



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 10, 2022

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. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by the Applicants and Appointments to the Code Enforcement Board Page 9
Pat Gayle-Gordon, Acting Town Clerk
- B.** Presentations by the Applicants and Appointments to the Investment Advisory Committee Page 25
Pat Gayle-Gordon, Acting Town Clerk

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

VII. COMMENTS OF TOWN COUNCIL MEMBERS

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 46
Pat Gayle-Gordon, Acting Town Clerk
- April 12, 2022, Town Council Meeting Minutes
April 13, 2022, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 27, 2022. Page 90
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 054-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to the Planning, Zoning & Building Department. Page 100
Wayne Bergman, Director of Planning, Zoning and Building
2. RESOLUTION NO. 055-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Second Amendment to the Existing Interlocal Agreement Governing the Protocol by Which the Town of Palm Beach Transports and Refers Homeless Individuals for Acceptance into the Homeless Resource Center and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town of Palm Beach. Page 114
Nicholas Caristo, Chief of Police
3. RESOLUTION NO. 056-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach, Ex Post Facto, to Submit an Application for the FY2021 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Page 139

Personnel Overtime Expenses Incurred During the Grant Period;
and Authorizing the Town Manager and Staff to Execute All
Documents Necessary on Behalf of the Town of Palm Beach.

Nicholas Caristo, Chief of Police

4. RESOLUTION NO. 057-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-08, Disaster Debris Monitoring to Rostan Solutions, LLC and DebrisTech, LLC. Page 150

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 058-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-09, Disaster Debris Removal to a Pool of Pre-Qualified Firms, Ceres Environmental Services, Inc., DRC Emergency Services, LLC and Phillips and Jordan, LLC. Page 161

Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 059-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Chen Moore and Associates for Professional Assistance with the Phipps Park Lifeguard Building Renovation in the Amount of \$69,858 and Establishing a Project Budget of \$77,000. Page 189

Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 060-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Zimmerman Tree Services in the Amount of \$88,700 for Trimming of Royal Palms, Hardwoods and Australian Pines. Page 203

Dean Mealy, Purchasing Manager

8. RESOLUTION NO. 061-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector in the Amount of \$80,052 for Twenty-eight (28) Cradlepoint Wireless Router Devices for Public Safety. Page 206

Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 062-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 for the Water Feasibility Study. Page 210

Dean Mealy, Purchasing Manager

10. RESOLUTION NO. 067-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Chen Moore and Associates for Engineering Services for CIPP Lining - Basins A05, A06 and A43 in the Amount of \$175,240 and Establishing a Project Budget of \$200,000. Page 214

Dean Mealy, Purchasing Manager

11. RESOLUTION NO. 068-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Solid Waste and Recycling Inter-local Agreement with Palm Beach County Solid Waste Authority. Page 225
Dean Mealy, Purchasing Manager

C. OTHER

1. Status Report on Previously Approved Expansion of Placard Parking Program. Page 245
Jane Le Clainche, Director of Finance
2. 340 Royal Poinciana Way - Review and Approval of The Declaration of Use Agreement and the Amended and Restated 1979 Agreement. Page 248
Wayne Bergman, Director of Planning, Zoning and Building
3. Approve Request by Florida Power & Light (FPL) for Night Work at 155 North County Road Page 275
H. Paul Brazil, P.E., Director of Public Works

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Code Enforcement Board Page 278
Bram Majtlis, Chair
- B. Annual Report of the Planning and Zoning Commission Page 282
Gail Coniglio, Chair

XI. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on April 14, 2022 Page 286
Julie Araskog, Chair
- B. Report of the Business and Administrative Committee Meeting Held on April 18, 2022. Page 290
Lew Crampton, Chair
1. Recommended Parking Regulation Changes on the 200 Block of South County Road.
Nicholas Caristo, Chief of Police

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project Page 297
H. Paul Brazil, P.E., Director of Public Works
- a. Review of Project and Dashboard, Summary of Project Status
- b. Consider The Breakers Request for Improvements Along South

County Road Between Via Bethesda and Royal Poinciana

c. Review of Temporary Replacement of Failing Mast Arms at Peruvian Avenue and Worth Avenue by Florida Department of Transportation.

d. RESOLUTION NO. 063-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Engineering Design Services for Post-Mounted Signals at Hammon Avenue, Worth Avenue, and Peruvian Avenue in the Amount of \$82,028 and Establishing a Project Budget of \$90,000.

e. Approve Request for Saturday Work to Mill and Resurface Parking Lot at 205 Royal Palm Way

- | | | |
|----|--|-------------|
| 2. | Implementation Plan for Coastal Resiliency - Part Two
<i>Wayne Bergman, Director of Planning, Zoning and Building</i> | Page
354 |
| 3. | Discussion Regarding Café Permit Extension
<i>Wayne Bergman, Director of Planning, Zoning and Building</i> | Page
392 |

C. New Business

- | | | |
|----|---|----------|
| 1. | Evaluation of Impacts to Right-of-Way Due to "Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation".
TIME CERTAIN: 2:00 PM
<i>H. Paul Brazil, P.E., Director of Public Works</i> | Page 403 |
| 2. | Review of a Stop Work Order Due to Three Strike Rule at 310 Clarke Avenue.
<i>Wayne Bergman, Director of Planning, Zoning and Building</i> | Page 431 |
| 3. | Garbage Collection at Town Marina
TIME CERTAIN: 3:00 PM
<i>Bobbie Lindsay, Council President Pro Tem</i> | |
| 4. | Noise Complaints Concerning Car Washing Activities in Residential Areas.
<i>Julie Araskog, Town Council Member</i> | |

XIII. ORDINANCES

A. Second Reading

- | | | |
|----|---|----------|
| 1. | Proposed Ordinance to Amend Chapter 2 Article X Section 2-636 of the Town Code to Modify the Responsibilities of the Shore Protection Board | Page 444 |
|----|---|----------|

ORDINANCE NO. 006-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending

the Town Code of Ordinances at Chapter 2, Article X, Section 2-636, Shore Protection Board; Providing for Severability, Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

2. Proposed Ordinance to Amend Chapter 88 Articles II and III of the Town Code to Modify Hedge Heights and Eliminate Pests Page 450

ORDINANCE NO. 007-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 88, Property Maintenance Code, at Article II, Definitions, Section 88-14, General Definitions; and at Article III, General Requirements, Sections 88-16, Exterior Property Areas, and 88-23, Pest Elimination; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

B. First Reading

1. Proposed Ordinance to Amend Chapter 42 Article V, Section 42-228 to Modify the Decibel level in Area 4 of the Town Page 453

ORDINANCE NO. 008-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental at Article V, Noise at Section 42-228, Nonvehicular Noise Amending the Maximum Level, dba Measurement In Geographic Area 4 to be Consistent with the Measurements in Geographic Areas 1 And 3, I.E., 61 Decibels During the Day and 55 Decibels at Night; Providing for Repeal of Ordinances or Parts of Ordinances in Conflict Herewith, Providing for Severability; Providing for Codification; Providing an Effective Date.

Nicholas Caristo, Chief of Police

XIV. ANY OTHER MATTERS

XV. 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: May 10, 2022

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Code Enforcement Board

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2022, from Pat Gayle-Gordon, Acting Town Clerk**
- ▣ **Attendance Record**
- ▣ **Member Roster**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Gary Feldman**
- ▣ **Application - Victoria Piroso**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Acting Town Clerk

RE: Code Enforcement Board Appointment of One (1) Alternate Member

DATE: May 2, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint one (1) alternate member to the Code Enforcement Board. This member will fill the vacancy created due to the resignation of Julie Herzig Desnick.

GENERAL INFORMATION

The Town Clerk's office has received two (2) applications seeking **NEW APPOINTMENT** from the following:

1. Gary Feldman – 264 Everglade Avenue, Palm Beach, FL;
2. Victoria Piroso – 250 Seminole Avenue, Apt. 5, Palm Beach, FL.

Attachments

cc: Nicholas Caristo, Chief of Police

Code Enforcement Board Attendance Record 2022

Member	1/20	2/17	3/18	4/21	5/19	6/16	7/21	8/18	9/15	10/20	11/17	12/15
Bram Majtlis	<i>(Regular Member 4/2019 - Alternate Member as of 6/2018 - Chairman 5/2021)</i>											
	P	P	P	P								
Daniel McDonnell	<i>(Regular Member as of 04/2017, Alternate 11/2016 - 04/2017)</i>											
	P	P	P	P								
Linda K. Wartow	<i>(Regular Member as of 04/2018, Alternate 02/2018 - 04/2018)</i>											
	P	P	P	P								
Martin Klein	<i>(Regular Member as of 1/2021)</i>											
	P	P	P	P								
Scotch Peloso	<i>(Regular Member as of 4/2021 - elected Vice Chairman 3/2022))</i>											
	P	P	P	P								
Chris Larmoyeux	<i>((Regular Member as of 4/2021)</i>											
	P	P	P	P								
Pamela Saba	<i>(Regular Member as of 4/ 2022 Alternate Member as of 4/2020)</i>											
	P	P	P	P								
John B. McGowan Jr.	<i>(Alternate Member as of 3/2022)</i>											
	-	-	P	P								
Steven Meltzer	<i>(Regular Member as of 4/2015, Alternate 12/2013 - 04/2015)</i>											Term Exp. 4/2021
	P	P										
Julie Herzig Desnick	<i>(alternate Member as of 4/2021, resigned March 1, 2022)</i>											

LEGEND: P= Present
 E- Excused
 U= Unexcused Absence
 A= Absence pending classification as excused or unexcused
 X= No meeting date
 - = Not a member at time of meeting
 * = special session, attendance not mandatory
 Q = would have attended, but no meeting due to lack of a quorum
 C= Meeting cancelled due to Town Emergency
 V= Audio/Visual problems from Zoom meeting



CODE ENFORCEMENT BOARD ROSTER

<u>Name & Address</u>	<u>Email Address</u>	<u>Appointment</u>	<u>Term Expires</u>
Bram Majtli – Chairman 2275 S. Ocean Blvd. #207A Palm Beach, FL 33480 – Business Person	BMajtli723@me.com 404-274-8113	4/2022 4/2019 6/2018	4/2025 (Term 2)*** 4/2022 (Term 1) 4/2019 (0 Less than 1.5 yrs. Alternate
Daniel McDonnell 2788 S Ocean Blvd. #206N Palm Beach, FL 33480 – Business Person	Beachwater.jack@gmail.com 561-547-6799	4/2020 4/2017 11/2016	4/2023 (Term 2)*** 4/2020 (Term 1) 4/2017 (1 more than 1.5 yrs Alternate)
Linda Wartow 2295 S. Ocean Blvd. # 814 Palm Beach, FL 33480 – Business Person	LWartow@aol.com 561-547-3311 617-968-5400 (c)	4/2021 4/2018 2/2018	4/2024 (Term 2)**** 4/2021 (Term 1) 4/2018 (0 less than 1.5 yrs)
Pamela Saba 2760 S Ocean Blvd #412 Palm Beach, FL 33480 – Business Person	adsabenterprise@icloud.com 561-385-3051	4/2022 4/2020	4/2025 (Term 1) 4/2022 (0 less than 1.5 yrs. Filling Mr. Cohens alternate position)
Martin Klein 1060 N Ocean Blvd. Palm Beach, FL 33480 Lawyer	Martinklein@gmail.com 561-881-8000	1/2021	1/2023 (Term1 – Filling Mr. Cohens unexpired regular member position)
Scotch Peloso 244 Sunset Ave. Unit 5 Palm Beach, FL 33480 Tutor	palmbeach@gmail.com 561-247-1072	4/2021	4/2024 (Term 1)
Chris Larmoyeux 217 Tangier Ave. Palm Beach, FL 33480 Lawyer	cmi@lb-law.com 561-685-4206	4/2021	4/2024 (Term 1)
ALTERNATES			
John B. McGowan Jr. 210 Esplanade Way Palm Beach, FL 33480 Private Investor	john@mcgowangrp.com 561-444-2375 (h) 610-585-2701 (w)	3/2022	3/2025 (Term 1)
Vacant			

CODE ENFORCEMENT BOARD

Next appointment: **May 10, 2022, Town Council meeting**

Openings advertised via news release: **April 7, 2022**

Deadline to submit applications: **Friday, April 29, 2022, by 5:00 p.m.**

Number of openings: **1 alternate member**

Applicants

<u>NAME</u>	<u>SEEKING</u>
Gary Feldman	New Appointment
Victoria Piroso	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Bram Majtlis, Chair	April 1, 2025
Scotch Peloso, Vice Chair	April 1, 2024
Daniel McDonnell	April 1, 2023
Linda K. Wartow	April 1, 2024
Martin I. Klein	April 1, 2023
Pamela Saba	April 1, 2025
Chris Larmoyeux	April 1, 2024
<u>Alternate Members</u>	
John B. McGowan, Jr	March 1, 2025
VACANT	

Highlighted in yellow=term currently expiring/vacant

*=Applied for reappointment

**=Applied for appointment from alternate member to regular member

***=Termed out

BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE **CODE ENFORCEMENT BOARD (CEB)**
Town Council Meeting on **May 10, 2022**

Positions to be filled: 1 Alternate Member

Please circle 1 from the list of names appearing below

Individuals Who Have Submitted Applications
(Listed Alphabetically)

Gary M. Feldman

Victoria Piroso

Signature of Town Council Member: _____
Town Council Member

Town of Palm Beach

Submit Date: Jan 19, 2022

Application for Service

Profile

Gary M Feldman
First Name Middle Initial Last Name

264 Everglade Avenue
Home Address Suite or Apt

Palm Beach FL 33480
City State Postal Code

gary@garyfeldman.com
Email Address

Mobile: (970) 948-3737 Mobile: (970) 948-1046
Primary Phone Alternate Phone

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below) KMC

GMF

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards


Please upload proof of residency

Residency confirmed

Which Boards would you like to apply for?

