbor Operations and Maintenance Project to Coastal Eco-Group, Inc. in the amount of \$143,641, approving a contingency in the amount of \$21,546 and approving a project budget in the amount of \$165,187
89-2025

Date: 7/30/2025

STAFF RECOMMENDATION

Staff recommends that Town Council approve awarding the 2025 Beach Management Agreement Hardbottom Monitoring for the 2020 Mid-Town Nourishment Project and 2025 Palm Beach Harbor Operations and Maintenance Project to Coastal Eco-Group, Inc. in the amount of \$143,641, approving a contingency in the amount of \$21,546 and approving a project budget in the amount of \$165,187.

GENERAL INFORMATION

Town Council awarded Coastal Eco Group, Inc. a continuing service contract under RFQ No. 2020-24. Coastal Eco Group, Inc. submitted a proposal for 2025 which has been reviewed by Town Engineering Staff.

The scope of work is to complete 2025 monitoring required by the Beach Management Agreement for the Mid-Town Beach Nourishment Project and Palm Beach Harbor Operations and Maintenance Project in Reach 2. The specific scope of work to be implemented is based on FDEP's revised Cell-Wide Monitoring and Mitigation Plans. This includes the 2025 regulatory monitoring for the 2020 Mid-Town Beach Nourishment Project and data analyses/report preparation of the 2025 annual report. The 2025 report will include the evaluation of potential project-related effects of the 2020 Mid-Town Nourishment Project relative to variability documented in the BMA transects in the evaluation of project-related effects. The 2025 survey is the immediate

post-construction survey of the two regulatory transects for the 2025 Palm Beach Harbor Operations and Maintenance Project in Reach 2. Coastal Eco Group, Inc. was awarded for the same service in 2024 and performed with a high level of satisfaction.

FUNDING/FISCAL IMPACT

This project will be funded by the Coastal Budget.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:

Quality of Life

Community Preservation

Management of Environmental Threats

FUNDING

Coastal

RESOLUTION NO. 89-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING THE 2025 BEACH MANAGEMENT AGREEMENT HARDBOTTOM MONITORING FOR THE 2020 MID-TOWN NOURISHMENT PROJECT AND 2025 PALM BEACH HARBOR OPERATIONS AND MAINTENANCE PROJECT TO COASTAL ECO-GROUP, INC. IN THE AMOUNT OF \$143,641, APPROVING A CONTINGENCY IN THE AMOUNT OF \$21,546 AND APPROVING A PROJECT BUDGET IN THE AMOUNT OF \$165,187

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 089-2025, awarding the 2025 Beach Management Agreement Hardbottom Monitoring for the 2020 Mid-Town Nourishment Project and 2025 Palm Beach Harbor Operations and Maintenance Project to Coastal Eco-Group, Inc. in the amount of \$143,641, approving a contingency in the amount of \$21,546 and approving a project budget in the amount of \$165,187.

Section 2: The Town Manager is hereby authorized to execute the contract and purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on August 12, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



Coastal Eco-Group, Inc.

665 SE 10th St. Suite 104
Deerfield Beach, FL 33441
(954)591.1219 Phone • (954)653-2981 Fax
www.coastaleco-group.com

July 14, 2025

Sara Gutekunst, Coastal Coordinator
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Proposal for the 2025 hardbottom monitoring and report required by the Palm Beach Island Beach Management Agreement (BMA)- 2020 Mid-Town Beach Nourishment Project & 2025 Palm Beach Harbor Operations and Maintenance Project

Dear Ms. Gutekunst:

Coastal Eco-Group Inc. (CEG) is pleased to provide the Town of Palm Beach with the following proposal for the 2025 monitoring required by the BMA for the Mid-Town Beach Nourishment Project and Palm Beach Harbor Operations and Maintenance Project in Reach 2. The specific scope of work to be implemented in 2025 is based on FDEP's revised Cell-Wide Monitoring and Mitigation Plans (Appendix B of the BMA). This proposal is being submitted to the Town on a Time and Materials–Not to Exceed basis for the services as described herein.

This scope covers the 2025 regulatory monitoring for the 2020 Mid-Town Beach Nourishment Project and data analyses/report preparation of the 2025 annual report. The 2025 report will include an evaluation of cumulative, project-related effects of the 2020 Mid-Town Beach Nourishment Project relative to variability documented at the BMA transects (data/report to be provided by others). The 2025 survey is the Immediate post-construction survey of the two regulatory transects for the 2025 Palm Beach Harbor Operations and Maintenance Project in Reach 2.

The specific scope of work to be implemented is based on the 2021 BMA Cell-Wide Monitoring and Mitigation Plans. Methods repeated directly from the BMA cell-wide monitoring plan are shown in *italics* below.

Nearshore hardbottom edge survey

The nearshore hardbottom edge adjacent to the Mid-Town project area (FDEP control monument R-87 south to R-105) and Palm Beach Harbor Operations and Maintenance Project (Palm Beach Inlet south to R-82) will be mapped by CEG divers. The nearshore hardbottom edge is defined as the western border of exposed hardbottom areas, or the position of the most landward visible border between sand and hardbottom defined by emergent biota. Survey



mapping methods are compliant with the BMA cell-wide monitoring plan for mapping of the nearshore hardbottom edge.

A two-person dive team (one scuba diver/one surface snorkeler) will follow the nearshore edge: the diver will follow the edge on the bottom and collect digital video documentation while the snorkeler on the surface pushes a float with a Juniper Systems Geode GNS3 receiver. The float is positioned directly above the diver on bottom. The Geode receiver transmits continuous, corrected positions to the survey vessel via Bluetooth with a range extender. These positions are transmitted to a handheld tablet on the vessel via Bluetooth technology. The positions are simultaneously viewed and stored as a GIS shapefile with Juniper Uinta software on the tablet. This system allows the dive team to map the hardbottom edge untethered to the vessel.

The hardbottom video and relief characterization points will be georeferenced in the field. The video diver will record periodic relief measurements along the hardbottom edge. The snorkeler will signal to the vessel to record a GPS point at the location of each relief measurement, and each point will be assigned a number, which is then relayed back to the dive team. Coordinates will also be taken to georeference the video record. The surface diver on snorkel will signal the boat at the beginning of each video segment, and a coordinate will be recorded. In the office, navigational data collected with Uinta will be imported into ArcGIS and exported as a single shapefile containing numerous line segments. Relief measurements will be exported as a separate point shapefile. The final video record will be georeferenced with the video reference points, and the video will be hyperlinked in the attribute table of the GIS point shapefile. An ArcMap document with video hyperlinks will be submitted to the FDEP and Town on an external hard drive with the survey data deliverable.

Permanent Transects

Mid-Town Project Area

Table 1 provides a list of the regulatory benthic and sediment transects in the Mid-Town Project monitoring area that will be monitored during the 2025 survey. The regulatory transects extend for a maximum distance of 150 m from the nearshore hardbottom edge. The updrift/downdrift transects at R-88 and R-103 and two former BMA transects within the Mid-Town Project area, R-94 and R-95 natural, were re-classified as Mid-Town regulatory transects in 2021 and will be used to evaluate project-related effects. CEG will sample the entire artificial reef transect at R-95 Breaker's Rockpile; the transect extends approximately 185 m from the shoreline. In consultation with FDEP staff, the 60-m natural hardbottom transect at R-95, which starts immediately waterward of the Breaker's Rockpile transect, has been re-numbered as 0 to 60 m since the transect begins at the natural hardbottom edge at R-95.

Reach 2 Project Area

There are two regulatory transects in Reach 2, R-80.5 and R-82, that are monitored for the Palm Beach Harbor Operations and Maintenance Project. The 2025 survey is the Immediate post-construction monitoring for the 2025 project.



Table 1. Town of Palm Beach Mid-Town Regulatory Benthic and Sediment Transects

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-88	150	10/30/2014	12/17/2014
R-90	150	10/20/2014	12/16/2014
T-14	150	10/3/2014	12/14/2014
T-13	150	10/2/2014	12/15/2014
R-91	150	10/3/2014	12/16/2014
R-92	150	10/17/2014	12/15/2014
R-93	150	10/17/2014	12/15/2014
R-94	150	10/29/2014	12/17/2014
R-95- Breaker's Artificial Rockpile	185	10/22/2014	12/17/2014
R-95 Natural	60	10/22/2014	12/17/2014
T-9	150	10/2/2014	12/14/2014
T-8	56	10/1/2014	12/14/2014
T-7	62	10/1/2014	12/13/2014
R-97	75.2	10/22/2014	12/15/2014
T-6	83	10/1/2014	12/13/2014
R-98	94	10/20/2014	12/15/2014
T-5	78	9/30/2014	12/13/2014
R-99	95	10/20/2014	12/16/2014
T-4	90	9/30/2014	12/13/2014
R-100	117	10/22/2014	12/16/2014
R-101	107	10/22/2014	12/16/2014
R-103	151	10/29/2014	12/17/2014

Note: Because the total length of Transect R-103 is 151 m, CEG will sample the final quadrat at 150.5 m and provide the data to CPE for evaluation of the BMA transect data.

BMA ENVIRONMENTAL MONITORING SURVEY METHODS

Line Intercept Survey

In order to document larger areas of uninterrupted sand (physical transitions along the monitoring transects between sand and hardbottom) and to track changes in sediment cover on the hardbottom, line-intercept surveys shall be conducted along all permanent transects. During each monitoring event, the landward and seaward position of each sand patch/trough at least 0.5 m in length shall be recorded along each transect by reference to transect tape meter marks. Meter mark references will be to one decimal place (e.g., patch from 2.4 to 3.2 m).

Interval Sediment Depth Measurements

In order to track changes in sediment depth associated with changes in sediment cover, each monitoring event will include collection of interval sediment depth measurements along each permanent transect. Sediment depth shall be measured and recorded to the nearest centimeter at two (2) meter intervals (e.g., 0m, 2m, 4m, etc.) along the length of each transect. For each measurement, a ruler graduated in centimeters (0 to 30 cm) shall be pressed through the

sediment until the ruler reaches the surface of hard substrata or is totally immersed in sand. Depth measurements shall be rounded to the nearest cm (i.e., sediment thickness of less than 0.5 cm will be recorded as “0 cm” while thickness greater than 0.5 cm but equal or less than 1 cm shall be recorded as “1 cm”, etc.). Measurements greater than 30 cm will be recorded as “>30 cm”. Measurements may be truncated to the first and last few meters of each trough in areas of Mid-Town known to contain large, deep sand troughs.

Video Transect Survey

Video survey data collected as part of required biological monitoring functions as an archival dataset that can be used for general reference purposes or to help resolve potential impacts suggested by quadrat and sediment survey data. As such, video data could be reviewed and compared between surveys and must be of a quality sufficient to allow for post-collection quantitative image analysis using point count procedures.

Video surveys shall be conducted along all permanent monitoring transects using a digital video camera. Video of the seafloor along each transect shall progress no faster than 5 meters per minute over hardbottom and 10 m per minute over large sand patches (troughs). A convergent laser guidance system shall be used to indicate the precise height of the camera at 40 cm from the bottom. The transect line shall be clearly visible in all video so that locations may be accurately referenced. A 360° panoramic view at an angle of roughly 30° to the horizon shall be recorded both at the beginning and end of each transect from an elevation of roughly 1 m above the bottom. At the beginning and end of each transect, a standard underwater display shall also be recorded and integrated directly onto the digital video track. The standard display shall report: 1) the BMA transect number; 2) the survey date (e.g., 06/25/2021); 3) the water depth in meters for both the beginning (transect meter 0) and end (final meter) of the transect (e.g., start depth = 2 m, end depth = 4.5 m); and 4) any pertinent notes (e.g., poor visibility, large swell, etc.). Video data (files) will be supplied to FEDP during raw data submittal. Video shall be reviewed at the end of each transect surveyed to ensure the quality is acceptable for general characterization of the benthos; poor quality video shall be re-filmed.

Quadrat Sampling

Table 2 shows the number of quadrats that will be sampled at the Reach 2 and Mid-Town regulatory transects. All quadrats measure 0.5 m² (0.7 m x 0.7 m) in area.

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples benthic habitat and assemblages within permanently positioned quadrats along all nonregulatory transects and along each biological regulatory transect. This method ensures the same quadrats (same location, same size) are sampled in each monitoring event in order to document changes in hardbottom/sediment and benthic communities over time. The sampling protocol is similar to that used in the Benthic Ecological Assessment for Marginal Reefs (BEAMR) (Lybolt and Baron, 2006). Similar to all other non-invasive and non-consumptive methods of sampling, the quadrat method is limited to physical characteristics and organisms that can be visually recorded and identified in the field. As described below, three (3) main benthic characteristics will be assessed in each quadrat during sampling: physical structure, planar percent cover of sessile benthos, and coral (scleractinian and octocoral) size and density.

Table 2. Number of quadrats to be sampled at each regulatory transect.

Transect	Total No. of Quadrats	Length (m)
R-80.5	15	150
R-82	5	24
R-88	24	150
R-90	25	150
R-91	20	150
R-92	22	150
R-93	22	150
R-94	23	150
R-95 Breaker's Rockpile	9	185
R-95 Natural	20	60
R-97	20	75.2
R-98	20	94
R-99	20	95
R-100	20	117
R-101	20	107
R-103	25	151

Physical structure

Maximum topographic relief and mean sediment depth (average of five [5] depth measurements) shall be measured (in centimeters) within each quadrat to document physical structure.

Cover (Percent) of Functional Groups

The distribution of substrata and composition of the benthic community within each quadrat

shall be documented by estimating the planar cover (percent) of functional groups. Specifically, the following 15 major functional groups shall be assessed: sediments, bare hardbottom, macroalgae, turf algae, encrusting red algae, sponges, scleractinian corals, octocorals, zoanthids, hydroids, hydrocorals Millepora sp., sessile worms (including wormrock, Phragmatopoma spp.), bivalves, bryozoans, and tunicates. Each functional group shall be assigned a cover value (percent) from 0%-100%, with the total of all functional groups in each quadrat equaling 100%. Macroalgae with at least 1% cover shall be identified to genus and the cover (percent) of each genus shall be recorded. Unattached or floating macroalgae shall be disregarded and shall be removed from quadrats prior to sampling. The cover (percent) of cyanobacteria shall also be assessed but will be recorded separately from other cover estimates (i.e., not included with the main 15 functional groups).

Coral Size and Density

Monitoring staff shall also measure and record to the nearest centimeter (cm) the maximum dimension (height or width) of each scleractinian coral and octocoral colony within each quadrat. The smallest size recorded shall be one (1) cm; for colonies less than one (1) cm in size, the measurement recorded shall be "< 1 cm". Each colony within each quadrat shall also be enumerated and identified (by species for scleractinians, by genus for octocorals) to determine coral density and composition. Abnormal colony conditions shall also be recorded (e.g., bleaching, disease, predation, etc.) when encountered.

Data Analyses

The Mid-Town and Reach 2 regulatory data deliverables (Microsoft Access database of monitoring data, Excel summary sheets, electronic library of raw monitoring data (scanned field datasheets), GIS shape files, still photos and video, shall be prepared according to the requirements of the BMA cell-wide monitoring plan. The survey data will be entered into the BMA Access database with two rounds of QAQC review of all entered data by different observers. The data will be exported and summarized in individual Excel spreadsheets. The survey data deliverable shall be submitted to the FDEP and the Town on an external hard drive within 45 days of survey completion.

According to the regulatory monitoring described in the BMA cell-wide monitoring plan, temporal comparisons by way of univariate and multivariate tests will be confined to data collected during the most recent monitoring event (current event) and the baseline monitoring event (i.e., statistical tests will not be used to compare results between different post-construction monitoring events). Such a comparison represents repeated measures and, depending on the statistical test, these data are to be analyzed accordingly (e.g., paired T-test, repeated measures ANOVA/ANCOVA, linear mixed-effects models, MANOVA, etc.). Multivariate analysis by way of PRIMER does not require such repeated measures tests, due to the non-parametric permutation-based nature of its routines. Comparison among all monitoring events should solely be through descriptive/summary statistics, presented in graphical or tabular form in the report. The Breaker's artificial reef regulatory transect should be assessed separately from other Midtown regulatory transects due to its proximity to shore.

Statistical Tests

The following includes a list of suggested data treatments and statistical analyses to be performed with each single survey dataset to effectively compare between annual surveys as well as between annual survey and the Habitat Map of Hardbottom. Temporal comparisons by way of univariate and multivariate tests shall be confined to data collected during the 2025 monitoring event (current survey) and the baseline survey. Statistical tests will not be used to compare results between different post-construction monitoring events. All data treatment and statistical analyses will be conducted according to the 2021 BMA cell-wide monitoring plan.

Descriptive Statistics

Unlike inferential statistics (hypothesis tests [see univariate and multivariate tests below]), descriptive statistics aim to provide simple quantitative summaries of a sample (i.e., they describe the main features of a collection of information). Such summaries may be either quantitative i.e., summary statistics) or visual (i.e., straightforward graphics). These statistics generally include measurements of central tendency (e.g., mean, median, and mode) and dispersion (e.g., variance and/or standard deviation). Numerical descriptors like mean and standard deviation are good for summarizing continuous data (like the density [n/m²] of a particular species), while frequency and percentage are more useful in terms of describing categorical data.

*One of the most useful and effective statistical calculations is the estimation of percentage change. For example, in the assessment of change in percent cover, size class distribution, and sediment depth over time. The following example provides the formula for calculating percent change over time for sediment depth: %Change = ((Depth F – Depth I)/Depth I)*100; where Depth F is the final sediment depth (depth during the most recent monitoring event), and Depth I is the initial sediment depth (depth during the baseline survey). Changes expressed as percentages provide useful summaries for changes occurring in hardbottom communities as a result of beach nourishment. Percent change may be presented in tabular and/or graphical form, and can be used as the dependent variable in analyses of sediment depth, sand patch size, percent cover, etc.*

Univariate tests

These consist of both parametric and non-parametric hypothesis tests. While the results of such tests are useful in determining whether impacts from nourishment have occurred, the statistical significance of change in the absolute value of a parameter or in percentage does not necessarily reflect a critical, biologically meaningful threshold. Thus, while tests can indicate significant differences, non-significant differences can still be meaningful. Several useful univariate tests are provided below.

T-test

Simple hypothesis test that operates on the mean. One-sample, Two-sample, and Paired tests are possible; Homoscedastic (equal variance) and Heteroscedastic (unequal variance) tests are also available. Programs should provide a p-value to compare to a pre-determined alpha (usually 0.05). While inappropriate for other, more complex statistical tests, Microsoft Excel may be used to run T-tests.

ANOVA

More advanced hypothesis test that also operates on means. In the event assumptions of general linear models are not met, non-parametric Analysis of Variance (ANOVA), generalized linear, or mixed-effects models may be used to account for the nature of the data. Analysis of covariance (ANCOVA) may also be useful. Repeated measures (i.e., violation assumption of independence) must be handled appropriately.

Multivariate Statistics

These statistics encompass the simultaneous observation and analysis of more than one outcome/dependent variable. Multivariate analysis of variance (MANOVA) models may be used, though analysis via PRIMER routines is more common. Various PRIMER routines are described in 1-6 below. MANOVA and PERMANOVA are suggested for complex multivariate hypothesis tests.

Similarity Matrix

The original data matrix should include data from the current survey as well as from the baseline survey. Bray-Curtis similarity should be used to produce the resemblance matrix. In order to even out the influence of dominant and rare species, data should be square root, fourth root, or log (x+1) transformed prior to producing the resemblance matrix.

Cluster Analysis with Similarity Profile (SIMPROF) Test

Based on simple agglomerative hierarchical clustering, creates a dendrogram from a similarity matrix. Group average linking should be used. Similarity profile analysis (SIMPROF) should be used in conjunction with cluster analysis (tree production). The pi statistic and the results of the associated hypothesis test should be presented in the results section of the monitoring report.

nMDS Ordination

A technique for mapping samples in a low dimensional space (typically 2-D) such that the distance between samples approximately reflects (to one degree or another) similarity in community structure. Model checking should include interpreting the resultant Shepard Diagrams (smooth increasing curves are best) and Stresses (2-D and 3-D), which provide information on the distortion between the ranked dissimilarities and corresponding distances in the plot. Stress scores are to be reported; as a rule of thumb, a score of: < 0.05 suggests excellent representation; < 0.1 suggests a good fit; < 0.2 suggests the pattern is still useful, but should not be completely trusted; and > 0.3 suggests the pattern is little better than random points.

Analysis of Similarity (ANOSIM)

Compares the variation in species abundance and composition among sampling units in terms of grouping factors (or experimental treatment levels). The histogram, R-statistic, and p-values provided as outputs should be reported.

Similarity of Percentage (SIMPER)

Used to determine the role of individual taxa in contributing to the separation (dissimilarity) between two groups of samples (e.g., Artificial vs. Natural, Baseline vs. Year 1 post-construction).

Second Stage Analysis (2STAGE)

Provides a succinct summary in a 2-d picture of the relationship between the multivariate sample patterns under various choices.

Reporting

The 2025 report will include hardbottom distribution maps based on interpretation of 2025 aerial photography (GIS shapefiles provided by others) with the summer 2025 diver-mapped hardbottom edge as an overlay; sediment analyses including bar graphs depicting sediment patch data and average sediment depths at transects and depth zones; benthic community analyses and change, and statistical analyses. The 2025 report will present a final analysis of cumulative project-related effects of the 2020 Mid-Town Project and potential immediate post-construction effects of the 2025 Palm Beach Harbor Operations and Maintenance Project. The 2025 report will summarize the regulatory monitoring results with comparisons to the baseline survey data and 2025 BMA transect data (provided by others). The final report will be submitted to the Town and FDEP as a PDF file within 120 days of the completion of the 2025 survey.

The total estimated cost of this proposal is **\$143,641** and is submitted on a Time & Materials – Not to Exceed basis. The commencement dates of the surveys will be reported to the FDEP approximately 7 days prior to beginning the work effort, and the FDEP will be notified of survey completion.

Thank you for the opportunity to work with the Town of Palm Beach. Please contact me at 954-591-1219 or via email at cmiller@coastaleco-group.com if you have any questions regarding this proposal.

Sincerely,



Cheryl L. Miller
President, Principal Scientist
Coastal Eco-Group, Inc.

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Robert Miracle, CPA, Deputy Town Manager
Kirk W. Blouin, Town Manager

From: Dean Mealy, II Town Procurement and Contract Manager

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to approve a change order in the amount of \$11,100 to Resolution No. 003-2023 for an approved project budget in the amount of \$171,100 to Kimley-Horn and Associates, Inc. related to construction phase services for D-12 Stormwater Pump Station 91-2025

Date: 7/29/2025

STAFF RECOMMENDATION

Staff recommends that Town Council approve a change order in the amount of \$11,100 to Kimley-Horn and Associates, Inc. (KHA) related to construction phase services for D-12 Pump Station for a new project budget in the amount of \$171,000.

GENERAL INFORMATION

Town Council approved Resolution No. 003-2023 for construction phase services for the D-12 Stormwater Pump Station Improvements with an approved project budget of \$160,000. The project was originally anticipated to be completed in eight (8) months. Due to a series of issues related to the check values, KHA had to perform additional services that included:

13 shop drawings to the pump #4 replacement

- 3 shop drawings related to the water check valve replacements
- 6 payment application reviews due to extended construction duration
- 26 site visits to the pump station and contractor's yard to review the new check valve materials
- Design effort for valve replacements
- 8 meetings related to the valve and pump replacements

Due to the extended timeline to completion, a change order is being requested to

finalize the project by November 2025 in the amount of \$11,100.

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:

Water Resources

FUNDING

Capital

RESOLUTION NO. 91-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$11,100 TO RESOLUTION NO. 003-2023 FOR AN APPROVED PROJECT BUDGET IN THE AMOUNT OF \$171,100 TO KIMLEY-HORN AND ASSOCIATES, INC. RELATED TO CONSTRUCTION PHASE SERVICES FOR D-12 STORMWATER PUMP STATION

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 091-2025 approving a change order to in the amount of \$11,100 to Resolution No. 003-2023 for an approved project budget in the amount of \$171,100 to Kimley-Horn and Associates, Inc. related to construction phase services for D-12 Stormwater Pump Station.

Section 2: The Town Manager or Town Procurement and Contract Manager is authorized to execute the change order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on August 12, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



July 21, 2025

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Construction Phase Services Amendment Request – D-12 Stormwater Pump Station Improvements (PO # 230708)*

Dear Dean,

Kimley-Horn is currently performing construction phase services for the D-12 Stormwater Pump Station Improvements project. Our current scope of services budgeted effort needed for project administration, construction observations, and start-up assistance, however, unforeseen conditions were encountered during the project that incurred additional effort in order to continue serving the Town.

The project was originally anticipated to begin in April 2023 and have a duration of approximately eight (8) months. The contractor mobilized to the site in September 2023 and work is currently ongoing at the pump station site. The project is anticipated to be completed by the end of November 2025. The increased construction duration can be attributed to issues with the new wafer style check valves encountered during the project and the unforeseen need to replace the pump can on pump #4.

The additional services performed by Kimley-Horn include the following:

- 13 shop drawings related to the pump #4 can replacement
- 3 shop drawings related to the wafer check valve replacements
- 6 payment application reviews due to the extended construction duration
- 26 site visits to the pump station and contractor's yard to review the new check valve materials, observe installation of the temporary and new check valves, review the pump can materials, and observe installation of the new pump can
- Design effort for valve replacements and pump can
- Coordination with the Town, contractor, and equipment suppliers for the check valve issues and pump can replacement:
 - 8 meetings related to the valve and pump can replacements

We have found that we are unable to absorb the additional effort that will be required to complete the above-listed tasks and see the project through completion within our current authorization. We respectfully request that PO # 230708 be increased by \$25,100.00 to perform the above tasks to see the project through completion. A breakdown of this fee is attached for your review and consideration.

