



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JULY 11, 2023

9:30 AM

Welcome

For information regarding this agenda and the procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

- I. **CALL TO ORDER AND ROLL CALL**
Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie D. Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton
- II. **INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. **MODIFICATIONS TO THE AGENDA**
- IV. **APPROVAL OF AGENDA**

V. PRESENTATIONS

- A.** Palm Beach Country Club Scholarship Recipients
Danielle H. Moore, Mayor
- B.** The Palm Beach Civic Association and The Citizens' Association of Palm Beach Scholarship Award
Danielle H. Moore, Mayor
- C.** Thomas Mettler Memorial Scholarship Award
Danielle H. Moore, Mayor

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

VII. COMMENTS OF TOWN COUNCIL MEMBERS

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

- 1. Town Council Meeting Minutes Page 8
Pat Gayle-Gordon, Deputy Town Clerk
 - a. June 13, 2023, Town Council Meeting Minutes
 - b. June 14, 2023, Town Council Meeting Development Review Minutes
- 2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 28, 2023 Page 60
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 029-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Authorization for Waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, Restrictions for Construction Hours, and Work During Season, for Professional Tennis Court Services for the Seaview Tennis Improvements. Page 83
Dean Mealy, Procurement and Contract Manager
- 2. RESOLUTION NO. 077-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2024-2025 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program. Page 86
H. Paul Brazil, P.E., Director of Public Works
- 3. RESOLUTION NO. 078-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the award of a Purchase Order to Orlando Freightliner for a Freightliner Cab and Chassis with a Rear Load Packer in the amount Page 91

of \$193,691 and Establishing a Project Budget of \$225,000.

Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 079-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for the Annual Awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization. Page 95
Dean Mealy, Procurement and Contract Manager
5. RESOLUTION NO. 080-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-42, Par 3 Golf Course Practice Green Improvement to South Florida Tractor Service Inc. in the amount of \$173,030 and Establishing a project budget of \$198,984. Page 110
Dean Mealy, Procurement and Contract Manager
6. RESOLUTION NO. 081-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the amount of \$135,139 to Coastal Eco-Group, Inc. for the 2023 Mid-Town regulatory required biological monitoring and the 2023 FDEP BMA cell-wide monitoring reporting, and establishing a biological monitoring and reporting phase budget of \$148,000. Page 114
Dean Mealy, Procurement and Contract Manager
7. RESOLUTION NO. 082-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order in the amount of \$162,996.10 to Coastal Protection Engineering, LLC, for the 2023 FDEP BMA cell-wide annual biological monitoring, and establishing a biological monitoring phase budget of \$178,000. Page 127
Dean Mealy, Procurement and Contract Manager
8. RESOLUTION NO. 083-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order in the amount of \$177,470 to Applied Technology & Management, Inc., for Town-wide 2023 Annual Physical Surveys and Establishing a Physical Monitoring Budget of \$195,000. Page 143
Dean Mealy, Procurement and Contract Manager
9. RESOLUTION NO. 084-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Southern Sewer Equipment Sales Inc. for the Purchase of a new Vac-Con Sewer Combination Cleaner truck in the amount of \$515,070.00 and Establishing a project budget of \$517,000.00. Page 147
Dean Mealy, Procurement and Contract Manager
10. RESOLUTION NO. 085-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Page 152

the Town of Palm Beach, Palm Beach County, Florida, Approving the award ITB 2023-44 Phipps Plaza Restoration to Sherlock Tree Company Inc in the amount of \$299,638.35 and Establishing a Project Budget of \$315,000.00.

Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Accept Donation from the Kerry and Simone Vickar Family Foundation Page 157
Nicholas Caristo, Chief of Police
2. Authorization for Road Closure of Peruvian Avenue (300 Block) for a Crane to Install a Large Banyan Tree in the Rear of 341 Peruvian Avenue Page 162
H. Paul Brazil, P.E., Director of Public Works
3. Request to Consider Ordinance No. 009-2023, 010-2023, and 011-2023, at the July 12, 2023, Public Hearing Prior to 5:00 PM. Page 165
Wayne Bergman, Director of Planning, Zoning and Building

X. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. RESOLUTION NO. 073-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the Award of Construction Final GMP to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation in the Amount of \$14,855,756 and Establishing a Project Construction Budget of \$15,913,032. Page 168
Dean Mealy, Procurement and Contract Manager
2. Phipps Ocean Park Project - Legacy and Contract Grown Trees Donation Page 172

RESOLUTION NO. 091-2023 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Donation of Legacy and Specied Trees/Plants Which Will Be Contract Grown for Phipps Ocean Park from the Preservation Foundation of Palm Beach.
Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture
3. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 177
H. Paul Brazil, P.E., Director of Public Works
4. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update Page 193
H. Paul Brazil, P.E., Director of Public Works

5. Port of Palm Beach Strategic Master Plan Discussion

Page 210

TIME CERTAIN: 11:00 AM

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

C. New Business

1. Watershed Report

TIME CERTAIN: 12:00 PM

Reinaldo Diaz, Lake Worth Waterkeeper

XI. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to Prohibiting Persons from Standing in the Public Rights of Way, Roadways or Public Sidewalks for any Purpose which Interrupts the Normal Flow of Vehicular or Pedestrian Traffic

Page 212

ORDINANCE NO. 013-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks and Other Public Places At Article II, Streets To Create A New Section 106-48 Prohibiting Persons From Standing In The Portion of, Public Rights of Way, Roadways or Public Sidewalks of The Town For Any Purpose Which Is Intended to or Actually Interrupts The Normal Flow of Vehicular or Pedestrian Traffic or For The Purpose of Inviting or Enticing A Person To Enter A Commercial Establishment Adjacent To Said Right of Way, Street or Sidewalk; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

2. Proposed Ordinance to Amend the FY23 Budget

Page 215

ORDINANCE NO. 014-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.

Bob Miracle, Deputy Town Manager - Finance and Administration

3. Proposed Ordinance to Amend Chapter 114 of the Town Code Relative to Local Business Tax

Page 219

ORDINANCE NO. 015-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Live meeting audio is available on the Town's website at <https://www.townofpalmbeach.com/>. To listen to the live stream, please visit the Meeting Audio page and select the "In Progress" or "Click Here to Listen" button.
- Note 2:** In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. Alternative public comment is also welcome for Town Council Meetings via four methods:
- To make a public comment virtually, email request to publiccomment@townofpalmbeach.com and identify desired agenda item(s) to be addressed.
 - Written public comment submittals should be sent to publiccomment@townofpalmbeach.com,
 - Direct written entry into the public meeting record through the eComment portal, or
 - In-person submittal of a written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.
- Note 3:** As a public business meeting, the chair retains the right to limit discussion on any issue.
- Note 4:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, he/she/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.
- Note 5:** Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for

discussion.

**OTHER AGENDA
ITEMS:**

Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk

- a. June 13, 2023, Town Council Meeting Minutes
- b. June 14, 2023, Town Council Meeting Development Review Minutes

Presenter

ATTACHMENTS:

- ▣ **June 13, 2023, Town Council Meeting Minutes**
- ▣ **June 14, 2023, Town Council Development Review Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON JUNE 13, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of June 13, 2023, was called to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation, and Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

Request to have an update regarding the FDOT project at SR A1A.

Council Member Araskog thought the Mar-a-Lago Club agenda item from the last meeting should be revisited due to the technical difficulties experienced at the May Town Council meeting.

Request for Update Regarding Conversion of Sunset Avenue to a One-Way Street.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to allow for reconsideration of the Mar-a-Lago project as requested. Council Member Crampton seconded the motion. On roll call, the Motion passed unanimously.

Council President Zeidman stated the Mar-a-Lago item would be heard under "Other."

Mr. Randolph advised the Town Council that this item should be put on a future agenda to allow a representative from the Mar-a-Lago project to attend the meeting. Mr. Randolph said adequate notice must be given before the council hears the item. It was decided that at the end of the meeting today, Town Council will hear Council Member Araskog's comments and make a decision on whether or not to pursue this item on a future agenda.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to withdraw the motion to reconsider and add Council Member Araskog to the end of the meeting agenda to make her comments. Subsequently, the Town Council will determine if this item needs to be placed on a future agenda. On roll call, the Motion passed unanimously.

Mr. Randolph advised the Town Council to let Harvey Oyer, who represents Mar-a-Lago, know today what direction the council will take.

Harvey Oyer, Shutts and Bowen, LLP, Attorney representing Mar-A-Lago, stated he would be available on July 12th if the Town Council reconsidered the agenda item. He would be unable to stay today for an afternoon discussion.

Council Member Cooney asked for an update from the Police Chief about the conversion of Sunset to a one-way street. Chief Caristo provided a brief update on traffic mitigation measures that the Town Council had discussed in February. He stated that an alternative method had been piloted, allowing for a right turn only, and that was ineffective. The staff will continue working to make the street one-way because it would make sense and improve safety.

Council Member Araskog recommended that public education pertaining to the change be done through the newspaper, the alert system, and the Civic Association. She thought another public education campaign would be helpful when people returned home for the season.

ITEMS TO BE CONSIDERED UNDER ANY OTHER MATTERS

1. Re-consideration of Guardhouse at Mar-A-Lago Club
2. Zoning in Progress (ZIP) Regarding Restaurants, Bars, Nightclubs

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the agenda, as amended. On roll call, the Motion passed unanimously.

V. RECOGNITIONS

- A. Recognition of Nicholas Coniglio for his service on the Recreation**

Advisory Commission from April 2016 to April 2023
Danielle H. Moore, Mayor

Mayor Moore recognized Nicholas Coniglio for seven (7) years of service on the Recreation Advisory Commission and presented him with a plaque from the Town.

Mayor Moore announced employee years of service milestones:

Five (5) Years - Robert Richardson, Firefighter/EMT (FR) and Leonardo Montalvo, Firefighter/Paramedic (FR); Ten (10) Years - Justo Quintana, Combination Plan Reviewer (PZ&B) and Eric Ward (PD); and Twenty-Five (25) Years - Erin Mellon, Water Resources Technician II (PW).

Gerald Satern, Fleet Mechanic Supervisor (PW), will be retiring in June after sixteen (16) Years of Service.

Mayor Moore thanked Eric Brown, who attended the Employee Appreciation Party the day after he retired. He brought his wife, the Mayor of Westin, Florida. She thanked them for attending the party.

VI. PRESENTATIONS

A. Presentation by Palm Beach County Commission on Ethics *Gina Levesque, Intake and Compliance Manager*

Ms. Levesque spoke to the Town Council about the Palm Beach County Commission on Ethics and their goal to enhance public trust in government. She said the Commission was created to provide oversight, transparency, and accountability for over 12,000 officials, public employees, and advisory board members. The Commission has jurisdiction over lobbyists, principles, and employers of lobbyists and vendors. The Commission is independent of any county or municipal government, and its commissioners are five community members appointed by independent groups throughout the county. The Code of Ethics is a twelve (12) page document that creates a backstop to enhance public trust by ensuring that public officials and employees conduct themselves independently and impartially and do not use their offices for any private gain. The availability of the local Commission on Ethics staff to train and answer questions through advisory opinions may prevent ethical misconduct from becoming criminal misconduct. Ms. Levesque stated that all advisory opinions, gift forms, voting conflict forms, outside employment forms, and complaints are on the commission's website under the databases tab.

Council Member Crampton said there had been some controversy in the media and elsewhere about the financial reporting requirements that will change next year. Ms. Levesque responded that the change in financial reporting is not under the jurisdiction of the Palm Beach County Commission on Ethics.

Mayor Moore said that if an official is in office on December 31, 2023, the new Form 6 will be required for financial disclosure. The new form is quite detailed. However, Mayor Moore was informed that there is an opportunity to consolidate reporting items. She noted that this change had been pending approval for several years.

Council Member Araskog had spoken with the Commission on Ethics, shared her conversation with the Town Council, and discussion ensued.

Ms. Stone informed the Town Council that there would be a Florida League of Cities in-person training in July for all elected officials in the county. They would have someone on hand to explain Form 6 requirements.

Mayor Moore suggested a workshop be conducted for Palm Beach Town Council members.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

No additional comments.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay thanked Mayor Moore for the summer kick-off party. She said it was a wonderful experience.

Council Member Cooney was disappointed to hear that the newsroom employees of the Palm Beach Post and Palm Beach Daily News had to make the tough decision to go on strike. He said local journalism is important for democracy, and there has been a deterioration in the caliber of local news coverage, which he believes is a disservice to residents. Council Member Araskog stated that several employees were terminated which has led to a reduction in reporting. Council President Zeidman thought the newsroom staff was trying their best to stay engaged with local government.

IX. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

Diane Bueller, Friends of Palm Beach, stated that trash is abundant. Crews have been busy every day, and the sargassum has arrived but is not as bad as in prior years. Turtle nest numbers in towns south and north of Palm Beach have almost doubled, which is a positive sign. She encouraged the Town Council to remind residents of the need for lights off since lights would spook the turtles and cause them to dump their eggs and leave the beach. A clean-up will be hosted Saturday, June 17, 2023, at 1576 South Ocean Blvd.

Douglas Batten, representing Batten Construction, stated that the recent ordinance, effective December 20, 2022, prohibits noise-generating construction on Saturdays. This ordinance represents the most significant scheduling impact on construction companies they have ever experienced. He acknowledged the intention of the ordinance to preserve the peace and quality of life for Palm Beach

residents and visitors. However, the ripple effect on construction schedules has been significant. He was fearful that the new ordinance would cause every significant Worth Avenue District project to require an extension of time under typical conditions. Mr. Batten said the new ordinance impacts 26% of potential workdays from the schedule with no provision for extension of daily hours or project durations. He hoped to discuss, understand, and reach a balanced solution that would uphold the community's tranquility without bringing construction to an impractical standstill.

Council President Zeidman acknowledged that there have been discussions pertaining to the impact on construction. Council Member Araskog said the problem is with the notion of setting a precedent if Worth Avenue rules are modified from other construction projects. She thought it would be beneficial to put this discussion on the future agenda for Worth Avenue. She believes the whole Town Council needs to look at the issue.

Mayor Moore mentioned that condominiums in the South end also have six-month restrictions.

X. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and heard under Item No. XIII.A.:

- X.C.2. Request to Hold Preservation Foundation of Palm Beach Event in Bradley Park
- X.B.10. RESOLUTION NO. 072-2023

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk
 - a. May 9, 2023, Town Council Meeting Minutes
 - b. May 10, 2023, Town Council Meeting Development Review Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 24, 2023.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 049-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Mock Roos Consulting Engineers

for Town-wide Stormwater Pump Station Condition Assessment in the amount not to exceed \$100,000.

Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 064-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the amount of \$64,350 to Kimley-Horn and Associates, Inc. for Construction Phase Services for the A-39 Wastewater Pump Station Structural Repairs.

Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 065-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-29, Parking Lot Expansion at Par 3 to R & D Paving in the Amount of \$129,203.60 and Establishing a Project Budget of \$142,123.

Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 066-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-40, Sanitary Sewer Repairs at Multiple Locations to Johnson Davis in the Amount of \$240,000 and Establishing a Project Budget of \$276,000.

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 067-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a purchase order to Kimley-Horn and Associates, Inc. in the amount of \$175,100 for a Town-wide Wastewater Pump Station Condition Assessment.

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 068-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving retro-active authorization for issuance of purchase orders to Duval Ford for three F-150 vehicles in the amount of \$99,652.56.

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 069-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2023-36, Emergency Food Services to TooJays and GRL Investment Group LLC.

Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 070-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-28, Seaview Tennis Courts Resurface and Fence Replacement Project to Professional Tennis Court Services in the amount of \$326,375.18 and Establishing a project budget in the amount of \$375,331.

Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 071-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector for Phase 2 of the Town's computer and storage infrastructure in the amount of \$90,570.

Dean Mealy, Procurement and Contract Manager

10. RESOLUTION NO. 072-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Business Information Systems, DBA BIS Digital for Town Council Audio Video Technology in the Amount of \$202,203 and Establishing a Five-Year Award in the amount of \$261,556.80.

Dean Mealy, Procurement and Contract Manager –

Pulled and Heard as Item No. XIII.A.2

11. RESOLUTION NO. 074-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-26, AC Replacement Project to Pilar Services Inc. for Par 3 Clubhouse in the Amount of \$79,050 and Establishing a Project Budget of \$86,955 and to Florida Mechanical LLC for Town Hall and Central Fire in the amount of \$110,760 and Establishing a Project Budget in the amount of \$121,769.

Dean Mealy, Procurement and Contract Manager

12. RESOLUTION NO. 075-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-41, A-39 Wastewater Pump Station Structural Repairs to Murray Logan Construction, LLC in the Amount of \$490,628 and Establishing a Project Budget in the Amount of \$563,500.

Dean Mealy, Procurement and Contract Manager

13. RESOLUTION NO. 076-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Asset Works for Fueling Station Hardware and Software in the Amount of \$73,652.88 and Establishing a Project Budget in the Amount of \$80,000.

Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Acceptance of Donation from the Palm Beach Police and Fire Foundation
Darrel Donatto, Fire Rescue Chief
2. Request to Hold Preservation Foundation of Palm Beach Event in Bradley Park

XI. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Code Enforcement Board

Bram Majtlis, Chair

Mr. Majtlis summarized the activities of the Code Enforcement Board and staff from May 1, 2022 through April 30, 2023. He recognized the members who serves on the Code Enforcement Board and staff. Mr. Majtlis was elected as Chairman at the May 2023 meeting, and Scotch Peloso was elected as Vice Chairman.

Mr. Majtlis reported that the Code Enforcement staff received 2,380 complaints, an increase on last year's one thousand eight hundred twenty-eight (1,828). One thousand four hundred nineteen (1,419) of the complaints were initiated by Code Enforcement Officers as compared to the previous year's number of eight hundred eleven (811). A total of 5,237 inspections were completed, an increase on the previous year of four thousand one hundred eight-five (4,185). Eight hundred forty-three (843) code violation warnings were written, and 673 verbal warnings were given. There were 140 Notice of Violation letters issued. Sixty-eight Notices of Violation citations were issued. One hundred and one (101) Board Orders were issued. One hundred seventeen (117) Right of Way violations were written, which increased from the previous year.

Council Member Crampton asked staff to let the Town Council know what percentage of the activity of the Code Enforcement Board has increased. Council President Zeidman stated that the complaints that staff initiated over the previous year were 59 percent. Council Member Crampton asked if, in general, the Code Enforcement Board would welcome additional staff to help increase the activity of the Board. Mr. Majtlis said yes.

Council Member Cooney complemented the Code Enforcement Board on the great job they are doing. He was delighted to see increased activity, particularly with the new state law prohibiting anonymous complaints. He does see potential for improvement in the communication between the Police and the Planning, Zoning and Building Departments.

Council President Pro Tem Lindsay thanked Council Member Cooney and Mr. Randolph for a great outcome in the recent large issue that was resolved. She asked if a trend had been noticed or if there was an area of Code Enforcement where improved education would be helpful.

Mr. Blouin noted that the Code Enforcement adjudicates code enforcement cases, and some of the changes have been made in conjunction with direction from the Town Council. He said there had been a concentration on construction over the past few

years. In addition, he noted there is an increased need for enforcement in the evenings and at night in commercial areas.

Council President Zeidman asked where most of the code violations were occurring. Carla Marcote, Code Enforcement Specialist, said most complaints are construction and permit related.

Council President Pro Tem Lindsay suggested looking at the code to determine if anything can be done to get staff out in front of the violations. Council President Zeidman agreed. She recognized that everything that can be done is being done to control construction at the Vineta. However, the residents who live in that area will want to know why they are expected to call in violations rather than having proactive code enforcement.

Council Member Araskog thought there was a large sum of money in the Planning, Zoning and Building Department. She believed that more Code Enforcement Officers were necessary. She inquired about the use of contract employees in code enforcement. Mr. Blouin said the intent is to hire additional Code Enforcement personnel.

Police Chief Caristo said the increase in Code Enforcement cases has been significant. He said an increase in pace has been due to the addition of two nighttime Code Enforcement Officers. He said it is a process to get the right people in place, and that is something his staff is working on. He said Code Enforcement personnel definitely coordinates with the Planning, Zoning and Building and Public Works staff.

Council Member Crampton stated that the Town Council is listening to the residents' complaints regarding parking, valets and nuisance establishments and will ensure that the staff has the needed resources to handle these issues.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to accept the Annual Report of the Code Enforcement Board. On roll call, the Motion passed unanimously.

A break was taken at 11:00 a.m. and the meeting resumed at 11:15 a.m.

XII. COMMITTEE REPORTS

- A.** Report of the Ordinances, Rules and Standards Committee meeting held on May 23, 2023
Julie Araskog, Chair

Council Member Araskog stated that this was an overview, but the committee is still getting into the meat of the discussion. She said some recommendations are being looked into. She said she and Council Member Cooney had agreed to a meeting with

Mr. Randolph and Lieutenant Alber to devise a plan before the committee meets. The second thing the committee looked at was discussion regarding the use of motorized vehicles and devices on the sidewalks in the business district of Palm Beach.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to accept the Report of the Ordinances, Rules, and Standards Committee meeting held on May 23, 2023. On roll call, the Motion passed unanimously.

Council President Zeidman noted that there were complaints from the residents regarding noise issues particularly from the Meat Market. She said part of the problem is the use of the sub woofer bass which reverberates into the adjacent condos and that the neighborhood has changed over time to include more residential. She said the establishment was grandfathered in as a cabaret which has allowed for late-night music and dancing in an area that abuts residential properties. Mr. Randolph said the details could be reviewed during the study with the Police Department and the ORS committee. Responding to Mr. Blouin, Mr. Randolph stated that rezoning could be looked at, but consideration must be given to the Bert Harris Act.

Council President Pro Tem Lindsay said the Meat Market personnel had been contacted. This has been an ongoing problem, and they state they will change, but they do not make any changes. Mr. Randolph said there were elements that could be considered, such as reducing the hours.

Council Member Crampton felt this discussion had elevated the issue with the Meat Market. He said it was more than having a commercial establishment adjacent to a residential area.

Chief Caristo addressed the noise issues that have been addressed with the Meat Market. He said the staff is actively working on Code Enforcement Action to address the situation.

Council Member Cooney stated that he was aware of the noise emanating from the Meat Market but also noted that residents knew when they were moving to an area adjacent to commercial establishments.

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. Request to Hold Preservation Foundation of Palm Beach Event in Bradley Park
Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture

Council Member Araskog wanted to ensure that staff checked the park to ensure it was not being overused. She also thought there needed to be an increase in

refundable damage deposits, as well as a further breakdown of the number of people using the park.

Council Member Cooney pointed out a prohibition regarding Phipps Plaza Park which states “Prohibition will sunset 8/14/22” that should be removed from the application form due to that area being a residential neighborhood. It was duly noted.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the request by the Preservation Foundation of Palm Beach to hold the event in Bradley Park. On roll call, the Motion passed unanimously.

2. RESOLUTION NO. 072-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Business Information Systems, DBA BIS Digital for Town Council Audio Video Technology in the Amount of \$202,203 and Establishing a Five-Year Award in the amount of \$261,556.80.

Dean Mealy, Procurement and Contract Manager

Mr. Andy Jadoo, Director of Information Technology (IT), highlighted the upcoming City Council Chambers Audio/Visual updates. Mr. Blouin asked if the upgrade would improve the compatibility issues since there are two programs being used. Mr. Jadoo said the refresh would improve those issues. He said the new system would consolidate the existing three systems into one.

Mr. Bob Miracle, Deputy Town Manager, Finance and Administration, stated that the timeline would be two weeks in the council chambers, during which no meetings will be held in that room. The staff has been working with the vendor, and once the request is approved, a two-week schedule will be determined. It will likely be in August or September.

Mr. Jim Palmer, Information Technology Manager, provided details about the upgrades and changes that would be made to the Council Chamber and the Audio-Visual (AV) equipment.

Mr. Cooney expressed reservations about the recent change to using Microsoft Teams rather than Zoom for meetings. He thought it would be more difficult for members of the public who understood how to use Zoom. Mr. Jadoo gave the assurance that the Teams platform is also user-friendly.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Res. No. 072-2023. On roll call, the Motion passed unanimously.

B. Old Business

1. Town-wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

- a. Review of Project and Dashboard, Summary of Project Status
- b. Review of Right-of-Way Impacts from Ongoing Construction

Ms. Patricia Strayer, Town Engineer, presented an update on the undergrounding project. Ms. Strayer said the residents would be notified as the project progresses. The goal is to have the project to remove the poles from Sloan's Curve to the intersection of S. County Road and S. Ocean Blvd. completed before the Thanksgiving holiday.

Council Member Crampton asked Mr. Miracle about any financial shortfall that may emerge during the construction. Mr. Miracle said the residents would not be asked to contribute anything additional. He said the Town Council had approved the marina, with its finances, to contribute \$2.6 million annually for funding the underground project. If there were a shortfall, staff would look to increase that contribution over the next few years. Council member Crampton asked what the targeted completion date is currently projected. Ms. Strayer estimated four years from now.

Mr. Miracle said the Town is approximately 4.1 percent or \$2 million short on the revised cost opinion. There is approximately \$10 million that has been devised with financing over a period of five years to settle that deficit. Mr. Blouin confirmed the information and stated there would be no additional residential assessments. The plan will be revised as necessary.

Council President Pro Tem Lindsay was appreciative of the push to get sidewalks finished by October.

Ms. Strayer said the staff members were taking action to control pricing as best as possible and manage inflation.

There was additional discussion about the financing of the project. Mr. Blouin assured the Town Council that there would be no more residential assessments. The plan would be revised as necessary.

Mayor Moore said that a positive point to this, with regard to gas hits, is that the undergrounding project is helping FPU with locates.

Council Member Cooney noted that the town staff has been managing the project appropriately and proactively addressing how to minimize gas hits.

Ms. Strayer reviewed the Right of Way impacts from ongoing construction.

Council Member Araskog asked when the bridge painting project would be complete. Mr. Brazil stated they are allowed a whole calendar year to complete the project. The bridge painting began in May, 2023.

Council Member Crampton asked about a new project coming from FDOT on A1A. He did not think residents on the south end were clear about what the changes were from the old plan to the new plan. Mr. Blouin said it was not a new project, but a revised project.

Jason Debrincat, Assistant Director of Public Works, presented the proposed improvements for bicycles and pedestrians. He said this is a continuation of an FDOT project.

Council Member Crampton reiterated that there is now a five-foot bicycle lane on each side of the street, eleven-foot-wide driving lanes for vehicles, and a six-foot concrete pathway on the west side of the street for pedestrians. Mr. Debrincat affirmed.

Mr. Ron Matzner, 3120 South Ocean Blvd, on behalf of the Citizens Association of Palm Beach, stated they still have safety concerns with the transition going north of a five-foot bicycle lane. He said residents do not know what the transition would be from a five-foot lane. This is cause for concern about safety. He said the citizens association could not endorse this project until they knew what would happen with the middle project.

Council President Pro Tem Lindsay asked if the newer plan would have less impact on the east side of the road and on monuments that have been knocked down. Mr. Debrincat said there is no impact on the east side. They are adding two feet of pavement to the existing base with minor regrading. It will be an improvement.

The Town Council reached consensus to direct staff to attend the meeting and object to the marked bicycle lane due to safety concerns.

2. Code Enforcement Board Referral-Trevini Restaurant and Palm Beach Parking Valet Violations
Nicholas Caristo, Chief of Police

Carla Marcote, Code Enforcement Specialist, stated this case was brought before the Code Enforcement Board on April 20, 2023. At that time, the evidence showed that on February 23, 2023, the valet was in violation of using cones to mark spaces on the street, preventing patrons from parking. Inspections were performed and on March 15, 2023, the valet was in violation again for using the Publix parking lot to park their

valet cars from the overflowing parking garage. They were warned that the public parking lot was not part of their agreed-upon parking schematic. Previously on March 7, 2023, Palm Beach Parking was in violation by using Publix as a location to park vehicles. Additionally, they were using the driveways and parking over the sidewalk. Two citations were issued for continued violations. They were brought to Code Enforcement and were found to be in violation. A fine of \$150 was issued for administrative fees and \$750 for the two citations. Code Enforcement has referred this item to the Town Council because, in Trevini's zoning agreement, there is specific language stating that they must use the underground site parking. The business has grown, and the goal is to bring the violator into compliance. An agreement has been reached with a dentist at 245 South County Road to use his parking lot for the overflow. A letter of agreement has been provided. Ms. Marcote said staff will be asking for the zoning to be amended to permit the use of off-site parking.

Mayor Moore said she had spoken to Don earlier about more valets to help with the overflow. She was glad this had come before the Town Council, and she believes some accommodation is being made to reach compliance. She supported the request and said the use of Publix property must stop.

Council Member Cooney said Palm Beach Parking does a great job, and he mentioned that the problems they have been having may have been due to too many tables outside. He suggested re-evaluating the outdoor seating. In addition, the zoning plan had contemplated a plan for storing the appropriate number of cars. Council Member Cooney had looked at the seating plan, calling for a certain number of outdoor chairs. He said the more seats, the more vehicles.

Council President Zeidman suggested a letter be sent to the restaurants as a reminder of their approved seating capacities. Council President Pro Tem Lindsay stated she would like to see this type of letter drafted and signed by Police Chief Caristo.

Council Member Araskog said one of the issues experienced in the town is that businesses have not followed their approved seating plans.

Mr. Don Wrights, Palm Beach Parking, thought that as a valet parking service, they were entitled to mark off three spots for egress and ingress in front of the restaurant. He advised that not all of the businesses in Palm Beach knew they needed to have a temporary valet permit for their parties.

Mr. Wrights asked about the gray area associated with a temporary valet parking permit which is needed by businesses vs. a private event. He asked if that rule only applies to anyone who operates a business. Mr. Wrights asked if anyone else wished to have a party, whether they would need the permit, particularly if the party was being held in a private home. Mr. Wrights was advised to speak with Code Enforcement staff members.

Ms. Marcote mentioned that special event permits include terms and conditions based on the individual nature of the event.

Ms. Marcote asked if the Town Council would approve the off-site parking request.

Mr. Randolph advised there was initially a site plan review for off-site shared parking. He thought this issue should be presented to the Town Council through zoning. In addition, when it comes back the Town Council will be able to discuss the number of seats over and above what was previously approved.

Mr. Randolph said if the arrangement presented by Ms. Marcote was suitable to the Town Council, it could be approved.

**Note: Council President Zeidman recessed the meeting at 1:00 p.m. for lunch. Meeting to be reconvened at 1:45 p.m.*

3. Consideration of Approval of Modified Four Arts Agreement Regarding Lake Trail Right-of-Way.

John C. Randolph, Town Attorney

Mr. Randolph introduced the item and stated that Mr. Harvey Oyer, Shutts and Bowen, representing the Society of the Four Arts was present.

Mr. Oyer stated there was an agreement between the Town and the Four Arts establishing an easement for the bike trail. The property appraiser recorded that as a fee simple conveyance, and it was the party's intent to only have an easement conveyance. He said after speaking with Mr. Randolph, they drafted a corrected easement. Mr. Oyer said he would answer any questions even though he felt the agreement was straight-forward.

Council Member Araskog stated that she would like Section 3. Modifications to Easement Area, to change "cannot" to "shall not". Mr. Oyer agreed to this change.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the amended Four Arts Agreement. On roll call, the Motion passed unanimously.

This item was heard at 11:15 a.m.

4. Phipps Ocean Park Budget Estimate Update

TIME CERTAIN: 11:00AM

Carolyn Stone, Deputy Town Manager-Business Enterprise and Culture

Carolyn Stone, Deputy Town Manager, Business Enterprise and Culture introduced Amanda Skier, President and CEO of the Palm Beach Preservation Foundation of Palm Beach to make the presentation.

Ms. Skier asked Ms. Betsy Shiverick to address the Town Council.

Due to technical difficulties, Ms. Skier was asked to read Ms. Shiverick's comments into the record. Ms. Shiverick's sentiments were appreciation to the Town Council for supporting Phipps Ocean Park. Additional comments were made on Ms. Shiverick's behalf, which were about the estimates and adjustments made to the project costs while still keeping the critical elements in the park. The Town Council's assistance with funding for infrastructure items would allow the park to be constructed as envisioned. Ms. Shiverick respectfully asked the Town Council to consider assisting with funding for the project.