Code Enforcement Board: Submitted

In what area of town do you live?

☒ Midtown

Interests/Experience

Question applies to Code Enforcement Board

Why are you interested in serving on the Code Enforcement Board?

To assist in keeping Palm Beach a wonderful place to live.

Question applies to Code Enforcement Board

How many meetings of the Code Enforcement Board have you attended in the last year?

0

Please indicate if there are any periods of time for which you will be unavailable for meetings.

It would depend on whether occasional Zoom attendance would be allowed

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Aspen Board of Realtors - Past President; 15 years of service ASE Vision - Served on Aspen Airport Experience Committee which evaluated and provided input on how the overall airport experience integrates with the regional community. (2018-2019)

Question applies to Code Enforcement Board

Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain)

No but I am very aware of code violations and feel that it is my civic duty to get involved.

Are you a member of any of the following organizations? (Check all that apply)

None Selected

Present Occupation

Real Estate Broker

No. of years

40+

Past occupation(s)

Real estate has been my entire adult career

No. of years

40+

Please provide details regarding your educational background:

Economics degree from the University of Utah. On-going continuing education requirements established by the Florida Department of Business and Professional Regulation

Question applies to Code Enforcement Board, Landmarks Preservation Commission

**Do you have a degree in, or have you taken courses in, any of the following fields of study:
(Check as many as are applicable) ***

☒ None

[2021 Resume.pdf](#)

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Code Enforcement Board

Why do you feel you are qualified to serve on the Town's Code Enforcement Board?

40+ years in residential real estate in Aspen, Houston, Chicago and Salt Lake City in addition to commercial real estate in Chicago and Houston.

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Amy H Feldman - Spouse

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Question applies to Code Enforcement Board

Please attach proof of residency (as listed above) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health. In addition, the Town Council may appoint two alternate members for the purpose of serving in the absence of any of the board members. Members (and alternate members) shall be appointed for terms of three years. A member of the code enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

Gary Feldman

EXPERIENCE

2014-	Aspen Snowmass Sotheby's	Aspen
2013-2014	BJ Adams & Company	Aspen
2007-2013	Joshua & Co. Managing Partner	Aspen
2002-2007	Coates Reid & Waldron	Aspen
2001-2002	Joshua & Co.	Aspen
1998-2001	Aspen Real Estate Company	Aspen
1997-1998	Maroon Creek Marketing Group	Aspen
1996-1997	Aspen Club Properties	Aspen
1985-1996	Showcase Properties <i>Owner/Managing Broker</i>	Aspen
1983-1985	Showcase Properties <i>Owner/Managing Broker</i>	Houston

EDUCATION

1970-1975	University of Utah <i>B.S. Economics</i>	Salt Lake City
-----------	---	----------------

PROFESSIONAL LICENSES & CREDENTIALS

Licensed as a broker in Colorado since 1985

Granted Realtor Emeritus designation by National Association of Realtors

Licensed as a broker in Florida since 2010

Previously licensed as a broker in Texas, Illinois, Utah

Certified expert real estate witness in Pitkin County, Garfield County, Eagle County, Colorado

Former Property Manager for R.T.C. (Resolution Trust Corporation)

Faculty Instructor – The Real Estate School, Boulder Colorado

ASPEN BOARD OF REALTORS

Served as President, Appointed Past President, Director, MLS Director, Professional Standards Committee Chairman and instructor for the Aspen Fair Housing/Ethics course for ten years.

Realtor of the Year - 1998

Town of Palm Beach

Submit Date: Apr 19, 2022

Application for Service

Profile

Victoria

First Name

Piroso

Last Name

Middle Initial

250 Seminole Avenue Apt 5

Home Address

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

info@victoriasluxuryestates.com

Email Address

Home: (561) 837-1431

Primary Phone

Home: (561) 705-7355

Alternate Phone

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below)

VP

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards

Verified KMC 4-21-22

Please upload proof of residency**Which Boards would you like to apply for?**

Code Enforcement Board: Submitted

In what area of town do you live?☒ North

Interests/Experience

Question applies to Code Enforcement Board

Why are you interested in serving on the Code Enforcement Board?

Yes

Question applies to Code Enforcement Board

How many meetings of the Code Enforcement Board have you attended in the last year?

10

Please indicate if there are any periods of time for which you will be unavailable for meetings.

04/20/2022 afternoon or evening

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

American Cancer Society 1.5 years

Question applies to Code Enforcement Board

Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain)

Yes

Are you a member of any of the following organizations? (Check all that apply)

- ☒ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☒ Citizens' Association of Palm Beach
- ☒ Preservation Foundation of Palm Beach
- ☒ Palm Beach County Historical Society
- ☒ Other

Present Occupation

Realtor

No. of years

30

Past occupation(s)

N/A

No. of years

Please provide details regarding your educational background:

Temple University Harvard business

Question applies to Code Enforcement Board, Landmarks Preservation Commission

**Do you have a degree in, or have you taken courses in, any of the following fields of study:
(Check as many as are applicable) ***

☒ None

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

Question applies to Code Enforcement Board

Why do you feel you are qualified to serve on the Town's Code Enforcement Board?

Living in the town of Palm Beach twenty five years plus selling real estate.

Question applies to multiple boards

In the event you are applying to be a Regular Member and you are not successful, will you accept appointment as an Alternate Member should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

N/A

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Please attach proof of residency (as listed above) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health. In addition, the Town Council may appoint two alternate members for the purpose of serving in the absence of any of the board members. Members (and alternate members) shall be appointed for terms of three years. A member of the code enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Investment Advisory Committee

Presenter

Pat Gayle-Gordon, Acting Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated April 2, 2022, from Pat Gayle-Gordon, Acting Town Clerk**
- ▣ **Attendance Record**
- ▣ **Member Roster**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Kathleen Anderson**
- ▣ **Application - Michael Greenwald**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Acting Town Clerk

RE: Investment Advisory Committee Appointment of Two (2) Members

DATE: May 2, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint two (2) members to the Investment Advisory Committee. These members will fill the vacancies created by the term expirations of Kathleen Anderson and Michael Greenwald who are both eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received two (2) applications seeking **REAPPOINTMENT** from the following:

1. Kathleen Anderson – 2660 South Ocean Blvd., Apt. 401W, Palm Beach, FL;
2. Michael Greenwald – 130 Sunrise Avenue, Apt. 215, Palm Beach, FL.

Attachments

cc: Jane Le Clainche, Director of Finance

Investment Advisory Committee
Attendance
2022

Meeting Date	2/18/2022			
Members				
Chris Storkerson	Present			
Kathleen Anderson	Present			
David McDonald	Present			
Michael Greenwald	Exc. Absence			
Lloyd McAdams	Present			

Voting Conflicts

Members				
Meeting Date	2/18/2022			
Chris Storkerson	none			
Kathleen Anderson	none			
David McDonald	none			
Michael Greenwald	none			
Lloyd McAdams	none			

**TOWN OF PALM BEACH
INVESTMENT ADVISORY COMMITTEE
As of April 22, 2021**

TRUSTEES:

TERM:

Town Resident

Mr. Chris Storkerson
302 N. Woods Road
Palm Beach, FL 33480

First Appointed 4/2013
Term Expires 4/2024
(5 terms)

Town Resident

Ms. Kathleen Anderson
2660 South Ocean Blvd Apt 401
Palm Beach, Florida 33480

First Appointed 12/2017
Term Expires 5/2022
(1 term)

*Town Resident
Member*

Mr. David McDonald
234 Merrain Road
Palm Beach, Florida 33480

First Appointed 11/2018
Term Expires 5/2024
(2 term)

*Town Resident
Member*

Mr. Michael Greenwald
130 Sunrise Ave. Apt 215
Palm Beach, FL 33480

First Appointed 11/2020
Term Expires 5/2022

*Town Resident
Member*

Mr. Lloyd McAdams
243 Tangier Avenue
Palm Beach, FL 33480

First Appointed 4/2021
Term Expires 5/2024

-

INVESTMENT ADVISORY COMMITTEE

Next appointment: May 10, 2022, Town Council meeting

Openings advertised via news release: February 17, 2022

Deadline to submit applications: Friday, April 29, 2022

Number of openings: 2 Members

Applicants

<u>NAME</u>	<u>SEEKING</u>
Michael Greenwald	Reappointment
Kathleen Anderson	Reappointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Chris Storkerson	4/2024
Kathleen Anderson*	5/2022
David McDonald	5/2024
Michael Greenwald*	5/2022
Lloyd McAdams	5/2024

Highlighted in yellow=term currently expiring

*=Applied for reappointment

**=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBERS
TO THE **INVESTMENT ADVISORY COMMITTEE (IAC)**
Town Council Meeting on **May 10, 2022**

Positions to be filled: 2 Regular Members

Please circle 2 from the list of names appearing below

Members Seeking Reappointment
(Listed Alphabetically)

Kathleen Anderson

Michael Greenwald

Signature of Town Council Member: _____
Town Council Member



RECEIVED

FEB 07 2022

Town Clerk's Office

Town of Palm Beach Application for Service

Re appointment IAC

* Denotes a required field

Profile

First Name *

Anderson

Middle Initial

M

Last Name *

Kathleen

Home Address *

2660 S Ocean Blvd

Apt 401W

City *

Palm Beach

State *

FL

Postal Code *

33480

Email Address *

kma2658@aol.com

Primary Phone *

Home

(609) 915-9318

Alternate Phone

Home

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below) *

Kma

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards

Please upload proof of residency

Choose file

accepted formats: doc, docx, rtf, txt, and pdf

Which Boards would you like to apply for? *

 This board does not have a vacancy

Investment Advisory
Committee ▼

These board-specific questions have been added to your application:

Investment Advisory Committee

I am a resident of the Town of Palm Beach (Initial below) **Go to Question**

Go to Question

Please upload proof of residency **Go to Question**

Why are you interested in serving on the Investment Advisory Committee? **Go to Question**

How many meetings of the Investment Advisory Committee have you attended in the past two (2) years? **Go to Question**

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc. **Go to Question**

Please describe your current or prior investment experience, and describe any fixed investment experience you may have. **Go to Question**

Go to Question

In what area of town do
you live?

South

Interests/Experience

Question applies to Investment Advisory Committee

Why are you interested in serving on the Investment Advisory Committee? *

I believe that I have added value to the process in terms of discussions and decision making

Question applies to Investment Advisory Committee

How many meetings of the Investment Advisory Committee have you attended in the past two (2) years? *

4+

Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

N/a

Question applies to Investment Advisory Committee

Please describe your current or prior investment experience, and describe any fixed investment experience you may have. *

Worked on Wall Street for about 40 years either as an analyst or portfolio manager My investment style has always been on income generation and minimization of downside risk

Are you a member of any of the following organizations? (Check all that apply)

Palm Beach Civic Association ▼

Present Occupation

Retired

No. of years

5

Past occupation(s)

Managing Director of BlackRock. Analyst and portfolio manager of Equity Income Fund and BlackRock Utility and Infrastructure Fund. Previous Merrill Lynch

No. of years

About 40 years

Please provide details regarding your educational background:

BBA in Economics and Finance

Upload a Resume *

Choose file

Accepted file types: RTF, DOC, DOCX, PDF, TXT, JPG, JPEG, GIF, PNG

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations? *

☐ Yes

☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application. *

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree *

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children. *

None

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

Caucasian/Non-Hispanic

Gender

Female

Physically Disabled

☐ Yes

☐ No

*

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree *

Question applies to Investment Advisory Committee

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the

Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

Withdraw

(/boards/forms/693/apply/2438942?code=86100faf-32bd-4330-b385-

b945f6422b9d)

Submit

View as PDF/Print (/boards/forms/693/apply/2438942.pdf?code=86100faf-32bd-4330-b385-b945f6422b9d&no_redaction=true)

Save for later

Application for Service

Profile

Greenwald

First Name

B

Middle Initial

Michael

Last Name

130 Sunrise Ave

Home Address

Apt 215

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

michael.greenwald00@gmail.com

Email Address

Home: (617) 872-9898

Primary Phone

Alternate Phone

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below)

Yes

Question applies to multiple boards

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida's Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

Question applies to multiple boards

[MBG_License.docx](#)

Please upload proof of residency

Which Boards would you like to apply for?