Should you have any questions, please feel free to call me at (561) 840-0256.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Jason Lee, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\D-12 Pump Station\Construction Phase\Amendment\2025.07.21_D-12
Construction Phase Services Amendment.docx

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	D-12 Construction Phase Services - Amendment #1						SHEET 1 of 1						
CLIENT:	Town of Palm Beach						FILE NO.						
ESTIMATOR:	DAC						DATE: 07/21/25						
							ALLOCA 0.0000						
DESCRIPTION:		DIRECT LABOR (MAN-HOURS)											
See Scope of Services		Principal Engineer	Chief Engineer	Senior Engineer	Senior Prof. Eng.	Reg. Prof. Engineer	Engineering Intern	Senior Scientist	Scientist	Senior Admin	SUB	EXP	LINE TOTAL
16 shop drawings related to the check valves and pump can						16.0	32.0						\$7,690
6 payment application reviews						6.0							\$1,116
26 site visits to observe check valve and pump can work			2.0				78.0						\$12,209
Design effort for valve replacements and pump can			1.0			6.0							\$1,475
8 meetings related to the valve and pump can replacements			3.0			8.0						\$44	\$2,610
TOTAL HOURS		0.0	6.0	0.0	0.0	36.0	110.0	0.0	0.0	0.0	\$0.00	\$44.00	\$25,100
LABOR (\$/HOUR)		\$399.74	\$359.26	\$293.48	\$232.76	\$185.97	\$147.32	\$260.10	\$184.60	\$127.39	1.00	1.0	
ALLOCATION		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	
TOTALS		\$0	\$2,156	\$0	\$0	\$6,695	\$16,205	\$0	\$0	\$0	\$0	\$44	\$25,100

RESOLUTION NO. 003-2023

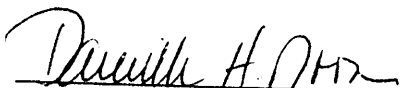
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF A PURCHASE ORDER TO
KIMLEY-HORN AND ASSOCIATES, INC. FOR
CONSTRUCTION PHASE SERVICES FOR D-12 PUMP
STATION IMPROVEMENTS IN THE AMOUNT OF \$146,000
AND ESTABLISHING A PROJECT BUDGET OF \$160,000**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, as follows:

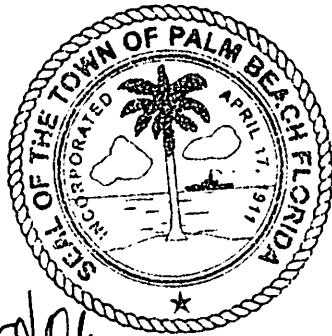
Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 003-2023, Approving the Award of a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services for D-12 Pump Station Improvements in the Amount of \$146,000 and Establishing a Project Budget in the Amount of \$160,000.

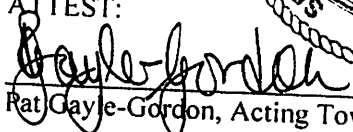
Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of February 2023.

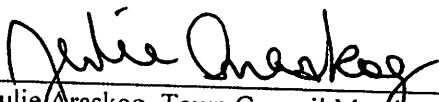


Danielle H. Moore, Mayor

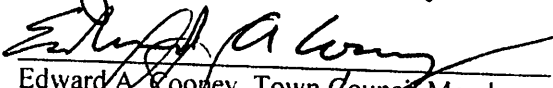


ATTEST:


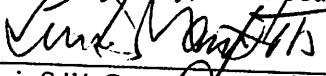
Rat Gayle-Gordon, Acting Town Clerk



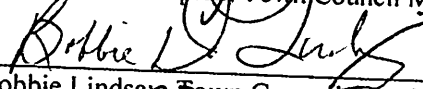
Julie Araskog, Town Council Member



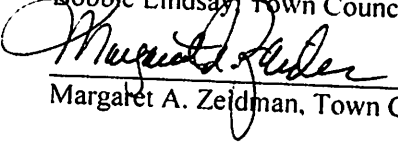
Edward A. Cooney, Town Council Member



Lewis S.W. Crampton, Town Council Member



Bobbie Lindsay, Town Council Member



Margaret A. Zeidman, Town Council Member

Public Comment - Town Council

07/16/2025 9:26 AM (EDT)

Public Comment

Please note that all submissions of this form will become part of the official public record.

Comments must be submitted at least 24 hours prior to the start of the meeting. Any comments submitted after this time may not be processed until after the meeting has concluded.

Month of Meeting	August
Please select the agenda item you would like to comment on.	Other
Comment	See attached
Your Position	Neutral
First and Last Name	Harriett Eckstein
Address	2335 S Ocean Blvd #18E
Image or File Upload (optional)	 Harriett Eckstein Letter.pdf

June 26, 2025

Dear Mayor Moore,

I live at Tres Vidas on Southern Boulevard - since 1986 - but also have a home in Lexington Massachusetts where the town issues information about its water supply on a regular basis.

I have enclosed a sample of the latest wondering if it might be useful to the Town Council as it deliberates its water supply contract provisions. Were the Town to issue such a bulletin, it would also be reassuring to the public - an additional benefit.

With thanks for your thoughtful administration and best wishes,

Harriet Eckstein

2335 S. Ocean Blvd. #18 E
Palm Beach, FL 33480

24 Berberry Rd.
Lexington, MA 02124



MWRA BOARD OF DIRECTORS

Rebecca Tepper,
Chair

Andrew Pappastergion,
Vice Chair

Brian Peña, Secretary

Brian Swett

Henry F. Vitale

Jennifer L. Wolowicz

John J. Walsh

Joseph C. Foti

Louis M. Taverna, P.E.

Patrick J. Walsh

Paul E. Flanagan

Dear Customer,

This year, MWRA turns 40 and throughout the year we are celebrating the work of revitalizing our drinking water system, delivering the nation's best tasting water, and the clean-up of Boston Harbor. We are proud of all that we have accomplished together and remain energized by the challenges and possibilities on the horizon.

This report provides you with the results of our drinking water testing for 2024. Every year, we take hundreds of thousands of tests to ensure that your water is safe. Our state-of-the-art surveillance system monitors your water every step of the way, from forest to faucet. Once again, MWRA met every state and federal standard and the quality of your drinking water is excellent.

As you will read in the pages ahead, great water starts at the source. At MWRA, we recognize all that has gone into creating this magnificent resource and understand the value and importance of protecting it. That is why MWRA and its partner agencies have worked hard to protect hundreds of thousands of acres in watersheds, providing excellent resource protection and creating an accidental wilderness that yields tourism and recreational opportunities across the region. These preservation efforts are the reason our water meets the current state and federal standards for PFAS with levels so low they cannot be quantified.

MWRA is proud to be a leader in helping communities reduce the risk of lead in drinking water. MWRA's source water does not have lead, but it can enter water if you have a lead service line or home plumbing with lead solder. Our corrosion control treatment helped reduce lead levels in higher risk homes by 90%, and since 2016, we have provided \$44 million to help communities to replace lead service lines. Please read your community's letter for more information on your local water system and consider replacing your lead service line if you have one.

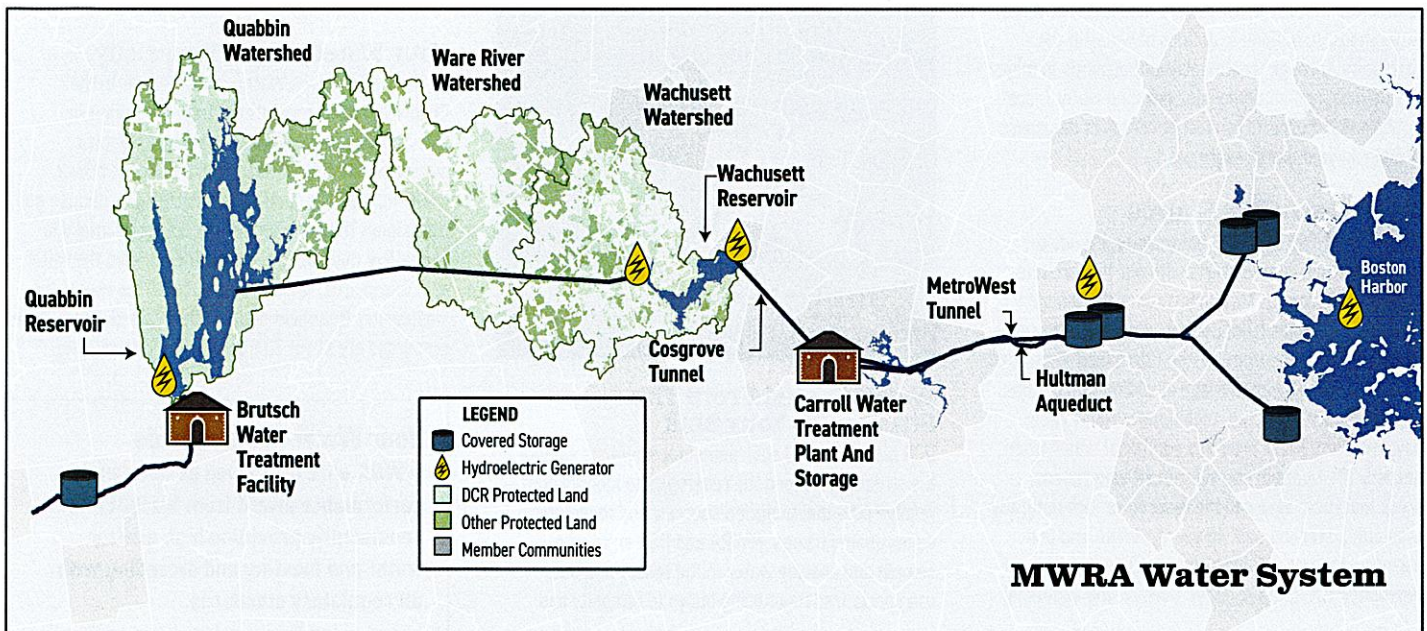
Last summer, our region experienced significant drought. Thanks to all of our customers' efforts to use water wisely, MWRA's reservoirs remained at normal operating levels. As stewards of these reservoirs, water conservation efforts remain a constant priority at MWRA.

I hope you will take a moment to read this report. We want you to have the same confidence in the water we deliver to your houses and businesses that we do. Please contact us with any questions or comments about your water quality or any of MWRA's programs.

Sincerely,

Frederick A. Laskey
Executive Director

For more information on MWRA and its Board of Directors, visit www.mwra.com



Treated And Tested: All The Way To Your Home



The combination of high quality protected source water, and well designed and operated treatment, means that your water not only meets EPA's safety standards, but it also tastes good. No need for bottled water, it's great right from the tap.

How Your Water Is Treated

MWRA has made significant investments in treatment and monitoring technologies, bringing the water system into the 21st century. Upgraded corrosion control treatment, installed in 1996, has reduced lead levels at the tap by around 90 percent (see pages 4 and 5). The John J. Carroll Water Treatment Plant in Marlborough, completed in 2005, with the addition of UV treatment in 2014, provides state-of-the-art disinfection.

At the Carroll treatment plant, our well-trained and licensed operators add measured doses of treatment chemicals, and continuously monitor dozens of parameters, to ensure that the treated water meets all standards. Treatment steps include:

- **Ozone**, made from pure oxygen, disinfects the water, killing bacteria, viruses and other organisms, and improves water clarity and taste.
- **Ultraviolet light (UV)**, a natural disinfectant like sunlight, renders pathogens non-infectious.
- **Fluoride** protects dental health.
- The water chemistry is adjusted to reduce corrosion of lead from home plumbing (see page 4).
- **Monochloramine** (a compound of chlorine and ammonia), provides a mild and long-lasting disinfectant to protect the water as it travels through miles of pipelines to your home.

More Testing In Tanks And Pipes

After we treat your water, MWRA staff test it as it leaves the treatment plant, and as it travels towards your home, as required by EPA and state regulations. MWRA sampling teams, and chemists and biologists at MWRA's four laboratories conduct hundreds of thousands of tests per year for over 120 potential contaminants. A complete list is available on mwra.com. The results for 2024 are shown in the table below. They confirm the quality and safety of the water your community receives from MWRA.

Sodium and Drinking Water



MWRA tests for sodium monthly and the highest level was 36 mg/L (about 8 mg per 8 oz. glass of water) This level would be considered Very Low Sodium by the Food and Drug Administration (FDA). Sodium in drinking water contributes only a small fraction of a person's overall intake (less than 5%)

MWRA Water Test Results 2024

Detected Contaminants

Compound	Units	(MCL) Highest Level Allowed	(We Found) Detected Level-Average	Range of Detections	(MCLG) Ideal goal	Violation	How It Gets in the Water
Barium	ppm	2	0.008	0.008-0.009	2	No	Common mineral in nature
Fluoride	ppm	4	0.7	0.33-0.77	4	No	Additive for dental health
Nitrate [^]	ppm	10	0.62	0.037-0.62	10	No	Byproduct of disinfection
Radium-226*	pCi/L	5	0.82	0.82	0	No	Erosion of natural deposits
Haloacetic Acids-5	ppb	60	22.9	4.4-24.9	NS	No	Byproduct of water disinfection
Total Trihalomethanes	ppb	80	26.3	7.9-24.4	NS	No	Byproduct of water disinfection
Monochloramine	ppm	4-MRDL	1.94	0.04-3.85	4-MRDLG	No	Water disinfectant

KEY: MCL = Maximum Contaminant Level. The highest level of a contaminant allowed in water. MCLs are set as close to MCLGs as feasible using the best available technology. MCLG = Maximum Contaminant Level Goal. The level of contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety. MRDL = Maximum Residual Disinfectant Level. The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants. MRDLG = Maximum Residual Disinfectant Level Goal. The level of a drinking water disinfectant below which there is no known or expected health risk. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination. ppm = parts per million. ppb = parts per billion. NS = no standard. ND = non-detect. [^] = As required by DEP, the maximum result is reported for nitrate. * = Radium result from 2023.

Investing in Finding and Removing Lead

Lead Service Lines

A service line is the small pipe that connects your home or building to the water main in the street. If your service line is made of lead, it can be a main source of lead in your tap water. Older lines that combined galvanized iron and lead connectors ("goose-necks") can also release lead. Lead service lines should be removed entirely to prevent lead in your drinking water.

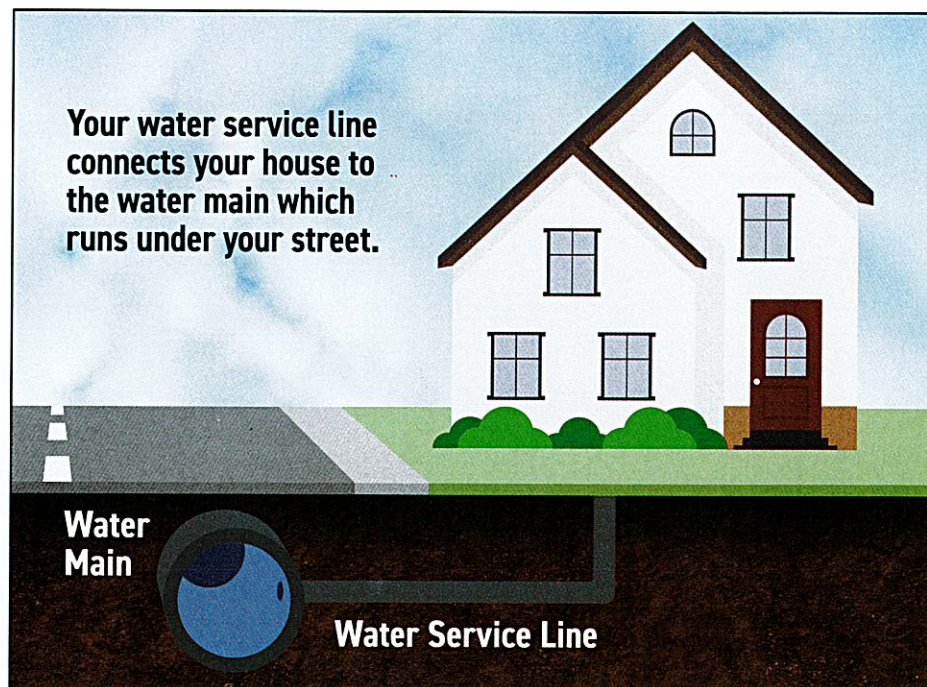
Find Them All

In October 2024, every community completed an inventory of every service line and submitted it to MassDEP. In November, they mailed a letter to each property that their records indicated had a lead service line or a galvanized line that could contribute lead with information about the risks of lead and how to get the service line replaced. They also mailed a letter to every property where they did not have records about the service line material with information on how to determine if it was made of lead. Your community letter has more information.

Many communities have on-line service line maps. You can also see if your service line is made of lead by scratching the pipe near your water meter with a key or other metal object. Lead pipes will show a dull grey color, while copper pipes will not. For a how-to guide, go to: www.epa.gov/pyt.

Working To Replace Lead Service Lines

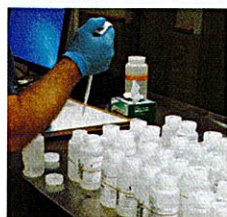
To help replace lead service lines, MWRA and its Advisory Board offer zero-interest loans to member communities. Each MWRA community can develop its own local plan, and many communities have already taken steps to remove lead service lines. Since 2016, MWRA has provided \$44 million to 17 communities to replace lead service lines.



In 2024, MWRA added an additional \$100 million in loans and grants to encourage communities to fully replace lead service lines at no cost to home owners, and set a goal of full replacement by 2032. Talk to your local water department about their efforts to find and replace lead service lines.

Lead Testing In Schools And Childcare Facilities

Children can consume much of their drinking water at school or childcare. Plumbing there may contain lead and contribute to lead exposure. MWRA and MassDEP provide technical assistance and no-cost lab analysis in MWRA communities. Since 2016, MWRA's laboratory staff have conducted nearly 45,000 tests for 668 schools and childcares. Results are available on the MassDEP website at: www.mass.gov/dep (search for "lead in schools") or contact your local school department.



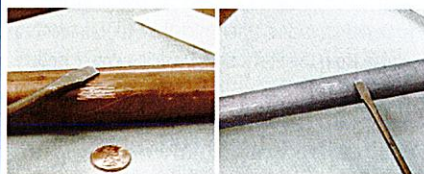
How To Test Your Drinking Water

If you are concerned about lead piping in your home, contact your local water department about testing for lead in your drinking water. For a list of certified laboratories and sampling instructions go to: www.mwra.com/your-water-system/drinking-water-quality/lead-testing.

Steps To Reduce Lead In Your Home Or Office

- Find out if you have a lead service line, and get it replaced.
- Let water run before using it - fresh water is better than stale.
- Any time water has not been used for more than 6 hours, run the faucet used for drinking water or cooking for at least one minute or until after the water runs cold. To save water, fill a pitcher with fresh water and place it in the refrigerator.
- Never use hot water from the faucet for drinking or cooking, especially when making baby formula or other food for infants or young children.
- Remove loose lead solder and debris. Every few months, remove and clean the aerator from each faucet and run water for 3 to 5 minutes.
- Be careful of places where you may find lead in or near your home. Paint, soil, dust and pottery may contain lead. Call the Massachusetts Department of Public Health at 1-800-532-9571 or 1-800-424-LEAD.

Water Service Lines



Copper

Galvanized



Lead With Bulb

Lead



Town of Lexington
DEPARTMENT OF PUBLIC WORKS WATER & SEWER

This Drinking Water Report is intended to provide information to Lexington residents about their water supply. Our Town works in partnership with the Massachusetts Water Resources Authority (MWRA) to deliver quality drinking water to each customer for consumption, fire protection and other uses. Helping residents learn more about water quality and the effort that goes into maintaining the water system is part of this partnership. By providing this information, we also hope to encourage conservation and protection of this precious resource.

Our water comes from the Quabbin Reservoir in Central Massachusetts, through the Wachusett Reservoir and is transported in tunnels and pipes to four metered locations that supply the Town. There are 158 miles of water distribution pipes in Lexington that, on average, deliver approximately 5 million gallons per day (MGD) to our customers. Demand for water fluctuates seasonally, with higher volumes of water being used during the summer months. Lexington also has an irrigation meter policy where a second meter can be installed for lawn watering or other types of irrigation uses. Lexington water system serves a population of 32,271 residents with 13,054 residential service connections and 333 commercial and industrial services. If you have not had your meter updated with the new automated system, please contact the DPW water division to make an appointment.

The most frequently asked question that we receive about water quality, concerns the presence of lead in tap water. The answer is simple: the water we supply to your home does not contain lead. If any lead is present at the tap, it has been picked up through contact with brass fixtures (which contain lead in the alloy) or with lead elsewhere on the premises, such as lead solder used in plumbing work. Lead water services (the pipe connection running from the house foundation to the water main in the street) may also be a factor. However, lead has not been used for water services or household pipes since before World War II. Although the majority of the homes dating from this earlier era either never used lead or have since had their water services replaced, there may still be a small number of lead services in place. Also, note that lead can still be found in many new brass fixtures.

Lexington has an on-going "lead service replacement program" that was established when the Town had more than one home test above the Lead Action Level. Lexington has successfully passed the most recent lead sampling collection. The October 2024 lead result are shown below.

	Range	90 th Percentile Value	Action Level	MCLG	Samples Over Action Level
Lead	0.0998–1.5800 ppb	1.12 ppb	15 ppb	0 ppb	0 of 20
Copper	6.26–88.9 ppb	58.90 ppb	1300 ppb	1300 ppb	0 of 20

Lexington is preparing for the Lead and Copper Rule Revisions mandated by Department of Environmental Protection (MassDEP). We have completed and submitted a lead service line inventory of every service line in town to MassDEP. The Department of Public Works has hired a consultant to review and inventory all water line service records. Residents with lead service lines, galvanized iron service lines or unknown material service lines were notified by letter of their service line material on November 14, 2024. Construction on lead service line replacement is scheduled to begin in the summer of 2025.

If you did not receive a letter, or to find out if you might have a lead service line and how it can be replaced, please contact Tyler Schmitt at the Apex Companies at 617-657-0963 or email LexingtonLSLR@envpartners.com. For more information go to: <https://lexingtonma.gov/1888/Lead-Service-Line-Replacement-Project>. A map of the entire system inventory can be found at: <https://apexmapping.maps.arcgis.com/apps/instant/sidebar/index.html?appid=24d95c0084894fa6b682bb7a88aa77ea>.

The Lexington Water System received one Notice of Non-Compliance (NON) from the Massachusetts Department of Environmental Protection in the 2024 reporting period. Our system did not provide notice of individual tap results from lead and copper tap water monitoring to persons served by the system at each sampling site from which a sample was taken within 30 days of receiving notification as required by 310 CMR 22.06B(6)(c)2. Notice was given on 32 days of individual tap results. This information was added to this letter as required for compliance by the Massachusetts Department of Environmental Protection Agency.

Working With Your Community to Test Your Water

MWRA works with local water department staff to sample and test 300-500 water samples each week for total coliform bacteria. Total coliform bacteria can come from the intestines of warm-blooded animals, or can be found in soil, plants, or other places. Most of the time, they are not harmful. However, their presence could signal that harmful bacteria from fecal waste may be there as well. If total coliform is detected in more than 5% of water samples in a month, the water system is required to investigate the possible source and fix any identified problems. If a water sample does test positive, our laboratory staff run a more specific test for *E. coli*, which is a bacteria found in human and animal fecal waste and may cause illness. If your community was required to do an investigation, or found *E. coli*, it will be in the included letter from your community.

Important Research For New Regulations

MWRA works with EPA and health research organizations to help define new national drinking water standards by collecting data on water contaminants that are not yet regulated. Very few of these potential contaminants are found in MWRA water due to our source water protection efforts. Detailed information on testing for unregulated contaminants, as well as data on PFAS, disinfection by-products, *Giardia* and *Cryptosporidium*, and other contaminants can be found at www.mwra.com, search for UCMR.



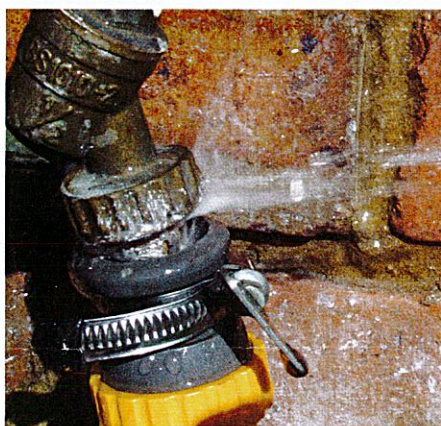
Being Prepared for Drought

Despite the hot dry weather in 2024 and many months of drought conditions across Massachusetts, MWRA's water supply reservoirs remained within their normal operating range throughout the year. Why? Two reasons. Together the Quabbin and Wachusett Reservoirs hold an astonishing amount of water—477 billion gallons, enough water to supply the region for over 6 years. Secondly, because our customers are water savvy. Water use in our region has dropped from over 330 million gallons per day in 1985 when MWRA was created, to around 200 million gallons per

day now. This keeps our reservoirs full, reduces the cost of building and operating our facilities, and makes MWRA drought resilient. Thanks for your help.

Cross Connection Information

MassDEP recommends the installation of backflow prevention devices for all hose connections to help protect the water in your home as well as the town system. For more information on cross connections, please call 617-242-5323 or visit www.mwra.com/your-water-system/drinking-water-quality/cross-connections.



