TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 13, 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 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. RECOGNITIONS

A. Recognition of Nicholas Coniglio for his service on the Recreation Advisory Commission from April 2016 to April 2023

Danielle H. Moore, Mayor

VI. PRESENTATIONS

A. Presentation by Palm Beach County Commission on Ethics

Gina Levesque, Intake and Compliance Manager

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 8
   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. Page 67

   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. Page 91

   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. Page 98

   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. Page 108

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. Page 112

   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. Page 116

   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. Page 129

   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. Page 132

   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. Page 136

   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. Page 140

   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. Page 143

    Dean Mealy, Procurement and Contract Manager

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 Page 147

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. Page 151
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. Page 155
Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Donation Acceptance from Palm Beach Police and Fire Foundation Page 159
Darrel Donatto, Fire Rescue Chief

2. Request to Hold Preservation Foundation of Palm Beach Event in Bradley Park Page 164
Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture

XI. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Code Enforcement Board Page 189
Bram Majtlis, Chair

XII. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee meeting held on May 23, 2023 Page 193
Julie Araskog, Chair

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project Page 198
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

2. Code Enforcement Board Referral -Trevini Restaurant and Palm Page 219

Beach Parking Valet Violations

Nicholas Caristo, Chief of Police

3. Consideration of Approval of Modified Four Arts Agreement Regarding Lake Trail Right-of-Way Page 241

   John C. Randolph, Town Attorney

4. Phipps Ocean Park Budget Estimate Update Page 247
   TIME CERTAIN: 11:00 AM

   Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture

C. New Business

1. Code Enforcement Board Referral - Bricktops Restaurant and Declarations of Use Review Page 252

   Nicholas Caristo, Chief of Police

2. Proposed Addition of a Louvered Pergola to the Mandel Recreation Center Page 264

   Mark Bresnahan, Director of Recreation

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 Page 268

   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.

   John C. Randolph, Town Attorney

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 Page 271

   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 276

   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 282

   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

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need

to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

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: June 13, 2023

Section of Agenda
Minutes

Agenda Title
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

Presenter

ATTACHMENTS:

- **5/9/23 Town Council Meeting Minutes**
- **5/10/23 Town Council Development Review Meeting Minutes**

TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING
HELD ON MAY 9, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of May 9, 2023, was called to order at 9:30 a.m. in the Town Council Chambers. 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. Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

Council President Zeidman stated the following time certains listed on the agenda:

Item No. XI.B. Annual Report of the Retirement Board of Trustees, Daniel W. Stanton, Chair – 10:00 AM
Item No. VIII.B. Presentation By Michael Meekins, Executive Director, Port of Palm Beach – 10:30 AM
Item No. VIII.C. Legislative Update, Mat Forest, Lobbyist – 11:00 AM

President Zeidman asked City Attorney Randolph to explain Senate Bill 250, recently approved by the Senate and the House. Mr. Randolph read Section 14 of the legislation on municipalities or counties located entirely or partially within 100 miles of where Hurricane Ian or Hurricane Nicole made landfall, and the imposition of more restrictive or burdensome zoning regulations. He advised the Town Council to consider deferring the Zoning in Progress Resolution.

President Zeidman preferred to remove the item from the agenda today, but with the caveat that it may be reconsidered if Governor DeSantis vetoes the bill. Mr. Randolph said if the item is removed from the agenda, the Town Council will need to advise staff, as a council, when and if the bill is to be revisited.

Mayor Moore said it did not make sense to adopt something that would create uncertainty in the community. She agreed that this item should be withdrawn.

Mr. Randolph reported that others had suggested that this bill may have been intended to address properties impacted by the hurricanes and may not be as broad as some believe. He also reported that he had spoken with other municipal attorneys and personnel from the Florida League of Cities who believe this bill is very broad.

Council President Pro Tem Lindsay referred to the assault on home rule that has been a concern for several years. She said this bill has far-reaching terms and asked what the thinking was behind such a bill that seemed completely arbitrary. Mr. Randolph responded that the legislation was prompted to address property damage issues but became more broad. Nevertheless, the wording of the legislation is clear. Council President Pro Tem Lindsay asked if the Town Council deferred or withdrew the Resolution if Mr. Randolph and Mayor Moore would be interested in writing a letter to legislators to mention the ambiguity and arbitrary nature of the bill. Mr. Randolph said if the Town Council desires a letter be sent to Governor DeSantis, that can be done. He said other communities are writing letters to the Governor.

Mayor Moore thought the legislature was trying to protect those residents who had experienced damage from the hurricanes. She supported writing a letter to change the radius from 100 miles to 50 miles from where either hurricane made landfall.

Council Member Crampton said he would favor a structured legal pause with a clear definition of the exceptions and waivers, a liberal interpretation of acceptance in the system, and an end date of six months. However, he would not support a Resolution that would be disruptive to residents. He supported removing the Resolution from the agenda.

Council Member Cooney asked how the broad language in this bill would impact the zoning study that is in progress. Mr. Randolph said he does not believe the study needs to be paused; this legislation ends on October 1, 2024.

Mr. Randolph advised that the Zoning in Progress for restaurants, nightclubs, private clubs, and bars should also be paused.

Council Member Araskog was in favor of withdrawing the resolution. She felt that this legislation impacted home rule and wanted to see a letter to the Governor, and possibly the Senate and House to discuss the broad nature of the legislation and how it impacts local government.

Council President Pro Tem Lindsay reiterated the ambiguity in the legislation.

President Zeidman asked that the Time Certain originally scheduled for the consideration of adopting the Zoning in Progress be maintained on the Agenda for Public Comment. There was consensus of the Mayor and Council to do so.

The following modifications were made to the agenda:

The withdrawal of Item No. XIII.B.10. Consideration and Possible Approval of a Zoning in Progress for R-B Single-Family Residential Zoning District

Motion was made by Council Member Cooney and seconded by Council Member Crampton to remove Resolution No. 063-2023 from the agenda but retain the time certain 2:00 PM for communications from residents relative to the subject matter. On roll call, the Motion passed unanimously.

The addition of Item No. XIII.B.11. Consideration of Approval of Four Arts Agreement Postponed from the March 14, 2023, Town Council Meeting.

IV. APPROVAL OF AGENDA

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

V. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore recognized Police Department employees, Marlene Peralta and Richard Friedman, each for their 5 years for their years of service. She also announced the retirement of Eric Brown, Assistant Director of Public Works, after 20 years of service. Mr. Brown was present and recognized for his retirement.

VI. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog acknowledged the hard work the council has been doing to preserve the charm of the town. She has heard some statements regarding variances and the reasons they have been granted. She believes the code needs to be tweaked and updated but thinks it is critical not to have the Planning and Zoning Commission meet during the summer months. She would like to see the schedule during in-season months, to allow all residents to participate.

Council President Zeidman referenced a letter received with a petition attached regarding the Meat Market and the noise being experienced by nearby residents after 10:00 p.m. She stated that the correspondence was sent to Chief Caristo, and he has been asked to assist with how to address this ongoing issue. Affidavits will be taken about the noise and disruption to neighboring residents. Subsequently, it will be referred to the Code Enforcement Board.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were none.

VIII. PRESENTATIONS

A. Presentation of the Goldsmith Scholar Award
Danielle H. Moore, Mayor

Mayor Moore gave a history of The Goldsmith Scholar Award program, which will be in place for a decade and will total $750,000 in scholarship awards. The Goldsmith Scholar Award, in the amount of $7,500, was awarded to Briana Molyneaux, stepdaughter of Town of Palm Beach Firefighter, Lauren Guzik-Molyneaux.

B. Presentation By Michael Meekins, Executive Director, Port of Palm Beach
TIME CERTAIN: 10:30 AM

Mayor Moore congratulated Michael Meekins on his new position. Mr. Meekins stated that he looks forward to working with the Town Council and staff. He let the council know that he did a presentation for his board on the City of Riviera Beach and the Mooring project last month. His biggest concern was the welfare of the channel and the basin and the possibility that one of the vessels could sink and stop vessel traffic. Last weekend, a moored vessel sank and the Port had to pay to have the vessel picked up, refloated and moved. He will be working with cities in the future to mitigate similar issues in the future.

C. Legislative Update
TIME CERTAIN: 11:00 AM
Mat Forest, Lobbyist

Mr. Forest, Ballard Partners, provided the 2023 legislative update. He discussed Senate Bill 774 and House Bill 37, formerly known as Financial Disclosure for Elected Officials. This bill pertains to spending authority, and the lobbyist could not get an amendment.

Another bill the lobbyist tried to make a compelling argument for was the grandfathering of elected officials and existing terms. That bill passed and is pending review by the governor.

Mayor Moore stated she had reviewed Form 6 and asked what Mr. Forrest thinks the Commission on Ethics is looking for when they say any asset worth more than $1,000 has to be listed. Mr. Forrest said elected officials can aggregate household items and report the same in a lump sum. He said they are looking for a full picture of what elected officials have, and it is a self-reporting mechanism/disclosure, not an audit. Mr. Forrest said the Florida Commission on Ethics has a robust website with much informational data to assist elected officials in completing the required Financial Disclosure form.

Council Member Araskog asked about an elected official's net worth, which requires disclosure on Form 6. Mr. Forrest said the information should be disclosed if the question is asked on the form. Council Member Araskog expressed concern about listing all assets from a security perspective. Mr. Forrest said this bill had not been signed yet, but once signed, it would apply to every local government across the State of Florida.

Mr. Forrest discussed the historic preservation bill, which would be retroactive. He said that as filed, it would have applied to every structure in the town. He was involved in the

entire process and corresponded with Mr. Randolph and Mr. Bergman throughout the session. On the last day of the session, the Town of Palm Beach was carved out of the bill. The bill will not impact the Town of Palm Beach; it is dead and did not pass. However, he believes the bill has not gone away; it will be back. Mr. Forrest advised the Town Council to work with staff to investigate ways to mitigate the problems, such as incentivizing rather than mandating, and identify how Palm Beach is unique from other cities. He suggested the Town Council try to get as many important locations as possible on the National Register.

Council Member Cooney previously served on the Historic Preservation Board for several years. He was concerned about HB 423. He said the history of Florida certainly has great influence from the history of development, construction, and development. He asked if some of these bills have specific developer influences and whether we know who may be pushing the bill. He also commented that the National Register has never been a priority for listing because it confers no demolition protection.

Mr. Forrest said he would not single out any developer. This legislature is property rights-oriented, business oriented, and there are examples of other local governments going too far in the other direction the legislature will react.

Council President Pro Tem Lindsay said the Town Council was shocked by some legislation. She asked why the bill was a surprise, stating the Town Council had just recently spoken about going to a Zoning in Progress. She asked when the bill was introduced. Mr. Forrest said SB250 was not on the radar. He never received alerts from the Florida League of Cities. After some research, Mr. Forrest found that Hurricane Ian and Nicole directly impacted Senator Passidomo, who resides in the Naples area and head to relocate from her home. She assembled a committee that included folks from the League of Cities, contractor association groups, and her staff and asked what had been learned from the hurricanes. A comprehensive bill was created to cover a lot of the issues experienced because of the storms. The League of Cities was engaged, and the bill is very broad. Mr. Forrest contacted the senate sponsor, and he learned the City of Naples was trying to change its development code right after the hurricane, causing uncertainty and prohibiting people from repairing or selling their homes. The Florida League of Cities indicated the scope was originally 29 counties, and they could scale that back to 'within 100 miles of where the hurricanes made landfall'. They also said that originally, the bill was going to be multiple years, and the timeframe was also scaled back. He believes the 100-mile radius was set deliberately for a specific reason.

Council Member Crampton thanked Mr. Forrest for the work he is doing. As Chairman of the Board of the Science Center, he endorsed Mr. Forrest for all he has been doing. He looks forward to being engaged with Mr. Forrest in the future.

Council Member Araskog asked for additional information about this bill being presented without anyone knowing. Mr. Forrest responded.

Aimee Sunny, Preservation Foundation of Palm Beach, thanked Mr. Forrest for the work done on Historic preservation during the legislative session. She also thanked the staff and town council for their leadership throughout the legislative session. The Preservation Foundation is going to undertake strategic planning this summer and would like to work with Town Council on a portion of this to talk about the national register benefits, downsides, and any other things that need to be discussed in an effort to protect the town from the overreach of these bills in the future.

A short recess was taken at 11:50 AM, and the meeting reconvened at 12:00 PM

IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointments to the Investment Advisory Committee
Pat Gayle-Gordon, Deputy Town Clerk

Annette Geddes presented her application to the Town Council. The other applicants were not in attendance.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to appoint Annette Geddes, Lloyd McAdams, and Chris Storkerson as resident members of the Investment Advisory Committee. On roll call, the Motion passed unanimously.

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

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.

B. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk

   a. April 3, 2023, Town Council Meeting Minutes
   b. April 4, 2023, Town Council Meeting Development Review Minutes
   c. April 12, 2023, Special Town Council Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 26, 2023
Wayne Bergman, Director of Planning, Zoning and Building

C. RESOLUTIONS

1. RESOLUTION NO. 045-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of

RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Services as the Secondary Awardee in the Annual Amount of $255,000 and Establishing a Five-Year Award in the Amount of $1,409,036 based on Satisfactory Performance and Budget Authorization.
Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 046-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.
Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 047-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of $300,000 Based on Satisfactory Performance and Budget Authorization.
Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 048-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc. in the Amount of $155,000 and Establishing a Project Budget of $172,500.
Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 050-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order in the Amount of $24,500 to Kimley-Horn and Associates, Inc. for Construction Phase Services Amendment related to A-6 Pumpstation Improvements.
Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 051-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvements to Kimley-Horn and Associates, Inc.
Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 052-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive Change Order in the Amount of $30,000 to ZoneCo Associated to Code Reform Work Performed.
Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 053-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Woods Hole Group, for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of $283,249 and Establishing a Project Budget of $296,000.
Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 054-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $68,540 to Woods Hole Group, a CLS Company, for Water Level Monitoring, and Establishing an Initial Water Level Monitoring Budget of $72,000.
Dean Mealy, Procurement and Contract Manager

10. RESOLUTION NO. 055-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Stryker Medical for the purchase of Four Resuscitation Devices for the Fire Department in the Amount of $78,267.88.
Dean Mealy, Procurement and Contract Manager

11. RESOLUTION NO. 056-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Locally Funded Agreement between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Amount of $167,821, and Maintenance of Memorandum Agreements for the Roadwork Construction Along Sr-A1A from North of Emerald Beach Way to South of Royal Palm Way Project.
H. Paul Brazil, P.E., Director of Public Works

D. OTHER

1. Donation Acceptance - Palm Beach Police & Fire Foundation
Nicholas Caristo, Chief of Police

XI. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Planning and Zoning Commission
Gail Coniglio, Chair

Gail Coniglio, Chair, Planning and Zoning Commission, provided the annual report. She reported on some of the processes directed to the PZC by the Town Council for review. She updated the Town Council about PZC discussions about Business Tax Receipts, nonconforming lots, mechanical equipment on rooftops, building height measurements, and freeboard. She asked for guidance from the town Council related to the PZC review with respect to variances. She asked the Town Council to share their opinion about using multiple variances.

There was some discussion, and the Town Council discussed their expectations for PZC when reviewing variances. There will be times when there is a genuine need for a variance. Chair Coniglio asked if she would have support from the town council and the community going forward, to try to balance the hardship option. Council President Pro Tem Lindsay affirmed but cautioned about property-owner-imposed hardships. She agreed that historic properties are treated differently, but she is hopeful that the newer code will be a guiding tool that will almost eliminate the need for variances.

Council President Zeidman stated that while she agreed with the council discussion, she thought granting of variances should remain with the Town Council.

Council Member Araskog stated that many variances are because property owners desire a larger home. She believes it is important to take this into consideration. She agreed that it should stay with the town council because of the volume of variances that are being requested.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the Annual Report of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

B. Annual Report of the Retirement Board of Trustees
TIME CERTAIN: 10:00 A.M.
Daniel W. Stanton, Chair

Dan Stanton, Chair, Retirement Board of Trustees, stated that the other members of the board should be recognized: Ed Carter, David Lambert, Tom Parker, and John Copeland. Representing the Fire Department was Michael Marx, a long-serving member of the Board, and representing the Police Department was Captain Joseph Guelli, and General was Jason Debrincat, and representing the town more broadly was Bob Miracle, ex officio.

Mr. Stanton presented the Annual Report of the Retirement Board of Trustees.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Annual Report of the Retirement Board of Trustees. On roll call, the Motion passed unanimously.

XII. COMMITTEE REPORTS

A. Report of the Business and Administrative Committee Workshop Held on April 24, 2023
Lew Crampton, Chair

Council President Pro Tem Lindsay and Council Member Crampton presented the parking plan and program details. The Town Council is being asked to approve or provide a consensus opinion for elements of the 7-point program while allowing staff to work the details out during the summer. Subsequently, the program will return to the town council for approval. He explained the 7-points as follows:

1) Palm Beach Resident parking decal
2) Expansion of paid parking using the park mobile system
3) Valet parking on Worth Avenue and South County Road
4) Transit operations options for customers and employees
5) Signage program directing drivers to the parking program areas
6) Addition of 30 minutes in and out parking spaces in commercial districts
7) Creating a parking facility in the business district

Council President Pro Tem Lindsay stated that her reaction to the workshop was in accordance with Council Member Crampton's comments. She said at the same time, there were some reactions to paid parking not being desired, there was also reassurance from one of the owners of the Apollo Lot that they were committed to maintaining the same level of public parking as exists today. She stated that valet is a key piece of this program, but she believes there is a commitment to valet, and during the summer months, the program will be evaluated carefully. The Town Council will reevaluate the program in the fall.

Mayor Moore thanked the committee for their work and fully supported the program.

Council Member Araskog expressed concern about point number two. She does not want to move forward with transit options in a pilot program. She also noted that the petition mentioned was not included in the backup, but Council Member Crampton said it was out of date to include in the backup. He further explained the logic behind some of the points presented. Council Member Araskog was not supportive of paid parking on Worth Avenue.

Council President Pro Tem Lindsay stated the transit option that is being piloted covers less than a third of the population. That data will be forthcoming. She said that as this gets implemented on Worth Avenue, they are trying to encourage trucks servicing retailers to park off the avenue because they occupy many parking spaces.

Council Member Cooney said as someone who has worked in town and lives in a commercial district, he said there are private lots that are underutilized and perhaps the town can work with property owners to reach agreements for use. Presently, several residential areas meld in with commercial areas. Some reasonable impact from the businesses should be expected in those areas.

Police Lieutenant Paul Alber made a presentation about Palm Beach Traffic and Parking. In addition, Lt. Alber provided some statistical information and talked about enforcement and some of the immediate changes that may be implemented.

Council Member Crampton would like for the Town Council to authorize staff to work on the details for beginning each of the previously presented seven programs. He would like to take advantage of the Corradino Group work as it is released and data taken from the transit option. In September, those elements that the Town Council approved would be implemented before the season.

Jane B. Holzer, 980 S Ocean Blvd, stated that valet parking was never backed up with enough signs for specific valet spaces. That was an enforcement and signage problem. She felt that the Worth Avenue merchants were being punished because the town lacked staff. She also noted that beachgoers will end up parking their vehicles on Worth Avenue, which will be problematic.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the report and recommendations of the Business and Administrative Committee Workshop held on April 24, 2023. On roll call, the Motion passed 4-1, with Council Member Araskog dissenting.

A recess for lunch was taken at 1:00 PM, and the meeting reconvened at 1:40 PM

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Proposed Strategic Plan Mission, Vision, and Strategic Objectives

   RESOLUTION NO. 062-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Town's Strategic Plan Mission Statement, Vision Statement, and Strategic Priorities.
   Carolyn Stone, Deputy Town Manager

Mayor Moore presented the proposed strategic plan mission, vision and strategic objectives. She turned the item over to Carolyn Stone, Deputy Town Manager.

Ms. Stone said this is a follow-up from the April Town Council meeting. This is a recommendation from the Strategic Planning Board.

Council Member Araskog suggested a change in the wording of the Vision Statement to include "wanting to preserve our small-town character and charm."

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 062-2023. On roll call, the Motion passed unanimously.

2. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status
   H. Paul Brazil, P.E., Director of Public Works

Patricia Strayer, Town Engineer, provided an update about the undergrounding project. She noted that poles have started being removed. She said the contractor had made a commitment to address sidewalks in October of this year.

Council Member Cooney said many tree roots have been disturbed in conjunction with the underground project and, in particular, in the vicinity of North Lake Way. He said it looks like an underground panel and a box is being installed at this site. A tree has been there for many years, and the roots seem to have been significantly impacted. Ms. Strayer said there is awareness about maintaining landscaping.

Council Member Araskog said many of the cable boxes are lifting. She asked if Public Works could look at the boxes. Ms. Strayer said those are the responsibility of Comcast, and she will have the right-of-way inspector take notes so she can reach out to Comcast.

3. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update
H. Paul Brazil, P.E., Director of Public Works

H. Paul Brazil, P.E., Director of Public Works, stated that Town Council had directed staff to purchase a garbage truck to be placed at the north end, inside the existing Public Works complex. Site improvements, costs, etc. have been minimized to see if the adjacent neighbors would have complaints about moving that function. As for moving the compactor at the center parking lot, staff was going to see if the garbage truck could serve as a mobile compactor. A garbage truck was not purchased because the lead time for purchase exceeds a year. The staff looked at obtaining a rental garbage truck. From the trial, it was noticed that this did not go well operationally. It takes many resources to carry out this new service as opposed to marina staff members collecting the garbage and placing it in a compactor or dumpster, they were collecting it and disposing of it. Given the volume of garbage, this service would have to be seven days a week.

Mr. Brazil provided some alternatives for consideration:

1) Go back to using the compactor six days a week as it was originally designed, $28,000 per year for contact service.
2) Go to a permanent version of the garbage truck at the north end; that permanent version would entail the eventual purchase of a garbage truck but living with a rental truck in the meantime. Sitework would be involved to include the installation of a permanent pad. The lease would be approximately $76,000 per year. There would be $28,000 for the compactor service, either six or seven days per week.

Mr. Brazil said to purchase a garbage truck would be approximately $152,000, assuming the vehicle is ordered during the current fiscal year. Again, the compactor service would be necessary for marina use over the weekends. Site work would have to be done at approximately $100,000, and site work could be approximately $140,000.

Mr. Brazil said the compactor could be moved to the north end of the park, get rid of the garbage truck, and have six days per week of commercial pick-up for the compactor. Staff discussed why the location was where it was before, but if it were moved to the north end, a substantial amount of greenspace would be lost. Other hardscaped areas would need to

be identified and converted to green space to accommodate the loss of green space at the north end.

Council President Pro Tem Lindsay asked if the combination was used with a truck and if a smaller compactor could be used. Mr. Brazil said yes, but the existing compactor was sized for the needs of the marina. She said the operation must be relocated, as she believes it was a mistake to use that location. Mr. Brazil said a survey and engineering had been done to map out the space needed. He said that can be done if the Town Council desires other equipment and compactors to be explored. However, many alternatives have already been explored. Council President Pro Tem Lindsay stated she felt some obligation to correct a mistake by placing someone else's garbage in front of homeowners, which impacts them six days a week.

Council Member Crampton said placing compactors, stinky garbage, and noise in front of residential homes is unacceptable. Providing less than five-star services to the yacht owners is unacceptable. He said the town needs a solution to this situation.

Mayor Moore asked if additional staff would be required. Ms. Stone said only if the town continues to use the garbage truck model. If the town continued to use the compaction system, which works exceedingly well, there would be a continued contract. Trash runs would not be required as is happening currently, which requires additional staff. Mayor Moore reminded everyone that the reduction in green space triggers a referendum. She was also concerned about setting a precedent with this garbage program.

Council Member Araskog agreed with Mayor Moore and expressed concern about the cost of changing the garbage and recycling pickup at Lake Drive Park.

Council President Zeidman said this needs to be resolved, and only a few options exist. The program can remain the same, or it can be moved. She said the only way greenspace could be found would be by giving up parking. However, reducing parking would impact the marina. Council President Zeidman asked how many square feet would be removed to accommodate a change. Mr. Brazil said one hundred percent of the canopy area would be lost, and staff would look for more green space. Council President Zeidman thought everyone had tried very hard to make this work. However, the situation does need to be made better.

Mr. Brazil stated he would perform the following research:

1) Resurrect the alternative with the existing compactor at the north end of the park with green space.
2) Find out what it would take to place compactor/equipment alternatives at the north end of the park with minimal impact.
3) See what it would take to beautify the existing area.

A resident of 369 S Lake Drive said there had been no rats since the program was implemented. He lives on the fifth floor overlooking the main parking lot, and he has never seen it filled overnight.

4. Review of Proposed North County Road Alignment
H. Paul Brazil, P.E., Director of Public Works

Ms. Strayer stated this presentation was made to the Town Council in February and following that meeting, adjustments have been made to the proposed North County Road Alignment. She stated that changes were being made to the drainage, curbing and elevation and if approved would be presented to the Landmarks Preservation Commission.

Brent Whitfield, Chen, Moore and Associates presented the proposed improvements for Wells Road to Miraflores Drive. He said the intent of the project is to recognize that phases 6 and 7 of the undergrounding project will be impacting North County between now and next year. Public Works sought opportunities to improve drainage, safety, and aesthetics. He believes a solution that will best meet the corridor's character has been reached.

Mayor Moore believes this project is a big improvement to the site's current condition and supports moving forward.

Council President Pro Tem Lindsay asked if Mr. Whitfield was confident that this project is much improved from a safety perspective. He said yes. Council President Pro Tem Lindsay asked if the area would have the same look and feel after improvements. Mr. Whitfield said the width has not changed, but the length has been reduced to accommodate the proper turning radius coming out of Canterbury, headed southbound.

Council Member Araskog asked if the yellow line could be white, and Mr. Whitfield said the yellow is to separate traffic in a different direction and has to remain yellow.

Stuart Bell, 120 Canterbury Lane, expressed support for the proposed project.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to forward the project to Landmarks Preservation Commission for approval. On roll call, the Motion passed unanimously.

5. Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project
H. Paul Brazil, P.E., Director of Public Works

Rob Weber, Coastal Program Manager, stated that the Town of Palm Beach, the Breakers and the Florida Department of Environmental Protection have been working together for a coastal solution for the Mid-Town Headland area. Even though this area is in Mid-Town Beach Nourishment Project, this area still requires additional attention and adaptive management. The Breakers has recently submitted a permit application to proactively address this area. The Breakers continues through their permitting process, The Breakers Coastal Consultant and the Town's

Coastal Consultant have determined that the southerly extension of this structure is necessary to transition the shoreline from The Breakers to the Mid-Town area, which tops out at Clark Beach.

Council Member Araskog asked who would prove the at-fault party if there were to be an issue. She also asked if the southern part is across the town's property, who would be liable if someone were to get hurt. Mr. Weber responded.

Jamie Crowley commented on the benefits of the project and thanked the Town Council for their support.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve support for the Mid-Town Headland Erosion Control Project at the request of the Breakers Hotel. On roll call, the Motion passed unanimously.

6. RESOLUTION NO. 057-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of $86,633 for a new Purchase Order Total of $417,428.
Dean Mealy, Procurement and Contract Manager

The Corradino Group on the traffic and parking study will require approximately $87,000 more to complete the study.

Mr. Miracle stated that this is what the costs are at this time and if there are other expenses between now and the end of the project, additional change orders may be requested.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 057-2023. On roll call, the Motion passed 4-1 with Council Member and Cooney dissenting.

7. RESOLUTION NO. 058-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220819 to ZoneCo for $750,000 for Code Reform for a new Purchase Order Total of $1,170,000.
Dean Mealy, Procurement and Contract Manager

Mr. Bergman said with the schedule, number of meetings proposed, amount of people involved, the staff believes that ZoneCo would be approximately $1.2 million in total from start to finish. The staff is asking for approximately $750,000 on their PO to pay for their post-charette work and the modules, including pre-codify, codify, and adoption.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 058-2023. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

8. RESOLUTION NO. 059-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for $305,000 for Code Reform for a new Purchase Order Total of $450,000.
Dean Mealy, Procurement and Contract Manager

Staff believes the Corradino Group will require approximately $450,000 from start to finish. Staff was requesting $305,000 to their Purchase Order to carry them through to the end of the project.

Council President Zeidman asked Mr. Bergman to explain why the project has increased in cost. Mr. Bergman said when Sean Suder and Joe Corrodino came to the table, they had a vague idea of what this process could look like but had no idea of the demands upon their time, the types or number of meetings that would be required. They started putting some projection numbers together based on other projects and last fall, it was realized by staff as the scope of work was being developed, that this could be a more expensive and complicated process than was originally envisioned. Additional costs were incurred with the addition of public involvement which included meetings, monthly updates by Sean Sudor, and charettes.

Anita Seltzer, 44 Cocoanut Row, spoke about the payment to ZoneCo and Corradino. She did not understand the increased cost.

Council Member Araskog stated she was also concerned about the increased cost.

Council President Zeidman explained the process.

Council Member Crampton asked if staff could assemble a diagram to show how this project is coming together with increased costs. He said the Bert Harris Act is to consider as the town moves into the zoning process. He had no issue with Rachel Streitfeld participating since she seems to be a specialist in how these code developments are written and how Bert Harris impacts them.

Mr. Miracle explained the billing structure. He said proposals were based on milestones and deliverables. The scope of each module and what it entails is spelled out in the contract and will not be paid until those milestones and deliverables have been met.

Mr. Bergman clarified that this is for assistance with resiliency sustainability issues, rising sea levels, FEMA, etc. Mr. Brazil said the Woods Hole Group is doing the

public infrastructure, public impacts, seawalls, etc. This is to provide the funds that the staff believes will be needed to finish the project.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 059-2023. On roll call, the Motion passed unanimously.

9. Discussion on Construction Timeline for Linear Park (Midtown Seawall)
Bobbie Lindsay, Council President Pro Tem

Council President Pro Tem Lindsay said there are a lot of projects ongoing in one particular area. Bridge painting began, and she asked what the duration would be and whether any issues had been caused. Also, two state projects might be delayed. She said her concern was the large project beginning during the season: the linear park and the new seawall. She said she understands that Phase 5 South and Phase 4 South in the Midtown area will remain ongoing. She has received correspondence from residents who are concerned about traversing the island.

Council President Pro Tem Lindsay asked if it would be helpful to delay the construction timeline for Linear Park (Midtown Seawall) until the following spring. She thought this might allow time for projects already in the queue to be completed.

Mr. Brazil said FDOT has two other projects in the area, undergrounding, FDOT mast arms, FDOT milling and resurfacing, restriping, and sidewalk replacement. There is seawall replacement and then build a new park once the seawall is done. The schedule for Linear Park will be after the seawall is constructed. He advised the wall is storm protection. Ms. Strayer has had preliminary conversations with FDOT and staff believes their work can be deferred.

10. Consideration and Possible Approval of a Zoning in Progress for R-B Single-Family Residential Zoning District

RESOLUTION NO. 063-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring and Implementing Zoning In Progress for All Residential Properties Within the R-B Low Density Residential Zoning District, Providing for Authorization; Providing for Implementation; and Providing an Effective Date.
TIME CERTAIN: 2:00 PM
Margaret A. Zeidman, Town Council President

This item was withdrawn but time was allowed for Public Comment to be heard.

Council President Zeidman asked Mr. Randolph to review Senate Bill 250 for everyone present. She briefly explained the Zoning in Progress Resolution and how it became an agenda item.

Mr. Randolph explained the effect of SB 250.

The following members of the public made comments about the Zoning in Progress:

Carol Franklyn, 1105 N. Lake Way, Palm Beach, FL
John Owen Picketts, III, 2160 Notre Dame Drive, Lake Worth Beach, FL and President of the Palm Beach Board of Realtors
Jeff Marcus, 920 N. Lake Way, Palm Beach, FL and Realtor
Katherine "KT" Catlin, 265 Fairview Road, Palm Beach, FL
Michelle Anaya DePotter, CEO, American General Contractors, Florida East Coast, 515 N. Flagler Drive, West Palm Beach, FL
Kim Frisbee, 6 Via Flagler, Palm Beach, FL
John Bison, 970 N. Lake Way, Palm Beach, FL
Jamie Gavigan, Shutts & Bowen, representing the Society of the Four Arts and 228 Via Las Brisas
Gary Pohrer, 1356 N. Ocean Boulevard, Palm Beach, FL
David Klein, Rabideau & Klein, representing 206 Caribbean Road
Allan Thomas, 256 Orange Grove Road, Palm Beach, FL
Maisie Grace, 247 Seaspray Avenue, Palm Beach, FL
Anne Pepper, 333 Seaspray Avenue, Palm Beach, FL
Doug Fagan, 100 Worth Avenue, Palm Beach, FL
Carolyn Forest, 211 Seaview Avenue, Palm Beach, FL
Jamie Crowley, Gunster Law Firm, representing Kim and Scott Gordon; 1495 N. Ocean Blvd. LLC and 304 Garden Road, LLC
George Ford, Leeds Custom Design and Seabreeze Bldg., West Palm Beach, FL
Natalie Emerson, 261 Nightingale Drive, Palm Beach, FL
William Gilbane, 795 N. Lake Way, Palm Beach, FL
David Kelso, 255 Monterey Road, Palm Beach, FL
Carolyn Pressley Ryan, 171 El Pueblo Road, Palm Beach, FL
Kim Coleman, 555 Island Drive, Palm Beach, FL
Leigh Dunston, 282 Monterey Road, Palm Beach, FL
Pam Dunston, 282 Monterey Road, Palm Beach, FL
Paulette Koch, 132 El Bravo Way, Palm Beach, FL
Liza Pulitzer, 263 El Pueblo Way, Palm Beach, FL
Stan Johnson, 244 Nightingale Drive, Palm Beach, FL
Nicki McDonald, 234 Merrain Road, Palm Beach, FL
Dragana Connaughton, 267 Merrain Road, Palm Beach, FL

Mr. Randolph explained the difference between a Zoning in Progress and a Moratorium.

A short recess was taken at 3:23 PM and reconvened at 3:30 PM

Council President Zeidman thanked members of the public who shared their concerns with the Town Council. She encouraged citizens to continue to be

engaged in the Code Review. She explained the main objectives of the Code Review are to encourage good architecture, preserve the PB charm, to enhance harmony on streets, to look at drainage, fill, FEMA requirements, lot coverage and height, to simplify the code.

Mr. Randolph advised the Town Council not to comment to deliberate on this agenda item since it has been withdrawn from the agenda.

Council Member Crampton commented and expressed appreciation to the citizens who participated in this process.

Council Member Araskog stated that she thinks it is important for the town of Palm Beach to write to Governor DeSantis.

Council President Pro Tem Lindsay said this is a necessary process but she has some hesitation about whether this bill will end in October 2024. She agreed with a letter being sent to the Governor, seeking assurance this bill will end in October 2024.

Council Member Cooney expressed hesitation concerning writing a letter to Governor DeSantis.

Mayor Moore said she would write a letter to Governor DeSantis if that were the pleasure of the Town Council. However, even if the Governor vetoed this, it would go back to the legislators and possibly be approved in the future.

11. Consideration of Approval of Four Arts Agreement Postponed from the March 14, 2023, Town Council Meeting

Mr. Randolph said the Four Arts is seeking Town Council permission to execute an agreement to clarify the original declaration of the road right-of-way agreement. The purpose of the original conveyance was to grant an easement to the town over the Lake Trail Right of Way. This agreement will clarify the intended. There was no intent to deed the property to the town in fee simple, but only to deed an easement for right of way purposes.

James Gavigan, Jr., on behalf of the Society of Four Arts, said the Society of Four Arts does not intend to have any change to the impact of the right of way. When they initially executed the dedication of right of way in 1991, they intended it to be a dedication. The purpose of this item on the agenda is to clarify language in the Agreement. The property appraiser's office could not decipher the document and, therefore, had the property listed as not owned by the Society of Four Arts. The Lake Trail will still be the Lake Trail and will not be impacted by this change.

Mr. Brazil said most properties crossed with the Lake Trail are easements.

Council Member Cooney said his hesitation is that the town has some leverage. He has heard the Society of Four Arts mention the desire to move Lake Trail off of their property. As much as Council Member Cooney respects the Four Arts and respects them as an outstanding cultural institution in the town, he is hesitant to give up a better position. Mr. Gavigan said the actual dedication of right-of-way that was recorded in 1992 has the legal description of where the Lake Trail goes and shows it is an easement that was dedicated. The Society of Four Arts cannot move the location of the Lake Trail, there is no unilateral ability for them to make a change.

Council Member Araskog agreed with Council Member Cooney. She expressed concern about hearing that there is a desire to move the Lake Trail.

Mr. Randolph does not see how the Society of Four Arts could move the Lake Trail arbitrarily. He said that could be added to the agreement.

Council President Zeidman said there is a reason that they are asking for this change. Mr. Randolph said that if the Town owns the easement, they cannot use it as lot coverage when making amendments to their plans.

Mr. Gavigan added that this agreement amends the document recorded in the public records. He said there are proposed renovations to the Society of Four Arts. The fact that the Society of Four Arts is not recognized as the fee owner of the area creates a situation where variances have to be sought if changes need to be made. He said the overall purpose and goal of the society is to have the actual fee be applied for lot coverage and to eliminate the need for variances.

Council Member Crampton thought it was disingenuous to separate them since the second element of what is being asked to be done with the Lake Trail is related to this element. They should be discussed together. When the Four Arts come before the Town Council for a larger project, that particular thing being asked for today should be asked for in the context of the larger project.

Council President Pro Tem Lindsay felt like it was all about the extra space that the Four Arts wants, but she does see Council Member Cooney's point, and unless the Town can be covered clearly in the agreement, she would not want to approve it.

Mr. Randolph said he could clarify this agreement to state that the Town is not giving anything up.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to defer to the June 13, 2023, Town Council meeting to revise the agreement. On roll call, the Motion passed unanimously.