Investment Advisory Committee: Submitted

In what area of town do you live?☒ Midtown

Interests/Experience

Question applies to Investment Advisory Committee

Why are you interested in serving on the Investment Advisory Committee?

My wife and I both grew up coming to Palm Beach, so living here now as a married couple brings our lives full circle. We both care deeply about doing our parts to help our community here thrive, and I believe I could make my strongest contribution to our town by serving on our Investment Committee. I have spent almost 5 years at Tiedemann Advisors, a multi-family office, and have helped oversee the firm's global expansion. When I started, Tiedemann managed \$12 billion in assets, and I helped grow our assets under management to over \$30 billion. I help advise many of our endowment and foundation clients on maintaining and growing their funds. I strategize with them on how to capitalize on future market trends while catering to their individualized risk profiles. As a member of the Investment Committee, I would seek to actively shape the investment strategy to make sure Palm Beach thrives for many years to come.

Question applies to Investment Advisory Committee

How many meetings of the Investment Advisory Committee have you attended in the past two (2) years? *

☒ 4+

Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

Question applies to multiple boards

If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Town of Palm Beach Investment Advisory Committee (2020 - Present) The Promise Fund of Florida (2020 - Present; serving as Vice Chairman) Intercontinental Real Estate Corporation (2019 - Present) Halo Maritime Defense Systems (2018 - Present) Susan G. Komen Foundation (2017 - 2019)

Question applies to Investment Advisory Committee

Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

I currently work at Tiedemann Advisors, a multi-family office, where I help manage clients ranging from multi-generational families to large institutions with endowments and foundations. Each client has different goals and varying risk thresholds, so I help guide them on making smart investments that align with future market trends while taking into account their unique circumstances.

Are you a member of any of the following organizations? (Check all that apply)

None Selected

Present Occupation

Director at Tiedemann Advisors and Head of Digital Asset Education at Tiedemann Advisors

No. of years

4.5

Past occupation(s)

United States Treasury Attachè to Qatar and Kuwait (August 2015 - July 2017) Policy Advisor for Europe, Office of Terrorism and Financial Crimes (February 2013 - August 2015) Intelligence Analyst, Office of Terrorism and Financial Intelligence (August 2010 - February 2013)

No. of years

7

Please provide details regarding your educational background:

Boston University School of Law (2007 - 2010) - Juris Doctor, concentration: National Security Law
Boston University Graduate School of International Relations (2006 - 2007) - Master of Arts, International Relations, concentration: National Security Policy and Anti-Terrorist Financing - Honors: Summa Cum Laude (Class Rank #1) - Awards: Graduate Prize for Excellence in International Relations The George Washington University (2002 - 2006) - Bachelor of Arts, History, concentration: Homeland Security - Honors: Cum Laude - NCAA Division I Squash Team Award for Excellence in Academics

[Michael Greenwald Resume.pdf](#)

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

To enable Town Council to consider potential conflicts of interest, please list the family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

N/A

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application of dismissal after appointment.

☒ I Agree

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

MICHAEL GREENWALD

Michael.greenwald00@gmail.com • (617) 872-9898

ABOUT

Michael Greenwald is a thought-leader, former financial diplomat, professor, and author with over 10 years of experience in finance, corporate strategy, public policy, and diplomacy. Michael has spent most of his life in the public sector working for the U.S. Treasury culminating with serving as our country's first and most senior Treasury diplomat to Qatar and Kuwait. After departing Treasury, he has used experiences overseas and knowledge of international politics and monetary policy to lead the domestic and international growth of a global multi-family office with over \$30 billion in assets. He has spent his life focused on highly sensitive issues and working out solutions to consequential matters, so he is well-suited high level strategy roles focused on monetary policy and geopolitical direction at Fortune 500 companies.

EDUCATION

Boston University School of Law (2007 – 2010)

- Juris Doctor, concentration: National Security Law
- Founder and President, National Security Law Society

Boston University Graduate School of International Relations (2006 – 2007)

- Master of Arts, International Relations, concentration: National Security Policy and Anti-Terrorist Financing
- Honors: Summa Cum Laude (Class Rank #1)
- Awards: Graduate Prize for Excellence in International Relations

The George Washington University (2002 – 2006)

- Bachelor of Arts, History, concentration: Homeland Security
- Honors: Cum Laude
- NCAA Division I Squash Team Award for Excellence in Academics

CERTIFICATIONS/CLEARANCES

Amazon Certified Cloud Practitioner (2021 - Present)
Top Secret/SCI Clearance (2010 - 2020)

PROFESSIONAL EXPERIENCE

Tiedemann Advisors and Tiedemann Constantia

July 2017 - Present

Director (Tiedemann Advisors), Managing Director (Tiedemann Constantia), Head of Digital Asset Education

- Develops relationships with families and foundations that led to over \$500 million of new assets under management
- Formulates business development strategy focused on Europe, Asia, and the Middle East and acts as the main point-person on international relationships with global families and family offices
- Leads geopolitical and macroeconomic strategic discussions with thought leaders for the firm and clients regarding the environmental social governance (ESG) strategy dealing with financial inclusion and equity issues
- Manages senior relationships with families and family offices globally regarding the current regulatory landscape with Central Bank Digital Currencies, Stable Coins, and decentralized finance
- Provides education and strategy across the firm and investment group on issues related to blockchain technology
- Spearheads thoughtful collaboration with private industry, and high impact global nonprofits and foundations

United States Department of Treasury

August 2010 – July 2017

United States Treasury Attaché to Qatar and Kuwait (August 2015 – July 2017)

- Established and opened the Treasury Department's office in Doha, Qatar in August 2015 serving as our country's most senior representative to Qatar and Kuwait

- Worked with security and regulatory authorities to understand, degrade, and disrupt the funding of terrorist groups, organized crime, and rogue states across the region
- Disrupted terrorist financing and support to the Iranian Islamic Revolutionary Guards' Quds Force and another Middle East-based terrorist group
- Managed the U.S.'s relationships with the Qatar and Kuwaiti sovereign wealth funds, finance ministries, central banks, and financial institutions
- Navigated fiscal issues and reform in a low oil price environment, increasing stability and transparency in banking systems, developing debt capital markets, and promoting sovereign wealth investment in the United States

Policy Advisor for Europe, Office of Terrorism and Financial Crimes (February 2013 - August 2015)

- Developed and implemented strategies involving sanctions and authorities to combat national security threats and safeguard the U.S. financial system from a range of illicit finance threats in Europe and Ukraine/Russia
- Represented the Treasury Department in White House meetings and with foreign governments and the private sector to inform them of Treasury policy objectives and to secure cooperation in achieving those objectives
- Assisted with Treasury and interagency efforts in Ukraine to aid leadership in developing a sanctions regime
- Advised senior Treasury Department officials on EU litigation issues dealing with Iran, Syria, Ukraine/Russia, and Hamas
- Served as Head of the U.S. delegation to the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) working closely with the Council of Europe and 35 European countries

Intelligence Analyst, Office of Terrorism and Financial Intelligence (August 2010 - February 2013)

- Served as a Treasury intelligence advisor on Africa based Al-Qaeda affiliated terrorist groups advising Treasury senior leadership, National Security Council and Intelligence Community
- Developed and implemented the U.S. Government's legal strategy to disrupt terrorist groups' financial support networks in Africa

Fellowships and Non-Executive Engagements

Center for New American Security (2021 – Present)

- Senior Fellow

Town of Palm Beach Investment Committee (2020 – Present)

- Elected Member

The Promise Fund of Florida (2020 – Present)

- Vice Chairman of the Board
- Initiated a partnership between The Promise Fund and the Qatar Cancer Society

Trilateral Commission (2019 – Present)

- North American Group Deputy Director working with David Rockefeller Fellows

Intercontinental Real Estate Corporation (2019 – Present)

- Board Member

The Harvard Kennedy Belfer Center (2018 – Present)

- Fellow & Lecturer and author

The Atlantic Council (2018 - Present)

- Senior Advisor to CEO and President; Senior Fellow

Halo Maritime Defense Systems (2018 – Present)

- Board Member

Dana-Farber Cancer Institute (2018 – 2020)

- Senior Advisor

Susan G. Komen Foundation (2017 – 2019)

- Board Member and Finance Committee Chairman

Aspen Institute (2015 – Present)

- Vanguard Society of Fellows

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda Minutes

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

April 12, 2022, Town Council Meeting Minutes
April 13, 2022, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **April 12, 2022, Town Council Meeting Minutes**
- ▣ **April 13, 2022, Town Council Development Review Meeting Minutes**



**MINUTES OF THE TOWN COUNCIL MEETING
HELD ON APRIL 12, 2022**

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. MODIFICATIONS TO THE AGENDA

The following modification was made to the agenda:

Item No. XVI.C.5. Approval of March 8, 2022, Town Council Meeting Consent Agenda
Jay Boodheshwar, Deputy Town Manager

- IV. APPROVAL OF AGENDA

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

This item was taken out of order of the agenda:

- XVI. C. 5. Approval of March 8, 2022, Town Council Meeting Consent Agenda
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the March 8, 2022 Town Council Meeting Consent Agenda, as amended with Item No. X.B.4. RESOLUTION NO. 036-2022 pulled and Heard as Item No. XIII.A.1. On roll call, the Motion passed unanimously.

- V. RECOGNITIONS

- A. Recognition of Pam McIver for her Service on the Recreation Advisory Commission from April 2019 to April 2022 [Danielle H. Moore, Mayor]

Mayor Moore presented a plaque to Ms. McIver for her service on the Recreation Advisory Commission.

- B. Recognition of Leslie Wyrzes for her Service on the Recreation Advisory Commission from April 2015 to April 2022 [Danielle H. Moore, Mayor]

Mayor Moore presented a plaque to Ms. Wyrzes for her service on the Recreation Advisory Commission.

VI. SWEARING IN OF ELECTED OFFICIALS

The Honorable Judge Lisa Small

1. Lewis S.W. Crampton
2. Bobbie Lindsay
3. Margaret A. Zeidman

Mayor Moore became Presiding Officer and introduced the Honorable Judge Lisa Small. Judge Small administered the oath of office to Mr. Crampton, Ms. Lindsay and Ms. Zeidman.

VII. ORGANIZATIONAL ITEMS

- A. Election of Town Council President Pursuant to Section 3.01 of the Town Charter (Town Council President Becomes Presiding Officer)
- B. Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the elections of Margaret A. Zeidman as Town Council President and Bobbie Lindsay as Town Council President Pro Tem. On roll call, the Motion passed unanimously.

This item was taken out of order of the agenda:

IX. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed her appreciation and congratulations to Deputy Town Manager Jay Boodheshwar on his new appointment as City Manager at the City of Naples.

X. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay expressed her appreciation to Deputy Town Manager Boodheshwar on his dedication and his work on the Town Marina, Business and Administration Committee regarding parking, as well as other projects.

Council Member Crampton expressed his congratulations to Deputy Town Manager Boodheshwar on his new position and spoke regarding his great work and understanding

of operations and his ability to work with everyone and explain complex issues in an understandable way.

Council Member Araskog expressed her appreciation to Deputy Town Manager Boodheshwar on his hard work on ORS and other Town projects and operations, as well as his ability to collaborate and understand all sides of issues.

Council Member Cooney expressed his appreciation to Mr. Boodheshwar on his accomplishments and spoke regarding his thoughtfulness and kindness and his ability to gain consensus on contentious issues.

Council President Zeidman spoke regarding Mr. Boodheshwar being the heart of the community and expressed appreciation for all of his hard work, especially during the COVID-19 pandemic.

This item was taken out of order of the agenda:

XII. APPROVAL OF CONSENT AGENDA

Council Member Cooney requested to remove Item C.3., Temporary Usage of Quadrille Boulevard Parcel [H. Paul Brazil, P.E., Director of Public Works], from the Consent Agenda.