Do Your Part for Water Conservation

Be mindful of water use indoors:

- Don't let the water run in the kitchen or bathroom
- Check for leaking faucets or toilets
- Don't use the toilet as a trash can
- Buy water efficient appliances

Water outdoors only when needed:

- If there has been an inch of rain—no need to water that week
- Avoid watering during the heat of the day
- Plant native plants that need less water

For more water saving tips, visit mwra.com

Why Save Water?

- It helps keep our reservoirs full
- Saving water can save you money by lowering your monthly water and sewer bill
- Wildlife, rivers and crops all need water too
- Reducing water use reduces energy use and cost by decreasing the energy need to pump, treat and heat water

Request free MWRA water conservation kits at: wc.mwra.com/home

Help Protect Boston Harbor and Our Rivers

- Only flush toilet paper—most "flushable wipes" can clog pipes and cause overflows.
- Fats, oil and grease go in the trash, not the drain.
- Sump pumps and roof drains should connect to a storm drain or a dry well, not the sanitary sewer. Too much clean water can overload the sewer system.

For more information, go to mwra.com.



MWRA in the Community:

Our staff is always looking for the next generation of MWRA employees. Keep an eye out for our team at career fairs and events in your community.



MWRA's high quality source water was made possible by the sacrifice of the 2500 people who lived in the four towns that were removed to build the Quabbin Reservoir. Their homes and farms are now part of the 'accidental wilderness' that protects and purifies your water.

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Kelly Churney, CMC, Town Clerk

Re: Appointments to the Planning and Zoning Commission

Date: 8/4/2025

Staff recommends that the Town Council review the submitted applications and appoint three (3) regular members to the Planning and Zoning Commission to fill vacancies resulting from the passing of John Tatooles, and the term expirations of Eric Christu and Michael Spaziani.

Mr. Tatooles' replacement is needed immediately. The appointment will be effective upon approval and will expire on September 30, 2026.

Messrs. Christu and Spaziani are not eligible for reappointment. Their replacements will be appointed to three-year terms effective on October 1, 2025.

The Town Clerk's office has received three (3) applications seeking **PROMOTION TO REGULAR MEMBER** from:

1. Matthew Ailey, 240 Jungle Road, Palm Beach, FL;
2. Victoria Donaldson, 227 Brazilian Avenue, Apt. 4B, Palm Beach, FL;
3. Nicki McDonald, 234 Merrain Road, Palm Beach, FL.

The Town Clerk's office has received ten (10) applications seeking a **NEW APPOINTMENT** from:

1. Barbara Chapman, 330 South Ocean Blvd., #4A, Palm Beach, FL;
2. Dragana Connaughton, 267 Merrain Road, Palm Beach, FL;
3. Anne Fairfax, 189 Bradley Place, Palm Beach, FL;
4. Karen Glover, 233 Via Linda, Palm Beach, FL;
5. Randolph Guthrie, 140 El Mirasol, Palm Beach, FL;
6. Martin Klein, 1060 North Ocean Boulevard, Palm Beach, FL;
7. Neil Kozokoff, 129 Seminole Avenue, Palm Beach, FL;
8. Carol LeCates, 212 Seabreeze Avenue, Palm Beach, FL;
9. George Ledes, 2295 South Ocean Blvd., Apt. 221, Palm Beach, FL;

10. Rick Pollock, 218 Seaspray Avenue, Palm Beach, FL.

All applications will be held in the Town Clerk's Office and can be reviewed upon request.

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Community Culture and Character

Strategic Focus Areas:

Cooperative Relationships

Collaborative Town Government

FUNDING

No Fiscal Impact

PLANNING AND ZONING COMMISSION**Next appointment: Tuesday, August 12, 2025, Town Council meeting****Openings advertised via news release: June 3, 2025****Deadline to submit applications: Friday, August 1, 2025****Number of openings: 3 Regular Members****Applicants**

NAME	SEEKING
Matthew Ailey	Promotion to Regular Member
Victoria Donaldson	Promotion to Regular Member
Nicki McDonald	Promotion to Regular Member
Barbara Chapman	New Appointment
Dragana Connaughton	New Appointment
Anne Fairfax	New Appointment
Karen Glover	New Appointment
Carol LeCates	New Appointment
Randolph Guthrie	New Appointment
Martin Klein	New Appointment
Neil Kozokoff	New Appointment
George Ledes	New Appointment
Rick Pollock	New Appointment

Current members and open seats

NAME	TERM EXPIRES
Regular Members	
Gail Coniglio, Chair	9/30/2027
Eric Christu	9/30/2025**
Michael Vincent John Spaziani	9/30/2025**
Marilyn Beuttenmuller	9/30/2026
Jorge Sanchez	9/30/2026
Vacant	9/30/2026
William Gilbane	9/30/2027
Alternates	
Nicki McDonald	9/30/2027
Victoria Donaldson	9/30/2026
Matthew Ailey	9/30/2027

Highlighted in yellow = Open position**** = Will be termed out**

Town of Palm Beach, FL - Member Attendance Report - 2025

Planning and Zoning Commission								
Member	Jan 07, 2025	Feb 04, 2025	Mar 06, 2025	Apr 01, 2025	May 06, 2025	Jun 03, 2025	Jun 26, 2025	Aug 05, 2025
William J. Gilbane	P	P	P		P	P	P	P
Jorge A Sanchez	P	P	A	A	P	P	P	P
Gail Coniglio	P	P	P	P	P	P	P	P
Matthew Ailey	A	P	P	P	P	P	P	P
Victoria Donaldson	P	P	P	P	P	P	P	P
Nicki L McDonald	P	P	P	P	A	P	P	P
Marilyn N. Beuttenmuller	P	P	E	P	A	P	P	A
Michael Vincent J Spaziani	P	P	E	P	P	P	P	P
Eric C. Christu	P	P	P	P	P	P	P	P
John Tatoes	P	E	P	A	E	X	X	X
Present:	9	9	7	7	7	9	9	8
Absent:	1	0	1	2	2	0	0	1
Excused:	0	1	0	0	1	0	0	0
* P = Present								
* A = Absent								
* E = Excused								
* C = Canceled								

Ballot For Appointment of Regular Members
to the Planning and Zoning Commission
August 12, 2025, Town Council Meeting

Position(s) to be filled: 1 **Regular Member to begin immediately**

Please circle one (1) name from the list of names appearing below.

Alternate Member(s) Applying for Promotion

Matthew Ailey

Victoria Donaldson

Nicki McDonald

Others Who Have Submitted Applications

Barbara Chapman

Martin Klein

Dragana Connaughton

Neil Kozokoff

Anne Fairfax

Carol LeCates

Karen Glover

George Ledes

Randolph Guthrie

Rick Pollock

Signature of Town Council Member: _____

Town Council Member

**Ballot For Appointment of Regular Members
to the Planning and Zoning Commission
August 12, 2025, Town Council Meeting**

Position(s) to be filled: **2 Regular Members to begin October 1, 2025**

Please circle two (2) names from the list of names appearing below.

Alternate Member(s) Applying for Promotion

Matthew Ailey

Victoria Donaldson

Nicki McDonald

Others Who Have Submitted Applications

Barbara Chapman

Martin Klein

Dragana Connaughton

Neil Kozokoff

Anne Fairfax

Carol LeCates

Karen Glover

George Ledes

Randolph Guthrie

Rick Pollock

Signature of Town Council Member: _____

Town Council Member

Ballot For Appointment of Alternate Members
to the Planning and Zoning Commission
August 12, 2025, Town Council Meeting

Position(s) to be filled: _____ **Alternate Member(s) to begin October 1, 2025**

Please circle _____ names from the list of names appearing below.

Others Who Have Submitted Applications

Barbara Chapman

Dragana Connaughton

Anne Fairfax

Karen Glover

Neil Kozokoff

George Ledes

Rick Pollock

Signature of Town Council Member: _____
Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Town Manager's Office

Re: Proposed 2026 Town Council Meeting Schedule

Date: 7/29/2025

STAFF RECOMMENDATION

Staff recommends the Town Council adopt the proposed meeting schedule below, along with any other modifications that may be acceptable to the majority.

GENERAL INFORMATION

Proposed Meeting Schedule:

2025 Town Caucus: December 2, 2025

2026 Meeting Dates:

January 13 and 14	July 14, 15, and 16 (Budget workshop)
February 10 and 11	August 11 and 12
March 17 and 18 ⁽¹⁾	September 8 ⁽³⁾ , 9 and 17 ⁽⁴⁾
April 14 and 15 ⁽²⁾	October 13 and 14
May 12 and 13	November 9 and 10 ⁽⁵⁾
June 9 and 10	December 8 and 9

1. If a local election is held in 2026, it will be scheduled for Tuesday, March 10 during the second week of the month. Staff requests holding the March Town Council meetings during the third week of the month.
2. Passover April 1-9, Easter April 5
3. The first public hearing for the budget will follow the regular meeting at 5:01 p.m., unless in conflict with the Palm Beach County Board of County Commissioners or

the Palm Beach School District Board Meeting.

4. The second public hearing for the budget will be held at 5:01 p.m., unless in conflict with the Palm Beach County Board of County Commissioners or the Palm Beach School District Board Meeting.
5. Town Hall will be closed on Wednesday, November 11, in observance of Veterans Day. The November Town Council meetings are currently scheduled for Monday and Tuesday of that week.

STRATEGIC PLAN

Strategic Priorities:

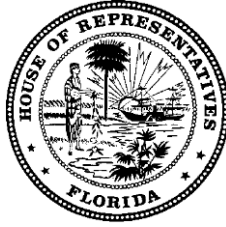
Governmental Leadership and Innovation

Strategic Focus Areas:

Collaborative Town Government

FUNDING

No Fiscal Impact



Representative Chuck Brannan

Florida House of Representatives

District 10

317 Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

1262 Southeast Baya Drive
Lake City, FL 32025-5555
Phone: (386) 400-1980

Baker County Courthouse
339 East Macclenny Ave
Macclenny, FL 32063-2231

Chuck.Brannan@FLHouse.gov

August 6, 2025

The Honorable Mayor Danielle H. Moore
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Dear Mayor Moore,

I hope this message finds you well. I am writing to respectfully request that a proclamation in support of CS/CS/HB 987 - Transportation Facility Designations be added to the agenda for the next Palm Beach Town Council meeting. I was the sponsor of this road naming bill that designates 20 transportation facilities across the state for memorial/honorary purposes and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation. This bill was passed by the legislature and signed into law by the Governor on June 13, 2025 and became effective on July 1, 2025.

Part of this bill designates a portion of Southern Boulevard between Kirk Road and S. Ocean Boulevard in Palm Beach County as "President Donald J. Trump Boulevard". Before erecting the markers for the road designation FDOT requires that counties and local municipalities pass a proclamation supporting the designation. Palm Beach County has already passed a proclamation supporting this road designation.

Thank you for considering this request and please reach out to me with any questions or concerns. I would be happy to provide any additional information or materials needed to support this proclamation.

Sincerely Yours,

A handwritten signature in cursive script that reads "Chuck Brannan".

Representative Chuck Brannan
Florida House of Representatives, District 10

Committees:

Chairman, Judiciary Committee
Budget Committee
Commerce Committee
Security & Threat Assessment Committee

Proudly Serving Baker, Bradford, Columbia, Union and a portion of Alachua County



**Palm Beach County
Board of County Commissioners**

P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2754
FAX: (561) 355-3819
www.pbc.gov



**Palm Beach County
Board of County
Commissioners**

Maria G. Marino, Mayor

Sara Baxter, Vice Mayor

Gregg K. Weiss

Joel G. Flores

Marci Woodward

Maria Sachs

Bobby Powell Jr.

County Administrator

Verdenia C. Baker

July 9, 2025

Mayor Russell Nidy
Town of Cloud Lake
100 Lang Rd.
Cloud Lake, FL 33406

Mayor Danielle Moore
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Mayor Alice McLane
Town of Glen Ridge
1501 Glen Road
Glen Ridge, FL 33406

Mayor Keith James
City of West Palm Beach
401 Clematis Street
West Palm Beach, FL 33401

Dear Mayors:

On June 13, 2025, Governor Ron DeSantis signed HB 987, which required the Florida Department of Transportation to erect suitable markers for the following designation:

That portion of Southern Boulevard between Kirk Road and S. Ocean Boulevard in Palm Beach County is designated as "President Donald J. Trump Boulevard."

Florida Statute 334.071 (3) states that, "Erection of markers shall be contingent on the appropriate city or county commission passing a resolution in support of the particular honorary designation. If the bridge or road segment being designated is located in more than one city or county, resolutions supporting the designation must be passed by each affected local government prior to the erection of the markers.

The Palm Beach County Board of County Commissioners passed the enclosed resolution of support at their July 8 BCC meeting. We encourage your municipality to join the County in adopting a resolution of support for this designation.

Please do not hesitate to reach out should you require any additional information.

Sincerely,

Maria G. Marino

Maria G. Marino, Mayor
Palm Beach County

R2025-0883

Document Type



* P B C 0 8 *

R-number

Place Interim Doc
Label Here →



* P B C I N T O *

Place Restricted Doc
Label Here →



* P B C R D O *



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECOGNIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION AS THE AGENCY RESPONSIBLE FOR THE DESIGNATION MARKERS; SUPPORTING THE CONSTRUCTION OF HONORARY DESIGNATION MARKERS ON A PORTION OF SOUTHERN BOULEVARD IN PALM BEACH COUNTY IN HONOR OF FALLEN DEPUTY SHERIFFS CORPORAL LUIS PAEZ, DEPUTY RALPH "BUTCH" WALLER AND DEPUTY IGNACIO "DAN" DIAZ, AND ON A PORTION OF SOUTHERN BOULEVARD IN PALM BEACH COUNTY IN HONOR OF PRESIDENT DONALD J. TRUMP; PROVIDING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, three PBSO deputies died tragically on the morning of November 21, 2024, when an SUV struck them on the side of Southern Boulevard as they were conducting traffic enforcement; and

WHEREAS, Corporal Luis Paez began his law enforcement career in January of 1988 as a Corrections Deputy with the Palm Beach County Sheriff's Office, and had a notable transition to Road Patrol that truly highlighted his dedication and skill. Over his more than 20 years of service, he not only made significant contributions but also became a mentor to many. His expertise, particularly as a motorcycle instructor, saved countless lives by teaching riders to avoid accidents and injuries. His guidance and dedication to his fellow deputies will be remembered for years to come; and

WHEREAS, Deputy Sheriff Ralph "Butch" Waller began his law enforcement journey in 1998 at the local government level before joining the Palm Beach County Sheriff's Office, where he became a valued member of the Motor Unit. Throughout his career, he demonstrated a remarkable work ethic and a genuine care for the communities he served; and

WHEREAS, Deputy Sheriff Ignacio "Dan" Diaz's years of service at the Palm Beach County Sheriff's Office speak to his unwavering dedication and passion for his work. His contributions to the DUI Unit were nothing short of exceptional, where his tireless efforts to combat drunk driving earned him numerous accolades and the respect of his peers. Later, as a member of the Palm Beach County Sheriff's Office Motor Unit, Deputy Sheriff Diaz shone brightly as a motorcycle deputy, showcasing unmatched skill, determination, and commitment to public safety; and

WHEREAS, the designation of "PBSO Motorman Highway," as defined hereinafter, not only pays tribute to the three motormen, but also recognizes the role of all first responders who serve the community; and

WHEREAS, the designation of "President Donald J. Trump Boulevard," as defined hereinafter, is in honor of the 45th and 47th President of the United States, Donald J. Trump, and is for the roadway segment between the facility used by Air Force One at Palm Beach International Airport and Mar-A Lago, which segment is located between Kirk Road and S. Ocean Boulevard; and

WHEREAS, the passage of House Bill 987 during the 2025 Legislative Session, provides for the construction of honorary designations of certain transportation facilities in specified counties and directs the Florida Department of Transportation (FDOT) to construct suitable markers; and

WHEREAS, FDOT has been directed to construct suitable markers designating that portion of Southern Boulevard between 18000 Southern Boulevard (Lion Country Safari Road) and Royal Palm Beach Boulevard in Palm Beach County as "PBSO Motorman Highway," and that portion of Southern Boulevard between Kirk Road and S. Ocean Boulevard in Palm Beach County as "President Donald J. Trump Boulevard" (collectively, Roadway); and

WHEREAS, the Roadway is within FDOT's jurisdictional limits, and FDOT will be responsible for the design, construction, and maintenance of the honorary designation markers; and

WHEREAS, Section 334.071 (3), Florida Statutes, requires that the appropriate city or county commission pass a resolution in support of any proposed honorary designation markers prior to their construction; and

WHEREAS, the Roadway where the proposed honorary designations will be constructed lies within Palm Beach County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The foregoing "Whereas" clauses are true and correct and are made part of this Resolution.

Section 2. The Board of County Commissioners of Palm Beach County, Florida (Board) recognizes FDOT as the agency responsible for the design, construction, and maintenance of the honorary designation markers.

Section 3. The Board supports this Resolution.

Section 4. SEVERABILITY. If any portion of this Resolution is determined by any court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

Section 5. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida on the 8th day of July, 2025.

The foregoing resolution was offered by Commissioner Baxter, who moved its adoption. The motion was seconded by Commissioner Woodward, and upon being put to a vote, the vote was as follows:

MARIA G. MARINO, Mayor	-	Aye
SARA BAXTER, Vice Mayor	-	Aye
COMMISSIONER GREGG K. WEISS	-	Aye
COMMISSIONER JOEL G. FLORES	-	Aye
COMMISSIONER MARCI WOODWARD	-	Aye
COMMISSIONER MARIA SACHS	-	Aye
COMMISSIONER BOBBY POWELL JR.	-	Aye

The Mayor thereupon declared the resolution duly passed and adopted on this
8th day of July, 2025.

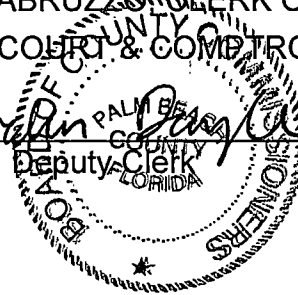
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: *[Signature]*
Assistant County Attorney

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO, CLERK OF THE
CIRCUIT COURT & COMPTROLLER

BY: *[Signature]*



TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: Groin Rehabilitation at 1341 and 1415 S Ocean Blvd

Date: 7/28/2025

STAFF RECOMMENDATION

Town staff recommends Town Council approve private groin rehabilitation projects be completed under the Town's Beach Management Agreement (BMA) with the Florida Department of Environmental Protection (FDEP) and their U.S. Army Corps of Engineers (USACE) permit SAJ-2015-03484 (SP-JLA) given the private upland property owner secures design and construction contractors and necessary easements at their own expense.

GENERAL INFORMATION

Town Council has previously provided direction to work with upland private property owners through Public Works staff on a case-by-case basis to repair and replace groins. The Town holds permits that authorize the removal and/or replacement of existing groins in Reaches 2 through 6. Town-wide groin rehabilitation is authorized by the FDEP in the BMA and the Town is also pursuing a time extension of the existing USACE permit. In working with property owners, the Town would act as the environmental regulatory umbrella permit holder on the basis that private property owners obtain individual Sovereign Submerged Lands Leases from FDEP for groins fronting their property and hire firms and/or contractors to do the design and construction at their own cost. Town Council provided approval at the March 4, 2025, Town Council Meeting to work with Blossom Way Holdings, LLC to replace four (4) groins with this approach.

Two (2) additional properties at 1341 and 1415 South Ocean Boulevard are requesting approval to replace three (3) groins along their beachfront properties. The attached letter from the property owner's representative formally requests Town's support for the removal and replacement of three (3) groins using the Town's permits and associated approvals with the design procurement, construction, and post-construction activities to be performed at the expense of the owners.

FUNDING/FISCAL IMPACT

Additional cost to the Town is not anticipated for the proposed activities.

cc:Jason Debrincat, P.E., Deputy Director of Public Works

Patricia Strayer, P.E., Town Engineer

Julie Parham, P.E., Deputy Town Engineer

Sara Gutekunst, Coastal Coordinator

Joanne O'Connor, Town Attorney, Jones Foster

Maura Ziska, Kochman & Ziska PLC

Shore Protection Board

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community

Strategic Focus Areas:

Cooperative Relationships

Management of Environmental Threats

FUNDING

No Fiscal Impact

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

July 27, 2025

Via E-Mail

Paul Brazil, P.E.
Director of Public Works
P.O. Box 2029
Palm Beach, FL 33480

Re: Request to Place Groin Rehabilitation Project on Town Council Agenda

Dear Mr. Brazil:

I am representing the two property owners at 1341 South Ocean Boulevard and 1415 South Ocean Boulevard. These two owners want to pursue replacing the groin(s) to the east of their respective properties. There are three groins associated with these two properties that extend into the Atlantic Ocean. In December of 2018, the Town of Palm Beach obtained from the United States Army Corps of Engineers, Department of the Army Permit No. SAG-2015-0348(SP-KDS) authorizing the Town of Palm Beach to proceed with a project involving the removal of 41 groins, including the three groins associated with the above properties, and replacement of each of those groins with a concrete king pile and panel groin. In September of 2013, Palm Beach Island Beach Management Agreement was signed by the Mayor of Palm Beach, Mayor of Palm Beach County, the Deputy Secretary of Regulatory Programs of the Florida Department of Environmental Protection, and the Assistant Executive Director of the Florida Fish and Wildlife Conservation Commission. The Palm Beach Island Beach Management Agreement, which was updated in 2021 and is currently in effect, authorizes the larger groin project that is also authorized by the referenced Department of the Army Permit. As you know, work on that larger project has not yet begun.

In accordance with recent discussions with you and Town of Palm Beach staff, and our representatives, the purpose of this letter is to request that the Town Council consider for approval at the earliest available meeting a proposal to move forward with the removal and replacement of the three groins associated with the properties referenced above with coordination with the Town of Palm Beach staff, using the permits and approvals obtained and to be obtained by the Town of Palm Beach, with design, procurement, construction, post construction support, and compliance managed through the engagement of Coastal Protection Engineering.

We ask that this request be placed on the next available agenda for consideration by the Town Council. Please let us know if any further information is needed. Thank you.

Sincerely,



Maura Ziska

/maz
cc: Client



◆ G00120

◆ G00121

◆ G00122

◆ G00123



TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Requesting Authorization for Town Manager to Sign the Memorandum of Understanding and License Agreement and Adopt the Atriums Easement Language for the Reach 8 Dune Restoration Project 82-2025

Date: 7/28/2025

STAFF RECOMMENDATION

Town staff recommends Town Council authorize the Town Manager to sign the Memorandum of Understanding and License Agreement, and adopt the Atriums easement language for the Reach 8 Dune Restoration Project.

GENERAL INFORMATION

The Town's Beach Management Agreement allows periodic dune restoration for shoreline protection in Reach 8 from R-129 to R-134. Based on current conditions, the beach template can accept approximately twenty thousand (20,000) cubic yards of sand in Reach 8 and ten thousand (10,000) cubic yards in Reach 9 (South Palm Beach). The Town planned to place sand for dunes in conjunction with the Phipps Ocean Park nourishment last fall/winter but has been challenged with finding construction access to the beach. A stockpile of sand for dune placement is available between Phipps Ocean Park and the Par 3 Golf Course.

At the May 13, 2025, Town Council Meeting, staff was directed to pursue a long-term cooperative program utilizing conveyor belts through condominium properties in Reach 8 and rotating between feasible properties to minimize disruption. Eight (8) properties in Reach 8 were identified as being feasible, and after meeting with members of the condominiums and attending board meetings and site visits, one (1) property, the Atriums, has agreed to allow access through their property.

Attached is the draft License Agreement and Memorandum of Understanding to be executed between the Town and the Atriums of Palm Beach Condominium Association.

The Atriums will provide access to the Town, and the Town will provide beach-quality sand for shoreline protection and will provide the following:

1. Vibration monitoring
2. Pre-construction condition surveys, post-construction survey, and 1-year post-construction survey
3. Third-party engineering project oversight
4. Restoration of all sod, asphalt, vegetation and irrigation
5. Reimbursement of legal and professional fees incurred associated with the project

FUNDING/FISCAL IMPACT

Additional costs are expected for the use of conveyor belts and reimbursement of fees. If the project is not able to be completed during the 2026 fiscal year, the stockpiled sand from the Phipps Ocean Park project may no longer be available due to erosion over time, and sand would need to be trucked from an upland mine. Additional cost for trucking sand is anticipated to be on the order of fifty dollars (\$50) per cubic yard (\$1,000,000 for Reach 8, \$500,000 for Reach 9).

Attachments

License Agreement

Memorandum of Understanding

cc: Jason Debrincat, P.E., Deputy Director of Public Works

Patricia Strayer, P.E., Town Engineer

Sara Gutekunst, Coastal Coordinator

Joanne O'Connor, Town Attorney, Jones Foster

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community

Strategic Focus Areas:

Cooperative Relationships

Management of Environmental Threats

FUNDING

Capital

RESOLUTION NO. 82-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION FOR TOWN MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING AND LICENSE AGREEMENT AND ADOPT THE ATRIUMS EASEMENT LANGUAGE FOR THE REACH 8 DUNE RESTORATION PROJECT

WHEREAS, Beach dunes provide vital storm damage reduction and erosion control to the Town of Palm Beach; and

WHEREAS, the Town's Beach Management Agreement allows periodic dune restoration for shoreline protection in Reach 8; and

WHEREAS, the Atriums of Palm Beach Condominium Apartments, Inc. has agreed to provide the Town access to the beach through their property utilizing conveyor belts; and

WHEREAS, this Resolution shall go into effect immediately upon Town Council approval and signature authentication.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: The Town Council hereby expresses its commitment to provide the necessary funding share for the project requested subject to the Town and the Atriums entering into a contract.