C. New Business

1. RESOLUTION NO. 060-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing waiver of formal competition and Approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation.
Dean Mealy, Procurement and Contract Manager

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 060-2023. On roll call, the Motion passed unanimously.

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

Carla Marcote, Code Enforcement Specialist, informed the Council that Mr. Leone, Palm Beach Parking, had left the meeting due to feeling ill and recommended that the matter be deferred.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to defer this matter to the June 13, 2023, Town Council Meeting with a recommendation that a representative of Palm Beach Parking and/or Trevini be in attendance. On roll call, the Motion passed unanimously.

3. Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2022
Bob Miracle, Deputy Town Manager - Finance and Administration

Brandon Lopez, Director with Marcum, LLP, gave a high-level overview of the Annual Comprehensive Financial Report for the town. He stated that this audit is a financial statement and compliance audit. Mr. Lopez reviewed the compliance reports. He said the Town of Palm Beach received a clean opinion with no findings identified in the financial or in the federal awards compliance audit.

Council Member Crampton asked about the status of the town's reserve funds. Mr. Lopez responded. Mr. Miracle added that the town is in a good financial position.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Annual Comprehensive Financial Report (ACFR) for fiscal year ended September 30, 2022. On roll call the Motion passed unanimously.

4. Consideration of Settlement Regarding Code Enforcement Liens on 226 and 287 Pendleton Avenue
John C. Randolph, Town Attorney

Mayor Moore recused herself and left the dias for this item.

Mr. Randolph stated that an agreement has been reached to resolve this case.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the settlement agreement regarding 226 and 287 Pendleton Avenue. On roll call, the Motion passed unanimously.

5. Commercial Motion Picture Application
Kirk W. Blouin, Town Manager

Veronica Salanitro said a location agreement had already been secured for scheduled filming next week.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to deny the request for commercial motion picture filming. On roll call, the Motion passed unanimously.

Ms. Salanitro asked if filming could be done inside the businesses with permission.

Mr. Randolph did not see any reason to disallow filming inside a business, but he did say there had to be consideration given to the impacts, such as parking.

Council President Zeidman did not think the request should be permitted. This would also be setting a precedent that is not desired.

6. Discussion on Approval Processes for Large Commercial Projects
Julie Araskog, Town Council Member

A. Commercial Projects that are reviewed by ARCOM or LPC and Town Council (Combo Projects)

Council Member Araskog recalled conversations where projects were being deferred to ARCOM or LPC, but they were not the large commercial projects requesting multiple variances. She thought the large projects requesting multiple variances should be presented to Town Council prior to ARCOM or LPC.

Mr. Bergman recognized that Paul Castro, an employee in Planning, Zoning and Building, was instrumental in identifying the matter that occurred 15 years ago and created some problem. Mr. Bergman agreed with Mr. Randolph and Council Member Araskog with large commercial projects being presented to Town Council first. Mr. Bergman said that once a variance is approved, that is an entitlement to the property owner. His concern was that ARCOM or LPC might feel that their hands are somewhat tied with those approvals already granted.

Mr. Randolph stated that the Variance could be conditioned upon approval by ARCOM or LPC.

The Consensus was to present commercial and multi-family projects to Town Council for review and approval before being presented to ARCOM or LPC.

B. Whether Commercial Projects should be Scheduled during Summer Months for ARCOM, LPC and Town Council

Mr. Bergman said he received some comments from Paul Castro this morning. A verbal conversation took place yesterday where Mr. Castro indicated that the projects always proceeded equally through the summer and winter months and that he did not recall any work stoppage in the summer during his tenure. Mr. Castro did recall that at some point the Town Council did not meet in August because the town's business was very slow; however, Mar a Lago was an exception, not to be heard during the summer months.

Council Member Cooney thinks this topic is important but is on the fence since summer is not a good time to initiate a large request. Sometimes the approval processes take several months, and he does not want to deprive people of their property rights. ARCOM and LPC meet year-round, and he believes government should be responsive to property owners. He would also be hesitant to create varied classes of property ownership within the town from a fairness perspective.

Council President Pro Tem Lindsay agreed that the Town of Palm Beach is a year-round town. She thanked Council Member Araskog for working on getting projects online and accessible to the public. Council President Pro Tem Lindsay thinks it would be unfair not to accept projects during the summer months.

Council Member Araskog felt there were many large commercial projects being started during the summer.

Council Member Araskog said the second issue is that large projects were not allowed during summer when residents are out of town.

Anita Seltzer, 44 Cocoanut Row, said that she was pleased to hear that the Town Council will protect ARCOM and LPC.

Tony Silvansky, Sun and Surf condominium owner, made comments about variances. Specifically, he talked about The Paramount and asked the Town Council to seriously consider deferring the project due to the complexity of the project.

Council Member Cooney asked Mr. Bergman if an applicant could choose to have their project presented to Town Council first. Mr. Randolph suggested there should be a policy rather than having the applicant decide.

XIV. ORDINANCES

A. First Reading

1. 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.
John C. Randolph, Town Attorney

Mr. Randolph read the Ordinance by title only.

Council President Zeidman understood the desire to repeal this ordinance. But stated that panhandling has occurred while residents are in traffic or stopped at a red light and she requested that Mr. Randolph look at what could be added to the ordinance to make it acceptable. Mr. Randolph will return with an Ordinance that will be narrowly tailored to address the panhandling problem.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Ordinance No. 007-2023 on first reading. On roll call, the Motion passed unanimously.

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

The Town Council Meeting of May 5, 2023, was adjourned at 7:15 PM without the benefit of a Motion.

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 May 10, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on May 10, 2023, at 9:31 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

Council Member Araskog raised an issue about how the Business and Administrative Committee was noticed on the agenda. Council President Zeidman stated she understood the issue and discussed the intent to make the agenda as user-friendly as possible.

Council President Zeidman stated that Phipps Plaza Park would be reviewed by the Town Council at 11:30 a.m. She indicated that Code Review issues would be at 10:00 a.m. with Sean Suder, ZoneCo.

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

Anita Seltzer, 44 Cocoanut Row, expressed concern about the discussion that occurred at the May 9th Town Council meeting regarding issues related to Code Review.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning and Building, stated in addition to the items listed for deferral on the printed agenda, the following items were being modified: *Addition of Time Extension for 257 Sanford Avenue under XI. Development Review, D. Time Extensions*

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve the agenda as amended. Motion carried unanimously, 5-0.

VII. APPROVAL OF THE CONSENT AGENDA

A. 127 ROOT TRAIL

RESOLUTION NO. 041-2023 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating that the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

B. 272 QUEENS LANE

RESOLUTION NO. 042-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating that the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

C. 323 CHILEAN AVENUE

RESOLUTION NO. 044-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating that the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

D. ZON-23-029 (ARC-23-014) 325 VIA LINDA (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Three Palm Trees, LLC, has filed an application requesting Town Council review and approval for a Special Exception and Site Plan Approval to permit a reduction in the required setback for the proposed driveway gate and gateposts. The Architectural Commission will perform a design review of the application. [The Architectural Review Commission approved this project at their April 26, 2023, meeting. Carried 5-2.]

Please note: This item was pulled from consent and was not included in the approval of the consent agenda. It was placed under IX. A.

E. **ZON-23-038 (ARC-23-029) 3400 S OCEAN BLVD (COMBO)—SITE PLAN REVIEW.** The applicant, ATRIUMS OF PALM BEACH, has filed an application requesting Town Council review and approval for Site Plan Review for the pool deck amenity level within the courtyard of the buildings located above the bermed parking structure that includes a new pavilion, landscape, hardscape, and structural engineering work. The Architectural Commission will perform a design review of the application. [The project was approved by the Architectural Review Commission, including the recommendation to the Town Council regarding the site plan, on the consent agenda at the April 26, 2023, Architectural Review Commission meeting. Carried 7-0.]

F. **ZON-22-110 (ARC-22-162) 2773 S OCEAN BLVD (COMBO)—SITE PLAN REVIEW** The applicant, Carlyle House Condominium, has filed an application requesting Town Council review and approval for site plan review for demolition and redesign of the pool, pool deck, and associated landscape and hardscape. The Architectural Commission shall perform a design review of the application. [The Architectural Review Commission approved this project at their April 26, 2023, meeting. Carried 7-0.]
Motion made by Council Member Cooney and seconded by Council Member Crampton to approve the consent agenda, as amended, with the removal of ZON-23-029 (ARC-23-014), 325 Via Linda, which will be heard under IX. A. Motion carried unanimously, 5-0.

VIII. PRESENTATIONS

A. Code Review Update

1. Discussion Regarding Memorandum Proposing Additional Meeting Dates for PZ Commission and Town Council
TIME CERTAIN 10:00 AM
Sean Suder, Zone Co.

Council President Zeidman stated that IX., B. was intentionally placed on the agenda close to Mr. Suder's presentation.

Mr. Suder reviewed the budget and expenses for the Code Review project over the past year. He discussed the intent for summer meetings scheduled with the Planning and Zoning Commission to delve into the code review.

Council President Zeidman mentioned the public's fear that all the changes would be made over the summer when there would be low public participation due to seasonal travel. She asked Mr. Suder to address this issue. Mr. Suder discussed the items that would be completed during the summer months and how he hoped to have a first draft of the Code ready in October for public review, comments, and revisions. The original idea was to have the code adopted in March or April of next year, but with HB 250, that adoption goal may have to be modified.

Council Member Crampton was pleased with the length of time for review by the

Town Council and the public. He also recommended asking the Palm Beach Daily News to add some content to the newspaper over the summer. Their editor would work with Mr. Bergman and Mr. Sudor to layout the best way to review the code.

Council President Zeidman stated that the purpose of working in the summer was to produce a draft for the public to review.

Council President Pro Tem Lindsay was glad that the public would have time to review the draft and to make changes. She thought that many of the Town groups should participate in reviewing the draft document.

The Council discussed groups that should be alerted to participate in the Code Review once a draft Code is presented.

Council Member Crampton thought Messrs. Bergman and Suder should work on a communication plan to allow various groups to participate.

Council President Zeidman recollected her discussion with the Town Council on whether they should put together a steering committee or to use the Planning and Zoning Commission. The Town Council elected to use the Planning and Zoning Commission. Council President Zeidman asked about Council Member Cooney's suggestion on using local design professionals. Council Member Cooney thought the design professionals should be able to test and work with the document to determine if anything needs to be modified. Council President Zeidman also recollected that the Town Council thought it important for the public to be involved in the review.

Council Member Crampton thought the elected officials should be the steering committee, however, he liked Council Member Cooney's suggestion to use a group of design professionals in a review since they interact with the Code in their daily work.

Council Member Araskog wanted to have a conversation about Senate Bill 250. Her concern with the bill was the possibility that it would be extended beyond 2024. Council Member Araskog thought the elected officials should use their mailing lists to notify the public about issues related to Code Review. Council Member Araskog also expressed her concern about the meetings planned for the summer months, particularly in June, July, and August. She preferred to see the meetings begin in the fall.

Mayor Moore thought it was troubling that comments were made that there was not enough public involvement with the Code Review. She thought the public that wanted to be involved had participated. She thought the Town had been doing a good job communicating with the public about items relating to Code Review.

Council Member Cooney understood Council Member Araskog's concerns.

However, he also knew that a deeper delve into the Code Review had to occur. He thought the timeline was acceptable. He thought that his fellow citizens did care about the review and will ultimately be concerned about how code changes will impact their property rights.

Council President Zeidman understood the newspaper's intent to spread the news, however, she asked that the headlines be carefully stated in the future. She felt the headline did not do justice to the Town of Palm Beach Code Review process.

Council President Pro Tem Lindsay agreed with Council Member Cooney's comments. She has heard from many residents that had the opportunity to engage in the review and would have future opportunities to engage. She thought the additional 6 months would extend the public's opportunity to engage in the process.

Council Member Crampton agreed with the other Council Members and thought there was good momentum in reviewing the Code. He thought the Town should move forward as long as there was a valid communications plan.

Council President Zeidman pointed out that if the review were delayed, it would delay the draft of the Code from being produced until the next summer. Council President Zeidman thanked the Planning and Zoning Commission for their willingness to participate in twice-a-month meetings over the summer.

Council President Zeidman asked Town Attorney Randolph about the Town Council's participation during summer months. Town Attorney Randolph stated that if the Council Member had a legitimate reason to miss a meeting over the summer months, he/she could participate over Zoom and vote. Town Attorney Randolph reminded the Council they would not make final decisions at these meetings; they were more like workshops.

Council President Zeidman clarified that the Town Council would need a quorum of 3 people to conduct business. Council President Zeidman stated that the meeting on July 25th may be an issue. Council President Zeidman stated that possibly the dates could be worked out.

Discussion ensued about the possible availability of summer meeting dates.

Council Member Araskog asked about Planning and Zoning Commissioners voting over Zoom. Town Attorney Randolph stated if one of the members had a legitimate reason to be absent, they could vote over Zoom.

Council Member Araskog asked Mr. Suder about the timing of the reviews for different areas of the Town and when they would be completed. Mr. Suder responded.

Mr. Bergman discussed smaller changes and inconsistencies that had been changed

in the Code over time. He presented the five items: 1) Business Tax Receipts; 2) Mechanical equipment placed on roofs; 3) Nonconformities; 4) Reduce 9 definitions of height to one and define one point from which to measure; and 5) Freeboard; for review that had been presented to the Planning and Zoning Commission because immediate attention was necessary. Mr. Bergman stated that the five items would be presented by ordinance at the June meeting. He indicated that a Local Planning Agency meeting would also be scheduled in June.

Council Member Araskog expressed concern about the mechanical equipment placement on commercial roofs. She thought it would change the fabric of the Town and thought it needed to be studied further. She further expressed her concerns about the other proposed zoning changes.

Council Member Crampton understood Council Member Araskog's concerns; however, he thought her concerns would be reviewed when the Town Council reviewed the draft ordinances.

Council Member Araskog thought the items should be sent back to the Planning and Zoning Commission so that they could further review the items with photographs.

Mayor Moore thought a robust discussion was had by the Planning and Zoning Commission on all the items. She thought some of the items should be moved forward. Subsequently, the Town Council would further review the item when a draft ordinance is presented.

Council President Zeidman and President Pro Tem Lindsay agreed with Mayor Moore.

Mr. Bergman discussed the Planning and Zoning Commission's conversation and recommendation on freeboard.

Council Member Cooney was pleased that the conversation on increasing the freeboard would be paused. He thought it would be important to keep an eye on this issue in the future.

Council Member Crampton wondered about the industry's opinion on freeboard and asked that the staff look at current practice of other coastal cities.

Council Member Araskog asked to see photographs of the areas in Town where mechanical equipment is on the roofs.

Council President Pro Tem Lindsay thought the discussion of freeboard should be in the same conversation as any discussion about fill on a property. She thought there were other communities that dealt with fill more successfully.

Council President Zeidman summarized that the Town Council thought it was

acceptable for staff to return with the BTR issue with square footage and proper language; the point of measurement for heights, nonconforming issues; and also for commercial mechanical equipment to be sent back to the Planning and Zoning Commission to pursue the visual option suggested by Council Member Araskog. She then stated there would be no change at this time related to freeboard, except that Mr. Bergman will research current ordinances from other municipalities regarding freeboard and fill.

Council Member Araskog asked if the Planning and Zoning Commission deferred the conversation of freeboard and fill for a conversation in August, to which Mr. Bergman provided confirmation.

Mr. Suder found the path forward acceptable.

Please note: A short break was taken at 11:27 a.m. The meeting resumed at 11:41 a.m.

Council President Zeidman called for public comment.

Gary Pohrer, 1356 N. Ocean Blvd., thought the issue of a 50% maximum on second-story homes did not make sense. He pointed out that there are many two-story homes where the second story is significantly more than fifty percent.

Stan Johnson, 244 Nightingale Trail, thought it would be helpful for the public to have access to items posted on the agenda or available summary reports. He was pleased to hear about the pause of the freeboard discussion as he thought the unintended consequences should be considered.

Mr. Bergman affirmed that staff could prepare a summary for residents to view on the website. Council President Zeidman suggested that Sean Sudor could be asked to assist in preparing summaries.

IX. REGULAR BUSINESS

A. Matters Pulled from the Consent Agenda

ZON-23-029 (ARC-23-014) 325 VIA LINDA (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Three Palm Trees, LLC, has filed an application requesting Town Council review and approval for a Special Exception and Site Plan Approval to permit a reduction in the required setback for the proposed driveway gate and gateposts. The Architectural Commission will perform a design review of the application. [The Architectural Review Commission approved this project at their April 26, 2023, meeting. Carried 5-2.]

Ex-parte communications were declared by Council Member Cooney.

Maura Ziska, attorney for the owner, presented an overview and the zoning requests for the project.

Molly Mitchell, Dailey Janssen Architects, presented the architectural plans for the proposed vehicular gate.

Council Member Araskog asked about surrounding gates and the proximity to the street. Ms. Mitchell 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 to approve Special Exception No. ZON-23-029 and Site Plan Review as said applications meet 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 use have been met and that satisfactory provision and arrangements have been made concerning items 1-11 of Section 134.329, and providing the property owner voluntarily commits issuance of a building permit to either provide or record a utility easement satisfactory to the town that ensures a recorded easement will be granted if necessary for underground utilities. Motion carried unanimously, 5-0.

B. Update Regarding the Planning & Zoning Commission Recommendations to Town Council for Consideration
Wayne Bergman, Director of Planning, Zoning and Building

C. Comprehensive Plan Update - Evaluation and Appraisal Review (E.A.R.) of the Town's Comprehensive Plan
Jennifer Hofmeister-Drew, Planner III

Ms. Hofmeister-Drew reviewed the requirement of the evaluation and appraisal review of the Town's Comprehensive Plan.

Council Member Araskog wondered if there would be any conflict moving forward with the comprehensive plan and the new Senate Bill 250. Mr. Randolph did not believe there would be any conflict with Senate Bill 250.

Council President Pro Tem Lindsay asked Ms. Hofmeister-Drew if the recommendations of the strategic plan would be reviewed when updating the Comprehensive Plan. Ms. Hofmeister-Drew stated she would review the strategic plan recommendations and any changes that occur in the Code Review.

Council President Zeidman asked about the elements she looks at in the strategic plan when making changes to the Comprehensive Plan. Ms. Hofmeister-Drew explained that the way a strategic plan and a comprehensive plan relate to one

another is the comprehensive plan should be the umbrella. The strategic plan further helps with capital improvement programming and budgeting. The goals from the strategic plan will help in implementing the goals of the comprehensive plan.

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

D. Follow-up Discussion Regarding Public Notices
James Murphy, Assistant Director of Planning, Zoning & Building Dept.

Mr. Murphy provided an update to the public notice process with regard to upcoming projects in the Town. He noted that since roll-out of the new process, the department has handled approximately 450 applications. Approximately 19,500 pieces of mail have been distributed to residents via regular first-class mail.

Council President Zeidman asked about the possibility of a GIS position. Mr. Bergman noted that the new software in the PZB Department would rely on a GIS position which would be paid for out of the Building Enterprise Fund. A proposal has been sent to the City Manager as part of the budget process for the coming fiscal year.

Council Member Araskog thanked staff and was in favor of phase two. She thought having a GIS position would benefit the Town as a whole. She liked the idea of a certificate of mailer, the property posting, and the additional brochure. Council Member Araskog stated that she understood the letters were late due to the late posting of the agendas.

Council Member Crampton agreed with Council Member Araskog's suggestions. He was in favor of the interactive map but cautioned staff that it could become a popularity contest. Mr. Murphy stated the primary reason for this would be a pictorial graphic of what projects are being proposed in specific areas.

Council Member Cooney was in support of the suggestions.

Council President Pro Tem Lindsay agreed. She asked how long the posting would remain in front of the property. She was concerned that the signs would be left up for months after the project. Mr. Murphy stated that the postings would be left up for 30 days prior to the project.

Council President Zeidman asked how many postings would be put up at one time. Mr. Murphy stated that staff proposed this solution for only commercial and multi-family projects.

Council President Zeidman asked if there was a way to add an entire street

for the notice requirement.

Council President Pro Tem Lindsay thought that a posting could solve the problem of the street receiving notice. She thought that many of the neighbors would see a posting.

Council Member Cooney agreed with Council President Pro Tem Lindsay but thought the Town should first start with the commercial and multi-family properties.

Mr. Murphy stated that staff could develop some recommendations and return to the Town Council.

Council President Zeidman thought that residential projects should receive a posting as well.

Council Member Araskog thought residential projects should be added.

Council President Zeidman called for public comment.

Anita Seltzer, 44 Cocoanut Row, indicated that no backup was provided to the public for this item. She discussed the difficulty for the public to provide feedback for the Tuesday meeting. She also asked about how a radius is calculated for the notice.

Council Member Araskog thought it would be good for staff to look at the ***316 S COUNTY*** notice requirement to ensure enough notice to cover a street.

X. RESOLUTIONS

RD (310-316 S COUNTY RD)

RESOLUTION NO. 061-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 316 S County Rd Meets the Criteria as Set Forth in Ordinance No. 2- 84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Ex parte communications were declared by Council Member Cooney.

Council President Zeidman requested confirmation of the proof of publication. Acting Town Clerk Churney provided confirmation.

Emily Stillings, MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1 and 3 for Landmark Designation.

Motion made by Council Member Cooney and seconded by Council Member Crampton to make the designation report part of the record. Motion carried unanimously, 5-0.

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

Council President Zeidman asked if the owners were supportive of the designation. Ms. Stillings stated that the owners did not support the designation but would also not object.

Motion made by Council Member Cooney and seconded by Council Member Crampton to adopt Resolution 061-2023, designating the property at 316 S County Road (310-316 S County Road) as a landmark of the Town of Palm Beach, on the basis that it meets criteria Numbers 1, and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously, 5-0.

XI. 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

Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

Please note: A lunch break was taken at 1:05 p.m. The meeting resumed at 1:48 p.m.

B. PUD AMENDMENTS

1. ZON-23-049 (ARC-23-057) 2 S COUNTY RD - PUD AMENDMENT

Resolution No. 003-00, The Breakers Planned Unit Development (PUD-A), Related to Site Modifications at the Tennis Center

RESOLUTION NO. 043-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 3-00, The Breakers Planned Unit Development (PUD-A), to Authorize Renovation, Expansion and Reconstruction of The Breakers Tennis Courts.

Ex-parte communications were declared by Council Members Araskog, Cooney, Crampton, and Council President Zeidman.

Jamie Crowley, attorney for The Breakers, discussed the renovation of the existing tennis courts. He stated that the Resolution that has been in effect since 1972 must be amended. Each time the Resolution is amended, the applicant has to go before the Planning and Zoning Commission and then to the Town Council for approval. All of the terms and conditions of the PUD that are still active will remain unchanged, except for Modification #10 where the description of the tennis area will be changed to allow for renovation and expansion of the tennis facilities.

Mr. Bergman stated that the staff had no objections to the requested amendment.

Council Member Cooney asked about the proposed change to the PUD. Mr. Crowley responded and pointed out the addition of the pickleball courts. Council Member Cooney asked about the number of undeveloped residential units that could be developed within the scope of the PUD. Mr. Crowley said there are 251 undeveloped residential units. Those units may be developed as residential or could be converted to hotel or hotel accessory uses.

Council Member Araskog asked about the proximity of the closest residence. Mr. Crowley responded that the closest residences are across Royal Poinciana. He said it is not where anyone would be disturbed. Council Member Araskog asked about the notice area for this project and Mr. Crowley responded.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution 043-2023. Motion carried unanimously, 5-0.

Council Member Cooney asked about the timeline for construction. Mr. Crowley stated they have to go to ARCOM and then back to the Town Council in June for the site plan. They are anticipating that this will be done during the summer.

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 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 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.

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 June 14, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

c. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project with minor modifications and a final Chair Review of the updates at their April 26, 2023, meeting. Carried 7-0.]

Council Members Araskog and Cooney declared ex-parte communications.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project. This is for demolishing a three-unit multi-family building and replacing it with a single-family residence. It is a nonconforming lot, requiring a variance for the new structure. A one-car garage was requested as part of the project by ARCOM.

Gregory Bonner, B1 Architects, presented the architectural plans proposed for the new residence.

Council Member Crampton thought the project would be a major improvement on the street.

Council Member Araskog asked for a view of the streetscape.

Mr. Bergman provided staff comments on the project. He said the original notice was listed on the agenda and it took a while to get through ARCOM. The plan has been revised as requested and the variance requested for the conversion from a two-car garage to a single garage was properly noticed before this meeting.

Council Member Cooney lamented the loss of the multi-family units in the Town but thought the project looked good.

Council President Pro Tem Lindsay agreed with Council Member Cooney. She thought the project was nice, although she believes this project will eliminate more affordable housing in the town.

Council Member Araskog also missed the multi-family units. She asked to see the front and the proposed space for parking. A short discussion ensued about parking for this residence.

Mayor Moore pointed out that the proposed home would decrease density on the street. While she also lamented the loss of the multi-family unit, she thought the house was charming and would be a very nice addition to the street.

Council Member Cooney thought the trucks traversing this street would be a challenge. Council Member Araskog pointed out that this fact led to her concern regarding parking.

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

Motion made by Council Member Crampton and seconded by Council Member Cooney to approve ZON-22-088 and find in

support thereof that all the criteria applicable to this application have been met as set forth in Section 134.201 (a) items 1-7 have been met and providing that the property owner voluntarily commits issuance of a building permit to either provide or record a utility easement satisfactory to the town that ensures a recorded easement will be granted if necessary for underground utilities.

Council Member Araskog asked about the hardship, to which Ms. Ziska responded. Council Member Araskog did not feel there was a hardship.

Motion carried 4-1, with Council Member Araskog dissenting.

d. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) - VARIANCES.** The applicant, Gregory James Pamel, has filed an application requesting Town Council 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 a design review of the application. This project shall be deferred to the June 14, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.
Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

e. **ZON-23-033 (ARC-23-024) 1540 S. OCEAN BLVD AND 114 OCEAN VIEW RD (COMBO)—VARIANCES.** The applicant, 1540 S Ocean LLC (Steven Kirsch, Managing Director) has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the construction of a new plunge pool, deck, and landscaping for an existing 136 square foot beach cabana at 1540 S Ocean Blvd and 114 Ocean View Road and for a variance (1) to the minimum frontage and variance (2) to the established ocean bulkhead line setback. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved this project with minor modifications at their April 26, 2023, meeting. Carried 6-1.]

Ex-parte communications were declared by Council Member Cooney.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project. There is an existing beach cabana. The applicant is asking for a variance to modify the previous approval to spruce it up and add some landscaping and hardscaping. The variance is needed because of the width and the setback from the bulkhead line. She noted those variances were granted in 2021, but the applicant is asking to modify the existing cabana.

Jason Skinner, Dailey Janssen Architects, presented the landscape and hardscape plans for the proposed beach cabana.

Ms. Ziska stated the hardship for the application.

Mr. Bergman provided staff comments on the project.

Mr. Skinner stated that the project was approved at the Architectural Review Commission (ARCOM) without the deck.

Council Member Araskog was glad that a portion of the deck was removed.

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

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve ZON-23-033 be approved and find in support thereof that all the criteria applicable to this application have been met as set forth in Section 134.201 (a) items 1-7 have been met. Motion carried 3-2, with Council Members Araskog and Cooney dissenting.

Council President Zeidman said the Town Council has discussed its desire to issue approval of fewer variances in the future. She asked what would have to be reformed in the code to allow a situation such as this one to not show up as needing a variance.

Mr. Bergman said there were two variances for this project. One was to deal with the intrusion on the beach that is closer than 150 feet from the bulkhead line. For waterfront properties on the Intracoastal or on the ocean, some type of waterfront setback line is necessary to act as the rear property line. He said this might be worked out with ZoneCo (Sean Suder). Mr. Bergman said the other

variance was because the minimum lot width was unmet. Those are two metrics that may be looked at as part of the Code revisions.

f. **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 the 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 June 14, 2023, Town Council meeting pending review by the Architectural Review Commission.
Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

g. **ZON-23-017 (COA-23-001) 1100 S OCEAN BLVD—MAR A LAGO (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, Mar A Lago Inc., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to a private club Special Exception Use including the construction of a new one-story approximately 250 SF guardhouse to an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. [Town Council requested the applicant to follow up from discussion at the April 4, 2023, Town Council meeting regarding moving the guardhouse and the traffic management plan.]

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

Harvey Oyer, attorney for the applicant, restated the two directives given to him at the March meeting. Mr. Oyer argued that Mar-a-Lago traffic was not the reason for traffic problems. He stated that the guardhouse is not the traffic issue in the Mar-a-Lago end of town. The traffic issue is a much bigger issue that is not in any way precipitated by the guardhouse.

Council President Zeidman said to some extent, it is what it is in terms of the protection of a former president, guided by federal law. Mr. Oyer reviewed the plans for the proposed guardhouse and explained the reasons he believed the application complied with all the criteria for the special exception and site plan review. He said

the traffic management plan was submitted to the Town Council per the council's request.
Council Member Cooney asked if the traffic management plan was part of the application. He thought it had to be part of the application because approval of this makes a permanent change to the traffic plan adopted and included in the Declaration of Use Agreement. He views them as related because the original approval of the club contemplated where traffic goes. He believes any approval should be conditional upon the Town Council's approval of the Declaration of Use.

Council Member Crampton thought the traffic study was a positive development. However, he asked Captain Guelli to state his assessment of the area.

Captain Joe Guelli, Police Department, provided his assessment of the traffic study and he did not believe the solution was working. He initially thought the Bath & Tennis club should be used to check cars prior to entering the site. He did not believe the Bath & Tennis Club would allow them to use their site anymore. Captain Guelli thought the southern entrance should be used to assess traffic during events.

Council Member Araskog acknowledged that the use has changed. She said that while it was agreed upon that this could be a residence, it was supposed to be in one area, and it seems to have expanded. She wondered if some limitations could be applied through the Declaration of Use to allow the use of the south entrance. She also thought event start times could be defined in the Declaration of Use Agreement.

Council Member Cooney thanked Captain Guelli for his presence in the area. He said the general scenarios for events mirror what he has observed happening in the area.

Mr. Oyer has called a former President of the Bath & Tennis Club and that president had no knowledge of the Bath & Tennis Club not allowing it to be utilized, and he believed that they always would as an accommodation for the greater good of the community.

Council President Pro Tem Lindsay said there is some new information in the supporting documentation. She thought at the very least, before moving forward, that the Town Council should see an agreement between the Bath & Tennis Club and Mar-a-Lago that allows for the use of this for events when it is called for. She wanted to understand more about the notion that 'it is not working.'

She has experienced the backup when heading south and she has received considerable complaints from residents in the south end who cannot get through to have dinner in town. Council President Pro Tem Lindsay asked Captain Guelli if each of the events are contributing to the problem. She asked if there are impacts on the traffic regardless of the size of the events. Captain Guelli said it had been his experience that any event contributes to traffic issues. Mr. Oyer said it appears as if Mar-a-Lago is being asked to solve other background traffic issues. He said there are traffic issues that extend beyond Mar-a-Lago.

Council President Zeidman said Mr. Oyer has presented to the Town Council the guardhouse location which only the Secret Service could decide based on their mandate to provide safety for the former President and his immediate family. As long as a former President decides to live there and call this his one residence, the town has to live with that. It is a club, and that was granted a long time ago. She stated there are basic facts that the town has to live with, and she asked how important it is to Mr. Oyer to get the guardhouse approved. Mr. Oyer said very important. Separated from traffic, the guardhouse needs to be in the proposed location.

Mr. Oyer said this is facilitated solely by the Secret Service and he could provide examples of what is in place at every one of the former president's and former vice-president's residences. He said this one is the nicest guardhouse architecturally because it is Mar-a-Lago. This was to pass LPC and the National Trust for Historical Preservation.

Council President Zeidman called for public comment.

Nadar Kazeminy, 100 Worth Avenue, thought using the Bath & Tennis Club parking lot was the best solution to queue the cars.
William Gilbane, 675 N. Lake Way, thought reducing the large events at the club would be a solution.

Anne Pepper, 333 Seaspray Avenue, thought more study should be given to the southern address for the entrance.

Mr. Oyer provided rebuttal arguments to the public comments.
Council Member Araskog thought that while the former president was using the Club as his residence, he was now using it as a business.

Mr. Oyer stated that the Bath & Tennis Club and Mar-a-Lago do compare schedules for large events. Mr. Oyer also stated that Mr.

Trump had a personal office in the club, and it was not his headquarters for his main office as that is located in New York.

Council Member Cooney did not believe Mr. Oyer's statement of vested property rights for event sizes was accurate since the declaration of use agreement had changed.

Council Member Crampton said the Town Council needs to separate the decision about the building from the traffic decision. Council President Zeidman stated she would be looking for some ability to return and look at how the plan is working. She wanted to condition the motion upon an updated Declaration of Use Agreement.

Mr. Oyer said the applicant had conducted a revised Exhibit "D" to the Declaration of Use Agreement, a revised traffic management plan. That has been done and turned into the Town staff for review. The Town's consultant also reviewed the plan, and comments have been addressed. Mr. Oyer agreed that the revised traffic management plan could be the new Exhibit "D," and the Declaration of Use could be amended accordingly.

Brian Kelley, Simmons & White, spoke about the traffic management plan and elements in the plan that can assist with traffic.

Mr. Oyer noted there are ideas in the traffic management plan for mitigating traffic issues.

Council Member Araskog thought the motion should include a condition that the Declaration of Use should be updated. She also thought the applicant should be required to return after one season for a re-evaluation.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Site Plan Special Exception ZON-23-017, as said applications meet criteria outlined 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 the use have been met and that satisfactory provision and arrangement have been made concerning sections 1-11 of section 134.329, with the following conditions: the traffic plan will be added to the Declaration of Use Agreement as Exhibit D, The Town Council, Applicant, and Police Department shall re-evaluate the Traffic Plan after one

season, the guardhouse shall be removed as soon as the secret service is no longer required to protect someone on the site. Motion carried 3-2, Council Members Cooney and Araskog dissenting.

Mr. Kelley discussed the plan to observe events during the next season.

h. **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 deferred this project to the March 22, 2023, meeting.] This project shall be deferred to the June 14, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.
Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

i. **ZON-23-028 (ARC-23-013) 177 CLARKE AVE. (COMBO)— VARIANCES** The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Town Council review and approval of variances including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure in support of the construction of a new two-story residence, alterations to an existing garage structure and landscape and hardscape improvements. The Architectural commission will review the design review component of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project with minor modifications at their April 26, 2023, meeting. Carried 7-0.]

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. The property has an existing home that is connected to a nonconforming garage. Historically, the variances would not be necessary if the two-story accessory structure were unattached.

Kristen Kellogg, Smith Kellogg Architecture, Inc., presented the architectural plans for the proposed new residence.

Mr. Bergman provided staff comments on the project.

Council Member Cooney thought the requests were acceptable. Council Member Araskog expressed concern because the proposal was for a new building. She wondered why the proposed structure could not conform to the Code. 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 to approve Variance ZON-23-028 shall be granted and find in support thereof that all of the criteria applicable in this application as set forth in 134.201(a) items 1-7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement satisfactory to the town that ensures a recorded easement will be granted, if necessary, for underground utilities in the area. Motion carried unanimously, 5-0.

j. **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 has been deferred to the June 14, 2023, Town Council meeting.
Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

k. **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 June 14, 2023, Town Council meeting pending review by the Architectural Review Commission.

Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

2. New Business

a. **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 June 14, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

b. **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 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 June 14, 2023, Town Council meeting, pending review by the Architectural Review Commission.

Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

c. **ZON-23-020 (COA-23-003) 139 N COUNTY RD—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 involves 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 June 14, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

d. **ZON-23-042 (ARC-23-043) 259 OLEANDER AVE (COMBO) – VARIANCES** The applicant 259 Oleander LLC (Uriel Rubinov, Manager), has filed an application requesting Town Council review and approval for (8) variances related to the redevelopment of an existing parcel, including relief from (1 – 3) minimum lot width, depth and area requirements in the R-C zoning district, (4 – 7) front, rear, and side yard setbacks requirements, (8) maximum lot coverage requirements. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the demotion of the house on this property and the proposed project at their April 26, 2023, meeting. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project. The property is in the RC zoning district on Oleander, and the applicant desires to demolish a 4-unit multifamily building to construct a single-family residence. Several variances will be necessary because the property is only 3,360 square feet in area.

Rafael Saladrigas, Studio SR Architecture + Design, presented the architectural plans proposed for the new residence.

Mr. Bergman provided staff comments on the project.

Council Member Cooney thought the new residence would be contextual within the neighborhood. Council Member Crampton agreed with Mr. Cooney.

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

Council Member Araskog asked about the proximity of the proposed home with the adjacent neighbors. Mr. Saladrigas responded. Council Member Araskog expressed concerns about the number of variances being requested. She asked about the size of the proposed home.

Mr. Saladrigas discussed the reasons for the requests for several variances.

Council Member Araskog asked about the hardship. Ms. Ziska

responded.

Council President Zeidman liked the proposed architecture and how it was stepped back.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve Variance ZON-23-042 shall be granted and find in support thereof that all of the criteria applicable in this application as set forth in 131.201(a) items 1-7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement satisfactory to the town that ensures a recorded easement will be granted, if necessary, for underground utilities in the area.

Council Member Araskog asked Mr. Randolph if on the variances and the description, with the small size of the lot, a hardship would exist because the use would not be allowed under the current code.
Motion carried unanimously, 5-0.

e. **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. This project shall be deferred to the June 14, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.
Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

f. **ZON-23-045 (COA-23-018) PHIPPS PLAZA PARK (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval of a Special Exception and Site Plan Review in conjunction with landscape and hardscape improvements proposed for Phipps Plaza Park. The Landmarks Preservation Commission will perform the design review component 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 April 19, 2023, meeting. Carried 7-0.]