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

A. MINUTES

1. Town Council Meeting Minutes [Pat Gayle-Gordon, Acting Town Clerk]

March 8, 2022, Town Council Meeting Minutes

March 9, 2022, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 23, 2022. [Wayne Bergman, Director of Planning, Zoning and Building]

B. RESOLUTIONS

1. RESOLUTION NO. 042-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of Historic/Specimen Tree in the Town's Rights-of-Way at Ibis Isle Road South Providing an Effective Date. [H. Paul Brazil, P.E., Director of Public Works]

2. RESOLUTION NO. 043-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$173,360 to Applied Technology and Management, Inc., for Town-Wide 2022 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$191,000. [Dean Mealy, Purchasing Manager]
3. RESOLUTION NO. 044-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$152,621 to Coastal Protection Engineering, LLC, for the 2022 FDEP BMA Cell-Wide Annual Biological Monitoring, and Establishing a Biological Monitoring Phase Budget of \$168,000. [Dean Mealy, Purchasing Manager]
4. RESOLUTION NO. 045-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$249,834 to Coastal Protection Engineering, LLC, for Reach 8 Design and Permitting, and Establishing a Design and Permitting Phase Budget of \$275,000. [Dean Mealy, Purchasing Manager]
5. RESOLUTION NO. 046-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$129,389 to Coastal Eco-Group, Inc., for 2022 Mid-Town regulatory required Biological Monitoring and the 2022 FDEP BMA Cell-Wide Monitoring Reporting, and establishing a Biological Monitoring and Reporting Phase Budget of \$142,000. [Dean Mealy, Purchasing Manager]
6. RESOLUTION NO. 047-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2022-11 to Rio-Bak Corporation for Sand Forepassing in the Amount of \$250,000 and Establishing a Project Budget of \$300,000. [Dean Mealy, Purchasing Manager]
7. RESOLUTION NO. 048-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Jacober Creative Design and Marketing Services in the Amount of \$50,000 for a Total Purchase Order Value of \$188,000. [Dean Mealy, Purchasing Manager]
8. RESOLUTION NO. 049-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Purchase Order to W.F. Baird & Associates in the Amount of \$19,360, and Establishing a Task Budget of \$28,000 for Extended Construction Administration Services Associated with the Town Marina Project. [Dean Mealy, Purchasing Manager]

9. RESOLUTION NO. 053-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Supporting and Approving the Application for Funding from the Community Project Program Through the Federal Government Appropriation Process. [Jane Le Clainche, Director of Finance]

C. OTHER

1. Request for Approval of Payment under Town's Supplemental Life Insurance Program [Gillian Barth, Director of Human Resources]
2. Signature Requirements for Town Resolutions [Jay Boodheshwar, Deputy Town Manager]
3. Temporary Usage of Quadrille Boulevard Parcel [H. Paul Brazil, P.E., Director of Public Works]

This item was pulled from the Consent Calendar.

The following item was taken out of order of the agenda:

XVI. REGULAR AGENDA

B. Old Business

1. Update Regarding the Work of the City of West Palm Beach's Panel of Water Quality Experts TIME CERTAIN: 10:00 AM [H. Paul Brazil, P.E., Director of Public Works]

John Potts presented the report from the City of West Palm Beach's Panel of Water Quality Experts. Paul Brazil, Director of Public Works, provided additional information on what work has occurred since the Panel ended.

Mr. Potts and Director Brazil answered Council Members' questions.

Council Member Araskog expressed appreciation to the City of West Palm Beach for allowing the Town to participate in the process.

Council President Zeidman expressed appreciation to the City of West Palm Beach and spoke regarding the issues that had occurred at the beginning of the water emergency.

Council President Pro Tem Lindsay spoke regarding the current system is reactive, rather than proactive.

There was no action taken.

2. Update on Water Feasibility Study TIME CERTAIN: 10:30 AM [H. Paul Brazil, P.E., Director of Public Works]

Jason Lee, Kimley-Horn & Associates presented an extensive PowerPoint presentation on the report of the water feasibility study and explained various alternatives for future water sources. The alternatives include renewing the agreement with the City of West Palm Beach, Town-owned Floridan aquifer source, Town-owned seawater source with a desalination plant, a wholesale agreement with Palm Beach County, and either a retail or wholesale agreement with the City of Lake Worth Beach. He provided an overview of the Phipps Park Desalination Plant, Quadrille Nanofiltration Treatment Plant, upgrading the City of West Palm Beach existing water treatment plant to a membrane plant, including timelines for construction, costs to produce and capital costs.

Town Manager Blouin, and Director Brazil answered Council Members' questions.

Michael Pucillo, 224 Dunbar Road, representing the Civic Association's Water Committee, spoke regarding a lack to creativity in what has been brought forward from the consultants and provided additional information on other options. He expressed concern over using surface water as opposed to water from the Floridan aquifer. He spoke in support of moving toward approval in the next year.

Tom Warnke, Surfrider Foundation, spoke regarding using recycled wastewater as is being done in Orange County, California, and provided information on the treatment and filtration process.

At the request of Council President Zeidman, Mr. Potts, Mr. Blouin and Mr. Brazil answered issues raised by Mr. Pucillo and questions by Council Members.

Council President Zeidman spoke regarding needing additional alternatives to continuing to work with West Palm Beach, specifically into looking into our own properties.

Council President Pro Tem Lindsay spoke in support of utilizing a Reverse Osmosis system. She spoke in support of taking the Town's water allowance and requesting a pre-application meeting with the South Florida Water Management District.

Council Member Crampton spoke in support of working with the City of West Palm Beach to improve the current system. He addressed the issues with surface water and spoke in support of using surface water rather than applying for a permit to use the aquifer.

Council Member Araskog stated that she believes the only two feasible options are working with the City of West Palm Beach on upgrading its system or installing a treatment plant at the Quadrille property.

Council Member Cooney asked questions regarding the aquifer, to which Mr. Potts responded.

Discussion ensued regarding the various options that the Town Council would like to continue to explore, including adding a fourth alternative, which is finding other property that could be used for a well field. Council Member Cooney spoke in support of not making any decisions at this time in order to allow for residents to be educated on the various options and for the Town Council to have more time to consider the options.

The Town Council concurred to defer providing direction to staff until the May 10, 2022 Town Council meeting.

The meeting recessed for lunch at 1:45 p.m. and reconvened at 2:10 p.m.

The following item was heard out of order of the agenda:

C. New Business

1. Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2021. TIME CERTAIN: 2:00 PM [Jane Le Clainche, Director of Finance]

Jane Le Clainche, Director of Finance, introduced Mo Ariza, Markham, presented the annual audit report.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the Annual Comprehensive Financial Report for fiscal year ending September 30, 2021. On roll call, the Motion passed unanimously.

The following item was heard out of order of the agenda:

XIII. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Architectural Commission (ARCOM) [Jeffery W. Smith, Chair]

Chair Smith provided the annual report of the Architectural Commission.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the Annual Report of the Architectural Commission (ARCOM). On roll call, the Motion passed unanimously.

VIII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by the Applicants and Appointments to the Recreation Advisory Commission [Pat Gayle-Gordon, Acting Town Clerk]

The following applicants presented their applications to the Town Council:

Millie Dayton
Henry “Budge” Jamison
David Missner
Michael Montanaro
Allison Wright

A written statement from Grier Pressly was read into the record by Council President Zeidman.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the appointments of Millie Dayton, Henry “Budge” Jamison and Grier Pressly as members of the Recreation Advisory Commission. On roll call, the Motion passed unanimously.

XI. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, stated that the beach bucket stands installation have been a success. She expressed concern over individuals leaving alcohol beverage containers in the bucket and expressed concern over individuals consuming alcohol where it’s posted to not to be allowed. She spoke regarding issues that are occurring on certain private beaches.

XIV. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on March 11, 2022 [Lew Crampton, Chair]

Chair Crampton provided the report of the BAC meeting and provided information on the discussion regarding short-term parking, mariner-related parking and evening parking. He spoke regarding the recommendation for new 30-minute parking on Worth Avenue and South County Road.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the Report of the Business and Administrative Committee meeting held on March 11, 2022. On roll call, the Motion passed unanimously.

1. Recommendation to Implement Additional 30-Minute Parking Spaces on the 200 and 300 Blocks of Worth Avenue, and the 200 Block of South County Road [Jay Boodheshwar, Deputy Town Manager]

Deputy Town Manager presented the recommendations by the BAC.

Council Member Cooney spoke regarding traffic congestion Worth Avenue at the valet stands and Town Manager Blouin spoke regarding parking enforcement efforts that are taking place to address the issue. Discussion ensued regarding the issues with valet parking and enforcement.

Council Member Araskog expressed concern over 30 minutes being too short and spoke in support of making them 45-minute spaces.

Chief Nicholas Caristo provided statistics of enforcement of the 30-minute spaces on Worth Avenue. Town Manager Blouin spoke regarding the valet operator permit process.

Discussion ensued regarding further review of 30-minute parking spaces on South County Road.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the recommendations as presented for the 200 and 300 blocks of Worth Avenue and referred recommendations for the 200 block of South County Road to the Business and Administrative Committee for additional review. On roll call, the Motion passed unanimously.

XIII. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Architectural Commission (ARCOM) [Jeffery W. Smith, Chair]

This item was heard previously out of order of the agenda.

XIV. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on March 11, 2022 [Lew Crampton, Chair]

This item was heard previously out of order of the agenda.

1. Recommendation to Implement Additional 30-Minute Parking Spaces on the 200 and 300 Blocks of Worth Avenue, and the 200 Block of South County Road [Jay Boodheshwar, Deputy Town Manager]

This item was heard previously out of order of the agenda.

XV. PUBLIC HEARINGS

- A. RESOLUTION NO. 050-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement within the Property Commonly Known as 248 Via Marila, in the Town of Palm Beach, Florida. [H. Paul Brazil, P.E., Director of Public Works]

Town Engineer, Patricia Strayer, provided background information on the item.

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

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 050-2022. On roll call, the Motion passed unanimously.

XVI. REGULAR AGENDA

- A. Matters Pulled From Consent Agenda: If needed

Temporary Usage of Quadrille Boulevard Parcel [H. Paul Brazil, P.E., Director of Public Works]

Director Brazil provided background information on the item and answered Council Members' questions, specifically regarding alternate plans for hurricane debris and charging a fee.

Council President Pro Tem spoke in support of leasing the entire parcel rather than just a portion of it.

Discussion ensued regarding the amount of time that the construction company would need to clear out in case of a hurricane, the use of Phipps Park for hurricane debris and the timing of the renovations of that area.

There was consensus of the Council to authorize staff to move forward with discussions.

- B. Old Business

1. Update Regarding the Work of the City of West Palm Beach's Panel of Water Quality Experts TIME CERTAIN: 10:00 AM [H. Paul Brazil, P.E., Director of Public Works]

This item was heard previously out of order of the agenda.

2. Update on Water Feasibility Study TIME CERTAIN: 10:30 AM [H. Paul Brazil, P.E., Director of Public Works]

This item was heard previously out of order of the agenda.

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

a. Review of Project and Dashboard, Summary of Project Status

Town Engineer Strayer provided the status of the project phases. She spoke regarding chicanes that will need to be installed in certain areas.

Ms. Strayer spoke regarding the streetlights that had previously been discussed. Discussion ensued regarding the number and type of lights in the commercial area. The consensus of the Council was to move ahead with option #3.

b. RESOLUTION NO. 051-2022 A Resolution of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town of Palm Beach and Florida Power & Light (FPL) at 1060 North Lake Way for Access, and Maintenance of FPL Equipment.

Town Engineer Strayer provided background information on the item. Ms. Strayer and Director Brazil answered Council Members' questions.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 051-2022. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 052-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town of Palm Beach and Florida Power & Light (FPL) at 449 North Lake Way for Access, and Maintenance of FPL Equipment.

Council Member Cooney recused himself from this discussion. He gave a completed Form 8B to the Town Clerk and left the dais.

Town Engineer Strayer provided background information on the item and explained that the resolution is no longer necessary, but she did need the consensus of Town Council to approve adding a transformer to a different property that has been granted an easement, to which Town Council provided consensus.

C. New Business

1. Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2021. TIME CERTAIN: 2:00 PM [Jane Le Clainche, Director of Finance]

This item was heard previously out of order of the agenda.

2. Review of a Stop Work Order Due to Three Strike Rule at 257 West Indies Drive [Wayne Bergman, Director of Planning, Zoning and Building]

Director of Planning, Zoning & Building Bergman provided background information on the item.

Brian Willoughby, Willoughby Construction, presented information regarding the three strikes and spoke regarding measures his company has taken to address these issues.

Council Member Araskog expressed concern over the multiple infractions that had occurred and the severity of some of the infractions, to which Mr. Willoughby responded.

In response to a question from Council Member Crampton, Mr. Willoughby explained the measures that have been taken to ensure that future infractions do not occur.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to lift the Stop Work Order at 257 West Indies Drive. On roll call, the Motion passed unanimously.

3. Review of a Stop Work Order Due to Three Strike Rule at 756 Hi Mount Road. [Wayne Bergman, Director of Planning, Zoning and Building]

Director of Planning, Zoning & Building Bergman provided background information on the item.

Rene Alonzo, Alonzo & Associates, presented information regarding the three strikes and spoke regarding not being able to get right-of-way permits.

Council Member Cooney spoke regarding the complexity of this project, and recommended appealing to the Town Council proactively in the event of another difficult concrete pour.

Council Member Araskog stated that he also could have called Chief Caristo when he had a difficult situation with a concrete pour.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to lift the Stop Work Order and issue Right-of-Way permits at 756 Hi Mount Road. On roll call, the Motion passed unanimously.

The meeting recessed at 4:45 PM and reconvened at 4:55 PM

4. Discussion Regarding Monoposts [Kirk W. Blouin, Town Manager]

Town Manager Blouin provided background information on the item and explained a code enforcement case regarding a monopost. He spoke regarding the Code not specifically addressing monoposts and requested if Town Council desires to regulate monoposts. Town Attorney Randolph provided Code citations that address the issue.

Aaron Williams, Greenspoon Marder, spoke in support of the code enforcement case going before the Code Enforcement Board, and spoke in opposition to the use of monoposts at public beaches.