Section 3: The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to finalize the contract documents and submit completed applications to FDEP for an Individual Project Approval.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on this 12th day of August 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

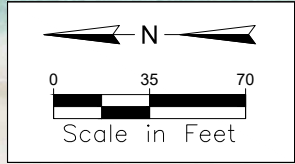
ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

COPIES LOCATION: WEST PALM BEACH, SURVEY DRAWINGS PROJECTS 24-4176, TRIP: PMP-8, BEACH RESTORATION V.01, PERMITS: AUG-2024, & BEACH & BEACH ACCESSING



Point Table		
Point #	Northing	Easting
1	824113.58	970336.13
2	824112.43	970386.13
3	824012.51	970381.67
4	823997.52	970381.00
5	823985.75	970891.42
6	824008.86	970891.42
7	824008.86	970931.42
8	823958.86	970931.42
9	823958.86	970891.42
10	823975.75	970891.42
11	823987.53	970380.55
12	823987.99	970360.56
13	823997.98	970361.00
14	824013.66	970331.67

EMERAUDE
CONDOMINIUM
ASSOCIATION
3390 S OCEAN BLVD.

ATRIUMS OF PALM BEACH
CONDOMINIUMS

3400 S OCEAN BLVD.
CONVEYOR BELT CORRIDOR
(10.0' WIDE ACCESS)

BEACH STOCK PILE AREA:
APP. 50FT x 40FT

R-MONUMENT
(R-133)

HALCYON
OF
PALM BEACH
CONDOMINIUMS
3440 S OCEAN BLVD.

TRUCK STAGING AREA:
APP. 50FTx100FT

UTILITY AREA:
APP. 25FTx15FT

FDOT ROW TO BE
CONFIRMED BY
CONTRACTOR

S. OCEAN BLVD. (SR A1A)

Notes:

1. Reach 8 dune access will be at the discretion of the Town.
2. Coordinates are in State Plane FL 83 East.
3. Aerial photography provided by Palm Beach County, dated Jan. 2024.

Signature
Robert G. Jenkins, Ph.D., P.E.
FL Professional Eng. # 88072
Date

REV	NO	DATE	DESCRIPTION

DESIGN	DRWN	CHKD	DATE	ISSUE

Bid 2024-08
2024/25 Dune Restoration - Truck Haul
Reach 8 Dune Restoration - Access Plan
Town of Palm Beach, Florida

Applied Technology & Management, Inc.
2056 Vista Parkway, Suite 280
West Palm Beach, Florida 33411
(561) 659-0041
Certificate of Authorization #4669
ATM

DRAWING NUMBER
12 of 16

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ATRIUMS OF PALM BEACH CONDOMINIUM ASSOCIATION, INC.
("ASSOCIATION") AND
THE TOWN OF PALM BEACH ("TOWN")
FOR COSTS ASSOCIATED WITH THE REACH 8 DUNE RESTORATION PROJECT**

This Memorandum of Understanding ("MOU") is made this ____ day of _____, 2025 by and between the Association and the Town.

RECITALS

WHEREAS, the Association is a Condominium Association organized under the laws of the State of Florida and is located at 3400 South Ocean Boulevard, Palm Beach, Florida. The Association is the owner of and/or controls the beach area to the east of the Atriums building; and

WHEREAS, the Town has adopted a Comprehensive Coastal Management Plan and undertakes beach restoration projects pursuant to the Town's Beach Management Agreement with the Florida Department of Environmental Protection ("FDEP") and the Florida Fish and Wildlife Conservation Commission ("FWC"); and

WHEREAS, the Town's beaches provide economic, recreational, storm damage reduction and environmental benefits to the Town and its residents; and

WHEREAS, the Town is undertaking a dune restoration project in the area known as Reach 8 for the purposes of storm protection and other public benefits (the "Project") and has solicited the assistance of the Association to provide temporary access to the beach area adjacent to the Atriums' buildings in order for the Town to operate a conveyor belt system to transport sand essential to the Project.

NOW, THEREFORE, the Town and the Association agree as follows:

1. The Association will grant the Town access to the beach area to the east of the Atriums' buildings to enable the Town to implement the Reach 8 dune restoration project. The parties agree to work together to establish a materially acceptable area for access and the placement and use of the conveyor belt system to transport sand onto the beach. The parties agree to enter into a License Agreement in the form attached hereto as Exhibit "A". The Project is fully funded by the Town.
2. The Town and Association shall agree on a qualified consultant ("Consultant") to perform a pre-construction assessment report in order to establish the baseline conditions of the Association's beach property. In addition, vibration monitoring shall be conducted throughout construction and weekly reports shall be provided to the Association and Town. A vibration threshold shall be established in accordance with residential construction standards. In the event the vibration monitor at any point exceeds the established threshold, the work shall immediately stop until the Consultant or other qualified professional is able

to confirm that the work may be continued safely without any damage to the Association's property. Within 14 days from the completion of all construction activities and one-year post-construction, the same Consultant that performed the pre-construction survey shall perform a post-construction conditions assessment of the Association's property and identify any impacts and restoration required to be performed by the Town as a result of the construction activities. The Town shall restore the Association's property, including the access area to the same or better condition as it was in prior to any construction; and all equipment, materials and debris shall be removed. The parties shall mutually agree upon a timeline to complete all restoration.

3. The Town shall reimburse the Association for all costs incurred associated with the Project, including its legal and professional fees related to the agreements and engineering reports and monitoring. Association shall be entitled to consult with its legal counsel, engineering professionals, and other professionals as it deems appropriate.
4. The Town will provide direct coordination to adjacent properties and will resolve any issues in accordance with the Town's ordinances and permit conditions should they arise.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the date first written above.

THE TOWN OF PALM BEACH

THE ATRIUMS OF PALM BEACH
CONDOMINIUM ASSOCIATION, INC.

Sign: _____

Sign: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

LICENSE AGREEMENT DUNE RESTORATION PROJECT

THIS LICENSE AGREEMENT (the “Agreement”), executed this ____ day of _____, 2025, by The Atriums of Palm Beach Condominium Apartments, Inc., a Florida Not For Profit Corporation and Condominium Association, which has a mailing address of 3400 S Ocean Blvd., Palm Beach, Florida 33480 hereinafter referred to as “Grantor”, and the Town of Palm Beach, a municipal corporation, which has a mailing address of 360 South County Road, Palm Beach, FL 33480, hereinafter referred to as “Grantee”. The Grantor and Grantee are hereinafter collectively referred to as the “parties”.

WHEREAS, the Grantee is undertaking a dune restoration project (the “**Project**”) within the Town of Palm Beach for the public benefit; and

WHEREAS, the Grantor is the owner of the condominium property located at 3400 S Ocean Blvd., Palm Beach, Florida (the “**Property**”); and

WHEREAS, the Grantee has requested a temporary, non-exclusive license to access a portion of the Property to transport sand from South Ocean Boulevard to the beach via a sand conveyor system in connection with the Project; and

WHEREAS, the Grantor agrees to grant such temporary license subject to the terms and conditions set forth herein.

NOW, THEREFORE in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration as well as the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged by each party hereto, the parties hereto, intending to be legally bound hereby agree to the following terms and conditions:

1. Description of Licensed Premises. Grantor hereby grants to Grantee, the right, license, and privilege of using the portion of the Grantor’s Property more particularly described as a 10 foot-wide-corridor extending from S. Ocean Boulevard easterly to the waters of the Atlantic Ocean, and a 20’ by 100’ area parallel to the S. Ocean Boulevard easterly right of way line, abutting the southern boundary of the Property, as depicted in the attached Exhibit “A” (the “Licensed Premises”). This license is granted solely for the purpose of transporting sand from S. Ocean Boulevard to the beach via a sand conveyor system. Grantee further agrees that neither Grantee, nor any of Grantee’s contractors, suppliers, subcontractors, sub-subcontractors, employees or agents shall cause or permit any obstruction of the free and clear ingress and egress to the Licensed Premises, unless otherwise agreed to in advance in writing by the Board of Directors of the Grantor.
2. Term. The License (defined below) granted under this Agreement shall commence on November 1, 2025 and shall remain in effect for a period of forty-two (42) days thereafter (the “Term”). The Term may be extended only by a written agreement duly executed by both parties.

3. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift, grant, or dedication to or for the general public, and this agreement shall be strictly limited to and for the purposes expressed herein.
4. License. Grantor hereby grants to Grantee, along with its contractors, suppliers, subcontractors, sub-subcontractors, employees, and agents, a license to use the Licensed Premises on a temporary basis during the Term of this Agreement, solely for the limited purpose of transporting sand over and across the Licensed Premises in connection with the construction of the Project ("License"). The Project consists of repairing erosion to the dune area by placing compatible, beach-quality sand. This access is granted as a temporary license and not as an easement. Grantee and its contractors, suppliers, subcontractors, sub-subcontractors, employees and agents shall also have the right to erect, maintain and operate equipment within the Licensed Premises only as needed in order to transport said beach-quality sand to the beach area, and for no other construction purposes except those related to the Project. Notwithstanding the foregoing, all Project work shall immediately stop in the event that the vibration monitor utilized by the Grantee registers vibration in excess of the established threshold, or (ii) in the event there is any indication of damage to the Property that is reasonably believed to be caused by the Project. All work shall remain stopped until the engineer overseeing the Project is able to confirm that the Project may be continued safely without any damage to the Property.

The Grantee, its contractors, suppliers, subcontractors, sub-subcontractors, agents and employees shall comply with all applicable laws, codes and ordinances with jurisdiction over the Licensed Premises and the work performed therein. Grantee will save and keep the Property free from all mechanics liens and other liens by reason of its use of the Licensed Premises or any materials or other things used in connection therewith by Grantee or its contractors, subcontractors, sub-subcontractors, agents and employees. In the event any lien is imposed on the Property as a result of Grantee's use of the Licensed Premises, Grantee shall cause the same to be discharged within thirty (30) days of receipt of notice of such lien. Any failure of Grantee to cause a lien to be discharged within thirty (30) days shall result in an immediate termination of this Agreement, at which time Grantor may cause any such lien to be terminated and recover any and all costs and expenses relating to such removal, including but not limited to attorneys' fees, from Grantee directly, which amount shall be paid by Grantee to Grantor immediately upon notice.

5. Reasonable Use. The rights and interests conveyed hereunder are conditioned upon the reasonable exercise thereof by the Grantee. Grantee shall not unreasonably interfere with Grantor's or neighboring property owners' use of the property outside of the Licensed Premises.
6. State of Florida Department of Transportation Permit. Activities associated with construction within the Licensed Premises will at all times conform to the provisions/conditions contained within the FDOT General Use Permit. Prior to ingress/egress activities within the Licensed Premises, Grantee will receive permit issuance by FDOT. A copy of such permit(s) shall be provided to the Grantor.

7. State of Florida Department of Environmental Protection (FDEP) Permit. Prior to sand transportation activities within the Licensed Premises, within the FDEP jurisdiction area, east of the Coastal Construction Control Line, Grantee will receive permit issuance by FDEP. A copy of such permit(s) shall be provided to the Grantor.
8. Project Documentation. Grantee shall provide Grantor with videos documenting the pre-dune/beach restoration condition and also the post-dune/beach restoration condition in accordance with this paragraph. The pre-dune/beach restoration video shall be provided to the Grantor and shall include a video of the Grantor's property along the Licensed Premises, including the south property line and north within 50 feet of said Licensed Premises. No vehicles will be permitted onto the Licensed Premises until the video is filmed. The post-dune/beach restoration video shall be provided to the Grantor no later than fifteen (15) days following project demobilization and restoration of the Grantor's property as described in paragraph 9, below.
9. Restoration. Within thirty (30) days of the date of termination of the License granted under this Agreement, but in no event later than January 12 , 2026, Grantee shall repair, replace and restore, as appropriate, all sod, asphalt, and vegetation on the Property, and areas adjacent to the Property, to the extent damaged by the Grantee or its contractors, suppliers, sub-contractors, sub-subcontractors, agents, or employees. Grantor shall restore the Licensed Premises, and any other areas located within or adjacent to the Property that are impacted by the Project, to the condition existing at the time of commencement of the Project, excluding any additional sand placed as part of the restoration effort. Such restoration shall be to a condition at least the same or better than the condition that existed prior to Grantee's use of the Licensed Premises. Grantee shall repair or replace any irrigation lines on the Property, including those within the Licensed Premises, that are damaged in connection with the Project within five (5) days of the occurrence of such damage. Grantee also agrees to provide an allowance to the Grantor upon Grantor's request for the cost of irrigating the newly planted sod and vegetation for the first thirty (30) days after planting. In addition to the foregoing, within thirty (30) days of the date of termination of the License granted under this Agreement, but in no event later than January 12, 2026, the Grantee will repair, replace and restore, as appropriate, all portions of the Property and adjacent areas, and the property of any resident, owner or visitor on Property to the extent damaged as a result of the use of this License by Grantee or its contractors, sub-contractors, sub-subcontractors, agents, suppliers, or employees, to the reasonable satisfaction of the Grantor's Board of Directors. Vegetation replacement, within the jurisdiction of the Florida Department of Environmental Protection, is subject to permit issuance prior to action taking place. Remediation of the dune vegetation will be limited to the permit modification special conditions issued for the existing state permit for sand Dune Restoration. Grantee shall diligently seek such permit upon the execution of this Agreement by both parties. Grantee's obligation to restore the Licensed Premises, as well as any other areas within or adjacent to the Property, shall not be limited to the specific items described herein, but shall include the restoration of any and all damage to the Property arising from or related to the Project and the use of the License. Grantee shall be responsible for all costs associated with

such restoration. Grantee's restoration obligations pursuant to this Paragraph 9 shall survive termination of this Agreement.

10. Indemnification. Subject to the tort liability limitations of Florida Statutes, Section 768.28, the Grantee shall indemnify, save, defend and hold harmless the Grantor, its members, agents, servants, officers and employees from and against all loss, claims, costs, charges, expenses, suits, damage and judgments and reasonable attorney's fees which they may suffer, sustain or in anywise be subject to or for which it or they may be held liable on account of the death, personal injuries, damage or loss to property and/or loss of use of any property, damage to loss any person or persons, including employees, agents and officers of the Grantor, arising out of or on account of this Agreement. The Grantee's contractual liability to effect the repairs and/or replacements under Paragraph 9 of this Agreement shall not be limited by this Paragraph 10. Grantee's indemnification obligations under this Paragraph 10 shall survive termination of this Agreement.
11. Grantor's Consent. Grantee shall not make any alteration, modification, partition, addition, or improvement to the Licensed Premises—other than the placement of sand—without the prior written consent of Grantor. Grantee shall submit all plans and specifications related to the Project to Grantor for review and written approval prior to the commencement of any work.
12. Repairs and Maintenance. Grantee shall, at its own cost and expense, at all times cause the Project to be safely and securely maintained, kept in good condition, clean, and free of rubbish and other hazards. Grantee further covenants and agrees, to make or cause to be made any and all repairs or replacements, structural or otherwise, to the Property. All damage or loss to any property (real and/or personal) caused in whole or in part by the Grantee, its contractor, subcontractor, sub-subcontractor, or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable, shall be remedied by the Grantee at its sole cost and expense. In the event Grantee fails to commence the repair of such damage or loss to the reasonable satisfaction of the Grantor within ten (10) days of written notice from the Grantor, time being of the essence, the Grantor may proceed to have the property repaired or restored with proper permits and qualified professionals. All costs and expenses incurred by Grantor in doing so shall be reimbursed to Grantor by Grantee no later than thirty (30) days following Grantee's receipt of an invoice from Grantor.
13. Access and Payment for Utilities. Grantor shall provide Grantee access to all utilities required for the Project during the term of this License, including power, telephone and internet, including any necessary off-site connections. Grantee shall pay and be responsible for all utility usage costs for the Project.
14. Termination. All rights granted hereunder shall terminate on December 13, 2025 without the necessity of any further instrument of record. However, Grantee shall still be required to restore and repair the Property in accordance with this Agreement and access for such purposes shall be mutually agreed to by the Grantor and Grantee. In the event Grantee fails to restore and repair the Property within the time required by this Agreement, the Grantor

is hereby authorized to restore and repair the Property to the condition that existed prior to this License, and all reasonable costs associated with the removal and restoration thereof shall be reimbursed by Grantee.

15. Notices. Where this Agreement requires one party to notify or give notice to the other party, such notice shall be provided in writing to the designated representative of the party to whom the notice is addressed and shall be deemed to have been duly served if delivered in person, by mail, by courier, or by electronic transmission to the following addresses:

Grantor: The Atriums of Palm Beach Condominium Apartments, Inc.
Attn: Fred Kamel
3400 S Ocean Blvd.
Palm Beach, FL 33480
atriumpalmbeach@gmail.com

Copies to: Rosenbaum PLLC
Attn: Steven R. Braten, Esquire
1700 Palm Beach Lakes Blvd. Suite 600
West Palm Beach, FL 33401
Tel. 561-653-2905
Fax 561-820-2542
Email: sbraten@rosenbaumpllc.com

Grantee: Town of Palm Beach
Attn: Town Manager
360 South County Road
Palm Beach, FL 33480.

16. Entire Agreement. This document and the Memorandum of Understanding entered into between the Parties incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to all the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this License that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicted upon any prior representations or agreements, whether oral or written.
17. Compliance with Laws and Regulations. Grantees its contractors, suppliers, sub-contractors, sub-subcontractors, agents, and employees, shall comply with all applicable federal, state, county and town statutes, laws, ordinances, rules, regulations and lawful orders that may be applicable to this License and activities pursuant hereto.
18. Assignment. This Agreement shall not be assigned by either party hereto.

19. Counterparts. This Agreement may be executed in counterparts, which together shall constitute the entire Agreement.
20. Jurisdiction and Venue; Attorney's Fees. This Agreement shall be governed by the law of the state of Florida. In the event of a dispute arising out of or relating to this Agreement, jurisdiction and venue shall be proper in Palm Beach County. In the event of a dispute related to or arising under this Agreement, the prevailing party shall be entitled to recover from the other party said prevailing party's attorney's fees and costs, including attorney's fees and costs incurred prior to filing suit, subsequent to filing suit, and for any appellate and/or bankruptcy proceeding(s). Any dispute arising out of this Agreement is not required to be resolved through arbitration.
21. Preparation of License. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this License agreement has been their joint effort.
22. Waiver of Breach. Failure of either party to enforce any provision of this License shall not be deemed a waiver of such provision or modification of this License unless it is in writing, signed by both parties, and such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver, shall not be deemed a waiver of any subsequent breach, and shall not be construed to be a modification of any of the terms of this License.
23. Amendment. No modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed by the parties hereto, with the same formality and of equal dignity herewith.

Special Conditions:

The following conditions shall apply to this Agreement:

1. Grantee is to locate the 10-foot-wide corridor and establish/mark out Licensed Premises limits using temporary barricades, such as, but not limited to, stakes, cones, fencing, or tape. All work, including laborers and equipment, will remain within the Licensed Premises limits.
2. Grantee to remove any exotic vegetation, within the Licensed Premises, in the existing dune area on the Property and replace it with native dune vegetation and other appropriate salt-tolerant plants, pending receipt of FDEP permit to perform said actions under Paragraph 6 above.
3. Grantee to provide flagmen, as necessary, in the access area to provide for safety and priority access for owners, residents and guests of the Condominium.
4. There shall be no parking of vehicles by Grantee or its contractors, suppliers, subcontractors, and agents outside of the easement area on the Property. Vehicles that are improperly parked outside of the Licensed Premises, on the Grantor's property, are subject to being towed by the

Association at any time at the owner of the vehicle's sole cost and expense. This Agreement does not confer the right for the Grantee or its contractors to store overnight or outside of work hours any vehicles, tools, or supplies on the Condominium property outside of the Licensed Premises.

5. Consistent with Town Council authorization for this project, working hours will be restricted to 8:00 a.m. to 5:00 p.m. Monday through Saturday between November 1 and December 13, 2025. The contractor will refrain from construction activities on Sundays and Holidays.
6. All truck traffic in the FDOT Right-of-Way at 3400 S. Ocean Boulevard will cease at 5 p.m. on December 13, 2025, with complete demobilization by January 12, 2026.
7. All restoration activities (driveway asphalt, vegetation replacement, irrigation repairs etc.) will be completed within the time periods contemplated under Paragraph 9 above.
8. Grantor will be named as an additional insured entitled to notice of any change or cancellation of the policy(ies), on the liability insurance policy(ies) and excess/umbrella policy(ies) of the Grantee's general contractor Sea and Shoreline LLC ("Grantee's contractor"). A copy of the Grantee's contractor's liability insurance policy(ies), excess/umbrella policy(ies) and Certificate(s) of Insurance or Addendum(s) in accordance with the coverage requirements of this Paragraph 8 will be provided to the Grantor by October 31, 2025, and in no event shall Grantee commence use of the Licensed Premises until adequate proof of compliance with this Special Condition 8 has been provided to the Grantor and approved by Grantor.

Additionally, any other subcontractor working on the Condominium property will also provide a certificate of insurance to the Grantor and name the Grantor as additional insured, entitled to notice of any change or cancellation of the policy(ies). Certificates of insurance for Grantee's contractor will evidence Comprehensive General Liability Insurance (which shall include vehicular liability insurance coverage) with a limit of liability of not less than \$5,000,000 in the aggregate.

Certificates of insurance of the Grantee's contractor shall evidence Comprehensive General Liability Insurance (which shall include vehicular liability insurance coverage, with a limit of liability of not less than \$5,000,000 per occurrence, including bodily injury and property damage, \$10,000,000 in the aggregate. Grantee's contractor's certificate of insurance shall also evidence Umbrella/Excess Liability Insurance with limits of at least \$2,000,000 per occurrence and \$2,000,000 in the aggregate to extend over Commercial General Liability and Automobile Liability limits.

It is understood that if any insurance cancellation notice with respect to the Grantee's contractor's and/or any subcontractors' insurance is received by the Grantee, it will immediately notify the Grantor, and Grantee shall immediately cause said policy(ies) to be purchased and maintained and provide the Grantor with a new Certificate of Insurance(s). Notwithstanding anything in this Agreement to the contrary, Grantee and its contractors, subcontractors, agents and employees shall not utilize the Licensed Premises during any time as the required insurance policies are not in full force and effect.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this Agreement as of the date and year first written above. However, the access rights provided hereunder shall not commence until a later time as more specifically set forth above in the introductory paragraph of this Agreement.

Signed, sealed, and delivered in the presence of: _____

WITNESS 1 Signature

By _____

WITNESS 1 Name typed or printed

Print Name _____

WITNESS 2 Signature

Title _____

WITNESS 2 Name typed or printed

Attest:

WITNESS 1 Signature

By _____

WITNESS 1 Name typed or printed

Print Name _____

WITNESS 2 Signature

WITNESS 2 Name typed or printed

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2025,
by _____, the _____ authorized _____ representative _____ for
_____ who is personally known to me or who has produced a Florida driver's
license, identification no. _____.

Seal

Notary Public
State of Florida-at-Large
My Commission Expires:

Town of Palm Beach

By:

Kelly Churney, CMC
Town Clerk

Kirk W. Blouin
Town Manager

Date

Date

Recommended Approval:

Approved as to Form:

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

Office of Town Attorney

Date

Date

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by _____ and Kirk W. Blouin, who are the Town Clerk and Town Manager, respectively, of the Town of Palm Beach, on behalf of the Town. They are personally known to me or have produced _____ as identification.

Seal

Notary Public
State of Florida-at-Large
My Commission Expires: _____

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: Palm Beach County Request for Continuing Waivers of Town Ordinances for Bonefish Cove Construction

Date: 8/7/2025

STAFF RECOMMENDATION

Town staff recommends approval of U.S. Army Corps of Engineers (USACE) and Palm Beach County's request to extend Waivers of Town Ordinance for Bonefish Cove Islands Restoration Project to August 1, 2026 for construction dates, hours, and noise in Lake Worth Lagoon to allow for Holiday and Sunday work, and limit barge operations to holidays and weekends from November 17, 2025 to May 1, 2026.

GENERAL INFORMATION

At the December Town Council meeting, Town Council approved additional waivers for Sunday construction hours for the Bonefish Cove Construction. Prior to that approval, at the March 12, 2024, Town Council Meeting, Town Council approved a request by USACE and Palm Beach County for a waiver to Town Code for construction, hours, and noise. Town staff had a meeting with staff from USACE and Palm Beach County to discuss the status of the construction for Bonefish Cove. The project is not complete. Therefore, USACE and Palm Beach County are requesting the waivers be extended to August 1, 2026.

These projects serve as an environmental habitat, improve water quality in the lagoon, and provide wave-breaks to help shoreline stabilization. The ordinances that the waiver addresses are as follows:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1, 2025 and ending May 1, 2026).

Section 42-199 – prohibits work between 5:00pm and 8:00am.

Sections 42-226 through 229 – regulates noise, equipment operation, and work hours

and the standard Town requirement to “stand down for the season”.