Paul Brazil, Director of Public Works, stated that as part of the development of the carriage house, one of the conditions was for the park to be improved. One of the owners of the carriage house have dedicated $300,000 for improvement of the park. This was presented to the Town Council a few months ago. After that and before the Landmarks Preservation Commission reviewed the project, there was additional public input from the garden club and other residents.

Ex-parte communications were declared by Council Member Crampton and Council President Pro Tem Lindsay.

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

Council President Pro Tem Lindsay thanked Ms. Bickford for her donation. She thought that the design was usable and accessible. She also believed it would be less expensive to maintain. She thought the plan was a nice improvement.

Council Member Crampton asked Mr. Mizell his opinion if the material proposed would attract birds, bees and butterflies, to which Mr. Mizell responded in the affirmative. Council Member Crampton thanked the professional for his efforts.

Mayor Moore thought the plan looked beautiful. She recommended that the Town provide trash cans and asked Mr. Brazil to ask his staff to empty the cans.

Council Member Araskog thanked the professional for his design and the native plantings.

Council President Zeidman called for public comment.

Bob Shelton, 215 Phipps Plaza, thanked Ms. Bickford's acceptance of the residents' recommendations. He asked about the maintenance of the park and hoped it would be better maintained than it is now.

Edith Eglin, 242 S. County Road, was excited about the proposed changes.

Council President Pro Tem Lindsay explained why the park would require less maintenance.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay approval of ZON-23-045, Phipps Plaza Park special exception with site plan as said application meets the criteria set forth in Section 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 use have been met and that satisfactory provision and arrangements have been made concerning items 1-11 of Section 134.329, and providing the property owner voluntarily commits issuance of a building permit to either provide or record a utility easement satisfactory to the town that ensures a recorded easement will be granted if necessary for underground utilities. Motion carried unanimously, 5-0.

g. **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.

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. She noted that the Raptises own Churchill Cigar Company, and they would like the option to have twelve seats for the service of beer, wine, and liquor on a limited basis. There are no plans to serve via or anywhere other than inside the store.

Deborah Nichols, the Architect, presented the architectural plans proposed for modification to the existing retail space.

Mr. Bergman provided staff comments on the project. He noted that this application was submitted before a zoning in progress was declared for bars, restaurants, lounges, clubs and private clubs. He said that by right, the establishment could stay open until 3:00 a.m. Adrienne Raptis, the owner, discussed the hours of operation in her existing building. She said the operative hours are 9:00 a.m. to 5:00 p.m., and she did not foresee staying open later than 10:00 p.m. She is not looking to provide a bar atmosphere.

Council Member Araskog amended her ex parte communications.
Council Member Cooney asked about the ventilation system of the

existing business. Ms. Nichols responded that the ventilation system had been supplemented because of the use of smoking cigars.

Council President Zeidman asked about the smells coming out of the business. Matthew Raptis, owner, responded.

Council President Pro Tem Lindsay asked if the applicant would request a liquor license. Ms. Ziska stated that the owners also own all of the storefronts in the Via Roma.

Council Member Araskog asked if someone could smoke cigars outside. Mr. Raptis stated that would not be allowed. Council Member Araskog expressed concern about the possible noise with the change in use.

Mr. Raptis stated the Via was enclosed. He said the gentleman adjacent to them own the space next door. The Via will not be open and no one lives above.

Council Member Araskog expressed concern for health, safety, and wellness.

Ms. Ziska reviewed the plan and reiterated that the Via is a closed space.

Council President Pro Tem Lindsay expressed some concern about the odor. Mr. Raptis stated that there was no odor of cigars in the Via.

Mr. Raptis thought about the closing time and requested to close at 10:00 p.m.

Ms. Ziska stated that patrons are already smoking cigars in the store. The applicants are only requesting the addition of alcohol.
Council Member Araskog asked about outdoor seating.

Council Member Crampton was not a fan of the use but believed the applicant deserved a chance.

Motion made by Council Member Crampton and seconded by Council President Zeidman, that Special Exception ZON 23-046 and Site Plan Review be approved, as said applications meet 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 use have been

met and that satisfactory provision and arrangements have been made concerning items 1-11 of Section 134.329, and providing for a Declaration of Use that would cover the hours of operation and all smoking and alcohol use would remain inside the building. Also, after one year, the applicant would return to the Town Council for review.

Mayor Moore suggested making the approval conditional rather than requiring a Declaration of Use which would have to be returned to the Town Council.

Council Member Araskog thought there should be a declaration of use agreement and it should be returned to the Town Council next month for approval.

Council President Zeidman was supportive of the motion made by Council Member Crampton, but requested to add that if there were complaints about the smoking, the applicant would return to the Town Council for review.

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

Motion failed 2-3, with Council President Pro Tem Lindsay and Council Members Araskog, and Cooney dissenting.

Motion made by Council Member Cooney and seconded by Council Member Crampton to defer the project to the June 14, 2023 meeting. Motion carried 4-1, with Council Member Araskog dissenting.

h. **ZON-23-047 1040 N LAKE WAY—VARIANCE** The applicant, 1040 N LAKEWAY LLC (Frances Lynch, Manager), has filed an application requesting Town Council review and approval for a variance to allow an addition to an existing dock, further expanding an existing nonconforming north setback.

There were no ex-parte communications declared at this time.
Donna Isham, Docks & More, presented the architectural plans proposed to expand a dock.

Mr. Bergman provided staff comments on the project.

Council Member Araskog asked about the hardship for the variance. Ms. Isham 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 to approve Variance ZON-23-047 shall be granted and find in support thereof that all of the criteria applicable in this application as set forth in 131.201(a) items 1-7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement satisfactory to the town that ensures a recorded easement will be granted, if necessary, for underground utilities in the area. Motion carried unanimously, 5-0.

i. **ZON-23-048 (ARC-23-048) 755 N COUNTY RD (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Beach Club Inc, has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and Variance(s) to exceed the maximum allowable lot coverage and Cubic Content Ratio (CCR) in order to expand an outdoor covered pavilion. The Architectural Commission shall perform the design review of the application. [The project was approved by the Architectural Review Commission, including the recommendation to the Town Council regarding the site plan and variance, on the consent agenda at the April 26, 2023, Architectural Review Commission meeting. Carried 7-0.]

Ex-parte communications were declared by Council President Zeidman, and Mayor Moore.

Maura Ziska, attorney for the applicant, presented an overview of the project and the zoning requirements for the project. She said the applicant wants to increase the number of seats in an existing pavilion. To increase the number of seats, the dining pavilion will have to be widened by 340 square feet on each side, which requires special exception with site plan approval and a variance for lot coverage and CRR.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Special Exception ZON 23-048 and Site Plan Review be approved, 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 will not adversely affect the public interest, that all zoning requirements governing use have been met and that satisfactory provision and

arrangements have been made concerning items 1-11 of Section 134.329, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement satisfactory to the town that ensures a recorded easement will be granted, if necessary, for underground utilities in the area. Motion carried unanimously, 5-0.

Motion by Council Member Cooney and seconded by Council Member Araskog that Variance ZON-23-048 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. Motion carried unanimously, 5-0.

j. **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. [The Architectural Review Commission deferred this project to the May 24, 2023, meeting. Carried 7-0.] This project shall be deferred to the June 14, 2023, Town Council meeting, pending review by the Architectural Review Commission.
Please note: This item was deferred to the June 14, 2023, meeting at the Approval of the Agenda, Item V.

k. **ZON-23-052 1306 N LAKE WAY—VARIANCES The** applicant, James A. & Patricia Q. Read, have filed an application requesting Town Council review and approval for (2) variances to (1) install a boat lift within the required marine structure setback and (2) to exceed maximum dock width.
There were no ex-parte communications declared at this time.
Jamie Crowley, attorney on behalf of the owners, presented the architectural plans proposed to expand a dock. The request is to put a boat lift onto a nonconforming dock to the side setback.
Mr. Bergman provided staff comments on the project.
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 Variance ZON-23-052 shall be granted and find in support thereof that all of the criteria applicable in this application as set forth in 134.201(a) items 1-7 have been met and providing that the property owner did voluntarily commit that prior to the

issuance of a building permit to either provide a recorded utility easement or an easement satisfactory to the town that ensures a recorded easement will be granted, if necessary, for underground utilities in the area. Motion carried unanimously, 5-0.

l. **ZON-23-058 (COA-23-012) 127 DUNBAR RD (COMBO)— VARIANCE** The applicant, 127 Dunbar Trust, has filed an application requesting Town Council review and approval for a Variance to exceed the maximum height allowable for a perimeter wall located on a side property line. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the April 19, 2023, meeting. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney, and Mayor Moore.

Meghan Taylor, Tralongo & Taylor, presented the architectural plans proposed for the modification to the site wall. The variance was for a height variance.

Mr. Bergman provided staff comments on the project.

Council Member Crampton asked if there was an agreement with the neighbor. Ms. Taylor responded.

Council Member Araskog asked about the current height of the wall. Ms. Taylor responded the wall is currently 10 feet and 2 inches and the top of the roof is 13 feet and 9 inches. The proposed wall would be lower than the existing wall.

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 Variance ZON-23-058 shall be granted and find in support thereof that all of the criteria applicable in this application as set forth in 134.201(a) items 1-7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement satisfactory to the town that ensures a recorded easement will be granted, if necessary, for underground utilities

in the area. Motion carried unanimously, 5-0.

D. Time Extensions

1. Time Extension Request for 257 Sanford Avenue

   Mr. Bergman reviewed the time extension for 257 Sanford Avenue. This time extension would be approximately four additional months, until September 10, 2023.

   Matt Corson, Cury Group, requested a four-month time extension.

   Council Member Cooney asked about the neighbor's complaints which pertained to delaying the extension.

   Mayor Moore asked if four months was enough time. Mr. Corson assured the Town Council that four months was sufficient time to complete the work.

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

   Mayor Moore asked if the extension of four months would be enough time. Mr. Corson said he believes the four months will be plenty of time.

   Motion by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve the Time Extension Request for 257 Sanford Avenue until September 10, 2023. Motion carried unanimously, 5-0.

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

The meeting adjourned at 5:44 p.m. without the benefit of a motion.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Kelly Churney, Acting Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 24, 2023.

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated May 24, 2023 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of May 24, 2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 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 May 24, 2023

Date: May 24, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of May 24, 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 May 24, 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, MAY 24, 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
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Kenn Karakul, Member	PRESENT (Arrived at 9:01 a.m.)
Elizabeth Connaughton, Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	PRESENT (Arrived at 9:02 a.m.)
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 Mr. Sammons to approve the minutes from the April 26, 2023, meeting as presented. Motion carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

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

ARC-23-067, 1600 S. Ocean Blvd. was pulled from consent by staff.
Deferral of ARC-23-033, 1440 S. Ocean Blvd. to the June 28, 2023, meeting

Motion made by Mr. Corey and seconded by Mr. Karakul 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**
There were no comments heard at this time.

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-22-014 (ZON-22-030) 143 SEMINOLE AVE (COMBO)—EXTENSION OF TIM**E An application has been filed requesting an Architectural Commission review and approval for a One (1) year Extension of Time for a previously issued Architectural Commission Approval for modifications to window and door openings and a two-story addition to an existing two-story residence. *Project was approved at the January 26, 2022, ARCOM meeting.*

2. **ARC-22-020 120 CLARENDON AVE—EXTENSION OF TIME** An application has been filed requesting an Architectural Commission review and approval for a One (1) year Extension of Time for a previously issued Architectural Commission Approval for modifications to an existing pool cabana. *Project was approved at the April 27, 2022, ARCOM meeting.*

3. **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 item was pulled from consent and was not approved with the consent agenda approval.

4. **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.

   Please note: This item was deferred to the June 28, 2023, meeting at Item V., Approval of the Agenda.

   Motion made by Mr. Corey and seconded by Mr. Karakul to approve the consent agenda as amended, which did not include ARC-23-067, 1600 S. Ocean Blvd. Motion carried unanimously, 7-0.

The following project was pulled from consent and was not included in the approval of the consent agenda.

Please note: Mr. Martin left the meeting at 9:27 a.m.

3. **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: Disclosure by several members.

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

The owner of the property discussed his intentions with the renovations.

Ms. Shiverick thought the addition of the balustrades and the change of the pediments were appropriate. She thought the home had a better sense of grandeur. She was in favor of the changes.

Mr. Sammons provided technical critiques for the design of the pediment, portico, and the three windows on the south elevation. He thought the house would need some shading. The owner responded to Mr. Sammons' comments.

Mr. Corey thought the house was a handsome neo-classical design but felt the home would look out of place. He did not feel the design was appropriate for Palm Beach. Mr. Corey did believe the pediment would improve the design. Mr. Corey asked to see the roof plan for the home and asked how the pediment would look from the street. Mr. Smith responded.

Mr. Kirchhoff agreed with Ms. Shiverick's comments. He thought the home was beautiful as a one-story and felt it was a shame that a second story would be added.

Mr. Karakul questioned the proportions of some of the doors and windows. The owner responded. Mr. Karakul recommended additional landscaping on the east façade to soften the elevation.

Ms. Connaughton thought the design was nice but agreed it may be too out of scale for the area. She lamented the loss of the one-story home.

Mr. Jeff Smith thought it was a huge mistake to add a second story to the home.

There was a discussion about a possible motion, including whether the design was appropriate for the area and the items to be deferred.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to defer the project to the June 28, 2023, meeting to restudy the pediment, the pitch of

the pediment, the second-floor windows, and to return with a study of the view of the pediment from the road. Motion carried unanimously, 7-0.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to approve the basement work with the elimination of the 6 pairs of French doors on the west elevation. Motion carried unanimously, 7-0.

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 June 28, 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.

   Mr. Hodges provided staff comments on the project.

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

   Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications proposed for the new residence.

   John Lang, Lang Design Group, presented the landscape and hardscape plans proposed for the site.

   Sean Rooney, owner, discussed the intent in the design of his new two-story home.

   Mr. Corey thought the home was very well designed. He thought it looked historic. He asked the professional to consider the roof ridge design and height and offered suggestions for some changes. He wondered if the front porch would be usable if the home were pushed back by two feet. He recommended raising the railing on the front entablature. Mr. Papadopoulos responded to Mr. Corey's comments.

Mr. Floersheimer thought the home was too tall for the streetscape. He acknowledged Mr. Papadopoulos's agreement to reduce some of the height of the home.

Mr. Sammons thought the house was too thick and should be reduced. Mr. Sammons provided a suggestion for the roof design. Mr. Sammons thought if the width of the house were reduced, it would allow the front porch could be increased.

Ms. Connaughton did not believe the roof ridge height was important. She thought the changes were appropriate for the neighborhood. However, she thought the width of the home should be reduced, which would help the roof ridge design. She thought the accessory building roof design was awkward and asked for it to be restudied.

Mr. Kirchhoff did not believe lowering the ridge would be a positive step. However, he believed that if the width of the home were reduced, it would help the ridge design. He also thought that the roof on the accessory structure should be resolved. He thought the porch was a bit too wide.

Ms. Shiverick agreed that the width of the porch was too wide. She recommended breaking up the mass on the east and west elevations since the home was wide and boxy.

Mr. Smith thought the design was an improvement. He recommended changing the railings on the front entablature.

Mr. Karakul thought the changes were sensitive and nicely done. He was not in favor of the railing on the porch and thought it could be restudied.

Mr. Kirchhoff recommended removing the Bahama shutters on the front of the home.

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

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the June 28, 2023, meeting to address the comments from the Commissioners. Motion carried 6-1, with Mr. Karakul dissenting.

3. **ARC-23-041 232 COLONIAL LN.** The applicant, George and Zvenka Kleinfeld, has filed an application requesting Architectural Commission review and approval for a pergola and modifications to a perimeter wall.

Ms. Pardue provided staff comments on the project.

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

Dustin Mizell, Environment Design Group, presented the modifications to the existing home.

Mr. Smith called for public comment.

Jim Frogner, zoning consultant on behalf of Mr. Wolf, the adjacent neighbor at 225 Monterey Road, stated their concerns and objections to the installation of a new buffer between the two properties.

Steven Wolf, 225 Monterey Road, discussed his objections to Mr. Kleinfeld's request for a new buffer.

Jamie Crowley, attorney for the Kleinfelds, stated that there was no work proposed to occur on the Wolfs' property. He indicated that all work would occur on his client's property, and there were no easements in the rear of the property.

George Kleinfeld, owner of 232 Colonial Lane, discussed his intentions with the proposed changes.

Ms. Catlin asked if there was a way for the new buffer to be installed in a way to allow the neighbor to maintain their hedges. Mr. Mizell responded.

Mr. Kirchhoff agreed with the applicant and thought the applicant had a right to a fence.

Mr. Corey agreed with Mr. Kirchhoff. He thought the project was acceptable as presented.

Mr. Floersheimer asked to see the site plan for the properties. He understood the owner's right to his property but wondered if the neighbor should have a right to his existing landscaping. He wondered if the applicant should just keep the neighbor's hedge and maintain that hedge. Mr. Mizell responded.

Mr. Karakul asked about the material for the new fence. Mr. Mizell responded.

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

4. **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.

   Please note: This item was deferred to the June 28, 2023, meeting at Item V., Approval of the Agenda.

5. **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 June 28, 2023, meeting at Item V., Approval of the Agenda.

6. **ARC-23-018 260 NIGHTINGALE TRL.** The applicant, Nightingale 260 LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with associated landscape and hardscape.

   Mr. Hodges provided staff comments on the project.

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

   Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new home.

   Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

   Mr. Smith called for public comment.

   Lore Smith, 250 Nightingale Trail, thanked the Commissioners and the professionals for listening to her concerns. She thought the home would contribute to the street. She asked about the height of the home and wondered if it had been increased. She was a bit worried about setting a precedent for an increase in the height for new homes on the street.

   Mr. Floersheimer thought the professional listened to the comments from the Commissioners and did a good job addressing them. He asked about the scale of the French doors on the second floor, south elevation. Mr. Janssen responded.

   Mr. Corey pointed out an error on the page for the south elevation. Mr. Corey asked about the Green Buttonwoods on the landscaping plan. Mr. Meyer responded. Mr. Corey stated he preferred the Green Buttonwoods. Mr. Corey thought the design worked well for the street. He did believe the roof height was too tall and asked if it could be reduced.

   Mr. Kirchhoff provided suggestions for changes to the roof pitch and design. Mr. Janssen responded.

   Mr. Karakul thought the design was successful and addressed the neighbor's issues. He thought the project could be approved.

A discussion ensued about changes to the roof pitch. Mr. Janssen agreed to reduce the roof pitch by two feet.

Ms. Connaughton thought some of the mass in the home could be reduced and suggested that it could help the roof design. She questioned the bathroom addition on the second floor; she wondered what that item looked like in the rendered elevation. Mr. Janssen responded. She recommended changing the balcony columns. Mr. Janssen responded and addressed the bathroom design and columns on the balcony.

Mr. Floersheimer asked to see a streetscape of the property. Mr. Janssen responded and provided the streetscape.

Mr. Corey asked about the floor-to-floor height. Mr. Janssen responded. Mr. Corey thought the height could be reduced by reducing the ceiling height.

Mr. Sammons thought the floor-to-floor space was too large and could be reduced. He provided some design solutions so that the overall height could be reduced.

Motion made by Mr. Sammons and seconded by Ms. Shiverick to approve the project as presented, with the condition that the second-floor height shall be lowered by one foot. Motion carried 4-3, with Messrs. Corey, Kirchhoff, and Ms. Connaughton dissenting.

7. **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: This item was deferred to the June 28, 2023, meeting at Item V., Approval of the Agenda.

   Please note: A short break was taken at 10:57 a.m. The meeting resumed at 11:14 a.m.

   Mr. Smith stated that he would like to move project ARC-23-055, 288 Queens Lane, to be heard next on the agenda.

   Motion made by Mr. Corey and seconded by Mr. Karakul to immediately hear project ARC-23-055, 288 Queens Lane. Motion carried unanimously, 7-0.

   Please note: After the project ARC-23-055, 288 Queens Lane was heard, the meeting resumed with the next project. Mr. Martin returned to the meeting at 11:27 a.m.

8. **ARC-23-036 (ZON-23-050) 243 SEASPRAY AVE (COMBO)** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Architectural Commission review and approval for

construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring setback variances. This is a combination project that shall be reviewed by Town Council as it relates to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Kevin Asbacher, Asbacher Architecture, presented the architectural plans proposed for the new home.

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

Mr. Smith called for public comment.

Maisie Grace, 247 Seaspray Avenue, stated that Mr. Mizell had been very helpful in resolving issues. She discussed issues of homes being built close to setbacks. She outlined her concerns with the proposed home.

Anne Pepper, 333 Seaspray Avenue, discussed the mechanical equipment on the east side and how the neighbor on that side was very concerned. She objected to the fenestration proposed for the home and felt the home was out of scale for the neighborhood.

Mr. Corey thought the design was superior to the first presentation. Mr. Corey thought the current fenestration was softer. He thought the rear section of the home was still looming. He suggested a restudy of the rear proportions. He questioned the three doors on the front elevation.

Ms. Shiverick did not believe the home fit on the street. She felt the home was cold and sterile. She thought the windows and garage doors were not appropriate for the area. She wondered if a side entrance would be appropriate. She thought the proportions were not correct for the Mediterranean style.

Ms. Connaughton agreed with Ms. Shiverick. She thought the proposal was improved, but the design missed the mark for the street. She indicated she could not support the home because it was not appropriate for the area.

Ms. Catlin agreed with Ms. Connaughton. She liked some of the elements in the design but did not believe it was appropriate for the street.

Mr. Karakul disagreed and thought the design had come a long way. He thought that with a restudy, it could work. He provided a suggestion for the garage wing portion of the home.

Mr. Kirchhoff agreed with the other Commissioners. He thought the living room was too tall. He provided a suggestion for the loggia roof. He was not supportive of the front entrance. He thought the whole garage element needed to be moved. He thought the design could be improved.

Mr. Floersheimer asked to see the streetscape; he pointed out scale issues with the proposed home compared to other homes on the street.

Mr. Smith objected to all the paving proposed; he thought it was out of place. He also objected to the lanterns on the pilasters. He was not in favor of the stairs coming out of the living room. He stated he could not support the project.

Motion made by Mr. Sammons and seconded by Mr. Karakul to defer the project to the July 26, 2023, meeting. Motion carried 6-1, with Ms. Connaughton dissenting.

9. **ARC-22-240 1198 N. OCEAN WAY** The applicant, Douglas L Williams & Gabrielle J Sirchio, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single- family residence with related landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

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

Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications proposed for the new home.

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

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

Mr. Corey was in favor of the new changes. He thought the home was charming and well done. Mr. Corey asked about the three gables on the south elevation. Mr. Papadopoulos responded. Mr. Corey wondered if a tree could be added to the corner of the property.

Mr. Karakul agreed and thought the changes were sensitively changed. He supported the project.

Mr. Sammons thought there was a slight disconnect between the first and second stories. He thought the scale was off a bit and recommended changing the roof pitch. He recommended adding some freeboard to the middle gable to allow the drainage to work. Mr. Papadopoulos stated he would be happy to make the roof pitch change suggested by Mr. Sammons.

Mr. Kirchhoff liked the home. He wondered about the ceiling heights in the kitchen. Mr. Papadopoulos responded.

Ms. Connaughton thought the improvements were good.

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project as presented with the addition of a shade tree on the southeast corner of the property. Motion carried unanimously, 7-0.

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.

   Please note: This item was deferred to the June 28, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-23-038 218 MERRAIN RD.** The applicants, Mr. and Mrs. Robert Keith, have 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.

   Mr. Hodges provided staff comments on the project.

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

   Rafael Portuondo, Portuondo Perotti Architecture, presented the architectural plans proposed for the new home.

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

   Mr. Smith called for public comment.

   Andrew Roddy, 231 Kenlyn Road, objected to the generator in the rear of the home. He stated that Mr. Keith agreed to move the generator. Mr. Portuondo responded and showed the Commission the area where the generator would be moved.

   Mr. Sammons thought the architecture was brilliant. He was uncertain on whether it fit into the neighborhood. He thought the front façade fit on the street.

   Mr. Karakul agreed with Mr. Sammons. He questioned the roof on the garage section of the home. Mr. Portuondo responded. Mr. Karakul also asked about the coral wall. Mr. Portuondo responded.

   Mr. Corey thought the house was interesting but was concerned and wondered if the home fit into the neighborhood. He expressed concern for the double-story glazing element and the amount of fenestration that would face the neighborhood on the west elevation. Mr. Portuondo responded. Mr. Corey was concerned about the size and the scale that would face the adjacent neighbor.

   Ms. Connaughton was also concerned about the material on the garage roof. Mr. Portuondo stated he would change it to a cedar shake material.

Mr. Floersheimer agreed with the other Commissioners.

Ms. Catlin agreed with the other Commissioners and loved that the home was different. She still questioned if the design fit onto the street. Mr. Portuondo responded.

Cindy Anderson, 226 Merrain Road, expressed concern that the home went the entire length of the property, and she felt that the home would loom over her home.

Mr. Corey stated that Ms. Anderson's concern was also his concern.

Mr. Smith agreed with the other Commissioners and wondered if the design fit onto the street.

Mr. Karakul wanted to look at the landscaping between the proposed home and Ms. Anderson's home. Mr. Portuondo responded. Mr. Karakul asked for some taller palms to be added between the two homes; he believed it would mitigate the view.

Ms. Shiverick thought the architecture was wonderful but wondered if it fit into Palm Beach. She thought the materials were superb and added that the neighbors had not commented on the style.

Mr. Kirchhoff agreed with the concerns but supported the project.

Mr. Sammons thought it could be reduced by 5%.

Motion made by Mr. Sammons and seconded by Mr. Kirchhoff to approve the project as presented with the following conditions: the material on the garage roof shall be changed to match the roof on the main home, and the generator shall be moved to the west side, adjacent to the kitchen. Motion carried 4-3, with Messrs. Corey, Smith, and Ms. Shiverick dissenting.

Please note: A short break was taken at 12:45 p.m. The meeting resumed at 2:01 p.m.

Ms. Pardue indicated that staff was requesting a change to hear ARC-23-061, 301 Plantation Road before the next project.

Motion made by Mr. Corey and seconded by Mr. Sammons to immediately hear the project ARC-23-061, 301 Plantation Road. Motion carried unanimously, 7-0.

After ARC-23-061, 301 Plantation Road was heard, the Commission resumed by hearing the following project.

3. **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.

Mr. Hodges provided staff comments on the project.

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

Rafael Portuondo, Portuondo Perotti Architecture, presented the architectural plans proposed for the new home.

Grace Walton, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

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

Mr. Kirchhoff asked about the purpose of the paving around the garage. Mr. Portuondo responded. Mr. Kirchhoff thought it was out of scale.

Mr. Karakul thought the paving was not appropriate. He also thought the garages should be sideloaded. Mr. Portuondo responded. Mr. Karakul was not in favor of the garage design.

Mr. Sammons asked about the operability of the windows. Mr. Sammons asked to see scale figures in the drawings. He commented on the size of the home and thought it should be reduced. He questioned the design and order of the banding on the home.

Mr. Kirchhoff thought the plan was over in the cubic content calculation; he asked about the open loggia. Mr. Portuondo responded and explained the calculations.

Ms. Shiverick asked about the fish-tailed shingles on the front entrance. Mr. Portuondo responded. Ms. Shiverick asked about the proposed color of the shutters. Mr. Portuondo responded. She thought the dovecotes needed to be restudied.

Mr. Corey thought the home could work in its location. He thought the bulk in this location was good. However, he had issues with the layout of the garage and the amount of hardscape proposed. He provided some recommendations, which included a reduction in the garage size.

Mr. Smith did not believe the home fit into this area of Town. He was not in favor of the accessory structure. He stated he could not support the project.

Mr. Karakul agreed with Mr. Smith and could not support the front-facing garages.

Ms. Connaughton agreed that something in the design needed to be changed to fit into the area.

Motion made by Ms. Shiverick to defer the project to the June 28, 2023, meeting for a restudy of the design based on the comments of the Commissioners.

Mr. Portuondo requested further clarification on the motion.

Motion seconded by Mr. Corey. Motion carried unanimously, 7-0.

4. **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 several members. *Richard Sammons declared a conflict of interest for the project and left the dais during the discussion.*

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

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans proposed for the site.

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

Mr. Corey asked about the variances.

Maura Ziska, attorney for the applicant, described the variances requested and advocated for a positive recommendation to the Town Council.

A discussion ensued about the variances requested.

Mr. Corey thought the design of the home could work; however, he had a problem with the size and bulk of the design. He did not question the style but thought the height of the home could be reduced. He thought some informality should be added to the North elevation. He also recommended making the wing a bit more subservient. Mr. Collison responded.

Ms. Catlin did not feel like the home design was appropriate for the location. She also thought there should be more green space added. She supported the variances but thought the house had issues.

Mr. Karakul thought the house was nice, attractive, and tasteful. He supported the landscaping plan but would support more palms in the front of the home.

Ms. Connaughton thought the home design was nice. She questioned the black paint with the proposed style. She thought that since the home was on the corner, it would present nicely.

Ms. Shiverick thought the stucco railing on the north elevation was too heavy; she recommended metal piers. She felt a change would lighten that portion of the house. She agreed with Mr. Karakul that more palms in the front were needed. She also agreed with Ms. Connaughton that the black front door felt a bit heavy.

Ms. Martin agreed with Ms. Connaughton; he thought the design on the corner would be appropriate and would have a regal stance.

Mr. Floersheimer thought that with a little excavation, the garage could be slightly reduced, about a foot. He thought the overall house could be slightly reduced in height, and the scale should be adjusted.

Mr. Kirchhoff thought the house was nice. He agreed that more landscaping was needed on the side of Plantation Road. He also thought some of the paving could be reduced on the side of Plantation Road. Mr. Collison responded.

Mr. Karakul thought the house should not be reduced in height as it would spoil the architecture.

A discussion ensued on a possible motion.

Motion made by Mr. Karakul and seconded by Ms. Shiverick to approve the project, with the following items to return to the June 28, 2023, meeting for consideration: the landscape and hardscape plan, the railing on the rear balcony, and the color of the front door. Motion carried unanimously, 7-0.

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

Please note: The previous motion did not encompass the variance for the site wall.

5. **ARC-23-066 1421 N. LAKE WAY** The applicant, Reef Road LLC, has filed an application requesting Architectural Commission review and approval construction of a new two-story residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

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

Patrick Mayfield, Dailey Janssen Architects, presented the architectural plans proposed for the new home.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans proposed for the site.

Mr. Smith called for public comment.

Bill Metzger, 277 Esplanade Way, read a letter into the record on behalf of the neighbor at 250 Esplanade Way, which stated objections to the proposed design. Mr. Metzger objected to the size of the second story as he thought it was too large.

Mr. Connaughton thought the home did not feel like a Florida home and felt it would be very dark. She thought the home was too massive, solid, and squeezed in the middle of the lot. She thought the home needed a total restudy.

Mr. Floersheimer liked the entrance change on Reef Road rather than North Lake Way. He questioned the amount of space proposed between the two floors. He also thought the windows were too tall. He agreed with Ms. Connaughton's comments about the massive home with no light.

Ms. Shiverick thought the house was very repetitive and looked like many of the homes on the north end of the island. She thought the style should be changed.

Ms. Catlin wondered if the one-story portion should be adjacent to the smaller homes on the interior street. She requested that the existing hedge to be used for screening be maintained and stayed healthy during the construction.

Mr. Corey thought there was a lot of hardscape in the design. Mr. Corey advocated for a courtyard-style home.

Ms. Connaughton thought that since the lot was larger, the house should be stretched over the lot.

Mr. Kirchhoff thought the floor plan had not been studied and needed to be resolved. He thought the roof plan was a mess. He thought the design needed a complete restudy.

Mr. Sammons was not supportive of the home. He thought the roof plan was telling and needed a restudy. He questioned the fenestration size between the first and second floors.

Bruce Parslay, owner, discussed the reason for the pool location.

Motion made by Mr. Sammons and seconded by Mr. Corey to defer the project to the July 26, 2023, meeting for a complete redesign. Motion carried unanimously, 7-0.

6. **ARC-23-057 (ZON-23-049) 2 S. COUNTY RD. (COMBO)** The applicant, The Breakers Palm 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.

Ms. Pardue provided staff comments on the project.

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

Jamie Crowley, attorney representing the applicant, presented the proposed plans for the modification to the existing tennis courts.

Paul Leone, CEO of The Breakers, stated the material would not be aluminum and asked the representative from Walpole Outdoors to describe the material for the fencing.

Russell Clark, Walpole Outdoors, discussed the material to be used for fencing.

Mr. Floersheimer thought the facility would be a nice place to play tennis. However, he expressed concern for the proposed shade structures. He asked about the height of the structures. Mr. Crowley responded. Mr. Floersheimer stated he could not vote for the shade structures.

Mr. Corey wondered if the lighting would be replaced. Mr. Crowley responded. A discussion ensued about the lighting. Mr. Leone discussed the purpose of the new lights. Mr. Corey did not believe the changes were in keeping with the architecture in the area. He expressed concern for the black material to be used. He thought the shade structures were inappropriate and too large. He did not support the blue color for the shade structure. He was in favor of the courts.

Mr. Smith asked about the netting shown in the pictures. Mr. Crowley responded. Mr. Smith asked to see a picture of the shade structure.

Mr. Leone discussed the intention to upgrade the experience of the tennis courts.

Mr. Corey thought the white shade structure was more aesthetically pleasing. Mr. Corey asked to see a cross-section of the courts.

Mr. Smith asked Mr. Leone if he would consider building an air-conditioned structure. Mr. Leone stated he had not considered that option.

Mr. Kirchhoff asked where the shade structures were proposed. Mr. Crowley proposed.

Mr. Karakul asked about the roofing material proposed for the structure. Mr. Crowley passed around material samples.

Mr. Smith about the number of shade structures proposed. Mr. Leone responded.

Mr. Kirchhoff asked about the material and wondered if it could be penetrated by the rain. Mr. Leone responded.

Ms. Shiverick wondered if the shade sail could be in a white color. Mr. Leone agreed to the color. Ms. Shiverick asked if they would cover all the courts. Mr. Leone agreed to cover all courts. Ms. Shiverick asked if the black fencing could be changed to white. Mr. Leone agreed.

Mr. Martin was not in favor of an enclosed tennis structure. Mr. Martin thought this was functional and thought that most would not notice the structure when driving by. He thought that in a Florida climate, shade was critical. He was fully supportive of the request.

Mr. Floersheimer did not feel that the shade structures fit in architecturally. He thought that more landscaping should be added if approved. He also advocated for the shade structure to be changed to a green color.

Ms. Catlin wondered if a different shade structure could be added, rather than a sail cloth, and in the Key West style. She also advocated using County Road rather than N. Lake Way for their truck logistics.

Mr. Sammons was not in favor of the plastic fencing. He thought the shade structures were inelegant but could be hidden. He recommended changing them to a green color.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve portions of the project, including the landscaping, the various courts, and the small shade structures in white; while the following items, such as the fencing, large shade structures, and the lighting, were deferred to the June 28, 2023, meeting. Motion carried unanimously, 7-0.

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

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 June 28, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-23-042 214 DUNBAR RD.** The applicant, 214 Dunbar LLC (William Georgas, Member), has filed an application requesting Architectural Commission review and approval for a new vehicular gate, new entry columns, and a redesigned pedestrian gate for an existing residence.

   Ms. Pardue provided staff comments on the project.

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

Dustin Mizell, Environment Design Group, presented the modifications proposed for the gates and columns.

Mr. Karakul asked about the material. Mr. Mizell responded.

Mr. Floersheimer asked about the type of gate. Mr. Mizell responded.

Mr. Sammons asked about the width of the gate. Mr. Mizell responded.

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

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

E. **MINOR PROJECTS-NEW BUSINESS**

1. **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 several members.

Chuck Willette, Brooks & Falotico Associates, presented the architectural modifications to the existing home.

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

Cody Sylvia, Nievera Williams Design, presented the landscape and hardscape plans proposed for the site.

Mr. Smith asked how the spa was being protected for safety. Mr. Sylvia responded. Mr. Smith asked about the preservation of the beach vista. Mr. Sylvia responded.

Mr. Sammons was worried about the lack of fencing around the spa. He thought the spa needed a proper fence with a gate.

Ms. Shiverick wondered if there was too much hardscape; she wondered if the flagstone path could be used to replace some of the hardscape.

Mr. Corey asked if the Sea Grapes would be retained. Mr. Sylvia responded. He thought the plan was too rigid and needed to be looser. He thought the landscape needed to be looser with the addition of more Sea Grapes.

Mr. Floersheimer agreed with Mr. Corey. He thought the area should feel beachier. Mr. Floersheimer asked about the mechanical units for the air conditioning.

Kelsey Brennan, Brooks & Falotico, responded.

Ms. Connaughton agreed with the other Commissioners and thought the proposal felt too formal.

Mr. Sammons thought there was too much hardscape and that the site should be loosened up. He recommended the addition of Sea Grapes and palm trees.

Motion made by Mr. Corey and seconded by Ms. Shiverck to approve the architectural portion of the project, with a deferral of the landscaping to the June 28, 2023, meeting. Motion carried unanimously, 7-0.

Please note: The following project was taken after the morning break at 11:14 a.m. after a motion was made to move the project on the agenda.

2. **ARC-23-055 288 QUEENS LN.** The applicant, Steven Rosenberg, has filed an application requesting Architectural Commission review and approval for the replacement of an existing front door and transom window with a new Brazilian Mahogany impact door.

Mr. Hodges provided staff comments on the project.

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

Steven Rosenberg, owner, discussed the change proposed to his home.

Mr. Corey wondered why the item was not staff approved. Mr. Smith responded. Mr. Corey asked about the change to the front door.

Mr. Rosenberg described the changes for the front door.