Ms. Skier presented a site map of the master plan for the project. Budget items for consideration had been highlighted on the master plan. The Town Council was asked to consider assisting with the lighting plan for the parking lots. Currently, there were fewer lights than proposed. Ms. Skier stated that in speaking with Paul Brazil, it had been stated that there may be an opportunity to work with FPL's program to fund some of the new lights in the parking lots. Also, security is of utmost importance in the update to the park. A line item for \$250,000 had been added for security cameras and security gates at the vehicular entrances. She requested the Town Council's consideration to assist with the security systems. Ms. Skier stated that the design had included perimeter walls due to requests from the adjacent property owners. This would be another opportunity for the Town to assist with the cost. Restrooms, as they exist, are institutional and old. There were planned updates in the design, which added more expense to the project.

Council President Pro Tem Lindsay asked how extensive the lighting package would be given the anticipation of opening at dawn and closing at dusk. Mr. Brazil said it would be minimal. She also asked about the irrigation plan due to the native species plants used in the project. Mr. Brazil said the current pricing might include more irrigation than would be needed long-term.

Council Member Crampton said Phipps Ocean Park is of great value to the Town of Palm Beach. He stated he would be open to considering town support for certain budget items that the Town would likely do in any situation to support a park. He felt that negotiations should take place with staff and then presented them to the Town Council subsequently. He said there was a lot of positive support for the project but staff should work out the details related to budget and costs.

Council President Zeidman stated she realized the \$7 million budget shortage. However, the Town Council had not seen the budget yet. She said it would be necessary to consider the budget in its entirety, as well as prioritizing items in the budget. She asked if the overage (delta) was anticipated to decrease or increase. Mr. Brazil said he believed there were still opportunities to adjust the price without changing the character of the project. He said there was contingency built into the budget projections. Ms. Skier said the GMP would be known and could be shared with Town Council members upon receipt.

Mayor Moore acknowledged the park would be beautiful. She mentioned the Town Council has other priorities and considerations that have to be discussed and decisions have to be made. She said a commitment of \$7 million from the town would be out of the question. She said it was important to be conservative about the expenses associated with the project. She encouraged the Foundation to continue working with Mr. Brazil, Ms. Stone and Mr. Blouin.

Ms. Skier said \$7 million is the difference between the estimated cost of the project and the amount of money that had been raised for the project. She said a gift in any amount from the town would be helpful and appreciated.

Council Member Araskog was concerned about the message to the public which was initially that the town would not be spending money on the park. She thought the public should be given an opportunity to provide input. Council Member Araskog would rather see things removed from the inside of the park to reduce costs. She was not comfortable continuing to give to the project, knowing what the council is facing in terms of budget priorities.

Council President Pro Tem Lindsay was pleased that the project funding was at 60 percent. She said many of the things discussed today needed to be about funding, but the GMP would be very important to know prior to making any financial commitment.

Ms. Skier stated the 90% plans will be completed at the end of the month and then Burkhardt will need eight weeks to establish the GMP.

The Town Council provided direction to staff to continue to work with the

Preservation Foundation. Mr. Blouin stated he would be establishing a list of budget items for the Town Council consideration.

Public Comments

Robert Davidow, 2100 South Ocean Blvd., on behalf of the Board of Trustees of the 2100 Condominium Association, complimented the Preservation Foundation and town officials with whom the condo association and residents have had the opportunity to work. On behalf of the condo residents, he expressed concern about the park becoming a tourist attraction and destination, although the condominium association was in support of the project. He discussed two elements of concern with the renovation, each within 200 ft of the condo property line, and an agreement had not been reached. He said the location of the playground and the 35' coastal restoration center were both concerning. He suggested some changes that would please the condo association.

Susan Gary, 229 Onondaga Ave., suggested considering a second phase, which would delay parts of the project for a while.

Ms. Skier said there were others who would like to comment to the Town Council, but she had advised them to wait until September.

C. New Business

1. Code Enforcement Board Referral - Bricktops Restaurant and Declarations of Use Review
Nicholas Caristo, Chief of Police

Ms. Carla Marcote, Code Enforcement Specialist, presented factual information about the Code Enforcement Board referral. This case was before the Code Enforcement Board on violation of their Special Exception #16-2010, specifically, item 10 that all garbage, including glass, shall be stored in the restaurant after 6:00 pm and must not be placed in the dumpster area until after 8:00 am the next morning; item 12, the kitchen door at the back of the restaurant shall remain closed after 6:00 pm and not reopened until after 8:00 am. This item has been referred to the Town Council for review of the special exception and possibly adding language to ensure the quality of life for the surrounding property owners. Two citations were issued with mandatory appearances before the Code Enforcement Board. The Code Enforcement Board felt that the special exception agreement, although it did not speak to noise, that it was the council's intent for the agreement to ensure the quality of life for surrounding homeowners. The Code Enforcement Board asked the Town Council to review the special exception and possibly add language that is more specific to noise with regard to the restaurant.

Mayor Moore said the business owners need to follow the rules. She believed the business owners knew the intention of the Town Council.

Mr. Randolph asked if there was a Declaration of Use Agreement. Ms. Marcote said there was a special exception use agreement, #16-2010, which was provided in the backup documents. Mr. Randolph advised that a business owner would have to be brought back to the Town Council to determine whether or not they were violating the requirements of the initial special exception.

Council Member Cooney said the special exception use agreement was standard, and conditions were attached to the approval. Mr. Randolph said the conditions in the agreement are the items that should be addressed. He was concerned with whether new conditions could be added to a special exception that had already been granted.

Mr. Mark Peak, General Manager at Bricktops, was confused about why this was being presented to the Town Council. Mr. Blouin asked him to start off by saying how he would mitigate impacts on the neighbors so as not to have any additional code enforcement violations.

Mr. Peak said they went to the board at the condominiums and spoke with them to find out what was creating the undesirable conditions. He said some changes have been made, and the back area has been rubberized to avoid clanking sounds. He said the cleaning crew enters through another door, and he is interested in improving the neighborhood's quality of life.

Council Member Cooney empathized with Mr. Peak's position because keeping wet kitchen garbage is not sanitary. He was looking for balance and an understanding of the position of Mr. Peak given the operational realities of complying with the special exception agreement.

Council Member Araskog said she understands the situation, but a compromise is necessary. She asked how many other restaurants had a similar agreement. It would be difficult to put the garbage out after 8:00 am if the garbage pickup personnel came at 8:00 am. Mr. Brazil said the garbage pickup crew was on a route, and it would be extraordinarily challenging to skip someone and return for one customer. Mr. Brazil said it is a set route, and the condominiums are commercial customers, also. He said that a specific time could not be guaranteed.

Ms. Marcote stated the Code Enforcement Board is looking for direction from the Town Council because they have exhausted their options.

Mr. Blouin said additional administrative solutions will be explored, but in the meantime Code Enforcement needs to continue following their protocols.

Mr. Randolph advised that the restaurant manager should continue to work with the Code Enforcement Board to bring his operation into compliance.

2. Proposed Addition of a Louvered Pergola to the Mandel Recreation Center

Mark Bresnahan, Director of Recreation

Mr. Bresnahan presented the Pergola for consideration. This item is for concept approval. The reason the pergola was not added to the project initially was that it was value-engineered out, and a shade tree was under consideration for this location at the time. The Town Council was supportive of the pergola.

Council President Zeidman thanked the Friends of Recreation for contributing to this project.

Council Member Araskog thought the pergola approval should be conditioned upon the approval of ARCOM.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the louvered pergola at the Mandel Recreation Center on condition that ARCOM approval is received. On roll call, the Motion passed unanimously.

XIV. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Section 106.48 of the Town Code, Relative to Unlawful Solicitation from Public Streets or Sidewalks

ORDINANCE NO. 007-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Repealing Section 106.48, Titled "Unlawful To Solicit from Public Streets or Sidewalks", Providing for Severability, Providing for Repeal of Ordinances in Conflict, for Codification, Providing an Effective Date.

Mr. Randolph read the ordinance by title only.

Motion was made by Council Member Crampton and seconded by Council

Member Araskog to adopt on second reading Ordinance No. 007-2023. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to Prohibiting Persons from Standing in the Public Rights of Way, Roadways or Public Sidewalks for any Purpose which Interrupts the Normal Flow of Vehicular or Pedestrian Traffic

ORDINANCE NO. 013-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks and Other Public Places At Article II, Streets To Create A New Section 106-48 Prohibiting Persons From Standing In The Portion of, Public Rights of Way, Roadways or Public Sidewalks of The Town For Any Purpose Which Is Intended to or Actually Interrupts The Normal Flow of Vehicular or Pedestrian Traffic or For The Purpose of Inviting or Enticing A Person To Enter A Commercial Establishment Adjacent To Said Right of Way, Street or Sidewalk; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John C. Randolph, Town Attorney

Mr. Randolph read the ordinance by title only.

Mr. Randolph stated that the ordinance had been modified to include the prohibition of persons from standing in the right of way to conduct business.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve the first reading of Ordinance No. 013-2023. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend the FY23 Budget

ORDINANCE NO. 014-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.

Bob Miracle, Deputy Town Manager -Finance and Administration

Mr. Randolph read the ordinance by title only.

Mr. Miracle explained that a budget amendment is required to appropriate additional funds in the General Fund to balance estimated costs related to the Zoning Code Review process. Also, a budget amendment is required to appropriate additional funds in the equipment replacement fund to allow the Public Services Department to order a sewer vac truck and a rear-load garbage truck. These items are budgeted and Mr. Blouin advised the current vehicles have exceeded their useful life and these items have a long lead-time once purchased.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay approve the first reading of Ordinance No. 014-2023. The motion was then withdrawn.

Council Member Araskog suggested deferring this approval to find out how much of the budget amendment will be paid to ZoneCo and how much would be for the vehicle purchases. She would like to see the ZoneCo amendment broken down to show exactly what the payouts will be, to whom and for what purpose.

Mr. Randolph advised that this ordinance is to adopt the budget, amendment not an obligation to make the payments. He said if corrections are made, first reading would have to be tomorrow.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer the first reading of Ordinance No. 014-2023 to the June 14, 2023 Town Council Development Review Meeting. On roll call, the Motion passed unanimously.

Anita Seltzer, 44 Cocoanut Row, expressed disappointment that the breakdown data was unavailable today since it had already been requested. There was a brief discussion. Council President Zeidman commented and stated there would be additional discussion on this on June 14, 2023.

3. Proposed Ordinance to Amend Chapter 114 of the Town Code Relative to Local Business Tax

ORDINANCE NO. 015-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

Mr. Randolph read the ordinance by title only.

Mr. Bergman provided details of the ordinance. He said per Florida Statute 205, the town may increase Business Tax Receipt fees every two years by an amount not to exceed five percent. If approved upon the first reading, the second reading will be held, and new fees will be incorporated in mailing for new business tax receipts in July. He said the increase would represent approximately \$42,000 per year and has been reflected in the Town's long-term financial plan. He also mentioned staff recommends adoption of this ordinance and that to become effective, it requires a super-majority vote by Town Council.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 015-2023. On roll call, the Motion passed unanimously.

XV. ANY OTHER MATTERS

1. Mar-A-Lago

Council Member Araskog was not heard at the last meeting due to technological difficulties. She noted in the town requirements for granting a special exception, it states "the use is so designed, located and proposed to be operated that the public health, safety, welfare, and morals will be protected." When Captain Guelli spoke, he stated that it was unsafe and that nothing more than a motorcycle could pass during high-traffic situations. She questioned how a special exception could be approved when an unsafe condition was created. It was important to Council Member Araskog that special exception requirements be followed. She also stated that Mayor Moore had brought up the declaration of use and modified the number of people using the south gate. Council Member Araskog felt that the Town Council should re-review the declaration of use to try to get them to move the one area to the south end, inside Mar-a-Lago, which would improve safety. She stated that Captain Guelli had provided testimony that an unsafe situation would be created.

Council Member Araskog asked the Town Council to consider a motion to reconsider the Mar-A-Lago special exception.

Mr. Randolph advised that someone on the prevailing side must request reconsideration.

There was no motion.

2. Zoning in Progress

Mr. Randolph advised that a discussion of the Zoning in Progress Resolution may be best heard in July after the law is in effect. At that time, the Town Council would recognize that the Resolution is void.

Discussion ensued, and Mr. Randolph asked if it would be safe to allow

the Resolution to void upon the state law becoming effective or if the Town Council would be safer by repealing the resolution.

There was consensus among the Town Council to wait until July to discuss this item after the State law goes into effect.

XVI. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council Member Arasko to adjourn the Town Council meeting of June 13, 2023 at 4:30 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on June 14, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on June 14, 2023, at 9:33 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore stated she did not have any comments.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

No one indicated a desire to speak.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning and Building, stated that in addition to the items listed for deferral on the printed agenda, the following items were being modified:

Deferral of Item VIII. B. to the July 12, 2023, Meeting
Addition of Ordinance No. 014-2023 to Item VIII. F.
Deferral of Item X.C.1.c. to the July 12, 2023, Meeting
Deferral of Item X.C.1.d. to the July 12, 2023, Meeting

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the agenda as amended. Motion carried unanimously, 5-0.

VII. APPROVAL OF THE CONSENT AGENDA

- A. ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. [The Landmarks Preservation Commission approved the paint color "Fresco Crème" for this project at the May 17, 2023, meeting. Carried 7-0.]

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the consent agenda as presented and that the projects contained within the Consent Agenda meet the requirements of Chapter 134, Section 134.229 items 1-14 for the Special Exception and Chapter 134, Section 134-326 for the Site Plan Review. Motion carried 4-1, with Council Member Cooney dissenting.

A discussion ensued about what item to take next on the agenda before the 10:00 a.m. time certain. The Town Council decided to hear Item X.C.2.c. at this time.

**VIII. CODE REVIEW & CODE REVIEW DISCUSSION ITEMS
10:00 AM TIME CERTAIN**

A. Code Review

1. Code Review Update from PZ Commission Meeting Regarding North End Zones & Standards

Sean Suder, ZoneCo., stated that much information had been gathered through the activities that had taken place as part of the zoning review project. There were four modules of the project, and it was time to move forward to the codification module. The goal was to craft clear, consistent, user-friendly, resilient, and defensible zoning regulations, customized to the Town of Palm Beach, that reflected the vision of the community today and tomorrow; and to update the current zoning regulations that currently reflected and originated from the 1970's with piecemeal updates since that time.

Mr. Suder stated that he had learned over time, that the best practice should start with the consultants and professional planning staff prior to any proposals or ideas being presented to the Planning and Zoning Commission, Town Council, or the public. He felt a step needed to be taken back in the direction that would allow ZoneCo to work with the professional town staff. Once that opportunity had been provided, he and staff would have a chance to iterate and produce some information for a productive public reaction and

discussion.

ZoneCo would like to modify the work schedule and approach as follows: The consultant team and professional planning staff would hold regular sessions during the summer to work through the pressing issues before presenting proposals to the Town Council. Mr. Suder stated that draft sections of the new code would be delivered to the planning staff with an allowance of time for them to review it. The planning staff would then provide written comments to ZoneCo. Subsequently, ZoneCo would work toward a full administrative draft code that would be reviewed by planning staff and result in a review draft for the public. Along the way, the Planning and Zoning Commission and Town Council would be engaged in discussions at their regular meetings. Mr. Suder said that sometimes there would be special meetings about specific issues, all conducted in preparation for a public review draft document. He stated that zoning engagement was different from comprehensive plan engagement. Mr. Suder believed the described process, which was ZoneCo's typical process, would yield more productive conversations and result in a better code product.

Council Member Cooney presented his thoughts regarding the memo and the flurry of public communications. He asked if it would be productive to discuss legal issues regarding the Town's timeline and approach to code reform, both from a Bert Harris perspective and from a Senate perspective.

Council President Zeidman explained the process in terms of taking a pause to reset the process. She discussed how residents were upset after the last Planning and Zoning Commission meeting because they did not feel the focus was on what they thought it should be.

Council Member Cooney thought some of the proposals from Mr. Suder made sense, but he had some hesitation regarding concerns from the Planning and Zoning Commission meeting. He viewed this as a process and thought it was very important to view the entire project as such. His hesitation about the current proposal was whether the process would become less transparent. He felt that public communication, participation, and transparency were fundamental when the council embarked on the proposal.

Council Member Crampton recognized that a process pivot was necessary. He said public participants had made some interesting comments. He asked if the schedule set forth was adequate for staff and the public review. Mr. Bergman said he believed the schedule was workable. He also pointed out that there would be an additional 6 months for review because of Senate Bill 250. Council Member Crampton thought that a full code to review, in context, would make sense. He thought at this point, the process was more important than the product.

Council Member Araskog said the public had not seen the information being discussed and she believed the public should have a right to contribute to the discussion. She had not seen the results from the charettes, and she had questions about where ideas had derived. Mr. Suder responded.

Council President Pro Tem Lindsay thought it would be a great idea to slow the process. She said ensuring staff would have adequate time to digest the information before presenting to the next level was very important. She was not surprised by the reaction from the residents of thinking the R-B district was a one size fits all. She specifically thought the R-B district needed to be addressed.

Mayor Moore also thought slowing the process was a good decision. She said some people like box-styled houses, but one of the things she thought may have been forgotten was that houses being constructed today went through the Architectural Review Commission (ARCOM) process a year ago. Now that ARCOM has a new vision for being stricter and in alignment with the ARCOM ordinance, the fruits of their labor will not be seen until a year from now.

Council President Zeidman thanked Mr. Suder for his expertise and his ability to remain calm throughout the process. She said the Town Council developed a process along with staff and the consultants as to how to best proceed with Code Review. Typically, according to the consultants, a steering committee would be selected to vet recommendations from the consultants. Since we have a Planning and Zoning Commission it was decided by Council to use our Commission which is advisory to Council for this purpose. She also believed that the Architectural Review Commission (ARCOM) had done an exemplary job in listening to the residents' concerns in their reviews.

Council President Zeidman did not believe the diversity of opinion was the problem, though she acknowledged that passionate differences of opinion in two camps would make moving forward on some issues difficult. She felt that the staff and consultants, who were the experts, needed more time to engage. She urged the Council to rely on the professionals that had been engaged to administer the process which would then be vetted by the Commission, Council and residents.

Council President Zeidman shared Council Member Cooney's concern about overreaction. She noted there was another group of residents who wanted something entirely different, and that was where balance would be necessary. She thought the plan presented by Mr. Suder was adequate, but also acknowledged transparency to the public would be important. Council President Zeidman requested the proposed plan be reworked to allow for more public engagement and inclusion of certain groups. She iterated that FEMA was here to stay and would need to be followed with new

construction. She urged all involved not to allow SB 250 to cause the Town to make wrong decisions because of its restrictive language.

There were additional comments by the council members in reaction to the discussion. Mr. Suder suggested the slower approach may be the best way to move forward, but he did not want to get too far into the process, to only learn there needed to be additional pivots.

Mr. Suder did not think the change in process would change the cost but would spread it out. He said the main driver of the cost had been meetings but the cost of drafting the code with graphics could be easily projected. The variable was the time. Mr. Suder said the project would not necessarily dictate the cost. What was proposed in the latest purchase order was probably more than necessary, but the goal was to ensure there would be enough. That purchase order would be a guaranteed maximum price, not a fixed price.

Council President Pro Tem Lindsay noted that when staff and the consultants got to the point of sharing the final draft product, there would need to be contextual graphics to assist the Town Council in visualizing the concepts.

Council Member Cooney also thought it might be helpful to invite local professionals to review and provide feedback. He urged the consultants to provide a “check in” process along the way so that recommendations would not wind up out of alignment with the town vision. Mayor Moore added that the professionals were members of the community and should put some effort into participating in the process rather than waiting to be invited.

Council President Zeidman said it was important to communicate with all the various groups and it was also important not to overlook the real estate community.

Council Member Cooney said the breakdown of lot sizes provided by the staff was helpful. He asked for it to be further broken down into 5,000 increments.

Public Comment

Leigh Dunston, 282 Monterey Road, thanked the Town Council for volunteering their time. He stated that many homes in the north end were too large. He addressed property rights and bulk standards versus CCR. He thought a constraining, measurable feature needed to be instituted in the new proposal.

Anne Pepper, 333 Seaspray Avenue, questioned why FAR would not work and why limiting the size of a home on a lot would not work. She thought that the study should not be restrained by SB

250.

Martin Klein, 1060 N. Ocean Blvd., requested time to digest the information before anything was adopted. He requested that the public have the opportunity to be engaged.

Katherine “KT” Catlin, 265 Fairview Road, thought breaking down the lots by size was a good idea. She was in favor of the check-ins suggested by Council Member Cooney. She thought the traffic and logistics needed to be addressed sooner and could ease some pain points for the residents.

Jeffrey Smith, 241 Sanford Avenue, was glad to see the process slow down. He discussed the issues he noticed in the proposal. He stated a preference for CCR over FAR. He provided suggestions on the items in the proposal.

Council President Zeidman asked about the CCR calculation and why Mr. Smith preferred CCR. Mr. Bergman stated that staff had a difficult time verifying CCR calculations.

Mr. Suder stated that CCR was used to calculate volume. He discussed the origins of FAR and how it would be used in residential construction. He discussed the possible use of lot coverage.

Mr. Dunston had problems with the exclusions from lot coverage.

Mr. Klein thought the debate regarding CCR and FAR was important.

Anita Seltzer, 44 Cocoanut Row, thought that many of the variances being approved were creating hardships.

Bill Metzger, 277 Esplanade Way, expressed his gratitude for the Town Council.

Council President Zeidman asked for an updated schedule and cost from ZoneCo.

Please note: A short break was taken at 12:40 p.m. The meeting resumed at 12:47 p.m.

2. Code Review Discussion & Direction Regarding North End Zones & Standards

- Defining the North End zones (R-B and R-L)
- Review of Charrette Findings in the
- North End Defining New R-B and R-L Standards

Sean S. Suder, ZoneCo., Planning Consultant

Joe Nickol, Yard & Company, Planning Consultant

This item was not discussed and removed from the agenda.

- B. Update from PZ Commission Meeting Regarding Rooftop Commercial Mechanical Equipment

Wayne Bergman, Director of Planning, Zoning and Building

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

- C. Discussion/Clarification Regarding SB 250 - Definition of "Restrictive"

John Randolph, Jones Foster, Town Attorney

Mr. Randolph offered his opinion on the meaning of “restrictive” in SB 250. He thought the word restrictive was quite clear. To him, he said more restrictive meant that if anything in the code that people could do prior to SB 250 was changed, making that thing more difficult, that would be “restrictive.” He advised the Town Council to take a more conservative approach.

Mr. Randolph said the question was raised about the meaning of the word “proposed” in the act. Mr. Randolph described how he believed a proposal from the Planning and Zoning Commission could be problematic as someone who was affected by the change could claim that the ordinance was void at issue. He noted that this would not prohibit the continuation of studies that are in progress.

Council Member Araskog asked Mr. Randolph to address how the Bert Harris Act would affect any new homeowner before and after the Code change. Mr. Randolph responded.

John Tatooles, 122 Ocean View Road, asked how the Planning and Zoning Commission items would send their recommendations to the Town Council. Mr. Randolph responded.

- D. Discussion and Consideration Regarding Future Community Engagement and Communication Plan

Maggie Zeidman, Town Council President

This item was deferred to a future agenda and not discussed.

- E. Discussion and Consideration Regarding Selecting a New Date for the July Code Review Special Town Council Meeting

Maggie Zeidman, Town Council President

This item was removed from the agenda and not discussed.

- F. Ordinance No. 014-2023 An Ordinance of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing for an Effective Date.
Bob Miracle, Deputy Town Manager – Finance and Administration

Council Member Cooney read the Ordinance by title only.

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve Ordinance No. 014-2023 on first reading. On roll call vote, the motion passed 4-1, Council Member Araskog dissenting.

Please note: A lunch break was taken at 1:03 p.m. The meeting resumed at 1:51 p.m. Council Member Araskog returned at 2:00 p.m.

IX. REGULAR BUSINESS

- A. Matters Pulled from the Consent Agenda
- B. Status Update on Project ZON-22-132 165 Bradley Place Regarding Declaration of Use and Development Order Condition
Wayne Bergman, Director of Planning, Zoning and Building

Council Member Crampton and Mayor Moore declared ex-parte communications.

Director Wayne Bergman described a change in the Declaration of Use Agreement that indicated the applicant would return to the Town Council in six months after the opening of the school, rather than the first six months.

Council President Pro Tem Lindsay thought the six months of operation should be during the height of the season.

Council Member Cooney was in agreement with Council President Pro Tem Lindsay.

Mayor Moore requested them to return to the May or June 2024 meeting so that the Town Council could observe a full season of the operation.

Andrew Speranzini, attorney representing the residents at the Parc Regents Condominiums, restated the residents' opposition to the project.

John Eubanks, attorney representing the Biltmore Condominiums, restated the residents' opposition to the project.

Jamie Gavigan, attorney representing the applicant, stated that the applicant would be happy to return at the Town Council's request.

Council Member Araskog asked about the update on the construction. Mr. Gavigan responded.

Motion made by Council Member Cooney and seconded by Council Member Crampton to amend the Declaration of Use Agreement to include the requirement that the applicant shall return to the Town Council for a review after completing a full school year, which will be on May 15, 2024. Motion carried unanimously, 4-0.

Please note: Council Member Araskog did not vote as she was not present for the full conversation.

Please note: A short break was taken at 4:05 p.m. The meeting resumed at 4:13 p.m.

C. Public Notices (Continued) - Property Postings

Wayne Bergman, Director of Planning, Zoning, and Building

Mr. Bergman discussed the public notice and postings. He showed the Town Council several examples of public notices. He also discussed the certificate of mailings that have been completed. He asked the Town Council what they would like to have noticed and provided some sample public notices. The Certificate of Mailing was shown, and staff indicated this had been implemented for eight projects. He further discussed the need for a GIS planner to create an interactive map for all projects in the Town. A budget request has been submitted to the Town Manager for a GIS specialist to work in the IT Department, but to be dedicated to the Planning Building and Zoning Department.

Council President Zeidman asked about an increase of radius for mailing. Mr. Bergman responded and discussed how much the radius would have to increase to reach every home on every street affected by the demolition and subsequent reconstruction. Mr. Bergman thought the posted notice would be a great help in informing neighbors on a specific street who are not within the 300-foot radius of notice. The GIS component would be helpful for everyone.

Council President Pro Tem Lindsay liked the idea of the posted notice but was not in favor of leaving the sign up for 30 days.

Council Member Araskog was in favor of the signs and preferred the white signs.

Mr. Murphy stated that as long as the Town Official had evidence that the sign was placed, the requirement should be satisfied.

Consensus of the Town Council was to proceed with the 11 x 17 white notice, for commercial, multi-family, demolition and new residential construction projects. The notice would be placed 30 days prior to the project being heard.

Public Comment

Anita Seltzer, 44 Cocoanut Row, thought it would be easier to see signs on a yellow background. She also warned against using certain fonts.

Peter Broberg, 220 Monterey Road, wondered why the entire street could not be included in the mailed notice. He also expressed concern for the lack of mailed notice for deferrals.

Council Member Araskog asked the staff to research an extension of the mailing radius and return to the next meeting with a recommendation. Mr. Bergman agreed to research the expanded mailing notice and provide a recommendation at the next meeting.

D. Waiver Request to the Restaurant Zoning In Progress for Lugano Diamonds

Maura Ziska, Kochman & Ziska, Legal Representative for Lugano Diamonds

Please note: This item was removed from the agenda at the Approval of the Agenda, Item V.

X. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. **ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** - Declaration of Use Agreement & Seating Chart Review
2:00 PM TIME CERTAIN

Council Members Araskog, Crampton, Cooney, Council President Zeidman, Council President Pro Tem Lindsay, and Mayor Moore declared ex-parte communications.

M. Timothy Hanlon, attorney for the applicant, discussed the possible changes to the proposed declaration of use agreement. The declaration of use was reviewed by the Town Council. There were discussions during the review of the document, and the Council made suggestions for changes to make the Declaration of Use Agreement clear and understandable.

Duarte Bon de Sousa, Oetker Collection, commented about the courtyard

seating being moved inside and outside due to inclement weather conditions or to accommodate reservations.

Council Member Cooney said the restaurant needs flexibility to accommodate reservations. Furthermore, he supported the way the agreement was written because it was consistent with the way other businesses have been treated in the town.

Council Member Araskog asked about the standing room in the bar. Mr. Bon de Sousa responded and indicated he could not assess the number of guests in this location.

Public Comment

Charles Frankel, 330 Cocoanut Row, objected to the trucks traversing Cocoanut Row.

John David Corey, 426 Australian Avenue, expressed his objections for the proposed seating, as he believed there were too many exceptions with the seating.

Discussion ensued about a hard stop on service in the restaurant and bar locations. Council Member Araskog felt that a hard stop at midnight should be required. She also thought this had already been agreed upon.

Consensus of the Town Council was for the Declaration of Use Agreement to be modified/revised as per discussion, and the Applicant shall return to the July 12, 2023, meeting with the revised Declaration of Use Agreement for Final Approval.

B. Appeals

1. Appeal of April 26, 2023, ARCOM Decision RE: ARC-23-047, 269 Jamaica Ln

James McCartney Wearn, 260 Jamaica Lane, outlined his arguments for the appeal of the Architectural Review Commission (ARCOM) decision for ARC-23-047, 269 Jamaica Lane.

Maura Ziska, attorney for the owners at 269 Jamaica Lane, provided rebuttal arguments against the statements made by Mr. Wearn.

Mr. Wearn felt that the statements made by Ms. Ziska were not official. Mr. Randolph intervened with an explanation.

Council Member Cooney asked about the application and if it was a complete submittal. Mr. Murphy confirmed that it was complete. Council Member Cooney acknowledged that the conflict of Richard Sammons was not listed on the agenda. Council Member Cooney thought the fact that ARCOM bifurcated their approval was a method that they generally take during review of a project. Council Member Cooney asked

about the itemization of findings during the approval. Mr. Randolph explained why the findings did not need to be stated during the approval.

Council Member Araskog asked about the lack of the listing of Mr. Sammons conflict on the agenda. Mr. Randolph responded. Council Member Araskog asked Mr. Randolph about the bifurcation of a motion. Mr. Randolph responded.

Council President Zeidman asked about the lack of listing of the conflicts on the agenda.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to deny the appeal. Motion carried unanimously, 5-0.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform a design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Architectural Review Commission.

Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.

- b. **ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)— VARIANCES** The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2) to reduce both side yard setback requirements for two, one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission deferred this project to the April 19, 2023, meeting.] This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.

- c. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) – VARIANCES** The applicant, Gregory James Pamel, has filed an application requesting Townyard in review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard

setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions at the May 17, 2023, meeting. Carried 7-0.]

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

- d. **ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) – SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] This project shall be deferred to the July 17, 2023, Town Council meeting pending review by the Architectural Review Commission.

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

- e. **ZON-23-034 (ARC-23-026) 171 EL PUEBLO WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicants, Kevin Ryan and Carolyn Pressly- Ryan, has filed an application requesting Town Council review and approval for special exception with site plan review for development of a single-family dwelling on a lot in R-B zoning district which is deficient in lot width and area, and (3) variances for (1) a reduced swimming pool setback, (2) a variance to exceed maximum allowed equipment screening wall height, and (3) a variance to allow a supported second floor balcony to encroach into the required front yard. The Architectural Commission shall perform design review of the application. This project was withdrawn by the applicant.

Please note: This item was withdrawn at the Approval of the Agenda,

Item V.

- f. **ZON-23-041 (ARC-23-032) 176 SEMINOLE AVE (COMBO) - VARIANCES** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Town Council review and approval for four (4) Variances required to convert an existing two-car garage into interior storage space and to construct a second- story addition over the rear garage with site and landscape alterations, including (1) to eliminate required garage parking spaces, (2) to construct a second floor addition with reduced rear setbacks, (3) to exceed the maximum allowable Cubic Content Ratio (CCR), and (4) to reduce the overall Landscape Open Space below the required minimum. The Architectural Commission will perform the design review component of the application. This project shall be deferred to the July 12, 2023, Town Council meeting pending review by the Architectural Review Commission.