Town Attorney Randolph addressed the issue of monoposts on the beach and customary use.

Michael Pucillo, 224 Dunbar Road, spoke regarding the use of monoposts to keep beachgoers off of private property in the area between Root Trail and Wells Road. Monopost. He stated that he believes that the Town has the authority to regulate the use of monoposts. He also stated that many residents who use the beach in this area are opposed to the use of monoposts.

Dave Brooker, 127 Root Trail, spoke in opposition to the monoposts that have been placed on the beach accesses by individuals. He spoke regarding measures being put in place to regulate the monoposts.

Christine Stapleton, West Palm Beach, spoke regarding her daily visits at the Sunset Beach access and spoke in opposition to the monoposts on the beach due to their impeding the view at the beach. She spoke regarding the question of whether posts are in the right position in the Erosion Control Line (ECL).

Kenn Karakul, Root Trail, spoke in opposition to the monoposts being placed on the beach and spoke in support of the Town passing an ordinance regulating the monoposts.

Tom Warnke, Surfrider Foundation, spoke regarding the current code provisions that address monoposts being placed on the beach. He spoke regarding what language should be allowed for signage posted on the beach. He spoke in support of the Town reinforcing that all beaches are public and he spoke regarding customary use doctrine.

Diane Buhler, Friends of Palm Beach, spoke regarding the monoposts on the beach and spoke regarding other residents being opposed to them.

Penelope Irwin, Root Trail, spoke in opposition to the monoposts and spoke regarding intimidation by homeowners on the beach toward beachgoers. She spoke regarding the problem with cones that have been placed on the beach by certain homeowners.

Council President Zeidman spoke regarding the beach in that area and the signs and monopoles being obtrusive and unwelcoming. She expressed concern over problems that have occurred at the beach in that area.

Discussion ensued regarding direction to be provided to the Town Manager regarding regulations addressing monoposts and the Town moving forward with a declaration of customary use.

Town Attorney Randolph and Chief Caristo spoke regarding the code enforcement case. Town Attorney Randolph stated that he would bring back information to the Town Council pertaining to customary use.

Council Member Araskog expressed concern over homeowners planting seagrapes without Town approval. She spoke regarding the Town enforcing when there were people trespassing in residents' cabanas and swimming pools in the past, but it's time to stop having homeowners close the access points.

Council Member Crampton spoke regarding these homeowners overreacting and causing an intimidating environment. He spoke regarding ensuring there is a balance.

It was the consensus of the Town Council that no action needs to be taken as this matter will be handled by the Code Enforcement Board and the Town Attorney will return with information pertaining to customary use.

XVII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Section 42-199 of the Town Code to Include Additional Days When Construction and Landscaping Work is Prohibited

ORDINANCE NO. 004-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours for Construction Work at Subsection (B) Limited, to Provide Additional

Limitations on Dates and Hours of Construction and Landscaping Work; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Jay Boodheshwar, Deputy Town Manager]

Town Attorney Randolph read the title of the ordinance.

Council President Zeidman spoke regarding letters that have been received on this item.

Kirk Carlson, Armstrong Landscape Group, spoke in opposition to the proposed ordinance due to restrictions that are being placed on his business which will reduce his company's ability to provide service to all of its customers.

Colin Goldsmith, Botanica Landscaping, requested that this ordinance be delayed in order to ensure that proper input is provided. He spoke in support of Town Council creating a contractor advisory council in order to discuss these issues and assist with making policy to address the issues. He spoke in support of creating a "responsible vendor program" which would assist with enforcement.

Council Member Cooney stated that he feels that the landscaping companies are raising valid concerns.

Council Member Araskog spoke in support of the ordinance returning to ORS to allow for further comment from the landscaping companies.

Council President Pro Tem Lindsay spoke regarding the reasons why this had been proposed, which was both the quiet enjoyment of residents, but also the traffic issues due to landscaping companies leaving the Town at the same time.

Deputy Town Manager Boodheshwar provided further information on the issues.

Discussion ensued regarding referring the ordinance to ORS in order to receive input from the landscaping companies and discuss the issues, specifically traffic and noise.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to refer Ordinance No. 004-2022 to the Ordinances, Rules and Standards Committee for further review. On roll call, the Motion passed unanimously.

Discussion ensued regarding the leaf blowers that are being recommended to use.

Colin Goldsmith, Botanica Landscaping, spoke in support of 90-day extension in order to ensure that they are able to implement the correct equipment.

Discussion ensued regarding the ability to revise the ordinance to extend that time period for a specific section.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to extend the date of implementation of Section 42-197, regarding the type of leaf blowers on properties over an acre, for ninety (90) days. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 106, Article VII of the Town Code to Include Additional Restrictions Regarding Use of Public Properties for Private Special Events

ORDINANCE NO. 005-2022 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 VII, Special Events on Public Property at Division 1-, Generally, Section 106-257, Titled Regulations Relating To Special Event; at Division 2-Permit, Section 106-281-Required; at Section 106-282-Application and at Section 106-283-Standards for Issuance in the Manner and Form Set Forth Below; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Jay Boodheshwar, Deputy Town Manager]

Town Attorney Randolph read the title of the ordinance.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to adopt Ordinance No. 005-2022. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend Chapter 2 Article X Section 2-636 of the Town Code to Modify the Responsibilities of the Shore Protection Board

ORDINANCE NO. 006-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Article X, Section 2-636, Shore Protection Board; Providing for Severability, Providing for Repeal of Ordinances in

Conflict; Providing for Codification; Providing an Effective Date. [H. Paul Brazil, P.E., Director of Public Works]

Town Attorney Randolph read the title of the ordinance.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Ordinance No. 006-2022 on first reading. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 88 Articles II and III of the Town Code to Modify Hedge Heights and Eliminate Pests

ORDINANCE NO. 007-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 88, Property Maintenance Code, at Article II, Definitions, Section 88-14, General Definitions; and at Article III, General Requirements, Sections 88-16, Exterior Property Areas, and 88-23, Pest Elimination; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date. [Wayne Bergman, Director of Planning, Zoning and Building]

Town Attorney Randolph read the title of the ordinance.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 007-2022 on first reading. On roll call, the Motion passed unanimously.

XVIII. ANY OTHER MATTERS

1. Landscaping Restrictions

This item had been heard previously during the agenda.

2. Addition of Stairs to the Memorial Fountain

Council Member Araskog spoke regarding ensuring that the Town Council reviews the final plans and expressed concern over potential safety issues with disabled individuals. Director Brazil provided confirmation that the Town Council would provide final approval.

The following item was heard out of order of the agenda:

X. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog congratulated Chief Donatto on his Home Rule Hero award. She spoke regarding emails received regarding issues at the Four Seasons

Hotel. She congratulated Council Members Lindsay, Crampton and President Zeidman for their re-elections.

Council President Zeidman spoke in support of the Town Council being aware of final discussions with the Four Seasons.

XIX. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the Town Council Meeting at 6:25 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on April 13, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order April 13, 2022 at 9:34 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore spoke regarding Florida Senate Bill 620, Local Business Protection Act. She provided brief information on the bill, its potential consequences and requested that the Town Council authorize her to send a letter to the Governor to request him to veto the bill.

Mayor requested that staff place the information on the Town website for residents to comment.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman explained that when items are sent the night prior to a Town Council meeting, the Town Council does not have time to properly review the documents. She requested that backup documents be submitted in a timely fashion to allow for a proper review.

Council President Pro Tem Lindsay complimented the Mayor on her response to the senate bill. She also noted that she had a commitment the prior evening and did not have the time to review any of the documents that arrived late last evening.

Council Member Crampton requested an update on complaints from residents at the Four Seasons. Council President Zeidman stated she would like to speak about the item under Any Other Matters.

Council Member Araskog stated that ORS could review the item as well. She congratulated Fire Chief Donatto on his Home Rule Hero Award from the Florida League of Cities. She expressed her appreciation for her fellow Town Council members. She wished everyone a Happy Easter and Happy Passover and stated that she will be praying for the people of Ukraine.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

Director of Planning, Zoning and Building Bergman read the following requested modifications:

Addition of Stop Work Order at 1284 N. Lake Way

Withdrawal of ARCOM Appeal of ARC-22-035

Addition of Time Extension for 991 N. Lake Way

Addition of Building Permit Extension for 223 Queens Lane

Withdrawal of Z-21-0374, 224 La Puerta Way

Deferral of ZON-21-006 to the May 11, 2022 meeting

Withdrawal of ZON-21-018, 245 Barton Avenue

Withdrawal of ZON-22-027, 225 Indian Road

Deferral of ZON-22-032 to the May 11, 2022 meeting

Deferral of ZON-22-033 to the May 11, 2022 meeting

Deferral of ZON-22-037 to the May 11, 2022 meeting

Deferral of ZON-22-029 to the May 11, 2022 meeting

Deferral of ZON-22-038 to the May 11, 2022 Meeting

Council President requested that the following items be added to the agenda, if possible:

an update on noise issues at the Four Seasons; discussion regarding development and West Palm Beach and potential ramifications to the Town; discussion regarding extending the deadline for temporary COVID outdoor seating; and a discussion on the legal ramifications and guidelines for: moratorium on building and zoning in progress (ZIP). She spoke regarding the West Palm development, indicating this item could be moved to the May agenda.

Discussion ensued regarding the item pertaining to development in West Palm Beach and the consensus was to bring the item to the May agenda.

Council Member Araskog expressed concern over approving the extension of the outdoor seating due to the lack of notice to the public who may be concerned. Assistant Director of Planning, Zoning & Building James Murphy provided an update on the applications for outdoor seating that have been received. Discussion ensued regarding the timing of discussing this item. Town Attorney Randolph spoke regarding adding items to the agenda at the meeting.

Motion made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously.

VII. RESOLUTIONS

- A. RESOLUTION NO 030-2022 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.”

Deputy Town Clerk Churney administered the oath at this time and throughout the meeting as needed.

Emily Stillings, Murphy Stillings, described the proposed historic tax abatement for the property at 89 Middle Road. She indicated that the improvements had been completed and had met the Landmark Preservation Commission’s approvals as well as the Secretary of Interior Standards for rehabilitation. Ms. Stillings stated if approved by the Council, the abatement would be sent to Palm Beach County for processing.

Motion made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 030-2022. Motion carried unanimously.

- B. RESOLUTION NO 041-2022 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 287 Pendleton Avenue Meets The Criteria 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.

Please note: Mayor Moore declared a conflict of interest and left the room during the discussion.

Council President Zeidman requested confirmation of proof of notification. Deputy Town Clerk Churney provided confirmation.

Ex parte communication was declared by President Zeidman.

Janet Murphy, Murphy Stillings, presented background information on the project and historical information on the property. She outlined how the property meets Criteria 1, 3 and 4 for Landmark Designation. Ms. Murphy added that the designation was only the front façade due to the owner's request.

Council President Pro Tem Lindsay inquired about the designation of the front façade. Ms. Murphy explained that the Landmarks Preservation Commission recommended the front façade only as the owners were more comfortable landmarking the front façade only Council President Pro Tem Lindsay asked about the current owner since the previous owner had passed.

Discussion ensued about the front façade designation.

Council Member Cooney inquired if the chimney was included in the designation. Ms. Murphy stated she did not believe the chimney was included.

After some discussions on whether the chimney could be included in the designation, Town Attorney Randolph stated he was not comfortable with the Council placing more of the property in the designation. Town Attorney Randolph stated that the resolution would need to be amended to indicate that the designation included only the front façade.

Council President Zeidman asked staff for any other comments. Assistant Director Murphy stated that staff had no further comments.

Council Member Araskog inquired if the item would need to be heard by Landmarks again if the chimney was to be included, to which Town Attorney Randolph stated that he believes that it would need to return to the Landmarks Commission for discussion.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay that the designation report be made part of the record. Motion carried unanimously.

Council President Zeidman called for public comment.

Jacqueline Miller, attorney for the personal representative of the estate at 287 Pendleton Avenue, spoke regarding the ownership of the home and confirmed

what the Landmarks Commission had approved. She provided photographs and requested that they made be part of the record.

Alan Ciklin, 260 Pendleton Avenue, discussed the liens on the property due to many code enforcement violations. He spoke in opposition to this house being designated a landmark in its current state. He requested that the Town Council defer the designation until the violations are remedied. He also discussed the code enforcement violations at 220 Pendleton Avenue, which is owned by the personal representative for the estate at 287 Pendleton Avenue. He requested that the Town Council address the code enforcement liens by foreclosing on both properties or take some other civil action to address the code enforcement violations.

Council President Zeidman asked for Town Attorney Randolph's opinion on Mr. Ciklin's claims. Town Attorney Randolph responded and stated he believed the Town Council should treat the designation separately than the code enforcement issue. He addressed the issue of the homesteading of the properties.

Council Member Araskog asked Ms. Miller about the owner of the property, to which Ms. Miller responded.

Council President Pro Tem Lindsay clarified the Council's role with Town Attorney Randolph.

Council Member Cooney empathized with the owners on Pendleton due to the state of this property, however he stated that he felt that the home fits into the street and meets the criteria. He spoke regarding other older homes that were in poor condition but were transformed by new owners.