Mr. Corey thought the door was a departure from the design; however, he thought the change was small. He thought there was an opportunity to bring light into the home with a different door.

Mr. Floersheimer questioned the rendering shown and wondered if it matched the home.

Ms. Shiverick asked about the existing and proposed front doors shown. Mr. Rosenberg responded. Ms. Shiverick wondered why the owner did not paint the door. Mr. Rosenberg responded. Ms. Shiverick did not feel that the Mahogany door proposed matched the style of the existing home.

Ms. Connaughton asked about the transom on the existing door. Mr. Rosenberg responded and showed the existing transom. She thought a painted front door would be better.

Ms. Catlin liked both door choices; however, she thought a different glass configuration in a Mahogany door would be better.

Mr. Floersheimer agreed that the glass inserts fit in stylistically with the existing home. He recommended removing the shutters and adding side lights. Mr. Rosenberg described why that suggestion was not possible.

Mr. Sammons wondered if the door was already installed. The contractor stated it was not installed. Mr. Sammons recommended replacing the door in kind.

Mr. Kirchhoff was not in favor of the proposed door and did not believe it fit in with the style of the home.

The contractor requested to proceed with the proposed door.

Mr. Karakul asked if it was possible to change the design of the glass inserts.

Motion made by Ms. Shiverick and seconded by Mr. Sammons to deny the project based on Section 18-205 (a) 1. Motion carried unanimously, 7-0.

After the motion, Mr. Rosenberg asked about the approval of an in-kind replacement. Mr. Corey responded.

X. Unscheduled Items (3 Minute Limit)

A. Public

There were no comments heard at this time.

B. Staff

There were no comments heard at this time.

C. Commission

Mr. Floersheimer asked when the Commissioners could require story poles in the approval process. Mr. Smith recommended waiting until the Commissioners saw the initial plan for the project. Mr. Corey thought it was a tool for the Commissioners to use when appropriate. A discussion ensued about the potential use of story poles.

Ms. Shiverick asked about the lack of renderings in the mini sets. Mr. Corey understood that the renderings were not ready when the plans were submitted but asked the staff if they could have them on the Monday prior to the meeting. Mr. Hodges stated that staff would get the Commissioners the renderings prior to the meeting.

Mr. Sammons thought the cost of the mini sets was very pricey. He asked for certain dimensions, as well as scale figures, to be added as a requirement in the mini sets. Mr. Floersheimer asked about the ceiling heights to be added to the plans. Mr. Sammons thought the legends should be large enough to read.

Mr. Karakul thought that the Commission should be able to review conception, preliminary and final plans. Mr. Hodges stated that the staff was discussing the possibility of inserting a conceptional presentation in the current submittal process if it was requested. Mr. Hodges added that staff would be prepared to discuss the idea at the next meeting.

Discussion ensued about the possibilities of how to tweak the submittal process to include

alternate project reviews.

XI. **NEXT MEETING DATE -** Wednesday, June 28, 2023, at 9:00 a.m.

XII. **ADJOURNMENT**

Motion made by Mr. Sammons and seconded by Mr. Karakul to adjourn the meeting at 4:54 p.m. The meeting was adjourned without the benefit of a roll call.

The next meeting will be held on Wednesday, June 28, 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: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023 from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 049-2023**
- **Proposal**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 049-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 049-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

The Town has requested that Mock Roos conduct a townwide stormwater pump station condition assessment to assist the Town in determining the overall condition of the Town's thirteen (13) existing stormwater pump stations and prepare conceptual level cost estimates for implementing necessary capital improvements and/or for establishing budgets for future capital improvements. This assessment is a critical tool for establishing the 10 year Capital Improvement Plan. The last assessment was completed in 2016 and has been utilized in creating the budget projections for the past 7 years.

The Scope of Services include the following:

- Conduct an evaluation of the drainage pump stations, excluding the recently rehabilitated D-14, D-16, and D-18 Pump Stations, documenting the current condition of each pump station. The evaluation will include all civil, mechanical, structural and electrical assets.

- Recommended improvements will be organized into prioritized projects based on the condition assessment. A conceptual level Engineers Opinion of Probable Construction Cost will be developed based on the improvements associated with each project. These projects will be incorporated into a Capital Improvements Program format with the future value of the projects identified for fiscal year implementation. Overall life expectancy and replacement value for large components (building, roof, seawall, intake bay, pumps and

cans, fuel tank, discharge piping, electrical controls, generator) will also be identified at each pump station will be provided.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Capital Improvement Program.

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. 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

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. 049-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie 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

Proposal to Provide Townwide Stormwater Pump Station Condition Assessment

The services proposed herein will be performed under the terms and conditions of the Agreement for professional services between the Town of Palm Beach (Town) and Mock•Roos, dated July 10, 2019, as amended on July 6, 2022.

A. Project Description:

The Town has requested that Mock•Roos conduct a townwide stormwater pump station condition assessment to assist the Town in determining the overall condition of the Town's thirteen (13) existing stormwater pump stations and prepare conceptual level cost estimates for implementing necessary capital improvements and/or for establishing budgets for future capital improvements. Pump Stations D-14, D-16, and D-18 have been recently rehabilitated and a site visit to review the condition of each of these pump stations is not included. At the Town's request, Mock•Roos anticipates performing the following Scope of Services as outlined in **A. Scope of Services** below.

B. Scope of Services:

Task 1 – Townwide Stormwater Pump Station Condition Assessment

1. Attend a kickoff meeting with Town staff. Discuss and request available documents and data to be reviewed as part of the condition assessment. Coordinate with Town staff to identify pump station related improvements that are currently scheduled for completion or have been completed since the last pump station condition assessment report that was completed by Mock•Roos in 2015.

2. Develop and populate a Town specific field form for each of the pump stations based on available asset information provided by the Town. This form will be populated with the condition of major components of each pump station including: Staff known issues, site improvements, pumping system, building, intake bay, controls, power, and additional observations.

3. Conduct site visits to each of the pump stations (Excluding the recently rehabilitated D-14, D-16, and D-18 Pump Stations) with Town staff and Electrical and Structural subconsultants to observe the condition of each of the pump stations. The field form and photos will be used to document known and identified issues at each of the pump stations. The field form assets will be verified where possible while onsite and updated based on actual site information to document the current condition of each pump station. It is anticipated that a site visit will be conducted to review the Civil, Mechanical, and Structural assets and then a separate site visit will be conducted to review the Electrical assets.

4. Develop a list of improvements for each of the pump stations and attend up to two (2) coordination meetings with Town staff to review the available information and an identified list of improvements.

5. The agreed-to improvements will be organized into Townwide or specific projects and prioritized. A conceptual level Engineers Opinion of Probable Construction Cost anticipated to be consistent with a Class 4 estimate will be developed based on the improvements associated with each project. A project sheet defining the proposed improvements for each project identified for implementation within a 5-year window will be developed along with up to two (2) alternate projects. Projects

identified for implementation within a 1 -year window will have a Class 4 Engineers Opinion of Probable Construction Cost Developed. These projects will be incorporated into a Capital Improvements Program format with the future value of the projects, at an agreed to rate increase per year, distributed into a design and construction phase for the selected fiscal year that the project is scheduled to start. Overall life expectancy and replacement value for large components (building, roof, seawall, intake bay, pumps and cans, fuel tank, discharge piping, electrical controls, generator) identified at each of pump station will be provided to the Town in an agreed to Excel format.

6. Update the Town's current pump station condition assessment report based on recently completed projects and the result of the field meetings. Prepare additional sections of the report to document the results of this condition assessment including in appendices the site photos and available records.

7. Attend a review meeting with the Town to discuss the draft project sheets and CIP. Make revisions based on feedback from the Town and provide a final report. The final report will include up to five (5) bound hard copies with tabs and an electronic submittal.

8. Provide, manage, and coordinate the services of engineering subconsultants for their respective disciplines of work.

C. Assumptions

It is assumed that the Town will have access to the pump stations and assets that the Town wants the consultant to review. This will include access to electrical equipment, panels, the roof, and to the pump station intake bays, provide ladders, gas monitoring and ventilation equipment that may be required for entry and performing lock out/tag.

D. Fee and Rates:

The total fee to provide the Scope of Services outlined above is not to exceed $100,000. Mock•Roos will complete the Scope of Services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses. See Attachment A for estimate of hours.

E. Acceptance and Authorization to Proceed:

This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed: _____

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: May 3, 2023

Town of Palm Beach
Townwide Stormwater Pump Station Condition Assessment
EXHIBIT A
Mock•Roos PA#C3008.00

	Task Description	Labor Categories: Project Director	Senior Project Manager	Senior Engineer	Project Engineer III	Senior Administrative Assistant	Subconsultant	Total
Labor Hourly Billing Rate		$195.00	$175.00	$170.00	$150.00	$70.00		
Townwide Stormwater Pump Station Condition Assessment								
1	Kickoff meeting and Data collection	2	4	2	2	2		$ 1,870
2	Develop and Populate Field Form		2	4	20	2		$ 4,170
3	Site Visits and Condition Documentation	4	20	40	40			$ 17,080
4	List of Improvements and Coordination Meetings	2	16	20	52			$ 14,390
5	Develop EOPCC and Capital Imporvments Program	2	16	20	46	2		$ 13,630
6	Condition Assessment Report	8	40	8	40	2		$ 16,060
7	Draft Report Review with Town and Final Report	2	8	4	16			$ 4,870
8	Management/Coordinate Subs	2	4			4		$ 1,370
	C&W Engineering, Inc.						$11,500	$ 11,500
	WGI, Inc.						$12,000	$ 12,000
	Subtotal	*$ 4,290*	*$ 19,250*	*$ 16,660*	*$ 32,400*	*$ 840*	*$ 23,500*	*$ 96,940*
							Expenses	$ 1,000
							(Hourly Not to Exceed) Project Total	**$97,940**

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 064-2023**
- **Proposal**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 064-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 064-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

Kimley-Horn and Associates, Inc. (KHA) is currently performing professional engineering services related to structural repairs at the A-39 Pump Station. The Town is currently expediting the structural repairs to be completed in FY2023 rather than FY2024. The Town has requested Kimley-Horn to provide construction phase services for the project. The project is expected to begin in July 2023 and have a duration of approximately four (4) months.

As part of Construction Phase Services, KHA will provide:

- Pre-Construction Services
- Progress Meetings
- Visits to Site and Observation of Construction
- Clarifications and Interpretations
- Shop Drawings and Samples
- Inspections and Tests
- Applications for Payment
- Recommendations with Respect to Defective Work
- Substantial Completion
- Final Notice of Acceptability of the Work

The A-39 Pump Station is located at 2171 S. Ocean Boulevard.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Capital Improvement Program.

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. 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

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. 064-2023, 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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie 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

April 18, 2023

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

RE: ***Construction Phase Services Proposal – A-39 Wastewater Pump Station Structural Repairs***

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the A-39 Wastewater Pump Station Structural Repairs in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

Kimley-Horn is currently performing professional engineering services related to the structural repairs at the A-39 Pump Station. The Town is currently expediting the structural repairs to be completed in FY2023 rather than FY2024. The Town has requested Kimley-Horn to provide construction phase services for the project. The project is expected to begin in July 2023 and have a duration of approximately four (4) months.

Scope of Services

Construction Phase Services

We will provide construction phase services for the project for the purpose of providing assistance to the Town during construction. We believe this to be the level of services required to provide the required to determine if the project is being constructed in general accordance with the plans and specifications. Our construction phase services and fees are based on a project duration of four months.

Pre-Construction Services. We will perform the following services prior to commencement of Work at the Site.

- We will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Progress Meetings. Kimley-Horn will attend up to nine (9) bi-weekly progress meetings during the anticipated 4-month project construction duration.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected 4-month construction duration in order to observe the progress of the Work (up to 36 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend

to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

The purpose of our site visits will be to enable us to better carry out the duties and responsibilities specifically assigned in this Agreement to Kimley-Horn, and to provide the Town a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Kimley-Horn shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall we have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Town and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. It is anticipated that 12 submittals will be required for review. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Substitutes and "or-equal." Kimley-Horn will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- We will provide field assistance during review of the roof replacement.

Kimley-Horn's review of such items will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Kimley-Horn shall be entitled to rely on the results of such tests and the facts being certified.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that four (4) applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

By recommending any payment, Kimley-Horn shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Kimley-Horn in this Agreement. It will also not impose responsibility on Kimley-Horn to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to the Town free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between the Town and Contractor that might affect the amount that should be paid.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Town and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of the Town, Kimley-Horn considers the Work substantially complete, Kimley-Horn will notify the Town and Contractor. We anticipate completing the following items once the project is deemed substantially complete:

- We will review Record Drawings and Operation and Maintenance Manuals prepared by the selected contractor.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. We will review and provide comments on the operation and maintenance manuals and project record drawings submitted by the contractor.

Limitation of Responsibilities. Kimley-Horn shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Kimley-Horn shall not have the authority or responsibility to stop the work of any Contractor.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Construction phase services including site visits, progress meeting attendance, pay application review, etc. for construction durations extending past those assumed in this proposal
- Surveying and Mapping
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements.

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on a lump sum basis for the amount of $64,350.00 in accordance with our Contract with the Town. Fees will be invoiced monthly based on a percentage of services performed as of the invoice date.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

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

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Jason Lee, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Calle\Marketing\Proposals\Palm Beach\A-39 Pump Station Improvements\Amendment\2023.04.17_A-39 Pump Station Structural Improvements Construction Phase Services.docx

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	A-39 Pump Station Structural Repairs Construction Phase Services										SHEET 1 of 1		
CLIENT:	Town of Palm Beach										FILE NO.		
ESTIMATOR:	JRL										DATE: 04/18/23		
											ALLOCA 0.0000		
DESCRIPTION:		DIRECT LABOR (MAN-HOURS)											
See Scope of Services		Principal	Chief Engineer	Sr. Engineer	Senior Prof. Engineer	Registered Prof. Engineer	Eng. Int.	Analyst	Admin/Clerical	Sr. Tech.	SUB (C&W)	EXP	LINE TOTAL
Construction Phase Services													
Attend Town Precon Meeting Const Phase			3.0			3.0				3.0			$1,722
Site Visits (up to 36 visits)		4.0	8.0			36.0			36.0	108.0			$26,415
Progress Meetings (up to 9 total meetings)		2.0	8.0			36.0			9.0	27.0			$12,932
Recommendation to defective work		1.0	2.0			8.0							$2,148
Clarifications, Recommendations, Substitutes		2.0	2.0			8.0							$2,447
Review Shop Drawings (up to 12 submittals)			10.0			36.0			6.0				$9,151
Review Payment Applications, Change Order Requests			4.0			12.0				4.0			$3,576
Substantial Completion Site Visit Punchlist			2.0			6.0			2.0	6.0			$2,485
Final Completion		1.0	1.0			6.0				6.0			$2,318
Review record drawings			1.0			3.0				3.0		$5	$1,157
	TOTAL HOURS	**10.0**	**41.0**	**0.0**	**0.0**	**154.0**	**0.0**	**0.0**	**53.0**	**157.0**	**0**	**5**	**$64,350.00**
	LABOR ($/HOUR)	**298.33**	**285.00**	**224.36**	**195.00**	**160.00**	**128.00**	**111.21**	**90.09**	**129.06**	**1.00**	**1.0**	
	ALLOCATION	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	
	TOTALS	**2,983.30**	**11,685.00**	**0.00**	**0.00**	**24,640.00**	**0.00**	**0.00**	**4,774.77**	**20,262.42**	**0.00**	**4.51**	**$64,350.00**

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 065-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 065-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 065-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

The Procurement and Contract Management Division issued solicitation ITB No. 2023-29, Parking Lot Expansion at Par 3 on April 11th. The project consists of expanding the existing parking lot by eight (8) spots. The additional spots will be valet only as they will be configured to accommodate a double-depth configuration. The construction effort is expected to include some demolition of existing curbing and pavement, some clearing and grubbing, some grading, relocation of an existing light fixture, installation of new curbing, pavement, and markings, and installation restoration including installation of new vegetation.

Chen Moore and Associates prepared the drawings and specifications for the project.

The Town received three (3) submissions for the project. The solicitation had been broadcast to ninety-seven individuals and firms that identified with paving. The low bid was found to be non-responsive to the requirements of the bid package. The second lowest bid, R & D Paving, was found to be responsive to the bid requirements.

Reference checks were conducted and found to meet the requirements of the solicitation.

Procurement and Contract Management did request the best and final offer from R & D Paving. The firm lowered their mobilization cost by $3,000.

The submission was reviewed by both Public Works and the Recreation Department.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Recreation Enterprise Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department and the 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. 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

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. 065-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie 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: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 066-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 066-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 066-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-40 to the four (4) pre-qualified firms to furnish all labor, management, materials, and equipment to perform repairs to several sanitary sewer lines located throughout the Town. All work sites will require the restoration of asphalt and vegetation to meet existing ones that meet Town standards. All work sites will require the work to be completed by June 30th, 2023.

The address for the proposed work is as follows:

- 320 Dunbar - repair 8” cast iron sanitary sewer main with C900 PVC pipe
- 252 Atlantic - repair 8” clay sanitary sewer main with C900 PVC pipe
- 156 Seabreeze - repair 8” cast iron sanitary sewer main, due to damage by FPU gas line
- 2160 Ibis Isle - repair 8” clay sanitary sewer main, due to damage by AT&T communication line with C900 PVC pipe
- Via Sunny (West of Cocoanut Way) – install a 48” manhole.

Only one firm, Johnson Davis, submitted a bid.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Capital Improvement Fund.

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. 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 MULIPLE LOCATIONS TO JOHNSON DAVIS IN THE AMOUNT OF $240,000 AND ESTABLISHING A PROJECT BUDGET OF $276,000

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. 066-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie 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: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 067-2023**
- **Proposal**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 067-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 067-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

The Town operates twenty-one (21) pump stations where six (6) stations have either been recently rehabilitated or scheduled for rehabilitation within the next year.

KHA has been requested to complete a condition assessment of each of the remaining fifteen (15) wastewater pump stations. The purpose of the assessment is to review the existing pump stations and major components, note significant defects, complete a numerical condition and priority ranking, develop opinions of cost for recommended repairs/maintenance, and prepare a report that recommends improvements for each station which are prioritized for incorporation into the Town's 5-year and 10-year capital improvement plan.

The Town also owns and maintains twenty-one (21) ejector stations. KHA has been requested to complete a condition assessment of only the E-15 ejector station. Similar to the wastewater pump stations, the assessment will include a review of major components, note significant defects, complete a numerical condition and priority ranking, and develop opinions of cost for recommended repairs/maintenance. Additionally, KHA will prepare an opinion of cost for total replacement of the station.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Capital Improvement Program.

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. 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

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. 067-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie 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

Kimley»Horn

May 15, 2023

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

RE: *Wastewater Pump Station Condition Assessment*

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the Wastewater Pump Station Condition Assessment in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

The Town of Palm Beach currently owns and maintains (21) twenty-one wastewater pump stations where (6) six stations have either been recently rehabilitated or scheduled for rehabilitation within the next year. Kimley-Horn has been requested to complete a condition assessment of each of the Town's remaining (15) fifteen wastewater pump stations. The purpose of the assessment is to review the existing pump stations and major components, note significant defects, complete a numerical condition and priority ranking, develop opinions of cost for recommended repairs/maintenance, and prepare a report that recommends improvements for each station which are prioritized for incorporation into the Town's 5-year and 10-year capital improvement plan.

The Town also owns and maintains (21) twenty-one ejector stations. Kimley-Horn has been requested to complete a condition assessment of only the E-15 ejector station. Similar to the wastewater pump stations the assessment will include a review of major components, note significant defects, complete a numerical condition and priority ranking, and develop opinions of cost for recommended repairs/maintenance. Additionally, we will prepare an opinion of cost for total replacement of the station. We will include this information in our overall condition assessment report.

Scope of Services

Task 1 - Data Collection

We will attend a kick-off meeting with the Town to discuss the project goals. At this initial meeting we will discuss past observations and known operational issues with the Town's operations staff. We will provide a list of documents to be requested from the Town following the meeting to assist with the evaluations. We will also request the Town to verify that all ports needed for pressure gauge installation are clear for taking pressure measurements.

Task 2 – A-Stations (Including S-2, A-7, A-41, A-42, and A-43)

We will visit each of the (5) five pump station sites to review the condition of each station. The items that will be reviewed include:

- Site conditions
- Building features including structural shell, roof, doors, windows, louvers, and coatings
- Mechanical systems including air conditioning, pumps, piping, ventilation system, and compressed air system
- Wetwell and drywell structures including coatings
- Electrical and instrumentation equipment

Electrical and instrumentation review and assessment will be completed by a subconsultant employed by Kimley-Horn. The initial site visit will include a condition assessment limited to observable issues of the site, structure, mechanical and electrical features. Sounding of accessible concrete surfaces for evidence of deficiencies, such as spalling and delamination, will be performed. A second site visit will be made to each pump station to conduct pump performance testing. Pump performance tests will include simultaneous flow, pressure, and input power measurements with specialized testing equipment. For the purposes of pump curve validation and where feasible, a multi-point hydraulic test will be conducted.

Condition assessments of major pump station components will be completed based on the observations noted during the field visits and pump performance testing. A numerical condition ranking from 1 to 5 will be assigned to each major pump station component along with notes regarding significant defects. We will perform a risk analysis that includes a "consequences of failure" ranking that will be combined with the condition ranking to aid in prioritizing improvements.

Kimley-Horn will prepare a draft report that will include a general description, a summary of observations and recommendations, and a Class IV opinion of probable construction cost for each pump station. Pump evaluation reports will include a summary sheet showing averaged

values of the flow rates, total dynamic head, current, voltage, input horsepower, output horsepower, and wire-to-water efficiency. The condition assessment ranking, consequences of failure ranking, and Class IV opinion of probable construction cost will used to prioritize improvements for incorporation into the Town's 5-year and 10-year capital improvement plans.

Task 3 – E-Stations (Including E-1, E-2, E-3, E-4, E-5, E-7, E-11, E-19, G-1, and G-9)

We will visit each of the (10) ten pump station sites to review the condition of each station. The items that will be reviewed include:

- Site conditions
- Mechanical systems including pumps, visible piping, and odor control equipment (as applicable)
- Wetwell, valve vault, hatches and coatings
- Electrical and instrumentation equipment

Electrical and instrumentation review and assessment will be completed by a subconsultant employed by Kimley-Horn. The initial site visit will include a condition assessment limited to observable issues of the site, wetwell and valve vault, mechanical and electrical features. Sounding of accessible concrete surfaces for evidence of deficiencies, such as spalling and delamination, will be performed. A second site visit will be made to each pump station to conduct pump performance testing. Pump performance tests will include simultaneous flow, pressure, and input power measurements with specialized testing equipment. For the purposes of pump curve validation and where feasible, a multi-point hydraulic test will be conducted.

Condition assessments of major pump station components will be completed based on the observations noted during the field visits and pump performance testing. A numerical condition ranking from 1 to 5 will be assigned to each major pump station component along with notes regarding significant defects. We will perform a risk analysis that includes a "consequences of failure" ranking that will be combined with the condition ranking to aid in prioritizing improvements.

Kimley-Horn will prepare a draft report that will include a general description, a summary of observations and recommendations, and a Class IV opinion of probable construction cost for each pump station. Evaluation reports will include a summary sheet showing averaged values of the flow rates, total dynamic head, current, voltage, input horsepower, output horsepower, and wire-to-water efficiency. The condition assessment ranking, consequences of failure ranking, and Class IV opinion of probable construction cost will used to prioritize improvements for incorporation into the Town's 5-year and 10-year capital improvement plan.

Task 4 – Ejector Station (E-15)

We will visit E-15 ejector station to review the condition of the station. The items that will be reviewed include:

- Site conditions
- Ejector pot, piping, and valves
- Ejector station structure, hatch, and coatings

Condition assessments of major components will be completed based on the observations noted during the field visits. A numerical condition ranking from 1 to 5 will be assigned to each major component along with notes regarding significant defects. We will perform a risk analysis that includes a "consequences of failure" ranking that will be combined with the condition ranking to aid in prioritizing improvements.

Kimley-Horn will prepare a draft report that will include a general description, a summary of observations and recommendations, and a Class IV opinion of probable construction cost for the E-15 ejector station. The condition assessment ranking, consequences of failure ranking, and Class IV opinion of probable construction cost will used to prioritize improvements for incorporation into the Town's 5-year and 10-year capital improvement plan. Also included will Class IV opinion of probable construction cost for the complete replacement of the E-15 ejector station.

Task 5 – Final Report

We will submit a draft copy of the report for review, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after the review.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping, Construction Layout
- Record Drawing development
- Field Engineering
- Off-site improvements

- Blower performance testing
- Generator performance testing
- Repair Drawings and Specifications
- Construction Phase Services

Information and Services Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site
- Available record drawings for each lift station site
- Pump curves for each lift station
- Provide access to the site and all panels, hatches, vaults and equipment.
- Review and provide site specific safety concerns.
- Provide one operator familiar with the site, pumps, controls, operation, equipment, and trained in confined space
- Operate valves, pumps and other equipment and assist with performance evaluations

It is assumed that each site has sufficient inflow for the necessary number of pump tests during the test period. If inflow rates are insufficient, as much data as possible will be collected during the testing we can perform. In general, test results will be more consistent and accurate if inflow rates are steady and produce between 2 and 8 pump cycles per hour.

For a complete performance and efficiency test, the wet well must have a clear opening for a level transducer, minimal grease, an operable discharge pressure gauge tap that is easily accessible, accessible motor leads terminated at the control panel, and operable hand controls for each pump. Wet wells must have a regular shape that is easily definable through measurements made without entering the wet well. Electrical tests will not be conducted on system voltages greater than 480 Volts (nominal) or where motor leads are inaccessible or unsafe to access.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood assessment is desired to be completed by March of 2024.

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on a lump sum basis in accordance with our Contract with the Town. Fees will be invoiced monthly based on a percentage of services performed as of the invoice date. It is recommended that the following budget be established for these services.

Task 1 – Data Collection	$13,400
Task 2 – A-Stations (Including S-2)	$61,350
Task 3 – E-Stations (Including G-1 and G-9)	$79,700
Task 4 – Ejector Stations (E-15)	$5,700
Task 5 – Finalize Report	$14,950
Total	$175,100

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or “CLIENT” shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Jason Lee, P.E.
Vice President

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\Lift Station Evaluation\Town of Palm Beach Wastewater Condition Assessment.docx

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	Wastewater Pump Station Condition Assessments	SHEET 1 of 1	
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	DAC	DATE: 05/15/23	
		ALLOCA 0.0000	

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal	Chief Engineer	Senior Engineer	Senior Prof. Eng.	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
Design Phase Services												
Kickoff Meeting		6.0			6.0							$2,670
Data Collection (record drawings, pump curves, maintenance reports)		1.0			6.0	16.0		16.0			$39	$4,773
Site Visit Schedule Coordination with Town		1.0			2.0	4.0						$1,117
Review Record Drawings		8.0			16.0							$4,840
A Station Site Visits										2250.00		$2,250
S-2 Pump Station												
'Pump Testing					8.0	8.0					$750	$3,054
'Site Observations		3.0		3.0	3.0							$1,920
A-7 Pump Station												$0
'Pump Testing					8.0	8.0					$750	$3,054
'Compressed Air System		1.0			1.0							$445
'Site Observations		3.0		3.0	3.0							$1,920
A-41 Pump Station												$0
'Pump Testing					8.0	8.0					$750	$3,054
'Site Observations		3.0		3.0	3.0							$1,920
A-42 Pump Station												$0
'Pump Testing					8.0	8.0					$750	$3,054
'Site Observations		3.0		3.0	3.0							$1,920
A-43 Pump Station												$0
'Pump Testing					8.0	8.0					$750	$3,054
'Site Observations		3.0		3.0	3.0							$1,920
Download and catalog field data & photos					9.0			18.0				$3,062
A Station Report										2000.00		$2,000
S-2 Pump Station												$0
'Pump Station Description		1.0			2.0			1.0			$4	$699
'Condition Ranking		1.0			3.0	4.0		0.5				$1,322
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		1.0			4.0			1.0				$1,015
'Opinion of Probable Construction Cost		1.0			4.0	6.0						$1,693
A-7 Pump Station												$0
'Pump Station Description		1.0			2.0			1.0			$4	$699
'Condition Ranking		1.0			3.0	4.0		0.5				$1,322
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		1.0			4.0			1.0				$1,015
'Opinion of Probable Construction Cost		1.0			4.0	6.0						$1,693
A-41 Pump Station												$0
'Pump Station Description		1.0			2.0			1.0			$4	$699
'Condition Ranking		1.0			3.0	4.0		0.5				$1,322
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		1.0			4.0			1.0				$1,015
'Opinion of Probable Construction Cost		1.0			4.0	6.0						$1,693
A-42 Pump Station												$0
'Pump Station Description		1.0			2.0			1.0			$4	$699
'Condition Ranking		1.0			3.0	4.0		0.5				$1,322
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		1.0			4.0			1.0				$1,015
'Opinion of Probable Construction Cost		1.0			4.0	6.0						$1,693

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal	Chief Engineer	Senior Engineer	Senior Prof. Eng.	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
A-43 Pump Station												$0
'Pump Station Description		1.0			2.0			1.0			$4	$699
'Condition Ranking		1.0			3.0	4.0		0.5				$1,322
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		1.0			4.0			1.0				$1,015
'Opinion of Probable Construction Cost		1.0			4.0	6.0						$1,693
E Station Site Visits										2250.00		$2,250
E-1 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-2 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-3 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-4 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-5 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-7 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-11 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
E-19 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
G-1 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0		2.0	2.0							$1,280
G-9 Pump Station												$0
'Pump Testing					3.0	3.0					$750	$1,614
'Site Observations		2.0			2.0							$890
Download and catalog field data & photos					12.0			24.0				$4,082
E Station Report												
E-1 Pump Station										2000.00		$2,000
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
E-2 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
E-3 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal	Chief Engineer	Senior Engineer	Senior Prof. Eng.	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
E-4 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
E-5 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
E-7 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
E-11 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
E-19 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
G-1 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
G-9 Pump Station												$0
'Pump Station Description		0.5			2.0			1.0			$7	$560
'Condition Ranking		0.5			1.0	2.0		0.5				$604
'Pump Testing Results		1.0			4.0			1.0				$1,015
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		0.5			2.0	6.0						$1,231
												$0
Ejector Station Site Visit												$0
E-15 Pump Station												$0
'Site Observations		2.0		2.0	2.0							$1,280
												$0
Ejector Station Report												$0
E-15 Ejector Station												$0
'Ejector Station Description		0.5			2.0			1.0			$48	$601
'Condition Ranking		0.5			1.0	2.0		1.0				$649
'Summary of Improvements		0.5			4.0			1.0				$873
'Opinion of Probable Construction Cost		2.0			6.0	6.0						$2,298
												$0
												$0
Finalize Report												$0
Prepare Submittal Document		2.0			8.0	16.0		8.0				$4,619
Attend Review Meeting		6.0			6.0	6.0					$41	$3,479
Respond to Review Meeting Comments and Submit final report		4.0			12.0	24.0		8.0				$6,853
												$0
TOTAL HOURS	**0.0**	**124.5**	**0.0**	**35.0**	**413.0**	**274.0**	**0.0**	**129.5**	**0.0**	**8500**	**$11,473.85**	**$175,100**
LABOR ($/HOUR)	**$298.33**	**$285.00**	**$224.36**	**$195.00**	**$160.00**	**$128.00**	**$111.21**	**$90.09**	**$157.43**	**1.00**	**1.0**	
ALLOCATION	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**0.00**	**0.00**	
TOTALS	**$0**	**$35,483**	**$0**	**$6,825**	**$66,080**	**$35,072**	**$0**	**$11,667**	**$0**	**$8,500**	**$11,474**	**$175,100**

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 068-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 068-2023, Approving retro-active authorization for issuance of purchase orders to Duval Ford for three (3) F-150 vehicles in the amount of $99,652.56

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 068-2023, approving retro-active authorization for issuance of purchase orders to Duval Ford for three (3) F-150 vehicles in the amount of $99,652.56.

SUMMARY EXPLANATION/BACKGROUND

Three (3) Town owned vehicles are scheduled for replacement in the 2023 budget cycle.

The Town purchases all vehicles through the Florida Sherriff Association Contract. Duval Ford, an authorized dealer, had three (3) F-150's available prior to the new pricing schedule in July of this year. The Town issued purchase orders to secure the three (3) vehicles garnering current pricing.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Equipment Replacement Fund.

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. 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

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. 068-2023, approving retro-active authorization for issuance of purchase orders to Duval Ford for three F-150 vehicles in the amount of $99,652.56.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie 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: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 069-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 069-2023, Awarding RFP 2023-36, Emergency Food Services to TooJays and GRL Investment Group LLC

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 069-2023, awarding RFP 2023-36, Emergency Food Services to TooJays and GRL Investment Group LLC.

SUMMARY EXPLANATION/BACKGROUND

The existing contract for emergency food services was set to expire after being in place for five years. Procurement and Contract Management issued RFP 2023-36 requesting proposals from catering firms interested in assisting the Town in providing meals (breakfast, lunch, and dinner) for approximately 250 employees per day, which work in different shifts, for several days or for one to two weeks after a hurricane or other disaster.

The solicitation was broadcast to 182 firms of which four (4) responded to the solicitation. Of the four, two (2) were found to be non-responsive to the solicitation.

The selection committee for this RFP consisted of the following:

Voting	**Non-Voting**
Major John Scanlan	Duke Basha - facilitator
Gillian Barth	
Chief Sean Baker	
Alisa Cox	

Both short-listed firms were requested to bring samples of food that would be provided to field staff after a storm event for the selection committee to evaluate.

The selection committee made a recommendation to award both firms based on quality of food and the fact two firms provided better options based on conditions post storm.

TOWN ATTORNEY REVIEW

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

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

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. 069-2023, Awarding RFP 2023-36, Emergency Food Services to TooJays and GRL Investment Group LLC.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

_____
Margaret A. Zeidman, Town Council President

_____
Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

_____
Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 070-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 070-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 070-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

The Procurement and Contract Management Division issued solicitation ITB No. 2023-28, Seaview Tennis Courts Resurface and Fence Replacement Project on March 31, 2023. The solicitation invited qualified contractors to submit competitive bids to perform Laser - Tapered resurfacing of 7 hydro-grid tennis courts, fence replacement, and other court replacement features for Town Tennis Center in Seaview Park. It was the intent of the bid specifications to obtain a contract which includes all labor, materials, equipment, utility coordination and services necessary for resurfacing of Har-Tru surface, full complete removal of existing fencing and sleeves, furnishing and installation of new 10' high to varies high fencing, gates, wind screen, to include furnishing and installing concrete footers at the Town's Tennis Centers in Seaview Park.

The solicitation was advertised nationally through DemandStar to 570 firms. In addition, the Procurement and Contract Management Division sent personal invitations to seven (7) firms. Only one firm submitted. We reached out to find out why firms did not respond to the solicitation and the overwhelming response was timing. No one had availability until late fall. Professional Tennis Court Services had a scheduled opening for July 24th with projection of substantial completion within thirty (30) business days, weather permitting.

The evaluation of the submission was made by Mark Bresnahan, Recreation Director and Mike Roach, P.E., Public Works in addition to the Procurement and Contract Management Team.

References were conducted on Professional Tennis Court Services with favorable ratings.

Mark Bresnahan, the Recreation Director, has advised that the Seaview Tennis Courts will be closed during the project. This will assist the vendor's schedule and allow for accessibility of the contractor.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Mandel Recreation Center Capital Budget.

USER DEPARTMENT CONCURRENCE

The Public Works Department and the 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. 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

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. 070-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 071-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 071-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 071-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

The Office of Information Technology has been working to upgrade the Town's computer and storage infrastructure, and Phase 2 of this project is for improvements in the Town's backup and disaster recovery system. Insight Public Sector has provided a "turnkey" solution that provides equipment installation and configuration that will ensure the integrity of the Town's backup system. The total cost for equipment and services, quoted from the OMNIA Partners IT Product & Services Contract #4400006644, is $90,570 and will be paid using approved funding from the FY23 and Equipment Replacement budgets.

OMNIA Partners is a national cooperative contract that is competitively bid to ensure the best pricing to the Town.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

The Information Technology 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. 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

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. 071-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

_____
Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 072-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 072-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 072-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued a RFI to known firms that could address and propose solutions to the current audio system utilized in Town Council Chambers. The goal was to identify a more robust and comprehensive audio and video system that allows for simple and easy operations; accommodates both in-person and virtual meetings, allows for remote attendance and participation; has seamless integration with Zoom/ Microsoft Teams for hosting virtual meetings; and provide high-quality recording and broadcasting of council meetings.

Five firms submitted interest in the RFI. Town invited all five for presentation. Town was represented by members of Town Clerk, IT, PZB, Town Manager's Office and Procurement as facilitator. After presentations and interviews Town staff had an open discussion and ranked the proposers. BIS Digital was top ranked.

Business Information Systems, DBA BIS Digital had two local installations which the team consisting of the following members visited to see the system operate and obtain feedback from those using the software.

Team Members:

Jim Palmer - Office of Information Technology

Jessica Savidge – Town Manager's Office
Kelly Churney – Town Clerk's Office
Emily Lyn - PZB
Duke Basha – Facilitator

Town staff made a consensus vote to only consider Business Information Systems, DBA BIS Digital. After the site visits, the team made a recommendation to move forward with BIS Digital as a solution. Another round of negotiation was held with BIS Digital to finalize the right technical solution for the Town.

Proposal from Business Information Systems, DBA BIS Digital, is available to the Town through a cooperative contract, TIPS 220704.

Four years of additional warranty is included in the recommendation of a five-year award.