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

- g. **ZON-22-121 (HSB-22-012) 428 CHILEAN AVE (COMBO) - VARIANCE** The applicant, David Mooney, has filed an application requesting Town Council review and approval for a variance to exceed maximum equipment screening wall height, to screen equipment in the west side yard. The Landmarks Preservation Commission shall perform design and flood plain variance review of the application. This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.

- h. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) — VARIANCES.** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval of variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred this project for restudy to the May 24, 2023, meeting. Carried 7- 0.] This project shall be deferred to the July 12, 2023, Town Council meeting pending review by the Architectural Review Commission.

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

- i. **ZON-23-020 (COA-23-003) 139 N. COUNTY ROAD – THE PARAMOUNT THEATER (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage > 3,000 SF in the C-TS district, (3) for Restaurant use in the C-TS district, (4) for Outdoor seating use (100 seats) associated with a restaurant or private club in the C-TS district, (5) for a maximum of two stories in the C-TS district and (6) for shared parking in the C-TS district. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involve more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard for new construction, (2) front side street yard for new construction, (3) and rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the require overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) front side street yard setback for the subterranean parking level, (14) and rear yard setback requirements for the subterranean parking level, (15) a variance to permit tandem and triple stacking for parking in the garage structure, (16) a variance to eliminate the required onsite loading space, (17) a variance to reduce the required drive aisle width, (18) a variance to exceed the maximum drive aisle slope in a garage, (19) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, and (20) a variance to allow a generator (between 64kW-100kW) within a required side or rear setback, in conjunction with the renovation of an existing Landmarked theater structure and the construction of a new three- story mixed use (retail and four residential units) development with two subterranean parking levels (127 parked spaces). The Landmarks Preservation Commission will perform the design review. This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.

- j. **ZON-23-044 (COA-23-017) 360 SEASPRAY AVE (COMBO)— VARIANCES** The applicants, Justin and Meira Besikof, have filed an application requesting Town Council review and approval of (3) Variances to (1) to reduce the required street side yard (west) setback, (2) to provide no garage parking, and (3) to not provide code compliant screening for a swimming pool, in conjunction with proposed exterior alterations, additions, and site modifications to a Landmarked single-family residence. The Landmarks Preservation Commission will perform design review of the application. . [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]

Council President Pro Tem Lindsay and Mayor Moore declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Daniel Clavijo, SKA Architect + Planner, gave a presentation on the project. His presentation included a variance diagram which he discussed in detail.

Mr. Bergman said the variance request would remove the six-foot pool screening wall. He asked if a required pool barrier would be provided; to which Mr. Clavijo responded in the affirmative.

Mayor Moore thought the existing home was awkward; She indicated the proposed open loggia was once a bedroom. She also expressed concern about the lack of a garage.

Director Wayne Bergman stated that the staff had no issues with the application.

Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded.

The meeting experienced a short power outage at this time. The meeting resumed shortly after.

Council President Pro Tem Lindsay asked about the width of the lot. Ms. Ziska responded. Council President Pro Tem Lindsay asked about the applicant's concern for storage and the lack of garage. Mr. Clavijo responded.

A short discussion ensued about the fence required for the pool.

Council Member Cooney shared Mayor Moore's concern about eliminating a garage.

Council Member Araskog was also concerned about the garage being eliminated.

The meeting experienced a short power outage at this time. The meeting resumed shortly after.

Council Member Araskog asked further questions about their current driveway.

Council President Zeidman inquired about the square footage of the home. Mr. Clavijo responded. Council President Zeidman understood the problem of a car reversing onto Cocoanut Row. She asked why the front driveway would remain since the garage was being removed. Mr. Clavijo responded.

Council Member Cooney stated he would support removal of the garage, but he asked staff to investigate the narrowing of the curb cut. He was concerned about safety.

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

Motion made by Council Member Cooney that variance ZON 23-044 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in 134.201(a) items 1-7 have been met. Motion carried unanimously, 5-0.

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

Council Member Cooney amended the motion to include the following language: And providing that the property owner voluntarily commits that prior to issuance of a permit to provide or record an easement agreement, or easement agreement satisfactory to the town that ensures a recorded easement would be granted, if necessary, for underground utilities in the area.

Council President Pro Tem Lindsay seconded the motion. Motion carried unanimously, 5-0.

- k. **ZON-23-050 (ARC-23-036) 243 SEASPRAY AVE (COMBO) – VARIANCES** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Town Council review and approval for (2) variances for (1) a reduced west side yard setback and (2) a reduced north rear yard setback, as it pertains to construction of a new two-story single family residence. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the August 9, 2023, Town Council meeting, pending review by the Architectural Review Commission.

Please note: This item was deferred to the August 9, 2023, meeting at the Approval of the Agenda, Item V.

1. **ZON-23-046 329 WORTH AVE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 329 Worth Avenue LLC (Matthew & Adrienne Raptis), have filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow a 12-seat lounge/bar with the service of beer, wine, and liquor at the existing Churchill Cigar Co. retail space in the C-WA Worth Avenue zoning district.

Council President Zeidman asked if the Zoning in Progress (ZIP) that was currently in effect would impact this request. Mr. Bergman said no because the application was submitted prior to the ZIP resolution.

Council Members Araskog, Cooney, Crampton, Council President Pro Tem Lindsay, and Council President Zeidman declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Director Wayne Bergman provided staff comments.

Council President Pro Tem Lindsay asked if the owners would be agreeable to a declaration of use. Mr. Raptis responded in the affirmative.

Adrienne Raptis, owner, discussed the addition of alcohol to her existing cigar establishment.

Council Member Cooney supported a declaration of use agreement.

Council Member Crampton stated he was willing to support the application. He was impressed with the store and thought it served Palm Beach well. He supported the declaration of use agreement.

Council Member Araskog agreed with the declaration of use agreement. She expressed concern that the other Council Members' visits were not when the store was active. Council Member Araskog asked about the number of people that would fit into the establishment. Ms. Raptis stated that many of the clients previously smoked cigars on Worth Avenue.

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

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve ZON 23-046,

Special Exception with Site Plan Review, with the condition that a Declaration of Use shall be drafted and will return to the Town Council on July 12, 2023, for approval. Motion carried 4-1, with Council Member Araskog dissenting.

2. New Business

- a. **ZON-22-115 (COA-22-040) 801 S COUNTY ROAD (COMBO) - VARIANCES** The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a beach house structure and three (3) variances (1) to vest an existing non-conforming west setback due to the demolition of more than 50% of the structure, (2) to place an air conditioning condensing unit within the front setback, and (3) to reduce the Ocean Bulkhead setback, in conjunction with proposed exterior alterations and additions to an existing beach cabana. The Landmarks Preservation Commission will perform the design review component of the application. [This project shall be deferred to the July 12, 2023, Town Council meeting, pending review by the Landmarks Preservation Commission.]

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

- b. **ZON-23-049 (ARC-23-057) 2 S COUNTY RD (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to the tennis center at the Breakers hotel including replacement of and addition of courts, shade structures, walkway and stretching area, and (2) variances to (1) provide court fencing that is deficient in height and (2) to provide tennis court lighting that exceeds maximum heights allowed. The Architectural Commission shall perform design review of the application. This project shall be deferred to the October 11, 2023, Town Council meeting pending review by the Architectural Review Commission and at the request of the applicant.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

- c. **ZON-23-053 1768 S OCEAN BLVD—VARIANCES** The applicant, Four Winds Estates LLC (Stephen and Christine Schwarzman), has filed an application requesting Town Council review and approval for a variance to install a boat lift onto an existing dock which will have a 17 ft south setback in lieu of the 25 ft setback required.

There were no ex-parte communications declared at this time.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Director Wayne Bergman stated that the staff had no issues with the application.

Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Variance No. 23-053 be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134-201 (a) items 1-7 have been met. Motion carried unanimously, 5-0.

- d. **ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to add a second story to an existing one-story commercial structure in the C-TS zoning district which requires (7) variances for (1-4) encroachments of front, side, and rear setbacks of a two-story building, (5) exceedance of lot coverage, (6) deficiency of landscape open space, and (7) exemption from the requirement of providing adequate additional parking. The Landmarks Preservation Commission shall perform design review of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]

Council Member Cooney, Council President Zeidman, and Mayor Moore declared ex-parte communications.

M. Timothy Hanlon, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Daniel Clavijo, SKA Architect + Planner, reviewed the architectural plans proposed for the addition to the existing commercial structure.

Director Wayne Bergman provided staff comments.

Council President Pro Tem Lindsay had concerns about parking but was glad to hear that the applicant had obtained two parking permits.

Mayor Moore thought the project was tasteful and she supported the project.

Council Member Cooney asked if the structure would support a second story. Mr. Clavijo responded. Council Member Cooney asked about the tenant and if they could stay during the construction.

Ms. Coniglio discussed the limited use of the property. She agreed to purchase one parking placard.

Council Member Cooney asked how to manage construction parking. Mr. Bergman responded.

Council Member Araskog asked for clarification about the statement made by Mr. Hanlon. Mr. Randolph provided further explanation. Council Member Araskog asked about the color of the proposed building. Mr. Clavijo responded.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve ZON 23-055 Variance shall be granted and, adding the condition that the owner would maintain one parking placard for the residential unit. Motion carried 4-1, with Council Member Araskog dissenting.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Special Exception ZON 23-055 and site plan review of the same as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively of the town code and finding that approval of the site plan would not adversely affect the public interest, and that all zoning requirements governing the use have been met and that satisfactory provisions and arrangement has been made concerning items 1-11 of Section 134-329. Motion carried unanimously, 5-0.

- e. **ZON-23-056 (COA-23-019) 1170 N OCEAN BLVD (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, Bath & Tennis Club, Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of twelve (12) tennis court light poles requiring two (2) variances to (1) exceed maximum pole height and (2) forgo tennis court screening requirements. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances would not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]

Council Member Cooney declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project.

Director Wayne Bergman stated that the staff had no issues with the application.

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

Motion made by Council Member Crampton and seconded by that Variance ZON 23-056 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in 134-201(a) items 1-7 have been met.

Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded with information about the hardship which pertained to taller light poles for the tennis courts.

Keith Spina, Spina O'Rourke + Partners, provided further information about the hardship.

Motion was seconded by Council Member Cooney. Motion carried 4-1, with Council Member Araskog dissenting.

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve Special Exception ZON 23-056 and Site Plan Review be approved as said application meets the applicable criteria set forth in sections 134-229 and 134-329 respectively of the town code and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing these have been met and that satisfactory provision and arrangement have been made concerning (1)-(11) of Section 134-329 have been met. Motion carried unanimously, 5-0.

- f. **ZON-23-057 (ARC-23-069) 231 BRADLEY PL (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, Bradley Palm, LLC, has filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review for modifications to the second floor of a commercial building in the C-TS zoning district, in conjunction with rooftop modifications and increased roof height and site alterations. The Architectural Commission shall perform design review of the application. This application was withdrawn by the applicant.

Please note: This item was withdrawn at the Approval of the

Agenda, Item V.

- g. **ZON-23-062 (ARC-23-061) 301 PLANTATION RD (COMBO) - VARIANCES** The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Town Council review and approval of (4) variances to exceed (1) maximum building height, (2) maximum overall building height, (3) maximum chimney height, and (4) to forgo swimming pool screening requirements in a street side setback, as part of the development of a new single-family residence. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances 1, 2, and 3 will not cause negative impact to the subject property. The site wall variance 4 will return the Commission with the landscape plans. Carried 7-0.][The Architectural Review Commission approved this project at the May 24, 2023, meeting with conditions. Carried 7-0.]

Council Member Cooney declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project. She stated this was a new house on a corner lot on Plantation and North Lake Way and explained the variances requested.

Scott Collison, Fairfax & Sammons, presented the architectural plans proposed for the new residence.

Director Wayne Bergman provided staff comments.

Council Member Cooney thought the hardship ran with the land.

Council President Pro Tem Lindsay thought the site was difficult.

Council Member Araskog thought the chimney towered over the home. She wondered if it was too high. Council Member Araskog asked about the hardship for the variance. Ms. Ziska responded.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that ZON 23-062 variance shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in section 134-201(a) items 1-7 have been met and that the property owner voluntarily commits that prior to issuance of a permit to provide or record an easement agreement, or easement agreement satisfactory to the

town that ensures a recorded easement would be granted, if necessary, for underground utilities in the area. Motion carried unanimously, 5-0.

- h. **ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES** The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single family dwelling. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the July 12, 2023, Town Council meeting, pending review by the Architectural Review Commission.

Please note: This item was deferred to the July 12, 2023, meeting at the Approval of the Agenda, Item V.

D. Time Extensions, Waivers, & Three Strike Matters

1. 125 El Bravo Way - Time Extension
Wayne Bergman, Director of Planning, Zoning and Building

Mr. Bergman introduced the time extension and discussed the request from the owner.

Michael Perry, the architect for the project, outlined the issues with the delay and provided a handout showing the timeline for the project.

Council Member Araskog stated that if the extension was granted, they would need to stop during the week of Thanksgiving and Christmas.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the time extension as requested. Motion carried unanimously, 5-0.

2. 247 Miraflores - Time Extension
Wayne Bergman, Director of Planning, Zoning and Building

Mr. Bergman introduced the time extension and discussed the request from the owner.

Amadou Dial and Doug Vine, Woolems, outlined the issues with

the delay and provided a handout showing the timeline for the project.

Mr. Bergman asked Mr. Dial when he would be finished. Mr. Dial thought the project would be completed in three weeks.

Mayor Moore wondered if the project could be granted an extension due to COVID. Mr. Bergman stated that the COVID extensions had expired.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve a one-month time extension. Motion carried unanimously, 5-0.

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

3. 991 N Lake Way - Time Extension

Wayne Bergman, Director of Planning, Zoning and Building

Mr. Bergman introduced the time extension and discussed the request from the owner.

Ross Schnitzer, Sciame Homes, outlined the issues with the delay and provided a handout showing the timeline for the project.

Council Member Araskog asked about the work done during the past year. Mr. Schnitzer responded that his crew had been working on the project every day. Council Member Araskog asked about the extension to March 2024. Mr. Schnitzer responded that there had been significant changes and some supply chain issues.

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

Motion made by Council Member Cooney and seconded by Council Member Araskog to approve the time extension as requested. Motion carried unanimously, 5-0.

4. 234 List Road - Three Strikes

Wayne Bergman, Director of Planning, Zoning and Building

Mr. Bergman discussed the three strikes for the construction site related violations. A stop work order was issued on June 8,

2023. He indicated that this was the first time that PalmCrop Construction Services had been before the Town Council.

Russell Palmieri, PalmCorp Construction Services, discussed the three strikes the construction site had received and the circumstances for the strikes.

Motion made by Council Member Cooney and seconded by Council Member Araskog to remove the second and third strike, to refund \$600, and to allow staff to grant right-of-way permits in the future. Motion carried unanimously, 5-0.

XI. ORDINANCES

Director Wayne Bergman outlined a notice issue with all three ordinances. Due to the issue, the Town Council decided to defer all three ordinances to the July meeting.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer Ordinances Nos. 009-2023, 010-2023, and 011-2023 to the July 12, 2023, meeting. Motion carried unanimously, 5-0.

A. **First Reading**

1. Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses

Ordinance No. 009-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

2. Amendment to the Requirements for Special Exception on Non-Conforming Lots within the Single-Family Districts

Ordinance No. 010-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. - Land; Section 134-446. Development and Redevelopment of Nonconforming Residential Lots; Article VI, District Regulations, Division 2. - RAA Large Estate Residential District, Section 134-793. Lot, Yard, and Area Requirements; Division 3. -R-A Estate Residential District, Section 134-843. Lot, Yard, and Area Requirements; and Division 4. - R-B Low-Density Residential District, Section 134-893. Lot, Yard, and Area Requirements

Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

3. Amendment to the Definition of Building Height, Point of Measurement

Ordinance No. 011-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article I, in General; Section 134-2, Definitions and Rules of Construction, Related to Building Height Point of Measurement; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

XII. ANY OTHER MATTERS

There were no matters raised at this time.

XIII. ADJOURNMENT

Motion made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 7:33 p.m. Motion carried unanimously, 5-0 without the benefit of a roll call.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 28, 2023

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated July 3, 2023 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of June 28, 2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Review Commission Meeting Minutes of June 28, 2023

Date: July 3, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of June 28, 2023.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Review Commission recommends that the Town Council approve major items that were considered at the regularly scheduled meeting of June 28, 2023.

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.

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JUNE 28, 2023

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Smith called the meeting to order at 9:00 a.m.

II. ROLL CALL

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	PRESENT (Arrived at 9:03 a.m.)
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT (Arrived at 9:02 a.m.)
Kenn Karakul, Member	PRESENT (Arrived at 9:17 a.m.)
Elizabeth Connaughton, Member	ABSENT (Unexcused)
Dan Floersheimer, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	PRESENT
Katherine "KT" Catlin, Alternate Member	PRESENT

Staff Members present were:

Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Acting Town Clerk

III. PLEDGE OF ALLEGIANCE

Chairman Smith led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

Motion made by Ms. Shiverick and seconded by Ms. Catlin to approve the minutes from the May 24, 2023, meeting as presented. Motion carried unanimously, 6-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue asked to modify the agenda with the following changes:

To move ARC-23-083, 516 S. Ocean Blvd. to E. Minor Projects, New Business, #1.

*Deferral of ARC-23-070, 60 Blossom Way to the July 26, 2023, meeting.
To move ARC-23-067, 1600 S. Ocean Blvd to be heard immediately following A. Consent Agenda.*

Motion made by Mr. Floersheimer and seconded by Ms. Catlin to approve the agenda as amended. Motion carried unanimously, 7-0.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**

Mr. Corey thanked staff for the comprehensive memorandums on all projects; he thought the memos were excellent.

VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3-MINUTE LIMIT, PLEASE)**

There were no comments heard at this time.

IX. **PROJECT REVIEW**

A. **CONSENT AGENDA**

1. **ARC-22-043 (ZON-22-073) 143 REEF RD (COMBO) – EXTENSION OF TIME** The applicant, John K. Criddle, has filed an application requesting Architectural Commission review and approval for a One (1) year Extension of Time for a previously issued Development Order for the construction of a new two-story residence with associated landscape and hardscape, with variances to exceed maximum amount of fill and to exceed maximum allowed Cubic Content Ratio (CCR). (ORIGINALLY APPROVED AT THE JUNE 29, 2022 ARCOM MEETING)
2. **ARC-23-037 991 N LAKE WAY** The applicant, 991 N Lake Way Trust, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved driveway and associated hardscape.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to approve the consent agenda as presented. Motion carried unanimously, 7-0.

At this time, the Commission requested to hear the following project:

ARC-23-067 1600 S. OCEAN BLVD The applicant, Ninety 9798 Canada Inc, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved single-family residence including fenestration changes and a second-floor addition.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: There were no disclosures at this time.

Harold Smith, Smith and Moore Architects, presented the architectural plans for the proposed modifications to the existing home.

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

Mr. Sammons asked about the return of the architrave at the portico. Mr. Smith responded and there was a short discussion about the details. Mr. Sammons commented on a detail relating to the parapet.

Mr. Corey liked how the pediment was lowered but questioned the design on the pediment; he recommended removing the detail. Mr. Corey asked for additional landscaping at the front of the property. Mr. Smith responded and stated additional landscaping could be considered.

Ms. Shiverick was in favor of the detail on the pediment. She thought the addition was appropriate because of the location of the home. She asked about the color proposed for the home.

Juan Pablo Molyneux, Architect for the project, responded and discussed the details for the pediment as well as the proposed color for the home.

Ms. Shiverick indicated she was not in favor of the rustication on the west doors.

Mr. Kirchhoff lamented the loss of the one-story home. He thought the addition was fine but agreed with the suggestions by Mr. Sammons.

Chairman Smith agreed with the loss of the one-story home. He thought the house would seem large on the street. He thought the pediment should be plain and questioned the windows.

Motion made by Ms. Shiverick and seconded by Mr. Floersheimer to approve the project with the following conditions: the rustication of the west doors will be eliminated, the design of the pediment and the second-floor banding will be corrected, the number of palms in the front of the home will be tripled and the following items will return for approval when ready: the color of the home and the landscaping plan. Motion carried 5-2, with Messrs. Corey and Smith dissenting.

B. MAJOR PROJECTS-OLD BUSINESS

1. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-22-243 (ZON-23-014) 302 SEABREEZE AVE (COMBO)** The applicant, Sean Rooney, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story

single- family residence with related landscape and hardscape improvements, requiring Site Plan Review due to deficient lot width and area, and variances to provide one garage parking space in lieu of the two required and to install air conditioning condensing units and a generator in the rear yard setback without being completely screened from the adjacent property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

3. **ARC-23-032 (ZON-23-041) 176 SEMINOLE AVE (COMBO)** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Architectural Commission review and approval for the conversion of a rear vehicular garage into storage space, for the construction of a second-floor addition over the existing single-story garage, and landscape and hardscape alterations requiring four variances to eliminate required garage parking, to construct a second floor addition with a reduced rear setback, to exceed the maximum allowable Cubic Content Ratio (CCR), and to reduce landscape open space below code requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Dan Kahan, Smith and Moore Architects, presented the architectural plans for the proposed modifications to the existing home.

Mr. Corey thought the addition was very well integrated; however, he could not look past the requested variances. He was not in favor of the removal of the garage. He thought the variance was an indicator that the home was overbuilt. Mr. Kahan responded and described the reuse of the garage space.

Mr. Floersheimer thought the design was good. However, he agreed with Mr. Corey and was concerned with the variances and the removal of the garage. He provided suggestions on where he thought the staircase could be relocated. He recommended restudying this function.

Ms. Catlin thought the parking onsite could be screened and understood that the current garage was unusable.

Mr. Kirchhoff thought the variances were minimal. Mr. Kirchhoff asked about the turning distance in and out of the garage. Mr. Kahan described how the site was being used and how the cars were being parked. Mr. Kirchhoff thought the garden could be used as greenspace and thought the two round windows on the west side were odd.

Mr. Karakul stated as the owner next door to the home, he never had an issue with the cars on site. He supported the project and thought the variances were minimal.

Mr. Martin thought the variances were minimal. He did not understand why the Commission should be commenting on whether a garage was needed.

Mr. Smith disagreed and believed that converted garages made homes larger. He added he could not support the request.

Ms. Shiverick thought the variances were minimal but questioned the landscaped open space variance. Mr. Kahan responded and discussed how he could add green space. She was in favor of the second story and thought it balanced the west side of the home. She supported the request.

Mr. Corey restated that he felt the variances were allowing the home to be bigger than what was allowable.

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

Ms. Shiverick thought that, in general, the needs of owners have changed, and since the variances were minimal, she thought the requests were acceptable.

Motion made by Mr. Floersheimer to defer the project with the condition that the project returns to the Commission with a change to the west facing windows, the requirement for the landscape open space variance is reduced and a restudy of the access to the second floor. Motion failed for lack of a second.

Motion made by Mr. Kirchhoff and seconded by Mr. Karakul to approve the project with the direction to increase the greenspace and to change the round windows on the west side of the home. Motion carried 4-3, with Messrs. Floersheimer, Corey and Smith dissenting.

Motion made by Mr. Kirchhoff and seconded by Mr. Karakul that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 4-3, with Messrs. Floersheimer, Corey and Smith dissenting.

4. **ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO)** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new rooftop clerestory projection enclosing an existing open-air interior courtyard to an existing two-story residence including variances from building height, lot coverage and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

5. **ARC-23-047 269 JAMAICA LANE** The applicant, Marrano Holdings 2022 LLC. (Maura Ziska), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

Please note: Mr. Sammons left the room at this time. Mr. Martin voted in his absence.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Catlin.

Grace Walton, Environment Design Group, presented the revised landscape and hardscape design for the site.

Ms. Shiverick thought the new plan was too loose; she preferred the previous plan.

Mr. Kirchhoff agreed with Ms. Shiverick. He was not in favor of blocking the view of the front door.

Mr. Corey was in favor of the new planting materials. However, he was not in favor of the proposed hardscape. He agreed with Ms. Shiverick; the first plan was too rigid, and the new plan was too loose.

Mr. Karakul liked the energy of the new plan. He thought a gate in the center of the property would be nice to allow a view to the front door.

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

Motion made by Mr. Corey to approve the project with the addition of a pedestrian gate and a restudy of the hardscape, with both items to return to the Commission for approval.

Discussion on the motion ensued.

Mr. Floersheimer seconded the motion.

Ms. Shiverick asked to see the proposed front elevation. She was not in favor of the Clusia hedge as shown; she thought it was too scattered.

Motion restated by Mr. Corey and seconded by Mr. Floersheimer to approve the project with the following conditions: a pedestrian gate shall be added, the Clusia hedge shall be cleaned up, and the hardscape shall be restudied and revised, with all items returning to the July 26, 2023, meeting. Motion carried unanimously, 7-0.

Please note: Ms. Churney asked Mr. Sammons, who returned to the room, to announce his conflict with the previous project. Mr. Sammons declared a conflict of interest for the project of 269 Jamaica Lane.

6. **ARC-23-039 (ZON-23-063) 599 S. COUNTY RD. (COMBO)** The applicant, SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Architectural Commission review and approval for

construction of a new two-story single family residence and related landscape, hardscape and pool. The application shall be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

7. **ARC-23-061 (ZON-23-062) 301 PLANTATION RD (COMBO)** The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with detached pool cabana, swimming pool, and sitewide landscape and hardscape improvements, with variances related to height and pool screening. Town Council shall review the applicant as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Catlin. *Please note: Mr. Sammons declared a conflict of interest for the project and left the dais during the discussion. Mr. Martin voted in Mr. Sammons' absence.*

Cory Meyer, Nievera Williams Design, presented the revised landscape and hardscape design for the site.

Ms. Catlin thought the home would be very tall on the corner and did not believe the landscape would mask the height.

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

Mr. Floersheimer thought the landscape plan was responsive to the comments of the Commissioners.

Motion made by Mr. Floersheimer and seconded by Mr. Karakul to approve the project as presented. Motion carried unanimously, 7-0.

8. **ARC-23-057 (ZON-23-049) 2 S COUNTY RD (COMBO)** The applicant, The BreakersPalm Beach, Inc. (Alex Gilmurray), has filed an application requesting Architectural Commission review and approval for the renovation and expansion of the existing tennis area, including replacements of 10 existing courts, addition of 2 courts, addition of pickleball courts, shade structures, decorative fencing, new service path, stretching area and landscape improvements; requiring town council review of special exception, site plan review, and variances. This is a combination project that shall also be reviewed by Town Council as it relates to zoning relief/approval.

Please note: This item was deferred to the September 27, 2023, meeting at Item V., Approval of the Agenda.

C. MAJOR PROJECTS-NEW BUSINESS

1. **ARC-23-033 1440 S. OCEAN BLVD** The applicant, 1440 South Ocean Trust (Ronald Kochman, Trustee), has filed an application requesting Architectural Commission review and approval for a new 2-story residence over 10,000 square feet and accompanying hardscape, landscape, pool, site walls and gates.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Catlin.

M. Mark Marsh, Bridges Marsh & Associates, Inc., presented the architectural plans proposed for the new residence. Mr. Marsh showed a video rendering of the proposed home.

Mr. Corey thought the home had an estate feel and thought the house was successful since the house had not maximized the building envelope. He thought the west elevation was very successful since the glazing was covered from the sun. He thought more landscape could be added around the pool. He stated he could not support the slate roof proposed; he recommended a shake roof for the home. He commented and provided suggestions for the hardscape.

Mr. Kirchhoff thought the home was a bit uninspiring. He thought the front of the home was flat, and he had issues with the slate roof.

Mr. Sammons was not in favor of the slate roof. Mr. Marsh stated he supported a cedar shingle roof. Mr. Sammons thought the home was over scaled; he recommended introducing hyphens in the design. He commented on the portico, and the main block of the home.

Mr. Floersheimer appreciated the breathing room on the lot. He was not in favor of the coral stone around the front entrance. He expressed concern for the height of the home. He recommended story poles be added so the Commission could understand the height of the home. Mr. Marsh responded.

Ms. Catlin thanked the architect for not overbuilding the home. She was not in favor of the coral stone at the front of the home and felt the drive into the home was too formal for the home. She recommended less formality in the landscaping. She questioned whether the design worked. Mr. Marsh responded. Ms. Catlin thought something was missing in the design.

Ms. Shiverick thought the entry was stately. She liked the West Indies design but thought it missed some of the details. She recommended a large tree in the front entry. She questioned the mullion patterns in the fenestration, she was not in favor of the coral stone on the front and questioned the shutters as proposed. She recommended new entry gates. She preferred Bahama shutters and double hung windows.

Mr. Karakul thought the garage wing was attractive. He was not in favor of the quoins but thought the coral stone was okay. He recommended a restudy of the front section of the home and thought the design needed to be refined.

Mr. Kirchhoff suggested a revised entry into the property and a different pool. He thought there were inconsistencies in the design. He was not concerned with the height, especially due to the location of the site.

Mr. Floersheimer asked about the Banyan trees on the site.

Dustin Mizell, Environment Design Group, responded and described the landscape plan in the front of the site, and addressed the Banyan trees.

Mr. Smith thought the design was a missed opportunity. He thought the property was special. He agreed with Mr. Kirchhoff and thought there were inconsistencies in the design.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to defer the project to the August 23, 2023, meeting in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

Ms. Churney called for public comment. No one indicated a desire to speak.

2. **ARC-23-015 (ZON-23-021) 320 CHILEAN AVE (COMBO)** The applicants, Valentin and Yaz Hernandez, have filed an application requesting Architectural Commission review and approval for changes to the overall site plan of an existing two-story condominium building, including landscape and hardscape improvements including the addition of artificial turf joints in a motor court and the installation of a pool in the side yard requiring variances from parking, equipment distances, setback requirements and open space. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning code relief/approval.

Mr. Hodges provided staff comments on the project. Mr. Hodges stated that the project must be deferred one month due to a problem with the notice; however, the professional would make a presentation for feedback only.

Call for disclosure of ex parte communication: Disclosure by several members.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications to the site.

Mr. Corey thought the existing building and landscaping needed help. He thought the changes would enhance the area. He asked about the variance for the parking. Mr. Mizell responded. Mr. Corey wondered if the pool could be placed on the west side. Mr. Mizell responded. Mr. Corey asked about the proposed turf. Mr. Mizell responded. Mr. Corey wondered if the turf would work in the parking spaces. Mr. Corey questioned the proposed palms in the front of the property.

Mr. Karakul thought the design was nice and would support the project and variances.

Mr. Floersheimer was in favor of the project and thought the variances were minimal. He recommended reducing the return at the bottom of the water feature.

Ms. Shiverick thought the upgrades to the parking area were nice. She asked about the location of the pool equipment; Mr. Mizell responded. She asked for an elevation or view of the pool at its location.

Mr. Kirchhoff wondered if the building would be reconfigured and if it would return to the Commission. Mr. Mizell responded.

Valentin Hernandez, owner, spoke about the renovation of his home.

Mr. Smith wondered who would have the view of the pool equipment and wondered if they had been notified about the project. Mr. Mizell responded. Mr. Smith stated he could not support the project with the provided information. Mr. Hodges commented on the notice to the surrounding owners.

Mr. Kirchhoff asked for a neighborhood drawing.

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

Motion made by Mr. Floersheimer and seconded by Mr. Corey to defer the project to July 26, 2023, to allow proper time for the public notice to be mailed. Motion carried unanimously, 7-0.

3. **ARC-23-063 (ZON-23-059) 1265 N LAKE WAY (COMBO)** The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape and landscape on a nonconforming lot. The application shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Daniel Menard, LaBerge & Menard, presented the architectural plans proposed for the new residence. Mr. Menard showed a video rendering of the proposed home.

Todd Maclean, Todd Maclean Outdoors, presented the hardscape and landscape plans for the site.

Mr. Sammons was in favor of the landscape plans. He indicated he was not a fan of contemporary architecture. He also questioned the proportion and scale of the design. He also was not in favor of the heavy concrete top of the home. He thought the design was clunky.