Council President Zeidman agreed with Council Member Cooney. She stated that new homes on her street have changed the character of the street and that landmarking protects the unique character. Discussion ensued regarding the question of whether a landmarks designation could be done when the ownership of the home is not confirmed.

Town Attorney Randolph read the revised title of the resolution and explained the changes that have been made to the resolution to emphasize that the designation is for the front façade.

Motion made by Council Member Cooney and seconded by Council Member Araskog to approve the amended Resolution 041-2022, designating the front façade, specifically the front loggia extending to the front wall of the home, at 287 Pendleton Avenue as a landmark of the Town of Palm Beach, on the basis that it meets criteria Number 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. **ARCOM APPEAL OF ARC-22-035 726 HI MOUNT ROAD
Request for Withdrawal Per Email From Craig Distel, Esq.**

B. Time Extensions and Waivers

1. Time Extension for 726 Hi Mount Road

Director of Planning, Zoning & Building Bergman provided an overview of the time extension request received for 726 Hi Mount Road.

Gene Parker, Hedrick Brothers, requested an extension to January 2023 and explained the delays to the project.

Motion made by Council Member Cooney and seconded by Council Member Crampton to grant the 12-month time extension request for 726 Hi Mount road. Motion carried unanimously.

2. Time Extension for 991 N Lake Way

Director Bergman provided an overview of the time extension request received for 991 N. Lake Way.

M. Timothy Hanlon, attorney on behalf of the owners at 991 N. Lake Way, stated that the owners recently purchased the property and revised the project.

Motion made by Council Member Cooney and seconded Council Member Araskog to grant a 14-month time extension for 991 N. Lake Way. Motion carried unanimously.

3. Building Permit Extension for 223 Queens Lane

Director Bergman provided an overview of the building permit extension request received for 223 Queens Lane.

Motion made by Council Member Crampton and seconded Council Member Cooney to grant a 3-month time extension for 223 Queens Lane. Motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at **224 LA PUERTA WAY**, legal description on file, is described below. The

applicant Is requesting four variances in order to build a two-story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] Request for Withdrawal per Email Dated March 31, 2022 from David Gengler

This item was withdrawn at the approval of the agenda.

Please note: A short break was taken at 11:05 a.m. The meeting resumed at 11:11 a.m.

- b. **ZON-21-003 (ARC-21-039) 380 SOUTH COUNTY ROAD (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW & VARIANCES** The applicant, 380 S County LLC (Phillip Norcross, Manager) has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce the street side (south) setback for the proposed ground floor terrace addition, (2) to reduce required parking (by 36 number of spaces), and (3) to exceed the maximum height of rooftop mechanical equipment, (4) to forgo required off-street loading; in order to expand a lounge into a restaurant and increase second floor office use in an existing two-story building. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 4-3.]

Ex parte communications declared by Council Members Cooney, Araskog, Crampton, Council President Zeidman, Mayor Moore, Council President Pro Tem Lindsay.

Maura Ziska, attorney on behalf of the applicant, provided an overview of the project and showed some of the architectural plans for the proposed addition and covered outdoor dining area. She explained the zoning requests related to the application.

Nelo Freijomel, Spina O'Rourke + Partners, reviewed the architectural plans proposed for the project.

Ms. Ziska explained the parking spaces that will be available for employee and customer parking. In response to questions from Council Members regarding parking arrangements, Ann Des Ruisseaux, spoke on behalf of the owner, regarding the available parking to the employees and customers.

Ms. Des Ruisseaux stated that any concern with an increase in density should be alleviated with the reduction in the items that they are now requesting. She discussed her conversation with Peter Broberg, specifically addressing the calculations of the number of seats allowed in the restaurant.

Mr. Freijomel stated that the project would not encroach into the sidewalk.

Assistant Director Murphy provided staff comments on the project.

Frank Lynch, attorney on behalf of the owners of Casa 214 Condominium, expressed concern over the number of customers allowed for standing room, the possibility of the use of the second floor, and the proximity of the parking/noise to his client's residence.

Ms. Des Ruisseaux responded to the comments by Mr. Lynch. Mr. Lynch requested that the second-floor restrooms be closed to use by the public, to which Ms. Des Ruisseaux responded.

Council Member Araskog requested to see before and after renderings of the project. Mr. Freijomel showed the renderings. Ms. Araskog asked about the hardship for the variances, to which Ms. Ziska responded. Ms. Araskog expressed concern over the outdoor seating on Peruvian.

Council Member Crampton stated that he believes that the addition was a huge upgrade to the street. He also stated that the refrigerated garbage plan was superb and expressed appreciation for the proposed application has been reduced. Mr. Crampton asked staff to review the valet plan for parking, to which Mr. Murphy responded. Ms. Des Ruisseaux responded to concerns raised by Mr. Murphy on the parking.

Mayor Moore expressed concern over the proposed application, specifically the intensification of use, the uncertainty of the second-floor plan and the loss of spaces.

Council Member Cooney spoke in support of the aesthetics of the project but expressed concern over the Nano wall on the south side, the loss of parking, and the increase of square footage.

Please note: Fire alarm occurred at 12:13 p.m. The meeting resumed at 12:21 p.m.

Council Member Cooney concluded his comments.

Mr. Lynch expressed concern that one day the restaurant would expand into a two-story restaurant.

Council Member Lindsay spoke in support of the aesthetics of the project, but expressed concern over noise from the Nano wall, the proximity to nearby residents and the loss of parking. She requested clarification of the parking requirements, to which Mr. Murphy and Ms. Des Ruisseaux responded. Ms. Des Ruisseaux spoke regarding the request for second floor office space has been removed.

Council President Zeidman expressed concern over the increase of seating and the constant expansion of uses in properties in Town. She spoke regarding this project already having approval for 108 seats which she viewed as excessive. She requested clarification regarding the valet parking and the Nano wall. She expressed concern over the potential noise from increasing the intensification and the nano wall which could be opened. She expressed that there were already complaints of noise. In addition, she stated that she had driven by at 10:30pm and could hear the music.

Discussion ensued regarding the parking issues.

Council Member Araskog spoke regarding including a scrubber.

Matt Lefkowitz, 148 Peruvian Avenue, expressed concern over the noise and inebriated people walking the streets into the late evening.

Council Member Araskog spoke in support of the aesthetics of the project, but expressed concern over the expansion of use, the noise from the Nano wall and the issue of parking. She spoke regarding the location not being favorable with the proposed project.

Council Member Crampton spoke in support of the proposed project as presented and spoke regarding the parking issue being handled by staff in order to ensure that the parking agreements are made.

Council President Zeidman spoke regarding code enforcement violations that have occurred on the property and expressed concern over noise of the current establishment.

Motion made by Council Member Crampton that Variance ZON-21-003, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items

1 through 7 of the Town Code have been met; and providing that staff approves a parking plan for 108 seats and staff approves a parking partnership agreement between the facility and off-site parking operators; 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 agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area; and a declaration of use agreement regulating operating hours and other items that are appropriate and satisfactory for negotiation between the parties. Motion died due to a lack of a second.

Motion made by Council Member Araskog, and seconded by Council Member Cooney, that Variance ZON-21-003, shall be denied for the reason that the application does not meet the criteria set forth in Section 134.201(a) items 1 through 7, in particular, that there is a lack of hardship. Motion carried 3-2, with Council Member Crampton and Council President Pro Tem Lindsay dissenting.

Motion made by Council Member Araskog, and seconded by Council Member Cooney, that Special Exception ZON-21-003, shall be denied for the reason that the granting of the special exception will adversely affect the public interest and that the specific requirements of Section 134-229 of the Town Code have not been met. Motion carried 4-1, with Council Member Crampton dissenting.

- c. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 5-2.] Staff Recommends to Defer the Project to the May 11, 2022 Meeting.

This item was deferred to the May 11, 2022 meeting at the approval of the agenda.

- d. **ZON-21-018 (HSB-21-004) 245 BARTON AVE (COMBO) - VARIANCES** The applicant, Elizabeth Sorrel, has filed an application requesting Town Council review and approval for variances (1) to reduce the front (south) setback for a new entry addition, (2) to exceed the maximum allowable cubic content ratio ‘CCR’, and (3) to exceed the maximum allowable lot coverage, in order to construct a new 35 SF entry addition to a historically significant building. [The Landmarks Preservation Commission deferred the project to the April 20, 2022 meeting. Carried 7-0.] Request for Withdrawal per Email from Michael Perry

This item was withdrawn at the approval of the agenda.

The Town Council recessed at 12:57 p.m. and reconvened at 2:19 p.m.

- e. **ZON-22-013 (ARC-22-009) 215 SEABREEZE AVE (COMBO) - VARIANCES** The applicant, Edward & Margot Mehm, has filed an application requesting Town Council review and approval for a variance to reduce the required side yard setback in order to construct a pergola in the required yard. The Architectural Commission will perform design review of the application. [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 the project with the condition that the pergola shall be lowered to 8 feet. Carried 6-1.]

There were no ex parte communications declared at this time.

Dustin Mizell, Environment Design Group, presented the architectural plans for the proposed pergola addition.

Mr. Murphy provided comments on the application.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Cooney, and seconded by Council Member Araskog, that Variance ZON-22-013, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code 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 agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area; and with the condition that it remains a pergola and not an enclosed roof. Motion carried unanimously, 5-0.

- f. **ZON-22-018 (COA-22-003) 340 ROYAL POINCIANA WAY (COMBO) - VARIANCES AND SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, RPP Palm Beach Property LP (Samantha Perry David, President), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce the required landscape open space, (2) and (3) to exceed the maximum building height for rooftop mechanical equipment and exhausts, (4) to exceed the maximum overall building height for additions to a building, (5) to exceed the maximum length of a building, (6) a variance from Chapter 50 for the required floor elevation for the new ground floor additions on a landmarked building in order to renovate and expand with additions a landmarked playhouse structure, (7) to reduce the required drive aisle width, (8) to eliminate the required loading berth for new construction over 4,000 SF, (9) to eliminate 39 of the existing required parking spaces, and (10) and (11) to allow new parking spaces in the required side street setback and front setback, (12) to allow new and existing tandem parking, and (13) to exceed the maximum overall building height to retain the existing building when demolition of an elevation or roof for more than 50% occurs. Additionally, the applicant is requesting to amend the 1979 Development Agreement for the site. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7- 0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Town Attorney Randolph mentioned that the Council will only be considering approval of the declaration of use agreement.

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

Jamie Crowley, attorney for the applicant, reviewed the Declaration of Use Agreement and the Amended and Restated 1979 Agreement.

Council Member Araskog expressed concern over the Amended and Restated Agreement. She asked questions and made recommendations on the agreement, to which Mr. Crowley responded.

Mr. Murphy provided staff comments on the agreements.

Council Member Cooney expressed caution on some of the changes of the 1979 agreement and expressed concern over daytime traffic use.

Council Member Crampton spoke in support of the project, as long as the issues with the valet and traffic plan have been resolved and that Town staff is comfortable with the project.

Bryan Kelly, Senior Traffic Engineer with Simmons and White, responded to the updated valet plan and answered Council Members' questions.

Brian Mirson, American Consulting, explained his company's position on the valet, which is having a minimum of 21 spaces for valet rather than 15. Mr. Kelly responded to the comments by Mr. Mirson and answered Council Members' questions.

Council President Zeidman spoke in support of the project and of the current management of the property but expressed caution over the traffic being backed up onto Cocoanut Row during times of peak use. She stated that she was glad to see that RPP had addressed this concern by adding police detail to ensure movement of traffic.

Mayor Moore spoke regarding the proposed valet plan states, "minimum valet." She expressed concern over the daytime events and spoke regarding items in the declaration of use agreement.

Council President Pro Tem Lindsay spoke in support of memorializing the agreement that if there are more than 15 cars queuing, then they will increase the number of valet attendants.

Alexandra Patterson spoke regarding ensuring that there are no more than 15 cars in the valet queue consistently.

Brian Mirson provided further recommendations on the valet plan in response to Council Members' questions.

Anita Seltzer, 44 Cocoanut Row, expressed concern that the Council was reviewing a document that was not provided to the public. She presented pictures of the parking lot at the playhouse and questioned the triple stacked parking. She also expressed concern over the continued good health of the landmarked Mysore tree particularly during construction.

Mr. Kelly provided further information for clarification of the valet operations.

Simon Taylor, 234 Oleander Avenue, representing the Palm Beach Theatre Guild, expressed concern over the proposed declaration of use agreement and provided information on why it is problematic in several areas.

Please note: A short break was taken at 4:30 p.m. The meeting resumed at 4:39 p.m.

Mr. Crowley addressed issues brought up by Mr. Taylor.

Council Member Araskog expressed concern over traffic during the

daytime hours of operation.

Samantha David, Royal Poinciana Plaza, addressed the hours of operation in regard to traffic operation.

Mr. Mirson addressed the issue of traffic during the daytime hours.

Council President spoke regarding the daytime traffic issue and requested that the operator keep in consideration the issue of weekday afternoon traffic.