Once awarded, BIS Digital can begin work after being awarded by Town Council.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

The Office of Information Technology and the Town Manager's Office 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. 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

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. 072-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 074-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 074-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 074-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-26, AC Replacement Project for following three sites:

- Par 3 Clubhouse and Old Clubhouse
- Town Hall
- Central Fire Station

Responders to the solicitation could submit a bid on one location or multiple locations. HVAC Contractors were to submit competitive bids to perform removal and installation of units. The awarded contractor shall provide all necessary labor, parts, material, tools, and equipment to install the new units inclusive of new control valves.

All the units identified for replacement had exhausted their life expectancy and incurred extensive repairs.

In review of the bid submittal for Par 3, the low bid was found to be non-responsive. The second lowest bidder met all requirements of the solicitation and is being recommended for award.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for Par 3 will be the Par 3 Enterprise Fund and Town Hall and Central Fire will be from the Capital Improvement Program.

USER DEPARTMENT CONCURRENCE

The Public Works Department and the 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. 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

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. 074-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 075-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 075-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 075-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-41 for A-39 Wastewater Pump Station Structural Repairs to the four pre-qualified firms. The project requires the demolition of a portion of the first-floor slab and the construction of a new one in the exact location, complete identified on the plan's concrete repairs to the building's walls and columns, perform masonry wall infill and exterior wall stucco repairs as specified in the project plans. The project requires demolishing the existing exterior doors, windows, and louvers and installing new ones in the exact locations shown on the plans.

Only one (1) firm responded to the solicitation, Murray Logan Construction, LLC with a bid submittal price of $520,880. The Town and Kimley-Horn met with Murray Logan Construction at the station to review the bid submitted. As a result, the bid amount was revised to $490,628 thereby saving $30,252.

The engineer's estimate of cost for the project was $480,000.

The location of A-39 is 2171 S. Ocean Boulevard.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Capital Improvement Fund.

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. 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

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. 075-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Resolutions

Agenda Title
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.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated May 30, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 076-2023**

Information for Town Council Meeting on June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

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

RE: Resolution No. 076-2023, 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

DATE: 30 May 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 076-2023, 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.

SUMMARY EXPLANATION/BACKGROUND

Currently Town vehicles stationed at the Public Works Facility obtain their fuel at the City of West Palm Beach fueling depot. All the vehicles are equipped with hardware that allows for accurate dispensing of fuel in addition to accurate record keeping.

The objective of moving forward with the same system that is used by the City of West Palm Beach is twofold, the first being redundancy for acquiring fuel. In the event of a failure on the island, the respective departments could fuel at the City of West Palm Beach and the second is for accurate record collection of fuel dispensing.

This quote is for installation of hardware of all Fire, Police and Recreation vehicles at this time and for the hardware and software at the Par 3 gas pumps.

When the North Fire Construction is completed, hardware and software will have to be installed on the pump.

Police, Fire and Recreation have obtained fuel at either the North Fire Station fuel island or at Par 3. Both fueling locations are not automated for accurate record keeping. With the construction at North Fire, the fueling station was decommissioned for the construction phase of the building. A temporary fueling station was located at Palmo.

FUNDING IMPACT/FUDNING SOURCE

The source of funding for this project will be the Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

The Fire Department, the Police Department and the 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. 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

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. 076-2023, 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.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of June 2023.

_____
Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

_____
Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Consent - Other

Agenda Title
Donation Acceptance from Palm Beach Police and Fire Foundation

Presenter
Darrel Donatto, Fire Rescue Chief

ATTACHMENTS:

- **Memorandum Dated May 24, 2023, from Darrel Donatto, Fire Rescue Chief**
- **Attachment A - 1-08-8 Donation Policy**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Darrel Donatto, Fire Rescue Chief

Re: Accept Donation of $37,569.00 from the Palm Beach Police and Fire Foundation for the EleGARD System

Date: May 24, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council accept a donation of $37,569 from the Palm Beach Police & Fire Foundation.

GENERAL INFORMATION

The Palm Beach Fire 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 $37,569 for the purchase of the EleGARD System medical devices.

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

The donation will be forwarded to the Finance Department for deposit in the Palm Beach Fire Rescue Department's donations account. Equipment and/or services purchased for this project will be obtained in accordance with established Purchasing Procedures.

Attachment

cc: Robert Miracle, Deputy Town Manager
Dean Mealy, Purchasing 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: June 13, 2023

Section of Agenda
Consent - Other

Agenda Title
Request to Hold Preservation Foundation of Palm Beach Event in Bradley Park

Presenter
Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture

ATTACHMENTS:

- **Letter Dated May 11, 2023, from Amanda Skier, President & CEO, Preservation Foundation of Palm Beach**
- **Charitable Solicitation Permit Application**
- **Special Event Permit Application**

PRESERVATION
FOUNDATION
OF PALM BEACH

Executive Committee
Mrs. Paul Shiverick, *Chairman*
Mr. Daniel E. Ponton, *Vice-Chairman*
Mr. Thomas C. Quick, *Secretary*
Mr. Erik T. Waldin, *Treasurer*
Mr. Jeffrey A. Marcus
Mrs. Pauline B. Pitt, *Chairman Emeritus*
Mr. Charles M. Royce
Mrs. Lynne M. Wheat

President & CEO
Amanda H. Skier

Board of Trustees
Mr. L. B. "Ben" Alexander, Jr.
Mrs. Rand V. Araskog
Mr. and Mrs. Manucher Azmudeh
Mrs. Walter F. Ballinger
Mr. and Mrs. Alan D. Bleznak
Mrs. T. Dennie Boardman
Mr. and Mrs. Martin Brand
Mrs. Edwin M. Burke
L. Frank Chopin, Esquire
Mr. Edward A. Cooney
Mr. and Mrs. Philippe Dauman
Mr. Marvin H. Davidson
Dr. Jane S. Day
Mrs. Ashton de Peyster
Mr. and Mrs. Thompson Dean
Mrs. John J. Dowdle
Mr. and Mrs. E. Llwyd Ecclestone
Ambassador and Mrs. Edward E. Elson
Mrs. Jennifer M. Fischer
Ms. Kristen Kelly Fisher
Mr. and Mrs. Mark E. Freitas
Mr. and Mrs. Avram Glazer
Mrs. Martin D. Gruss
Mrs. Jessica Guff
Dr. and Mrs. Ben Han
Mrs. J. Ira Harris
Mr. James Held
Dr. Peter N. Heydon
Mrs. Katherine B. Horgen
Mr. and Mrs. Gerald R. Jordan, Jr.
Mr. Kenn Karakul
Mr. and Mrs. Howard J. Kessler
Mrs. Laura Landro and Mr. Richard E. Salomon
Mr. Leonard A. Lauder
The Honorable and Mrs. Howard H. Leach
Mrs. Joseph W. Luter III
Mrs. David J. Mahoney
Mr. Tomas R. Maier
Mrs. Jeffrey A. Marcus
Mrs. Talbott B. Maxey
Mrs. Leigh A. McMakin
Ms. Audrey McNiff
Mr. and Mrs. Joseph Meyer
Mr. and Mrs. Donald K. Miller
The Honorable Danielle Hickox Moore
Mr. and Mrs. Dudley L. Moore, Jr.
Mr. David G. Ober
Mrs. William G. Pannill
Mr. and Mrs. Gary Patsley
Mrs. Sallie B. Phillips
Mrs. Wilbur L. Ross, Jr.
Mrs. Charles M. Royce
Mrs. Jeannie Rutherfoord
Mr. Jorge A. Sanchez
Mr. John H. Schuler
Mrs. Vera Serrano
Mr. Paul Shiverick
Mr. and Mrs. Brian Simmons
Mr. Jeffery W. Smith
The Honorable Lesly S. Smith
Mr. Thomas S. Smith, Jr.
Mrs. Electra Toub
Mr. Mish Tworkowski
Mrs. Leo A. Vecellio, Jr.

Emeritus Trustee
Mrs. Nathan Appleman
Mrs. Edward W. Cook
Mrs. F. Eugene Dixon, Jr.
Mrs. Robert M. Grace
Mrs. Frances C. Saifer

May 11th, 2023

Town of Palm Beach
Town Clerk's Office
360 South County Road
Palm Beach, Florida 33480

To Whom It May Concern:

In order to meet the requirements of the Charitable Solicitation Permit application, please accept this letter as notification that the Preservation Foundation of Palm Beach would like to hold its annual dinner dance at Bradley Park on March 1st, 2024.

This event will be a repeat of the Foundation's 2020, 2022 and 2023 Annual Dinner Dance also held in Bradley Park.

At 7pm, guests will arrive for cocktails via valet located off of Royal Poinciana Way. Then, they will move to dinner and dancing with entertainment at 8pm. The event will conclude by 11pm with breakdown commencing immediately.

We intend to secure off-duty officers for our Spring event as we did in previous years to assist with traffic and security needs as they arise.

Thank you for your time and attention. We look forward to working with the Town to make this a very successful event for everyone involved.

Sincerely,

Amanda Skier
President & CEO

Lauren Clyman
Director of Advancement

T-23-01743

Received 5/16/23
DOE 3/1/24

Town of Palm Beach • Office of the Town Clerk

APPLICATION FOR PERMIT TO SOLICIT FUNDS FOR CHARITABLE PURPOSES

ORDINANCE 11-73 AS AMENDED BY ORDINANCE 11-81, 4-86, 6-91, 15-92, 4-95, 12-97, 27-02, 6-08, 25-08, and 28-10: TOWN OF PALM BEACH CODE OF ORDINANCES

1		
Applicant Given Name: *the person filling out this form	Amanda Skiver	
Date of Birth:	10 / 7 / 85	**Phone #:** (561) 832-0731
Address:	311 Peruvian Avenue Palm Beach, FL 33480	
Email:	ASkiver@palmbeachpreservation.org	

2			
Organization Name:	Preservation Foundation of Palm Beach		
Phone #:	(561) 832-0731		
Address:	311 Peruvian Avenue, Palm Beach FL 33480		
State Registration Number: *click this link to lookup	CH 2679	**Educational or Religious Exemption:** ☑ Yes	

3 Applicant's principal officers and managers:

*attach a list if necessary

Name:	Address:
Elizabeth Shivelick	16 Golfview Rd, Palm Beach
Erik Waldin	246 Eden Rd, Palm Beach
Amanda Skiver	234 Pershing Way, West Palm Beach

4 Methods of Solicitation

*One application per event

Event Name:	Annual Dinner Dance		
Location Name:	Bradley Park		
Address:	100 Bradley Place, Palm Beach FL		
Start Date: 03 / 01 / 2024	**End Date:** 03 / 01 / 2024	*use only with mailers and drives	
Check all methods that apply:	☑ ticket sales	☑ mailings	☐ percentage of sales
	☐ auction (live)	☑ sponsorship	☐ request donations
	☐ auction (silent)	☐ raffle	
	Other:		
	Other:		
Check all that apply:	☑ **Food will be served** (additional requirements/licenses may be required)		
	☑ **Alcohol will be served** (copy of liquor license will be required unless at a private residence)		
	☐ **Event includes animals** (Temporary Animal Permit may be required)		
	☐ **Temporary signs will be utilized** (only allowed between April 1-October 31)		

5	Methods of Solicitation (continued)	
If the event is held at a private club, the sponsoring member's name:		
Approx. number of attendees:	450	
Will the event be indoors or outdoors?	☐ Indoors ☑ Outdoors ☐ Both ☐ Not Applicable	
If any portion of the event will be outdoors, please check all that apply:	☑ Tents will be utilized (Tent Permit may be required) ☑ There will be a generator ☑ There will be outdoor lighting ☐ There will be fireworks (Pyrotechnic Display Permit will be required)	
Valet Services?	☑ Yes ☐ No	*If yes, a valet permit is required

Where will attendees park? *Note that offsite parking on private property is currently prohibited
Valet will utilize the Flagler museum

6	Persons in direct charge of conducting the solicitation: *attach a list if necessary	
	Legal, Given Name:	Date of Birth:
	Elizabeth Shiverick	8/11/60
	Amanda Skier	10/7/85

7	Name of Person(s) who will disburse proceeds from solicitation: *attach if necessary	
Name:	Amanda Skier	
Date of Birth:	10/7/85	Phone #: (561) 832-0731
Address:	311 Peruvian Avenue, Palm Beach FL 33480	
Email:	ASkier@palmbeachpreservation.org	

8	Chairman of event Name:	Elizabeth Shiverick and Electra Toth
Phone #:	(561) 832-0731	
Address:	311 Peruvian Avenue, Palm Beach FL 33480	

9	Purpose of Solicitation: *attach if necessary
Annual Dinner Dance, to fund the educational, restoration, horticultural, public service, and other Foundation programs	

10	Donation / Cost Estimates:	
	Estimation of total funds to be raised:	$ 2,000,000.
	Estimation of in kind donations:	$ 50,000.
	Estimation of cost of the solicitation:	$ 200,000.

11	A specific statement, with reasons, that shows need for the funds to be solicited. Support with figures, if available. *attach if necessary
TO fund the operating budget of approximately $1.6 million	

12	Disposition of funds to be raised: *attach if necessary
TO preserve the architectual and scenic heritage of Palm Beach. TO support the mission of the Foundation.	

13	Will you use a professional promoter or solicitor for your event?	
☑ No / ☐ Yes	If your answer was yes, fill out section 13 below.	

14	Promoter/Solicitor Name: *attach list if necessary	n/a	
	Date of Birth:	/ /	A copy of their contract has been included? ☐ Yes / ☐ No
	Address:		
Statement of amount of wages, fees, commission, expenses or emoluments to be paid to this individual:			

15	If an applicant cannot furnish some of the information required by the preceding paragraphs, a detailed statement on a separate sheet shall be given why such information cannot be furnished.	
	Have you included this sheet?	☐ Yes / ☑ No

16	Schedule of last season's events in the Town of Palm Beach		
	Total value of donations collected under all events:	$	Date of Last Event Held in Palm Beach: 3/3/23 Date of Last Event Held in Palm Beach:
	Total cost of all events:	$ 0	*This includes wages, fees, commissions, expenses, and cost of any publication
	Net Proceeds Distributed:	$ 295,000.	

17	Schedule of last season's events in the Town of Palm Beach (continued)	
	AMOUNT OF MONIES AND PERCENTAGE OF NET PROCEEDS APPLIED DIRECTLY TO FUNCTIONS AND ACTIVITIES WITHIN:	
Town of Palm Beach:	$	% 100
Palm Beach County:	$	%
State of Florida:	$	%
Elsewhere:	$	%
*Percentage of all categories combined should equal 100%		
SPECIFIC STATEMENT AS TO WHERE FUNDS WERE DISTRIBUTED:		
to fund the operating budget of approx. $1.6 million		

18	The applicant from section 1 by endorsement, agrees to the following statement: "That if the permit is granted, it will not be used or represented in any way as an endorsement by the Town of Palm Beach or by the Town Council of the solicitation conducted thereunder."
	I, Amanda Skier due hereby solemnly swear (or affirm) that I am a duly authorized agent of Preservation Foundation of Palm Beach, and that all of the information contained herein this application is true and correct.

Amanda Skier
Signature of Applicant

Amanda Skier
Print Name

WITNESS:
Susan Morin
Signature

Susan Morin
Print Name

TOWN OF PALM BEACH

Office of the Town Clerk

CHARITABLE SOLICITATION APPLICATION CHECK LIST
HAVE YOU SUBMITTED THE FOLLOWING DOCUMENTS FROM PAGE 1?

✓ Board resolution, minutes or a letter on official organization letterhead giving authority for fundraising event (must include the date and location of the event)

✓ A copy of your current State of Florida Registration (Not required if organization is determined to be exempt from registration pursuant to F.S. Ch. 496)

___ Schedule of last year's fund-raising activity in the Town of Palm Beach completed on page 4 of the application

___ If a drawing/raffle will be held, a copy of your organization's Form 501(c)(3) filed with the IRS

___ If a tent will be used, we need the size to determine if a tent permit is required *(sometimes the vendor gets/already has these permits)*.

___ If a stage will be used, a building permit is required is it will be higher than 24".

___ If valets will be used, we need the name of the company to be used to determine if a valet permit is required.

___ If a professional promoter will be used, we need a copy of the promoter's contract with the organization.

DIVISION OF CONSUMER SERVICES
(850) 410-3800

THE RHODES BUILDING
2005 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32399-6500

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER NICOLE "NIKKI" FRIED

June 16, 2022 **Refer To: CH2679**

THE PRESERVATION FOUNDATION OF PALM BEACH, INC.
311 PERUVIAN AVE
PALM BEACH, FL 33480-4637

RE: THE PRESERVATION FOUNDATION OF PALM BEACH, INC.
REGISTRATION#: CH2679
EXPIRATION DATE: June 13, 2023

Dear Sir or Madam:

The above-named organization/sponsor has complied with the registration requirements of Chapter 496, Florida Statutes, the Solicitation of Contributions Act. A COPY OF THIS LETTER SHOULD BE RETAINED FOR YOUR RECORDS.

Every charitable organization or sponsor which is required to register under s. 496.405 must conspicuously display the registration number issued by the Department and in capital letters the following statement on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."

The Solicitation of Contributions Act requires an annual renewal statement to be filed on or before the date of expiration of the previous registration. The Department will send a renewal package approximately 30 days prior to the date of expiration as shown above.

Thank you for your cooperation. If we may be of further assistance, please contact the Solicitation of Contributions section.

Sincerely,

Deleah J Sims
Regulatory Consultant
850-410-3719
Fax: 850-410-3804
E-mail: deleah.sims@fdacs.gov

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIV OF ALCOHOLIC BEVERAGES & TOBACCO

THE CATERER HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 565, FLORIDA STATUTES
SERIES: 13CT
CONSUMPTION ON PREMISES ONLY

NOSH CATERING & EVENTS LLC

NOSH CATERING & EVENTS
2211 N DIXIE HIGHWAY
LAKE WORTH FL 33460

LICENSE NUMBER: BEV6017616

EXPIRATION DATE: MARCH 31, 2024

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS

THE NON-SEATING FOOD SERVICE (2010) HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 509, FLORIDA STATUTES
NBR. OF SEATS: 0

NOSH CATERING & EVENTS LLC

NOSH CATERING & EVENTS
1710 N DIXIE HWY
LAKE WORTH FL 33460

LICENSE NUMBER: NOS6020173

EXPIRATION DATE: DECEMBER 1, 2023

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

10334

PRESERVATION FOUNDATION OF PALM BEACH

To: Town of Palm Beach

5/10/2023

INVOICE NUMBER	DATE	DESCRIPTION		AMOUNT	DISCOUNT	NET AMOUNT
Solicitation permit	5/10/2023	2024 Solicitation Permit for 2024 Dinner Dance	**Totals:**	$500.00 **$500.00**	$0.00 **$0.00**	$500.00 **$500.00**

T-23-01743
Application Fee

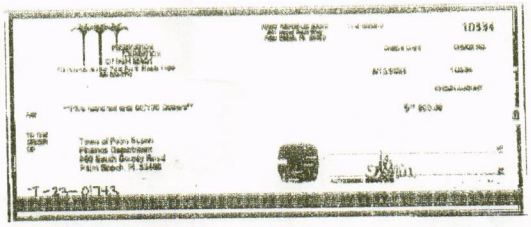
Town of Palm Beach
Finance Department
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5400
www.townofpalmbeach.com
Welcome

031126-0003 Rebecca M 05/18/2023 09:13AM

FINANCE

Payment Tran Code:
Clerk's Office (Clerk)
Description: T-23-01743
Clerk's Office (Clerk)
2023 Item: Clerk

Clerk's Office (Clerk)	500.00
001.329.930	500.00C
	500.00
Subtotal	500.00
Total	500.00
CHECK	500.00
Check Number010334	
Change due	0.00



Thank you for your payment

CUSTOMER COPY

T-23-01744

Received 5/16/23
DOE 3/1/24

TOWN OF PALM BEACH

Office of the Town Clerk

NON-REFUNDABLE APPLICATION FEE $300.00

RECEIVED
MAY 16 2023
Town Clerk's Office

APPLICATION FOR SPECIAL EVENT PERMIT

Application is due to the Town Clerk's Office no less than 45 days and no more than 9 months for Palm Beach residents and 7 months for non-residents, prior to event date.

APPLICANT INFORMATION		
Name:	Amanda Skier	
Address:	311 Peruvian Avenue Palm Beach, FL 33480	E-mail: ASKIER@palmbeachpreservation.org
Phone Number:	561.832.0731	Cell #:

ORGANIZATION INFORMATION		
Name:	Preservation Foundation of Palm Beach	
Address:	311 Peruvian Avenue Palm Beach, FL 33480	E-mail: info@palmbeachpreservation.org
Phone Number:	561.832.0731	Cell #:
*501(c)3 #:	59-1989832	
*Will any fundraising be taking place during this event? **Y/N**	no	*If yes, a separate Charitable Solicitation Permit will be required.

CONTACT INFORMATION		
Name:	Lauren Clyman	
Address:	311 Peruvian Avenue Palm Beach, FL 33480	E-mail: LClyman@palmbeachpreservation.org
Phone Number:	561.832.0731	Cell #:

APPLICATION FOR SPECIAL EVENT PERMIT

EVENT INFORMATION	
Name:	Annual Dinner Dance
Address/ Location:	100 Bradley Place Palm Beach, FL 33480 / Bradley Park
Day and Date	Friday, March 1st, 2024
Start and End Time **Note:** 5 hour time limit including set-up and clean-up	6pm - 11pm
Purpose:	to fund the operating budget of approx. $1.6 mil

Provide a detailed description of activities – include maps, pictures, and illustrations.
Note: No amplified music.

cocktails, dinner, music, dancing

Approximate number of participants:	450.	Approximate number of spectators:	none

TRAFFIC/PARKING INFORMATION

Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify:

yes, will be requesting the assistance of off duty Palm Beach officers

List the different forms of transportation to be used by participants: personal vehicles

Where will event attendees park? **(Note: Royal Poinciana Plaza parking is not permitted.)**

Flagler Museum via valet

Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used:

250 personal vehicles parked at Flagler museum via valet

Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and or shut down of the non-permitted valet services (www.townofpalmbeach.com) (On the Home page, click on "Doing Business", then go to "Permits and Licenses".)

APPLICATION FOR SPECIAL EVENT PERMIT

STRUCTURE/TENT INFORMATION

Will a temporary structure/tent be used? If yes, provide the size (a separate permit is required in the Planning, Zoning and Building Department for tents/stages):

Yes see diagram

INSURANCE INFORMATION

Name of Applicant's Insurance Company:	Mark Edwards Partners LLC	
Address:	505 Park Avenue NY, NY 10022	Phone #: 212.355.5005

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than $1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. **Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form.** **Y / N**

CLEANUP INFORMATION

Outline provisions for immediate cleanup after Special Event:

Clean up will commence immediately following the end of the event by PFBB staff and all hired vendors.

CHECKLIST

Before you sign and date your special event application, please make sure that the following steps have been completed:

- [ ] Complete all the necessary information
- [x] Pay application fee, usage fee and refundable damage deposit
- [x] Attach a site plan
- [x] Attach a Certificate of Insurance
- [ ] Set up a pre and post inspection meeting with Public Works Staff and Police (if applicable)
- [ ] For events that require tents – please fill out a tent permit application (separate)

PAYMENT INFORMATION

An application fee is due upon the time of submittal if the application is received at least 45 days in advance. A fee of $100 will be assessed in the event of a late application.

Any individual or organization that holds an event on Town of Palm Beach property that does not abide by the authorized use, rules and regulations, or that causes additional costs to the Town may lose all or a portion of their damage deposit. **Damage deposit and the applicable usage fees are due upon receipt of the permit. Payments may be made by cash, credit card or by check made payable to the Town of Palm Beach. (see fee table below).**

For office use only:

Date application fee payment received:		Cash	Check No.	Credit Card
Date damage deposit and non-resident usage fee received:		Cash	Check No.	Credit Card

Fee Table for Special Events

	Non-Refundable Application Fee	Late fee if application not received 45 days in advance of event	Refundable Damage Deposit	Non-Resident Usage Fee
Bradley Park (100 Bradley Pl)	$300	$100	50 people or less: $400 51-100 people: $1,000 Over 100 people: $2,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (2185 S Ocean Blvd)	$300	$100	50 people or less: $200 51-100 people: $400 Over 100 people: $1,000	50 people or less: $100/hr 51-100 people: $250/hr Over 100 people: $400/hr
Phipps South Ocean Park (Chickee Hut Only) (2185 S Ocean Blvd)	$300	$100	$150	$100/hr
Public Beaches	$300	$100	$150	$0
All Other Public Spaces	$300	$100	$150	$0
Lake Drive Park	This park is no longer available for special events.			
Phipps Plaza Park	Prohibition will sunset 8/14/22			
Memorial Park	This park is no longer available for special events.			

REGULATIONS

The following regulations apply to all Special Events held within the Town as per the attached Section 106.257 of the Town Code of Ordinances:

1.	**There shall be no more than one Special Event held at the location requested on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.**
2.	**The maximum total duration of each Special Event including the set-up and clean-up thereof shall be five hours.**
3.	**Any signs, props, or displays used in conjunction with the Special Event must be removed immediately after the time permitted for the Special Event has expired.**
4.	**The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.**
5.	**The use of decorated vehicles and trailers in connection with the event is prohibited.**
6.	**The granting of a Special Event Permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the Town shall be empowered to apportion such streets and intersections for simultaneous use by Special Event participants and vehicular and pedestrian traffic.**
7.	**The concentration of persons and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to areas contiguous to the assembly area or other areas of Town.**
8.	**There are sufficient parking places near the site of the Special Event to accommodate the approximate number of automobiles reasonably expected to be driven to the Special Event.**
9.	**The event is not otherwise in violation of ordinances or regulations of the Town, state, or federal law.**

APPLICANT AGREEMENT

The applicant from page 1 by endorsement, agrees to the following statement:

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein including the requirement that the Special Event chairperson or other person heading or leading such Special Event shall carry the Special Event Permit upon his/her person during the conduct of the Special Event and shall present at the Special Event.

Any person determined to be in violation of the provisions of the Town Code regulating Special Events on public property, not relating to revocation of the permit, where such a violation also constitutes violation of any law or regulation of the State, such violation shall be punished in the same manner and with the same limits as is provided by law or regulation, it shall be punished by a fine of not more than $500.00 or a term of imprisonment not in excess of 60 days, or both such fine and imprisonment, in discretion of the court.

SIGNATURES OF APPLICANT AND WITNESS:

Amanda H. Skier
Signature of Applicant

Susan Morin
Signature of Witness

Amanda H. Skier
Print Name

Susan MORIN
Print Name of Witness

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/08/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Barry Zimberg	
Mark Edward Partners LLC 505 Park Ave. New York NY 10022	PHONE (A/C, No, Ext): (212) 355-5005	FAX (A/C, No): (212) 813-8085
	E-MAIL ADDRESS: bjz@markedwardpartners.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Atlantic Specialty Insurance Company	
INSURED Preservation Foundation of Palm Beach 311 Peruvian Ave Palm Beach FL 33480-4637	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** CL2271911662 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [X] LOC [ ] OTHER:			710-03-10-19-0011	07/20/2022	07/20/2023	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [ ] If yes, describe under DESCRIPTION OF OPERATIONS below	N/A						[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Dinner Dance Event on March 1, 2024

The certificate holder is included as an additional insured as required by written contract, subject to the terms and conditions of the policy. 30 Day Notice of cancellation applies except 10 days for non-payment of premium.

CERTIFICATE HOLDER

Town of Palm Beach
350 South County Road
Palm Beach FL 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mark Edward Partners LLC

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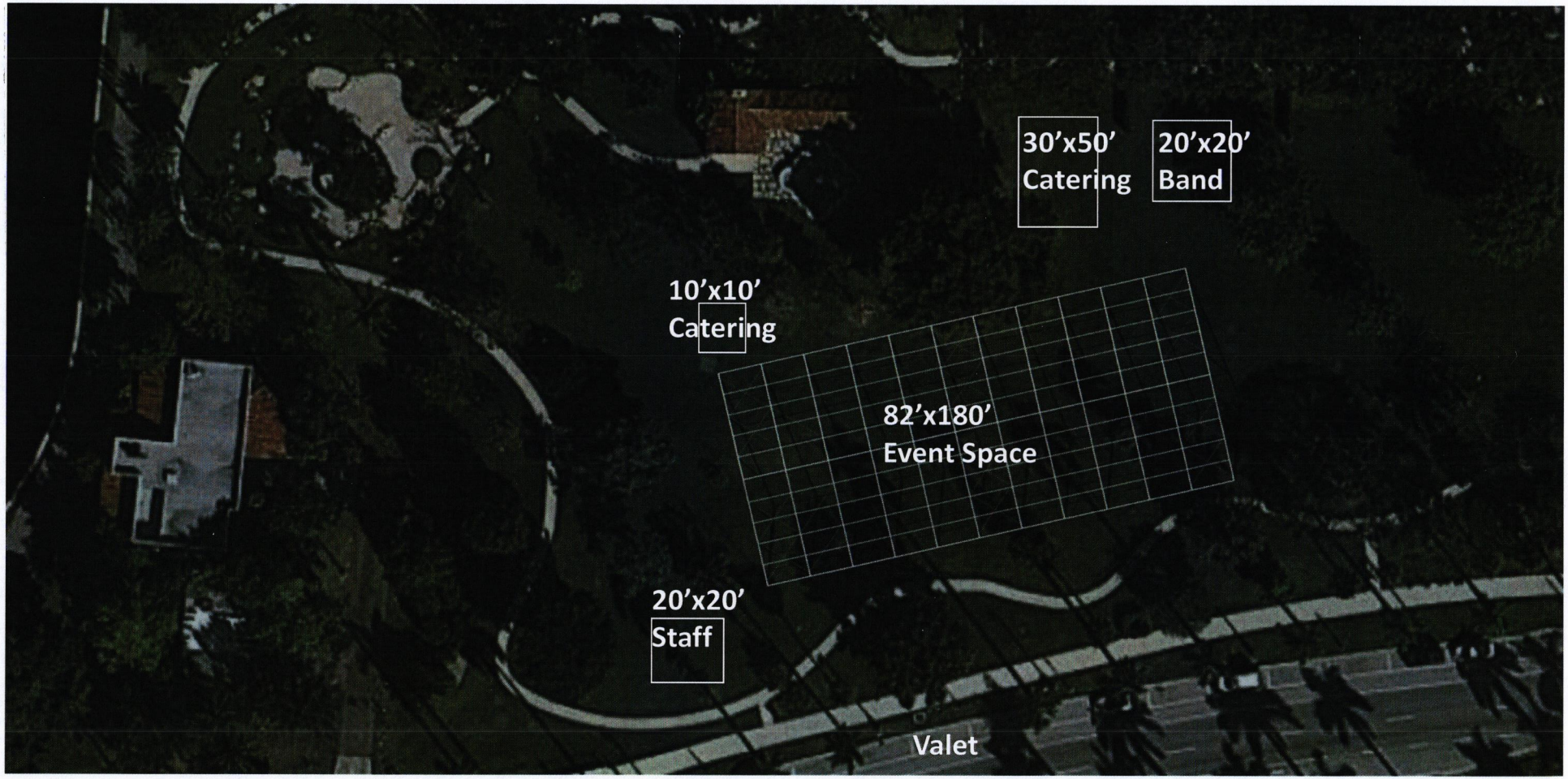

30'x50'
Catering
20'x20'
Band
10'x10'
Catering
82'x180'
Event Space
20'x20'
Staff
Valet

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIV OF ALCOHOLIC BEVERAGES & TOBACCO

THE CATERER HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 565, FLORIDA STATUTES
SERIES: 13CT
CONSUMPTION ON PREMISES ONLY

NOSH CATERING & EVENTS LLC

NOSH CATERING & EVENTS
2211 N DIXIE HIGHWAY
LAKE WORTH FL 33460

LICENSE NUMBER: BEV6017616

EXPIRATION DATE: MARCH 31, 2024

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS

THE NON-SEATING FOOD SERVICE (2010) HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 509, FLORIDA STATUTES
NBR. OF SEATS: 0

NOSH CATERING & EVENTS LLC

NOSH CATERING & EVENTS
1710 N DIXIE HWY
LAKE WORTH FL 33460

LICENSE NUMBER: NOS6020173

EXPIRATION DATE: DECEMBER 1, 2023

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

10333

PRESERVATION FOUNDATION OF PALM BEACH

To: Town of Palm Beach

5/10/2023

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
2024 DD App. Fee	5/10/2023	2024 Dinner Dance Application Fee	$300.00	$0.00	$300.00
		Totals:	**$300.00**	**$0.00**	**$300.00**

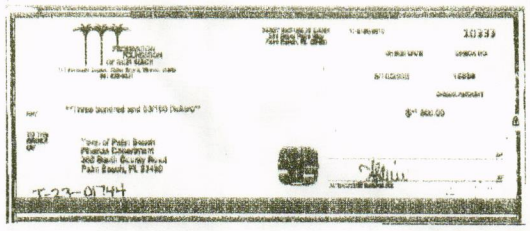
Application Fee
T-23-01744

Town of Palm Beach
Finance Department
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5400
www.townofpalmbeach.com
Welcome

031126-0002 Rebecca M 05/18/2023 09:11AM

FINANCE
Payment Tran Code:
Clerk's Office (Clerk)
Description: Preservation Foundation - T-23-01744
Clerk's Office (Clerk)
2023 Item: Clerk

Clerk's Office (Clerk)	300.00
001.329.930	300.00C
	300.00
Subtotal	**300.00**
Total	**300.00**
CHECK	300.00
Check Number010333	
Change due	**0.00**



Thank you for your payment

CUSTOMER COPY

10335

PRESERVATION FOUNDATION OF PALM BEACH

To: Town of Palm Beach

5/10/2023

INVOICE NUMBER	DATE	DESCRIPTION		AMOUNT	DISCOUNT	NET AMOUNT
Refundable Deposit	5/10/2023	2024 Dinner Dance Refundable Deposit		$2,000.00	$0.00	$2,000.00
			Totals:	**$2,000.00**	**$0.00**	**$2,000.00**

> Deposit
T-23-01744

Town of Palm Beach
Finance Department
360 S. County Rd
Palm Beach, FL 33480
(561) 838-5400
www.townofpalmbeach.com
Welcome

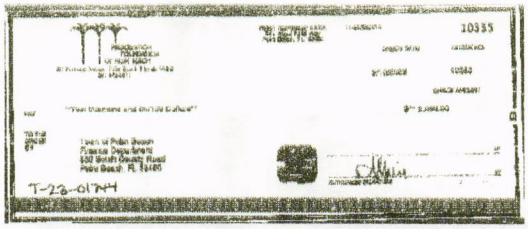
031126-0004 Rebecca M 05/18/2023 09:15AM

FINANCE
Payment Tran Code:
Clerk's Office (Clerk)
Description: T-23-01744
Clerk's Office (Clerk)
2023 Item: Clerk
Clerk's Office (Clerk) 2,000.00

001.329.930 2,000.00C

2,000.00

Subtotal	**2,000.00**
Total	**2,000.00**
CHECK	2,000.00
Check Number010335	
Change due	**0.00**



Thank you for your payment

CUSTOMER COPY
DUPLICATE RECEIPT

TOWN OF PALM BEACH
Town Council Meeting on: June 13, 2023

Section of Agenda
Board/Commission Annual Report

Agenda Title
Annual Report of the Code Enforcement Board

Presenter
Bram Majtlis, Chair

ATTACHMENTS:

- **Code Enforcement Board Annual Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police NC

Re: Annual Report – Code Enforcement Board

Date: May 22, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council review the Annual Report for 2022-2023, presented by the Code Enforcement Board.

GENERAL INFORMATION

The following summarizes the activities of the Code Enforcement Board and staff beginning May 2022 through April 30, 2023.

The Code Enforcement Board consists of nine members which includes seven regular members and two alternate members. Bram Majtlis was re-elected as Chairman at the May 2023 meeting and Scotch Peloso was elected as Vice Chairman. The remaining members are Linda K. Wartow, Martin Klein, Chris Larmoyeux, Pamela Saba and John McGowan. The alternate members are Harris S. Fried and Pamela Davies.

The Code Enforcement Board considered seventy-eight new code violation cases, twenty-three fine consideration cases, fourteen fine reduction requests, and twelve old business cases. There were two foreclosure consideration cases.

$557,925.00 in fines, and $8,100.00 in administrative fees were collected.

There are no properties with daily running fines. Eight properties have non-running fines, totaling $2,783,450.00. There are ten non-property owners with non-running fines, totaling $4,000.00.

Liens in favor of the Town have been filed against property owners when appropriate.

Notice of Code Violation citations written and collected, where the violator admitted to guilt and paid the fine, totaled $14,000.

Right of Way citations written and collected, where the violator admitted to guilt and paid the fine, totaled $42,520.07.

Currently, the Code Enforcement staff is comprised of one Parking/Code Enforcement Specialist, one full-time Lead Code Enforcement Officer, one full-time Code Enforcement Officer and two full-time Code Compliance Officers.

The Code Enforcement staff received 2,380 complaints, which is an increase from last year's number of 1,828. 1,419 of the complaints were self-initiated by Code Enforcement Officers as compared to the previous year's number of 811.

5,237 inspections were completed, which has increased since the previous year of 4,185. 843 code violation warnings were written. 673 verbal warnings were given. 140 Notice of Violation letters were issued. 68 Notice of Violation citations were issued. 101 Board Orders were issued. 117 Right-of-Way violations were written all of which increased from last year.

Attached please find a list of properties with outstanding fines as of April 30, 2023.

Attachment

NC/cm

LIST OF PROPERTIES WITH OUTSTANDING FINES AS OF APRIL 30, 2023

1. 287 Pendleton Ave.
2. 226 Pendleton Ave. (2 separate code cases)
3. 255 Southland Road
4. 2299 Ibis Isle
5. 337 Worth Ave.
6. 400 Blk. S. Ocean Blvd.
7. 300 Arabian Road
8. 353 Peruvian Ave.
9. 100 Blk. Bradley Pl.
10. 142 Casa Bendita
11. 102 Reef Road
12. 240 Oleander Ave.
13. 359 S County Road.
14. 224 Atlantic Ave.
15. 323 Worth Ave. Unit A
16. 12 Via Vizcaya
17. 223 Sunset Ave.