Town staff has worked with USACE and Palm Beach County to reduce the number of bridge openings at Royal Palm Way bridge and Southern Boulevard bridge in an effort to reduce the impacts on traffic within the Town. A modified request was received from USACE and Palm Beach County on August 6, 2025. This request limits the barge operations to the following:

1. It is requested to extend the waiver to continue to allow construction activities at the Bonefish Cove project site from November 17, 2025 to May 1, 2026 subject to the following conditions:
 - a. Allow transportation of materials by barge through the Intracoastal Waterway through November 16, 2025. Beginning on November 17, 2025 and running through May 1, 2026 barge traffic through the Intracoastal Waterway will be limited to weekends and holidays only, with no barge traffic Mondays through Fridays.
 - b. Allow isolated instances of removal and delivery of construction equipment for maintenance, replacement, or demobilization by barge.
2. USACE and Palm Beach County are also requesting a waiver to extend work hours allowing the contractor to work from 5:00 AM to 7:00 PM from now until November 17, 2025.
 - a. This waiver is not expected to significantly impact traffic because the extended hours will be outside of rush hour traffic.
 - b. Allowing longer work hours will facilitate more work to be completed between now and November 17, 2025.

Therefore, traffic impacts will be limited to weekends and holidays. Staff recommends approval of the waiver requests.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this USACE and Palm Beach County project.

Attachment

cc: Jason Debrincat, P.E., Deputy Director of Public Works
Carolyn Stone, Deputy Town Manager
Joanne O'Connor, Town Attorney

STRATEGIC PLAN

Strategic Priorities:

Strategic Focus Areas:

FUNDING

No Fiscal Impact

Patricia Strayer

From: Paul Brazil
Sent: Thursday, August 7, 2025 8:38 AM
To: Michael Stahl R.; Patricia Strayer; Sara Gutekunst
Cc: Matt Mitchell; Deborah Drum; Calvente, Brenda E CIV USARMY CESAJ (USA); Eusebio, Nolan B CIV USARMY CESAJ (USA)
Subject: Re: USACE/PBC Waiver Request Language
Attachments: USACE Bonefish Cove_ToPB Waiver Request Language.docx

Mike

Thank you. We will revise our Tow Council memo accordingly.

Paul

H. Paul Brazil, PE
Director of Public Works
Town of Palm Beach

From: Michael Stahl R. <MStahl@pbc.gov>
Sent: Wednesday, August 6, 2025 3:32 PM
To: Paul Brazil <PBrazil@TownofPalmBeach.com>
Cc: Matt Mitchell <MMitchell@pbc.gov>; Deborah Drum <DDrum@pbc.gov>; Calvente, Brenda E CIV USARMY CESAJ (USA) <Brenda.E.Calvente@usace.army.mil>; Eusebio, Nolan B CIV USARMY CESAJ (USA) <Nolan.B.Eusebio@usace.army.mil>
Subject: USACE/PBC Waiver Request Language

*****STOP: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Afternoon Paul,

Attached is the proposed waiver language as agreed by the USACE and PBC that would institute restrictions on material transport for the Bonefish Cove Project between Nov. 17th and May 1st. We hope this represents an amenable concession that will eliminate any project related impacts to traffic during the "season". Thank you for your assistance and the Town's consideration of the request. Please let me know if you have any questions.

Thanks,
Mike

Michael Stahl, Deputy Director
Environmental Resources Management
Palm Beach County
(561) 233-2433



PALM BEACH COUNTY

*Discover the Palm Beaches...
the Best of Everything*

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Request the Town Council's endorsement of the U.S. Army Corps of Engineers' CAP Section 1135 Lake Worth Lagoon Ecosystem Restoration Project (locally known as the Bonefish Cove Restoration Project), and Palm Beach County's request as the Non-Federal Sponsor to extend approved waivers to Town Code of Ordinances for construction dates, hours, and noise in Lake Worth Lagoon to **August 1, 2026**. Waivers to specific sections with specific construction considerations are noted below:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays

It is requested to extend this waiver to continue to allow construction activities at the Bonefish Cove project site from November 17, 2025, to May 1, 2026, subject to the following conditions:

- Allow transportation of materials by barge through the Intracoastal Waterway through November 16, 2025. Beginning on November 17, 2025, and running through May 1, 2026, barge traffic through the Intracoastal Waterway will be limited to weekends and holidays only, with no barge traffic Mondays through Fridays.

- Allow isolated instances of removal and delivery of construction equipment for maintenance, replacement, or demobilization by barge.

Section 42-199 – prohibits work between 5:00pm and 8:00am.

It is requested this waiver prohibits work between 6:00pm and 7:00am, allowing for construction activities between the hours of 7:00am to 6:00pm, Monday through Sunday.

Section 42-226 through 229 – regulates noise, equipment operation, and work hours and standard Town requirement to “stand down for the season”.

It is requested to extend this waiver to continue to allow construction activities at the Bonefish Cove project site from November 17, 2025 to May 1, 2026 subject to the following conditions:

- Allow transportation of materials by barge through the Intracoastal Waterway through November 16, 2025. Beginning on November 17, 2025 and running through May 1, 2026, barge traffic through the Intracoastal Waterway will be

limited to weekends and holidays only, with no barge traffic Mondays through Fridays.

- Allow isolated instances of removal and delivery of construction equipment for maintenance, replacement, or demobilization by barge.

Chimere Huseini

From: Patricia Strayer
Sent: Monday, August 11, 2025 10:04 AM
To: Chimere Huseini
Subject: FW: USACE/PBC Waiver Request Language
Attachments: USACE Bonefish Cove_ToPB Waiver Request Language_V2.docx

Importance: High

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Calvente, Brenda E CIV USARMY CESAJ (USA) <Brenda.E.Calvente@usace.army.mil>
Sent: Friday, August 8, 2025 5:22 PM
To: Paul Brazil <PBrazil@TownofPalmBeach.com>; Michael Stahl R. <MStahl@pbc.gov>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Sara Gutekunst <sgutekunst@TownOfPalmBeach.com>
Cc: Matt Mitchell <MMitchell@pbc.gov>; Deborah Drum <DDrum@pbc.gov>; Eusebio, Nolan B CIV USARMY CESAJ (USA) <Nolan.B.Eusebio@usace.army.mil>; Cruz, Hector CIV USARMY CESAJ (USA) <Hector.Cruz@usace.army.mil>
Subject: RE: USACE/PBC Waiver Request Language
Importance: High

*****STOP: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Mr. Paul,

Thank you again for your time this afternoon, it was a pleasure speaking with you.

As we discussed, we received the contractor's initial plan, and they are requesting additional operational hours to accommodate a larger fleet and additional trips during the day. Their target is to move approximately 8,000 cubic yards per week, which would require an adjustment to their current shift.

They believe that allowing them to conduct construction activities from 5:00 a.m. to 7:00 p.m. would provide the operational flexibility needed to meet this production goal and complete the larger movement before barge transportation restrictions are put in place. This expanded shift would ensure at least 12 hours per day of active barge transportation, while also giving the contractor flexibility to adjust for weather delays, tidal variations, and unforeseen maintenance needs without creating unsafe conditions from rushed operations.

From a safety perspective, extending the allowable window helps reduce the pressure to meet production goals in a compressed schedule. It allows crews to pace loading, transport, and unloading activities in a way that maintains safe operating speeds, prevents fatigue from continuous high-intensity work, and ensures proper vessel spacing and maneuvering in changing daylight and tidal conditions. This flexibility ultimately supports both productivity and navigational safety.

I've attached the revised language reflecting this updated request for your review.

Thank you again, and I appreciate your consideration.

Brenda E. Calvente, P.E.
PP Delivery Support Branch Chief
Programs and Project Management Division
Jacksonville District
US Army Corps of Engineers
Brenda.E.Calvente@usace.army.mil
Desk: 904-232-1433 (Forwarded to Mobile No.)

WE ARE HIRING!

Scan the QR Code



Or visit
www.saj.usace.army.mil/NowHiring

From: Paul Brazil <PBrazil@TownofPalmBeach.com>
Sent: Thursday, August 7, 2025 8:38 AM
To: Michael Stahl R. <MStahl@pbc.gov>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Sara Gutekunst <sgutekunst@TownOfPalmBeach.com>
Cc: Matt Mitchell <MMitchell@pbc.gov>; Deborah Drum <DDrum@pbc.gov>; Calvente, Brenda E CIV USARMY CESAJ (USA) <Brenda.E.Calvente@usace.army.mil>; Eusebio, Nolan B CIV USARMY CESAJ (USA) <Nolan.B.Eusebio@usace.army.mil>
Subject: [Non-DoD Source] Re: USACE/PBC Waiver Request Language

Mike

Thank you. We will revise our Tow Council memo accordingly.

Paul

H. Paul Brazil, PE
Director of Public Works
Town of Palm Beach

From: Michael Stahl R. <MStahl@pbc.gov>

Sent: Wednesday, August 6, 2025 3:32 PM

To: Paul Brazil <PBrazil@TownofPalmBeach.com>

Cc: Matt Mitchell <MMitchell@pbc.gov>; Deborah Drum <DDrum@pbc.gov>; Calvente, Brenda E CIV USARMY CESAJ (USA) <Brenda.E.Calvente@usace.army.mil>; Eusebio, Nolan B CIV USARMY CESAJ (USA) <Nolan.B.Eusebio@usace.army.mil>

Subject: USACE/PBC Waiver Request Language

*****STOP: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Afternoon Paul,

Attached is the proposed waiver language as agreed by the USACE and PBC that would institute restrictions on material transport for the Bonefish Cove Project between Nov. 17th and May 1st. We hope this represents an amenable concession that will eliminate any project related impacts to traffic during the "season". Thank you for your assistance and the Town's consideration of the request. Please let me know if you have any questions.

Thanks,
Mike

Michael Stahl, Deputy Director
Environmental Resources Management
Palm Beach County
(561) 233-2433



PALM BEACH COUNTY
*Discover the Palm Beaches...
the Best of Everything*

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Request the Town Council's endorsement of the U.S. Army Corps of Engineers' CAP Section 1135 Lake Worth Lagoon Ecosystem Restoration Project (locally known as the Bonefish Cove Restoration Project), and Palm Beach County's request as the Non-Federal Sponsor to extend approved waivers to Town Code of Ordinances for construction dates, hours, and noise in Lake Worth Lagoon to **August 1, 2026**. Waivers to specific sections with specific construction considerations are noted below:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays

It is requested to extend this waiver to continue to allow construction activities at the Bonefish Cove project site from November 17, 2025, to May 1, 2026, subject to the following conditions:

- Allow transportation of materials by barge through the Intracoastal Waterway through November 16, 2025. Beginning on November 17, 2025, and running through May 1, 2026, barge traffic through the Intracoastal Waterway will be limited to weekends and holidays only, with no barge traffic Mondays through Fridays.**
- Allow isolated instances of removal and delivery of construction equipment for maintenance, replacement, or demobilization by barge.**

Section 42-199 – prohibits work between 5:00pm and 8:00am.

It is requested this waiver prohibits work between 7:00pm and 5:00am, allowing for construction activities between the hours of 5:00am to 7:00pm, Monday through Sunday.

Section 42-226 through 229 – regulates noise, equipment operation, and work hours and standard Town requirement to “stand down for the season”.

It is requested to extend this waiver to continue to allow construction activities at the Bonefish Cove project site from November 17, 2025 to May 1, 2026 subject to the following conditions:

- Allow transportation of materials by barge through the Intracoastal Waterway through November 16, 2025. Beginning on November 17, 2025 and running through May 1, 2026, barge traffic through the Intracoastal Waterway will be**

limited to weekends and holidays only, with no barge traffic Mondays through Fridays.

- Allow isolated instances of removal and delivery of construction equipment for maintenance, replacement, or demobilization by barge.

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: H. Paul Brazil, P.E., Public Works Director

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the Department of Army Mid-Town Beach Renourishment Proposal for the Town to provide cost sharing in the amount of \$3,000,000, approving a contingency in the amount of \$500,000 and approving an overall project budget in the amount of \$3,500,000.
92-2025

Date: 7/31/2025

STAFF RECOMMENDATION

Town staff recommends approving Resolution No. 092-2025 associated with the use of temporary construction easements as described in the Water Resources Development Act (WRDA) of 2024 from the Assistant Secretary of the Army for Civil Works (ASACW) and therefore requiring the Town of Palm Beach to provide the required funding for placing sand on and adjacent to the properties which provided temporary easements in the amount of \$3,000,000, approving a contingency in the amount of \$500,000 and approving an overall project budget in the amount of \$3,500,000.

GENERAL INFORMATION

At the July 8, 2025 Town Council meeting, staff presented the Town Council the guidance from the ASACW for the implementation of the WRDA 2024 language. Town Council directed staff to secure the remaining nine easements as temporary easements with the understanding that the Town would be responsible for the cost of sand placed within the property associated with the temporary easement along with the sand placed seaward of the erosion control line adjacent to the temporary easements. Attached is a funding request from the Jacksonville District, U. S. Army Corps of Engineers (USACE). USACE has estimated the cost of placing the above-described sand to be \$3 million, which is consistent with the estimate presented to Town Council on July 8. Staff have secured temporary easements for all the nine properties. Staff are requesting that funding be provided to USACE prior to August 22, 2025. USACE requires this funding to be received prior to finalizing plans and specifications for advertising the project.

FUNDING/FISCAL IMPACT

This project will be funded by the Coastal Program.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town Attorney to previous recommendations and was approved by the Town Attorney.

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

Coastal

RESOLUTION NO. 92-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE DEPARTMENT OF ARMY MID-TOWN BEACH RENOURISHMENT PROPOSAL FOR THE TOWN TO PROVIDE COST SHARING IN THE AMOUNT OF \$3,000,000, APPROVING A CONTINGENCY IN THE AMOUNT OF \$500,000 AND APPROVING AN OVERALL PROJECT BUDGET IN THE AMOUNT OF \$3,500,000.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approving Resolution No. 092-2025, associated with the use of temporary construction easements as described in the Water Resources Development Act (WRDA) of 2024 from the Assistant Secretary of the Army for Civil Works (ASACW) and therefore requiring the Town of Palm Beach to provide the required funding for placing sand on and adjacent to the properties which provided temporary easements in the amount of \$3,000,000, approving a contingency in the amount of \$500,000 and approving an overall project budget in the amount of \$3,500,000.

Section 2: The Town Manager is hereby authorized to execute the contract and purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled on August 12, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FL 32207-8915**

July 30, 2025

**Programs and Project Management Division
Water Resources Branch**

**Ms. Patricia Strayer
Town Engineer
Town of Palm Beach
951 Okeechobee Road
West Palm Beach, Florida 33401**

Dear Ms. Strayer:

In accordance with the Project Partnership Agreement between the Department of the Army and the Town of Palm Beach, Florida for the Palm Beach County, from Lake Worth Inlet to South Lake Worth Inlet, Florida Coastal Storm Risk Management Project, Mid-Town Segment, dated November 4, 2019, and the implementation guidance provided by the Office of the Assistant Secretary of the Army for Civil Works (ASA[CW]) dated June 30, 2025, related to Execution of Section 1145(d) of the Water Resources Development Act of 2024 for Palm Beach County, Florida – Mid-Town, the non-Federal Sponsor's share is estimated at \$3,000,000. The estimated costs are associated with approximately 100,000 cubic yards of additional sand that will be placed on its beaches for the nine private properties in which a perpetual easement has not been acquired. The construction contract is to award in November 2025, and construction activities are planned this upcoming environmental turtle window between November 1, 2025, and April 30, 2026.

At this time, the Jacksonville District, U.S. Army Corps of Engineers is hereby requesting \$3,000,000 in non-Federal funds. As discussed, the funds should be provided to the Treasury per the instructions below and in receipt of the Jacksonville District by no later than Friday, August 22, 2025, in order to commit the funds for the contract's upcoming advertisement on September 19, 2025.

Please provide via electronic funds via Wire Transfer using the following information:

**Bank Name: Treas NYC/Funds Transfer Division
Account Name: Treas NYC/CTR/BNF/AC-00008736
Bank ABA Number: 021030004
Account Number: 00008736
Bank Address: Federal Reserve Bank New York City, NY**

When funds are being transferred electronically, please notify Mr. Chris McNees in advance.

If you have any questions regarding this request or need additional information, please contact the Project Manager, Mr. Michael "Chris" McNees at 904-232-2132 or by e-mail at michael.c.mcnees@usace.army.mil.

Sincerely,

MORA.MILLAN.
A.1367741470

Digitally signed by
MORA.MILLAN.A.1367741470
Date: 2025.07.30 14:18:11
-04'00'

Milan A. Mora, P.E.
Chief, Water Resources Branch

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Requesting Town Approval of Riparian Rights Easement at Clarke Beach
90-2025

Date: 7/28/2025

STAFF RECOMMENDATION

Town staff request Town Council provide direction in reference to Resolution 090-2025 authorizing the Town Manager to execute the Easement for use of Riparian Rights as described in the attached easement document for Clarke Beach.

GENERAL INFORMATION

On July 21, 2025, Town staff received the attached documentation which includes a request from the Breakers/Lauders properties for an Easement for Riparian Rights associated with the constructed breakwater structures. The Florida Department of Environmental Protection (FDEP) permit condition for the construction of these breakwater structures was that an easement from the Town be secured: "The executed modification to Easement No.30606 and BOT File No. 500222499 shall be completed within 1-year of issuance of this modification (File No. 0414369-002-JN). (November 6, 2024)"

Execution of this easement does not abrogate the Breakers/Lauders from their responsibilities under conditions of both the FDEP and United States Army Corps of Engineers (USACE) permits. They are required under the monitoring and mitigation plan to conduct regular monitoring of beach conditions in the project vicinity and in particular in regard to any potential erosion impact to the Clarke Avenue beach area. If the monitoring indicates an unanticipated adverse impact to the Clarke Avenue beach, the Breakers/Lauders will be required by conditions of both permits to take corrective action which may include the placement of additional sand or modification of the structures.

It is additionally noted that Town staff and coastal consultants will conduct independent

observations of beach conditions and will engage with appropriate regulatory entities if deemed appropriate regarding project performance and conditions of the project permits. Bi-weekly site observations have been initiated by Town staff and consultants and will continue until the planned Mid-Town Renourishment Project is initiated this year. Additional site observations will be conducted if a significant storm or wave event occurs during this time period. If site observations suggest a significant erosion concern at Clarke Avenue, a beach profile survey at Clarke Avenue (FDEP Monument R-96) will be conducted and the results will be compared to the USACE design template at this profile. If this analysis indicates that the monitoring trigger for corrective actions has occurred, notice will be provided to relevant parties. The Town may also consider including a time limitation in the conditions of their Riparian Rights Easement to assess the performance prior to executing a perpetual easement.

At the time of writing this memo, staff understand that the modification of the sovereign submerged lands lease (Easement No. 30606) has been requested and the remaining item for issuance is the riparian rights easement from the Town. If a Riparian Rights Easement is not granted for the portion in front of Clarke Beach, the permittee will not be in compliance with their regulatory permit conditions, and the structures within state sovereign lands will not be authorized. Staff is not clear on what action FDEP will take if Council were not to authorize the easement, but believe that FDEP will have a choice after November 6, 2025 of taking enforcement action by requesting the removal of the portion of breakwaters in front of Clarke Beach, or taking no action. Staff would need to have further consultations with FDEP in order to confirm these options.

Since the Town received the request for the Riparian Rights Easement on July 21, staff have not had sufficient time to research the following issues prior to the deadline for submitting this memorandum and the attached backup for the August Town Council meeting:

1. What are the ramifications to the Breakwaters project if the Town does not provide the Riparian Rights easement?
2. Are there options for the duration of the easement, giving the Town the ability to assess performance prior to executing a perpetual easement? Staff would recommend a temporary easement for 2 years.
3. Does the Town accept any liability for the new structure extending 75 feet into the Clarke Beach riparian area? The rock structure extends above water and within an easy swimming distance from the dry beach.

LEGAL REVIEW

Town attorney is participating in development of the riparian rights easement and issues associated with the execution of an easement, including potential Town liability for the new structure as well as any liability should the Town decide not to grant the easement.

FUNDING/FISCAL IMPACT

Additional cost to the Town is not anticipated for the proposed activities.

cc: Jason Debrincat, P.E., Deputy Director of Public Works
Patricia Strayer, P.E., Town Engineer
Julie Parham, P.E., Deputy Town Engineer
Joanne O'Connor, Town Attorney, Jones Foster
Shore Protection Board

STRATEGIC PLAN

Strategic Priorities:

Environmental Stewardship

Strategic Focus Areas:

Management of Environmental Threats

FUNDING

No Funding

RESOLUTION NO. 90-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING TOWN APPROVAL OF RIPARIAN RIGHTS EASEMENT AT CLARKE BEACH

WHEREAS, the easement is provided in regard to a nearshore breakwater structure constructed on sovereign submerged lands immediately seaward of the Town of Palm Beach's property, known as Clarke Beach.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: Town Manager is hereby authorized to execute an easement in regard to a nearshore breakwater structure constructed on sovereign submerged lands immediately seaward of Town Property between the Town of Palm Beach and The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean Boulevard, LLC..

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of August 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

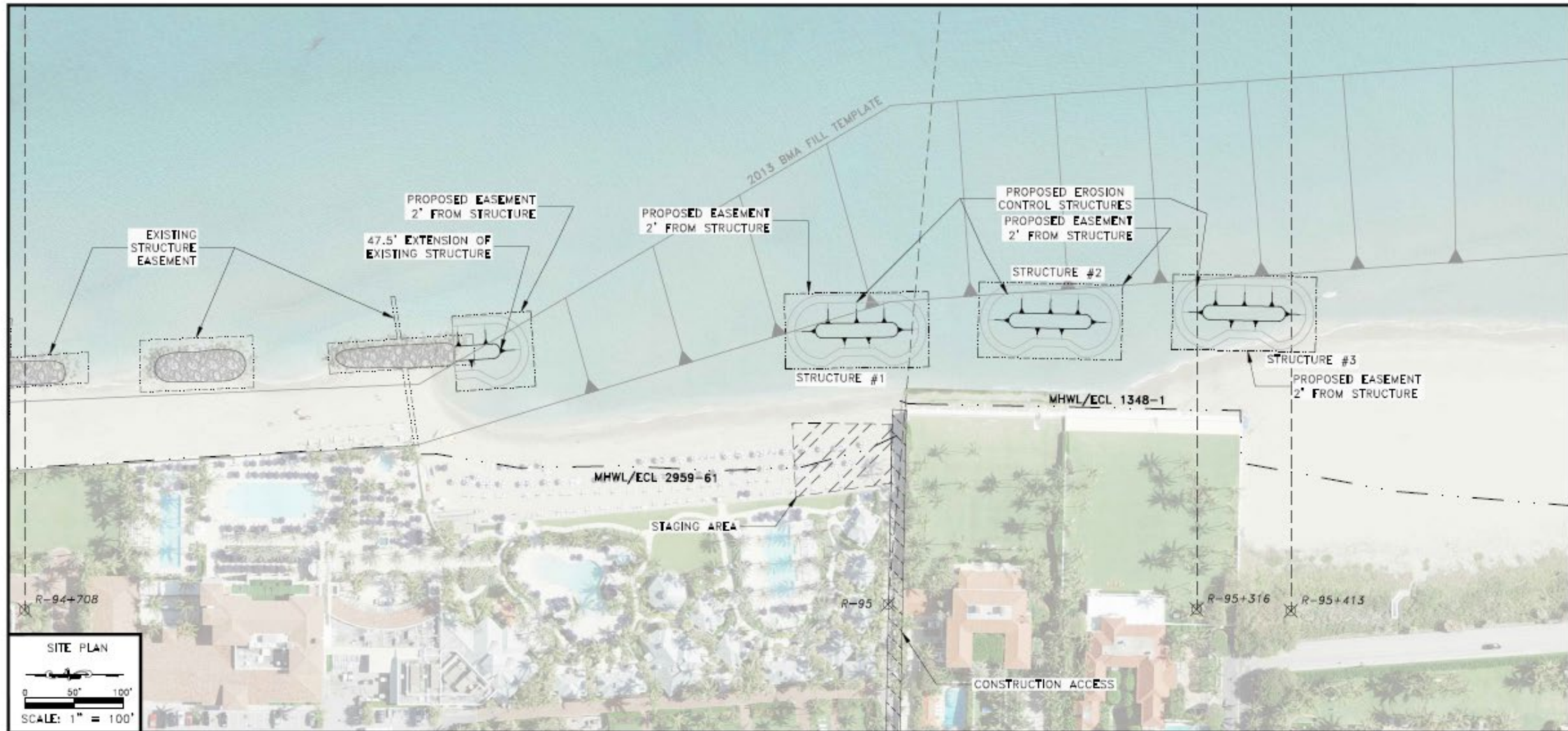
Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



GENERAL NOTES:

1. MHWL/ECL 2959-61 BASED ON TOWN OF PALM BEACH MEAN HIGH WATER SURVEY AND PROPOSED EROSION CONTROL LINE NORTH EXTENSION PREPARED BY COASTAL PLANNING & ENGINEERING, INC. DATED 1/7/2003.
2. MHWL/ECL 1348-1 BASED ON TOWN OF PALM BEACH MEAN HIGH WATER SURVEY AND PROPOSED EROSION CONTROL LINE PREPARED BY MORGAN & EKLUND, INC. DATED 7/11/1995.
3. FILL TEMPLATE APPROXIMATED BASED ON MID-TOWN SEGMENT BEACH MANAGEMENT AGREEMENT FILL PLAN (DEP PERMIT #0328802-002-BMA).
4. AERIAL PHOTO PROPERTY OF FDOT APLUS DATED JANUARY 2021.
5. EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY.
6. CROSS SECTIONS SHOWN ON E.C.S. ARE ILLUSTRATED ON FIGURE BR-04.