Council Member Cooney spoke in support of trying a reduced capacity at first during the week during the day during season and revisiting the issue in a year to ensure that it is successful. Discussion ensued regarding restricting the capacity during daytime weekday hours of operation.

Mayor Moore spoke in support of the project and of the Royal Poinciana Plaza traffic. She expressed support for the Town Council moving forward with this item and not deferring it.

Mr. Crowley clarified the changes for the declaration of use agreement.

Simon Taylor, 234 Oleander Avenue, representing the Palm Beach Theatre Guild, expressed further concern over the declaration of use agreement.

Bill Metzger, 277 Esplanade Way, requested clarification of some of the language of the agreement, to which Mr. Crowley answered.

Motion made by Council Member Crampton, and seconded by Council President Pro Tem Lindsay, to approve the Declaration of Use Agreement, as amended by the Town Council at the meeting. Motion carried 3-2, with Council Members Araskog and Cooney voting NO.

Discussion ensued regarding proposed amendments to the 1979 agreement, including further development of the property, the removal of historic Mysore fig tree, parking requirements. Assistant Director Murphy and Director Bergman explained the parking requirements that pertain to this project. Extensive discussion ensued regarding the parking spaces to be agreed upon under the agreement.

Simon Taylor, 234 Oleander Avenue, representing the Palm Beach Theatre Guild, expressed concern over amending the 1979 agreement and expressed concern over the proposed redevelopment of the plaza.

Anita Seltzer, 44 Cocanut Row, spoke regarding the historic Mysore fig tree and spoke in support of the Town Council retaining that space, but expressed concern over the impact of construction on the tree.

Bill Metzger, 277 Esplanade Way, spoke regarding a conversation with the City's Arborist about the Mysore fig tree and that he is confident that he will ensure that it is tended to during the construction.

Motion made by Council Member Araskog, and seconded by Council Member Crampton, to approve the amended and restated 1979 agreement as amended and agreed to during the meeting with the direction to return to the May 10, 2022, Town Council Meeting on Consent Agenda. Motion carried 4-1, with Council Member Cooney dissenting.

Please note: A short break was taken at 6:38 p.m. The meeting resumed at 6:45 p.m.

- g. **ZON-22-024 (ARC-22-028) 1540 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW & VARIANCES** The applicant, 1540 S. Ocean LLC (Steven Kirsch, Managing Director), has filed an application requesting Town Council review and approval for Special Exception to modify an existing beach cabana structure and Special Exception with Site Plan Review and including variances for (1) and (2) to reduce required side setbacks for a new beach access tunnel, (3) to reduce the required ocean bulkhead line setback for a new beach access tunnel and (4) to exceed the maximum allowed lot coverage in relation to the construction of a new beach access tunnel. ARCOM will perform design review of the application. [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 project as presented. Carried 5-2.]

Ex parte communications declared by Council Members Araskog and Cooney.

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

Jason Skinner, Dailey Janssen Architects, presented the architectural plans proposed for the project.

Mike Forman, Kimley Horn, provided information on the traffic maintenance plan and installation methods.

Mr. Murphy provided staff comments on the application.

Mr. Skinner, Mr. Forman, Ed O'Leary and Ms. Ziska answered Council Members' questions regarding construction traffic plan, the timeline for

the project, and the hardship.

Council President Zeidman called for public comment. There were no comments heard at this time.

Council Member Araskog requested that the timeline be moved to July. Ms. Ziska agreed to a July timeline.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Crampton, that Variance ZON-22-024, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried, 4-1, with Council Member Cooney dissenting.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Crampton, that Special Exception ZON-22-024 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met; with the condition that the construction will begin in July. Motion carried, 4-1, with Council Member Cooney dissenting.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Crampton that Site Plan ZON-22-024 shall be granted based upon the finding that such grant will not adversely and that the Council affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329 items 1 through 11. Motion carried, 4-1, with Council Member Cooney dissenting.

Council Member Araskog inquired about Council Member Cooney's dissenting vote. Council Member Cooney responded by expressing his concern that an approval for the structure could lead to a proliferation of similar structures moving forward.

The following item was heard out of order of the agenda:

2. New Business

- a. **ZON-22-061 (ARC-22-056) 250 SANDPIPER DR (COMBO) – VARIANCE** The applicant, Judith Guest, has filed an application requesting Town Council review and approval for a variance to allow a second-floor encroachment into the required 2-story East side-yard setback, conjunction with a major renovation of the existing structure

within its existing footprint. The Architectural Commission will perform design review of the application. [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 project with conditions relating to the architecture. Carried 7-0.]

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

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

Mr. Murphy provided staff comments on the application.

Maureen Shenkman, 248 Sandpiper Drive, expressed concerns and objections for the proposed project.

Kurt Hassenhuttl, 280 Sandpiper Drive, expressed his concerns and objections for the proposed project.

Eva Hassenhuttl, 280 Sandpiper Drive, expressed her concerns and objections for the proposed project.

Mr. Hanlon responded to the concerns of the neighbors.

Kyle Fant, Bartholemew + Partners, presented the architectural plans proposed for the renovations and answered Council Members' questions.

Council President Pro Tem Lindsay inquired if it was possible to change the upper window on the east façade so that it did not allow a view to the neighbor's home. Ms. Lindsay inquired if staff could study the possibility of keeping a one- and one-half story home on Sandpiper.

Council Member Cooney asked Town Attorney Randolph about restricting only one-story homes on the street, to which Town Attorney Randolph responded.

Mr. Hanlon explained that ARCOM was in favor of the new design.

Dustin Mizell, Environment Design Group, stated he spoke to Mr. Shenkman and thought there was a compromise. He discussed his

client's commitment to being a good neighbor.

Council Member Araskog expressed concern over the variance and questioned the window on the east façade and asked if it could be changed, to which Mr. Fant responded.

Council President Zeidman spoke in support of the new design and stated that she believed that the applicant was trying to compromise with a nice buffer.

Motion made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance ZON-22-061, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met; and providing that the applicant will refer on their permits a split level, one-story house; 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 agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area; and providing that the buffer as set forth, will remain. Motion carried, 4-1, with Council Member Araskog dissenting.

The agenda order resumed:

- b. **ZON-22-027 (ARC-22-038) 225 INDIAN ROAD (COMBO) - VARIANCES** The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting Town Council review of a variance for a loggia addition with staircase, to encroach into a required setback. ARCOM will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will cause negative architectural impact on the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with the exception of the additional terrace and staircase. Carried 7-0.] Request for Withdrawal Per Email from Maura Ziska, Esq.

This item was withdrawn at the approval of the agenda.

- c. **ZON-22-032 (HSB-22-003) 594 NORTH COUNTY RD (COMBO) - VARIANCES** The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances to reduce both side yard setback requirements for one-story additions to a historically significant building and for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground

floor addition with a finished floor of 6.49' NAVD in lieu of the required 7' NAVD. [The Landmarks Preservation Commission deferred the project to the April 20, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the May 11, 2022 Meeting.

This item was deferred to the May 11, 2022 meeting at the approval of the agenda.

- d. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand “Andy” Khubani, Managing Member), has filed an application requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] Staff Recommends to Defer the Project to the May 11, 2022 Meeting.

This item was deferred to the May 11, 2022 meeting at the approval of the agenda.

- e. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO) – SITE PLAN REVIEW** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single-family residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] Staff Recommends to Defer the Project to the May 11, 2022 Meeting.

This item was deferred to the May 11, 2022 meeting at the approval of the agenda.

1. **New Business**

- a. **ZON-22-029 (HSB-22-002) 854 S COUNTY RD (COMBO) - VARIANCES**. The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for variance (1) to retain the existing nonconforming side (north) setback to accommodate substantial additions to a historically significant building. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred the project to the April 20, 2022 meeting. Carried 7-0.] Staff Recommends a Deferral to the May 11, 2022 Meeting.

This item was deferred to the May 11, 2022 meeting at the approval of the agenda.

b. **ZON-22-035 (COA-22-011) 350 S COUNTY RD STE 100 (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW**

The applicant, BUCCAN (Sam Slattery, Manager), has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception w/ Site Plan Review for modifications to the western portion of the site plan within the west side access service yard including exterior storage of ancillary restaurant equipment and elements and installation of new access gates and minor landscape changes and the installation of a new screening wall along the south property line. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission approved this project as presented. Carried 7-0.]

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

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mr. Murphy provided staff comments on the application.

Council President Zeidman called for public comments.

Frank Lynch, attorney on behalf of the residents at 214 Chilean Avenue, expressed concern that the gates would only hide and not solve the problem.

Council Member Crampton spoke regarding not personally witnessing these issues but expressed appreciation to Mr. Lynch for providing photographs.

Council Member Araskog spoke regarding a gate being a better option than seeing the alley, however she expressed concern that the situation could get worse behind the gate.

Motion made by Council Member Cooney, and seconded by Council President Lindsay, that Special Exception ZON-22-035 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney, and seconded by Council

Member Crampton, that Site Plan ZON-22-035 shall be granted based upon the finding that such grant will not adversely and that the Council affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously, 5-0.

- c. **ZON-22-038 (ARC-22-058) 220 BRAZILIAN AVE (COMBO) - VARIANCES** The applicant, I220 PB LLC (Guy Rabideau), has filed an application requesting Town Council review and approval for variances (1-2) to install AC equipment within both (east and west) side yards of a duplex building not fully screened by a 7' high wall and (3-4) to install an emergency generator in the side (west) yard setback exceeding maximum height allowed and not completely screened by a 7' high wall. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] Staff Recommends to Defer the Project to the May 11, 2022 Meeting.

This item was deferred to the May 11, 2022 meeting at the approval of the agenda.

- d. **ZON-22-039 (ARC-22-067) 107 DOLPHIN RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, Irwin Ackerman, has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a beach cabana in the BA zoning district including variances (1) from the minimum lot and area requirements for the BA zoning district and (2) and (3) West setback and ocean bulkhead setback requirements. The Architectural Commission will perform design review of the application. [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 the project as presented. Carried 7-0.]

Ex parte communications declared by Council Member Araskog.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mr. Murphy provided staff comments on the application.

Council President Zeidman called for public comment. There were no comments heard at this time.

Council Member Cooney stated that he struggled with the idea that the lot was not the minimum allowed in the Code and expressed concern over the number of cabanas being requested.

Council Member Araskog requested that the vegetation not be allowed to grow above the wall and that it be kept at 3 feet.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Crampton, that Special Exception ZON-22-039 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried 4-1, with Council Member Cooney dissenting.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Crampton, that Site Plan ZON-22-039 shall be granted based upon the finding that such grant will not adversely and that the Council affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329 items 1 through 11. Motion carried 4-1, Council Member Cooney dissenting.

Motion made by Council President Pro Tem Lindsay, and seconded by Council Member Crampton, that Variance ZON-22-029, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried 4-1, Council Member Cooney dissenting.

- e. **ZON-22-040 (ARC-22-061) 1950 S OCEAN BLVD (COMBO) - VARIANCES** The applicant, Earl Mack, has filed an application requesting Town Council review and approval for variance (1) to encroach into the (south) side-yard setback in conjunction with the renovation and approximately 150 sq. ft. addition to a pool cabana. The Architectural Commission will perform design review of the application. [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 project as presented. Carried 7-0.]

Ex parte communications declared by Council Members Araskog and Cooney.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Mr. Murphy provided staff comments on the application.

Council President Zeidman called for public comment. There were no comments heard at this time.

Council Araskog inquired about the hardship, to which Ms. Ziska responded.

Motion made by Council Member Cooney, and seconded by Council Member Crampton, that Variance ZON-22-040, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried 4-1, Council Member Araskog dissenting.

- f. **ZON-22-048 (ARC-22-060) 224 SOUTHLAND RD (COMBO) – VARIANCES** The applicant, MR. & MRS. FROST, has filed an application requesting town council approval for (1) variance to expand an existing nonconforming East side-yard setback in conjunction with a 750 sq. ft. addition to the existing structure. The Architectural Commission will perform design review of the application. [Architectural Review Commission. Recommendation: Implementation of the proposed variances will not cause negative architectural impact to subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 7-0.]

Ex parte communications declared by Council Members Araskog and Cooney.

Maura Ziska, attorney for the applicant, provided an overview of the project and explained the zoning relief requested.

Pat Segraves, SKA Architect + Planner, presented the architectural plans for the proposed addition.

Mr. Murphy provided staff comments on the application.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, that Variance ZON-22-048, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met; 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 agreement satisfactory to the

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

- g. **ZON-22-061 (ARC-22-056) 250 SANDPIPER DR (COMBO) – VARIANCE** The applicant, Judith Guest, has filed an application requesting Town Council review and approval for a variance to allow a second-floor encroachment into the required 2-story East side-yard setback, conjunction with a major renovation of the existing structure within its existing footprint. The Architectural Commission will perform design review of the application. [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 project with conditions relating to the architecture. Carried 7-0.]

This item was heard out of order of the agenda.