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Committee Reports

Agenda Title
Report of the Ordinances, Rules and Standards Committee meeting held on May 23, 2023

Presenter
Julie Araskog, Chair

ATTACHMENTS:

- **May 23, 2023 ORS Report**

TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON MAY 23, 2023

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee meeting of May 23, 2023 was called to order at 9:30 a.m. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Member Cooney and seconded by Chair Araskog to approve the agenda. On roll call, the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Charlot Taylor, 2165 and 2160 Ibis Isle Road stated that she would like the Town to rescind or amend the Ordinance regarding bird feeding in Town. She commented that residents were shocked that there is a $250 per day fine for this American pastime. She suggested placing birdfeeders in various areas around Town. Chair Araskog informed her that the Council must authorize the Committee to proceed with this issue. She suggested that Ms. Taylor send an email with the request to the Town Council. Ben Alma, Support Services Manager stated that the feeding of birds and cats is not allowed on public property.

V. REGULAR AGENDA

A. Old Business

1. Further Review of Chapter 42 of the Town Code, Article V - Noise
   Paul Alber, Lieutenant, Police Dept.

Chair Araskog gave a brief historical overview regarding the Noise issue.

Paul Alber, Lieutenant, PD, referred to the Town Attorney's memo and stated that most of the noise issues were related to cars and there is a new law that is enforceable which is being used by the Police Dept. regarding any noise issues.

Chair Araskog requested an update to the information in the Town Attorney's letter dated April 4, 2022.

Lt. Alber explained the differences when individuals were exercising their first amendment rights to free speech such as during protests/demonstrations and stated that the Ordinance comes into play regarding noise from car radios in the residential/commercial areas. Lt. Alber suggested reducing the noise level regulations in Town to be similar to other municipalities. He also explained that officers wrote citations based on the Florida State Statutes and not the Town Ordinance.

There was discussion regarding the noise levels, commercial/residential areas, and amplified music. Chair Araskog requested to have our Town's current noise Ordinance at the next meeting.

Lt. Alber recommended reducing the maximum noise level for commercial and residential areas. He suggested that this issue could be included in the zoning review that is being considered for the entire Town. Chair Araskog suggested not including noise in the zoning review.

There was a discussion on creating better definitions like the Seminole County Ordinance provides and to use this ordinance to update our Noise Ordinance. Additionally, there was an explanation from Lt. Alber regarding dB (C) and discussion about whether the ordinance dB(C) would be accepted in the Courts. The dB(C) readings involve the bass level sounds that were discussed by the ORS Committee previously. Lieutenant Alber did not think it had been used in Seminole County yet to cite people. There was concern by Chair Araskog that using Seminole's new ordinance which had not been tested in the court system could bring legal issues to the Town. Member Cooney suggested that staff try to find and provide to the Committee the information from the consultant used by Seminole County when drafting their ordinance.

Additionally, there was a discussion regarding the Court case that affirmed readings of decimal levels from 100 feet and the Court denying measurements from 25 feet and whether the Town's ordinance requiring a reading from 50 feet would stand up in Court.

In discussing the recommendation by staff to use the Seminole County Ordinance to change our Town Ordinance, Chair Araskog also requested that our Town attorney or a lawyer who specializes on noise ordnances advise the committee on whether changes to the Ordinance could trigger first amendment or other legal issues. It was asked that Lieutenant Alber meet with our Town attorney or a specialist before the Committee revisits the Noise Ordinance and that an attorney be present. Additionally, the committee asked for an update to the legal document written two years ago [Dec. 29, 2021] from Jones Foster to reflect any new laws.

Responding to a question from Member Cooney in regard to the breakdown of noise complaints in the backup and whether these were complaints that involved citations, Lt. Alber stated that the noise complaints were pulled from the Police Department's CAD system and were not necessarily cited. Chair Araskog requested a breakdown of the areas where the complaints were reported.

Mr. Alma explained that a member of the Code Enforcement Board was present and requested that he leave the room before any further discussion.

Manager Alma spoke regarding two businesses (Taboo and Meat Market) where the locations were grandfathered as cabarets. Chair Araskog suggested having the Town Attorney opine on the grandfathering issue before any changes to the Noise Ordinance. Member Cooney requested that he be given a decibel reading demonstration by Manager Alma's staff.

B. New Business

1. Discussion Regarding the use of Motorized Vehicles/Devices (eBikes, electric scooters, etc.) on Sidewalks and in the Business District of Palm Beach

Chair Araskog began the discussion by referring to the various complaints received regarding this issue. She highlighted that a lot of the violations occurred on the Bike Trail. She discussed the issues of bicycles on sidewalks on Worth Avenue and the complaints she had received there too.

Lt. Alber explained that the Town has an Ordinance that prohibits motorized vehicles on the Bike Trail such as e-Bikes and electric scooters except personal mobility vehicles and an Ordinance that prohibits bicycle riding and skateboarding on the sidewalks in the business district. He stated it would be extremely difficult to enforce an extension of the prohibition to all sidewalks and other areas in Town. Member Cooney stated most of the complaints he received were regarding the Lake Trail. Lt. Alber stated that the statistics showed that the officers patrol that area several times per day, but they did not

encounter the violations being reported.

Manager Alma suggested having the Town Attorney include the use of motorized medical equipment in the Ordinance as the department had received a complaint of someone using a motorized wheelchair on the Lake Trail which is legal under ADA. Manager Alma stated that the Florida Dept. of Transportation (FDOT) would like to add bike lanes to some streets in Town.

Martin Klein, 1060 N. Ocean Boulevard spoke regarding the dangers to pedestrians by allowing bicycles on the Lake Trail.

Lt. Alber stated that the speed readers were re-calibrated to read the low speeds on the Lake Trail. The statistics show that the data does not align with the perception of the speed on the trail. Chair Araskog suggested lowering the speed limit from 10 to 5 miles per hour. Lt. Alber stated that enforcement at that low level would be almost impossible as the speed readers or radar could not read that low mileage.

Lt. Alber summarized that the information requested such as case law on noise ordinances and expert opinion regarding the Ordinance's success in a court of law should be supplied by the Town Attorney. He also stated that a general prohibition of motorized devices on all sidewalks in Town was not recommended, but we could have further discussion on this topic at the next meeting.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

Motion was made by Member Cooney and seconded by Chair Araskog to adjourn the Ordinances, Rules and Standards committee meeting of May 23, 2023, at 10:30 AM. On roll call, the Motion passed unanimously.

APPROVED:

_____
Julie Araskog, Chair

ATTEST:

_____
Pat Gayle-Gordon, Deputy Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Regular Agenda - Old Business

Agenda Title
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

Presenter

ATTACHMENTS:

- **a. Memorandum dated May 30, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- **b. Memorandum dated May 31, 2023, H. Paul Brazil, P.E., Director of Public**
- **b. Ongoing Construction Projects**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 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: May 30, 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 84% complete. Almost all equipment has been installed. The last areas being worked on are Gulfview's alley and behind the Colony and Esplanade. These areas were significantly more difficult to complete due to limited room and access. The contractor has worked with the property owners to schedule the work to optimize the ability of the property owners' access to each property. Switching of primary feeders has begun. This effort is scheduled and dependent on FPL release of orders.

- 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 93% complete. All equipment has been installed. All FPL conversations have been completed. Comcast and ATT are finalizing their work. Poles will begin to be removed in June. 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 43% 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 70% 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 54% 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 13% 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 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 80 (95%) 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.
- 46 of 54 (85%) easements approved.

Phase 8:
Royal Poinciana Way north to Everglade Avenue

- Design is 42% complete and on schedule.
- 13 of 99 (13%) 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%**

cc: Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
April 30, 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	$ 14,303,710	87.1%
Phase 4	$ 10,370,000	$ 15,220,000	$ 18,384,239	$ 11,662,335	63.4%
Phase 5 (Includes $8.5 Million FEMA Grant Offset**)**	$ 14,090,000	$ 11,694,645	$ 17,950,916	$ 11,718,999	65.3%
Phase 6	$ 16,820,000	$ 20,800,000	$ 19,966,261	$ 4,752,258	23.8%
Phase 7	$ 11,730,000	$ 15,910,000	$ 1,885,054	$ 1,693,184	89.8%
Phase 8	$ 12,300,000	$ 14,500,000	$ 1,446,577	$ 812,347	56.2%
Total Project Costs To Date	$ 98,010,000	$ 119,904,645	$ 102,279,219	$ 71,170,791	69.6%
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	$ 105,236,625	$ 73,920,862	70.2%
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	$ 105,926,942	$ 91,202,598	86.1%

Total Project Budget - Opinion of cost for construction		$ 122,862,050
% Budgeted/Encumbered To Date Project Costs		85.65%
% Spent to Date - Project Costs		60.17%

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
April 30, 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%**
Utlity 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%**
Utlity 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
April 30, 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**			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			**$ 64,936**	$ 64,935	100.0%
Task 1.5 Easement Assistance South			**$ 77,466**	$ 77,467	100.0%
Surveys					
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
April 30, 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 Cohlan			**$ (17,647)**	**(17,647)**	**100.0%**
Total Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**	**$ 5,452,205**	**$ 5,452,150**	**100.0%**
Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**			
Preconstruction			**$ 33,400**	33,400	100.0%
Construction			**$ 8,029,385**	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**	256,716	79.6%
Total Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**	**$ 9,743,496**	**$ 7,625,060**	**78.3%**
Easement Acquisition/Abandonment	**$ 260,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			**$ 273,390**	$ 271,913	99.5%
Easement Amendment			**$ 49,285**	$ 49,198	99.8%
Surveys					
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**	**$ 14,303,710**	**87.1%**

Underground Utility Project Budget
Phase 4 Project Costs
April 30, 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**	279,876	86.3%
Total Phase 4 North Construction	**$ 4,605,000**	**$ 6,275,000**	**$ 6,159,520**	**5,415,116**	**87.9%**
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**	124,877	37.4%
Total Phase 4 South Construction	**$ 4,710,000**	**$ 7,640,000**	**$ 10,873,257**	**4,902,360**	**45.1%**
Easement Acquisition/Abandonment	**$ 240,000**	**$ 411,000**			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			**$ 280,270**	280,254	100.0%
Easement Assistance (KH) -- Switches			**$ 67,747**	67,481	99.6%
Easement Assistance (KH)			**$ 59,369**	59,355	100.0%
Surveys					
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**	**451,508**	**98.7%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 15,220,000**	**$ 18,384,239**	**11,662,335**	**63.4%**

Underground Utility Project Budget
Phase 5 Project Costs
April 30, 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**	218,432	65.4%
Total Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**	**$ 7,854,009**	**$ 5,906,761**	**75.2%**
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**	105,172	31.5%
Total Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**	**$ 8,555,071**	**$ 4,281,940**	**50.1%**
Easement Acquisition/Abandonment	**$ 330,000**	**$ 365,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 218,600**	$ 218,536	100.0%
Easement Assistance			**$ 81,086**	$ 78,699	97.1%
Surveys					
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**	**$ 11,718,999**	**65.3%**

Underground Utility Project Budget
Phase 6 Project Costs
April 30, 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**	36,698	10.7%
Total Phase 6 North Construction	**$ 4,790,000**	**$ 6,615,000**	**$ 8,547,243**	**$ 2,111,668**	**24.7%**
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**	18,648	5.4%
Total Phase 6 South Construction	**$ 10,270,000**	**$ 12,298,000**	**$ 9,563,016**	**$ 837,657**	**8.8%**
Easement Acquisition/Abandonment	**$ 400,000**	**$ 447,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 351,594**	$ 328,663	93.5%
Surveys					
Legal Sketch			**$ 58,415**	$ 30,447	52.1%
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**	**$ 362,965**	**87.2%**
Total Phase 6 Costs	**$ 16,820,000**	**$ 20,800,000**	**$ 19,966,261**	**$ 4,752,258**	**23.8%**

Underground Utility Project Budget
Phase 7 Project Costs
April 30, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	$ 450,000		$ 492,488	$ 487,563	99.0%
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**	**$ 1,170,695**	**94.6%**
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**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 346,459**	$ 346,356	100.0%
Easement Assistance			**$ 69,964**	$ 69,919	99.9%
Surveys					
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**	**$ 1,693,184**	**89.8%**

Underground Utility Project Budget
Phase 8 Project Costs
April 30, 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	$ 514,509	50.0%
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	$ 17,855	19.9%
Total Phase 8 Design	**$ 1,010,000**	**$ 1,151,000**	**$ 1,150,919**	**$ 532,363**	**46.3%**
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**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 227,724**	$ 224,911	98.8%
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**	**$ 266,824**	**94.5%**
Total Phase 8 Costs	**$ 12,300,000**	**$ 14,500,000**	**$ 1,446,577**	**$ 812,347**	**56.2%**

Underground Utility Project Budget
Other Project Costs
April 30, 2023

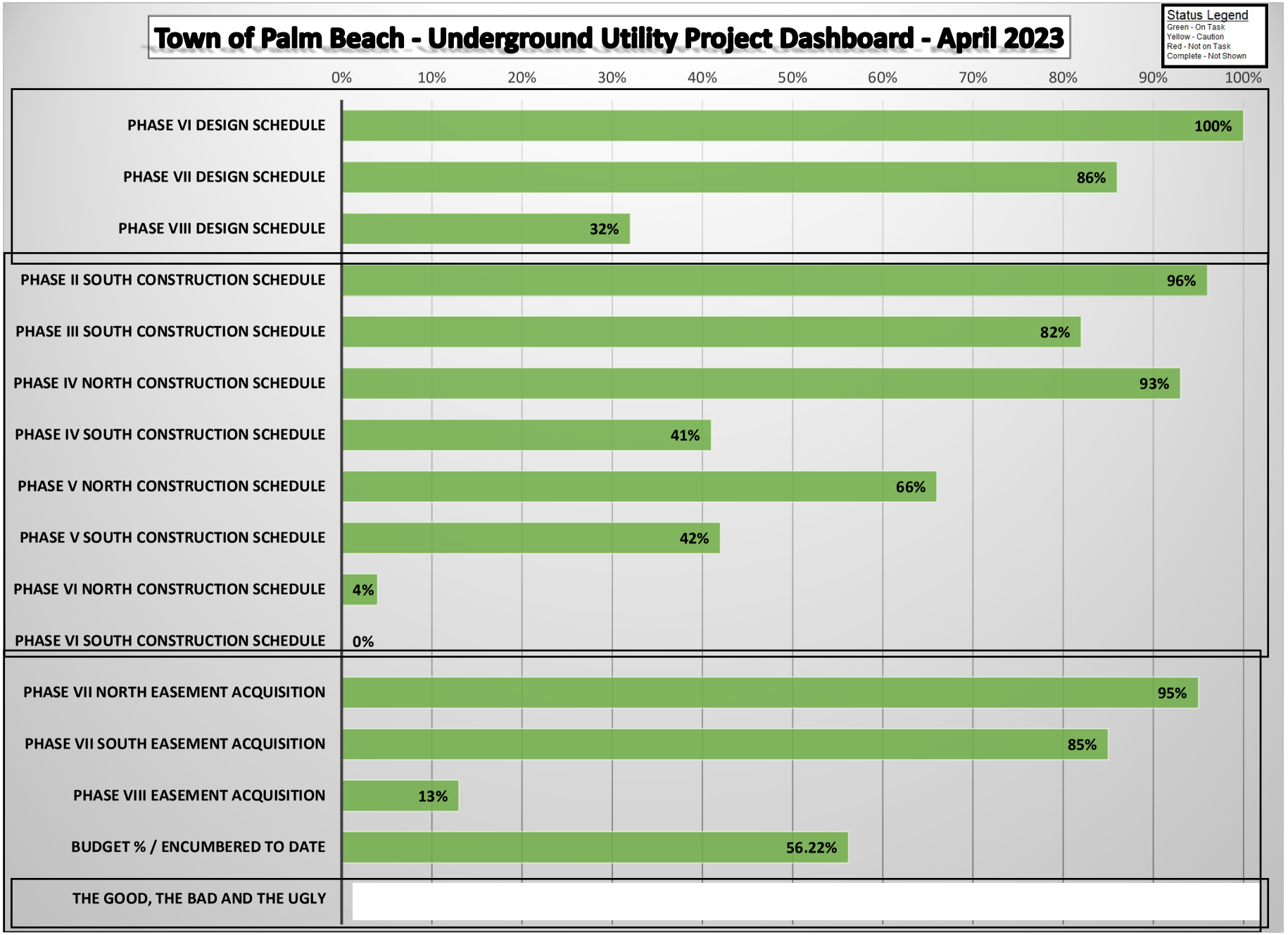
Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	$ 23,511	$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	$ 161,756	$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	$ 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 (Shef Wright)		$ 24,799	
Telecommunications Consultant	**$ 89,000**	$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 23,735	67.8%
Total Related Costs Outside of the Budget	**$ 690,317**	**$ 1,679,132**	**243.2%**


Town of Palm Beach - Underground Utility Project Dashboard - April 2023
Status Legend
Green - On Task
Yellow - Caution
Red - Not on Task
Complete - Not Shown
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
PHASE VI DESIGN SCHEDULE
100%
PHASE VII DESIGN SCHEDULE
86%
PHASE VIII DESIGN SCHEDULE
32%
PHASE II SOUTH CONSTRUCTION SCHEDULE
96%
PHASE III SOUTH CONSTRUCTION SCHEDULE
82%
PHASE IV NORTH CONSTRUCTION SCHEDULE
93%
PHASE IV SOUTH CONSTRUCTION SCHEDULE
41%
PHASE V NORTH CONSTRUCTION SCHEDULE
66%
PHASE V SOUTH CONSTRUCTION SCHEDULE
42%
PHASE VI NORTH CONSTRUCTION SCHEDULE
4%
PHASE VI SOUTH CONSTRUCTION SCHEDULE
0%
PHASE VII NORTH EASEMENT ACQUISITION
95%
PHASE VII SOUTH EASEMENT ACQUISITION
85%
PHASE VIII EASEMENT ACQUISITION
13%
BUDGET % / ENCUMBERED TO DATE
56.22%
THE GOOD, THE BAD AND THE UGLY

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Review of Right-of-Way Impacts from Ongoing Construction

DATE: May 31, 2023

STAFF RECOMMENDATION

Town staff is providing an overview of construction within the Town that is impacting traffic.

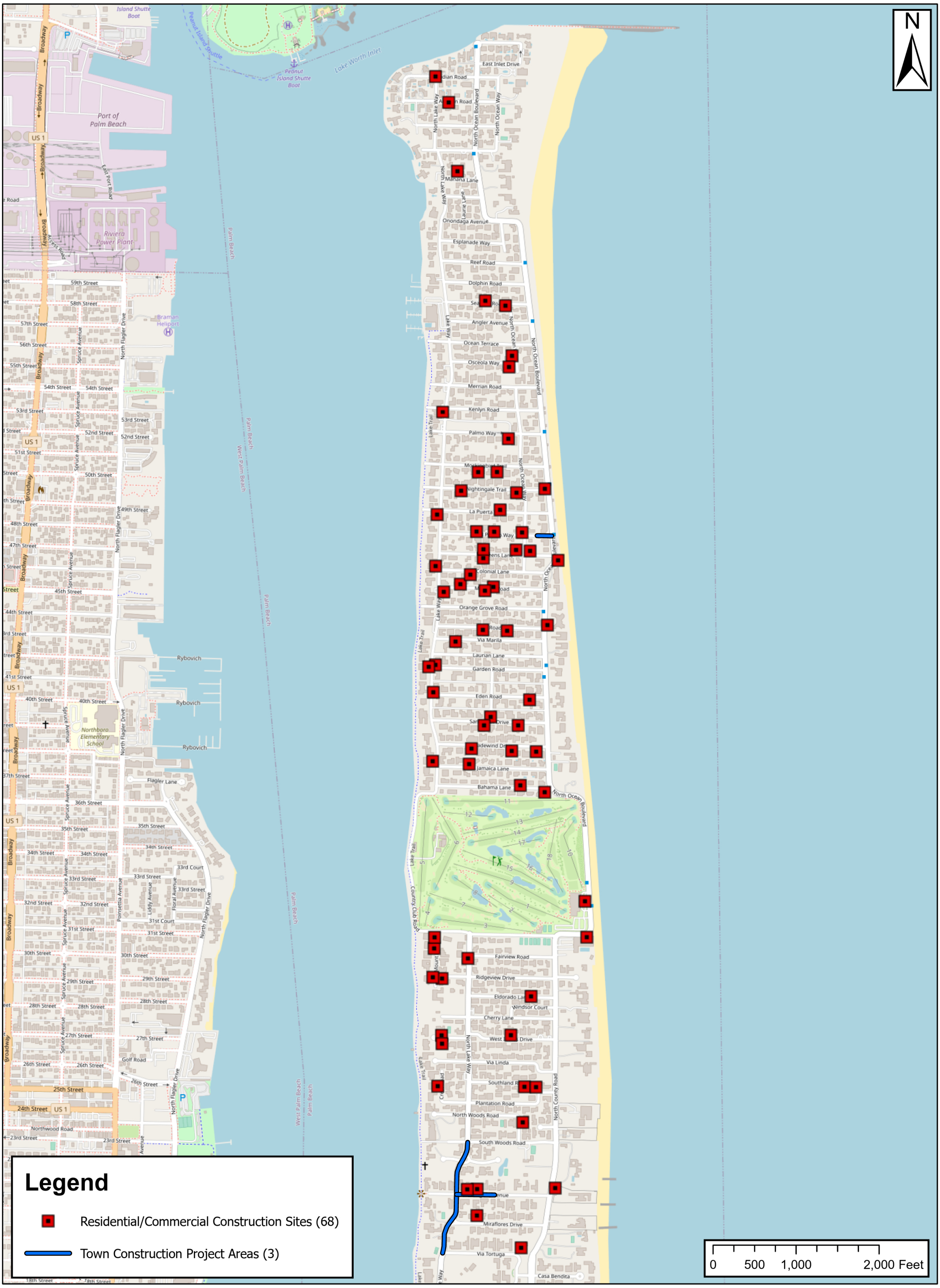
GENERAL INFORMATION

Residents throughout the Town are feeling the effects of the significant construction taking place in the Town of Palm Beach. The Public Works Department is overseeing Town Capital Projects such as Town-wide Undergrounding, summer tree trimming, and sewer pipe lining. There are also two bridge projects being performed by the Florida Department of Transportation; painting the Royal Palm Way bridge which will be ongoing all summer and the bridge replacement of the Southern Boulevard Bridge which is coming to a conclusion. In addition to these projects, staff has identified in a two-day period over 180 ongoing private construction projects that impact the right of way over the course of the project life. The attached exhibits are a snapshot of active projects within the Town over a two-day period. Staff did a visual inspection in an effort to capture what the daily impacts are on Town residents.

The Town projects all have Right-of-Way permits. The private construction projects do not all have existing right of way permits, but due to the type of construction, there is definitely traffic impacts either due to the work, deliveries, and employees traveling to and from the project site. While this information is a snapshot in time, the private construction is not slowing down. The attached exhibits will be presented for discussion at the Town Council meeting.

FUNDING/FISCAL IMPACT

There is no funding impact from this review.



Map Location:
Town-wide

Map Description:
This map shows approximate locations of residential/commercial construction sites, as well as Town and FDOT project areas within Town boundaries.

Ongoing Construction Projects on 05/23/2023

GIS Department

Sheet No. 1 of 4

Date	5/25/2023

Legend

- Residential/Commercial Construction Sites (84)
- Town Construction Project Areas (18)
- FDOT Bridge Construction Projects (1)

0 500 1,000 2,000 Feet

Map Location:
Town-wide

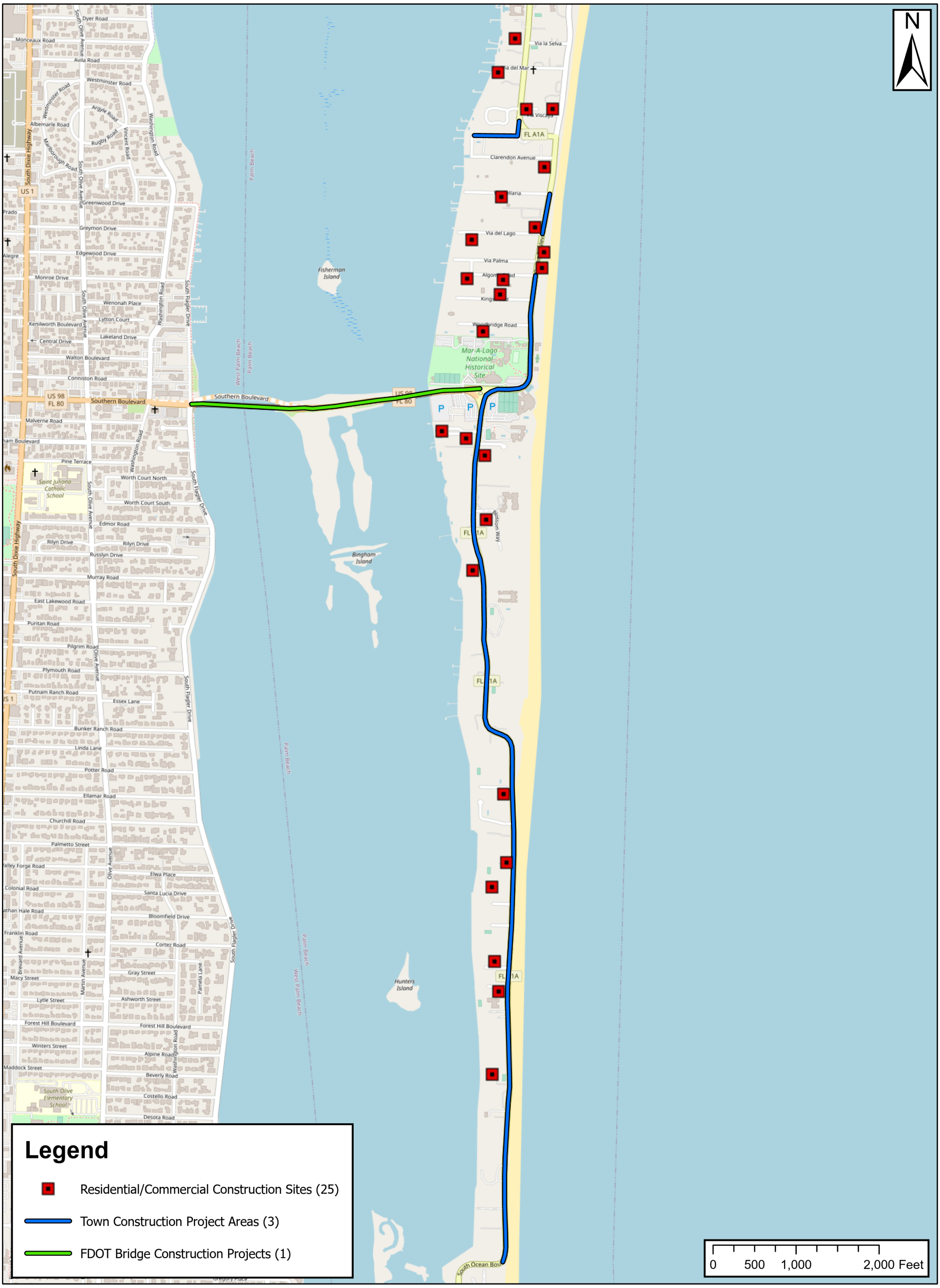
Map Description:
This map shows approximate locations of residential/commercial construction sites, as well as Town and FDOT project areas within Town boundaries.

Ongoing Construction Projects on 05/23/2023

GIS Department

Sheet No. 2 of 4

Date 5/25/2023



Map Location:
Town-wide

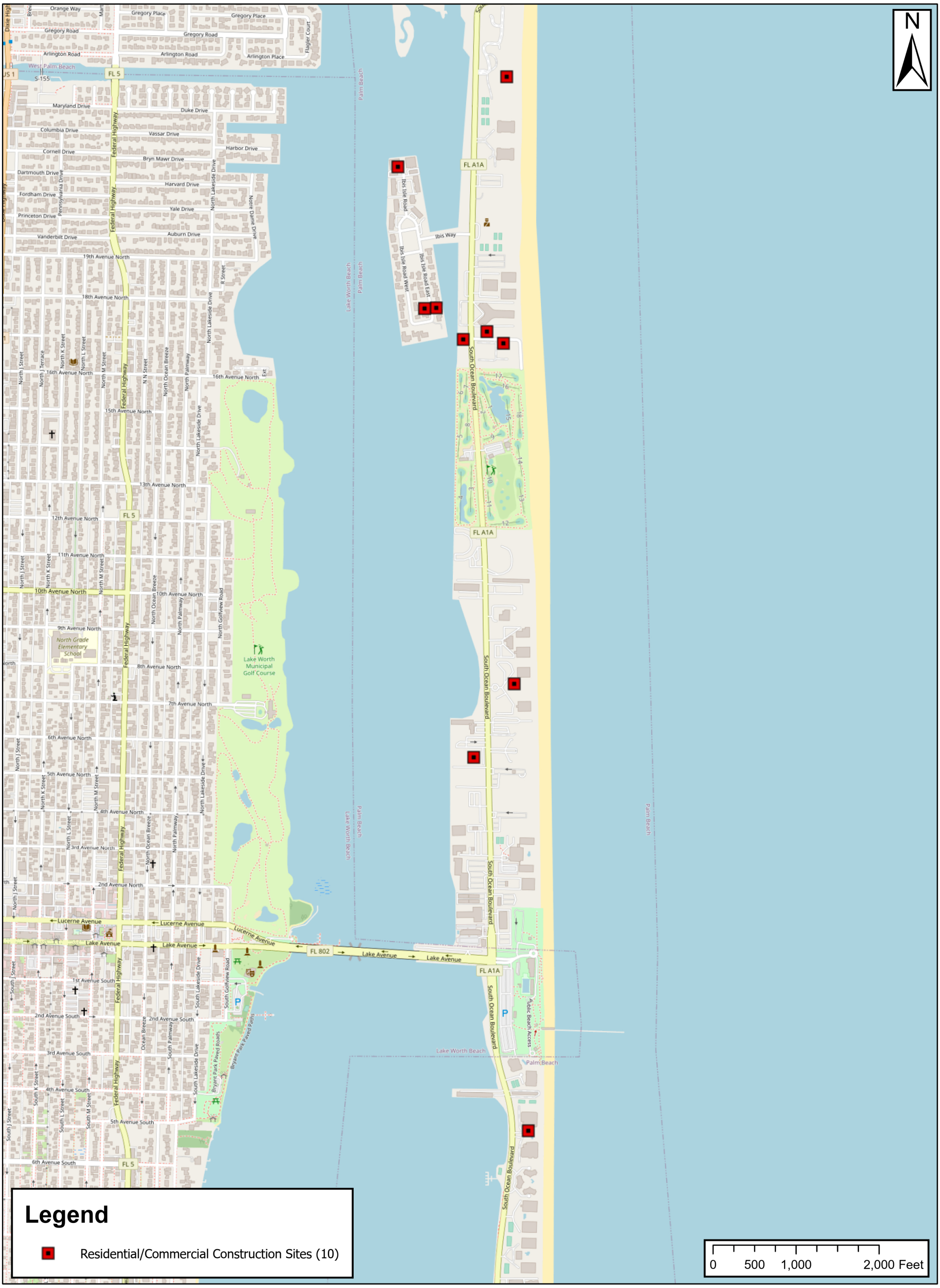
Map Description:
This map shows approximate locations of residential/commercial construction sites, as well as Town and FDOT project areas within Town boundaries.

Ongoing Construction Projects on 05/23/2023

GIS Department

Sheet No. 3 of 4

Date 5/25/2023



Legend

Residential/Commercial Construction Sites (10)

Map Location:
Town-wide

Map Description:
This map shows approximate locations of residential/commercial construction sites, as well as Town and FDOT project areas within Town boundaries.

Ongoing Construction Projects on 05/23/2023

GIS Department

Sheet No. 4 of 4

Date 5/25/2023

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Code Enforcement Board Referral -Trevini Restaurant and Palm Beach Parking Valet Violations

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- **Memorandum Dated May 31, 2023, from Nicholas Caristo, Chief of Police**
- **Attachment A - 3/18/23 Notice of Violation**
- **Attachment B - 4/1/23 Notice of Violation**
- **Attachment C - Code Enforcement Board Order**
- **Attachment D - Valet Permit Application**
- **Attachment E -Valet Parking Permit**
- **Attachment F - Zoning Agreement Z-19-00184**
- **Attachment G - Parking Agreement - 254 Sunset Avenue**
- **Attachment H - Photos**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Code Enforcement Board Referral – Trevini Restaurant (223 Sunset Ave.)

Date: May 31, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council review the Code Enforcement Board's referral and provide guidance on possible declaration of use restrictions or revocation/suspension of the existing valet parking permit.

GENERAL INFORMATION

The Palm Beach Police Department began receiving complaints in March of 2023 regarding the failure of Trevini's valet service (provided by Palm Beach Parking) in complying with their issued valet parking permit. The issued permit indicates that valet parked vehicles were to be parked solely in the 223 Sunset Avenue garage. On 3/15/2023 and 3/17/2023 Palm Beach Parking was issued verbal warnings for parking vehicles in the Publix parking lot. On 3/18/2023 Palm Beach Parking was issued a Notice of Violation for continuing to park vehicles in the Publix parking lot instead of the approved 223 Sunset Avenue garage. On 4/1/2023 they were issued a second Notice of Violation for continuing to park in the Publix loading area and also blocking a sidewalk.

On 4/20/2023, Palm Beach Parking appeared before the Code Enforcement Board on behalf of the valet permit holder, Trevini. They were found to be in violation of both Notices issued, fined, and referred to the Town Council for review. At the May 9, 2023, regular Town Council meeting, the Town Council deferred this matter to the regular Town Council meeting on June 13, 2023. Attachments include 3/18/23 (Attachment A) and 4/1/23 (Attachment B) Notice of Violations, the Code Enforcement Board Order (Attachment C), Trevini's Valet Parking Permit Application (Attachment D), Trevini's Valet Parking Permit (Attachment E), 4/23/19 Zoning Agreement (Attachment F), 4/27/23 Parking Agreement (Attachment G), and violation photographs (Attachment H).

Attachment

cc: Robert Miracle, Deputy Town Manager
Carolyn Stone, Deputy Town Manager
Wayne Bergman, Director of Planning, Zoning, and Building
Code Enforcement Board

Attachment A

10274

TOWN OF PALM BEACH
POLICE DEPARTMENT
Code Enforcement Unit
Notice of Violation

Steve / Jesse

Palm Beach Parking
Respondent's Name

Palm Beach Parking
Name of Company/Resident/Business

Verbal Warning 3-15-23 / 3-17-23
Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Sat. (day), March 18 2023 (date) at 2101 hrs (time),

a violation of Valet Parking Regulations (description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 118-155 (chapter and section)

occurred at: 223 Sunset Ave (violation address)

CE 23-370

YOUR OPTIONS ARE INDICATED BELOW:

☐ **1) YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is $_____

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

☒ **2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD** on Thursday, April 20, 2023 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

_____
Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be $250 for a first offense, $500 for repeat offenses, or a maximum of $5,000 if irreparable in nature, in addition to the administrative costs.

J OLIVARES 10272	3-18-23	2110 hrs	CE 23-370 2023-077-166
Code Enforcement/Police Officer - I.D.	Date	Time	Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

_____
Signature of Respondent

WHITE - PD Case File BLUE - PD Log GREEN - Finance CANARY - Respondent

9814

TOWN OF PALM BEACH
POLICE DEPARTMENT
Code Enforcement Unit
Notice of Violation

Respondent's Name

Palm Beach Parking
Name of Company/Resident/Business

Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Sat (day), April 1 (date), 2023 at 2132 hrs (time),

a violation of Valet Parking Regulation (description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 48-155 (chapter and section)

occurred at: 223 Sunset Ave (violation address)

YOUR OPTIONS ARE INDICATED BELOW:

☐ **1) YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is $_____

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

☒ **2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD** on Thursday, April 20, 2023 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

CE 23-370

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

_____
Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be $250 for a first offense, $500 for repeat offenses, or a maximum of $5,000 if irreparable in nature, in addition to the administrative costs.

J Olivares 10272	4-1-23	2147 hrs	2023-091-176
Code Enforcement/Police Officer - I.D.	Date	Time	Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

_____
Signature of Respondent

WHITE - PD Case File BLUE - PD Log GREEN - Finance CANARY - Respondent

TOWN OF PALM BEACH
POLICE DEPARTMENT

DEDICATED TO EXCELLENCE

April 20, 2023

BEFORE THE CODE ENFORCEMENT BOARD OF THE TOWN OF PALM BEACH

ORDER FINDING VIOLATION

CERTIFIED MAIL: 9314 8699 0430 0106 5539 09

Palm Beach Parking & Valet Service
1499 Forest Hill Blvd., Suite 105
West Palm Beach, FL 33406

Re: Case # CE 23-370, 223 Sunset Ave., Palm Beach Parking:
Violation of Chapter 118, Section 118-155 of the Town of Palm Beach Code of Ordinances states any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set forth in section 1-14. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

The Code Enforcement Board heard testimony at the Code Enforcement Board Hearing held the 20th day of April 2023, and based on the evidence, the Code Enforcement Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER.

FINDINGS OF FACT

1. The Town of Palm Beach Code Enforcement Officer Moriarty presented the facts of the case and entered evidence into the record.