**HUMISTON
& MOORE
ENGINEERS**
COASTAL
ENGINEERING DESIGN
AND PERMITTING

MID-TOWN HEADLAND AREA
EROSION CONTROL PROJECT - SITE PLAN OVERVIEW
FOR: BREAKERS P.B., FLAGLER DR. HOLD., S. OCEAN BLVD.
DATE: 09/08/23 FILE: 24-007-P SCALE: SHOWN
JOB: 24-007 DATUM: SHOWN FIGURE: BR-02

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com





CAUTION
DO NOT ENTER
DANGER OF COLLAPSE
OR FALLING OBJECTS





Prepared By and Record and Return to:

Gunster, Yoakley & Stewart, P.A.
777 S Flagler Drive, Suite 500
West Palm Beach, Florida 33401
Attention: Danielle DeVito-Hurley

GRANT OF EASEMENT

THIS GRANT OF EASEMENT (this "Easement") is made as of this ____ day of _____, 2025, by and between **THE TOWN OF PALM BEACH**, an incorporated municipality ("Grantor") and **THE BREAKERS PALM BEACH, INC.**, a Florida corporation, **FLAGLER DRIVE HOLDINGS, LLC**, a Delaware limited liability company, and **SOUTH OCEAN BOULEVARD, LLC**, a Delaware limited liability company (individually and collectively referred to herein as the "Grantee").

RECITALS:

A. Grantor is the owner of certain riparian uplands lying and being in the County of Palm Beach, State of Florida and being more particularly described on **Exhibit A** attached hereto (the "Grantor's Property").

B. Grantee is the owner of certain riparian uplands lying and being in the County of Palm Beach, State of Florida, which riparian uplands are located a short distance away from Grantor's Property.

C. This Easement is provided in regard to a nearshore breakwater structure constructed on sovereign submerged lands immediately seaward of the Grantor's Property, as depicted in **Exhibit A**. Grantee desires an easement over the Grantor's Property to confirm that Grantee shall have satisfactory evidence of "sufficient upland interest" as defined in Rule 18-21.003(65), Florida Administrative Code, for purposes of obtaining a sovereign submerged lands easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida over and across the submerged lands immediately adjacent to the Grantor's Property.

D. Grantor has agreed to grant a non-exclusive easement, together with riparian rights to Grantee and its successors and assigns over and across Grantor's Property, under the terms and conditions of this Easement.

E. This Easement is given solely for the purpose of riparian rights and no other rights are conveyed, other than those riparian rights required to meet the intent to satisfy Rule 18-21.003(65), F.A.C. for the stated purpose of obtaining a sovereign submerged land easement. This Easement does not convey general riparian rights.

WITNESSETH THAT:

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The parties agree that the foregoing recitals are true and correct and are incorporated into this Grant of Easement agreement by this reference.
2. Grantor does hereby grant to Grantee and its successors and assigns a perpetual non-exclusive easement, together with riparian rights, over and across Grantor's Property solely for the purpose of those riparian rights required to meet the intent to satisfy Rule 18-21.003(65), F.A.C. for Grantee to obtain a sovereign submerged land easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.
3. Grantee acknowledges that Grantor asserts no control or ownership of the submerged land on which the breakwater structure has been constructed. Grantee agrees that Grantor has no responsibility or liability, either implied or explicit, for the breakwater structure whatsoever.
4. Grantee will provide evidence of liability insurance with respect to the breakwater structure and this Easement and agrees to name Grantor as an additional insured on that liability insurance policy(ies).
5. Grantee re-asserts its intent to comply with all terms and conditions of the state and federal project permits (FDEP: 0414369-001 and -002, ACOE: SAJ-2021-03307) including, but not limited to, monitoring of the adjacent public beach for potential adverse impact and corrective action, if warranted, as set forth in the permits.

[TEXT AND SIGNATURES FOLLOW]

IN WITNESS WHEREOF, Grantor has caused this Easement to be executed the day and year first above written.

GRANTOR:

THE TOWN OF PALM BEACH, an incorporated municipality

Print Name: _____

Address: _____

By: _____

Name: _____

Title: _____

Print Name: _____

Address: _____

THE STATE OF FLORIDA :

: §

COUNTY OF PALM BEACH :

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2025, by _____, as _____ of THE TOWN OF PALM BEACH, an incorporated municipality, on behalf of said municipality. He/she is personally known to me or has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC

Signed, sealed, and delivered in the presence of:

TOWN OF PALM BEACH

Town Clerk
Print Name: _____
Address: _____

Town Manager
Print Name: _____
Address: _____

Recommended Approval

Approved as to Form:

Director of Public Works
Print Name: _____
Address: _____

Office of Town Attorney
Print Name: _____
Address: _____

THE STATE OF FLORIDA :
: §
COUNTY OF PALM BEACH :

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2025, by _____ and _____, as Town Clerk and Town Manager, respectively, of THE TOWN OF PALM BEACH, an incorporated municipality, on behalf of said municipality. He/she is personally known to me or has produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION OF GRANTOR'S PROPERTY

See attached.

**SPECIFIC PURPOSE SURVEY
RIPARIAN EASEMENT
SECTION 23 - TOWNSHIP 43 SOUTH - RANGE 43 EAST
PALM BEACH, FL.**

SURVEY REPORT

1. THIS IS A SPECIFIC PURPOSE SURVEY AND IS FOR A RIPARIAN EASEMENT.
2. SURVEY BASED ON THE TOWN OF PALM BEACH EROSION CONTROL LINE, FILE NUMBER 2959, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGE 34, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE TOWN OF PALM BEACH EROSION CONTROL LINE FILED WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FILE NUMBER 1348.
3. THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY LIDBERG LAND SURVEYING, INC.
4. ALL FIELD-MEASURED CONTROL MEASUREMENTS EXCEEDED AN ACCURACY OF 1' IN 7,500'.
5. BEARINGS BASIS: SEE SKETCH. STATE PLANE COORDINATES SHOWN HEREON WERE ESTABLISHED USING TOPCON HYPER GPS RECEIVERS.
6. TOTAL RIPARIAN EASEMENT AREA: 76 SQUARE FEET OR 0.002 ACRES, MORE OR LESS.
7. THIS SURVEY IS PREPARED ONLY FOR THE PARTIES LISTED BELOW AND IS NOT ASSIGNABLE.
CERTIFIED TO: GUNSTER
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
8. © COPYRIGHT 2025 BY LIDBERG LAND SURVEYING, INC. THE SKETCH OF SURVEY AND SURVEY REPORT COMPRISE THE COMPLETE SURVEY. THIS SURVEY IS NOT VALID UNLESS THE SKETCH AND REPORT ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE ORIGINAL RAISED SEAL, OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY LIDBERG LAND SURVEYING, INC.

DATE OF ORIGINAL SURVEY: SEPTEMBER 30, 2021
DATE OF MAP: FEBRUARY 10, 2025

LIDBERG LAND SURVEYING, INC.

ABBREVIATIONS:

E. = EASTING
E.C.L. = EROSION CONTROL LINE
EXIST. = EXISTING
F.D.E.P. = FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FND. = FOUND
M.B. = MISCELLANEOUS BOOK
N. = NORTHING
O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
P.G. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
REF. = REFERENCE
STRUCT. = STRUCTURE



**Kenneth J
Buchanan**

Digitally signed by Kenneth J Buchanan
DN: c=US, o=LIDBERG LAND SURVEYING,
dnQualifier=A01410D0000018DD1FA8
6F00063635, cn=Kenneth J Buchanan
Date: 2025.07.28 16:32:07 -04'00'

BY:

KENNETH J. BUCHANAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 7202

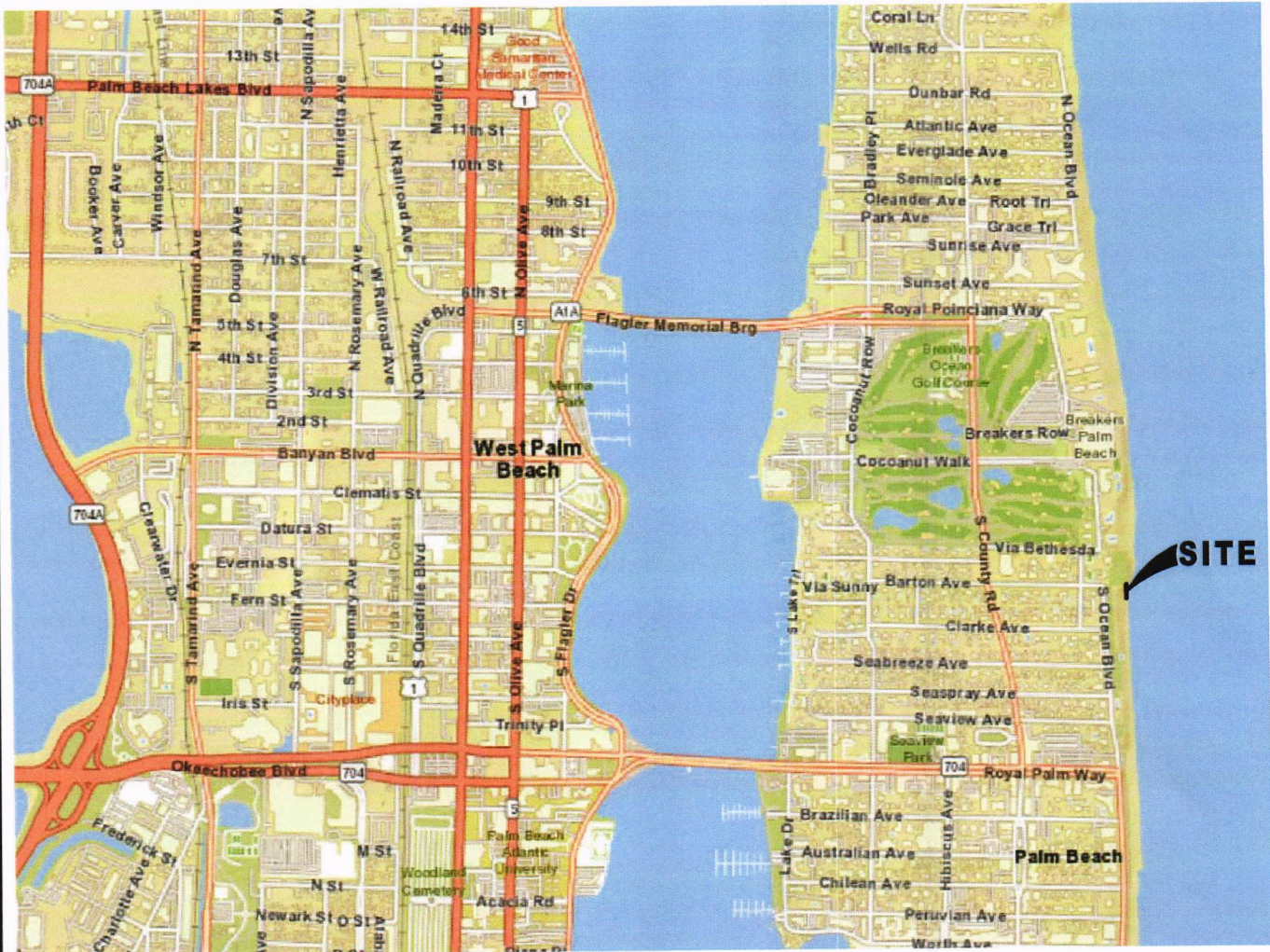


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REF.

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OFF.	A.C.B.	842	64	DATE	01/29/2025
CKD.	K.J.B.	SHEET	1 OF 4	DWG.	A21-098E

**SPECIFIC PURPOSE SURVEY
RIPARIAN EASEMENT
SECTION 23 - TOWNSHIP 43 SOUTH - RANGE 43 EAST
PALM BEACH, FL.**



**VICINITY MAP
NOT TO SCALE**



**LIDBERG LAND
SURVEYING, INC.**
LB4431 3780 Burns Road, Suite 6
Palm Beach Gardens, Florida 33410 TEL. 561-746-8454

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OFF.	A.C.B.	842	64	DATE	01/29/2025
CKD.	K.J.B.	SHEET	2 OF 4	DWG.	A21-098E

**SPECIFIC PURPOSE SURVEY
RIPARIAN EASEMENT
SECTION 23 - TOWNSHIP 43 SOUTH - RANGE 43 EAST
PALM BEACH, FL.**

LEGAL DESCRIPTION

A RIPARIAN EASEMENT LYING OVER AND ACROSS A PORTION OF THE PUBLIC PARK AS SHOWN ON THE RECORDED PLAT OF PRIMAVERA ESTATES, AS RECORDED IN PLAT BOOK 6, AT PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID EASEMENT IS SITUATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 43 EAST, CITY OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF OCEAN BOULEVARD AND THE CENTER LINE OF BARTON AVENUE AS SHOWN ON SAID PLAT OF PRIMAVERA ESTATES; THENCE SOUTH 88°30'16" EAST, A DISTANCE OF 185.35 FEET, ALONG THE NORTH LINE OF SAID PRIMAVERA ESTATES FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°30'16" EAST, ALONG THE NORTH LINE OF PRIMAVERA ESTATES, A DISTANCE OF 1.01 FEET TO A POINT ON THE TOWN OF PALM BEACH EROSION CONTROL LINE AS SHOWN ON THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FILE NUMBER 1348; THENCE SOUTH 10°29'16" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 76.47 FEET TO A POINT; THENCE DEPARTING EROSION CONTROL LINE, NORTH 88°30'16" WEST, PARALLEL WITH THE NORTH LINE OF SAID RIPARIAN EASEMENT, A DISTANCE OF 1.01 FEET TO A POINT 1.00 WEST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO SAID EROSION CONTROL LINE; THENCE ALONG SAID PARALLEL LINE, NORTH 10°29'16" EAST, A DISTANCE OF 76.47 FEET, TO THE POINT OF BEGINNING.

CONTAINING 76 SQUARE FEET OR 0.002 ACRES.

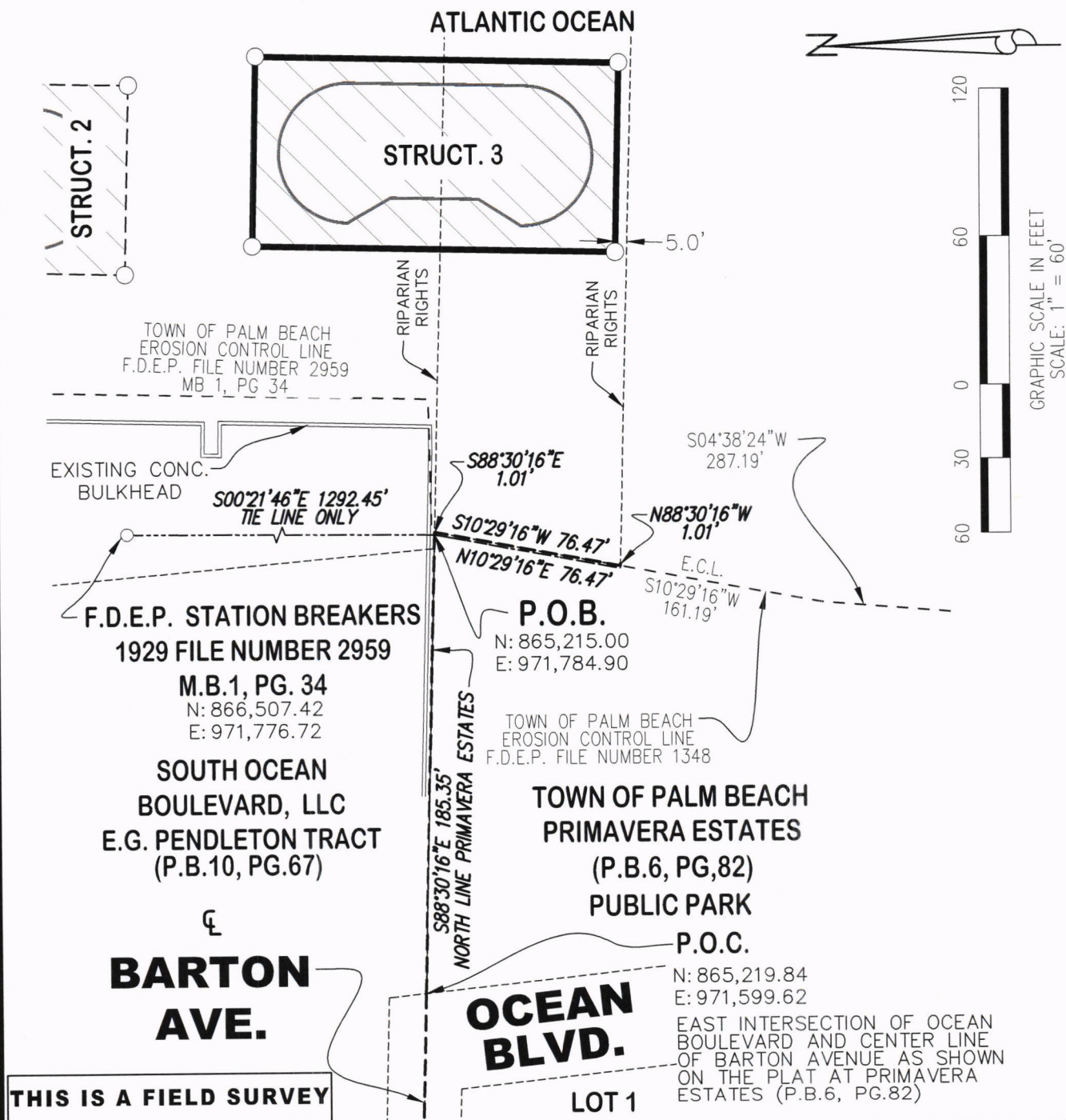


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CKD.	K.J.B.	SHEET	3 OF 4	DWG.	A21-098E

**SPECIFIC PURPOSE SURVEY
RIPARIAN EASEMENT
SECTION 23 - TOWNSHIP 43 SOUTH - RANGE 43 EAST
PALM BEACH, FL.**



THIS IS A FIELD SURVEY

LIDBERG LAND SURVEYING, INC.
LB4431 3780 Burns Road, Suite 6
Palm Beach Gardens, Florida 33410 TEL. 561-746-8454

CAD. K:\AUTOCAD2000\234343\46-188\21-098\DWG\A21-098E.DWG

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OFF.	A.C.B.	842	64	DATE	01/29/2025
CKD.	K.J.B.	SHEET	4 OF 4	DWG.	A21-098E

July 21, 2025

Joanne O'Connor, Esq.
Jones Foster
505 S. Flagler Dr., Suite 1100
West Palm Beach, FL 33401

Re: Perpetual Easement for Riparian Ownership of 1' Strip of Land Riparian to
Constructed Rockpiles adjacent to Clarke Beach

Dear Joanne:

This letter relates to the Town of Palm Beach ("TOPB") riparian easement that is needed to finalize the close-out of the construction permit for the rockpiles for the Breakers/Lauders properties. The riparian easement relates to the portion of the rock piles that overhang Clarke Beach. We have drafted a Riparian Easement and legal description for your review. *See* Attachments 1 and 2. We would like this item placed on the next available Town Council meeting.

The extension of the rockpiles in front of Clarke Beach has been a joint endeavor between the TOPB, the Breakers and Lauders. The riparian easement is for the southernmost portion of the rock piles that extends southerly of the Lauder properties for approximately 76 feet. The riparian parcel is 76 feet long and 1 foot wide, containing a total of 76 square feet¹. There is a lot of relevant information that should be provided to the Town Council regarding these rockpiles, most of which is summarized in this letter.

Between 2016-2025, the Breakers and the TOPB have worked together to improve the beach conditions in the Mid-Town Area and specifically on Clarke Beach. This area has been the most-studied portion of the beaches in Palm Beach. The net result of these prior discussions, extensive studies and engineering work was a unanimous conclusion by the Town of Palm Beach, the Breakers, the Lauders and FDEP that (i) structures were necessary in this area, and (ii) an extension of the rockpiles in front of Clarke Beach was the best solution to help the sand renourishment on Clarke Beach.

Below is a chronology of the key decisions made by TOPB over the last decade in its study of the Midtown/Clarke Beach area.

- In early 2016, after studying the Mid-Town Beach area, Coastal Systems International (CSI), consultant for the Town, published its Peer Review Report to

¹ As a reminder, the perpetual easement granted by the Breakers to the Town of Palm Beach in conjunction with the 2019 ACOE renourishment was 400 square feet, over five (5) times as large as this easement.

SPB and there is unanimous agreement that **“this regional problem cannot be resolved without structures”**.

- In 2016, TOPB formed a Technical Advisory Committee (“TAC”) to study the Mid-Town Beach Renourishment Area. Bob Brantly, FDEP’s coastal engineer, was involved in the study process. Mike Jenkins of ATM also participated in the study process on the TOPB’s behalf.
- February 2020 - The TAC completed its work, with the TOPB wrapping up its study, and ATM issued its final report which concluded, among other things, that the Midtown Headland Area (i.e. where the Breakers new rock piles are located) was an **“area of concern”** and a structure in this location could interrupt the offshore directed sand flow which would increase the stability of the beach and encourage sand movement around the wall. **The ATM Report concluded that in principle, a properly designed structure could meet the needs of all parties and would not be adverse to the Town’s overall interests.**
- September 2020 - FDEP issued a memo concurring that the proposals in the ATM report were appropriate beach management strategies. The FDEP report is attached to the back-up for the May 9, 2023 Town Council Meeting. *See Attachment 3.*
- September 2021 – The Breakers/Lauders met with TOPB staff to discuss the proposed rockpiles project in advance of submitting an application.
- December 2021 - The Breakers/Lauders submitted a Joint Permit application with FDEP and USACE, seeking to construct additional rockpiles in front of the Breakers beach and the Lauder properties. TOPB and its coastal engineer, Mike Jenkins, were kept in the loop on this application and provided comments. The rockpile designs studied included alternatives with and without the southernly extension of the rock piles. Extensive modeling showed that the overhang of the rock pile would achieve better sustainable sand transport for the benefit of Clarke Beach. The TOPB did not object to this design.
- April 17, 2023 - The Breakers/Lauders proceeded with their application for the rockpiles with the rock pile extension; and, in order to get FDEP to process this application, the TOPB needed to consent to the rockpile overhang as the riparian owner of this land. See copy of Mike Jenkins letter to Rob Weber in back-up to May 9th Town Council meeting. *See Attachment 3.*
- April 25, 2023 - Paul Brazil authored a staff memo to the Town Council regarding the extension of the rock piles to overhang Clarke Beach. We have highlighted the relevant portions of that memo. *See Attachment 3.* We concur with each of Paul’s statements and they accurately reflect what occurred. In other words, the Breakers/Lauders designed their permit application to include the extended

rockpile with TOPB concurrence, and with formal approval by the Town Council. *See* Attachment 4.

- May 9, 2023 - Town Council Meeting:
 - MINUTES: Item No. 5. Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project H. Paul Brazil, P.E., Director of Public Works Rob Weber, Coastal Program Manager, stated that the **Town of Palm Beach, the Breakers and the Florida Department of Environmental Protection have been working together for a coastal solution for the Mid- Town Headland area.** Even though this area is in Mid-Town Beach Nourishment Project, this area still requires additional attention and adaptive management. The Breakers has recently submitted a permit application to proactively address this area. The Breakers continues through their permitting process, **The Breakers Coastal Consultant and the Town's Coastal Consultant have determined that the southerly extension of this structure is necessary to transition the shoreline from The Breakers to the Mid- Town area, which tops out at Clarke Beach.** Council Member Araskog asked who would prove the at-fault party if there were to be an issue. She also asked if the southern part is across the town's property, who would be liable if someone were to get hurt. Mr. Weber responded. Jamie Crowley commented on the benefits of the project and thanked the Town Council for their support. Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve support for the Mid- Town Headland Erosion Control Project at the request of the Breakers Hotel. **On roll call, the Motion passed unanimously.**
- May 2023 - December 6, 2024 - After receiving the TOPB's approval and consent, over the next eighteen (18) months, Breakers and Lauders processed the modified Joint Permit application with FDEP and USACE. Each of the issued permits includes the Clarke Beach "overhang" as approved by TOPB.
- May 24, 2024 - The FDEP permit for the rockpiles is issued.
- December 6, 2024 - The USACE permit for the rockpiles is issued.
- December 20, 2024 - Construction of the rockpiles begins.
- July 2025 - Construction of the rockpiles is completed.

Joanne, I believe that the decade long history of this project, as recounted above, is important to remember and to understand in light of the current request. While this entire history is important, the key fact in all of this is that the rockpile extension was designed, permitted and constructed by the Breakers and Lauders, at their sole expense, for the sole purpose of protecting and aiding in the sand renourishment of Clarke Beach.

Joanne O'Connor, Esq.
July 21, 2025
Page 4

It is a better design. All of the coastal experts involved believe that the "overhang" design will bring more sand to Clarke Beach. This is why the TOPB approved this design and overhang over two years ago.

Please let me know when you are available to discuss and finalize the riparian easement.

Very truly yours,

BILL

H. William Perry

Attachments

Attachment 1 – Draft Riparian Easement

Attachment 2 – Legal Description and Sketch for Riparian Easement

Attachment 3 – Back-up Materials for the May 9, 2023 Town Council Meeting

Attachment 4 – May 22, 2023 Letter from Town of Palm Beach to FDEP authorizing use of State Lands Waterward of Town's Upland Riparian Area

cc: Deb Madden
Jamie Crowley
Clients

ACTIVE:37833768.2

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project

Presenter

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

ATTACHMENTS:

- ▢ **Memorandum dated April 25, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▢ **2023-04-19 - L - ATM Breakers Permit Peer Review**
- ▢ **2023-04-17 - L - Gunster Midtown Headland Area Erosion Control Project**
- ▢ **FDEP - The Breakers / Clarke Ave Study - Final Study Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project

DATE: April 25, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council review the attached proposal from The Breakers for improvements to South County Road between Via Bethesda and Royal Poinciana and direct Town staff to provide a letter of consent to Florida Department of Environmental Protection for the proposed project.