Mr. Smith agreed with Mr. Sammons. He thought the second floor appeared larger than the first floor. He did not believe the design fit into the neighborhood. He agreed that he was in favor of the landscape plan.

Mr. Floersheimer thought the siting of the home worked. He thought the property to the south would be looking at this home, so he recommended landscaping for screening.

Mr. Karakul thought the professional had a clever arrangement on a narrow lot. He recommended looking at different materials and colors and varying the roof heights on the structure.

Ms. Catlin thought the skin of the home needed some study but was in favor of the layout. She thought the flow of the property worked.

Mr. Kirchhoff thought the design could be improved; however, he was not in favor of the colors and the eaves. He thought some restudy would be beneficial.

Mr. Corey thought the landscape plan was very nice. He wondered if the house was appropriate in the location proposed. He suggested a story of a one-story home.

Ms. Shiverick thought the home appeared dark and flat; she recommended changing the renderings. She loved the idea of a one-story Contemporary with lighter colors.

Mr. Menard asked the Commissioners if they would support a Polynesian design.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to defer the project to the August 23, 2023, meeting in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

Ms. Churney called for public comment. No one indicated a desire to speak.

4. **ARC-23-064 (ZON-23-054) 1473 N OCEAN BLVD (COMBO)** The applicants, William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Architectural Commission review and approval for renovations and additions to an existing one-story residence, requiring setback variances. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

Please note: The Commission took a short break at 11:24 a.m. The meeting resumed at 11:36 a.m. Mr. Karakul returned at 11:42 a.m.

5. **ARC-23-065 (ZON-23-060) 304 MADDOCK WAY (COMBO)** The applicant, 304 Maddock Way LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story primary residence, two-story detached garage, and two-story detached guest house providing over 20,000 SF of enclosed space with site

wide landscape and hardscape improvements. The application shall be reviewed by the Town Council as it pertains to the Site Plan Review.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Maura Ziska, Attorney for the owner, introduced the design team.

Peter Papadopoulos, Smith and Moore Architects, provided an overview and history of the lot.

Please note: Mr. Martin left the meeting at 11:49 a.m. He returned after the lunch break at 2:03 p.m.

Joeb Moore, Joeb Moore + Partners Architects, LLC, presented the architectural plans proposed for the new residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape design proposed for the site.

Ms. Shiverick thought that the design was perfect and charming. She stated it was evident that the project was very collaborative. She thought the landscaping plan was divine. Her only criticism was that some of the fenestration and arches were a bit over scaled.

Mr. Sammons thought the home was a bit over scaled in its overall design. Mr. Moore responded. He questioned the Corinthian order. He thought the whole design should be reduced by 20%. Mr. Papadopoulos responded.

Mr. Corey thought the home was well designed; however, he questioned if the house belonged in its location. He thought the guest house and garage were very charming and tied into the location. He provided a suggestion for material changes to allow the main house to tie into the neighborhood. He was not in favor of how the main house plan was setback to setback from north to south. He thought the main house should be completely restudied, in terms of materials and design.

Mr. Karakul thought the home was beautifully designed and related to the land. He was in favor of the materials and supported the project. He thought the far section to the north needed some restudy. He also understood Ms. Shiverick's concerns for the fenestration. He was in favor of the landscaping as well.

Mr. Kirchhoff agreed with Mr. Karakul and Ms. Shiverick. He thought the details were well done. He agreed with Ms. Shiverick's concerns for the fenestration. He was curious why the entry did not begin from the cul-de-sac. Mr. Papadopoulos responded. He stated he could support the project.

Mr. Karakul also recommended adding two additional trees from the lake front elevation.

Ms. Catlin thought the house was great and agreed with Ms. Shiverick. She thought the design honored the neighborhood.

Mr. Floersheimer agreed that the design was wonderful; however, he wondered if the home could have a bit more breathing room from the north and south setbacks.

Mr. Smith liked the project but struggled a bit with the different styles of the accessory structures and the main home. He thought the arched windows on the gabled ends were a bit too large.

Mr. Smith called for public comment.

James Green, representing the owners at 528 N Lake Way, stated the owners' negotiated conditions with the applicant. He indicated that his clients supported the proposed design and requested that the negotiated conditions were included in the approval of the design.

Mr. Papadopoulos discussed the design.

Doug Ostrover, owner of the property, discussed the intent of the proposed design.

Motion made by Mr. Kirchhoff and seconded by Mr. Karakul to approve the project as presented. Motion carried 5-2, with Messrs. Corey and Smith dissenting.

6. **ARC-23-074 (ZON-23-061) 100 WORTH AVE (COMBO)** The applicant, The Winthrop House, has filed an application requesting Architectural Commission review and approval for an exterior renovation to an existing seven-story residential building including the installation of new storefronts at the ground level, new stucco, repairs and paint finishes to all elevations, the removal of exterior brick finish materials along all façades, the installation of new metal balconies guardrails along all balconies, removal and replacement of balustrade parapet at rooftop, sitework including new surface material, removal of existing drive aisle and parking lanes, new landscaping, modifications to the existing porte-cochere, and new pedestrian gates and a new vehicular gate; and including a variance for the removal of on-site parking. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Smith asked to begin with public comment so that the Commission could hear if the majority of the owners supported the project.

Maura Ziska, attorney for the applicant, indicated that the applicant would not appear in front of the board if they did not have the majority vote.

Public comment:

James Wilner, 100 Worth Avenue, expressed his objections to the project.

Harry Koppel, 100 Worth Avenue, liked the existing breeze wall and would like to see a similar replacement.

Ms. Ziska outlined the variances requested and advocated for a positive recommendation to the Town Council.

David Miller, David Miller and Associates, presented the architectural modifications for the existing condominium.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plan for the site.

Mr. Kirchhoff thought the modifications were much needed for the building and were very well done. He expressed concern for the elimination of the parking spaces. He was conflicted about the color proposed for the building as well as the loss of the brick.

Ms. Catlin agreed with Mr. Kirchhoff and liked the plan. However, she did not like that the building was entirely white.

Ms. Shiverick agreed with Mr. Kirchhoff and Ms. Catlin. She wondered if brick could be added back after the restoration. She thought the brick was a charming element. She thought a compromise with the tenants would be nice with the addition of the brick.

Mr. Corey asked if the brick could be replaced. Mr. Miller responded. Mr. Corey clarified that brick could be added back to the building. Mr. Corey asked about the brick breeze block on the first floor. Mr. Corey liked the landscaping design. Mr. Corey was not in favor of using one color on the entire building. He questioned whether the railing would work on the corner. He was not in favor of the cornice on the top of the building. Finally, he questioned the reflecting pools.

Mr. Karakul agreed with the comments of his fellow members. He questioned the railings, the scale of the cornice and the lack of brick; he thought there should be a discussion about the replacement of the brick. He was not in favor of the rills in the landscaping.

Mr. Floersheimer agreed with the other members. He asked if the driveway was being widened or narrowed. Mr. Miller responded. Mr. Floersheimer did not believe the proposed railings were appropriate for the replacement. He also liked the verticality of the brick and thought something should be used as a replacement.

Mr. Sammons suggested using a color to highlight the towers and to possibly extend the towers to provide additional height.

Mr. Smith expressed concern about the proposed water/fountains next to the ocean and stated his reasons.

Motion made by Mr. Kirchhoff and seconded by Mr. Floersheimer to defer the project to the August 23, 2023, meeting in accordance with the comments of the Commissioners. Motion carried unanimously, 7-0.

Motion made by Mr. Kirchhoff and seconded by Mr. Floersheimer that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

Please note: The Commissioners took a lunch break at 12:57 p.m. The meeting resumed at 2:03 p.m.

7. **ARC-23-080 (ZON-23-065) 210 FAIRVIEW RD (COMBO)** The applicant, Aaron W. Ford, has filed an application requesting Architectural Commission review and approval for modification to the existing driveway, landscape modification, an addition to a one-story garage, requiring front and side yard setback variances. Town Council shall review the application as it pertains to zoning relief/approvals.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Mr. Smith declared a conflict of interest for the project and left the dais during the presentation.

Maura Ziska, Attorney for the applicant, outlined the requested variances and advocated a positive recommendation to the Town Council

Kyle Fant, Bartholomew + Partners, presented the architectural modifications to the existing garage.

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

Mr. Floersheimer expressed concern for the size of the garage extension. He recommended using one garage door to save room.

Ms. Catlin had an issue with the variance request, especially on a double lot.

Mr. Sammons asked if there was a unity of title for the property. Ms. Ziska stated they did have a unity of title and explained the request.

Mr. Kirchhoff saw more issue with the request. He supported the request.

Motion made Mr. Corey and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried unanimously, 7-0.

Motion made by Mr. Corey and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

D. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)** The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-23-067 1600 S. OCEAN BLVD** The applicant, Ninety 9798 Canada Inc, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved single-family residence including fenestration changes and a second-floor addition.

Please note: This project was heard immediately following the Consent Agenda.

3. **ARC-23-060 101 NIGHTINGALE TRL** The applicant, 04TST101 Nightingale LLC, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing one-story beach cabana, new spa and associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Catlin.

Cody Silvio, Nievera Williams Design, presented the landscape and hardscape modifications to the site.

Mr. Smith thought the fence going to the beach should be replaced.

Mr. Floersheimer asked about the amount of hardscape proposed to be removed. He also asked for the gates to be replaced. Mr. Silvio responded.

Ms. Shiverick asked about the surface of the cabana. She asked if it could be smooth to match the main house. Mr. Silvio responded and confirmed that it would match the main home.

Mr. Corey was in favor of the new plan and thought it was well done. He asked if the gate at Ocean Blvd. could be replaced. Mr. Silvio responded and confirmed the gate change.

Mr. Floersheimer asked about the overgrown Sea grapes and the maximum height allowed. Mr. Floersheimer asked that the material be trimmed to a height allowed by the Code.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to approve the project as presented, with the condition that the gate at Ocean Blvd. shall be replaced. Motion carried unanimously, 7-0.

E. MINOR PROJECTS-NEW BUSINESS

1. **ARC-23-083 516 S OCEAN BLVD** The applicant, 516 SOB Trust (Andrew Farkas) has filed an application requesting Architectural Commission review and approval for the construction of a second story addition above an existing single-story portion of a two-story residence.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mses. Shiverick, Catlin and Mr. Floersheimer.

Michael Perry, MP Architecture & Design, Inc., presented the architectural plans for the proposed addition to the existing home.

Mr. Sammons asked about the windows above the garage. Mr. Perry responded. Mr. Sammons provided a suggestion for the balcony railing.

Mr. Karakul thought the change was fine.

Motion made by Mr. Karakul and seconded by Mr. Shiverick to approve the project as presented, with a change to the three windows over the garage as presented with the handout. Motion carried 6-1, with Mr. Smith dissenting.

2. **ARC-23-077 241 FAIRVIEW RD** The applicant, Antonio & Ayla Farnos, has filed an application requesting Architectural Commission review and approval for replacement of a vehicular driveway and landscape approvals to an existing two-story residence.

Ms. Pardue provided staff comments on the project. Ms. Pardue stated that the project must be deferred one month due to a problem with the notice; however, the professional would make a presentation for feedback only.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Catlin.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications to the site.

Mr. Sammons wondered if the curb cut needed to be widened to 18 feet rather than 12 feet. Mr. Mizell responded. Mr. Sammons asked about the use of synthetic turf and indicated he would not support the material.

Ms. Catlin appreciated the changes.

Mr. Corey asked about the material of the two bushes next to the driveway. Mr. Mizell responded. Mr. Corey asked about how the garage would be mitigated with landscaping. Mr. Mizell responded.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to defer the project to July 26, 2023, to allow proper time for the public notice to be mailed. Motion carried unanimously, 7-0.

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

3. **ARC-23-070 60 BLOSSOM WAY** The applicant, Blossom Way Holdings LLC and Providencia Partners (Maura Ziska, Authorized Rep.), has filed an application requesting Architectural Commission review and approval for modifications to a previously approved project for new construction, including on-grade garage expansion, relocation of previously approved utility building, and new service entry and parking with associated hardscape and landscape modifications.

Please note: This item was deferred to the July 26, 2023, meeting at Item V., Approval of the Agenda.

4. **ARC-23-079 1020 N LAKE WAY** The applicant, 1020 North Lake Way Revokable Trust (Paul Krasker), has filed an application requesting Architectural Commission review and approval for the construction of new habitable second floor living space within an existing mansard roof, the construction of new second floor dormer windows, and the installation of new roof top solar panels.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer and Ms. Catlin.

Michael Perry, MP Architecture & Design, Inc., presented the architectural plans for the modifications to the existing home.

Mr. Smith asked about the existing space above the garage. Mr. Perry responded.

Ms. Shiverick asked about the existing dormers. Mr. Perry responded and showed the plans of the existing dormers and outlined the change. Ms. Shiverick liked the previous awnings on the dormers. Ms. Shiverick asked to see the location of the solar panels. Mr. Perry responded. Ms. Shiverick was troubled by the proposed solar panels.

Mr. Sammons thought the solar panels were good because they shaded the roof. He did not believe they would be seen from the street. He thought the dormers should be smaller than the ones on the main home. Mr. Perry stated he would reduce them but would make sure they were large enough from egress.

Mr. Kirchhoff asked about the requirements for submittal for a request for solar panels. Mr. Perry provided all the details for the solar panels. Mr. Kirchhoff thought the dormers were problematic.

Mr. Corey asked to see the profile of the solar tiles. Mr. Perry showed the plan.

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project with the condition that the new roof ridge shall be raised to match the height of the solar panels and that the new dormers are reduced in size. Motion carried 5-2, with Ms. Shiverick and Mr. Smith dissenting.

5. **ARC-23-081 215 WORTH AVE** The applicant, 219 Worth Avenue Holdings LLC (rep. Zachary Baraf), has filed an application requesting Architectural Commission review and approval for storefront modifications to Hamilton Jewelers, including new storefront windows and doors, awnings, signage, and sconces.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Messrs. Karakul, Floersheimer and Ms. Catlin.

Jerome Baumoehl, Jerome Baumoehl Architects, presented the architectural plans proposed for the modifications to the existing commercial space.

Ms. Shiverick was not supportive of the gray material for Worth Avenue. She was supportive of the project but asked for a different awning color.

Mr. Sammons thought the gray color was fine.

Mr. Corey asked the proposed material. Mr. Baumoehl responded.

Mr. Smith confirmed the fluted marble would be polished. Mr. Baumoehl confirmed it was polished. Ms. Shiverick requested that the marble is honed.

Motion made by Mr. Sammons and second by Mr. Corey to approve the project as presented, with the condition that the marble shall be acid washed. Motion carried 6-1, with Ms. Shiverick dissenting.

Mr. Karakul asked if the awning could be open on the sides, rather than completely closed. Mr. Baumoehl stated he would speak to the client about the change.

6. **ARC-23-082 237(A) WORTH AVE** The applicant, 237-243 Worth Ave. LTD Partnership (rep. Andre Kinney) has filed an application requesting Architectural Commission review and approval for storefront modifications for

Poupette St. Barth, including new storefront windows and doors, awnings, and signage.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Messrs. Karakul, Floersheimer and Ms. Catlin.

Jerome Baumoehl, Jerome Baumoehl Architects, presented the architectural plans proposed for the modifications to the existing commercial space.

Mr. Floersheimer asked if the slope of the awning could be adjusted to match the adjacent building. Mr. Baumoehl confirmed he could make the change. Mr. Floersheimer asked if a curve could be added under the storefront window in the event of flooding. Mr. Baumoehl confirmed he could make that change.

Motion made by Mr. Kirchhoff and seconded by Mr. Sammons to approve the project as presented.

Ms. Catlin thought there were many all-glass fronts on Worth Avenue and expressed concern for Worth Avenue becoming all glass fronts on the street.

Mr. Corey asked if there was an A/C unit on the roof. Mr. Baumoehl stated he was not touching the A/C unit.

Ms. Shiverick was not in favor of the storefront becoming all glass.

Motion carried 4-3, with Messrs. Corey, Floersheimer and Ms. Shiverick dissenting.

7. **ARC-23-086 1230 S OCEAN BLVD** The applicant, 1230 LLC, has filed an application requesting Architectural Commission review and approval for incorporation of driveway and pedestrian gates to a previously approved landscape plan.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Messrs. Karakul, Floersheimer and Ms. Catlin.

Jacqueline Bayliss, Fernando Wong Outdoor Living Design, presented the hardscape modifications to the existing site.

Mr. Floersheimer was not supportive of the gate. He thought the gate was too solid and institutional. He was not in favor of the style.

Ms. Catlin was not supportive of the proposed gate.

Mr. Sammons asked if the walls and piers existed. Ms. Bayliss responded.

Please note: Mr. Martin left the meeting at 3:09 p.m.

Ms. Shiverick agreed and thought the gates were too solid, especially in black.

Mr. Corey thought a gate in the location was appropriate. He asked to see further photos of the home and different color options.

Motion made by Mr. Corey and seconded by Mr. Karakul to defer the project to the July 26, 2023, meeting for further study. Motion carried unanimously, 7-0.

X. **Any Other Matters**

A. **Public**

There were no comments heard at this time.

B. **Staff**

James Murphy, Assistant Director of Planning, Zoning and Building, presented a new idea to allow applicants to show conceptual plans for a new home or a commercial project. Discussion ensued. After discussion, the Commission and staff decided not to move forward with a conceptual review. To listen to the discussion, click on the meeting audio [here](#). The discussion begins at 5:03:10 in the audio.

C. **Commission**

There were no comments heard at this time.

XI. **NEXT MEETING DATE:** Wednesday, July 26, 2023

XII. **ADJOURNMENT**

Motion made by Mr. Corey and seconded by Ms. Shiverick to adjourn the meeting at 3:48 p.m. Motion carried unanimously, 7-0.

The next meeting will be held on Wednesday, July 26, 2023, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 029-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Authorization for Waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, Restrictions for Construction Hours, and Work During Season, for Professional Tennis Court Services for the Seaview Tennis Improvements.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2023, from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 029-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution Approving a waiver of work hours for Professional Tennis Court Services for the awarded contract for Seaview Tennis Center; Resolution 029-2023

DATE: 29 June 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Authorization for waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, and work during season, for Professional Tennis Court Services for the Seaview Tennis Improvements.

SUMMARY EXPLANATION/BACKGROUND

Town council approved recommendation to award of ITB 2023-28 for Seaview Tennis Courts Resurface and Fence Replacement Project at the June Town Council meeting, by Resolution No. 070-2023. This request resolves an oversight of the June submittal.

Staff does not anticipate any impacts to traffic as all work is outside the roadway on the Recreation Center Property. As some of the work is sensitive to rain and for this work to be completed, Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for work in Season. Staff also recommends a waiver to the Noise Ordinance, Section 42-226 through Section 42-229 of the Town Code of Ordinances.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 029-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AUTHORIZATION FOR WAIVER OF THE TOWN CODE OF ORDINANCES 42-196 THROUGH 199 AND 42-226 THROUGH 229, RESTRICTIONS FOR CONSTRUCTION HOURS, AND WORK DURING SEASON, FOR PROFESSIONAL TENNIS COURT SERVICES FOR THE SEAVIEW TENNIS IMPROVEMENTS

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. 029-2023, approving the Authorization for waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, and work during season, for Professional Tennis Court Services for the Seaview Tennis Improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of July, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 077-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2024-2025 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 21, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 077-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Submittal of Annual Local Government Funding Request to Florida Department of Environmental Protection
Resolution No. 077-2023

DATE: June 21, 2023

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 077-2023, expressing the Town's intent to provide the necessary local funding share for the projects listed in the Florida Department of Environmental Protection (FDEP) FY 2024 - FY 2025 budget which begins on July 1, 2024.

GENERAL INFORMATION

Annually, the Town prepares a ten (10) year cost estimate for the Town's Coastal Management Program. This document is submitted to FDEP as a funding request for State cost sharing under their Beach Management Funding Assistance (BMFA) Program. The funding request document is submitted annually to FDEP in preparation for the State's fiscal year planning which starts on July 1st of the following year. The FDEP BMFA Program allows up to 50% cost sharing on the non-Federal portion of beach and dune, and nourishment projects for eligible shorelines, based on public accessibility. Through 62B-36.003, Florida Administrative Code (F.A.C.), inlet sediment bypassing and the adjacent shorelines impacted by inlets are eligible for up to 75% cost sharing through the BMFA program and do not have to provide for public access.

The percentage of participation is calculated using guidelines contained in 62B-36, F.A.C. Despite applicability to the State's Strategic Beach Management Plan, there are no guarantees that Town coastal projects will receive State funding until a grant agreement is in place. FDEP utilizes all the information contained in the local government submittals to determine a ranking of project priorities for either beach projects or inlet related projects. Only after appropriations by State Legislature for the BMFA Program are approved will FDEP know how many projects, if any, can be cost shared. Please note that this is a budget planning document and does not obligate the Town financially until we enter into a contract with FDEP for a specific project. The annual funding request is consistent with the projects initially identified within Town Council's adopted 10-Year Coastal Management Plan in 2013.

Submitted tasks within this year's Town funding request include the various physical, biological, and sea turtle nesting monitoring efforts as required by the Town's Palm Beach Island Beach Management Agreement (BMA) with FDEP.

A full copy of the Town's submittal will be available for public viewing in the Town Manager's office and in the Public Works Department. In summary, the FY 2024-2025 funding request includes:

Lake Worth Inlet Section, including Reaches 1 & 2

Non-federal cost share anticipated at 75% State and 25% Town, consistent with 62B-36.003 for inlet management activities related to mitigating a critically eroded beach along an eligible shoreline. Total task costs of \$707,000 consists of the various required monitoring efforts including physical, sea turtle nesting, biological, as well as tilling and escarpment removal. The Town will request 75% reimbursement for these tasks in the amount of more than \$500,000.

Mid-Town Section, including Reaches 3 & 4

Cost share percentage is based on existing public accessibility and the project limits, as defined in the BMA. Mid-Town is currently eligible for 40.95% State cost sharing of any non-federal cost. The Town is planning a sand search to locate and develop offshore borrow areas to support the Mid-Town and Phipps projects. The estimated cost of the two-year effort exceeds \$1.5 million. Splitting this effort between the two projects, the Town will again request 40.95% of half of the project which could result in reimbursement of nearly \$300,000.

Phipps Ocean Park Section, including Reach 7

The Phipps shoreline is eligible for 39% State cost sharing of any non-federal cost. With respect to a sand search, the Town will again request 39% of half of the project which could result in reimbursement of nearly \$280,000.

FUNDING/FISCAL IMPACT

As required within 62B-36.005(d), F.A.C., a Resolution is presented for consideration which states "The Town Council hereby expresses its commitment to provide the necessary local funding share for the projects requested for State FY 2022-FY 2023" (Section 3, Resolution 077-2023).

Once a contract is executed for a particular project, the Town is obligated to front the full funding for the project and then be reimbursed after the fact for the State cost share. State reimbursement payments replenish the Town's Coastal Capital Fund balance and reduce the amount of future year requests for transfers from the General Fund.

cc: Bob Miracle, Finance Director
Dean Mealy, Purchasing Manager
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

RESOLUTION NO. 077-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FISCAL YEAR 2024-2025 ANNUAL FUNDING APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BEACH EROSION CONTROL PROGRAM.

WHEREAS, America's beaches provide vital economic, recreational, storm damage reduction, and environmental benefits to the Nation; and

WHEREAS, the Town Council has approved a Comprehensive Coastal Management Plan for the Town of Palm Beach; and

WHEREAS, the Town desires to pursue implementation of the Plan; and

WHEREAS, the Town is authorized to act as a local sponsor; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) provides State cost sharing via its FDEP Beach Erosion Control Program; and

WHEREAS, the Town intends to provide the Local Cost Share for the projects included within the Town's Local Governmental Funding Request for State Fiscal Year 2024/2025; and

WHEREAS, the Town annually secures funds through ad valorem revenues to specifically support the feasibility, design, engineering, permitting, construction, and monitoring of projects identified within the Comprehensive Coastal Management Plan; 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 FY 2024/2025 funding request of state cost-sharing for the Town's Comprehensive Coastal Management Plan is hereby approved for application submittal to the Florida Department of Environmental Protection.

Section 3. The Town Council hereby expresses its commitment to provide the necessary local funding share for the project requested for FY 2024/2025 subject to the Town and FDEP entering into a contract relating to said projects.

Section 4. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to submit a completed application to FDEP for cost-sharing for the Town's Comprehensive Coastal Management Plan.

PASSED AND ADOPTED in a regular, adjourned session of Town Council of the Town of Palm Beach assembled this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Town Council President Pro-Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 078-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the award of a Purchase Order to Orlando Freightliner for a Freightliner Cab and Chassis with a Rear Load Packer in the amount of \$193,691 and Establishing a Project Budget of \$225,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2023 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 078-2023**

Information for Town Council Meeting on July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution Approving the Award of a purchase order to Orlando Freightliner for a Freightliner Cab and Chassis with a Rear Load Packer in the amount of \$193,691 and establishing a project budget of \$225,000; Resolution No. 078-2023

DATE: 29 June 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of a purchase order to Orlando Freightliner for a Freightliner Cab and Chassis with a Rear Load Packer in the amount of \$193,691 and establishing a project budget of \$225,000.

SUMMARY EXPLANATION/BACKGROUND

During the 2024 budget review process with Public Works, the Town Manager and the Deputy Town Manager, a business decision was made to move forward with the purchase of Freightliner Cab and Chassis with a New Way rear load packer.

It is scheduled to be replaced in FY24 as part of the Equipment Replacement Fund cycle. It was decided that purchase should be made within the FY23 budget period rather than the FY24 budget period due to unstable market conditions.

Orlando Freightliner is an awarded vendor on the Florida Sheriff's Association state contract. The Florida Sheriff's Association contract ensures best pricing for vehicle purchases in the State of Florida.

The vehicle being replaced is used in the commercial garbage collection program in Public Works and is 10 years old.

FISCAL IMPACT/FUNDING SOURCE

This purchase is being made utilizing funds from the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 078-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF A PURCHASE ORDER TO ORLANDO FREIGHTLINER FOR A FREIGHTLINER CAB AND CHASSIS WITH A REAR LOAD PACKER IN THE AMOUNT OF \$193,691 AND ESTABLISHING A PROJECT BUDGET OF \$225,000

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. 078-2023, approving the Award of a purchase order to Orlando Freightliner for a Freightliner Cab and Chassis with a Rear Load Packer in the amount of \$193,691 and establishing a project budget of \$225,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of July, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 079-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for the Annual Awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 20, 2023 from Dean Mealy Procurement and Contract Manager**
- ▣ **Resolution No. 079-2023**
- ▣ **Amendment Dated June 2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Gillian Barth, Director of People and Culture

FROM: Dean Mealy II, CPPO, Town Purchasing Manager

RE: Requesting approval of an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for an annual awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization; **Resolution No. 079-2023**

DATE: June 20, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for the annual awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization.

GENERAL INFORMATION

On October 1, 2022, the Town Council approved Resolution No. 088-2022 which authorized the reopening of its Occupational Health Clinic under the professional management of Concentra Inc., with oversight from the People & Culture Department (P&C). In its first year, the clinic was staffed full-time (Monday to Friday) by a Concentra Physician Assistant with ongoing oversight from their corporate Physician. Overall feedback from staff has been highly favorable and the time and cost savings associated with access to a central, convenient, and reliable operational health center for new hire physicals, open enrollment biometrics, occupational health (including annual physicals), and workers' compensation has been substantial.

The clinic, limited to occupational health in the first year, was budgeted at \$344,635. Given the success of the Clinic in its first year and the previously envisaged potential for further ROI, P&C conducted a survey of staff to confirm the user viability of expanding to a primary and urgent care facility. Of the Town's employees, over 70% responded favorably. Not only has the clinic been highly utilized and appreciated by staff, but it has also been an attractive amenity featured during recruitment exercises. Continued usage for occupational health and expansion to primary and urgent care are expected to lessen the burden of costs associated with the Town's health budget while saving employees the cost of co-pays. Reduced absenteeism will continue to be a strong feature of this approach.

Concentra presented Management with a proposal to expand the clinic to primary and urgent care at an additional cost of \$122,132 (total cost \$466,767). With only nine months of operation, it is still too premature to determine actual savings in insurance claims as these savings would be realized in years two, three, and four, with the further expansion of primary and urgent care. The People & Culture Department will be working with Concentra and our insurance carrier, Cigna, to report on the ROI over the next 24 months.

FUNDING/FISCAL IMPACT

This project will be funded from the Health Insurance Fund.

USER DEPARTMENT REVIEW

This item has been reviewed by the Town Manager's Office and the People and Culture Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 079-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE AGREEMENT FOR SERVICES AT THE ONSITE CLINIC IN THE AMOUNT OF \$151,419 FOR THE ANNUAL AWARDED AMOUNT OF \$466,767 FOR YEAR TWO OF THE CLINIC, \$456,866 FOR YEAR THREE OF THE CLINIC AND \$470,571 FOR YEAR FOUR OF THE CLINIC FOR A TOTAL FOUR-YEAR AWARD IN THE AMOUNT OF \$1,738,839 BASED ON SATISFACTORY PERFORMANCE AND BUDGET AUTHORIZATION

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 an Amendment to the Agreement for Services at the Onsite Clinic in the amount of \$151,419 for the annual awarded amount of \$466,767 for year two of the clinic, \$456,866 for year three of the clinic and \$470,571 for year four of the clinic for a total four-year award in the amount of \$1,738,839 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

**AMENDMENT TO
AMENDED AGREEMENT FOR SERVICES
AT AN ONSITE CENTER**

This Amendment to Amended Agreement for Services at an Onsite Center (the "**Amendment**") is made and entered into as of the _____ day of June, 2023 (the "**Amendment Effective Date**"), by and between Concentra Health Services, Inc., a Nevada corporation, for the benefit of and on behalf of its subsidiaries, affiliates, and managed professional associations and corporations ("**Concentra**") and the Town of Palm Beach, a Florida municipality ("**Client**").

RECITALS

WHEREAS, Concentra and Client previously entered into an Agreement for Services at an Onsite Center dated August 1, 2022, and an Amended Agreement for Services at an Onsite Center dated August 10, 2022 (collectively, the "Agreement"); and

WHEREAS, Concentra and Client desire to amend the scope of work and the staffing model;

WHEREAS, Concentra and Client desire to amend Section 8. Insurance and Section 12. Indemnification; and

WHEREAS, Client desires to engage Concentra, and Concentra desires to accept such engagement, to provide the Services, on the terms and conditions set forth in this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Definitions. Capitalized terms used in this Amendment, to the extent not otherwise defined in this Amendment, shall have the same meanings as in the Agreement.
2. Scope of Work and Staffing Model. The Agreement is amended by deleting Exhibits A and B and replacing them with the new Exhibits A and B attached hereto and made a part hereof.
3. Insurance. The Agreement is amended by deleting Section 8. Insurance in its entirety and replacing it as follows:

8. Insurance. Upon execution and delivery of this Agreement, Concentra shall provide to Client certificates of insurance evidencing Concentra's commercial general liability and professional liability insurance coverage in the amounts listed on the attached Exhibit C for Services rendered by Concentra. Concentra shall notify Client thirty (30) days prior to any modification, cancellation, or termination of such insurance that may affect Client.

4. Indemnification. The Agreement is amended by deleting Section 12. Indemnification in its entirety and replacing it as follows:

12. Indemnification. To the fullest extent allowed by law, Concentra shall indemnify and hold harmless Client, and Client's officers, agents, and employees from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of or related to this Agreement and the Work performed hereunder. Without limiting the generality of the foregoing, Concentra's indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Concentra agrees to investigate, respond, adjust and provide a defense for, all and any such claims, demands and actions at Concentra's sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the

foregoing, Concentra's obligation of indemnity, protection, defense, and reimbursement shall not extend to liability for damage or injury to persons or property to the extent such damage was caused by any act, omission, or default of the Client, or by the Client's officers, agents and employees.

A design professional employed by a business entity or an agent of the business entity is not individually liable for damages resulting from negligence occurring within the course and scope of a professional services contract. Any damages are solely economic in nature and the damages do not extend to personal injuries or property not subject to the contract.