2. Nick Leone was present and gave testimony in the case.

CONCLUSIONS OF LAW

Violation of Chapter 118, Section 118-155 of the Town of Palm Beach Code of Ordinances states any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set forth in section 1-14. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

ORDER

It is the order of this Board regarding Case # **CE 23-370** to find the violator in non-compliance, assess administrative costs in the amount of **$150.00, to pay $250.00 for the first citation and $500.00 for the second citation and refer this matter to the Town Council for review of the Special Usage Agreement.**

Upon complying, it is the responsibility of the violator to notify the Town of Palm Beach Code Enforcement Office at (561) 227-7080.

DONE AND ORDERED this 20th day of April 2023.

Scotch Peloso
Vice Chairman, Code Enforcement Board

cc: Case File/Property File

TOWN OF PALM BEACH
Palm Beach Police Department

Revocable Annual Valet Parking Permit Application

For Office Use Only
Date stamp date of application

(The receiving department shall date stamp, scan and create a PDF. All departments will utilize email for all transmittals in this permit approval process)

Town Ordinance 15-02, Chapter 118 Articles V - Valet Parking Regulations, Sections: 145 through 160.

Application Date: 10.12.2022

Proposed Annual Valet Parking Address: 223 Sunset Ave S. 100

Business Name: Trevini Restaurant

Name of Business Owner (Permittee) for which Annual Valet Parking will be provided:
Giovanni Minervini
(The owner of the business is the Permittee and is ultimately responsible for the valet service and is subject to any Code Enforcement citations for violations of this Ordinance. In the Permittee's absence, the "person- in-charge" of the business will assume responsibility for any violations.)

Contact Telephone #'s for Business Owner (Permittee): (Business) 5618333883 **(Cell)** 5613867876
(Home) _____

Business Owner's (Permittee) Mailing Address:
223 Sunset Ave S. 100
Palm Beach Fla 33480

Name of Person In-Charge of Business Operation (if not owner): _____
Contact Telephone #'s for Person-In-Charge: (Business) _____ **(Cell)** _____
(Home) _____

Seating Capacity of Restaurant or Commercial Property: 106
Proposed number of valets to work each shift: 2-3

Name of Business Owner's Insurance Company/Agent: Jack Flagg, Marsh & McLennan Agency Arch Specialty Ins Co.
(Attach the Certificate of Insurance naming the Town of Palm Beach as an "additional insured" under your general liability policy with limits not less than $1,000,000. per occurrence and $2,000,000. aggregate covering bodily injury and property damage. Refer to Guidelines Sec. 118-149 (5) for additional insurance requirements.)

Address of Business Owner's Insurance Company/Agent: 4400 PGA Blvd Ste 1000

Contact # for Business Owner's Insurance Company/Agent: 561 622 7550

TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

Please give a brief summary of the business operation and the intended use of valet parkers:

Valet hours 5pm to 11:30pm
7 days ; Parking guest cars in our
building underground Garage

(A Traffic Schematic Plan must be submitted with the application, refer to attached guidelines Sec. 118-149 through 151 for requirements for use of public right-of-way and/or storage of vehicle on private property)

As the business owner applying for this permit, for use of public property, hereby executes an agreement approved by the Town, providing for the valet parking operator to indemnify, hold harmless and defend the Town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other Town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss or life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

As the business owner or person in-charge of the business as assigned by the business owner to oversee the valet service, I have read the above indemnification agreement and the attached provisions of the Town Code of Ordinances relating to the regulation of Valet Parking and agree to abide by all provisions set forth therein.

Signature of Applicant (Business Owner) (Permittee) Date

STATE OF:
COUNTY OF:
The foregoing instrument was acknowledged before me this 13th day of OCTOBER,
20 22, by GIOVANNI MINERVINI who is personally known to me, or has produced _____ as identification and who did take an oath.

Ann K Glennon
Notary Public GG968237
Commission Number
ANN K GLENNON
(Notary Name, typed, printed or stamped)

NOTARY PUBLIC
ANN K. GLENNON
Notary Public, State of Florida
Commission# GG 968237
My comm. expires April 10, 2024

TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

The valet parking operator applying for this permit, for use of public property, hereby executes an agreement approved by the Town, providing for the valet parking operator to indemnify, hold harmless and defend the Town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other Town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

As owner or person in-charge of the valet service, I have read the above indemnification agreement and the attached provisions of the Town Code of Ordinances relating to the regulation of Valet Parking and agree to abide by all provisions set forth therein.

Mark Ley
Signature of Valet Parking Business Owner

9.29.22
Date

STATE OF:
COUNTY OF:

The foregoing instrument was acknowledged before me this 29th day of SEPTEMBER, 20 22, by Wickdras Leoze who is personally known to me, or has produced FL DL as identification and who did take an oath.

Notary Public

02/04/23
Commission Number

KIRRON ATKINSON
Notary Public - State of Florida
Commission # GG 279094
My Comm. Expires Feb 4, 2023
Bonded through National Notary Assn.

(Notary Name, typed, printed or stamped)

TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

Valet Parking Service Information

Name of Valet Parking Business: Palm Beach Parking

Owner of Valet Parking Business: Carole Weitzman **Number of Employees:** 2 or 3 staff

Contact Telephone #'s of Valet Parking Service Owner: (Business) _____ **(Cell)** 215-470-1000 **(Home)** _____

Name of Person In-Charge of Business Operation (if not owner): Nick Leone

Contact Telephone #'s of Person-In-Charge: (Business) _____ **(Cell)** 561-308-0720 **(Home)** _____

Name of Valet Company's Insurance Company: on file

(Attach the Certificate of Insurance naming the Town of Palm Beach as an "additional insured" under your general liability policy with limits not less than $1,000,000. per occurrence and $2,000,000. aggregate covering bodily injury and property damage. Refer to Guidelines Sec. 118-149 (5) for additional insurance requirements.)

Address of Valet Company's Insurance Company/Agent: _____

Contact # for Valet Company's Insurance Company/Agent: _____

Traffic Schematic Plan attached: Yes / No. If no, why? we park on the street and on property

Private Property Owner Information

Name of Property Owner at Temporary Valet Parking Location: _____

Property Owner Mailing Address: _____

Property Owner Telephone: #'s: (Bus.) _____ **(Cell)** _____ **(Hm)** _____

Private Property Approvals attached: Yes / No. If no, why? _____

** **A completed application package should include:**

1. Application forms - pages 1 - 6.
2. Insurance documents as required.
3. Traffic Schematic Plan.
4. Private Property approvals, if applicable, diagram, and other information as required.
5. Payment - $400.00 per staging area.

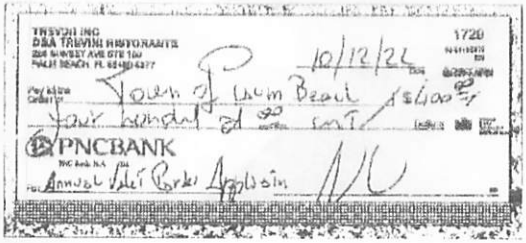
(Signature of Valet Parking representative required on following page)

Town of Palm Beach
Finance Department
360 S. County Rd
Palm Beach, FL 33410
www.townofpalmbeach.com
Welcome

029959-0009 Veronica 10/13/2022 12:37PM

FINANCE
Payment Tran Code: Valet
Permit (Valet)
Description: Travini
Restaurant
Valet Permit (Valet)
2023 Item: Valet

Valet Permit (Valet)	400.00
001.342.170	400.00C
	400.00
Subtotal	400.00
Total	400.00
CHECK	400.00
Check Number1729	
Change due	0.00



Thank you for your payment

Town of Palm Beach COPY
DUPLICATE RECEIPT

06-13-2023 TCM Backup

TOWN OF PALM BEACH REVOCABLE

VALET PARKING PERMIT

Having reviewed this Permit Application and the requirements of the Town of Palm Beach Code of Ordinances pertaining to the same and potential impacts of the operations and responsibilities of my Department, I hereby approve of said Valet Parking Permit Application.

Benjamin Alma

_____

Signature

November 29, 2022

_____

Approval Date

On behalf of: Chief of Police

Permit Valid from 10/1/2022 – 9/30/2023

Business Name: Trevini Restaurant

Business Address: 223 Sunset Ave.

Valet Company: Palm Beach Parking.

TOWN OF PALM BEACH

Planning, Zoning & Building Department

April 23, 2019

Mr. James M. Crowley, Esq.
Gunster
777 South Flagler Drive
West Palm Beach, FL 33401

Subject: Z-19-00184, 223 Sunset Avenue

Dear Mr. Crowley:

The Town Council, at its April 10, 2019 meeting, approved your client's site plan review to allow interior and exterior renovations to the existing office building which upgrade and expand the office portions of the building. The approval includes the conversion of a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the ground level parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area. The approved hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week Special exceptions were approved for on-site shared parking and outdoor seating to allow 30 seats on the new covered patio for Trevini Ristorante. Valet service for the subject property shall be allowed for the restaurant only at dinner.

A variance was approved to allow 7,207 SF of office space on the first floor in lieu of the second floor and also for 5 off-street parking spaces Prior to the issuance of a building permit, the property owner voluntarily committed to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary to underground utilities in the area.

The Town Council approval is identified in the plan package stamp approved, and stamp dated April 5, 2019, from Glidden Spina & Partners, Parker Yannette Design Group, Inc., and the survey from Wallace Surveying Corp, and made part of the approval of this application.

The approval of this zoning application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Architectural

Commission approval and required construction permits. The work authorized under the approval of this zoning application must be commenced within three years from the date of approval or said approval will expire.

Sincerely,

Paul Castro, AICP
Zoning Administrator

cc: Josh Martin, Director of Planning, Zoning and Building
Wayne Bergman, Asst. Director of Planning, Zoning and Building
John Lindgren, Planning Administrator
zf & pf

233
06-13-2023 TCM Backup

PALM · BEACH
DENTAL SPECIALISTS

4·27·23.

254 SUNSET AVE LLC

254 Sunset Ave,

Palm Beach. FL 33480.

Town of Palm Beach,

I am a partner and General Manager of 254 SUNSET AVE LLC.

I hereby give permission to the Restaurant Trevini to utilize my parking lot at 254 Sunset Ave, Palm Beach.

This will be available for their use after 6pm.

I have been provided with proof of insurance and have been released of all liability. Trevini and the Valet company are responsible for any and all damages to the property as a result of parking of their cars.

If you have any questions or comments please don't hesitate to contact me.

Sincerely,

Dr. Clive Boner

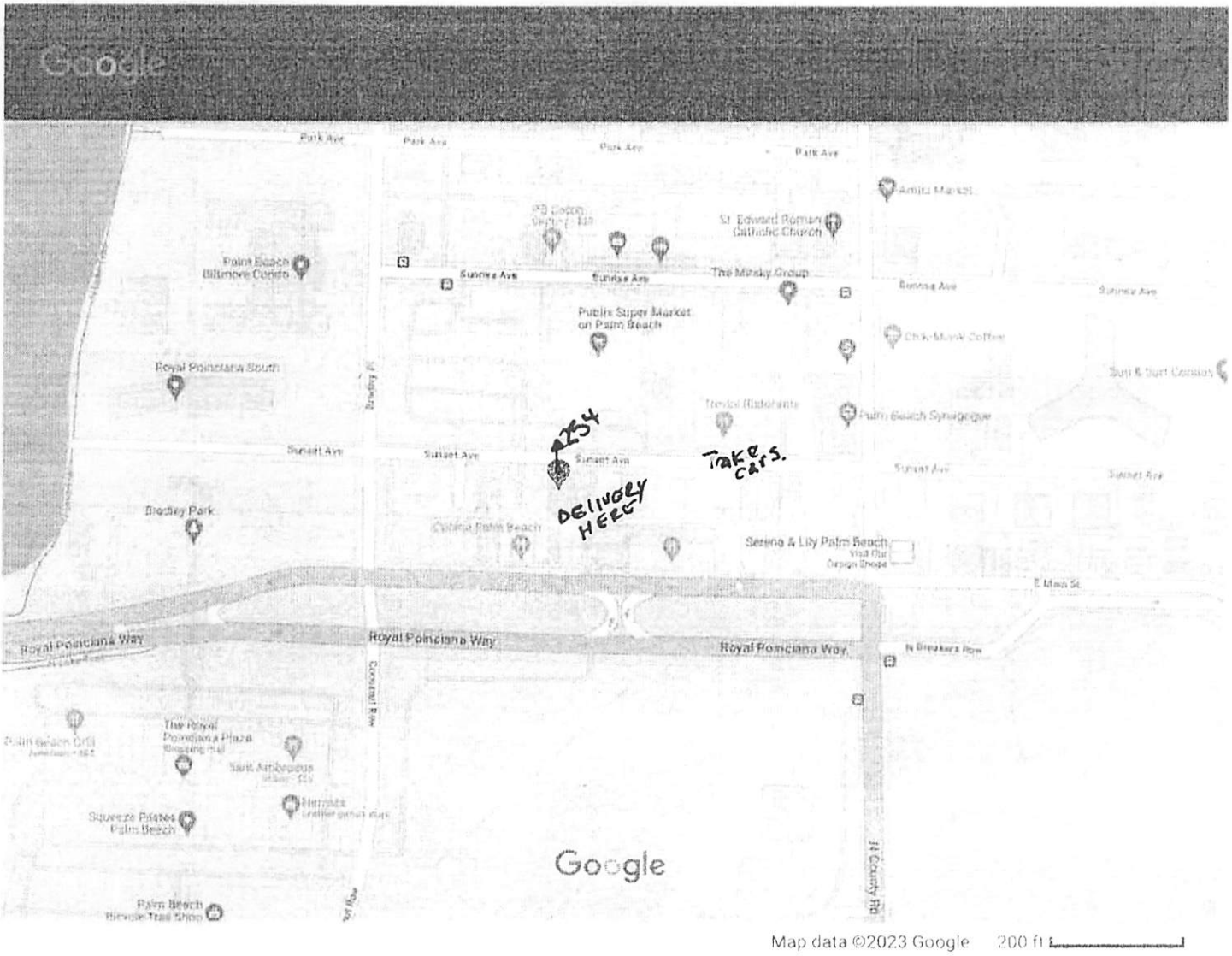
Sworn to and subscribed before me this 27 day of April, 2023 by

Clive Boner

PATRICIA M HUBER
Notary Public - State of Florida
Commission # HH 087267
My Comm. Expires Jan 31, 2025
Bonded through National Notary Assn.

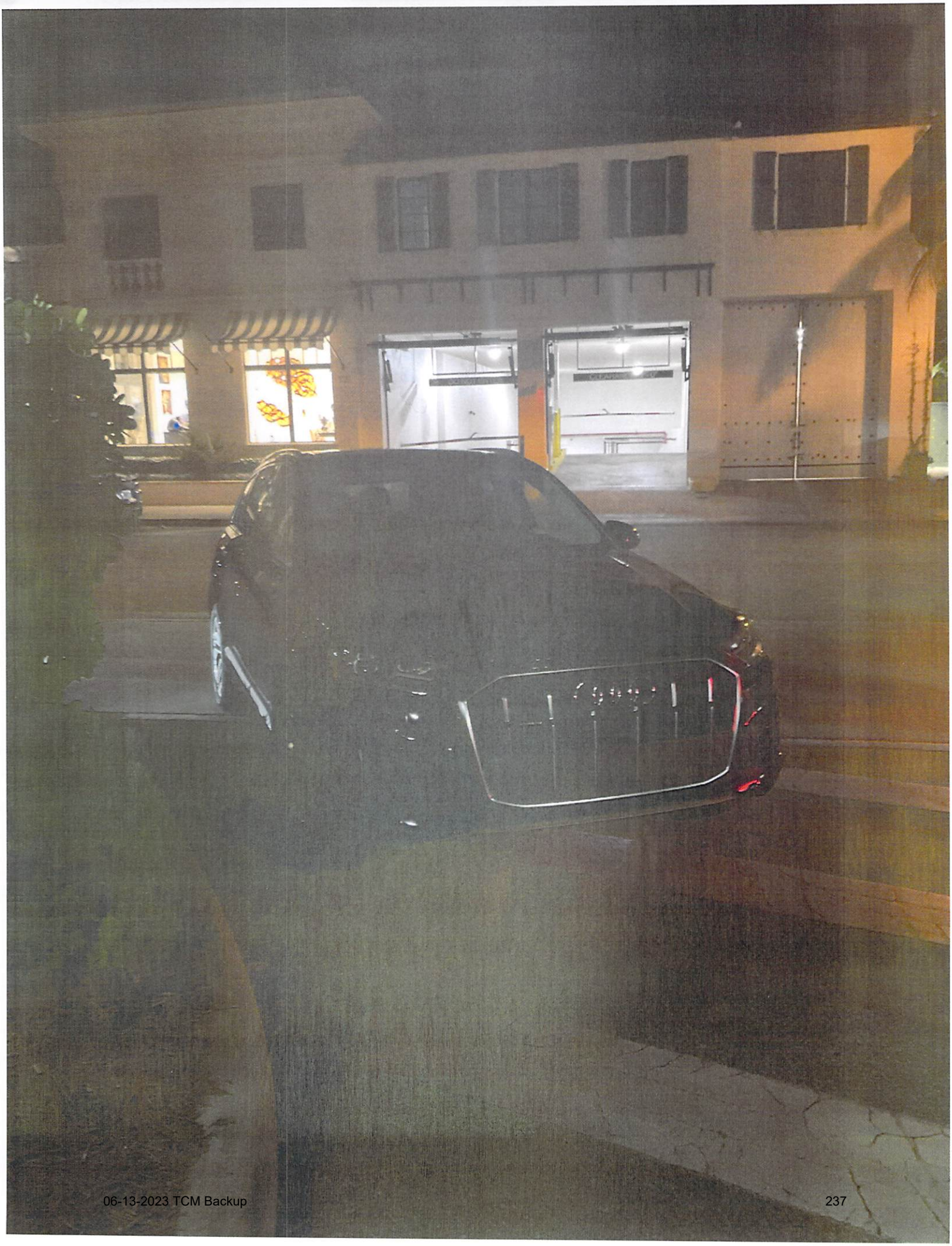
Patricia M. Huber 4/27/2023
Notary

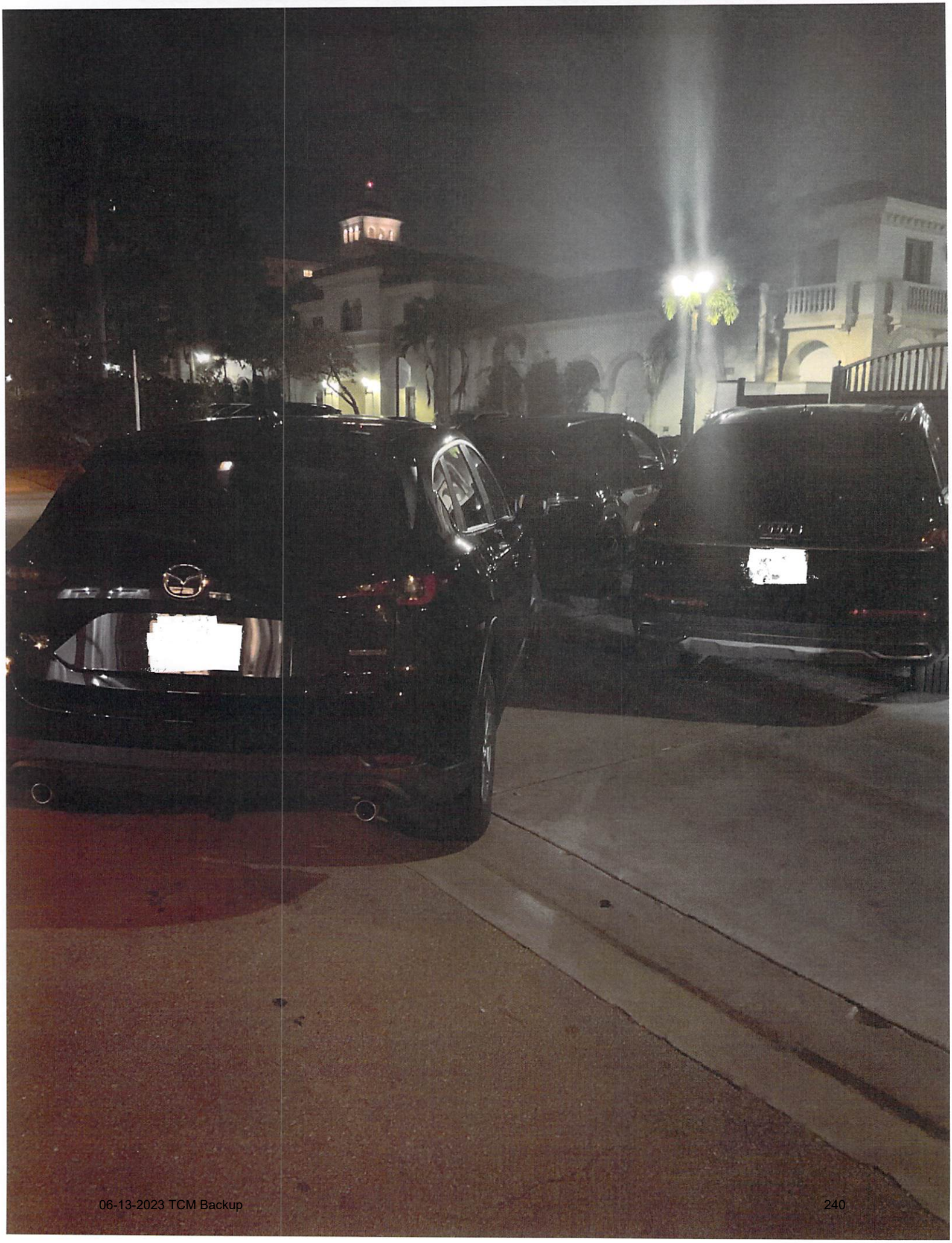
Clive Boner, D.D.S. · Eli Friedman, D.M.D.
254 Sunset Avenue · Palm Beach, FL 33480 · Tel 561.655.2347 · Fax 561.833.9398 · PBDentalSpecialists.com



PalmBeach Parking take cars at trevini
2nd Parking Down. at 254 Sunset.

02/23/2023 17
17:07:12





TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Consideration of Approval of Modified Four Arts Agreement Regarding Lake Trail Right-of-Way

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Memorandum Dated May 11, 2023, from John C. Randolph, Town Attorney**
- **Agreement Regarding Dedication of Right-of-Way**

Memo

To: Mayor and Town Council
CC: Kirk Blouin, Paul Brazil, Pat Gayle-Gordon
From: John C. Randolph
Date: May 11, 2023
Subject: Four Arts Declaration of Right of Way

Dear Mayor and Town Council,

In regard to the discussion at the May 9, Council meeting regarding the Four Arts Agreement regarding the Declaration of Right of Way, the agreement has been modified, as attached, to include language to prohibit the relocation of the easement without the written consent of the Town and Four Arts. This language is intended to address the concerns addressed by the Mayor and Town Council.

I am happy to answer any questions the Mayor and Council may have in regard to this matter as is Harvey Oyer. This matter should be agendaed for the June 13 Town Council meeting.

Thank you.

John C. Randolph

Prepared by and return to:

Harvey E. Oyer III, Esq.
Shutts & Bowen, LLP
525 Okeechobee Boulevard, Suite 1100
West Palm Beach, FL 33401

AGREEMENT REGARDING DEDICATION OF RIGHT-OF-WAY

THIS AGREEMENT REGARDING DEDICATION OF RIGHT-OF-WAY (this "**Agreement**") is made as of _____, 2023 by and between **THE SOCIETY OF THE FOUR ARTS, INC.**, a Florida not-for-profit corporation ("**Four Arts**") with an address at 100 Four Arts Plaza, Palm Beach, FL 33480, and the **TOWN OF PALM BEACH**, a municipality of the State of Florida (the "**Town**"), with an address at 360 South County Road, Palm Beach, Florida 33480.

WHEREAS, Four Arts previously recorded that certain Dedication and Grant of Road Right-of-Way in Official Records Book 7151, Page 617, of the Public Records of Palm Beach County, Florida (the "**Original Dedication**"), for the intended purpose of granting the Town an easement over the real property legally described therein (the "**Property**") for the purpose of establishing a road right-of-way easement with respect to Lake Trail; and

WHEREAS, Four Arts and the Town wish to enter into and record this Agreement for the purposes of clarifying the intended nature of the rights granted to the Town under of the Original Dedication, and to give legal effect to the same to the extent necessary.

NOW THEREFORE, in consideration of the sum of Ten Dollars ($10.00), the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and incorporated herein by reference.

2. **Intended Nature of Dedication**. Four Arts and the Town acknowledge and agree that the rights intended to be conveyed to, and accepted by, the Town under the Original Dedication were intended to create an easement rather than acting as a conveyance of fee simple title to the Property. Accordingly, and for avoidance of doubt, the Original Dedication shall be construed to operate as the grant of an easement by Four Arts to the Town over the Property for the purpose of a road right-of-way easement for Lake Trail (the "**Easement**"), with Four Arts remaining as the fee simple owner of the Property. In furtherance of the foregoing, the Town hereby quit claims unto Four Arts and its heirs, successors, and assigns forever, all of the right, title, interest, claim, and demand which the Town has in and to the Property (if any) except for the Easement as described herein, and abandons and disclaims any and all dedications or other interests it may have in and to the Property except for the Easement.

3. **Modifications to Easement Area**. The Easement over the Property cannot be relocated or otherwise modified without the express written consent of both the Four Arts and the Town, or their respective successors or assigns.

~~3.~~4. **Covenants Running with the Land**. The provisions of this Agreement and the rights and covenants contained herein shall run with the land, and shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

~~4.~~5. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

~~5.~~6. **Entire Agreement**. This Agreement contains the entire agreement between Four Arts and the Town relating to the matters addressed herein.

~~6.~~7. **Severability**. If any clause, sentence, or other portion of this Agreement shall become illegal, null, or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions thereof shall remain in full force and effect.

~~7.~~8. **Amendment**. This Agreement may only be amended by written agreement of the parties hereto, or their respective successors or assigns.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Four Arts and the Town have executed this Agreement as of the date set forth above.

Signed, sealed and delivered in
the presence of:

THE SOCIETY OF THE FOUR ARTS, INC.,
a Florida not-for-profit corporation

_____
Print Name:_____

By:_____
Name:_____
Title:_____

_____
Print Name:_____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this ____ day of _____, 2023, by _____, as _____ of **THE SOCIETY OF THE FOUR ARTS, INC.**, a Florida not-for-profit corporation, on behalf of the corporation, who ☐ is personally known to me or ☐ has produced _____ as identification.

[OFFICIAL NOTARIAL SEAL]

_____
Print Name:_____
Notary Public, State of _____
My Commission Number:_____
My Commission Expires:_____

Signed, sealed, and delivered in the presence of:

TOWN OF PALM BEACH,
a municipality of the State of Florida

Witness:_____
Print Name:_____

_____
Kirk Blouin, Town Manager

Witness:_____
Print Name:_____

ATTEST:

_____
Pat Gayle-Gordon, Deputy Town Clerk

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this ____ day of _____, 2023, by **Kirk Blouin**, the Town Manager, and **Pat Gayle-Gordon**, as Deputy Town Clerk, respectively, of the **TOWN OF PALM BEACH**, a municipality of the State of Florida, on behalf of such municipality, who ☐ is personally known to me or ☐ has produced _____ as identification.

[OFFICIAL NOTARIAL SEAL]

_____
Print Name:_____
Notary Public, State of _____
My Commission Number:_____
My Commission Expires:_____

APPRROVED AS TO LEGAL FORM AND SUFFICIENCY

_____
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Phipps Ocean Park Budget Estimate Update
TIME CERTAIN: 11:00 AM

Time Certain
11:00 AM

Presenter
Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture

ATTACHMENTS:

- **Memorandum Dated May 31, 2023, from Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture**
- **Letter dated May 26, 2023 from Preservation Foundation re: Budget Estimate Phipps Ocean Park**

TOWN OF PALM BEACH

Information for Town Council Meeting on June 13, 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 Budget Estimate Update

Date: May 31, 2023

STAFF RECOMMENDATION

Staff recommends Town Council review the attached letter from Amanda Skier, Preservation Foundation of Palm Beach President and CEO, regarding the budget estimate update for Phipps Ocean Park.

GENERAL INFORMATION

The Preservation Foundation of Palm Beach has been working with its design team and staff to value engineer the renovation plans for Phipps Ocean Park. The original cost estimate for the park provided by Raymond Jungles, Inc. in 2021 was approximately $20 million, which influenced the Preservation Foundation's decision to set their fundraising goal at $30 million (which included paying for all design and construction costs and establishing a $5 million endowment). Burkhardt's cost estimate at the 50% design mark was $42.1 million. As a result, the Preservation Foundation has embarked on a value engineering process to reduce the overall project cost.

Through this effort, the estimate from Burkhardt is now at $30 million for construction costs (at 60% design). The Foundation estimates design and other non-construction costs (soft costs) at approximately $3 million. To date, the Preservation Foundation has raised $28 million ($23 million for construction costs and $5 million for endowment), leaving a funding gap of approximately $7 million for construction costs.

FUNDING/FISCAL IMPACT

In addition to the construction costs as outlined above, staff estimates that between projected personnel and maintenance costs, the Town can expect to spend approximately $660,000 per year on the park. Increased parking revenues are anticipated and can help offset these new costs. Net new projected expenses for the Town (factoring in the additional parking revenue) are estimated at **$378,000** annually. An invasive plant removal budget of $229,000 was approved at the September 2022 Town Council meeting. To date, $98,000 has been spent.

In addition to construction costs, the Preservation Foundation anticipates spending $680,000 in personnel and maintenance costs for the park each year. The Foundation anticipates a grant award from the State of Florida for the relocation of the Little Red Schoolhouse for $442,195.

In light of the new cost estimates, The Preservation Foundation of Palm Beach requests that the Town Council consider contributing to infrastructure-related improvements such as parking lot lighting, security cameras, perimeter walls, lift station and dumpster screening, restrooms, irrigation, and entry gates/walls. Once a Guaranteed Maximum Price is received from Burkhardt Construction (likely in late August), the Foundation will return to Town Council to formally request a financial commitment for the park construction.

cc: Robert Miracle, Deputy Town Manager for Finance and Administration
H. Paul Brazil, Director of Public Works
Mike Roach, Project Engineer
Mark Bresnahan, Recreation Director
Darrell Donatto, Fire-Rescue Chief
Nicholas Caristo, Police Department Chief
Wayne Bergman, Planning, Zoning, and Building Director
Dean Mealy, Procurement and Contract Manager
Amanda Skier, Executive Director and CEO of the Preservation Foundation of Palm Beach

PRESERVATION FOUNDATION OF PALM BEACH

Executive Committee
Mrs. Paul Shiverick, *Chairman*
Mr. Daniel E. Ponton, *Vice-Chairman*
Mr. Thomas C. Quick, *Secretary*
Mr. Erik T. Waldin, *Treasurer*
Mr. Jeffrey A. Marcus
Mrs. Pauline B. Pitt, *Chairman Emeritus*
Mr. Charles M. Royce
Mrs. Lynne M. Wheat

President & CEO
Amanda H. Skier

Board of Trustees
Mrs. Rand V. Araskog
Mr. and Mrs. Manucher Azmudeh
Mrs. Walter F. Ballinger
Mrs. Alan D. Bleznak
Mrs. T. Dennie Boardman
Mr. and Mrs. Martin Brand
Mrs. Edwin M. Burke
L. Frank Chopin, Esquire
Mr. Edward A. Cooney
Mr. and Mrs. Philippe Dauman
Mr. Marvin H. Davidson
Dr. Jane S. Day
Mrs. Ashton de Peyster
Mr. and Mrs. Thompson Dean
Mrs. John J. Dowdle
Mr. and Mrs. E. Liwyd Ecclestone
Ambassador and Mrs. Edward E. Elson
Mrs. Jennifer M. Fischer
Ms. Kristen Kelly Fisher
Mr. and Mrs. Mark E. Freitas
Mr. and Mrs. Avram Glazer
Mrs. Jessica Guff
Mrs. Martin D. Gruss
Dr. and Mrs. Ben Han
Mrs. J. Ira Harris
Mr. James Held
Dr. Peter N. Heydon
Mrs. Katherine B. Horgen
Mr. and Mrs. Gerald R. Jordan, Jr.
Mr. Kenn Karakul
Mr. and Mrs. Howard J. Kessler
Mrs. Laura Landro and Mr. Richard E. Salomon
Mr. Leonard A. Lauder
The Honorable and Mrs. Howard H. Leach
Mrs. Joseph W. Luter III
Mrs. David J. Mahoney
Mrs. Jeffrey A. Marcus
Mrs. Talbott B. Maxey
Mrs. Leigh A. McMakin
Ms. Audrey McNiff
Mr. and Mrs. Joseph Meyer
Mr. and Mrs. Donald K. Miller
The Honorable Danielle Hickox Moore
Mr. and Mrs. Dudley L. Moore, Jr.
Mr. David G. Ober
Mrs. William G. Pannill
Mr. and Mrs. Gary Patsley
Mrs. Sallie B. Phillips
Mrs. Wilbur L. Ross, Jr.
Mrs. Charles M. Royce
Mrs. Jeannie Rutherfoord
Mr. Jorge A. Sanchez
Mrs. Vera Serrano
Mr. Paul Shiverick
Mr. and Mrs. Brian Simmons
Mr. Jeffery W. Smith
The Honorable Lesly S. Smith
Mr. Thomas S. Smith, Jr.
Mrs. Electra Toub
Mr. Mish Tworkowski
Mrs. Leo A. Vecellio, Jr.

Emeritus Trustee
Mrs. Nathan Appleman
Mrs. F. Eugene Dixon, Jr.
Mrs. Robert M. Grace
Mrs. Frances G. Scaife

May 26, 2023

Town Council
Town of Palm Beach
Post Office Box 2029
Palm Beach, FL 33480

Dear President Zeidman, Mayor Moore, and Town Council Members:

At the end of last year, the Town Council unanimously granted special exception and site plan approval to the Preservation Foundation's master plan for Phipps Ocean Park. Pre-construction meetings with the design team, town staff, and Burkhardt Construction began the following month. Five months later, the Preservation Foundation now has a greater understanding of the overall budget for the project and would like to ask the Town Council to consider funding infrastructure-related improvements.

The plans for the project are currently at 60% and a significant effort to value engineer the project has been underway since an initial cost estimate was received at the end of February. When the plans were at 50%, the cost estimate for the project was projected by Burkhardt Construction to be $42 million, nearly double the cost estimate upon which the Preservation Foundation based its $30 million campaign goal. After an initial round of value engineering and the elimination of certain features and finishes, the updated cost estimate from Burkhardt Construction is now just under $30 million. The Preservation Foundation's current focus is to bring the cost estimate down to $27 million in order to provide an allowance for soft costs associated with the project.

In the last 18 months, the Preservation Foundation has raised over $28 million for the improvement of Phipps Ocean Park through the generosity of town residents. Of that amount, $5 million has been committed to an endowment for the park and $23 million allocated towards construction and soft costs. An additional $7 million more will need to be raised before the project breaks ground in the first quarter of 2024. The Town's assistance in bridging this funding gap will allow the project to proceed without significant changes to the overall design and inspire more donors to support the project.

A strong partnership between the Preservation Foundation and the Town of Palm Beach is critical to both the realization of the project and the long-term sustainability of the park. In addition to raising the funds to design and build the project, the Preservation Foundation has committed to overseeing the care of the Little Red Schoolhouse, Coastal Restoration Center, and native plantings throughout the park. The Town Council has been generous in allocating staff time to oversee the project, funding the removal of invasive plants, and committing to maintain and staff the park once the project is completed.

311 Peruvian Avenue, Palm Beach, Florida 33480 ✦ T 561.832.0731 ✦ www.palmbeachpreservation.org

Building on this collaboration, a Town contribution for infrastructure-related improvements at Phipps Ocean Park will continue the Town Council's legacy of committing financial support for public/private partnerships that improve the Town's recreational spaces. In 2012, the Town Council agreed to provide over 50% of the funding for the new Par 3 Clubhouse. During the Foundation's last major campaign for the beautification of Bradley Park, the Town Council approved funding for multiple improvements including the extension of the Lake Trail and new roofs and paint for all the existing buildings in the park. At the Mandel Recreation Center, the Town contributed over 30% of the overall budget. Most recently, the Town Council earmarked town funds to pay for almost 30% of the improvements to Lake Drive Park.

The Preservation Foundation respectfully requests that the Town Council consider the inclusion of allowances for infrastructure improvements at Phipps Ocean Park in the FY 2023-2024 Budget. Once the Guaranteed Maximum Price is received from Burkhardt Construction at the end of August, the Foundation will return in September with actual costs and a request for a formal financial commitment to the project.

Thank you in advance for your consideration of this matter. Please let me know if I may answer any questions or provide further information.

Sincerely,

Amanda

Amanda H. Skier
President & CEO

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Regular Agenda - New Business

Agenda Title
Code Enforcement Board Referral - Bricktops Restaurant and Declarations of Use Review

Presenter
Nicholas Caristo, Chief of Police

ATTACHMENTS:

- **Memorandum Dated May 31, 2023, from Nicholas Caristo, Chief of Police**
- **Notice of Violation Dated March 29, 2023**
- **Notice of Violation Dated April 26, 2023**
- **Code Board Order**
- **Photograph #1**
- **Photograph #2**
- **Photograph #3**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Code Enforcement Board Referral – BrickTop's (375 South County Road)

Date: May 31, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council review the Code Enforcement Board's referral and provide guidance on possible declaration of use restrictions or revocation/suspension of the existing Special Exception #16-2010, Items 10 and 12.

GENERAL INFORMATION

The Palm Beach Police Department began receiving complaints in March of 2023 regarding the failure of BrickTop's compliance with Special Exception #16-2010, Item 10, which indicates that the restaurant should not discard garbage in the dumpster until after 8:00 a.m. The Special Exception indicates that all garbage, including glass, shall be stored in the restaurant after 6:00 p.m. and not placed in the dumpster area until after 8:00 a.m. the next morning. On March 9, 2023, BrickTop's was issued a Notice of Violation from the Code Enforcement Unit for discarding garbage outside of the permitted times.