GENERAL INFORMATION

The Town of Palm Beach, The Breakers, and the Florida Department of Environmental Protection, have worked together for a number of years to find possible structural solutions for the critically-eroded beach and erosion hot-spot in the vicinity of The Breakers and Clarke Beach. At the conclusion of the Technical Advisory Committee in 2020, FDEP acknowledged that structural solutions were necessary and the Town and The Breakers were advised of actions that could be taken.

Since that time, The Breakers and their consultant have performed additional engineering analysis and have requested a permit to construct additional coastal structures extending from their property and encroaching slightly into Clarke Beach. In order for FDEP to continue review of The Breakers' application a letter of consent from the property owner, in this case the Town of Palm Beach, must be received.

Per the Town's consultant, Applied Technology & Management, the project is designed to result in a net improvement to the shoreline in the vicinity of Clarke Avenue. Providing that FDEP's authorization includes permit conditions for monitoring and corrective actions, if necessary, staff recommends that the Town support The Breakers' project.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact associated with this item.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Michael Jenkins, P.E., Ph.D., Applied Technology & Management, Inc.
James Crowley, Gunster

April 19, 2023

Robert Weber
Coastal Program Manager
Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A

**Re: Mid-Town Headland Area Erosion Control Project
Comments Regarding 4/17/23 Gunster Correspondence**

Mr. Weber,

This correspondence provides additional comments regarding the above referenced project and the request by letter dated 4/27/23 regarding the extension of the southernmost structure south of the wall and in front of the Town's property at Clarke Avenue. On December 23, 2021, a Joint Coastal Permit (JCP) application was submitted to the FDEP and USACE on behalf of The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean Boulevard, LLC. This application requested a permit for the construction of three new breakwater structures immediately offshore of the Lauder property in Mid-Town extending over to the adjacent properties (The Breakers to the North and Clarke Avenue to the South) and an extension of the existing southernmost breakwater in front of the Breakers. This project is currently under FDEP and USACE regulatory review. Comments specific to this request are provided as follows:

1. The Applicant is required by the FDEP to gain concurrence from the Town to allow the extension of the southernmost structure beyond the property line and in front of the Town's property at Clarke Avenue. The application cannot be deemed complete without this consent.
2. Extending the southernmost structure beyond the wall should improve the performance of the structure relative to the Clarke Avenue beach. The extension should lessen the potential for focused erosion at the southern base of the seawall. Without approval from the Town, the southern structure would need to be shortened to the property line and this would increase the potential for focused erosion at the base of the wall.
3. The primary concern regarding this project is the potential for increased erosion at Clarke Beach. This concern is currently being addressed within the FDEP and USACE regulatory review process. It would likely be best at this point to defer final comment on the project as a whole till the conclusion of this process.

4. The project is designed to result in a net improvement to shoreline performance in the vicinity of Clarke Avenue. Provided adequate safeguards are implemented with the regulatory approvals (including monitoring and provisions for corrective actions if unanticipated adverse impacts occur) it is reasonable for the Town to support project implementation.

Thank you for the opportunity to provide comment. Please feel free to reach out to me directly if there is a need for further discussion.

Sincerely,

Applied Technology & Management
A Geosyntec Company



A handwritten signature of Michael G. Jenkins in black ink.

Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal

Michael Jenkins,
PhD, PE

Digitally signed by Michael
Jenkins, PhD, PE
Date: 2023.04.19 19:30:35 -04'00'

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

April 17, 2023

VIA E-MAIL: pbrazil@townofpalmbeach.com

Paul Brazil, Director of Public Works
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach FL 33401

Re: Midtown Headland Area Erosion Control Project

Dear Mr. Brazil:

On behalf of our clients, The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean Boulevard, LLC (collectively referred to herein as the "Applicants"), we request that the Applicants' project, the Midtown Headland Area Erosion Control Project (the "Project") be added to the agenda for the May 9, 2023 Town Council meeting.

As you know, the Applicants have applied to the Florida Department of Environmental Protection ("FDEP") for a Joint Coastal Permit for the Project. FDEP regulations require that an applicant provide documentation of control and interest in riparian upland property for the Project. A portion of the southernmost breakwater of the Project extends to the south of our clients' properties approximately 48 feet, seaward of the Town's upland property. The southernmost breakwater is positioned to provide a gradual transition from the protruded seawall to the adjacent Clarke Avenue Beach. The location provides coastal protection for the seawall and return wall and our extensive modeling demonstrates that this structure will provide added protection at the northern portion of Clarke Avenue Beach. The benefits of the portion of the structure extending south of the riparian line were thoroughly evaluated and reviewed by the Town and its consulting coastal engineer. The Applicants' FDEP permit will contain special condition safeguards to protect the Town and require contingent mitigation, if needed, for any unanticipated adverse impacts caused by the Project.

The purpose of placing the Project on the May 9, 2023 agenda is to request Town Council authorization for your department to write a letter of consent to FDEP for the placement of structures beyond the southern boundary of our clients' properties.

Please let me know if you have any questions or need any additional information.

Thank you,

A handwritten signature in black ink, appearing to read 'JMC', with a stylized flourish at the end.

James M. Crowley

JMC/op

cc Robert Weber

ACTIVE:16883605.1

Memorandum

TO: Robert Weber, Town of Palm Beach
FROM: Bob Brantly, Coastal Engineering and Geology Group, ORCP
SUBJECT: The Breakers / Clarke Avenue Study – Final Study Report
DATE: September 30, 2020

As discussed below, the recommendations of the study report may be selected by the department as appropriate beach management measures for the State of Florida Strategic Beach Management Plan. The study area has been designated as critically eroded beach and implementation of the selected management strategies are eligible for beach management funding assistance.

Based upon the model study, recommendations to extend the Seabreeze Avenue groin and rehabilitate the Mid-town project groin field are appropriate beach management strategies that are eligible for funding assistance. Furthermore, preliminary evaluation of these proposed projects leads to the conclusion that the projects can be recommended for approval through the beach management agreement or a joint coastal permit. While this is by no means final agency action or notice of intent thereof, it does represent a review based on the study and experience in permitting matters. These comments are to allow you to assess fully the further commitment of financial resources for final engineering and design dependent on permit issuance.

The study does not recommend modifications to the existing breakwaters or an alternative for the previously removed breakwater, except for removal of the seaward groin portions of the structures. As noted in the report, additional consideration would require engagement by all the relevant parties. Engineering analysis and design to advance the work of the model study into the next phase of project development are eligible for beach management funding assistance. Supported by continued and enhanced monitoring of project performance as discussed below, this should lead to adaptive management measures that address this area of concern and vulnerability, including the potential for future modifications of the breakwaters.

The study recommends continuation of beach nourishment and continued monitoring of the Mid-town project to further assess project performance and provide a basis for ongoing adaptive management. This recommendation is consistent with the strategies contained in the Florida Strategic Beach Management Plan: maintain the Town's restored projects through monitoring and nourishment using sand from offshore sources and upland sources.

BB/

Cc: Mohamed Dabees, Humiston & Moore Engineers
Bill Dally, Surfbreak Engineering
Mike Jenkins, ATM
Lainie Edwards, FDEP
Greg Garis, FDEP
Hanna Tillotson, FDEP

Attachment 4

May 22, 2023 Letter from Town of Palm Beach to
FDEP Authorizing Use of State Lands Waterward of
Town's Upland Riparian Area



TOWN OF PALM BEACH

May 22, 2023

Greg Garis, Program Administrator
Beaches, Inlets, and Ports Program
Office of Resilience and Coastal Protection
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station 3544
Tallahassee, Florida 32399

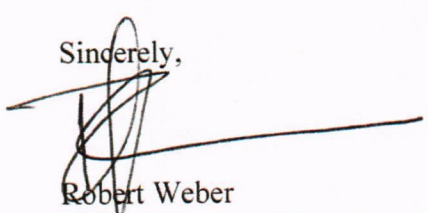
**Re: Mid-Town Headland Area Erosion Control Project
The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean
Boulevard, LLC (the "Applicants")**

Dear Mr. Garis:

The Town of Palm Beach ("Town") hereby authorizes the Applicants' proposed use of state lands waterward of Town-owned uplands necessary to allow construction of the project identified in the Application for Joint Coastal Permit for the Mid-Town Headland Area Erosion Control Project, DEP File Number: 0414369-001-JC. Please note that this Town action is contingent on the understanding that any permit authorization by the Florida Department of Environmental Protection will contain special condition safeguards to protect the Town and require contingent mitigation if needed, for any unanticipated adverse impacts caused by the Project.

This letter is prepared in accordance with Town Council's direction during the Town Council Meeting held on May 9, 2023.

Sincerely,



Robert Weber
Coastal Program Manager

cc: Kirk Blouin, Town Manager
H. Paul Brazil, P.E., Director of Public Works and P.W. File
Patricia Strayer, P.E., Town Engineer
Mike Jenkins, Ph.D., P.E., Applied Technology & Management, Inc.
Debbie Madden, Gunster

MAILING ADDRESS: Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Patricia Strayer, P.E., Town Engineer

Re: Town-wide Undergrounding Project - Review of Project and Dashboard,
Summary of Project Status

Date: 7/15/2025

GENERAL INFORMATION

I. COMMUNICATIONS:

A. Community Meetings:

None to Report

B. Significant Residential Communications:

None to report

II. PROGRESS SUMMARY:

Overall, Town-wide progress, all phases are either complete or in progress/funded for construction. In Phase 3 south pole removal is complete. In Phase 4 south the switching order issues have been resolved. There is remaining manhole work to be completed by August 14, 2025. FPL has committed to multiple crews for pole removal in Phase 4 and 5 South to make up for loss time due to the manhole work delays. Phase 5 south FPL wreck out has begun. Poles have been removed in Phase 5 north. In Phase 6 north, the entire phase has been converted to the underground power system. The Town is waiting on Comcast to complete their work and then poles can be removed. In Phase 6 south conversions have begun. Phase 7 north continues to progress. Connections continue in the switch cabinets and miscellaneous equipment. Phase 7 south is moving along very well with the conduit installation. Phase 8 construction is progressing on completing all drilling on north and south streets prior to November 1, 2025.

A. Construction Progress:

Phase 1 North Construction:

From the Inlet south to Onondaga Avenue

- Completed

Phase 1 South Construction:

From southern Town limits north to Sloan's Curve.

- Completed

Phase 2 North Construction:

From Esplanade Way to Ocean Terrance.

- Completed

Phase 2 South Construction:

From Sloan's Curve to the intersection of South Ocean Boulevard and South County Road.

- Completed

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way.

- Completed

Phase 3 South Construction:

From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue.

- Completed

Phase 4 North Construction:

From the south-side of La Puerta Way to the north-side of List Road.

- Completed

Phase 4 South Construction:

From Peruvian Avenue to Royal Palm Way.

- Construction is 85% complete
- Switching is focused on manhole work and 85% conversions are complete

- ATT and Comcast are complete

Phase 5 North Construction:

From Country Club Road to Southland Road.

- Completed

Phase 5 South Construction:

From South Lake Drive/Hibiscus Avenue and Peruvian Avenue/Royal Palm Way, properties between the intracostal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is complete
- Pole removal is being scheduled to begin as soon as manhole work for FPL is completed in Phase 4 South

Phase 6 North Construction:

From Chateaux Drive and Kawama Lane to the south-side of Plantation Road.

- Construction phase is complete
- Poles should be removed summer of 2025
- Comcast has not completed wreck out

Phase 6 South Construction:

Seaspray Avenue to the south of Royal Poinciana Way.

- Construction is 68% complete.
- Poles should come down in 2026.

Phase 7 North Construction:

Palm Beach Country Club north to the south side of List Road.

- Construction is 68% completed.
- Targeting pole removal by March 2026. This depends on FPL, ATT, and Comcast completing switching and conversions.

Phase 7 South Construction:

Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Construction is 23% completed.

Phase 8 Construction:

Royal Poinciana Way north to Everglade Avenue

- Construction is ongoing.

III. FINANCIAL SUMMARY:**A. FEMA Grant Update:**

Fema has been granted the request for an extension of the completion deadline.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases.

cc. Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Emergency Management

Quality of Life

FUNDING

Capital

Underground Utility Project Budget
Project Financial Summary
June 30, 2025

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 13,669,545	\$ 13,639,472	99.8%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 18,447,002	\$ 15,570,521	84.4%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 19,081,845	\$ 18,761,153	98.3%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 18,517,330	\$ 16,252,755	87.8%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 13,903,645	69.6%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 24,777,484	\$ 12,905,093	52.1%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 18,178,073	\$ 3,100,498	17.1%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 145,411,053	\$ 106,851,867	73.5%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,987,964	\$ 2,987,964	\$ 2,847,451	95.3%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,892,609	\$ 148,399,017	\$ 109,699,318	73.9%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 21,947,999	\$ 21,947,709	100.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 690,317	\$ 1,686,453	244.3%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,892,609	\$ 149,089,334	\$ 133,333,481	89.4%

Total Project Budget - Opinion of cost for construction	\$ 122,892,609
% Budgeted/Encumbered To Date Project Costs	120.76%
% Spent to Date - Project Costs	89.26%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ 18,329,914	\$ 18,329,914	0.0%
Assessment Revenue	\$ 25,280,000	\$ 33,013,605	130.6%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 1,667,009	\$ 6,692,302	401.5%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 9,198,896	\$ 9,198,896	100.0%
1 Cent Sales Tax (CIP Pay go)	\$ 5,000,000	\$ 4,500,000	90.0%
FPL	\$ 450,246	\$ 450,246	100.0%
FEMA Grant	\$ 8,500,000	\$ 3,919,184	46.1%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (401) Fund Marina	\$ 5,200,000	\$ 15,300,000	294.2%
Transfer from (001) General Fund - PM Salary	\$ 942,116	\$ 1,209,157	128.3%
Total Project Revenues	\$ 138,674,922	\$ 156,754,843	113.0%

Underground Utility Project Budget
Phase 1 Project Costs
June 30, 2025

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,606,916	100.2%
Street Light Conversion			\$ 135,322	135,322	100.0%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	79,767	511.5%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	325,523	68.3%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	\$ 4,210,000	\$ 4,930,000	\$ 4,953,984	\$ 4,864,949	98.2%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,518,572	101.5%
Utility Design Costs			\$ 33,013	119,725	362.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,250,395	91.0%
Construction Engineering (KH)			\$ 317,963	317,483	99.8%
	\$ 6,800,000	\$ 6,350,000	\$ 6,198,347	\$ 6,228,375	100.5%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	5,120	62.0%
Legal Advertising				2,795	
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%

Underground Utility Project Budget
Phase 2 Project Costs
June 30, 2025

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 131,510	96.3%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 801,406	99.4%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 3,932,792	3,932,792	100.0%
Owner Purchased Supplies			\$ 253,631	253,631	100.0%
FPL Design Cost			\$ 34,936	34,936	100.0%
ATT Design Cost			\$ 10,000	\$ 10,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches			\$ 55,000	\$ 54,938	99.9%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 5,070,787	\$ 4,992,974	98.5%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	87,667	250.5%
Burkhardt Construction			\$ 6,419,862	6,383,736	99.4%
Owner Supplied Materials			\$ 175,898	175,898	100.0%
FPL Design Cost			\$ 34,936	34,936	100.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 601,448	\$ 601,448	100.0%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)	-		\$ 325,280	\$ 324,908	99.9%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,602,424	\$ 7,657,414	100.7%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising			\$ 1,200	\$ 1,101	91.7%
Recording Costs			\$ 3,605	\$ 3,473	96.3%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 189,822	\$ 187,678	98.9%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 13,669,545	\$ 13,639,472	99.8%

Underground Utility Project Budget
Phase 3 Project Costs
June 30, 2025

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,100,697	\$ 4,100,697	100.0%
Owner supplied materials			\$ 2,797	\$ 3,456	123.6%
FPL Design Cost			\$ 12,850	\$ 2,700	21.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 7,012	165.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 428,207	104.6%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,851	\$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 85,796	\$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan			\$ (17,647)	(17,647)	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,452,205	\$ 5,452,150	100.0%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 33,400	\$ 33,400	100.0%
Construction		\$ 8,029,385	\$ 9,937,101	\$ 6,843,859	68.9%
Owner supplied Pipe			\$ 153,809	\$ 138,366	90.0%
FPL Construction			\$ 562,000	\$ 562,905	100.2%
FPL Design Cost			\$ 11,359	\$ 17,159	151.1%
FPL - 101 El Brillo			\$ 10,875	\$ 10,875	100.0%
ATT Design and Construction Cost			\$ 537,254	\$ 631,371	117.5%
Comcast Design and Construction Cost			\$ 195,128	\$ 335,723	172.1%
Construction Engineering (KH)			\$ 322,540	\$ 318,213	98.7%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 11,763,466	\$ 8,891,870	75.6%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,913	99.5%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Recording Costs			\$ 6,000	\$ 5,137	85.6%
Easement Abandonment			\$ 8,150	\$ 6,542	80.3%
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 336,825	\$ 332,791	98.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 18,447,002	\$ 15,570,521	84.4%

Underground Utility Project Budget
Phase 4 Project Costs
June 30, 2025

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	893,351	99.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction Costs			\$ 5,016,315	4,923,217	98.1%
Owner Supplied Pipe and Vaults			\$ 156,238	156,238	100.0%
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost			\$ 5,000	91,208	1824.2%
Comcast Design and Construction Cost			\$ 173,151	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)			\$ 353,715	353,715	100.0%
Street Light Conversion FPL			\$ 4,222	4,222	100.0%
Construction Engineering (KH)			\$ 324,309	324,023	99.9%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 6,159,520	5,982,413	97.1%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,909,957	8,689,091	97.5%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes			\$ 2,170	2,170	100.0%
Reimbursement from Preservation Foundation			\$ (102,500)	(102,500)	100.0%
Street Light Conversion (FPL)			\$ 7,098	7,098	100.0%
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design Cost			\$ 3,128	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 2,013,298	2,075,861	103.1%
Construction Engineering (KH)			\$ 333,659	322,064	96.5%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 11,552,128	11,413,500	98.8%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,481	99.6%
Easement Assistance (KH)			\$ 59,369	60,956	102.7%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs			\$ 7,000	6,371	91.0%
Easement Abandonment			\$ 18,735	18,735	100.0%
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 476,318	471,889	99.1%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 19,081,845	18,761,153	98.3%

Underground Utility Project Budget
Phase 5 Project Costs
June 30, 2025

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 1,194,065	100.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,456,367	6,075,336	94.1%
Construction Manager - Burkhardt			\$ 940,702	1,005,077	106.8%
Utility Costs (FPL, Comcast, AT&T)			\$ 333,639	1,009,224	302.5%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	30,330	187.0%
Reimburse Caren and Gary Marder work performed			\$ 6,100	6,100	100.0%
Construction Engineering (KH)			\$ 334,147	325,507	97.4%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 8,151,279	\$ 8,515,674	104.5%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	4,286,593	64.7%
Infrastructure from Phase 4 south bid - Not part of Grant			\$ 163,350	57,460	35.2%
Construction Manager - Burkhardt			\$ 979,098	783,278	80.0%
Four Arts Reimbursement			\$ (8,493)	(8,493)	
Utility Costs (FPL, Comcast, AT&T)			\$ 641,597	676,082	105.4%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 21,043	21,043	100.0%
Construction Engineering (KH)			\$ 334,159	323,504	96.8%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,824,214	\$ 6,203,568	70.3%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,602	100.0%
Easement Assistance			\$ 81,086	\$ 78,699	97.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 35,672	86.8%
Legal Ads			\$ 1,000	\$ 585	58.5%
Recording Costs			\$ 6,000	\$ 5,891	98.2%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 347,766	\$ 339,448	97.6%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 18,517,330	\$ 16,252,755	87.8%

Underground Utility Project Budget
Phase 6 Project Costs
June 30, 2025

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 475,019	100.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694	\$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 35,938	100.0%
Task 1.6 Meetings North			\$ 84,791	\$ 84,765	100.0%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 1,439,967	100.0%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 7,867,296	4,198,832	53.4%
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 295,632	554,193	187.5%
Construction Engineering (KH)			\$ 344,177	335,627	97.5%
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,547,243	\$ 5,142,120	60.2%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 8,400,000	5,574,270	66.4%
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 754,815	952,480	126.2%
Construction Engineering (KH)			\$ 344,007	316,486	92.0%
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 9,563,016	\$ 6,907,429	72.2%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 371,979	105.8%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 38,011	65.1%
Legal Ads			\$ 1,000	\$ 113	11.3%
Recording Costs			\$ 5,000	\$ 4,025	80.5%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 416,009	\$ 414,128	99.5%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 13,903,645	69.6%

Underground Utility Project Budget
Phase 7 Project Costs
June 30, 2025

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 492,488	100.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 630,830	100.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938	\$ 35,938	100.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 77,535	99.9%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 1,236,791	100.0%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction			\$ 10,472,977	8,375,900	80.0%
Chicane Demonstrations			\$ 47,500	19,558	41.2%
FPL Design Cost			\$ 15,806	41,728	264.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 245,460	245,460	100.0%
Construction Engineering (KH)			\$ 354,458	290,305	81.9%
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 11,183,701	\$ 8,984,466	80.3%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction			\$ 47,500	35,785	75.3%
Construction			\$ 11,442,770	2,069,556	
Chicane Demonstrations			\$ 47,500	19,558	41.2%
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)				-	
Construction Engineering (KH)			\$ 376,765	117,723	
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 11,934,488	\$ 2,262,574	19.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 346,356	100.0%
Easement Assistance			\$ 69,964	\$ 69,919	99.9%
<i>Surveys</i>					
Legal Sketch					
Legal Ads			\$ 1,000	\$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			\$ 5,000	\$ 4,875	97.5%
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 422,423	\$ 421,262	99.7%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 24,777,484	\$ 12,905,093	52.1%

Underground Utility Project Budget
Phase 8 Project Costs
June 30, 2025

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 1,029,017	100.0%
Task 1.2 Permitting Assistance			\$ 17,694	\$ 17,694	100.0%
Task 1.3 Bid Phase Assistance			\$ 14,430	\$ 14,430	100.0%
Task 1.4 Meetings			\$ 89,778	\$ 89,752	100.0%
Task 1.5 Easement Assistance			\$ 129,997	\$ 129,993	100.0%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,280,916	\$ 1,280,886	100.0%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction				26,610	
Construction			\$ 16,113,771	350,479	
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)				1,007,485	
Construction Engineering (KH)			\$ 409,356	73,341	
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 16,536,287	\$ 1,471,075	8.9%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 226,073	99.3%
Additional Easement Assistance PO240618			\$ 78,372	\$ 78,281	99.9%
Surveys					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			\$ 49,774	\$ 41,587	83.6%
Temp Services					
Recording Costs			\$ 5,000	\$ 2,541	50.8%
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 360,870	\$ 348,538	96.6%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 18,178,073	\$ 3,100,498	17.1%

Underground Utility Project Budget
Other Project Costs
June 30, 2025

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan	\$ 12,015	\$ 12,015	100.0%
Assessment Costs, Legal, Fees and Discounts	\$ 950,000	\$ 952,774	100.3%
Project Manager - Pay and benefits	\$ 840,000	\$ 786,590	93.6%
Temp Services - Easement Acquisition	\$ 150,000	\$ 106,050	70.7%
Other Miscellaneous Expenses		\$ 31,988	
General Easement Assistance	\$ 55,535	\$ 32,477	58.5%
Community Outreach	\$ 282,519	\$ 227,674	80.6%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,987,964	\$ 2,847,451	95.3%

Debt Service and Related Debt Issuance Costs

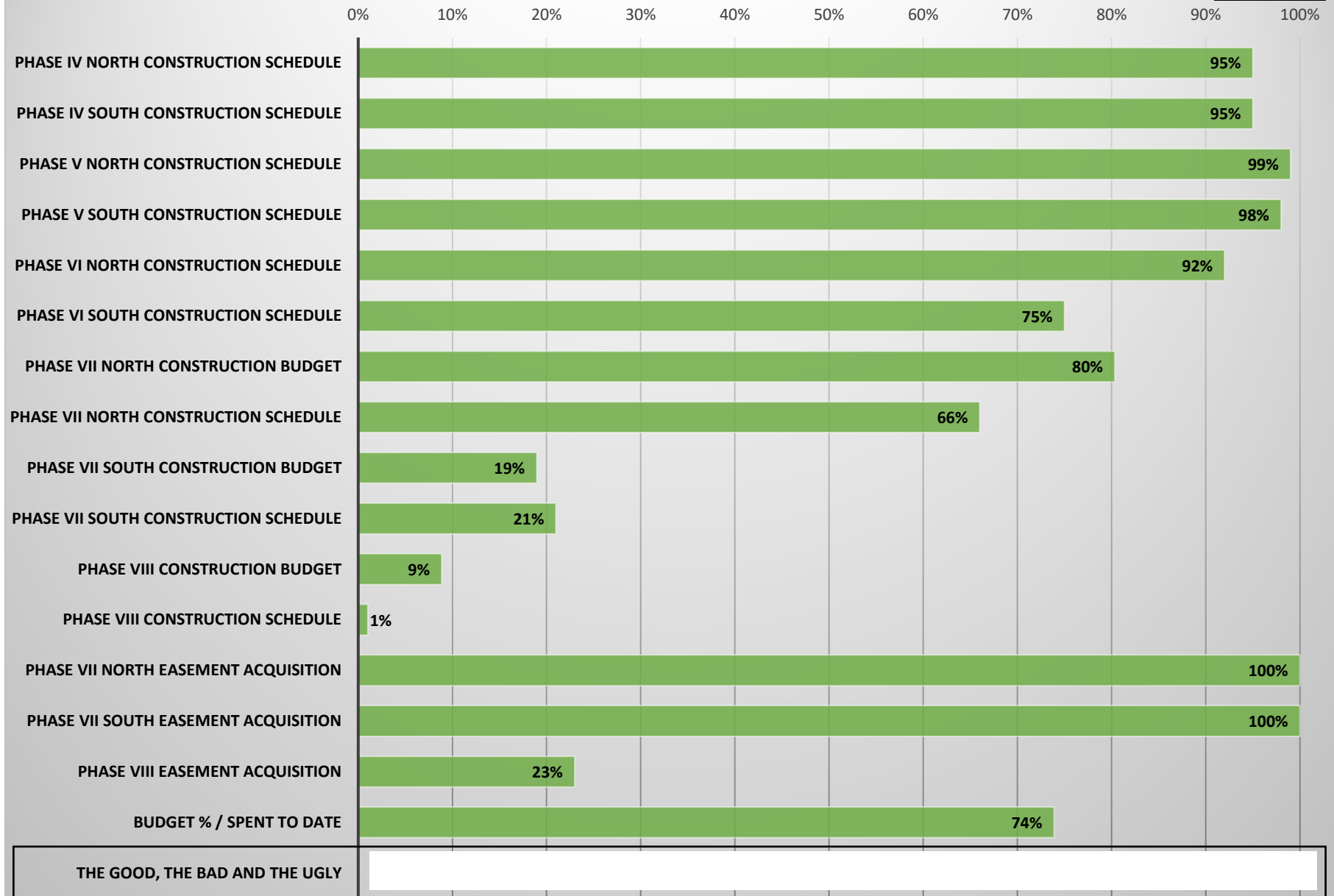
	Budget	Actual	% Expended
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 4,300	172.0%
Debt Service Fees	\$ 2,000	\$ 500	25.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 20,749,847	\$ 20,749,847	100.0%
Total Debt Service and Related Debt Issuance Costs	\$ 21,947,999	\$ 21,947,709	100.0%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 351,081	100.0%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 518,805	98.7%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
Crosswalk Spare Conduits	\$ 26,148	\$ 24,841	95.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 615,602	
PBT Real Estate v TPB		\$ 197,178	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 690,317	\$ 1,686,453	244.3%

Town of Palm Beach - Underground Utility Project Dashboard - June 2025

Status Legend
 Green - On Task
 Yellow - Caution
 Red - Not on Task
 Complete - Not Shown



TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk Blouin, Town Manager

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

Re: Update and Schedule of the Florida Department of Transportation (FDOT) A1A Projects

Date: 7/21/2025

STAFF RECOMMENDATION

Town Council requests that Florida Department of Transportation (FDOT) return to Town Council to provide a schedule for the two (2) on-going A1A Roadway Projects.