Concentra acknowledges and agrees that Client would not enter into a contract without this indemnification of Client by Concentra, and that Client's entering into this Agreement shall constitute good and sufficient consideration for this indemnification. These provisions shall survive the expiration or earlier termination of the Agreement. Nothing in this Agreement shall be construed to affect in any way the Client's rights, privileges, and immunities as set forth in Florida Statutes 768.28.

5. Ratifications. The terms and provision set forth in this Amendment shall modify and supersede all inconsistent terms and provisions set forth in the Agreement. The terms and provision of the Agreement, as expressly modified and superseded by this Amendment, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable obligations of the parties.
6. Counterparts. This Amendment may be executed in several counterparts, all of which taken together shall constitute a single agreement between the parties.

IN WITNESS WHEREOF, Concentra and Client have each caused this Amendment to be executed as of the date first set forth above.

TOWN OF PALM BEACH

CONCENTRA HEALTH SERVICES, INC.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A SCOPE OF WORK ("SOW")

1. Location. Services provided at the following location:

Onsite Center address	City, State, Zip	Onsite Contact
Town of Palm Beach, 951 Old Okeechobee	West Palm Beach, FL 33401	Gillian Barth

2. Statement of Work.

Occupational Health

- Work-related injury and illness assessment
- Examination and Management
 - DOT Physicals
 - Public Safety Physicals
- Medication and Injections
- Hepatitis Vaccines A&B
- Laboratory Collection
- Special Testing - Diagnostic:
 - Audiogram
- Pulmonary function
- Respirator-fit
- Drug and Alcohol Screens
 - Breath alcohol
 - Drug screens
- Assessments
 - Injury Prevention Training
 - Ergonomic Assessments
 - Job Analysis

Primary Care

- Chronic Disease Management
- Preventative Care
- Lifestyle Medicine
- Routine gender/age-specific exams and screenings
- Laboratory collections
- Immunizations
- Medication management
- Care coordination

Acute Episodic Care

Common Illnesses

- Upper Respiratory Infections
- Headaches
- Sore throats
- Pulmonary function
- Sprains/strains/lacerations
- Gastrointestinal complaints
- Rashes
- Urinary Tract Infection

Pharmacy

- Limited formulary pharmacy services

Wellness

- Health Risk Assessment
- Biometric Screening
- Vaccines
- Health Fairs

Employer Services

Pre-Employment Physicals - Post-Offer/Pre-Employment Physical Examination to candidates offered employment

- Evaluation by a medical professional to determine if an individual is physically and/or mentally able to perform the essential functions of their desired position and in accordance with the physical requirements and working conditions as defined in the job description provided by the Town
 - Pre-employment physicals for prospective firefighters in accordance with NFPA Standards.
 - Results communicated back to the Town within 3-4 business days (unless otherwise noted)
 - Job-Related Physical Examinations for Non-DOT and DOT

PRE-EMPLOYMENT PHYSICALS
Police Officer
<u>Physical Exam: Includes 75 and 75A forms from FDLE</u>
Physical w/vital signs
X-Ray: 2 Views of the chest
OSHA Respiratory Medical Evaluation Questionnaire
Urine Dip for sugar, blood protein
Visual Acuity (Titmus)/Snellen & Ishihara color
Audiometric Testing
Spirometry/PFT
EKG
TB Test (PPD) – QuantiFERON TB Gold Test for those with a history of positive PPD
<u>Blood Specimen Collection:</u>
HIV ½ AB Screen
Acute Hep Panel (Includes A, B antigen/antibody, and C)
Hepatitis B Surf Ab Quant
Comp Metabolic Panel (14)
Lipid Panel
CBC w/Diff w/Plt
PSA (for applicants over 50 YOA)
Firefighter
<u>Physical Exam:</u>
Physical w/vital signs
Urine Dip for sugar, blood, protein
2 Views of the chest
OSHA Respiratory Medical Evaluation Questionnaire
Visual Acuity (Titmus)/Snellen & Ishihara color
Audiometric Testing
Spirometry/PFT
EKG
TB Test (PPD) – QuantiFERON TB Gold Test for those with a history of positive PPD or T-Spot
<u>Blood Specimen Collection:</u>
HIV ½ AB Screen
Acute Hep Panel (Includes A, B antigen/antibody, and C)
Hepatitis B Surf Ab Quant
Comp Metabolic Panel (14)
Lipid Panel
CBC w/Diff w/Plt and screens for Lymphoma, Myeloma & Leukemia
PSA
Thyroid-Stimulating Hormone (TSH)
Telecommunicator
<u>Physical Exam:</u>
Physical with vital signs
Audiometric Testing
Non-DOT General Employee
<u>Physical Exam:</u>
Physical exam with vital signs
<u>Lift Test:</u>

Jobs that require a weightlifting requirement of 75lbs will require a physical exam that determines if the employee can meet the lifting requirement
DOT General Employee
<u>Physical Exam:</u>
DOT physical
<u>Lift Test:</u>
Jobs that require a weightlifting requirement of 75lbs will require a physical exam that determines if the employee can meet the lifting requirement

Pre-Employment Drug Testing

- Police Sworn & Telecommunicators – Urine Non-DOT (10 Panel) and Hair Collection
- Fire Certified Employee – Urine Non-DOT (10 Panel)
- General Employee determined by position either DOT (5 panel) v non-DOT (10 panel)

Annual Physicals for Public Safety Physical Exam Per NFPA 1582

Work Physical Exam
Vital Signs – temperature, height/weight, blood pressure, pulse rate and respiratory rate
OSHA Respirator Medical Evaluation Questionnaire
Urinalysis
Vision/Titmus Visual Acuity
Near and far point
Color vision
Audiometry
Spirometry
EKG – Twelve-lead resting tracing
Ultrasound rotation schedule – year 1 – Abdomen, Aorta & Pelvic/Testicular, Year 2 – Thyroid and Echo
Radiology – Chest X-Ray shall be repeated every five (5) years or as medically indicated
PPD → For employees with a history of positive PPD, then QuantiFERON – TB Gold test will be used.
Labs
• Comprehensive Metabolic Panel (14)
• CBC w/Differential/Platelet to include screens for Lymphoma, Myeloma and Leukemia
• Lipid Panel
• Hepatitis Panel (4)
• Hepatitis B Surf Ab Quant
• HIV Screen
• Thyroid-stimulating Hormone (TSH) screens for Thyroid Cancer

Fitness Component per NFPA 1583

Muscular Strength and Endurance Evaluation per NFPA 1583:
• Arm Strength Evaluation
• Push-up muscle endurance evaluation
• Prone Static plank core stabilization Assessment
• Sit and reach flexibility evaluation
• Aerobic Endurance Evaluation (VO2 Max Calc)
• Flexibility Evaluation
• Nutrition and Diet Recommendations

Drug Screening

- Police and Fire – monthly random saliva & breath alcohol
- DOT – quarterly random urine & breath alcohol
- Post-Accident/Injury DOT (5 panel) and non-DOT (10 Panel) and breath alcohol
- Reasonable suspicion drug screening
- Pre-employment Urine, Hair collection (police & telecom) and breath alcohol

Fit for Duty Exams

Fit for Duty exams to determine performance for essential functions per job description.

Provide thorough and complete medical records review and evaluation, including medical information from external providers and coordination of receiving those records.

Receive and evaluate results for fitness for duty examinations provided by other vendors and provide findings and recommendations to Town.

Medical Leave Verification/Clarification

Upon request, provide verification and/or clarification of employees' need for medical leave.

Receive FMLA approved leave documents from Prudential/department/employee. Keep in employee's medical file.

Receive return to work notes from employees/departments, review and advise of clearance to return to work. Keep in employee's medical file.

Vaccines

- Administer vaccines and provide training for Blood Borne Pathogens to new hires for Police, Fire and field Public Works employees
- Hepatitis A & B vaccine with testing done as outlined in Center for Disease Control and Prevention (CDC) guidelines
- Flu
- COVID
- Adult Tetanus/Diphtheria

Workers' Compensation

- Occupational Injury/Workers' Compensation Case Management
- Initial triage of injury and illness
- Complete First report of injury and other associated workers' compensation paperwork as required
- Risk Manager and/or insurance adjuster will be required to approve care for work-related injuries/illnesses

Case coordination and case management for work-related injured/ill employees of the Town. Services must be requested by the Town. The case management system must be designed so that the injured/ill employee is closely monitored, and medical care is coordinated, in conjunction with the Town's Risk Manager, from the time of injury until the case is closed.

Evaluate medical records from outside providers, determine major contributing cause and place at maximum medical improvement.

Post-exposure testing and examinations to comply with any applicable federal, state, or local provisions. For example, Blood Borne Pathogen exposure.

Subcontracting

The Town reserves the right to accept the use of a subcontractor or to reject the selection of a particular subcontractor and to inspect all facilities of any subcontractors in order to make a determination as to the capability of the subcontractor to perform properly under this Contract.

If a subcontractor fails to perform or make progress, as required by this Contract, and it is necessary to replace the subcontractor to complete the work in a timely fashion, the On-Site Clinic shall promptly do so, subject to acceptance of the new subcontractor by the Town.

3. **Staffing:**

Concentra agrees to provide the following staff:

Clinician			
	FTE Count	Hours Per Week	Backfill
Physician Oversight (PO)	Provided		☐ Yes ☐ No
Advanced Practice Clinician (NP/PA)	1	40	☐ Yes ☒ No
General & Support Staff			
	FTE Count	Hours Per Week	Backfill
Medical Assistant (MA)	1	40	☐ Yes ☒ No

4. **Hours of Operation:**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	8am-5pm	8am-5pm	8am-5pm	8am-5pm	8am-5pm	

*The hours of operation set forth in this Exhibit A are the general hours the Onsite Center will be open. Specific services may be offered at various times within the hours of operation as agreed to by the parties in writing and as adjusted from time to time.

5. **Concentra Recognized Holidays:**

New Year's Day	☐ Staffed	☒ Not Staffed
Memorial Day	☐ Staffed	☒ Not Staffed
Independence Day	☐ Staffed	☒ Not Staffed
Labor Day	☐ Staffed	☒ Not Staffed
Thanksgiving Day	☐ Staffed	☒ Not Staffed
Christmas Day	☐ Staffed	☒ Not Staffed

Additional Client Recognized Holidays:

Martin Luther King,	☐ Staffed	☒ Not Staffed
President's Day	☐ Staffed	☒ Not Staffed
Day After Thanksgiving	☐ Staffed	☒ Not Staffed
Christmas Eve	☐ Staffed	☒ Not Staffed
New Year's Eve	☐ Staffed	☒ Not Staffed
Veteran's Day	☐ Staffed	☒ Not Staffed
Juneteenth	☐ Staffed	☒ Not Staffed

6. **Eligible Participants:**

Employees

7. **Electronic Medical Records**

Concentra Electronic Medical Records

EXHIBIT B
PROGRAM FEES (“FEES”)

Estimated Start-up Costs		One-time Fee	
Added Furniture, Fixtures, & Equipment (FF&E) (<i>pass-through</i>)		\$14,107	
Network Connectivity (<i>pass-through</i>)		\$700	
Technology/Software Installation		\$4,700	
Implementation Fee – new MA		\$3,700	
Implementation Team Travel (<i>pass-through</i>)		As Incurred	
TOTAL START-UP COSTS		\$23,207	
Estimated Labor Fees (Staffing)	Hourly	Monthly	Annual
Physician Oversight	n/a	\$2,600	\$31,200
Advanced Practice Clinician (NP/PA) – 1 FTE	\$109.93	\$19,055	\$228,660*
Medical Assistant – 1 FTE	\$38.94	\$6,750	\$81,000
TOTAL LABOR FEES		\$28,405	\$340,860
Estimated Ongoing Fixed Fees		Monthly	Annual
Added Hardware Use/Software Fee (MA)		\$208.33	\$2,500
Current Hardware Use/Software Fee (APC)		\$516.67	\$6,200
TOTAL ONGOING FIXED FEES		\$725	\$8,700
Estimated Pass-Through Costs		Monthly	Annual
Office/Medical Supplies, Laboratory		\$2,917.00	\$40,000.00
Outsourced Ultrasounds – Trident		\$4,500.00	\$54,000.00
TOTAL ESTIMATED PASS-THROUGH COSTS		\$7,417.00	\$94,000.00
TOTAL ESTIMATED ANNUAL COSTS		\$466,767	

Please note that this includes the annual 3% escalator for the Clinician in 2023-2024.

1. The table above is based on current estimates of scope and volume

(a) Any scope or volume changes may require additional Fees by amendment to this Agreement

2. Start Up Fees

- (a) The actual one-time Fee for supply and equipment will be dependent upon the facility size and configuration
 - i. Items purchased will be passed through as incurred
- (b) Implementation Fee to be billed upon executed Letter of Intent or execution of this Agreement, whichever comes first
- (c) Staffing will begin up to thirty (30) days prior to the Onsite Center opening and will be billed as incurred until Onsite Center opening day.
- (d) Implementation is anticipated to be finalized within ninety (90) days of the implementation commencing. The parties agree that implementation is considered complete on the date the Onsite Center is open for business
- (e) Please note the amounts applied for recruiting are estimated, actual cost may vary, and estimate does not include placement cost from a recruiting agency

- i. If deemed necessary, will be passed through to Client at cost
- 3. Concentra will bill ongoing labor and technology fees to the Client as a flat monthly fee at 1/12 of the annual rate
 - (a) Concentra's standard payment terms are net thirty (30) days
 - (b) On the earlier of (i) the beginning of each twelve (12) month period after the Effective Date of this Agreement; or (ii) on the anniversary of the commencement date of the existing Agreement between the parties (if applicable), all the Fees provided in the table above (excluding the pass-through items) shall automatically increase three percent (3%).
 - (c) If additional hours are deemed temporarily necessary for existing staff members and/or staff roles that are not overtime hours, they will be billed as incurred at the hourly rates listed above in addition to the Monthly Fixed Fees
 - (d) If the checkbox for Back-fill above is checked "Yes":
 - i. The hourly charge for Back-fill for that position is included in the Monthly Fee above
 - (e) If the checkbox for Back-fill above is checked "No":
 - i. If Back-fill is provided anyway upon mutual agreement of the parties, then the hourly rate shown above shall be billed as incurred in addition to the Monthly Fee for that position
 - ii. Client shall be responsible for paying the fixed monthly fees while Concentra employees are out of the office on PTO, FMLA, or bereavement
 - (f) The fixed Monthly Fees shall be paid even if the clinic location is inaccessible due to temporary shutdowns and Client recognized holidays
 - (g) Does not include overtime, supplemental pay, holiday pay, on call pay, or bonuses for Concentra employees, whether requested by Client or deemed medically or operationally necessary for patient care
 - i. If incurred, will be billed at current standard applicable rates (Overtime billed at 1.5X the applicable rate above; Holidays worked billed at 2.0X the applicable rate above, etc.)
 - (h) The monthly retainer for physician oversight shall include up to four (4) hours of the assigned physician's time per week
 - i. Required oversight may be telephonic, in-person, and/or case review via the EMR (as applicable)
 - ii. Any additional hours worked beyond this amount shall be billed on an hourly basis as incurred at a rate of \$250 per hour
- 4. Technology Fees include:
 - (a) Software fees (subject to change based on changes to staffing model)
 - (b) EMR Hardware Fee (all hardware purchases, maintenance of hardware, and replacement of hardware items necessary to provide the EMR solution, but excluding consumables)
 - (c) Patient survey
 - (d) Standard quarterly stewardship reporting
 - i. If customized reporting is requested by Client and is mutually agreed upon, then that customized reporting would be created by Concentra and billed on a time and materials basis at a rate of \$75 per hour of Concentra developer time spent in its creation and ongoing delivery.
 - (e) Zero (0) standard data feed(s) has been included in the above Fees for eligibility files. If Client requires data feeds, then additional Fees shall apply:
 - i. If the desired data feed matches our standard layout, each additional feed would be \$2,500.00.
 - ii. If customized feeds are requested by Client (i.e. insurance carriers, etc.), then that customized feed would be created by Concentra and billed on a time and materials basis at a rate of \$75 per hour of Concentra developer time spent in its creation.
- 5. All other costs will be passed through as incurred
 - (a) Travel and mileage (at the current applicable IRS rate) expenses incurred in the performance of required services (including but not limited to clinical and physician travel, travel between Client locations, onsite staff travel for training, monthly meetings, mutually agreed agency expenses that may be incurred during any Term, quarterly stewardship meetings, audits, any Back-fill and colleague performance management) will be billed back at actual cost without additional markup or management fee

- (b) All consumable items necessary for day-to-day clinic operation, whether requested by client or deemed medically or operationally necessary by clinic staff, will be passed through to client as incurred without markup
 - i. Passed through items include, but are not limited to: medical supplies, office supplies, laboratory fees and supplies, shipping of specimens, break room supplies, printing, postage, parking fees, uniforms, laundry, equipment calibration and maintenance, biohazard disposal, cell phones and data plans, third party services such as MROs or X-ray over reads if necessary, etc.

Any change in scope to the Agreement that require certifications to comply (CAOHC, BAT, UDS, DOT, etc.), and any travel related to this training will be passed through to Client as incurred.

EXHIBIT C **INSURANCE**

Concentra shall provide at its own cost and expense during the life of the contract, the following insurance coverages to Ebix (30) thirty business days prior to the commencement of any work. All sub-contractor's including any independent contractors and subcontractors utilized must comply with these requirements. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The insurance shall be evidenced by certificates and/or policies including premiums as determined by the Town of Palm Beach. It shall be an affirmative obligation upon the Concentra to advise Ebix, the Town's insurance certificate management service provider, at townofpalmbeach@ebix.com; P.O. Box 100085-HM, Duluth, GA 30096 within 24 hours or the next business day of cancellation, non-renewal or modification of any stipulated insurance and failure to do so shall be construed to be a breach of this Agreement/contract. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular service or change in service provided by the Concentra.

If the service provider maintains higher limits than the minimums shown below, the Town requires and shall be entitled to coverage for the higher limits maintained by the Concentra.

Professional Medical Malpractice Coverage:

\$1,000,000 per occurrence

\$3,000,000 annual aggregate

Where applicable, limits shall be in accordance with the Patient Compensation Fund Guidelines.

Commercial General Liability Coverage:

\$1,000,000 per occurrence

\$3,000,000 general aggregate

Concentra and all subcontractors will endorse the Town of Palm Beach as an Additional Insured under their General Liability policy. The Certificate of Insurance shall indicate an Occurrence Basis. Concentra and the subcontractor's General Liability coverage shall be primary and non-contributory.

Automobile Liability Coverage:

\$2,000,000 combined single limit

The Town of Palm Beach shall be endorsed as an additional under the automobile liability coverage.

Workers' Compensation Coverage:

1. Workers' Compensation coverage with statutory limits pursuant to Florida State Statute 440 . A waiver of subrogation must be provided
2. Employer's liability coverage at the following amounts:
 - a. Each accident: \$1,000,000
 - b. Disease (each employee): \$1,000,000
 - c. Disease (policy limit): \$1,000,000

Cyber Liability Coverage

\$1,000,000 per occurrence including coverage for cloud computing and mobile devices, protection of private or confidential information, network security and privacy, liability for system attacks, digital asset loss, denial or loss of service, unauthorized access, and use; introduction, implantation or spread of malicious software code; and Privacy & Security Breach Response/Expense coverage.

For policies written on a claims made basis, service providers shall maintain a retroactive date prior to or equal to the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an occurrence form or there is a change in retroactive date, service provider must purchase an extended reporting period rider during the life of this contract or not less than 3 years. Coverage is to apply on a primary basis.

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 080-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2023-42, Par 3 Golf Course Practice Green Improvement to South Florida Tractor Service Inc. in the amount of \$173,030 and Establishing a project budget of \$198,984.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▢ **Memorandum Dated July 5, 2023, from Dean Mealy, Procurement and Contract Manager**
- ▢ **Resolution No. 080-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution Approving the Award of ITB No.2023-42, Par 3 Golf Course Practice Green Improvement to South Florida Tractor Service Inc. in the Amount of \$173,030 and Establishing a Project Budget of \$198,984; Resolution 080-2023

DATE: 5 July 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Award of ITB No.2023-42, Par 3 Golf Course Practice Green Improvement to South Florida Tractor Service Inc. in the amount of \$173,030 and establishing a project budget of \$198,984.

SUMMARY EXPLANATION/BACKGROUND

The Recreation Department had requested improvements for the Par 3 Golf Course Practice Green for FY23. The Town had engaged Harry Bowers of Signature Design Services to put together the bid specifications and to provide oversight for the improvements.

The technical specifications were developed around the Grass Stripping and Disposal, Erosion Control Measures, Greens Construction, Bunker Construction, Irrigation Installation, Soil Preparation and Grassing.

The Town issued ITB No. 2023-42 and received two qualified submissions. The recommended awardee, South Florida Tractor Inc. has done work with the Town on previous occasions with no performance issues.

FISCAL IMPACT

The funding for this project will be from the Par 3 Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Town Manager's Office and Recreation Department are in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 080-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING ITB NO. 2023-42, PAR 3 GOLF COURSE PRACTICE GREEN IMPROVEMENT TO SOUTH FLORIDA TRACTOR SERVICE INC. IN THE AMOUNT OF \$173,030 AND ESTABLISHING A PROJECT BUDGET OF \$198,984

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. 080-2023, awarding ITB No. 2023-42, Par 3 Golf Course Practice Green Improvement to South Florida Tractor Service Inc. in the amount of \$173,030 and Establishing a project budget of \$198,984.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 081-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the amount of \$135,139 to Coastal Eco-Group, Inc. for the 2023 Mid-Town regulatory required biological monitoring and the 2023 FDEP BMA cell-wide monitoring reporting, and establishing a biological monitoring and reporting phase budget of \$148,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 20, 2023 from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Resolution No. 081-2023**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO, Town Procurement and Contract Manager

RE: Approve a Purchase Order for 2023 Mid-Town Regulatory Required Biological Monitoring to Coastal Eco-Group, Inc. (CEG), **Resolution No. 081-2023**

DATE: June 20, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 081-2023 approving a purchase order to Coastal Eco-Group, Inc. (CEG), in the amount of \$135,139 to complete the State of Florida Department of Environmental Protection (FDEP) Mid-Town regulatory required biological monitoring and 2023 BMA Cell-Wide Monitoring Reporting and establish a monitoring and reporting phase budget of \$148,000.

GENERAL INFORMATION

Coastal Eco-Group, Inc. (CEG), and their sub-consultant, Tetra Tech, Inc., have together performed the majority of the biological monitoring for the Town since 2009. These firms worked together with FDEP and the BMA participants to develop a biological monitoring program for the BMA that was acceptable to all applicable parties.

The 2023 CEG tasks include nearshore environmental resources mapping, and both benthic and sedimentation analyses, to satisfy post-construction regulatory requirements for the Mid-Town Beach Nourishment Project, as well as the overall BMA reporting of Town-wide biological monitoring data. This includes the overall reporting of data that is to be collected by Coastal Protection Engineering, LLC (CPE). CPE and CEG both have Professional Services Agreements with the Town to perform these services. Like CEG, CPE staff have experience with the various monitoring efforts associated with the BMA. However, the BMA reporting has been exclusively performed by CEG and having CEG continue this task is helpful to the regulatory agencies for consistency and presentation.

Staff is working with FDEP staff to identify any potential State cost-sharing for this regionally beneficial work effort. The Town has been successful in previous years with obtaining State cost-sharing for annual required biological monitoring work.

FUNDING/FISCAL IMPACT

The Coastal Protection Fund includes sufficient funds to accomplish the annual regulatory required scope of work as proposed by both CEG and Coastal Protection Engineering, LLC.

PROCUREMENT REVIEW

This item has been reviewed by the Procurement and Contract Management Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 081-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$135,139 TO COASTAL ECO-GROUP, INC., FOR THE 2023 MID-TOWN REGULATORY REQUIRED BIOLOGICAL MONITORING AND THE 2023 FDEP BMA CELL-WIDE MONITORING REPORTING, AND ESTABLISHING A BIOLOGICAL MONITORING AND REPORTING PHASE BUDGET OF \$148,000

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. 081-2023, approving a purchase order to Coastal Eco-Group, Inc. (CEG), in the amount of \$135,139 for the 2023 Mid-Town regulatory required biological monitoring and 2023 annual FDEP BMA cell-wide monitoring reporting, and establishing a biological monitoring and reporting phase budget of \$148,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

June 9, 2023

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Proposal for the 2023 regulatory hardbottom monitoring and report required by the Beach Management Agreement (BMA) for the 2020 Mid-Town Beach Nourishment Project and 2022 Palm Beach Harbor Operations and Maintenance Project in Reach 2

Dear Mr. Weber:

Coastal Eco-Group is pleased to provide the Town of Palm Beach with the following proposal for the 2023 regulatory monitoring required by the BMA for the 2020 Mid-Town Beach Nourishment Project and the 2022 Palm Beach Harbor Operations and Maintenance Project in Reach 2. The specific scope of work to be implemented in 2023 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 2023 Year 3 post-construction regulatory monitoring for the 2020 Mid-Town Beach Nourishment Project and data analyses/report preparation of the 2023 annual report. The 2023 report will include evaluation of potential 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) in the evaluation of project-related effects. The 2023 survey is the first post-construction survey of the two regulatory transects for the 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 landwardvisible 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 snorkeler) will follow the nearshore edge; one diver will follow the edge on the bottom and collect digital video documentation while the snorkeler on the surface pushes a float with a SP60 GNSS receiver directly above the diver on bottom. The SP60 GNSS Receiver transmits continuous, corrected positions to an XDL Rover 2 radio on the survey vessel. These positions are transmitted to a handheld tablet on the vessel via Bluetooth technology. This system allows the dive team to map the hardbottom edge untethered to the vessel. The positions are simultaneously viewed and stored as a shapefile in ArcPad on the tablet during the field survey.

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 diver on bottom. Coordinates will also be taken to georeference the video record; the snorkeler will signal the boat at the beginning of each video segment, and a coordinate will be recorded. In the office, navigational data collected from the vessel-based mapping system will be imported into ArcGIS 10.7.1 and exported as a single line 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.

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 2023 BMA regulatory 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, will re-numbered as 0 to 60 m since the transect begins at the natural hardbottom edge at R-95.

Reach 2 Project Area

Two transects in Reach 2, R-80.5 (installed on June 22, 2015) and R-82 (installed on August 2, 2022), are regulatory transects for the 2022 Palm Beach Harbor Operations and Maintenance Project. The 2023 survey is the first post-construction survey of these two transects.

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, zoanths, 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 2023 Mid-Town and Reach 2 regulatory data survey data deliverables (Microsoft Access database of monitoring data, Excel summary sheets, and 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 2023 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/m^2] 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 2023 report will include hardbottom distribution maps based on interpretation of 2023 aerial photography (GIS shape files provided by others) with the summer 2023 diver-mapped hardbottom edge survey as an overlay; sediment analyses including bar graphs depicting sediment patch data and average sediment depths of transects and depth zones; benthic community analysis and change, and statistical analyses. The final report presenting the 2023 Mid-Town and Reach 2 hardbottom survey regulatory results, interpretations, and comparison to the baseline survey data and 2023 BMA transect data (provided by others) will be submitted within 120 days of the completion of the 2023 survey. The final report will be submitted as a PDF file to the Town and FDEP.

The total estimated cost of this proposal is **\$135,139** 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

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 082-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order in the amount of \$162,996.10 to Coastal Protection Engineering, LLC, for the 2023 FDEP BMA cell-wide annual biological monitoring, and establishing a biological monitoring phase budget of \$178,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 20, 2023 from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Resolution No. 082-2023**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

FROM: Dean Mealy II, CPPO, Town Purchasing Manager

RE: Approve a Purchase Order for 2023 FDEP BMA Cell-Wide Annual Biological Monitoring to Coastal Protection Engineering, LLC (CPE), **Resolution No. 82-2023**

DATE: June 20, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 082-2023 approving a purchase order to Coastal Protection Engineering, LLC (CPE), in the amount of \$162,996.10 to complete the State of Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA) required 2023 Palm Beach Island Cell-Wide Biological Monitoring and establish a monitoring and reporting phase budget of \$178,000.

GENERAL INFORMATION

CPE is one of two firms that have professional services agreements from RFQ 2020-15. CPE and Coastal Eco-Group will be performing all of the State and Federal regulatory required biological monitoring to satisfy the obligations under the FDEP Beach Management Agreement and the U.S. Army Corps of Engineers permits.

The CPE comprehensive scope of work, dated May 22, 2023, includes the BMA required tasks. These tasks include aerial delineation of hardbottom, nearshore environmental resources edge mapping, and both benthic and sedimentation data collection and analyses. Project-related monitoring will be performed by Coastal Eco-Group, Inc. The work and reporting by CPE will be done together with the additional biological monitoring by CEG.

Staff is working with FDEP staff to identify any potential State cost-sharing for this regionally beneficial work effort. The Town has been successful in previous years with obtaining State cost-sharing for annual required biological monitoring work.

FUNDING/FISCAL IMPACT

The Coastal Protection Fund includes sufficient funds to accomplish the annual regulatory required scope of work as proposed by both CPE and Coastal Eco-Group, Inc.

PROCUREMENT REVIEW

This item has been reviewed by the Procurement and Contract Management Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 082-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A
PURCHASE ORDER IN THE AMOUNT OF \$162,996.10 TO COASTAL
PROTECTION ENGINEERING, LLC, FOR THE 2023 FDEP BMA
CELL-WIDE ANNUAL BIOLOGICAL MONITORING, AND
ESTABLISHING A BIOLOGICAL MONITORING PHASE BUDGET
OF \$178,000**

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. 082-2023 approving a purchase order to Coastal Protection Engineering, LLC (CPE), in the amount of \$162,996.10 for the 2023 annual FDEP BMA cell-wide annual biological monitoring and establishing a biological monitoring phase budget of \$178,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

June 12, 2023

Sent via Email

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, Florida 33401
Submitted via email to:

Re: Proposal for the 2023 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2023 Hardbottom Map

Dear Mr. Weber,

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 2023 BMA Hardbottom Map and production of the 2023 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 2023 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. 2023 Hardbottom Mapping and Creation of 2023 BMA Hardbottom Map

Task 1 includes digitization of exposed hardbottom from aerial photographs, in situ hardbottom edge mapping, and development of the 2023 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 2023 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-76 to R-87 and R-110 to R-151. The hardbottom edge 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.

2023 BMA Hardbottom Map

The delineation of exposed hardbottom from the 2023 aerial photographs and the in situ hardbottom edge mapping will be used to generate the final 2023 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 2023 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 2023 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 2023 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 2023.

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 2023 BMA Annual Report will include hardbottom distribution maps based on the 2023 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 2023 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 \$162,996.10 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,



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
2023 BMA Monitoring

		LABOR			MATERIALS	SUBCONTRACTOR
CPE Cost Proposal		Principal Coastal Scientist Hours	Senior Marine Biologist Hours	Jr. Coastal Scientist Hours	Equipment & Insurance diver/day	APTIM Cost
Task 1	Aerial Delineation		68			\$ 6,600.00
	Hardbottom Edge Mapping		60	36	6	\$ 16,423.00
	Map	1	40			\$ 4,400.00
	Public Meeting	4	24			\$ -
Task 2	Transect Monitoring and Offshore Stations		88	60	11	\$ 26,878.00
	Data Entry and Raw Data Submittal		116	32		\$ 3,420.00
	Data Analysis and Annual Report	2	100	24		\$ 4,920.00
TOTAL		7	496	152	17	\$ 62,641.00
RATE		\$ 279.00	\$ 153.00	\$ 100.00	\$ 60.00	\$ 1.10
COST		\$ 1,953.00	\$ 75,888.00	\$ 15,200.00	\$ 1,020.00	\$ 68,905.10
		LABOR	\$ 93,041.00			
		MATERIALS	\$ 1,020.00			
		SUBCONTRACTOR	\$ 68,905.10			
		TOTAL	\$ 162,966.10			

June 7, 2023

Stacy Buck
Coastal Protection Engineering LLC
5301 N. Federal Hwy, Suite 335
Boca Raton, FL 33487

Subject: Proposal for the 2023 Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA) Cell-Wide Hardbottom Monitoring and 2023 Hardbottom Map

Dear Stacy:

This proposal is in response to Coastal Protection Engineering's (CPE) request for Aptim Environmental & Infrastructure, LLC (APTIM) to provide professional environmental services in support of the Beach Management Agreement (BMA) annual monitoring and reporting for the Town of Palm Beach (ToPB). Thank you for the opportunity to provide these services.