Special Exception Item 12 indicates that the kitchen door at the back of the restaurant shall remain closed after 6:00 p.m. and not be opened until after 8:00 a.m. On April 26, 2023, BrickTop's was issued a second Notice of Violation from the Code Enforcement Unit for opening the rear door before 8:00 a.m.

On May 18, 2023, Mr. Martin Peak appeared before the Code Enforcement Board on behalf of BrickTop's. BrickTop's was found to be in violation of both Notices issued, fined, and referred to the Town Council for review.

Attachments

cc: Robert Miracle, Deputy Town Manager
Carolyn Stone, Deputy Town Manager
Wayne Bergman, Director of Planning, Zoning, and Building
Code Enforcement Board

TOWN OF PALM BEACH

9813

POLICE DEPARTMENT

Code Enforcement Unit

Notice of Violation

SALVADOR ACUNA
Respondent's Name

BRICKTOPS RESTAURANT
Name of Company/Resident/Business

375 S. COUNTY ROAD
Respondent's Address

375 S. COUNTY ROAD
Property/Business Address

YOU ARE NOTIFIED that on THURS. (day) / 3-9-23 (date) at 1840 H (time),

a violation of VIOLATION OF SPECIAL EXCEPTION 16-2010 (DUMPING GARBAGE AFTER 1800 H) (description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 134-226 (chapter and section)

occurred at: 375 S. COUNTY ROAD, P.B. FL. 33480 (violation address)

CE 23-276

YOUR OPTIONS ARE INDICATED BELOW:

☐ **1) YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is $_____

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

☒ **2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD** on Thursday, MAY 18, 2023 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

POSTED PER F.S.S. CHAPTER 162
Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be $250 for a first offense, $500 for repeat offenses, or a maximum of $5,000 if irreparable in nature, in addition to the administrative costs.

23-276

J. MORIARTY / 9061	3-10-23	0556 H	2023-068-160
Code Enforcement/Police Officer - I.D.	Date	Time	Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

_____
Signature of Respondent

WHITE - PD Case File BLUE - PD Log GREEN - Finance CANARY - Respondent

TOWN OF PALM BEACH

10322

POLICE DEPARTMENT

Code Enforcement Unit

Notice of Violation

(F)

SECOND VIOLATION.

SALVADOR ACUNA
Respondent's Name

BRICKTOPS RESTAURANT
Name of Company/Resident/Business

Respondent's Address

375 S. COUNTY RD. P.B. FL.
Property/Business Address

YOU ARE NOTIFIED that on WED. (day), APRIL 26, 2023 (date) at 0726H (time),

a violation of VIOL. OF SPECIAL EXCEPTION 16-2010 OPERATING REAR DOOR BEFORE 0800H. (description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 134-226 (chapter and section)

occurred at: 375 S. COUNTY ROAD PALM BEACH, FL. 33480 (violation address)

YOUR OPTIONS ARE INDICATED BELOW:

☐ **1) YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is $_____

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

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I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

POSTED PER F.S.S. CH. 162
Signature of Respondent

CMB 23-276

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be $250 for a first offense, $500 for repeat offenses, or a maximum of $5,000 if irreparable in nature, in addition to the administrative costs.

J. MORIARTY / 9061	4-26-23	0745H	2023-116-040
Code Enforcement/Police Officer - I.D.	Date	Time	Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

_____
Signature of Respondent

WHITE - PD Case File BLUE - PD Log GREEN - Finance CANARY - Respondent

TOWN OF PALM BEACH
POLICE DEPARTMENT

DEDICATED TO EXCELLENCE

May 18, 2023

BEFORE THE CODE ENFORCEMENT BOARD OF THE TOWN OF PALM BEACH

ORDER FINDING VIOLATION

CERTIFIED MAIL: 9314 8699 0430 0107 9386 13

BrickTops Restaurant
375 S. County Road
Palm Beach, FL 33480

Re: Case # CE 23-276, 375 S. County Road, BrickTops Restaurant:
Violation of Chapter 134, Section 134-226 of the Town of Palm Beach Code of Ordinances States (a)The town council shall hear and decide special exceptions, decide such questions as are involved in determining if and when special exceptions should be granted, and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of this chapter.(b)In granting any special exceptions, the town council shall find that such grant will not adversely affect the public interest. In granting any special exception, the town council, in addition to the standards enumerated in this subdivision, may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a special exception the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The town council may prescribe a reasonable time limit within which the action for which the special exception is required shall begin or be completed or both.

345 South County Road • Palm Beach, Florida 33480-4443 • (561) 227-7080 • Fax (561) 835-4736 • www.palmbeachpolice.com

The Code Enforcement Board heard testimony at the Code Enforcement Board Hearing held the 18th day of May 2023, and based on the evidence, the Code Enforcement Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER.

FINDINGS OF FACT

1. The Town of Palm Beach Code Enforcement Officer Moriarty presented the facts of the case and entered evidence into the record.

2. Mark Peak was present on behalf of BrickTops and gave testimony in the case.

3. Mr. & Mrs. Masters gave testimony in this case.

CONCLUSIONS OF LAW

Violation of Chapter 134, Section 134-226 of the Town of Palm Beach Code of Ordinances States (a)The town council shall hear and decide special exceptions, decide such questions as are involved in determining if and when special exceptions should be granted, and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of this chapter.(b)In granting any special exceptions, the town council shall find that such grant will not adversely affect the public interest. In granting any special exception, the town council, in addition to the standards enumerated in this subdivision, may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a special exception the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The town council may prescribe a reasonable time limit within which the action for which the special exception is required shall begin or be completed or both.

ORDER

It is the order of this Board regarding Case # **CE 23-276** to find the violator in non-compliance, assess administrative costs in the amount of **$150.00, to pay $250.00 for the first citation and $500.00 for the second citation and refer this matter to the Town Council for review of the Special Exception Agreement.**

Upon complying, it is the responsibility of the violator to notify the Town of Palm Beach Code Enforcement Office at (561) 227-7080.

DONE AND ORDERED this 18th day of May2023.

Bram Majtlis
Chairman, Code Enforcement Board

cc: Case File/Property File

HUTCH'S
HW
WELDING
12

MANAGEMENT
12
HW

03/09/2023 18:41:13 BWC2-094288

MOTOROLA SOLUTIONS

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Regular Agenda - New Business

Agenda Title
Proposed Addition of a Louvered Pergola to the Mandel Recreation Center

Presenter
Mark Bresnahan, Director of Recreation

ATTACHMENTS:

- **Memorandum Dated May 30, 2023, from Mark Bresnahan, Director of Recreation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Mark Bresnahan, Director of Recreation

Re: Request Approval of Proposed Addition of a Louvered Pergola to the Mandel Recreation Center

Date: May 30, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve in concept the attached design schematic for adding a louvered pergola to the Mandel Recreation Center. This project will then be presented to ARCOM, if necessary.

GENERAL INFORMATION

The Recreation Department has received numerous requests for adding additional shade opportunities around the Mandel Recreation Center, specifically on the south side of the building facing the field. The plaza on the southwest side of the building was identified by staff as the best location for adding a pergola that would provide the much-desired shade requested by patrons. In the original building plans for the Recreation Center, there were plans to put in a shade structure or a shade tree in this area, but it was value-engineered out at the time. Staff are requesting approval to move forward with the project.

The pergola will significantly enhance the usability of the southwest patio. Currently, the lack of shade limits the functionality of this space. With the addition of a pergola, spectators will have a comfortable area to observe games while being protected from direct sunlight. Shade is crucial to ensure the safety and well-being of patrons, especially during outdoor programs, camps, and events. The space under the pergola complimented by fans will become an ideal place for lunch during summer camp, a serene spot for a morning outdoor yoga class, or as an impressive entrance into the fieldhouse for a special event. The potential programming options for this enhanced space are truly exciting for the staff.

In addition to its practical benefits, the pergola will enhance the overall aesthetic appeal of the Mandel Recreation Center. The architectural structure and design of the pergola will seamlessly integrate into the existing space as if it was part of the original design. Nelo Freijomel, the original architect of the Mandel Recreation Center, has been contracted to prepare design documents for this project, if approved.

The addition of this pergola received the full support of the Recreation Advisory Commission during their regular meeting on January 26, 2023. In addition, the Friends of Recreation, are wholeheartedly in favor of the pergola and have unanimously voted to provide a grant of $25,000 in support of the project during their annual board meeting on May 3, 2023.

The benefits of this addition, including providing shade for programs, camps, and spectators, while enhancing the overall aesthetic appeal, will undoubtedly contribute to the well-being and enjoyment of all who utilize this facility. Staff recommends approval of moving forward with this project with hopes of installing and completing the pergola in time for programming its use by late fall.

FUNDING/FISCAL IMPACT

The funding for design and construction are included within the remaining capital project dollars for the Mandel Recreation Center. Staff anticipates project costs to be approximately $135,000. Staff will return to Town Council for contract award, if necessary.

Attachment: Design schematic, submitted by Nelo Freijomel, Partner & Senior Project Architect, SpinaOrouke

cc: Carolyn Stone, Deputy Town Manager
Wayne Bergman, Planning, Zoning & Building Director
Bob Miracle, Deputy Town Manager

Existing patio on southwest corner of the Mandel Recreation Center

Design concept: new louvered pergola that matches the design concept of the Mandel Recreation Center; the columns would rest on the existing site wall and the pergola will have an operable louvered system that covers the footprint of the existing plaza (fans and lighting will be included in the project)

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Ordinances - Second Reading

Agenda Title
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.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Ordinance No. 007-2023**

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. Section 106.48 titled "Unlawful To Solicit From Public Streets or Sidewalks is hereby repealed.

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 9th day of May, 2023, and for second and final reading this 13th day of June, 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

Town Council Meeting on: June 13, 2023

Section of Agenda
Ordinances - First 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:

- **Memorandum Dated May 11, 2023, from John C. Randolph, Town Attorney**
- **Memorandum Dated June 6, 2023, from John C. Randolph, Town Attorney**
- **Ordinance No. 013-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: John C. Randolph, Town Attorney

RE: Ordinance No. 013-2023 Restricting Use of Town Streets and Sidewalks

DATE: May 11, 2023

STAFF RECOMMENDATION

The Town Attorney recommends that Town Council approve on first reading the attached ordinance No. 013-2023 relating to a prohibition on the use of public streets and sidewalks.

GENERAL INFORMATION

At the May 9 Town Council meeting the Town repealed the then existing version of Section 106-48 because it was potentially unconstitutional. Because it was deemed important by the Mayor and Town Council to have in place a constitutional ordinance regulating the use of Town streets and sidewalks by pedestrians, I have prepared the attached ordinance for your consideration which ordinance makes it unlawful for any person to stand in the portion of the roadway paved for vehicular traffic or any public sidewalk of the Town for any purpose which interrupts the normal flow of vehicular or pedestrian traffic on said roadway or public sidewalk or for the purpose of inviting or enticing a person to enter a commercial establishment adjacent to said street or sidewalk.

This ordinance should withstand a legal challenge.

FUNDING/FISCAL IMPACT

There is no funding or financial impact.

cc: Kirk Blouin, Town Manager

JONES
FOSTER

Memo

To: Mayor and Town Council
CC' Kirk Blouin, Nick Caristo, Will Rothrock & Pat Gayle-Gordon
From: John C. Randolph
Date: June 6, 2023
Subject: Ordinance No. 013-2023

Dear Mayor and Town Council,

Attached is a modification I have made to Ordinance No. 013-2023 which is on your March 13 agenda for consideration.

This ordinance broadens the scope of the regulation to include the right of way adjacent to the paved portion of the street.

I will be happy to discuss this further and answer any questions you may have.

Sincerely,

John C. Randolph

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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 Lindsay, Council President Pro Tern

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: June 13, 2023

Section of Agenda
Ordinances - First 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:

- **Memorandum Dated June 1, 2023, from Bob Miracle, Deputy Town Manager - Finance and Administration**
- **Ordinance No. 014-2023**
- **Exhibit "A"**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Robert Miracle, Deputy Town Manager - Finance and Administration

Re: Amendment to the General and Equipment Replacement Fund FY23 Budget
Ordinance No. 014-2023

Date: June 13, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 014-2023, which amends the FY23 General and Equipment Replacement Fund budget.

GENERAL INFORMATION

A budget amendment is required to appropriate additional funds in the General Fund for the balance of the estimated costs related to the Zoning Code Review including charrettes, drafting the code changes and meetings to present the updates to the stakeholders through adoption of the changes. The total budget is estimated to be around $2,067,428 currently.

Also, a budget amendment is required to appropriate additional funds in the Equipment Replacement Fund to allow the Public Service Department to order a sewer vac truck and a rear load garbage truck. There are significant lead times in the delivery of these vehicles once they are ordered (up to 12 months). This allows the Town to order these vehicles now. These were planned purchases for the FY24 budget. The total estimated cost of these two vehicles is $742,000. This will help reduce the time before these vehicles can be used in public service operations.

FUNDING/FISCAL IMPACT

The Ordinance will amend the General Fund budget (001) by $1,747,000 using unassigned reserves and will amend the Equipment Replacement Fund (320) by $742,000 using net reserves.

TOWN ATTORNEY REVIEW

This Ordinance has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Carolyn Stone, Deputy Town Manager – Business Enterprise and Culture
Wayne Bergman, Planning, Zoning and Building Director
John C. Randolph, Town Attorney

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

Exhibit A

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**

TOWN OF PALM BEACH

Town Council Meeting on: June 13, 2023

Section of Agenda
Ordinances - First 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:

- **Memorandum Dated May 17, 2023, from Wayne Bergman, Director of Planning, Zoning and Building**
- **Ordinance No. 015-2023**
- **Increase Calculations & Analysis**
- **Master Fee Schedule - Proposed Changes**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2023

To: Mayor and Town Council

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

Via: Kirk Blouin, Town Manager

Re: Amendment of Business Tax Fees
Ordinance No. 015-2023

Date: May 17, 2023

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance 015-2023 amending Business Tax Fees and the Business Tax Program. It should be noted that approval of an increase in business taxes will require a majority plus one vote of the Town Council to become effective.

GENERAL INFORMATION

In **FY23,** the Town to date has issued **1,684** business tax receipts (formerly known as occupational licenses) to local businesses.

Per State Statute (F.S. Chapter 205), the Town may increase business tax fees every two years by an amount not to exceed 5%. The Town's business tax fees were last modified on May 12, 2021, and set the business taxes for the next two fiscal years, commencing on October 1, 2021. Fees were also increased in 2019, 2017, 2015, 2013 and 2011. In 2009, the Town Council elected not to increase fees.

Staff is recommending an increase in fees for FY24 by the allowed 5%. Attached is Ordinance No. 015-2023, which includes the proposed business taxes per occupation and use.

If the Town Council approves first reading of Ordinance No. 015-2023, the ordinance will be placed on the July 11, 2023, Town Council agenda for second and final reading. If adopted, the revised fees will be incorporated into the renewal notices scheduled for issuance on or about July 12, 2023, for the new tax year commencing October 1, 2023.

FUNDING/FISCAL IMPACT[1]

Business taxes collected as of **May 8, 2023, are $918,920,** compared to budgeted revenue for this account of **$860,000.** Total revenue collected last year was **$832,756.** The proposed fees will represent an increase in Business Tax Receipts of approximately **$41,690** annually, commencing in Fiscal Year 2024. This increase is reflected in the Town's Long Term Financial Plan.

TOWN ATTORNEY REVIEW

This ordinance has been reviewed by the Town Attorney for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Kelly Churney, Acting Town Clerk
Bob Miracle, Deputy Town Manager - Finance & Administration

[1] All Business Tax Receipt amounts include penalty fees.

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.

A

ABSTRACTORS OF TITLE	$	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

HEALTH STUDIO	$	489.00
HOTEL, 10 ROOMS OR LESS	$	74.00
HOTEL, MORE THAN 10 ROOMS	$	74.00
PLUS EACH ADDITIONAL ROOM	$	9.00

!

INSURANCE BROKER, COMPANY/AGENCY	$	489.00
INSURANCE SALESPERSON	$	245.00
INTERIOR DECORATOR	$	489.00
INTERIOR DESIGNER	$	489.00

!

JEWELER	$	850.00

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

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

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 Lindsay, Council President Pro Tern

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

PROPOSED SCHEDULE OF BUSINESS TAX FEES - FY24

EDEN CODE	LICENSE CATEGORY	FINAL APPROVED FY22 TAX	5% INCREASE AMT	PROPOSED FY24 TAX	PROPOSED FY24 (ROUNDED) TAX	% INCREASE FY22 TAX	# ACTIVE LICENSES on 5/8/2023 EACH CATEGORY	TOTAL ESTIMATED REVENUE FY24	FINAL APPROVED FY24 TAX
	A								
abs10	ABSTRACTORS OF TITLE	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00	
acc10	ACCOUNTANT, AUDITOR, CPA, FIRM (INCLUDES ONE PROFESSIONAL)	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	6	$2,934.00	
acc11	ACCOUNTANT, AUDITOR, CPA	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00	
adu10	ADULT ENTERTAINMENT	$ 1,346.00	$ 67.30	$ 1,413.30	$1,413.00	4.74%	0	$0.00	
adm10	ADMINISTRATIVE OFFICE	$ 377.50	$ 18.88	$ 396.38	$396.00	4.67%	68	$26,928.00	
ans10	ANSWER PHONE (SUPPORT BUSINESS SERVICES)	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	21	$10,269.00	
apa10	APARTMENTS (See RENTAL DWELLINGS)								
arc10	ARCHITECT	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	25	$12,225.00	
art10	ART GALLERY, UP TO 400 SQ. FT	$ 197.75	$ 9.89	$ 207.64	$208.00	4.93%	1	$208.00	
art11	ART GALLERY, 401 - 2,000 SQ. FT	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	34	$16,626.00	
art12	ART GALLERY, 2,001 - 4,000 SQ. FT	$ 537.50	$ 26.88	$ 564.38	$564.00	4.70%	8	$4,512.00	
art13	ART GALLERY, 4,001 - 8,000 SQ. FT	$ 1,075.00	$ 53.75	$ 1,128.75	$1,129.00	4.78%	1	$1,129.00	
art14	ART GALLERY, OVER 8,000 SQ. FT	$ 1,616.00	$ 80.80	$ 1,696.80	$1,697.00	4.77%	0	$0.00	
art20	ARTIST	$ 357.75	$ 17.89	$ 375.64	$376.00	4.85%	0	$0.00	
ast10	ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT	$ 488.00	$ 24.40	$ 512.40	$512.00	4.69%	0	$0.00	
	B								
bak10	BAKERY	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	1	$245.00	
ban10	BANK, TRUST COMPANY	$ 1,348.00	$ 67.40	$ 1,415.40	$1,415.00	4.73%	23	$32,545.00	
bar11	BARBER	$ 177.75	$ 8.89	$ 186.64	$187.00	4.95%	4	$748.00	
bar10	BARBER, SHOP (Includes one barber)	$ 177.75	$ 8.89	$ 186.64	$187.00	4.95%	4	$748.00	
	BEAUTY SHOP (See COSMETOLOGY SALON)								
bic10	BICYCLE SHOP, RENTALS	$ 177.75	$ 8.89	$ 186.64	$187.00	4.95%	1	$187.00	
	BICYCLE SHOP, SALES (See MERCHANTS)								
boa10	BOAT DEALER (Yacht Broker)	$ 357.75	$ 17.89	$ 375.64	$376.00	4.85%	2	$752.00	
bro10	BROADCASTING STATION (Radio or TV)	$ 517.50	$ 25.88	$ 543.38	$543.00	4.70%	1	$543.00	
bro21	BROKER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	122	$59,658.00	
bro20	BROKERAGE/INVESTMENT COMPANY (Includes one broker)	$ 1,348.00	$ 67.40	$ 1,415.40	$1,415.00	4.73%	47	$66,505.00	
bus10	BUSINESS OFFICE ONLY (Two people maximum)	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	87	$21,315.00	
	C								
car10	CAR RENTAL AGENCY	$ 716.75	$ 35.84	$ 752.59	$753.00	4.81%	0	$0.00	
cat10	CATERING	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	5	$1,225.00	
chi10	CHIROPRACTOR	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00	
coi10	COIN-OPERATED MACHINES	$ 124.20	$ 6.21	$ 130.41	$130.00	4.46%	3	$390.00	
con10	CONSULTANT	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	36	$17,604.00	
con20	CONTRACTOR OFFICE (Construction)	$ 517.50	$ 25.88	$ 543.38	$543.00	4.70%	18	$9,774.00	
cos11	COSMETOLOGIST (Individual)	$ 177.75	$ 8.89	$ 186.64	$187.00	4.95%	63	$11,781.00	
cos10	COSMETOLOGY SALON (Includes one cosmetologist)	$ 177.75	$ 8.89	$ 186.64	$187.00	4.95%	25	$4,675.00	
	D								
dan11	DANCE INSTRUCTOR	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	0	$0.00	
dan10	DANCE STUDIO/SCHOOL	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00	
den10	DENTIST	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	7	$3,423.00	
din20	DINING ROOM, 40 Chairs or less	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	2	$490.00	
	Plus, for each chair	$ 3.65	$ 0.18	$ 3.83	$3.83	4.70%	44	$168.52	
din21	DINING ROOM, over 40 Chairs	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	18	$8,802.00	

	Plus, for every chair	$ 3.65	$ 0.18	$ 3.83	$3.83	4.70%	4577	$17,529.91
	DINING, CLUB (See DINING ROOM)							
	E							
ele10	ELECTRIC LIGHT COMPANY	$ 404.00	$ 20.20	$ 424.20	$424.00	4.72%	0	$0.00
emp10	EMPLOYMENT AGENCY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00
eng10	ENGINEER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00
	F							
fac12	FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	$ 52.60	$ 2.63	$ 55.23	$55.25	4.80%	18	$994.50
fac11	FULL SPECIALIST	$ 52.60	$ 2.63	$ 55.23	$55.25	4.80%	11	$607.75
fac10	FULL REGISTRATION	$ 52.60	$ 2.63	$ 55.23	$55.25	4.80%	0	$0.00
	G							
gas10	GAS COMPANY	$ 404.00	$ 20.20	$ 424.20	$424.00	4.72%	0	$0.00
gol10	GOLF COURSE	$ 517.50	$ 25.88	$ 543.38	$543.00	4.70%	4	$2,172.00
	H							
hea10	HEALTH STUDIO	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	10	$4,890.00
hot10	HOTEL, 10 rooms or less	$ 70.50	$ 3.53	$ 74.03	$74.00	4.73%	0	$0.00
hot11	HOTEL, More than 10 rooms	$ 70.50	$ 3.53	$ 74.03	$74.00	4.73%	11	$814.00
	Plus, each additional room	$ 8.53	$ 0.43	$ 8.96	$9.00	5.22%	1487	$13,383.00
	I							
ins10	INSURANCE BROKER, COMPANY/AGENCY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	137	$66,993.00
ins11	INSURANCE SALESPERSON	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	3	$735.00
int10	INTERIOR DECORATOR	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	23	$11,247.00
int11	INTERIOR DESIGNER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	6	$2,934.00
	J							
jwl10	JEWELER	$ 809.00	$ 40.45	$ 849.45	$850.00	4.82%	46	$39,100.00
	L							
law10	LAW FIRM (Includes one lawyer)	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	38	$18,582.00
law11	LAWYER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	46	$22,494.00
	M							
mas11	MASSAGE THERAPIST (Individual)	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	47	$22,983.00
mas10	MASSAGE ESTABLISHMENT	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	7	$3,423.00
mer10	MERCHANT, UP TO 400 SQ. FT.	$ 197.75	$ 9.89	$ 207.64	$208.00	4.93%	47	$9,776.00
mer11	MERCHANT, 401 - 2,000 SQ. FT.	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	192	$93,888.00
mer12	MERCHANT, 2,001 - 4,000 SQ. FT.	$ 537.50	$ 26.88	$ 564.38	$564.00	4.70%	32	$18,048.00
mer13	MERCHANT, 4,001 - 8,000 SQ. FT.	$ 1,075.00	$ 53.75	$ 1,128.75	$1,129.00	4.78%	8	$9,032.00
mer14	MERCHANT, OVER 8,000 SQ. FT.	$ 1,616.00	$ 80.80	$ 1,696.80	$1,697.00	4.77%	5	$8,485.00
mor11	MORTGAGE BROKER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00
mor10	MORTGAGE COMPANY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00
mot10	MOTOR SCOOTER AND MOTORCYCLE RENTAL	$ 1,457.00	$ 72.85	$ 1,529.85	$1,530.00	4.77%	0	$0.00
mus10	MUSIC SERVICE	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	5	$2,445.00
	N							
nai10	NAIL REGISTRATION (FV) or NAIL SPECIALIST (FT)	$ 52.60	$ 2.63	$ 55.23	$55.25	4.80%	23	$1,270.75
	NEWSPAPER - SEE PUBLISHER							
nig10	NIGHTCLUB - with dancefloor	$ 1,345.00	$ 67.25	$ 1,412.25	$1,412.00	4.75%	12	$16,944.00
nig11	NIGHTCLUB - without dancefloor	$ 881.00	$ 44.05	$ 925.05	$925.00	4.76%	3	$2,775.00

nur11	NURSE	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00
nur10	NURSING AGENCY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	3	$1,467.00
	O							
opt10	OPTICIAN	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00
opt20	OPTOMETRIST	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00
	P							
par10	PARKING GARAGE	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00
par20	PARKING LOT	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	4	$980.00
pha11	PHARMACIST (individual)	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00
pha10	PHARMACY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	5	$2,445.00
pho10	PHOTOGRAPHER	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	3	$735.00
phy10	PHYSICIAN	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	27	$13,203.00
pri10	PRINTING COMPANY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00
unc20	PROFESSION NOT LISTED	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	21	$10,269.00
pro20	PROPERTY MANAGEMENT	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	15	$3,675.00
pub10	PUBLIC RELATIONS	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00
pub20	PUBLISHER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00
	R							
rea10	REAL ESTATE BROKER	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	48	$23,472.00
~~rea11~~	~~REAL ESTATE SALESPERSON~~							
apa10	RENTAL DWELLINGS	$ 45.25	$ 2.26	$ 47.51	$48.00	5.73%	630	$30,240.00
rep10	REPAIR SHOP (other than auto)	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00
res10	RESTAURANT, 40 Chairs or less	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	3	$735.00
	Plus, for each chair	$ 3.65	$ 0.18	$ 3.83	$4.00	8.75%	129	$516.00
res11	RESTAURANT, over 40 Chairs	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	32	$15,648.00
	Plus, for each chair	$ 3.65	$ 0.18	$ 3.83	$4.00	8.75%	4994	$19,976.00
	S							
sav10	SAVINGS AND LOAN ASSOCIATION	$ 1,348.00	$ 67.40	$ 1,415.40	$1,415.00	4.73%	0	$0.00
sch10	SCHOOL, PRIVATE	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00
sec10	SECURITY AGENCY, PRIVATE	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	0	$0.00
sec11	SECURITY OFFICER, PRIVATE	$ 34.73	$ 1.74	$ 36.47	$36.50	4.85%	0	$0.00
ser10	SERVICE STATION	$ 517.00	$ 25.85	$ 542.85	$543.00	4.79%	1	$543.00
unc30	SERVICES, UNLISTED	$ 233.65	$ 11.68	$ 245.33	$245.00	4.63%	20	$4,900.00
swi10	SWIMMING POOLS, PUBLIC	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	15	$7,335.00
	T							
tal10	TALENT AGENCY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	0	$0.00
tax10	TAXICABS	$ 357.85	$ 17.89	$ 375.74	$376.00	4.83%	2	$752.00
tel10	TELECOMMUNICATIONS COMPANY (formerly telegraph)	$ 404.00	$ 20.20	$ 424.20	$424.00	4.72%	0	$0.00
tel20	TELEPHONE COMPANY	$ 404.00	$ 20.20	$ 424.20	$424.00	4.72%	0	$0.00
the10	THEATER	$ 1,616.00	$ 80.80	$ 1,696.80	$1,697.00	4.77%	0	$0.00
	Plus, for each seat	$ 2.44	$ 0.12	$ 2.56	$2.60	6.15%	0	$0.00
tra10	TRAVEL BUREAU/AGENCY	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00
tru10	TRUST COMPANY	$ 1,348.00	$ 67.40	$ 1,415.40	$1,415.00	4.73%	3	$4,245.00
	U							
unc10	UNCLASSIFIED BUSINESS NOT LISTED	$ 377.75	$ 18.89	$ 396.64	$397.00	4.85%	16	$6,352.00
	V							
vet11	VETERINARIAN	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	2	$978.00

vet10	VETERINARIAN ESTABLISHMENT	$ 466.00	$ 23.30	$ 489.30	$489.00	4.70%	1	$489.00
						AVERAGE		Total Revenue
	INCREASE BY TOTAL OF ALL TAX TYPES/TOTALS	**$ 52,593.05**	**$ 2,629.65**	**$ 55,222.70**	**$ 55,205.76**	**4.826%**		**$ 866,690.43**

Proposed Changes

Town of Palm Beach Master Fee Schedule

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DEPARTMENT CODES & CONTACT INFORMATION

CE - Code Enforcement Department - (561) 227-7080
FIN - Finance Department - (561) 838-5444
FR - Fire-Rescue Department - (561) 838-5420
PD - Police Department - (561) 838-5454
PW - Public Works Department - (561) 838-5440
PZB - Planning, Zoning, & Building Department - (561) 838-5430
TC - Town Clerk's Office - (561) 838-5416

Last Revised 5/15/2023

Town of Palm Beach Master Fee Schedule

FEE CATEGORY	*FEE*	*DEPT*
BUSINESS TAX RECEIPTS		
BUSINESS TYPE:		
Abstractors of Title	$489.00	PZB
Accountant/Auditor/C.P.A., Firm (includes one professional)	$489.00	PZB
Accountant/Auditor/C.P.A.	$489.00	PZB
Adult Entertainment	$1,413.00	PZB
Administrative Office	$396.00	PZB
Answer Phone (support business services)	$489.00	PZB
Apartments (see Rental Dwellings)		
Architect	$489.00	PZB
Art Gallery, up to 400 sq ft	$208.00	PZB
Art Gallery, 401 - 2,000 sq ft	$489.00	PZB
Art Gallery, 2,001 - 4,000 sq ft	$564.00	PZB
Art Gallery, 4,001 - 8,000 sq ft	$1,129.00	PZB
Art Gallery, over 8,000 sq ft	$1,697.00	PZB
Artist	$376.00	PZB
Astrologer, Phrenologist, Crystal Reading, Palm Reader, Soothsayer, Fortune Teller and Clairvoyant	$512.00	PZB
Bakery	$245.00	PZB
Bank, Trust Company	$1,415.00	PZB
Barber	$187.00	PZB
Barber, Shop (includes one Barber)	$187.00	PZB
Bicycle Shop Rentals	$187.00	PZB
Bicycle Shop, Sales (see Merchants)		
Boat Dealer (Yacht Broker)	$376.00	PZB
Broadcasting Station (Radio or TV)	$543.00	PZB
Broker	$489.00	PZB
Brokerage/Investment Company (includes one Broker)	$1,415.00	PZB
Business Office Only (two people maximum)	$245.00	PZB
Car Rental Agency	$753.00	PZB
Catering	$245.00	PZB
Chiropractor	$489.00	PZB

Town of Palm Beach Master Fee Schedule

Coin-Operated Machines (inside, exclusive of news racks)	$130.00	PZB
Consultant	$489.00	PZB
Contractor Office (Construction)	$543.00	PZB
Cosmetologist	$187.00	PZB
Cosmetology Salon (includes one Cosmetologist)	$187.00	PZB
Dance Instructor	$245.00	PZB
Dance Studio/School	$489.00	PZB
Dentist	$489.00	PZB
Dining Room, 40 chairs or less (hotel, business, etc.)	$245.00	PZB
Plus, for each chair up to 40	$3.83	PZB
Dining Room, over 40 chairs (hotel, business, etc.)	$489.00	PZB
Plus, for every chair	$3.83	PZB
Dining, Club (see Dining Room)		
Electric Light Company	$424.00	PZB
Employment Agency	$489.00	PZB
Engineer	$489.00	PZB
Facialist, Registered (FA) or Specialist (FB)	$55.25	PZB
Full Specialist	$55.25	PZB
Full Registration	$55.25	PZB
Gas Company	$424.00	PZB
Golf Course	$543.00	PZB
Health Studio	$489.00	PZB
Hotel, 10 rooms or less	$74.00	PZB
Hotel, more than 10 rooms	$74.00	PZB
Plus, each additional room	$9.00	PZB
Insurance Broker, Company/Agency	$489.00	PZB
Insurance Salesperson	$245.00	PZB
Interior Decorator	$489.00	PZB
Interior Designer	$489.00	PZB
Jeweler	$850.00	PZB
Law Firm (includes one Lawyer)	$489.00	PZB
Lawyer	$489.00	PZB
Massage Therapist	$489.00	PZB
Massage Establishment (includes one Massage Therapist)	$489.00	PZB

Town of Palm Beach Master Fee Schedule

Merchant, up to 400 sq ft	$208.00	PZB
Merchant, 401 - 2,000 sq ft	$489.00	PZB
Merchant, 2,001 - 4,000 sq ft	$564.00	PZB
Merchant, 4,001 - 8,000 sq ft	$1,129.00	PZB
Merchant, over 8,000 sq ft	$1,697.00	PZB
Mortgage Broker	$489.00	PZB
Mortgage Company	$489.00	PZB
Motor Scooter and Motorcycle Rental	$1,530.00	PZB
Music Service	$489.00	PZB
Nail Registration (FV) or Nail Specialist (FT)	$55.25	PZB
Newspaper (see Publisher)		
Nightclub, with Dance Floor	$1,412.00	PZB
Nightclub, without Dance Floor	$925.00	PZB
Nurse	$489.00	PZB
Nursing Agency (includes one Nurse)	$489.00	PZB
Optician	$489.00	PZB
Optometrist	$489.00	PZB
Parking Garage	$489.00	PZB
Parking Lot (see Chapter 22, Article VI, Parking Lots for further provisions)	$245.00	PZB
Pharmacist (Individual)	$489.00	PZB
Pharmacy (includes one Pharmacist)	$489.00	PZB
Photographer	$245.00	PZB
Physician	$489.00	PZB
Printing Company	$489.00	PZB
Profession, Not Listed	$489.00	PZB
Property Management	$245.00	PZB
Public Relations	$489.00	PZB
Publisher	$489.00	PZB
Real Estate Broker	$489.00	PZB
Rental Dwellings, per unit (minimum two units)	$48.00	PZB
Repair Shop (other than Auto Repair)	$489.00	PZB
Restaurant, 40 chairs or less	$245.00	PZB
Plus, for each chair up to 40	$4.00	PZB

Town of Palm Beach Master Fee Schedule

Restaurant, more than 40 chairs	$489.00	PZB
Plus, for each chair	$4.00	PZB
Savings and Loan Association	$1,415.00	PZB
School, Private	$489.00	PZB
Security Agency, Private (includes one Security Officer)	$245.00	PZB
Security Officer, Private	$36.50	PZB
Service Station (includes Auto Repair)	$543.00	PZB
Services, Not Listed	$245.00	PZB
Swimming Pools, Public	$489.00	PZB
Talent Agency	$489.00	PZB
Taxicabs, each Company or Stand	$376.00	PZB
Telecommunications Company (formerly Telegraph)	$424.00	PZB
Telephone Company	$424.00	PZB
nothing in this chapter will be construed as requiring a license tax for coin-operated telephones		
Theater	$1,697.00	PZB
Plus, for each seat	$2.60	PZB
Travel Bureau/Agency	$489.00	PZB
Trust Agency	$1,415.00	PZB
Unclassified, Business Not Listed	$397.00	PZB
Veterinarian	$489.00	PZB
Veterinary Establishment	$489.00	PZB
TRANSFER FEE:		
Transfer BTR to New Owner or Location	10% of Fee, Max. $25.00	PZB
DATA PROCESSING SERVICES (LABELS)		
Data Processing/Address Labels Services	$50.00	PZB
Labels	$5.00/sheet	PZB
Recordation Fee (up to 6 pages)	**$100 + $10/pg thereafter**	**PZB**

Town of Palm Beach Master Fee Schedule

DEVELOPMENT REVIEW FEES		
ARCHITECTURAL REVIEW FEES:		
ARCOM Application, Major	$2,750.00	PZB
ARCOM Application, Minor	$1,500.00	PZB
ARCOM Application, Staff Approval	$350.00	PZB
ARCOM Application deferral, Major or Minor	$500.00	PZB
~~ARCOM Application deferral, Minor~~	~~$300.00~~	PZB
ARCOM Resubmittal Fee	$1,000.00	PZB
ARCOM Appeal of Board Determination	$2,000.00	PZB
ARCOM Appeal of Staff Determination	$2,000.00	PZB
HISTORICALLY SIGNIFICANT BUILDING FEES		
Historically Significant Building Application	**$750.00**	**PZB**
Historically Significant Building Resubmittal	**$250.00**	**PZB**
Historically Significant Building, Staff Approval	**$150.00**	**PZB**
LANDMARKS PRESERVATION FEES		
Landmark Application	$750.00	PZB
Landmark COA Amendment	**$750.00**	
Landmark Application deferral	**$500.00**	PZB
Landmark Resubmittal Fee	$250.00	PZB
Landmark Application, Staff Approval	$150.00	PZB
Landmarks **Commission** Appeal of Board Determination	$2,000.00	PZB
Landmarks Appeal of Staff Determination	$2,000.00	PZB
Landmark Tax Abatement ~~Preparation~~ Fee	$1,500.00	PZB