GENERAL INFORMATION

FDOT has two (2) roadway projects that are currently underway. A1A from Emerald Beach Way (North) to Royal Palm Way (North) and A1A from Lake Avenue to just north of Ibis Way (South).

The FDOT South project is approximately a fifteen (15) month project with an anticipated completion date of Summer 2026. The project consists of milling, resurfacing, striping, signage, upgrading curb ramps, and drainage. The project also includes converting the asphalt path on the west side to concrete, installing a hybrid pedestrian signal at the Par 3 Golf Course, and a pedestrian crossing at Phipps Ocean Park.

The FDOT North project is approximately an eighteen (18) month project with an anticipated completion date of late Fall 2026. The project consists of milling, resurfacing, striping, signage, upgrading curb ramps, and minor drainage. The project also consists of replacing the sidewalk on both sides of the road between Brazilian Avenue and Royal Palm Way, along with sidewalk improvements south of Hammon Avenue. The signalized intersections of Hammon Avenue, Worth Avenue, Peruvian Avenue, Royal Palm Way and at the Central Fire Station will be replaced with new decorative signals.

At the June Town Council meeting, a waiver for work hours was approved for both FDOT A1A projects with two (2) caveats:

1. All waivers be approved and coordinated directly with Public Works
2. FDOT must bring back to Town Council a more specific schedule of the projects and describe how the waivers are shortening the duration of the projects

Below is a summary of where FDOT is on both the North and South Projects:

On the South A1A Project from Lake Avenue to Ibis Way:

1. The contractor is in the process of constructing the 5-foot asphalt path to a 6-foot concrete sidewalk. Work started just north of Ibis Way and the contractor has progressed to just south of the Par 3. They anticipate completing the sidewalk work over the next six weeks pending weather and no other unforeseen conflicts. Once the sidewalk is complete, the contractor will drop back to Ibis Way and start the widening of the south bound lane to Lake Avenue.

On the North A1A Project from Emerald Beach Way to Royal Palm Way:

1. The contractor has begun sidewalk construction on S County Road between Via Vizcaya and Banyan Rd. Several challenges have arisen, including utility adjustments, unknown utility lines, and existing concrete slabs beneath the current sidewalk, which have affected the progress. In August, the goal is to complete all sidewalk work from Via Vizcaya to Banyan Rd and to start and finish the proposed sidewalk between Banyan Rd and Gulfstream Rd. Additionally, the contractor plans to begin milling and resurfacing, dividing the task into two sections: A1A from Southern Blvd to S County Rd, and A1A/S County Road from S Ocean Blvd to Gulfstream Rd, provided sidewalk construction is completed south of Gulfstream Rd. The contractor has also encountered unforeseen conflicts at multiple proposed mast arm locations, which they are working with FDOT to resolve.
2. The contractor has been able to extend access to more work areas, making it easier to identify utility conflicts and issues. This strategy has proven effective in finding solutions quickly and reducing time impacts.
3. The signs versus sharrows item is still under review with FDOT D4 Production Leadership.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Jason Debrincat, P.E., Deputy Director of Public Works
Patricia Strayer, P.E., Town Engineer
Michael Roach, P.E., Project Engineer

STRATEGIC PLAN

Strategic Priorities:

Mobility and Transportation

Strategic Focus Areas:

Quality of Life

On-island Mobility

FUNDING

No Fiscal Impact

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2025

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Discussion – Regulating the Use of Electronic Mobility Devices

Date: 7/24/2025

GENERAL INFORMATION

Governor DeSantis recently signed proposed legislation from the 2025 Florida Legislature (Senate Bill 462) allowing municipalities to adopt an ordinance governing the operation of electronic mobility devices. The bill amends multiple sections of the Florida Statutes, including §316.003, §316.20655, and §316.2128, among others. SB 462 expands local discretion to regulate rider age and ID requirements, permits safety training programs, and refines statutory definitions relevant to micromobility.

I. Vehicular Traffic on Coastal Beaches (§161.58, F.S.)

SB 462 amends §161.58(2), F.S., to revise the exceptions under which vehicular traffic may be permitted on coastal beaches. While vehicular traffic on coastal beaches remains generally prohibited, local governments may allow off-highway vehicles for the removal of rental equipment, provided such use is expressly authorized by the governing body through a formal agreement.

II. Revised Definitions Affecting Local Regulation (§316.003, F.S.)

SB 462 revises the definition of “micromobility device” in §316.003(41), F.S., in a way that expands the class of regulated vehicles:

- Applies to devices up to 28 mph and 50 pounds;
- Includes both human-powered and electric-powered vehicles;
- Covers personally owned and fleet-shared devices;
- Encompasses bicycles, electric bicycles, motorized scooters, and similar devices.

SB 462 also revises the definition of “Vehicle” (§316.003(109)). A “vehicle” includes all devices by which people or property may be transported on a street or highway, but excludes personal delivery devices, mobile carriers, and rail-based vehicles.

This broader definition means a local government may now regulate, by local ordinance,

the use of a wider range of small transportation devices, not just those rented via app-based means.

III. Expanded Local Authority Over Electric Bicycles (§316.20655, F.S.)

SB 462 amends §316.20655(1), F.S., and adds new subsections (8) and (9), authorizing local governments to:

- Adopt Minimum Age Ordinances – A local government may set one or more minimum age requirements to operate electric bicycles within its jurisdiction (§316.20655(8), F.S.).
- Impose ID Requirements – Local governments may now require electric bicycle operators to carry a government-issued photographic identification while riding (§316.20655(8), F.S.).
- Offer Safety Training – SB 462 authorizes municipalities and counties to create and administer safety and compliance training programs for electric bicycle operators (§316.20655(9), F.S.).

IV. Expanded Local Authority Over Motorized Scooters and Micromobility Devices (§316.2128, F.S.)

SB 462 adds new subsections (7) and (8) to §316.2128, F.S., granting local governments authority to:

- Adopt Minimum Age Ordinances – Local governments may adopt minimum age requirements for the operation of motorized scooters and micromobility devices (§316.2128(7), F.S.).
- Require Operator ID – As with e-bikes, municipalities and counties may now require riders to possess a government-issued photographic ID (§316.2128(7), F.S.).

Provide Safety Training – Local governments may implement training programs focused on the safe operation and legal compliance requirements for scooters and micromobility devices (§316.2128(8), F.S.).

While we recognize electronic mobility devices offer convenient transportation, their presence on this town's public sidewalks, public beaches, and Lake Trail pose significant safety risks to pedestrians and other non-motorized users. Examples of electronic mobility devices include, but are not limited to, electric bicycles, electric unicycles, electric skateboards, electric scooters, and electric motorcycles. The speeds at which these devices operate, often exceeding 20 mph, pose a significant risk of serious accidents and pedestrian injuries. The introduction of these faster-moving electronic vehicles is creating a public safety hazard that should be addressed.

STAFF RECOMMENDATION

Staff recommend that Town Council consider establishing an ordinance to prohibit all

electronic mobility devices, except those for physically impaired individuals, from operating on public sidewalks, public beaches, and public trails, and that their use be restricted to roadways designated for motor vehicle traffic. Staff also recommend that operators of electronic mobility devices be individuals of at least 16 years of age and that they possess a valid, government-issued identification.

Additionally, staff recommends amending Town Ordinance 106-158 to prohibit the use of electronic mobility devices on all town sidewalks and multimodal trails, not just those located within commercial zoning districts.

Lastly, staff recommends amending Town Ordinance 118-11 to include prohibiting the use of electronic mobility devices on the lake trail, along with motor-driven and animal-drawn vehicles.

Attachments

NC/dw

cc: Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager
Paul Brazil, Director of Public Works
O'Connor, Joanne, Town Attorney

STRATEGIC PLAN

Strategic Priorities:

Mobility and Transportation

Strategic Focus Areas:

On-island Mobility

FUNDING

No Fiscal Impact

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/SB 462 — Transportation

by Fiscal Policy Committee; Regulated Industries Committee; Transportation Committee; and Senator DiCeglie

The bill addresses various transportation-related provisions. Specifically, the bill:

- Authorizes the use of off-highway vehicles on beaches for the removal of rental equipment, if authorized by the appropriate local governing body;
- Requires counties to annually submit information regarding their use of the Charter County and Regional Transportation System Surtax revenues to the Office of Economic and Demographic Research, with the office compiling such information into a report to the Legislature and the Florida Department of Transportation (FDOT);
- Revises the statutory definitions of the terms “dynamic driving task” and “micromobility device;”
- Establishes administrative hearing procedures regarding school bus infraction detection systems, providing for local hearing officers appointed by the school district or county, hearing procedures, the distribution of civil penalties, and the authorized use of penalties collected;
- Authorizes local governments to adopt certain ordinances regarding requirements to operate an electric bicycle, motorized scooter, or micromobility device;
- Authorizes local governments to provide training on the safe operation of electric bicycles, motorized scooters, and micromobility devices;
- Prohibits a person from operating a motor vehicle or vessel on a flooded street or highway at a speed that creates an excessive wake;
- Requires the Department of Highway Safety and Motor Vehicle or its authorized agents to issue expectant mother parking permits authorizing expectant mothers to park in disabled parking spaces;
- Prohibits airports from charging new landing fees for aircraft operations related to flight training operations conducted by certain academic institutions;
- Authorizes public-use airports to participate in the federal Airport Investment Partnership Program and make such airports eligible to receive certain state funds;
- Establishes a pilot program at the Sarasota Manatee Airport Authority to determine the long-term feasibility of alternative airport permitting procedures and requires FDOT to submit a report regarding this pilot program;
- Authorizes FDOT to use eminent domain to preserve corridors for future improvements;
- Authorizes FDOT to provide workforce development grants to state colleges and school districts to fund elective courses in heavy civil construction;
- Revises the membership of the advisory board for the Center for Urban Transportation Research at the University of South Florida;
- Requires project concept studies and project development and environmental studies for capacity improvements on limited access facilities to evaluate the use of elevated roadways;
- Requires project development and environmental studies for new alignments or capacity improvement projects, to the maximum extent possible, be completed within 18 months;

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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- Provides requirements for FDOT to obtain reduced offers, with a change in the scope of work, from the lowest bidder on a project when it intends to reject all bids;
- Revises provisions related to phased design-build contracts, including authorizing the selected design-build firm to perform a portion of the work;
- Requires FDOT's bridge-related contracts for work over navigable waters to, in addition to marine general liability insurance, include insurance with protection and indemnity coverage;
- Authorizes FDOT to waive prequalification requirements for certain short duration contracts of \$1 million or less;
- Authorizes FDOT to waive contract bond requirements for contracts of \$250,000 or less, instead of the current \$150,000 or less;
- Requires contractors seeking to bid on certain FDOT maintenance contracts to possess the prescribed qualifications, equipment, record, and experience to perform such work;
- Increases threshold amounts for contract disputes subject to the State Arbitration Board and revises the length of time that arbitration requests may be made related to a warranty claim;
- Prohibits the designation of new metropolitan planning organizations (MPOs) in areas contiguous to an existing MPO;
- Requires FDOT to annually convene MPOs of similar size, to exchange best practices and authorizes FDOT to provide training to new members of MPO governing boards;
- Provides for the integration of new technologies into MPO transportation plans;
- Authorizes FDOT and each MPO to execute a written agreement to establish a cooperative relationship regarding transportation planning;
- Requires FDOT to establish, in cooperation with the MPO, performance metrics for the MPO, and provides that the MPO must annually report on its performance;
- Requires FDOT to prioritize highway projects on the Strategic Intermodal System to make a highway corridor contiguous in its functional characteristics;
- Requires FDOT to implement a Next-generation Traffic Signal Modernization Program to increase the interconnectivity of traffic signals;
- Revises the geographic residency requirements for two of the members of the governing body of the Greater Miami Expressway Agency;
- Requires FDOT to develop and submit a report to the Governor and Legislature, by December 31, 2025, regarding the widening of a portion Interstate 4 in Hillsborough and Polk counties.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025, except where otherwise provided.

Vote: Senate 37-0; House 114-0

Select Year: 2024 ▼

The 2024 Florida Statutes (including 2025 Special Session C)

Title XXIII

MOTOR VEHICLES

Chapter 316

STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)**316.2068 Electric personal assistive mobility devices; regulations.—**

- (1) An electric personal assistive mobility device, as defined in s. 316.003, may be operated:
 - (a) On a road or street where the posted speed limit is 25 miles per hour or less.
 - (b) On a marked bicycle path.
 - (c) On any street or road where bicycles are permitted.
 - (d) At an intersection, to cross a road or street even if the road or street has a posted speed limit of more than 25 miles per hour.
 - (e) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.
- (2) A valid driver license is not a prerequisite to operating an electric personal assistive mobility device.
- (3) Electric personal assistive mobility devices need not be registered and insured in accordance with s. 320.02.
- (4) A person who is under the age of 16 years may not operate, ride, or otherwise be propelled on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted, that is fastened securely upon his or her head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets which are adopted by the department.
- (5) A county or municipality may regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the county or municipality determines that regulation is necessary in the interest of safety.
- (6) The Department of Transportation may prohibit the operation of electric personal assistive mobility devices on any road under its jurisdiction if it determines that such a prohibition is necessary in the interest of safety.

History.—s. 68, ch. 2002-20; s. 18, ch. 2012-174.

Select Year: 2024 

The 2024 Florida Statutes (including 2025 Special Session C)

[Title XXIII](#)

MOTOR VEHICLES

[Chapter 316](#)

STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)**316.20655 Electric bicycle regulations.—**

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. [316.2065](#). An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. [316.008](#), from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach as defined in s. [161.54\(3\)](#) or a dune as defined in s. [161.54\(4\)](#) from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification number required in subsection (3) is replaced after such modification.

(5) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

History.—s. 8, ch. 2020-69; s. 2, ch. 2021-20.

Select Year: 2024 ▼

The 2024 Florida Statutes (including 2025 Special Session C)

Title XXIII

MOTOR VEHICLES

Chapter 316

STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.—

(1) The operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, except the duties imposed by s. 316.2065(2), (3)(b), and (3)(c), which by their nature do not apply. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction.

(2) A motorized scooter or micromobility device is not required to satisfy the registration and insurance requirements of s. 320.02 or the licensing requirements of s. 316.605.

(3) A person is not required to have a driver license to operate a motorized scooter or micromobility device.

(4) A person who offers motorized scooters or micromobility devices for hire is responsible for securing all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued by the National Weather Service.

(5) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7)(a) or s. 316.212(8). The required notice must also appear in all forms of advertising offering miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a miniature motorcycle.

(6) Any person selling or offering a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

History.—s. 16, ch. 2006-290; s. 27, ch. 2009-21; s. 47, ch. 2010-223; s. 11, ch. 2017-150; s. 3, ch. 2019-109.

Sec. 106-158. - Prohibiting bicycle riding on sidewalks within commercial zoning districts.

- (a) It shall be unlawful for any person to ride a bicycle or any other mode of transportation, including but not limited to unicycles, tricycles, roller skates and electric personal assisted mobility devices (Segways), upon the sidewalks of the town located within the commercial zoning districts, unless the sidewalk is specifically designated as a bicycle path. Members of the police department are exempt from this section and may ride bicycles on sidewalks in the town's commercial districts in the performance of their official duties. The prohibition set forth in this section does not apply to wheelchairs or to any mobility device designed or used to assist a disabled person.**
- (b) A person who shall violate the provisions of this section shall be subject to general penalties as provided by section 1-14 or to code enforcement penalties as provided in section 2-439.**
- (c) The chief of police, his authorized agents or representatives, are hereby authorized to post signs relating to this prohibition within the commercial zoning districts of the town.**

(Code 1982, § 19-16.1; Ord. No. 34-10, § 1, 1-11-11)

Sec. 118-11. - Driving on lake trail prohibited.

It shall be unlawful for any person to operate or cause to be operated along and over what is commonly known and platted as the lake trail in the town, and any extensions thereof to the north or south, any motor-driven or animal-drawn vehicle. The only exceptions to this section shall be for the operation of police vehicles, public works vehicles, and vehicles operated in accordance with a valid public works permit allowing such activity on the lake trail.

(Code 1982, § 11-10)

NEWS

16 months after Megan Andrews death, e-bike and scooter bill becomes Florida law



by Tony Winton

June 19, 2025



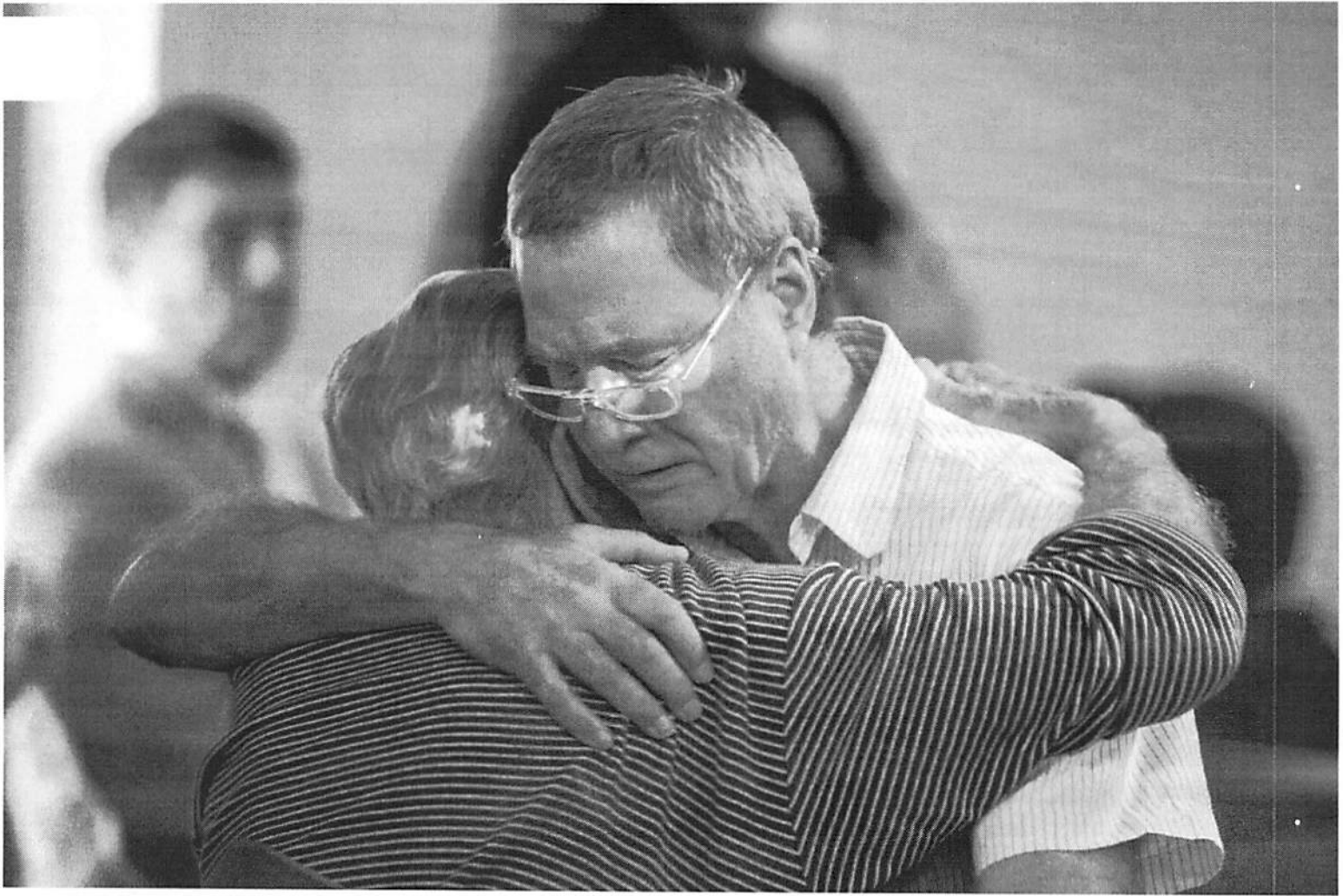
Megan Andrews, a beloved Key Biscayne tutor, died in an e-bike collision on Key Biscayne, Fla. in 2024. Gov. Ron DeSantis signed a bill into law with provisions allowing more more local regulation of micromobility devices. (Photo provided/Kelly Welsh)

Share article

× on DeSantis signed a bill Thursday that will allow local governments to regulate the use of e-bikes and scooters by age, a provision that the Village of Key Biscayne had long sought. The measure had failed in the Legislature before, but had more urgency this session after the tragic death of Megan Andrews, a Key Biscayne resident, Feb. 14, 2024.

The measure, tucked into a state transportation bill, was shepherded by Rep. Vicki Lopez, R-Miami, who vowed to get the measure passed after Andrews' fatal collision with a scooter on a residential street.

“This legislation will save lives and prevent future tragedy by ensuring pedestrian and roadway safety,” Lopez said in a statement. She plans to reach out to the Andrews family to let them know that the measure is now law, an aide said. In April, the bill passed both chambers of the Legislature unanimously.



Key Biscayne resident Steve Simon hugs Frank Andrews at a Council meeting on Friday, February 16, 2024 where e-bike and electric scooters were banned. Andrews' wife, Megan, was killed Wednesday when an e-bike operated by a 12-year-old collided with her bicycle. (KBI Photo/Tony Winton).

Key Biscayne's Village Council passed an e-bike and scooter ban immediately following the crash — after previously delaying action despite mounting evidence that the devices were hazardous. The e-bikes and scooters were mostly ridden by children.

The Village always had the legal ability to enforce state laws banning the devices on sidewalks and to regulate use on local streets, but it could not regulate by age. Officials sought a change in state law to allow age-based usage rules. The Village lacked authority to ban devices on Crandon Blvd, and so Manager Steve Williamson and Police Chief Frank Sousa feared that a full ban on local streets would send children into the busy roadway, increasing risk.



A man rides an electric scooter on the sidewalk of Crandon Blvd in Key Biscayne, Saturday, April 6, 2024. File. (KBI Photo/Tony Winton)

Since the ban, even without the new law, Village sidewalks and streets have largely been free of the “micromobility” devices. The new law, which goes into effect July 1, will now allow the Village to relax its ban. But it’s not clear how much appetite there is to allow older riders to again use the devices on Village streets.

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Editor-in-Chief



Tony Winton

Tony Winton is the editor-in-chief of the Key Biscayne Independent and president of Miami Fourth Estate, Inc. He worked previously at The Associated Press for three decades winning multiple Edward R. Murrow awards. He was president of the News Media Guild, a journalism union, for 10 years. Born in Chicago, he is a graduate of Columbia University. His interests are photography and technology, sailing, cooking, and science fiction.

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