Scope of Work

The scope of services outlined below will include supporting CPE in the creation of the 2023 hardbottom map based on delineation of exposed hardbottom in aerial photography and nearshore edge mapping of the entire BMA cell, 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 – 2023 Hardbottom Mapping and Creation of 2023 Hardbottom Map

An APTIM GIS Analyst will assist CPE in the digitization of exposed hardbottom from aerial photographs and the development of the 2023 BMA hardbottom map. An APTIM Captain and Marine Biologist will participate in the in situ hardbottom edge mapping and APTIM will provide the monitoring equipment listed in Exhibit A.

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

APTIM Marine Biologists and a Captain will participate in the biological monitoring of the BMA transects and offshore stations and will provide the monitoring equipment listed in Exhibit A. APTIM Marine Biologists will also assist with the preparation of FDEP data deliverables, data analysis, and the development of the 2023 Annual Hardbottom Monitoring Report.

Schedule and Summary

APTIM proposes to provide these services as detailed in Exhibit A on a time and materials basis for an estimated Not-To-Exceed amount of \$62,641.00 to be billed in accordance with this proposal and subject to the terms and conditions of the Agreement (Exhibit B) between the Parties dated January 9, 2020 and as Amended. Please issue a Purchase Order or Notice to Proceed for the referenced services in the name of our licensed contracting entity, Aptim Environmental & Infrastructure, LLC. 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.

Thank you for the opportunity to provide these services and please do not hesitate to call if you have any questions.

Sincerely,



Katy Brown
Lead Marine Biologist
Aptim Environmental & Infrastructure, LLC.



Beau C. Suthard, PG
Program Director

cc: Debbie Neese, APTIM

EXHIBIT A
FEE SCHEDULE

EXHIBIT A

**TOWN OF PALM BEACH
2023 BMA HARDBOTTOM MONITORING**

PREPARED BY: Aptim Environmental & Infrastructure, LLC (APTIM)

APTIM Cost Proposal				LABOR		EQUIPMENT						MATERIALS		
				Marine Biologist II Hours	Technician Hours	Boat Captain Hours	GIS Operator Hours	Survey Boat (24 ft Privateer) miles	Trimble DGPS days	Hypack days	Underwater Camera days	Trimble Geo 7x GPS Days	SCUBA tanks days	Equipment & Insurance diver/day
Task 1	Aerial Delineation						60							
	Hardbottom Edge Mapping			72	12	36		3	3	3	5	2	36	3
	Map						40							
Task 2	Transect Monitoring and Offshore Stations			72	60	72		6	6	6	6		64	11
	Data Analysis and Raw Data Submittal			36										
	Annual Report			24			24							
TOTAL				204	72	108	124	9	9	9	11	2	100	14
RATE \$				95.00	\$ 57.00	\$ 80.00	\$ 110.00	\$ 790.00	\$ 415.00	\$ 260.00	\$ 32.00	\$ 300.00	\$ 19.00	\$ 60.00
COST \$				19,380.00	\$ 4,104.00	\$ 8,640.00	\$ 13,640.00	\$ 7,110.00	\$ 3,735.00	\$ 2,340.00	\$ 352.00	\$ 600.00	\$ 1,900.00	\$ 840.00

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 083-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order in the amount of \$177,470 to Applied Technology & Management, Inc., for Town-wide 2023 Annual Physical Surveys and Establishing a Physical Monitoring Budget of \$195,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 20, 2023 from Dean Mealy, II, Procurement and Contract Manager**
- ▣ **Res. No. 083-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Approve a Purchase Order for 2023 Annual Physical Surveys to Applied Technology & Management, Inc. (ATM), **Resolution No. 083-2023**

DATE: June 20, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 083-2023 approving a purchase order to Applied Technology & Management, Inc. (ATM), in the amount of \$177,470 and establishing a project budget of \$195,000 to complete the Town-wide Annual Physical Surveys.

GENERAL INFORMATION

Physical monitoring of the Town's beaches is essential for coastal management. Physical monitoring provides engineers and regulators the necessary information to track the performance of previously constructed coastal projects and to design permissible storm protection and erosion control projects in the future.

The physical monitoring procedure includes surveying both above the water (topographic), and below the water (bathymetric). Each year the Town performs surveys starting from a given point on land with a known horizontal position and vertical elevation established by the Florida Department of Environmental Protection (FDEP). Horizontal and vertical data is collected from this given point, perpendicular to shore, and out to a specific depth offshore. Using this data, a cross section of each beach profile can be drawn which follows the movement of sand within the profile.

For the past fifteen (15) annual events, the Town has tasked an engineering consultant to provide a Town-wide analysis of physical monitoring surveys, comparing the newly collected data with the previously collected data. The analysis is compiled into a report that is provided to the Town. This "Sediment Budget" report assists the Town with keeping track of the sand currently within the coastal system of the Town limits.

During the Beach Management Agreement (BMA) process, FDEP and other BMA participants noticed the benefits of the “Sediment Budget” report. The monitoring program of the BMA shoreline was developed using the “Sediment Budget” report as a guide. This BMA monitoring program now includes the tasks previously performed for the “Sediment Budget” report and has slightly expanded the scope to meet the regional approach of the BMA.

The scope of work prepared by both ATM and Terraquatic, Inc. is sufficient to complete the fieldwork and the data reporting to prepare the required BMA annual “Sediment Budget” report and the annual BMA analysis. The 2023 physical monitoring scope includes a presentation to both the Shore Protection Board in January 2024 and the annual BMA meeting, at a date to be determined by FDEP later this calendar year.

FUNDING/FISCAL IMPACT

Town Council approved the FY21 Coastal Management Program Budget which includes sufficient funds for all related tasks within ATM’s May 22, 2023, Annual Beach Physical Monitoring Proposal.

PROCUREMENT REVIEW

This item has been reviewed by the Procurement and Contract Management Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 083-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$177,470 TO APPLIED TECHNOLOGY & MANAGEMENT, INC., FOR TOWN-WIDE 2023 ANNUAL PHYSICAL SURVEYS, AND ESTABLISHING A PHYSICAL MONITORING BUDGET OF \$195,000

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. 083-2023, approving a purchase order to Applied Technology & Management, Inc. (ATM), in the amount of \$177,470 for Town-wide 2023 Annual Physical Surveys, and establishes a Physical Monitoring Budget of \$195,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 084-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Southern Sewer Equipment Sales Inc. for the Purchase of a new Vac-Con Sewer Combination Cleaner truck in the amount of \$515,070.00 and Establishing a project budget of \$517,000.00.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2023 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 084-2023**
- ▣ **Bid Tabulation**

Information for Town Council Meeting on July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution Approving the Award of a purchase order to Southern Sewer Equipment Sales Inc. for the purchase of a new Vac-Con Sewer Combination Cleaner truck in the amount of \$515,070.00 and establishing a project budget of \$517,000.00; Resolution No. 084-2023

DATE: 29 June 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of a purchase order to Southern Sewer Equipment Sales Inc. for the purchase of a new Vac-Con Sewer Combination Cleaner truck in the amount of \$515,070.00 and establishing a project budget of \$517,000.00.

SUMMARY EXPLANATION/BACKGROUND

During the 2024 budget review process with Public Works, the Town Manager and the Deputy Town Manager, a business decision was made to move forward with the purchase of Vac-Con Sewer Combination Cleaner truck.

It is scheduled to be replaced in FY24 as part of the Equipment Replacement Fund cycle. It was decided that purchase should be made within the FY23 budget period rather than the FY24 budget period due to unstable market conditions.

Town Procurement and Water Resource Division solicited three quotes and demonstrations from the limited pool of suppliers. Pricing was not the only criteria being considered in determining recommendation for award. Demonstrations were facilitated for each truck being proposed. The performance specifications also weighed heavily when considering the best value. The team determined that, while not the least expensive option, the Vac-Con Sewer Combination Cleaner was a better piece of equipment for the cost. Vac-Con provided the Town with a dealer discount of \$50,080.00.

The vehicle being replaced is used in the water resources program in Public Works for maintenance of the sewer and storm lines for the Town of Palm Beach. The vehicle being replaced is ten years old.

FISCAL IMPACT/FUNDING SOURCE

This purchase is being made utilizing funds from the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 084-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER TO SOUTHERN SEWER EQUIPMENT SALES INC. FOR THE PURCHASE OF A NEW VAC-CON SEWER COMBINATION CLEANER TRUCK IN THE AMOUNT OF \$515,070.00 AND ESTABLISHING A PROJECT BUDGET OF \$517,000.00

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. 084-2023, awarding a purchase order to Southern Sewer Equipment Sales Inc. for the purchase of a new Vac-Con Sewer Combination Cleaner truck in the amount of \$515,070.00 and establishing a project budget of \$517,000.00.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of July, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

 Town of Palm Beach Vac Truck Bid Tabulation			
Basis of Award	Environmental Protection Group	Southern Sewer Equipment Sales, Inc.	Gapfox, Inc.
Unit Price	Price	Price	Price
	\$508.14736	\$115,070.00	\$508,600.00
Grand Award			

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 085-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the award ITB 2023-44 Phipps Plaza Restoration to Sherlock Tree Company Inc in the amount of \$299,638.35 and Establishing a Project Budget of \$315,000.00.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▢ **Memorandum Dated June 29, 2023, from Dean Mealy, Procurement and Contract Manager**
- ▢ **Resolution No. 085-2023**
- ▢ **Previous Resolution Authorizing**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager Finance and Administration

VIA: Paul Brazil, P.E., Director of Public Works

FROM: Dean Mealy II, CPPO, Town Purchasing Manager

RE: Requesting approval to award ITB 2023-44 Phipps Plaza Restoration to Sherlock Tree Company Inc in the amount of \$299,638.35 and establishing a project budget of \$315,000.00; **Resolution No. 085-2023**

DATE: June 29, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the award ITB 2023-44 Phipps Plaza Restoration to Sherlock Tree Company Inc in the amount of \$299,638.35 and establishing a project budget of \$315,000.00.

GENERAL INFORMATION

Town Council on March 22, 2023 authorize the acceptance of the donation of \$300,000 and the proposed site plan for Phipps Plaza Park.

The Scope and Bid Set were designed and provided to Procurement by Environment Design Group. Town Procurement bid this project out on two occasions. Due to lack of responsive submittals for the first bid it was rebid. In response to the second solicitation, Town procurement received one response which was reviewed by the Procurement, Public Works and the Town's consultant, Environment Design Group, and found to be responsive and responsible.

Due diligence was conducted of the responsive bidder, and they were found to be satisfactory. The Town has used this vendor for other landscaping services over the past two years.

FUNDING/FISCAL IMPACT

All funding for this effort will be through the Carriage House Properties Partners, LLC.

USER DEPARTMENT REVIEW

This item has been reviewed by the Town Manager's Office and the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 085-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD ITB 2023-44 PHIPPS PLAZA RESTORATION TO SHERLOCK TREE COMPANY INC IN THE AMOUNT OF \$299,638.35 AND ESTABLISHING A PROJECT BUDGET OF \$315,000.00.

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 the award ITB 2023-44 Phipps Plaza Restoration to Sherlock Tree Company Inc in the amount of \$299,638.35 and establishing a project budget of \$315,000.00.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Phipps Plaza Park Donation

DATE: March 22, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize the acceptance of the donation of \$300,000 and the proposed site plan for Phipps Plaza Park.

GENERAL INFORMATION

Town Council approved the zoning application for the Carriage House, 264 South County Road, on February 13, 2019. As a condition of approval, was the donation of \$300,000 for renovations to the Phipps Plaza Park. Attached is a memorandum from the Carriage House Properties, LLC along with the proposed site plan for the park. The proposed plan is scheduled to be presented at the April Landmarks Committee meeting. As the property owner, Town Council is requested to accept the donation and approve the proposed site plan.

Once the donation is accepted and the site plan is approved, Public Works will accept the responsibility to implement the approved plan. Public Works will work with Procurement and Contract to put the project out for bid. Once the bids are received and evaluated, the recommended bid will be brought back to Town Council for approval. Public Works expects to perform this work this summer and have the work completed prior to Thanksgiving.

FUNDING/FISCAL IMPACT

All funding for this effort will be through the Carriage House Properties Partners, LLC.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Maura Ziska, Kochman & Ziska PLC
Paul Colby, Facilities Maintenance Division Manager

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Consent - Other

Agenda Title

Accept Donation from the Kerry and Simone Vickar Family Foundation

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated July 3, 2023, from Nicholas Caristo, Chief of Police**
- ▣ **Attachment A - Donation Policy 1-08-8**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Accept Donation from the Kerry and Simone Vickar Family Foundation

Date: July 3, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council accept a donation of new duty pistols valued at approximately \$66,000 from the Kerry and Simone Vickar Family Foundation.

GENERAL INFORMATION

The Palm Beach Police Department continues to benefit from the generosity of the residents and businesses of the Town of Palm Beach. The Department has recently received intentions of a donation of new duty pistols with enhanced optic sighting mechanisms along with the necessary holsters from the Kerry and Simone Vickar Foundation. This donation is valued at approximately \$66,000.

Per Town Administration Policy No. 1-08-08 (Attachment A), any donation with a value over \$25,000, which is not included in the Town's budget, must be approved by Town Council.

FUNDING/FISCAL IMPACT

None.

Attachment

cc: Robert Miracle, Deputy Town Manager
Carolyn Stone, Deputy Town Manager



TOWN OF PALM BEACH

Administrative Procedures

TOWN DONATIONS PROCEDURES

Procedure No.:.....1-08-8

Effective Date:..... September 25, 2008

Revision to Procedure No.:..... 1-08-5

APPROVED: 
Peter B. Elwell, Town Manager

OBJECTIVE: To formally establish clear procedures for implementation of the donations policy adopted by the Town Council at the January 8, 2008 Town Council meeting.

RESPONSIBILITY: Department directors and/or the Town Manager shall be responsible for the implementation of this procedure. The Finance Director shall be responsible for ensuring completion of those actions required of the Finance Department. Town Council is responsible for approving certain donations as described below.

DEFINITIONS:

Donation:	May refer to either money or items. (Donations of food are exempted from this policy.)
Town budget:	Refers to the Town Council adopted budget, the Equipment Replacement Program, or the approved five-year Capital Improvement Program
Department director:	May also refer to his or her designee
Town Manager:	May also refer to his or her designee

POLICY: Donations with a value over \$25,000, which are not included in the Town budget or the Council-approved Capital Improvement Program (CIP) or Equipment Replacement Fund (ERF), must be individually approved by Town Council. All other donations require administrative approval under the following guidelines:

- Donations of any value, which are of or for items included in the Town budget, are subject to the approval of the department director or Town Manager, as appropriate.

- Donations of money are accepted so long as items bought with the donated money follow the same guidelines as those of a donated item.
- Donations of items with a value of \$25,000 or less, which are not included in the Town budget, may be approved by the department director if there will be no future maintenance or replacement cost, but are subject to the approval of the Town Manager if there could or would be future maintenance or replacement cost.

The department director or Town Manager may seek Town Council approval of any donation which they determine should be subject to Town Council review.

PROCEDURE:

- Donations of cash or gift cards will not be accepted, with the exception of gift certificates or cards donated to the Recreation Department for the use as program prizes. Said certificates or cards will be subject to appropriate cash handling and tracking procedures to insure accountability.
- Departments must follow the Town's formal written purchasing procedures when using donation funding to buy an item.
- If the Town receives a donation for an item in the ERF that is not scheduled for purchase until a future date, the department shall use the donation when the next available purchase for such item occurs in the ERF. Acceleration of such purchases is allowed only upon the advance written approval of the Town Manager.
- All donations shall be reported to the Finance Department for processing and recording.
- The Finance Department will administer a central database, which shall record the date of every donation, name and address of donor, purpose of the donation and the amount of the donation. Departments should submit such information to the Finance Department the same business day the donation is received.

CONSIDERATIONS:

When determining whether to accept a donation, the department director and/or Town Manager should consider whether the public, professional or community benefit is clear. The Town should also

avoid any impression that a private entity might receive a favor, naming rights, or any other quid pro quo consideration from the Town or a Town official in exchange for the donation.

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Consent - Other

Agenda Title

Authorization for Road Closure of Peruvian Avenue (300 Block) for a Crane to Install a Large Banyan Tree in the Rear of 341 Peruvian Avenue

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 22, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Map**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization for Road Closure of Peruvian Avenue (300 Block) for a Crane to Install a Large Banyan Tree in the Rear of 341 Peruvian Avenue

DATE: June 22, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the authorization of the Peruvian Avenue closure for a crane to set up and install a large Banyan Tree in the rear of 341 Peruvian Avenue.

GENERAL INFORMATION

The owners of 341 Peruvian Avenue, in accordance with approved ARCOM plans, desire to install a 20-foot Banyan Tree in the rear of the lot. The required right-of-way permits for the proposed work have been applied for. To complete the work, the contractor has requested a road closure of Peruvian Avenue for the crane set up. The Banyan Tree can be delivered on a standard 28-foot-long flat bed, which can navigate our roadways. The proposed work would take place on July 13th or 14th (weather permitting). An alternative date would be the week of August 7th. Work would be performed during normal working hours. The contractor requested 8 hours to perform the work, between the hours of 9:00 a.m. to 6:00 p.m.

The roadway detour is from Cocoanut Row up Australian Avenue to Hibiscus Avenue. For local traffic on both sides of the road closure, Peruvian Avenue will temporarily function as a two-way roadway with the use of traffic control devices and off-duty officers. Parking on the block is anticipated to be suspended. This will maintain access for residents adjacent to the work site within the 300 block of Peruvian Avenue. Detour attached.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachment

cc: Jason Debrincat, P.E., Assistant Director
Patricia Strayer, P.E., Town Engineer
Michael Roach, P.E., Project Engineer

DRAWN BY:
Tony Britten

Oakland Park, FL 33334
(954) 560-0450



TE LOCATION:

DRAWN BY:

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 009-2023, 010-2023, and 011-2023, at the July 12, 2023, Public Hearing Prior to 5:00 PM.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated July 5, 2023, From Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building

Re: Request to Consider Ordinance No. 009-2023, Ordinance No. 010-2023, & Ordinance No. 011-2023 at the July 12, 2023, Public Hearing Prior to 5:00 p.m.

Date: July 5, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council conduct the first readings on Ordinance No. 009-2023, Ordinance No. 010-2023, & Ordinance No. 011-2023 at the regular scheduled Town Council meeting of July 12, 2023, prior to 5:00 p.m.

BOARD OR COMMISSION RECOMMENDATION

On April 27, 2023, the Planning and Zoning Commission recommended the subject ordinances move forward to first and second reading. Ordinance No. 009-2023 is a proposal that for specific like for like uses a Special Exception approval would not be required in order to obtain a Business Tax Receipt (BTR). Ordinance No. 010-2023 proposes Code language to allow single-family prior platted lots that do not meet the lot frontage, and/or lot dimensions, and/or lot size, to not require processing an application for a Special Exception Approval. Ordinance No. 011-2023 consolidates the nine current “building height” definitions into one definition.

GENERAL INFORMATION

Pursuant to Section 166.041, F.S., in cases in which a proposed ordinance changes the actual list of permitted, conditional (special exceptions), or prohibited uses within a zoning category, the Town Council is required to hold at least one of two public hearings after 5:00 p.m. The Statute also provides that the time of hearing can be changed if a majority, plus one, of the local governing body, elects to have a hearing at another time of day. Staff is requesting that the Town Council elect to conduct the first public hearings on Ordinance No. 009-2023, Ordinance No. 010-2023, & Ordinance 011-2023 during their July Development Review meeting. The second reading of the Ordinances are scheduled for August 9, 2023.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 073-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the Award of Construction Final GMP to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation in the Amount of \$14,855,756 and Establishing a Project Construction Budget of \$15,913,032.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2023, from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 073-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution Approving the Award of Construction Final GMP to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation in the Amount of \$14,855,756 and Establishing a Project Construction Budget of \$15,913,032 which is inclusive of the previously Awarded GMP of \$3,810,227
Resolution No. 073-2023

DATE: 29 June 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of Construction Final GMP to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation in the Amount of \$14,855,756 and Establishing a Project Construction Budget of \$15,913,032 which is inclusive of the previously Awarded GMP of \$3,810,227

SUMMARY EXPLANATION/BACKGROUND

The Town and Hedrick Brothers Construction Company Inc. finalized negotiations regarding the Final GMP for the North Fire on June 29, 2023. The negotiation team consisted of Kirk Blouin, Bob Miracle, Paul Brazil, Jason Debrincat, Patricia Strayer, Dean Mealy, Ryan Canterbury and Pat Marshall, Gene Parker, and Sandy Scanlon of Hedrick Brothers Construction Company Inc.

On June 6, 2023, Hedrick Brothers Construction Company Inc., Bridges and Marsh and Associates met with the Town to discuss the preliminary numbers for the Final GMP. As a result of the discussion, they were directed to review all elements of the project to look for any potential cost savings.

A brief history of the project is as follows:

The Town Council approved Resolution No. 133-2021 awarding RFQ-2021-32 for CMAR Services for North Fire Station Rehabilitation to Hedrick Brothers Construction Company Inc. on November 9, 2021.

The Town Council approved Resolution No. 161-2021 on January 11, 2022, approving a Change Order for Modular Building Systems to house North Fire Staff during Rehabilitation of the station as part of Preconstruction Phase Services.

The Town Council approved Resolution No. 145-2022 on November 8, 2022, approving a Change Order to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation Phase 1 GMP.

The three resolutions authorized \$3,810,227 in purchase orders.

FISCAL IMPACT/FUNDING SOURCE

The total budgeted funding for GMP Construction is from the Capital Improvement Fund.

The total estimated cost for this project is \$17,000,000. This incorporates soft costs for the architect, engineers, and trailers to house staff during construction.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 073-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF CONSTRUCTION FINAL GMP TO HEDRICK BROTHERS CONSTRUCTION COMPANY INC. FOR THE NORTH FIRE STATION REHABILITATION IN THE AMOUNT OF \$14,855,756 AND ESTABLISHING A PROJECT CONSTRUCTION BUDGET OF \$15,913,032

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. 073-2023, approving the Award of Construction Final GMP to Hedrick Brothers Construction Company Inc. for the North Fire Station Rehabilitation in the Amount of \$14,855,756 and Establishing a Project Construction Budget of \$15,913,032.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Phipps Ocean Park Project - Legacy and Contract Grown Trees Donation

RESOLUTION NO. 091-2023 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Donation of Legacy and Specied Trees/Plants Which Will Be Contract Grown for Phipps Ocean Park from the Preservation Foundation of Palm Beach.

Presenter

Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture

ATTACHMENTS:

- ▣ **Memorandum Dated June 30, 2023, from Carolyn Stone, Deputy Town Manager, Business Enterprise and Culture**
- ▣ **Resolution No. 091-2023**
- ▣ **Contract Grow Plant List from the Preservation Foundation of Palm Beach**

TOWN OF PALM BEACH

Information for Town Council Meeting on July 11, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Carolyn S. Stone, Deputy Town Manager – Business Enterprise and Culture

Re: Phipps Ocean Park Project – Legacy and Contract Trees Donation, Resolution No. 091-2023

Date: June 30, 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve the donation of legacy and species trees/plants which will be contract grown for Phipps Ocean Park from the Preservation Foundation of Palm Beach.

GENERAL INFORMATION

The Preservation Foundation of Palm Beach has been working with its design team and staff to identify the 100+ plant species and legacy trees that will be included in the renovation of Phipps Ocean Park. Identifying, sourcing, and establishing the plants and trees takes significant time; therefore, it has been recommended by the design team that this process begin prior to the start of the project construction start date.

Town staff is in concurrence with the recommendation to begin this process before the GMP is awarded to allow the design team ample time to select the very best materials for the park.

FUNDING/FISCAL IMPACT

The plants and trees will be directly purchased by the Preservation Foundation of Palm Beach and donated to the Town.

cc: Robert Miracle, Deputy Town Manager for Finance and Administration
H. Paul Brazil, Director of Public Works
Patricia Strayer, Town Engineer
Mike Roach, Project Engineer
Paul Colby, Facilities Division Manager
Dean Mealy, Procurement and Contract Manager
Amanda Skier, Executive Director and CEO of the Preservation Foundation of Palm Beach

RESOLUTION NO. 091-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE DONATION OF LEGACY AND SPECIED TREES/PLANTS WHICH WILL BE CONTRACT GROWN FOR PHIPPS OCEAN PARK FROM THE PRESERVATION FOUNDATION OF PALM BEACH

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. 091-2023, approving the donation of legacy and species trees/plants which will be contract grown for Phipps Ocean Park from the Preservation Foundation of Palm Beach.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of July 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

This preliminary plant list includes many of the plants that warrant being contract grown for Phipps Ocean Park.

Contract growing is important not only because these are hard-to-find plants, but also because, as much as possible, it is better to plant local eco-types, rather than plants from other parts of the state or country. Contract growing guarantees knowing the source of the seeds or cuttings.

Acanthocereus tetragonus / Triangle Cactus

Agave decipiens / False Sisal

Alternanthera flavescens / Yellow Joyweed

Alternanthera maritima / Seaside Joyweed

Ambrosia hispida / Coastal Ragweed

Amyris elemifera / Common Torchwood

Andropogon glomeratus pumilus / Common Bushy Bluestem

Baccharis halimifolia / Groundsel Bush

Buchnera americana / Bluehearts

Caesalpinia bonduc / Gray Nickerbean

Capsicum annuum glabriusculum / Bird Pepper

Centrosema virginianum virginianum/ Spurred Butterfly Pea (wide-leaf form)

Chiococca parvifolia / Small-leaved Snowberry

Cirsium horridulum / Purple Thistle

Coccothrinax argentata / Florida Silver Palm

Commelina erecta / White-mouth Dayflower

Crotalaria pumila / Low Rattlebox

Croton glandulosus floridanus / Vente Conmigo

Croton linearis / Pineland Croton (south Florida source)

Croton punctatus

Cyperus planifolius / Flatleaf Flatsedge

Dalea floridana / Flatleaf flatsedge

Dichanthelium commutatum / Variable Witchgrass

Dicliptera sexangularis / Sixangle Foldwing

Dodonaea viscosa angustifolia / Hopseed Bush

Dodonaea viscosa viscosa/ Hopseed Bush

Echites umbellatus / Devil's Potato

Encyclia tampensis / Florida Butterfly Orchid

Euphorbia mesembryanthemifolia / Coastal Beach Sandmat

Galactia volubilis / Downy Milkpea

Galium bermudense / Coastal Bedstraw

Glandularia maritima / Coastal Mock Vervain

Guettarda scabra / Rough Velvetseed

Habenaria floribunda / Toothpetal False Rein Orchid

Heliotropium angiospermum / Scorpion's Tail
Heliotropium polyphyllum / Pineland Heliotrope
Hymenocallis latifolia / Spider Lily
Ipomoea violacea / Beach Moonflower
Iresine diffusa / Bloodleaf
Jacquemontia reclinata / Beach Clustervine
Lantana sandersii / Buttonsage
Lasiacis divaricata / Wild Bamboo
Melothria pendula / Creeping Cucumber
Metopium toxiferum / Florida Poisontree
Morinda royoc / Morinda
Neptunia pubescens / Tropical-puff
Opuntia humifusa / Prickly Pear
Opuntia stricta / Pricklypear
Pectis glaucescens / Sanddune cinchweed
Phlebodium aureum / Rabbit's Foot Fern
Physalis walteri / Walter's Groundcherry
Piriqueta cistoides caroliniana / Pitted Stripeseed
Pleopeltis polypodioides var. michauxii
Psilotum nudum / Moa
Rivina humilis / Pigeonberry
Schizachyrium sanguineum / Crimson Bluestem
Schoepfia schreberi / Graytwig
Sideroxylon tenax / Tough Buckthorn
Solanum bahamense / Bahama Nightshade
Sporobolus virginicus / Seashore Dropseed
Tephrosia curtissii / Curtiss' Hoarypea
Thelypteris kunthii / Southern Shield Fern
Tillandsia balbisiana / Reflexed Wild-pine
Tillandsia fasciculata densispica / Cardinal Airplant
Tillandsia flexuosa / Twisted Airplant
Tillandsia paucifolia / Potbelly Airplant
Tillandsia recurvata / Small Ball Moss
Tillandsia setacea / Southern Needleleaf
Tillandsia usneoides / Spanish Moss
Tillandsia utriculata / Spreading Airplant
Trema micrantha / Jamaican Nettle Tree
Trichostema dichotomum / Forked Bluecurls
Vitis cinerea floridana / Florida Grape
Vitis rotundifolia / Muscadine Grape
Vitis shuttleworthii / Calusa Grape
Vittaria lineata / Shoestring Fern

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

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

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 27, 2023, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: June 27, 2023

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, eleven (11) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N, 5S, P6N and P6S.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's Curve to the intersection of South Ocean Blvd and South County Road

- Phase 2 South, the project is 96% complete. Pole removal has begun.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

Phase 3 South:

From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue

- Phase 3 South construction is 85% complete.
- Because FPL controls the switching and this phase is very complex, it is difficult to give a date for when the poles can be removed. Staff has requested FPL work with the Town so that poles can be removed prior to November.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 95% complete. All equipment has been installed. All FPL conversations have been completed. Poles will begin to be removed in July. Paving plans are being finalized with the expectation of completing paving by end of October.

Phase 4 South:

From Peruvian Avenue to Royal Palm Way

- Construction is 44% complete.
- All drilling and disruptive work will be completed in Phase 4 South by November.
- Staff are working with the contractor to determine when sidewalks can be poured as soon as possible.

Phase 5 North:

From Country Club Road to Southland Road

- Construction phase is 72% complete.
- ATT and Comcast will start installation by May 15th.
- Poles should come down by the end of the year.

Phase 5 South:

From South Lake Drive/Hibiscus Avenue & Peruvian Avenue/Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is 57% complete.
- All drilling and disruptive work will be completed by November.
- All equipment will be placed by November and FPL conversions should be underway.
- Staff are working with the contractor to determine when sidewalks can be poured as soon as possible.
- Poles will come down by June 2024.

Phase 6 North:

From Chateaux Drive and Kawama Lane to the south-side of Plantation Road

- Construction phase is 17% complete.
- Poles should be removed mid 2024 if we stay on schedule and do not have any significant storms that may divert resources away from FPL switching and conversions.

Phase 6 South:

Seaspray Avenue to the south of Royal Poinciana Way

- Construction phase has begun.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Design is 94% complete and on schedule. Bid packages have been provided to Burkhardt Construction. Staff expects to present contract to Town Council in August.
- 76 of 79 (96%) easements approved.

Phase 7 South:

Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Design is 86% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 30 days.
- 48 of 56 (86%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Avenue

- Design is 42% complete and on schedule.
- 15 of 109 (14%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.

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. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%
5N	\$7,347,435.31	\$6,960,000.00	\$387,435.31	+5.6%
5S	\$8,102,327.89	\$8,940,000.00	(\$837,672.11)	-9.4%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
Totals	\$53,142,525.02	\$51,030,000.00	\$2,112,525.02	+4.1%

Due to the significant increases in construction cost over the past year, staff worked with Procurement and Contracts Division (P&C) to identify a process which would minimize the escalation in the cost for the remaining phases of undergrounding. With 3 (three) phases of construction remaining to be negotiated and awarded, P&C agreed that the remaining phases could be negotiated directly with the present construction contractors of Wilco Electric, LLC and C. R. Dunn. Burkhardt Construction was able to secure a commitment to limit increase for Phases 7 North and South to 7%. This 7% is significantly lower than the percentage cost increases represented by the Consumer Price Index (CPI). Subsequently, Kimley Horn and Associates (KH) did a preliminary calculation of what this cost impact would be to the construction estimate provided in 2019. Because the work in each phase is not exactly the same as the work in a previous phase, KH could not simply escalate Phase 6 cost by 7%. Therefore, until staff receives the actual proposals the following numbers are only estimates. The revised estimate for Phase 8 is based on the actual CPI. The total estimated overage for Phases 7 North and South and Phase 8 is approximately \$11 million. Staff are hoping to negotiate a commitment for the contractors to hold a 7% increase for Phase 8. This would lower this overage, but at this time we do not have a commitment. When combined with the existing construction cost overage to date of \$2,112,525.02 as stated in the chart above, staff is projecting a construction cost overage of approximately \$13 million above the 2019 estimate.

Staff will present the Construction Manager at Risk Guaranteed Maximum Price contract for Phase 7 North for approval at the August Town Council meeting. Phase 7 South will be presented in January 2024. Phase 8 should be presented to Town Council the summer of 2024.

cc: Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
May 31, 2023

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	\$ 13,445,627	\$ 13,509,227	100.5%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,427,031	\$ 14,309,391	87.1%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 18,384,239	\$ 11,679,222	63.5%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 17,950,916	\$ 11,791,176	65.7%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 4,810,417	24.1%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,885,054	\$ 1,698,109	90.1%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,576,574	\$ 880,272	55.8%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 102,409,216	\$ 71,396,544	69.7%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,957,405	\$ 2,957,405	\$ 2,750,071	93.0%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,862,050	\$ 105,366,622	\$ 74,146,616	70.4%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 14,543,157	\$ 15,602,604	107.3%
Total Other Costs Outside Underground Budget (Page 8)			\$ 690,317	\$ 1,679,132	243.2%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,862,050	\$ 106,056,939	\$ 91,428,351	86.2%

Total Project Budget - Opinion of cost for construction	\$ 122,862,050
% Budgeted/Encumbered To Date Project Costs	85.76%
% Spent to Date - Project Costs	60.35%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ 18,329,914	\$ 18,329,914	0.0%
Assessment Revenue	\$ 25,280,000	\$ 25,482,164	100.8%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 1,667,009	\$ 4,364,476	261.8%
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	\$ 3,250,000	65.0%
FPL	\$ 450,246	\$ 450,246	100.0%
FEMA Grant	\$ 8,500,000	\$ 1,295,453	15.2%
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	\$ 1,051,867	138.4%
Transfer from (401) Fund Marina	\$ 5,200,000	\$ 4,116,667	79.2%
Transfer from (001) General Fund - PM Salary	\$ 942,116	\$ 1,129,525	119.9%
Total Project Revenues	\$ 138,674,922	\$ 132,050,546	95.2%

Underground Utility Project Budget
Phase 1 Project Costs
May 31, 2023

	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
May 31, 2023

	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			\$ 83,073	253,631	305.3%
FPL Design Cost			\$ 11,759	34,936	297.1%
ATT Design Cost			\$ 5,000	\$ 10,000	200.0%
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	\$ 4,872,052	\$ 4,992,974	102.5%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	87,667	250.5%
Burkhardt Construction			\$ 6,419,862	6,264,521	97.6%
Owner Supplied Materials			\$ 172,321	175,898	102.1%
FPL Design Cost			\$ 13,330	34,936	262.1%
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	\$ 313,992	96.5%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,577,241	\$ 7,527,283	99.3%
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	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 189,822	\$ 187,564	98.8%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 13,445,627	\$ 13,509,227	100.5%

Underground Utility Project Budget
Phase 3 Project Costs
May 31, 2023

	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 Cohlman			\$ (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	\$ 6,264,916	78.0%
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			\$ 425,000	\$ 5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	\$ 335,723	172.1%
Construction Engineering (KH)			\$ 322,540	\$ 262,397	81.4%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,743,496	\$ 7,630,740	78.3%
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	\$ 16,427,031	\$ 14,309,391	87.1%

Underground Utility Project Budget
Phase 4 Project Costs
May 31, 2023

	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	4,486,275	89.4%
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	5,000	100.0%
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	286,898	88.5%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 6,159,520	5,422,138	88.0%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,909,957	3,116,573	35.0%
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)			\$ 1,334,427	1,334,427	100.0%
Construction Engineering (KH)			\$ 333,659	133,140	39.9%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 10,873,257	4,910,624	45.2%
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	6,326	90.4%
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 457,583	453,109	99.0%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 18,384,239	11,679,222	63.5%

Underground Utility Project Budget
Phase 5 Project Costs
May 31, 2023

	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			\$ 6,425,580	4,918,592	76.5%
Construction Manager - Burkhardt			\$ 940,702	602,049	64.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 67,157	67,157	100.0%
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	240,485	72.0%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 7,854,009	\$ 5,928,814	75.5%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	3,065,564	46.2%
Infrastructure from Phase 4 south bid - Not part of Grant			\$ 163,350	57,460	35.2%
Construction Manager - Burkhardt			\$ 979,098	587,459	60.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 365,720	381,551	104.3%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)			\$ 334,159	155,297	46.5%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,555,071	\$ 4,332,065	50.6%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,536	100.0%
Easement Assistance			\$ 81,086	\$ 78,699	97.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 32,603	79.4%
Legal Ads			\$ 1,000	\$ 585	58.5%
Recording Costs			\$ 6,000	\$ 5,811	96.8%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 347,766	\$ 336,234	96.7%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 17,950,916	\$ 11,791,176	65.7%

Underground Utility Project Budget
Phase 6 Project Costs
May 31, 2023

	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	1,725,870	21.9%
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	295,632	100.0%
Construction Engineering (KH)			\$ 344,177	74,647	21.7%
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,547,243	\$ 2,149,617	25.1%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 8,400,000		
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	754,815	100.0%
Construction Engineering (KH)			\$ 344,007	28,604	8.3%
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 9,563,016	\$ 847,613	8.9%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 337,114	95.9%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 32,251	55.2%
Legal Ads			\$ 1,000	\$ 113	11.3%
Recording Costs			\$ 5,000	\$ 3,743	74.9%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 416,009	\$ 373,220	89.7%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 4,810,417	24.1%

Underground Utility Project Budget
Phase 7 Project Costs
May 31, 2023

	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	\$ 605,597	96.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938	\$ -	0.0%
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	\$ 1,175,620	95.0%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction					
Chicane Demonstrations			\$ 47,500	15,882	33.4%
FPL Design Cost			\$ 15,806	27,165	171.9%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 110,806	\$ 54,562	49.2%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction					
Chicane Demonstrations			\$ 47,500	15,882	33.4%
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 114,953	\$ 47,350	41.2%
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	\$ 4,189	83.8%
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 422,423	\$ 420,577	99.6%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,885,054	\$ 1,698,109	90.1%

Underground Utility Project Budget
Phase 8 Project Costs
May 31, 2023

	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	\$ 565,959	55.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 22,428	25.0%
Task 1.5 Easement Assistance			\$ 129,997	\$ 10,739	8.3%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,280,916	\$ 599,126	46.8%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 13,160	\$ 13,160	100.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 226,073	99.3%
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	\$ 270	5.4%
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 282,498	\$ 267,986	94.9%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,576,574	\$ 880,272	55.8%

**Underground Utility Project Budget
Other Project Costs
May 31, 2023**

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	\$ 947,590	99.7%
Project Manager - Pay and benefits	\$ 840,000	\$ 711,819	84.7%
Temp Services - Easement Acquisition	\$ 150,000	\$ 106,050	70.7%
Other Miscellaneous Expenses		\$ 24,620	
General Easement Assistance	\$ 24,976	\$ 24,838	99.4%
Community Outreach	\$ 282,519	\$ 225,256	79.7%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,957,405	\$ 2,750,071	93.0%

Debt Service and Related Debt Issuance Costs

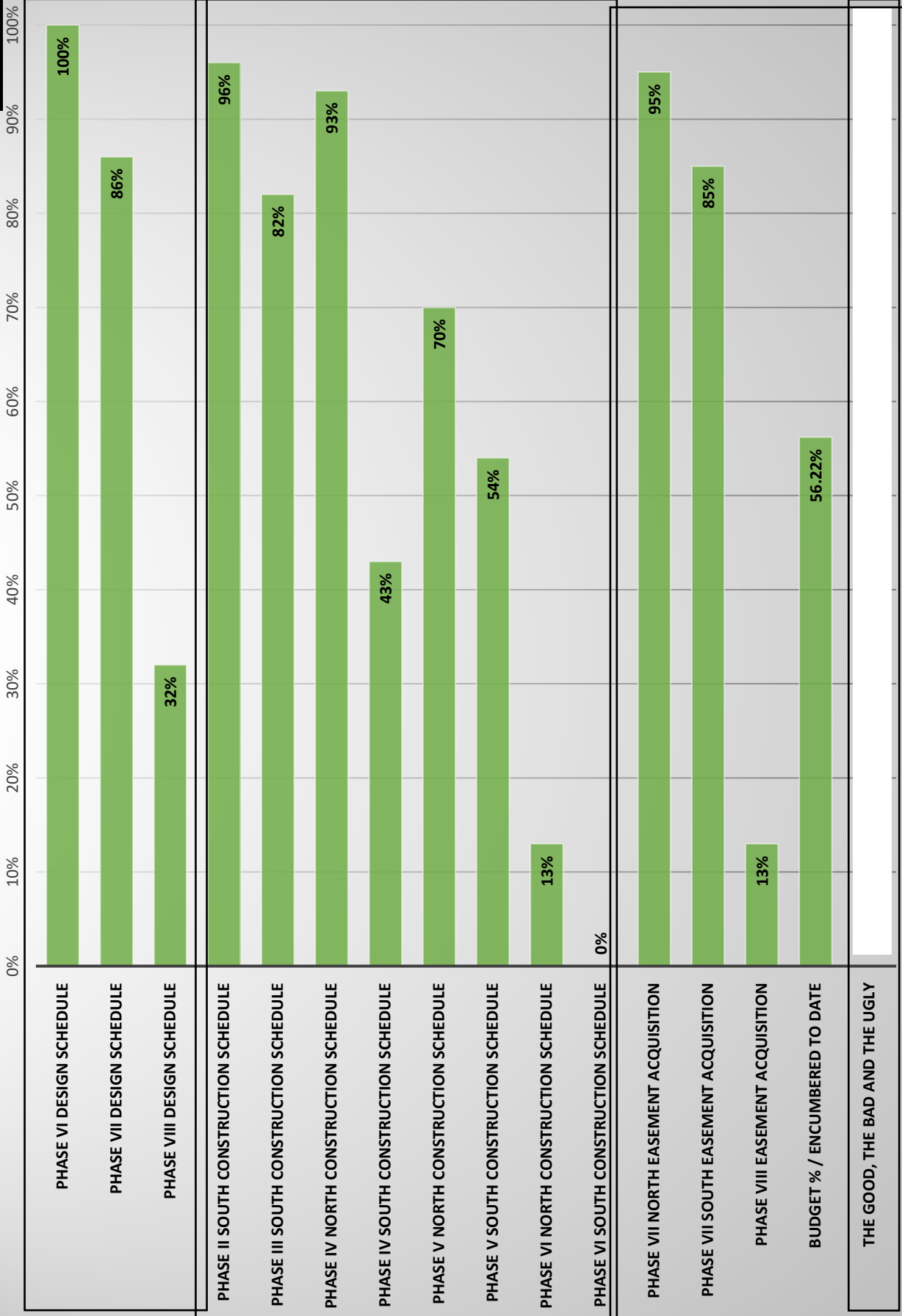
	Budget	Actual	% Expended
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 2,900	116.0%
Debt Service Fees	\$ 2,000	\$ 1,900	95.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 13,345,005	\$ 14,404,742	107.9%
Total Debt Service and Related Debt Issuance Costs	\$ 14,543,157	\$ 15,602,604	107.3%

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	\$ 17,519	67.0%
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 (Shel 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	\$ 1,679,132	243.2%

Town of Palm Beach - Underground Utility Project Dashboard - May 2023

Status Legend
 Green - On Task
 Yellow - At Risk
 Red - Not on Task
 Complete - Not Shown



TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 29, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Midtown Commercial Sanitation Stops**
- ▣ **CMA Proposal**
- ▣ **Site Analysis Memo CMA**
- ▣ **Marina Refuse Layout**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update

DATE: June 29, 2023

STAFF RECOMMENDATION

Town staff is providing an update on this subject as requested at the previous Town Council meeting. Staff requests direction from the Town Council concerning the next steps and any desired actions with regard to solid waste collection efforts associated with the marina operations.

GENERAL INFORMATION

At the May 9, 2023 Town Council meeting, staff was tasked with providing additional information in order for the Town Council to make a decision regarding the possible relocation of solid waste (garbage) compactor facilities from their existing location to the north end of the park adjacent to the Public Works facility there. The relevant information is summarized below for the Town Council's consideration.

Existing Solid Waste Collection Equipment (Video):

When this item was last presented to the Town Council, there were several questions concerning commercial and residential service and the types of equipment used for garbage collection. The following information is presented to help answer some of those questions.

The collection of solid waste from the Town Marina and adjacent neighborhood involves a variety of vehicles and equipment. Residential garbage collection utilizes smaller 6 cubic-yard trucks to service single family homes in Town. Commercial garbage collection utilizes larger 20-cubic-yard trucks to service businesses and multi-family customers (including the condominiums on South Lake Drive). The Town also utilizes a vendor to perform collection of compacted garbage in several locations where the volume warrants a more efficient method, and that effort utilizes a large tandem-axle truck with front-load capability to service compactors. This is the collection method used for the Marina and a similar location for a neighboring commercial entity is the Esplanade, which has a 4 cubic-yard compactor that is larger than the Marina's 3 cubic-yard compactor.

Videos of each of the above collection efforts will be presented at the Town Council meeting for the Town Council's reference.

Exhibit 1 consists of three (3) maps of the mid-town area. Sheet No. 1 of 3 is an aerial photograph showing the two (2) commercial routes (red and gold symbols) and the two (2) compactor pickup locations (green stars) in the mid-town area. Sheet No. 2 of 3 shows the same information but in a format that is easier to visualize. Sheet No. 3 of 3 shows both commercial and residential pickup locations in the mid-town area.

Relocation of Existing Compactor to New Location:

During the previous Town Council meeting on July 12, 2022, the desire to relocate the Marina's compactor to a different location was expressed. The alternatives presented included two (2) concepts that involved a compactor location in the southwest portion of the Public Works facility site, and additional paved surface to allow for the servicing vehicle to turn around and depart the site. Those two (2) concepts (Alternative 1A & 1B) were presented in the site analysis memorandum that was provided by Chen Moore & Associates last summer. At that time, the Town Council did not choose to pursue either one of those alternatives. At this time, only Alternative 1B is practical based on input from the vendor who services the compactor. Previous cost estimates for this site work were on the order of \$65K for the garbage truck option but did not include any structure or canopy/cover for the relocated compactor, and also did not reflect consultant efforts associated with possible Landmarks Preservation Commission (LPC) review process. Work to enhance the existing solid waste structure/canopy is identified separately in the following items. Cost estimates would need to be updated as part of the design consultant's services (see last item below).

Examine Net Greenspace Impacts:

Based on the analysis of Modified Alternative 1B, the net change in green space is a loss of 1,532 sq/ft. Consultation with the Town Attorney regarding an exemption from Town Charter requirements for Lake Drive Park greenspace is recommended to verify if the net loss would require a referendum.

Evaluation of Smaller Compactor Equipment & Servicing Vehicles:

During the previous Town Council meeting on May 9, 2023, the question was raised about whether smaller compactors could be used and if smaller collection vehicles might result. Based on a review of compactor equipment and discussions with the local industry representatives, the current compactor being used by the Marina is the smallest available size (3 cubic-yard). The collection vehicle being used is typical for the local area and the industry, and smaller vehicles are not efficient or desirable from the industry perspective (since the container sizes are all as big or bigger than those used at the Marina).

Beautification/Enhancement of Existing Storage Area:

The existing solid waste storage area is utilized not only for the compactor but also for golf-cart storage and other storage needs for the Marina. Since that area is to remain based on that need (or if the compactor is to remain), there is a desire to enhance the appearance of that structure. During the previous Town Council meeting on September 13, 2022, the costs to remove the existing canopy and frame to provide a new tile roof supported on a new structure were initially estimated to be \$150K, and an additional design fee of \$30K would be required to include LPC application and review process. An updated cost/fee to accomplish these enhancements is included in the consultant services (see next item).

Design Consultant Services & Proposal:

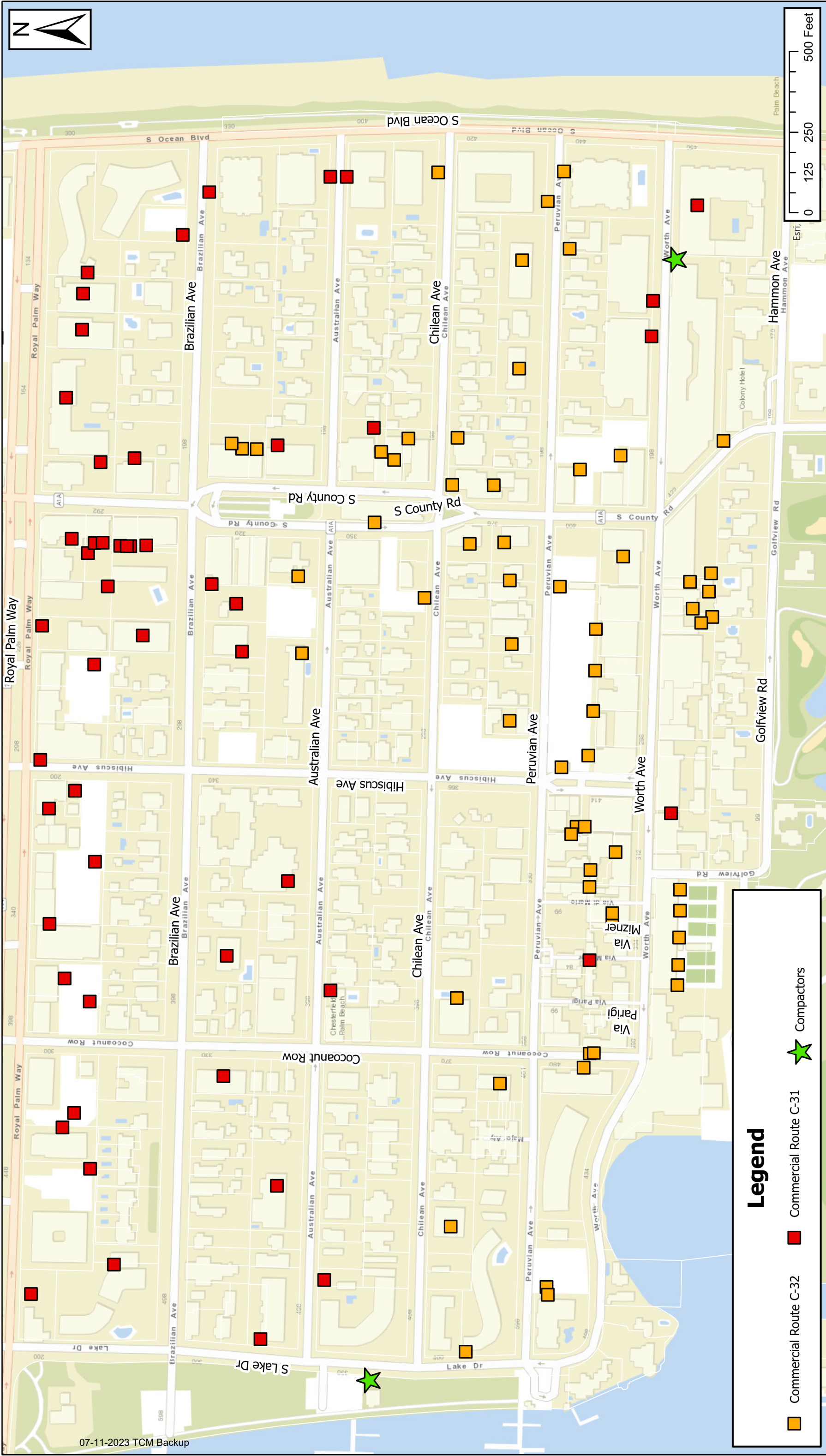
Staff met with the design consultant (Chen Moore & Associates) to review the scope of services necessary to pursue the design and implementation of the proposed compactor relocation and/or enhancement of the existing solid waste area. Their proposal in the amount of \$89,935 is attached including budget and timeline estimates. Presentations to the LPC and the Town Council are included in that estimate.

FUNDING/FISCAL IMPACT

The funding impacts are based on a budgetary figure for construction in the amount of \$256,000 and the corresponding consultant services required. This does not include the design and construction of the compactor enclosure, canopy, and site security.

Attachments

cc: Carolyn Stone, Deputy Town Manager
Jason Debrincat, P.E., Assistant Director Public Works
Chester Purves, Services Division Manager
Paul Colby, Facilities Maintenance Division Manager
Mike Horn, Marina Manager
Jeffery Coleman, Water Resources Division Manager



07-11-2023 TCM Backup

Map Location:

Royal Palm Way to Golfview Rd/Hammon Ave, S Lake Dr to S Ocean Blvd

Map Description:

This map shows approximate locations of TOPB commercial sanitation stops in the vicinity stated above.



GIS Department

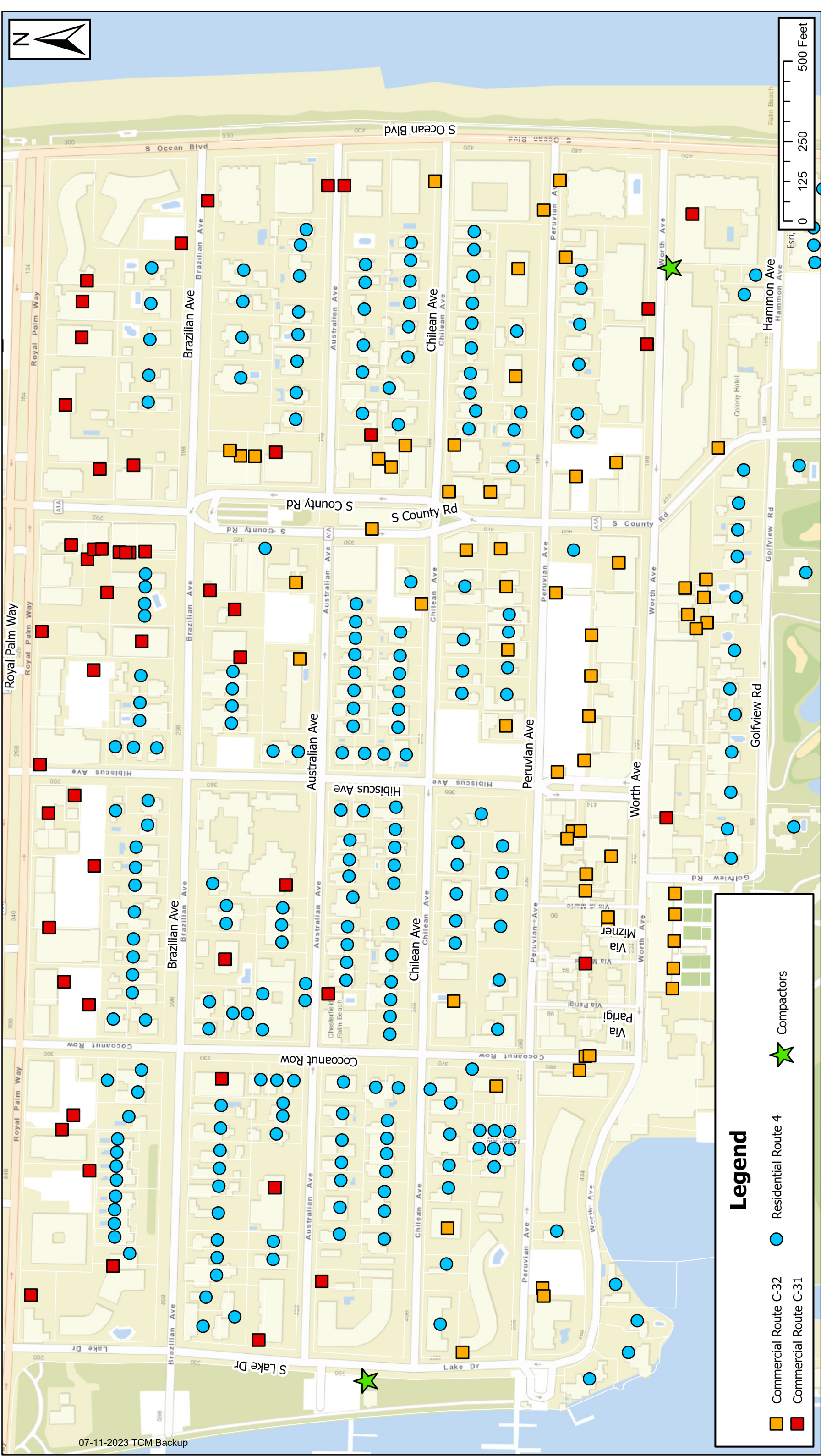
Commercial Sanitation Stops

Sheet No.

2 of 3

Date

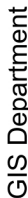
5/17/2023



 Commercial Route C-32
 Residential Route 4
 Compactors

Royal Palm Way to Golfview Rd/Hammon Ave, S Lake Dr to S Ocean Blvd

This map shows approximate locations of TOPB commercial and residential sanitation stops in the vicinity stated above.



Sheet No.
3 of 3

5/18/2023

June 15, 2023

SENT VIA EMAIL
(DMealy@TownofPalmBeach.com)

Dean Mealy, II
Purchasing Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Subject: **MARINA WASTE MANAGEMENT IMPROVEMENTS PROJECT**
CMA Proposal: 23-0431.P0007

Dear Mr. Mealy:

Chen Moore and Associates (CMA) is pleased to submit the attached Agreement for Professional Services associated with the Marina Waste Management Improvements Project. This proposal defines the scope of work, schedule, and compensation for the requested design services associated with this project.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

- Task 1** – Town Coordination Services
- Task 2** – Pre-permit Design Services

Below is a description of the services included within each of these essential tasks:

Task 1 – Town Coordination Services: Town Council and Landmarks Preservation Commission

The conceptual plans will be submitted to the Town Council for review as the owner of the property. The 60% plans will also be submitted for review by the Landmarks Preservation Commission. Prior to presenting to the Landmarks Preservation Committee CMA will prepare an application package for approval by Town Staff. CMA will prepare and submit tax radius map and list of property owners from the Property Appraiser's Office, prepare all the items required in the checklist: letter of intent, plans, exhibits, renderings, written narrative including answers about construction staging and truck logistics. Once the application package has been accepted by Landmarks staff CMA will request and attend a meeting. If the staff have any comments as a result of this meeting CMA will respond to these comments. For the purposes of this proposal CMA assumes that all staff comments will be compiled into one set and there will be two rounds of comments prior to being issued a COA number and presenting to Landmarks Preservation Commission and Town Council. For the purposes of this effort, it is assumed that a maximum

of two meetings will be held with each body. Prior to the meetings, a notice will be provided to all residents within 300-feet of the project (roughly 170 owners). It is assumed that the Town will assist with the public outreach on this project. Renderings of the site, and the proposed improvements, will be prepared by CMA to be presented along with the technical plans. Renderings will include colorized plan views. CMA will provide support, meeting attendance and presentations as necessary.

Once all reviews are completed, CMA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

Task 2.1 – Data Collection and Conceptual Design

The Consultant will review the available topographic survey of the project area to determine the existing conditions, grades, and adjacent drainage infrastructure. The topography and grades will be based on a survey previously obtained by the Town. A site visit by CMA staff will verify the features identified in the existing survey. CMA will supplement the existing survey with a detailed tree specific survey and arborists assessment by an ISA Certified Arborist. The Arborist's Assessment will identify and assess the condition of each tree and the potential for relocation in the park, adjacent to or outside the proposed construction area. CMA will also perform an investigation of existing utilities utilizing Sunshine One Call and a review of available record drawings. Once the data collection and preliminary field investigation is complete, CMA will develop a final base map of the existing conditions including detailed information regarding the vegetation and underground utilities. Utilizing the final base map, CMA will prepare a conceptual plan for the relocation of the marina waste management facility. Potential improvements identified on the conceptual plan include the following:

- Providing a covered area for the compactor,
- Modifying the limits of the driveway to accommodate various vehicle turning radii,
- Considering options such as stabilized turf or other surfaces for the back access drive,
- Minor modification to the existing drainage system, and
- Recommended modifications to existing landscape to meet the aesthetic goals of the Town.

Once completed, the results of the field investigation and the conceptual plan will be submitted to the Town for staff review. CMA will meet with Town staff to review comments on the conceptual plan and discuss potential modification to the design plans.

Task 2.1 – Contract Documents (60% Design)

Based on the collected field data and comments from Town Staff on the conceptual plan, CMA will prepare 60% construction plans for the proposed improvements. In addition to civil elements, the 60% contract documents will include detailed landscape plans and specifications informed by a Registered Landscape Architect. It is assumed that the general form of the landscape will match the existing form of the park. The construction plans submitted will include the following sheets, it is assumed that any specifications for the project will be included as notes on the plans. It is also assumed that the contractor or vendor

providing the canopy system will provide shop drawings that are signed and sealed by a Licensed Engineer in the State of Florida and any manufactured products used will have Miami-Dade Notice of Acceptance.

1. 60% Cover and Drawing Index (1 sheet)
2. 60% General Notes (1 sheet)
3. 60% Grading and Drainage Plan (1 sheet at 1"=20' scale)
4. 60% Tree Disposition and Landscape Plan, with Notes (1 sheet at 1"=20' scale)
5. 60% Construction Details (1 sheet)

An opinion of probable construction cost, an estimated construction schedule. As part of the 60% submittal a draft outline of information relevant to the project and presentation to the Town Council and Landmarks Preservation Commission will be prepared and provided to Town staff for review.

CMA will submit three (3) sets of the 60% draft construction plans (11" x 17" plan size) and one (1) electronic set (including PDF and CAD files) for review and comment by the Town. Once the review is complete, CMA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

Task 2.3 – Contract Documents (90% Design)

Based on comments from Town Staff on the 60% contract documents, CMA will prepare 90% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 90% Cover and Drawing Index (1 sheet)
2. 90% General Notes (1 sheet)
3. 90% Grading and Drainage Plan (1 sheet at 1"=20' scale)
4. 90% Tree Disposition and Landscape Plan, with Notes (1 sheet at 1"=20' scale)
5. 90% Construction Details (1 sheet)

This submittal will include an opinion of probable construction cost, an estimated construction schedule and the Final Arborist's Report. CMA will submit three (3) sets of the 90% draft construction plans (11" x 17" plan size) documents and one (1) electronic set (including PDF and CAD files) for review and comment by the Town.

II. SCHEDULE

The work will be completed between July 2023 – May 2024.

III. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the TOWN with these services if necessary:

- Topographic Surveys
- Underground investigations

- H&H Modeling
- Community workshops

IV. COMPENSATION

CMA will be compensated for the services described on a time and material basis in the amount of **\$89,935** per attached Exhibit A.

Should you have any questions, please do not hesitate to contact me at my office at (561) 746-6900, my cell phone at (561) 255-7494 or send me an electronic message at dcowan@chenmoore.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'David Cowan Jr.', is positioned above the printed name.

CHEN MOORE AND ASSOCIATES
David Cowan Jr. / Senior Project Manager

Attachment(s): Exhibit A

Cc. Chet Purves - Town of Palm Beach
Jason Debrincat - Town of Palm Beach
Brent Whitfield – CMA

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
MARINA WASTE MANAGEMENT DESIGN SERVICES

Chen Moore and Associates Project #	23-0431.P0007								Total
Hourly Rate		Senior CAD Technician \$85.00	Clerical \$60.00	Project Landscape Architect \$120.00	Project Engineer \$125.00	Senior Project Scientist Arborists \$170.00	Project Director \$190.00	Principal \$275.00	
TASK 1 – Town Coordination Services									
1.1A Town Coordination - Prepare Application for LPC			24	32	48		32	24	\$23,960.00
1.1B Town Coordination - Prepare Exhibits for Council Presentations				24	80		24	8	\$19,640.00
1.2 Attend Town Council Meetings							16	16	\$7,440.00
1.3 Attend LPC Meetings							16	16	\$7,440.00
Task 1 Total		\$0	\$1,440	\$6,720	\$16,000	\$0	\$16,720	\$17,600	\$58,480.00
TASK 2 – Pre-permit Design Services									
2.1 Data Collection and Conceptual Design Plan				24	60	24	12	4	\$17,840.00
2.2 60% Design Plan				16	32	8	8	2	\$9,350.00
2.3 90% Design Plan				8	16	2	1	1	\$3,765.00
Task 2 Total		\$0	\$0	\$5,760	\$13,500	\$5,780	\$3,990	\$1,925	\$30,955.00
SUMMARY									
TASK 1 – Town Coordination Services		\$58,480							
TASK 2 – Pre-permit Design Services		\$30,955							
Reimbursable		\$500							
TOTAL		\$89,935							

Site Analysis Memorandum

Date: June 27, 2023
Re: Town of Palm Beach
Marina Site Refuse Layout Update
CMA Project No. : 23-431.00042

Background

The purpose of this memorandum is to update the site analysis performed for the relocation of the refuse compactor that services the marina at the Town of Palm Beach. Currently, the compactor is located on the west side of S Lake Drive on a concrete pad that is roughly 726 square feet in size, between the intersections with Australian Avenue and Chilean Avenue. The Town is proposing the relocation of the compactor to the pump station site located within the Town of Palm Beach Marina Park at the southwest corner of Royal Palm Way and S Lake Drive. It is anticipated that the relocation of the compactor will reduce the visibility of the waste management activities.

Analysis Summary

The pump station site is located within the Town of Palm Beach Marina Park and is a fenced in and landscaped facility that is approximately 20,300 SF. This site consists of parking areas on the west and south side of 11,500 SF and a building that is 3,400 SF. The remainder of the site is used for staging areas and walkways. There are fire hydrants on the west side. The site is screened by a landscape buffer approximately 15 feet wide, with a 6-foot-tall hedge consisting of various types of shrubs and trees. Previous site analysis considered several configurations for relocating the compactor. These alternatives were presented to the Town Council in June of 2022. Subsequently, a temporary alternative was piloted using small waste trucks staged within the pump station property. This option was found to not be the optimal operational approach.

Based on feedback from the Town Council at the May 2023 Council meeting and information provided by the Town Staff, one option from the previous analysis is being evaluated further. Reviewing the current operations at the existing waste management area it was determined that the proposed compactor and recycling bin pad will require a 20' x 12' area to accommodate the relocation of the existing refuse equipment. To evaluate the required turning radius and operations of the proposed compactor location, a refuse truck from the AutoCAD library was modified to the refuse truck that currently services the compactor at the marina. Survey data for the marina was used to locate existing site features and a site visit was conducted to confirm the existing conditions. See Appendix A for the Vehicle Tracking Analysis of the selected Alternative 1B with modifications as requested by Town Staff.

- I. Modified Alternative 1B – The compactor is proposed on the southwest corner of the pump station site, and the parking space for the truck turn around is placed further east, adjacent to the existing pump truck parking. Based on this configuration, the refuse truck will travel in reverse (approximately 80-feet) before it can turn around. At 5 mph this reverse travel time is approximately 10 seconds. This duration of reversal time can also be shortened if the waste bin is rolled out and moved toward the turnaround zone. This option does require four palms to be relocated or removed. See Table 2 for land use changes as a result of Modified Alternative 1B.

Table 1: Modified Alternative 1B Land Use Changes

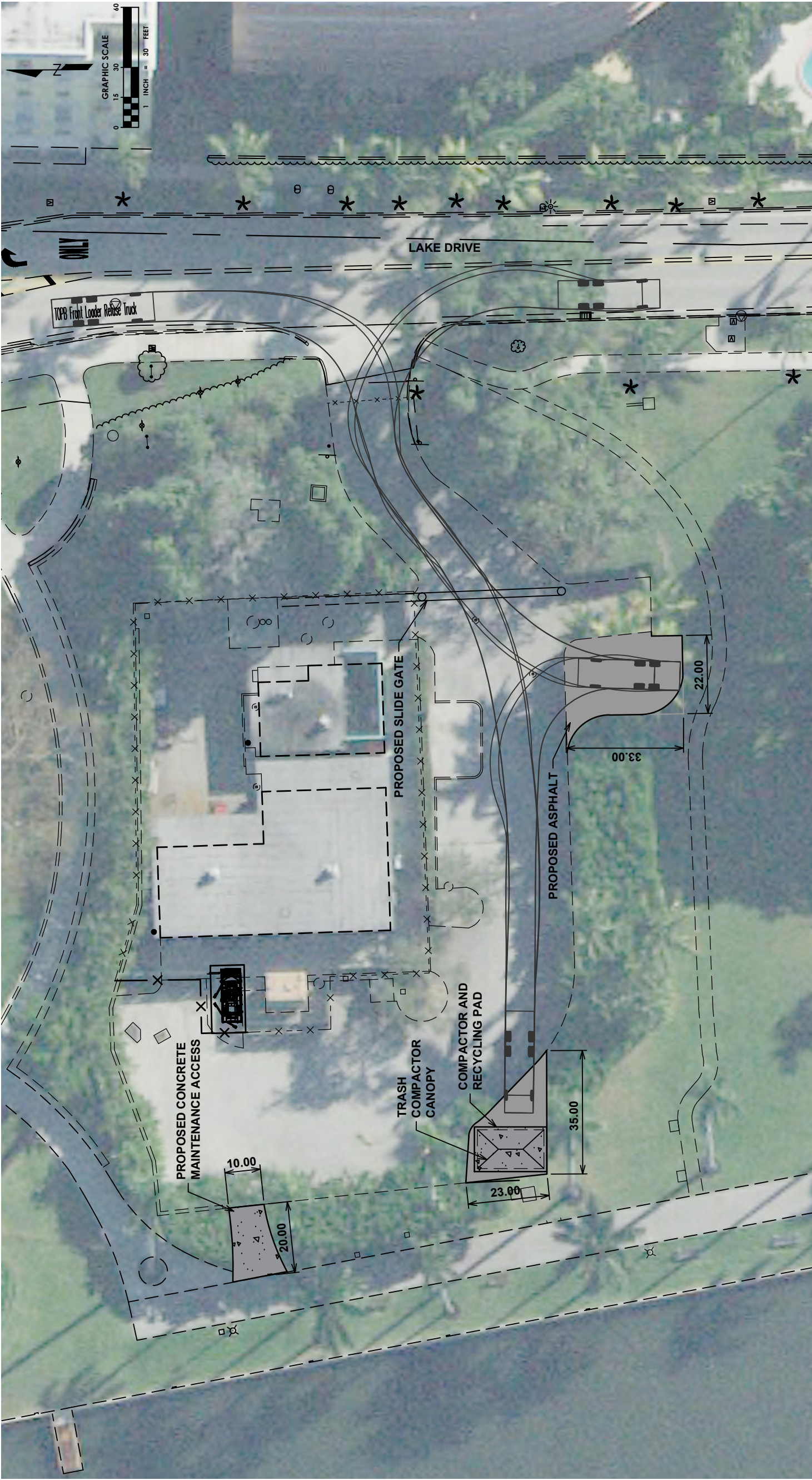
SITE DATA TABLE		
	REMOVED (SF)	ADDITIONAL (SF)
CONCRETE	0	495
PAVEMENT	0	1,037
SHRUBS	1,407	0
GRASS	125	0

NET CHANGE IN GREEN SPACE = - 1,532 SF

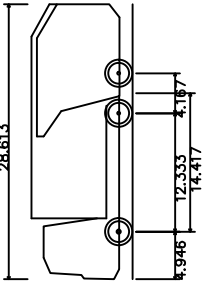
Conclusions

Based on the analysis performed, Modified Alternative 1B results in the centralization of municipal services into one location at the marina, with a modest footprint for the compactor base, a short and adjustable duration of refuse truck reverse time, and limited relocation of the landscape buffer resulting in a low visual impact. Additionally, the location of waste management in this centralized location allows for a permanent maintenance access to the site from the west. It is assumed that the material used for this access will be resilient such as concrete and will complement the aesthetics of the area. Currently, the compactor and recycling bins are screened from the weather and also from view by a green canvas awning structure. The proposed plan would construct a similar structure in the southwest corner of the pump station site. The proposed plan does require the modification of the existing landscape buffer. To the maximum extent possible the existing vegetation will be relocated to re-establish the landscape buffer. Where the plant material cannot be relocated similar size and species will be specified to maintain the appearance of the park. This approach can only be implemented if the Town policy allows for a reduction of pervious area within the park of 1,532 SF. At this time it is assumed that the existing concrete pad for the compactor adjacent to Chilean Avenue will be repurposed for marina storage a non-waste management activity. If the existing pad was removed, then 140 square feet of green space could be maintained in the park resulting in a smaller net change in green space.

APPENDIX A



REFUSE TRUCK SPECIFICATIONS:



TOPB Front Loader Refuse Truck
Overall Length 28.613ft
Overall Width 8.000ft
Overall Body Height 10.510ft
Min Body Ground Clearance 1.340ft
Track Width 8.167ft
Lock-to-lock time 9.00s
Curb to Curb turning Radius 30.500ft

SITE DATA TABLE		
	REMOVED	ADDITIONAL
CONCRETE (SF)	0	495
ASPHALT (SF)	0	1037
SHRUBS (SF)	1407	0
GRASS (SF)	125	0



TOWN OF PALM BEACH MARINA REFUSE LAYOUT

TOWN OF PALM BEACH

PROJECT NUMBER
22-431.0042

CLIENT PROJECT NUMBER

VERIFY SCALES

0 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DATE OF ISSUE
6/19/2023

DESIGNED BY
DC

DRAWN BY
DM

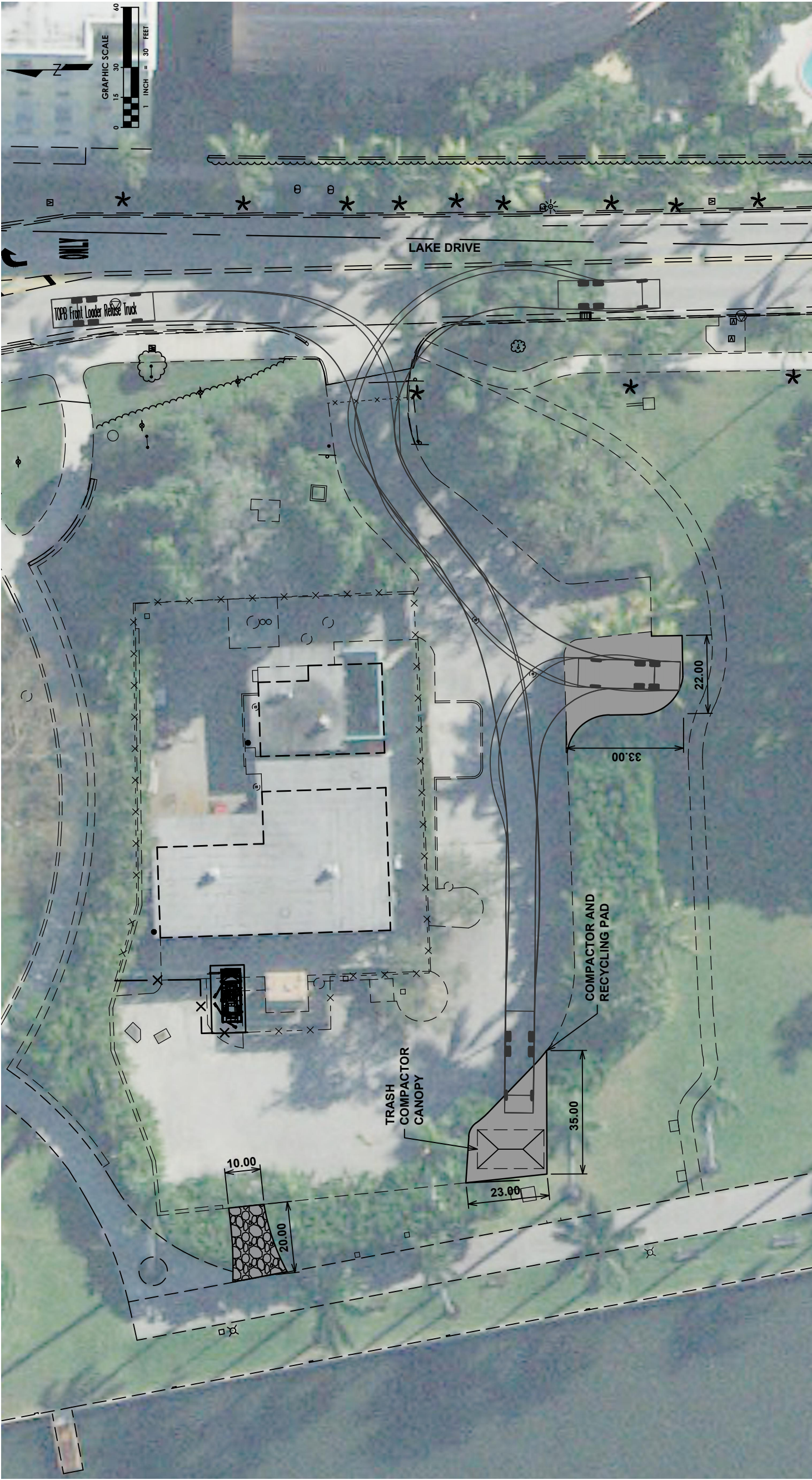
CHECKED BY
BW

DRAWING TITLE

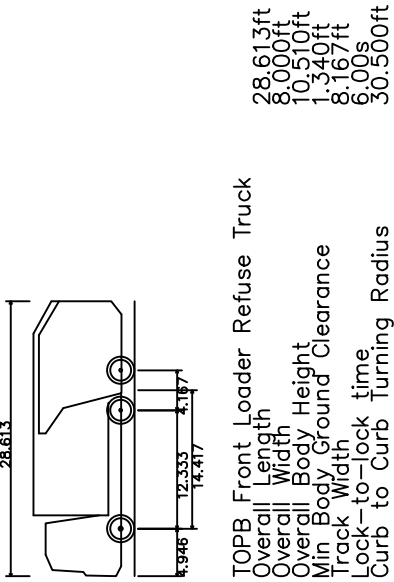
MODIFIED ALTERNATIVE 1B

DRAWING NUMBER

EX-1
1 OF 3



REFUSE TRUCK SPECIFICATIONS:



TOPB Front Loader Refuse Truck	28.613ft
Overall Length	8.000ft
Overall Width	10.510ft
Overall Body Height	1.340ft
Min Body Ground Clearance	8.167ft
Track Width	6.00s
Lock-to-lock time	30.500ft
Curb to Curb turning Radius	

SITE DATA TABLE			
	REMOVED	PROPOSED	
CONCRETE (SF)	0	240	
PAVEMENT (SF)	0	1292	
SHRUBS (SF)	1407	0	
GRASS (SF)	125	0	



TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Port of Palm Beach Strategic Master Plan Discussion

TIME CERTAIN: 11:00 AM

Time Certain

11:00 AM

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 30, 2023, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Port of Palm Beach Strategic Master Plan Discussion

DATE: June 30, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council provide direction regarding the submittal and content of comments to the Port during the current public comment period.

GENERAL INFORMATION

The Port, along with assistance provided by their consultant Moffat & Nichol, completed their re-draft of the Port of Palm Beach Strategic Master Plan on June 3, 2023. A final public meeting was held on June 27, 2023 to provide a presentation to the public and initiate a 30-day public comment period that will expire on July 27, 2023.

The Town of Palm Beach has a strong interest in the current actions and future goals and objectives of the Port of Palm Beach as their activities have a direct impact on the livelihood of our residents. An overall concern for the Town over the years has been an expansion in the scope of operations of the Port to provide support to the South Florida region, specifically Palm Beach County.

In review of the main report and appendices, the following notable points were identified:

- The Port has reaffirmed its commitment to working with the Town of Palm Beach to ensure that all beach-compatible sand is placed south of the inlet on the Town's beaches.
- Deepening and widening of the inlet was not explicitly mentioned.
- Appendix A states a community outreach intent for the Port to work closely with all adjacent and neighboring municipalities regarding all new projects.

The following concerns will continue to be monitored:

- Any commitment to accommodate larger ships in the future inherently raises inlet deepening and widening concerns.
- Overall support of Riviera Beach initiatives needs to be monitored as Port intentions for future mooring considerations by Riviera Beach were not discussed in the report.

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 106 of the Town Code Relative to Prohibiting Persons from Standing in the Public Rights of Way, Roadways or Public Sidewalks for any Purpose which Interrupts the Normal Flow of Vehicular or Pedestrian Traffic

ORDINANCE NO. 013-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks and Other Public Places At Article II, Streets To Create A New Section 106-48 Prohibiting Persons From Standing In The Portion of, Public Rights of Way, Roadways or Public Sidewalks of The Town For Any Purpose Which Is Intended to or Actually Interrupts The Normal Flow of Vehicular or Pedestrian Traffic or For The Purpose of Inviting or Enticing A Person To Enter A Commercial Establishment Adjacent To Said Right of Way, Street or Sidewalk; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Ordinance No. 013-2023**

ORDINANCE NO. 013-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES AT ARTICLE II, STREETS TO CREATE A NEW SECTION 106-48 PROHIBITING PERSONS FROM STANDING IN THE PORTION OF, PUBLIC RIGHTS OF WAY, ROADWAYS OR PUBLIC SIDEWALKS OF THE TOWN FOR ANY PURPOSE WHICH IS INTENDED TO OR ACTUALLY INTERRUPTS THE NORMAL FLOW OF VEHICULAR OR PEDESTRIAN TRAFFIC OR FOR THE PURPOSE OF INVITING OR ENTICING A PERSON TO ENTER A COMMERCIAL ESTABLISHMENT ADJACENT TO SAID RIGHT OF WAY, STREET OR SIDEWALK; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1 - Chapter I 06, Streets Sidewalks and Other Public Places, Article II, Streets, is hereby amended by including a new section I 06-48 to read as follows:

Section 106-48. Unlawful Acts Within Public Rights of Way, Roadways and Sidewalks.

It shall be unlawful for any person to stand in the portion of the public right of way adjacent to a paved roadway or on the roadway paved for vehicular traffic or any public sidewalk of the Town for any purpose which is intended to or actually interrupts the normal flow of vehicular or pedestrian traffic on said public right of way, roadway or public sidewalk or for the purpose of inviting or enticing a person to enter a commercial establishment adjacent to said right of way, street or sidewalk.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided
by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of June, 2023, and for second and final reading on this 11th day of July, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend the FY23 Budget

ORDINANCE NO. 014-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.

Presenter

Bob Miracle, Deputy Town Manager - Finance and Administration

ATTACHMENTS:

- ▣ **Ordinance No. 014-2023**
- ▣ **Exhibit "A"**

ORDINANCE NO. 014-2023

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF PALM BEACH, PALM BEACH COUNTY,
FLORIDA, PROVIDING FOR AN AMENDMENT TO THE
TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR
COMMENCING OCTOBER 1, 2022, AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2022; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2023; and

WHEREAS, the budget amendment is necessary for the General Fund and Equipment Replacement Fund; and

WHEREAS, said budget amendments are required to be approved by ordinance.

**NOW, THEREFORE, BE IT ORDAINED 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 General Fund and Equipment Replacement Fund budgets for the fiscal year commencing October 1, 2022, is hereby amended, and adopted pursuant to Exhibits "A and B" attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of the Palm Beach on first reading this 13th day of June, 2023, and for second and final reading on this 11th day of July, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Town of Palm Beach, Florida
General Fund
Budget Amendment

	Budget FY2022	Budget FY2023	Ordinance No. 014-2023 Amendment	FY2023 Amended Budget
Revenues				
Ad Valorem Taxes	\$59,663,700	\$62,919,808		\$62,919,808
Non Ad Valorem Taxes	6,710,500	6,672,100		\$6,672,100
Licenses & Permits	4,419,233	5,054,400		\$5,054,400
Intergovernmental	1,121,700	1,181,000		\$1,181,000
Charges for Services	6,172,500	7,823,200		\$7,823,200
Fines and Forfeitures	1,025,500	943,200		\$943,200
Investment Earnings	359,811	235,000		\$235,000
Miscellaneous Revenues	499,500	290,700		\$290,700
Interfund Transfers	536,665	645,465		\$645,465
Transfer From Fund Balance	5,431,464	3,429,500	1,747,000	\$5,176,500
Transfer from Building Fund	3,200,000	5,519,456		\$5,519,456
Total Revenues	\$89,140,573	\$94,713,829	\$1,747,000	\$96,460,829
Expenditures				
Department				
Legislative	\$152,500	\$152,500		\$152,500
General Government	1,004,050	1,029,904		\$1,029,904
Town Manager	947,587	1,102,989		\$1,102,989
Town Clerk	357,145	448,522		\$448,522
Advice and Litigation	365,000	365,000		\$365,000
Human Resources	729,523	849,784		\$849,784
Information Systems	3,072,318	3,846,137		\$3,846,137
Finance	1,865,675	2,002,342		\$2,002,342
Recreation and Tennis	2,049,732	2,268,079		\$2,268,079
Planning/Building/Zoning	1,579,265	1,806,275	\$1,747,000	\$3,553,275
Library	363,230	374,127		\$374,127
Fire-Rescue	15,346,841	16,205,680		\$16,205,680
Police	16,877,684	18,525,478		\$18,525,478
Public Works	16,700,542	19,104,155		\$19,104,155
Contingency	600,000	600,000		\$600,000
Transfer to Other Funds				\$0
Transfer to CIP	8,428,200	6,871,020		\$6,871,020
Transfer to Coastal	4,920,310	5,264,732		\$5,264,732
Transfer to UU Fund	176,550	191,116		\$191,116
Transfer to Debt Service	5,676,719	5,680,666		\$5,680,666
Transfer to Risk Fund	2,173,487	2,274,106		\$2,274,106
Transfer to OPEB Trust Fund	334,215	331,217		\$331,217
Extraordinary Transfer to Retirement Fund	5,420,000	5,420,000		\$5,420,000
Total General Fund Expenditures	\$89,140,573	\$94,713,829	\$1,747,000	\$96,460,829
Revenues Over/(Under) Expenditures	\$0	\$0	\$0	\$0

**Equipment Replacement Fund
Revenue and Expense Summary**

	FY2020 Actual	FY2021 Actual	FY2022 Budget	FY2023 Budget	Ordinance No. 014-2023 Amendment	FY2023 Amended Budget
<u>Revenues</u>						
Interest on Investments	589,139	-2,609	100,000	100,000		100,000
Surplus Equipment Proceeds	9,169	109,745	75,000	75,000		75,000
Transfer from Gen and Other Funds	2,814,320	2,609,004	2,303,287	2,145,297		2,145,297
Donations	-	-	-	-		-
Miscellaneous	716	-	-	-		-
TOTALS	3,413,343	2,716,140	2,478,287	2,320,297	0	2,320,297
<u>Expenses</u>						
Transfer to Building Enterprise Fund	-	26,940	-	-		-
Contractual	-	9,688	11,100	-		-
Capital Lease - Kiosks	-	2,192	48,312	-		-
Capital Outlay - Equipment	1,885,782	1,649,327	1,401,308	1,422,819	742,000	2,164,819
Capital Outlay - IT Equipment	17,646	96,967	526,111	992,260		992,260
TOTALS	1,903,428	1,785,115	1,986,831	2,415,079	742,000	3,157,079
Total Revenues Over/(Under) Expenses	1,509,915	931,025	491,456	(94,782)	(742,000)	(836,782)
Contingency	-	-	-500,000	-500,000		(500,000)
Beginning Investment in Capital Assets	10,139,227	9,400,495	9,441,722	11,875,837		11,875,837
Beginning Unrestricted Net Assets	17,678,027	19,926,672	20,816,470	17,611,530		17,611,530
ENDING NET ASSETS	29,327,167	30,258,192	30,249,648	28,892,585		28,150,585

TOWN OF PALM BEACH

Town Council Meeting on: July 11, 2023

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 114 of the Town Code Relative to Local Business Tax

ORDINANCE NO. 015-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Ordinance No. 015-2023**

ORDINANCE NO. 015- 2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 114 TAXATION, ARTICLE II, LOCAL BUSINESS TAX, AT SECTION 114-43 SCHEDULE, SO AS TO AMEND THE FEES DELINEATED FOR EACH BUSINESS, PROFESSION OR OCCUPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 114 of the Town Code of Ordinances relating to Local Business Taxes, is hereby amended at Section 114-43, SCHEDULE, by increasing Business Taxes as set forth herein.

Sec. 114-43. Schedule.

A business tax is hereby levied upon and shall be collected from every person, firm or corporation exercising the privileges or carrying on or engaging in the business, professions or occupations hereinafter specifically enumerated, as fixed hereinafter; each of such amounts, unless otherwise specifically stated, being the amounts payable as a business tax for exercising such privilege or for carrying on or engaging in such business, profession or occupation mentioned, for each year.

ABSTRACTORS OF TITLE	<u>A</u>	\$ 489.00
ACCOUNTANT, AUDITOR, C.P.A. FIRM (Indudes One Professional}		\$ 489.00
ACCOUNTANT, AUDITOR, C.P.A.		\$ 489.00
ADULT ENTERTAINMENT		\$ 1,412.00
ADMINISTRATIVE OFFICE		\$ 396.00
ANSWER PHONE (Support Business Services}		\$ 489.00

APARTMENTS, (See RENTAL DWELLINGS)

ARCHITECT	\$ 489.00
ART GALLERY, UP TO 400 SQ. FT	\$ 208.00
ART GALLERY, 401 - 2,000 SQ. FT	\$ 489.00
ART GALLERY, 2,001 - 4,000 SQ. FT	\$ 564.00
ART GALLERY, 4,001 - 8,000 SQ. FT	\$ 1,129.00
ART GALLERY, OVER 8,000 SQ. FT	\$ 1,697.00
ARTIST	\$ 376.00
ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT	\$ 512.00

B

BAKERY	\$ 245.00
BANK, TRUST COMPANY	\$ 1,415.00
BARBER	\$ 187.00
BARBER, SHOP (Includes One Barber)	\$ 187.00
BEAUTY SHOP (See COSMETOLOGY SALON)	
BICYCLE SHOP, RENTALS	\$ 187.00
BICYCLE SHOP, SALES (See MERCHANTS)	
BOAT DEALER (Yacht Broker)	\$ 376.00
BROADCASTING STATION (Radio Or TV)	\$ 543.00
BROKER	\$ 489.00
BROKERAGE/INVESTMENT COMPANY (Includes One Broker)	\$ 1,415.00
BUSINESS OFFICE ONLY (Two People Maximum)	\$ 245.00

C

CAR RENTAL AGENCY	\$ 753.00
CATERING	\$ 245.00
CHIROPRACTOR	\$ 489.00
COIN-OPERATED MACHINES (Inside, Exclusive Of Newsracks)	\$ 130.00

CONSULTANT	\$	489.00
CONTRACTOR OFFICE (Construction)	\$	543.00
COSMETOLOGIST, INDIVIDUAL	\$	187.00
COSMETOLOGY SALON (Includes One Cosmetologist)	\$	187.00

D

DANCE INSTRUCTOR	\$	245.00
DANCE STUDIO/SCHOOL	\$	489.00
DENTIST	\$	489.00
DINING ROOM, 40 CHAIRS OR LESS (Hotel, Business, Etc.)	\$	245.00
PLUS, FOR EACH CHAIR UP TO 40	\$	3.83
DINING ROOM, OVER 40 CHAIRS (Hotel, Business, Etc.)	\$	489.00
PLUS, FOR EVERY CHAIR	\$	3.83
DINING, CLUB (See DINING ROOM)		

E

ELECTRIC LIGHT COMPANY	\$	424.00
EMPLOYMENT AGENCY	\$	489.00
ENGINEER	\$	489.00

f

FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	\$	55.25
FULL SPECIALIST	\$	55.25
FULL REGISTRATION	\$	55.25

G

GAS COMPANY	\$	424.00
GOLF COURSE	\$	543.00

H

HEALTH STUDIO	\$	489.00
HOTEL, 10 ROOMS OR LESS	\$	74.00
HOTEL, MORE THAN 10 ROOMS	\$	74.00
PLUS EACH ADDITIONAL ROOM	\$	9.00

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INSURANCE BROKER, COMPANY/AGENCY	\$	489.00
INSURANCE SALESPERSON	\$	245.00
INTERIOR DECORATOR	\$	489.00
INTERIOR DESIGNER	\$	489.00

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JEWELER	\$	850.00
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LAW FIRM (Includes One Lawyer}	\$	489.00
LAWYER	\$	489.00

M

MASSAGE THERAPIST, INDIVIDUAL	\$	489.00
MASSAGE ESTABLISHMENT {Includes One Massage Therapist}	\$	489.00
MERCHANT, UP TO 400 SQ . FT.	\$	208.00
MERCHANT, 401 - 2,000 SQ. FT.	\$	489.00
MERCHANT, 2,001-4,000 SQ. FT.	\$	564.00
MERCHANT, 4,001- 8,000 SQ. FT.	\$	1,129.00
MERCHANT, OVER 8,000 SQ. FT.	\$	1,697.00
MORTGAGE BROKER	\$	489.00
MORTGAGE COMPANY	\$	489.00
MOTOR SCOOTER AND MOTORCYCLE RENTAL	\$	1,530.00
MUSIC SERVICE	\$	489.00

N

NAIL REGISTRATION (FV) OR NAIL SPECIALIST (FT)	\$	55.25
NEWSPAPER - SEE PUBLISHER		
NIGHTCLUB WITH DANCE FLOOR	\$	1,412.00
NIGHTCLUB WITHOUT DANCE FLOOR	\$	925.00
NURSE	\$	489.00
NURSING AGENCY (Includes One Nurse)	\$	489.00

O

OPTICIAN	\$	489.00
OPTOMETRIST	\$	489.00

P

PARKING GARAGE	\$	489.00
PARKING LOT (See Chapter 22, Article VI, Parking Lots For Further Provisions)	\$	245.00
PHARMACIST (Individual)	\$	489.00
PHARMACY (Includes One Pharmacist)	\$	489.00
PHOTOGRAPHER	\$	245.00
PHYSICIAN	\$	489.00
PRINTING COMPANY	\$	489.00
PROFESSION NOT LISTED	\$	489.00
PROPERTY MANAGEMENT	\$	245.00
PUBLIC RELATIONS	\$	489.00
PUBLISHER	\$	489.00

R

REAL ESTATE BROKER	\$	489.00
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RENTAL DWELLINGS, PER UNIT (Minimum Two Units)	\$ 48.00
REPAIR SHOP (Other Than Auto)	\$ 489.00
RESTAURANT, 40 CHAIRS OR LESS	\$ 245.00
PLUS, FOR EVERY CHAIR UP TO 40	\$ 4.00
RESTAURANT, MORE THAN 40 CHAIRS	\$ 489.00
PLUS, FOR EACH CHAIR	\$ 4.00

S

SAVINGS AND LOAN ASSOCIATION	\$ 1,415.00
SCHOOL, PRIVATE	\$ 489.00
SECURITY AGENCY, PRIVATE (Includes One Security Officer)	\$ 245.00
SECURITY OFFICER, PRIVATE	\$ 36.00
SERVICE STATION (Includes Auto Repair)	\$ 543.00
SERVICES, UNLISTED	\$ 245.00
SWIMMING POOLS, PUBLIC	\$ 489.00

T

TALENT AGENCY	\$ 489.00
TAXICABS, EACH COMPANY OR STAND	\$ 376.00
TELECOMMUNICATIONS COMPANY (Formerly Telegraph)	\$ 424.00
TELEPHONE COMPANY	\$ 424.00

Nothing in this chapter will be construed as requiring a license tax
for coin-operated telephones

THEATER	\$ 1,697.00
PLUS EACH SEAT	\$ 2.60
TRAVEL BUREAU/AGENCY	\$ 489.00
TRUST AGENCY	\$ 1,415.00

U

UNCLASSIFIED BUSINESS NOT LISTED	\$ 396.00
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V

VETERINARIAN	\$	489.00
VETERINARIAN ESTABLISHMENT	\$	489.00

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of June, 2023, and for second and final reading on this 11th day of July, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member