IX. NEW BUSINESS

- A. Review of a Stop Work Order Due to the Three Strike Rule at 1284 N. Lake Way
- Directory Bergman provided an overview of the stop work order issued to 1284 N. Lake Way. Mr. Bergman informed the Town Council of the violations.
- Chip Valley, Island Construction, discussed the violations and the reason they occurred.
- Mr. Bergman stated all fines had been paid.
- Motion made by Council Member Araskog and seconded by Council Member Cooney to waive the third strike at 1284 N. Lake Way and to grant the ability for the contractor to apply for future right-of-way permits. Motion carried unanimously.**

X. ANY OTHER MATTERS

1. Noise at the Four Seasons

Town Attorney Randolph provided an update on the items that are being pursued by Code Enforcement.

XI. ADJOURNMENT

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to adjourn the meeting at 8:21 p.m. on April 13, 2022 without the benefit of a roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 27, 2022.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 29, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Action Minutes of the Architectural Review Commission Meeting of April 27, 2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of April 27, 2022

Date: April 29, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 27, 2022.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of April 27, 2022.

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

ACTION MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, APRIL 27, 2022

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**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF THE MINUTES FROM THE MARCH 23, 2021 MEETING**
ACTION: APPROVED
- V. **APPROVAL OF THE AGENDA**
ACTION: APPROVED AS AMENDED
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
**ACTION: OATH ADMINISTERED; MAJOR PROJECTS, OLD BUSINESS
PRESENTATIONS LIMITED TO 10 MINUTES**
- VII. **PROJECT REVIEW**
 - A. **CONSENT AGENDA OF MINOR PROJECTS**
 1. **ARC-22-073 320 POLMER PARK RD (minor project)** The applicant, Mr.
ACTION: PULLED FROM CONSENT
 2. **ARC-22-080 214 PLANTATION RD (minor project)** The applicant, Merrie
Harris, has filed an application requesting Architectural Commission review
and approval for modifications to existing landscape and hardscape, installation
of a new entry terrace, and garden columns to an existing residence.
ACTION: APPROVED ON CONSENT

3. **ARC-22-087 1296 N LAKE WAY (minor project)** The applicant, Enrique & Robin Senior, has filed an application requesting Architectural Commission review and approval of the redesign of a rear loggia.
ACTION: APPROVED ON CONSENT
4. **ARC-22-088 233 MIRAFLORES DR (minor project)** The applicant, 233 Miraflores LLC, has filed an application requesting Architectural Commission review and approval for modifications to an existing residence, addition of a rear loggia, landscape, and hardscape revisions.
ACTION: APPROVED ON CONSENT
5. **ARC-22-096 320 RIDGEVIEW DR (minor project)** The applicants, Tom and Diane Smith, have filed an application requesting Architectural Commission review and approval for design modifications to a previously approved freestanding rear gazebo.
ACTION: APPROVED ON CONSENT
6. **ARC-22-020 120 CLARENDON AVE.** The applicant, 120 Clarendon Ave LLC, has filed an application requesting Architectural Commission review and approval for the second story addition and renovation of existing detached cabana.
ACTION: PULLED FROM CONSENT
7. **ARC-22-082 218 BARTON AVE.** The applicants, Daniel and Natalie Lazarek, have filed an application requesting Architectural Commission review and approval for the construction of a two-story rear addition, installation of a new pool, and related hardscape and landscape improvements.
ACTION: APPROVED ON CONSENT
8. **ARC-22-085 202 OSCELOA WAY** The applicants, Dennis and Roseanne Vollman, have filed an application requesting Architectural Commission review and approval for the construction of a single-story garage addition to the existing residence.
ACTION: APPROVED ON CONSENT

B. DEMOLITIONS AND TIME EXTENSIONS

1. **ARC-22-078 260 NIGHTINGALE TR.** The applicant, David J. Canepari and Diane Ellwood Carpenter, has filed an application requesting Architectural Commission review and approval for demolition of an existing 3,273 SF one story residence.

Please note: This item was heard out of order and followed ARC-21-038 218 Royal Palm Way.

C. MAJOR PROJCTS – OLD BUSINESS

1. **B-065-2021 7 OCEAN LN.** The applicant, 7 Ocean Lane LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with pool, hardscape, and landscape on a vacant site.
ACTION: DEFERRED TO MAY 25, 2022
2. **B-072-2021 224 LA PUERTA WAY (COMBO –VARIANCES)**
Applicant: Mr. & Mrs. Gray
Professional: David J. Gengler/Gengler Architects, Inc.
Project Description: A major renovation of an existing single-story single-family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.
ACTION: WITHDRAWN
3. **ARC-21-064 120 SEAGATE RD.** The applicant, Tracey Hirt, has filed an application requesting Architectural Commission review and approval for modifications to an existing two-story residence including the addition of new front entry, the enclosure of a second-floor terrace and ground floor patio, the construction of a new one-story addition totaling approximately 600SF in area, a new pool, spa and pool deck, new landscaping, and other exterior modifications.
ACTION: APPROVED WITH CONDITION THAT SHUTTERS SHALL BE ADDED TO THE DOOR ABOVE FRONT ENTRANCE.
4. **ARC-21-080 757 ISLAND DR.** The applicant, 757 Island Drive LLC, has filed an application requesting Architectural Commission review and approval of a new two-story residence designed in the Art Moderne style containing 13,000 SF and with new landscaping and hardscape.
ACTION: DEFERRED TO MAY 25, 2022
5. **ARC-22-001 (ZON-22-033) 108 EL MIRASOL (COMBO)** The applicant, ANK Palm Beach LLC (Anand “Andy” Khubani, Managing Member), has filed an application requesting Architectural Commission review and approval of a new two story residence designed in Contemporary Classicism style containing 15,446 SF and a 6,750 SF below grade basement/parking garage, and landscaping. Town Council to review the variance portion of the application.
ACTION: DEFERRED TO MAY 25, 2022
6. **ARC-22-029 411 BRAZILIAN AVE.** The applicant, Holy Union PB Limited (Sean Sheridan), has filed an application requesting Architectural Commission review and approval for the construction of a new approximately 3700 SF two story residence designed in a mix of modern and classical style architecture.
ACTION: DEFERRED TO MAY 25, 2022

7. **ARC-22-030 230 VIA LAS BRISAS** The applicant, 230 Via Las Brisas LLC, has filed an application requesting Architectural Commission review and approval of a new two-story residence designed in a Classical style with landscape and hardscape improvements.
ACTION: APPROVED WITH CONDITION THAT ARCHED DOORS ON THE FRONT ELEVATION, ADJACENT TO THE FRONT DOOR, ARE CHANGED FROM 6 LIGHTS TO 8 LIGHTS.
8. **ARC-22-032 (ZON-22-017) 1237 N LAKE WAY (COMBO)** The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Architectural Commission review and approval for construction of a new 5800 SF two story residence and two-story accessory structure in the modern/classical style of architecture including variances for a two-story accessory structure to replace an existing two-story residence to be demolished. The variance portion of the application will be reviewed by Town Council.
ACTION: DEFERRED TO MAY 25, 2022
9. **B-063-2021, 280 VIA MARILA.** Demolition of an existing two-story structure. Proposal of a new two-story residence with rear facing two-car garage, new pool, hardscape, and landscape.
ACTION: APPROVED WITH THE FOLLOWING CONDITIONAL ITEMS TO RETURN TO THE MAY 25, 2022 MEETING FOR APPROVAL: SHED ROOFS, THE REMOVAL OF MOLDINGS TO THE LEFT AND RIGHT OF THE DOOR ALONG WITH THE HORIZONTAL BANDING, THE SIMPLIFICATION OF THE FRONT DOOR AND THE SECOND FLOOR, DOUBLE HUNG WINDOWS.
10. **ARC-21-038 (ZON-21-002) 218 ROYAL PALM WAY (COMBO)** The applicant, 218 Holdings LLC (Susan Hudson, Manager) has filed an application requesting Architectural Commission review and approval for the expansion of a third floor to an existing three-story building including variances from the parking, generator and wall height, and setback requirements. Town Council shall review the variance portion of the application. The application will require special exception and site plan reviewed by Town Council.
ACTION: APPROVE WITH THE CONDITION THAT AWNINGS ARE ADDED ON THE NORTH AND SOUTH ELEVATIONS, THE PIERS ARE BROUGHT UP WITH MASONRY, THE RAILINGS ARE NOT DISSIMILAR FROM THE FRONT DOOR POSITION AND THE FRONT DOOR DESIGN SHALL RETURN TO THE MAY 25, 2022 MEETING FOR APPROVAL.

Please note: The next item was moved to this position in the agenda during the approval of the agenda, Item V.

11. **ARC-22-078 260 NIGHTINGALE TR.** The applicant, David J. Canepari and Diane Ellwood Carpenter, has filed an application requesting Architectural Commission review and approval for demolition of an existing 3,273 SF one story residence.

ACTION: APPROVED WITH THE CONDITION THAT THE TRIPLE FOXTAIL PALM SHALL REMAIN

12. **ARC-21-040 (ZON-21-006) 164 SEASPRAY AVE (COMBO) – VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story home designed in the Classical Style and related site improvements, including variances for side yard setbacks as they pertain to the new residence on a nonconforming lot. Town Council shall review the variance portion of the application. The application will require special exception and site plan reviewed by Town Council.

ACTION: DEFERRED TO MAY 25, 2022

13. **ARC-21-101 425 CHILEAN AVE.** The applicant, Lorraine Charman, has filed an application requesting Architectural Commission review and approval for the modification of a previously approved landscape plan to include the removal of two trees to be replaced with hedge material.

ACTION: DENIED

14. **ARC-22-006 215 ARABIAN RD.** The applicant, 215 Arabian LLC, has filed an application requesting Architectural Commission review and approval for new construction of a 7,400 SF two story residence designed in the Regency style, detached cabana, swimming pool and associated hardscape and landscape.

ACTION: APPROVED

Please note: A lunch break was taken at 1:01 p.m. The meeting resumed at 2:00 p.m.

15. **ARC-22-020 120 CLARENDON AVE.** The applicant, 120 Clarendon Ave LLC, has filed an application requesting Architectural Commission review and approval for the second story addition and renovation of existing detached cabana.

ACTION: APPROVED WITH THE CONDITION THAT ONE OF THE DOUBLE COLUMNS ON THE FRONT ENTRANCE OF THE GUEST HOUSE SHALL BE REMOVED

The following project was moved to the end of the agenda.

16. **ARC-22-026 170 N OCEAN BLVD.** The applicant, The Condominium Association of Ocean Towers, Inc., has filed an application requesting

Architectural Commission review and approval for the installation of a metal railing along the entirety of an existing rooftop penthouse terrace/balcony.

ACTION: DEFERRED TO MAY 25, 2022

17. **ARC-22-040 (ZON-22-037) 60-70 BLOSSOM WAY (COMBO)** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Architectural Commission review and approval for construction of a combined 50,000+ sq. ft two-story main house and two-story guest house with associated hardscape, landscape and site improvements. Town Council will perform Site Plan Review for the installation of a generator.

ACTION: DEFERRED TO MAY 25, 2022

18. **ARC-22-053 1020 N LAKE WAY** The applicant, Three Palm Trees LLC (Mr. and Mrs. Warren Kanders), has filed an application requesting Architectural Commission review and approval of a new two-story residence designed in a Neo-Classical architectural style containing approximately 9,352 SF of enclosed area, with related landscape and hardscape improvements and the renovation of an existing pool.

ACTION: DEFERRED TO MAY 25, 2022

19. **ARC-22-058 (ZON-22-038) 220 BRAZILIAN AVE (COMBO)** The applicant, I220 PB LLC (Guy Rabideau), has filed an application requesting Architectural Commission review and approval for the installation of generators and AC equipment within both side yards (east and west) for a duplex site. The variance portion of the application will be reviewed by Town Council.

ACTION: APPROVED WITH THE CONDITION THAT THE A/C UNITS SHALL BE MOVED EAST/WEST RESPECTIVELY BY 5 FEET AND A SCREENING WALL WILL BE RAISED TO MATCH THE HEIGHT OF THE UNITS; IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

20. **ARC-22-073 320 POLMER PARK RD (minor project)** The applicant, Mr. and Mrs. Tony Lara Ignaczak, has filed an application requesting Architectural Commission review and approval for landscape and hardscape modifications to an existing residence.

ACTION: APPROVED

D. MAJOR PROJECTS – NEW BUSINESS

1. **ARC-22-015 (ZON-22-015) 755 N COUNTY RD (COMBO)** The applicant, Beach Club Inc. (David Shaw, General Manager) has filed an application requesting Architectural Commission review and approval for minor renovations and an expansion to the existing Beach Club facility including

variances from lot coverage and cubic content ratio (CCR). Town Council will review the Special Exception with Site Plan Review and Variance portion of the applications.

ACTION: APPROVED; IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

2. **ARC-22-045 253 EL PUEBLO WAY** The applicant, 253 El Pueblo Way LLC, has filed an application requesting Architectural Commission review and approval for construction of a new 4977 SF two-story residence with associated landscape, hardscape, and pool.

ACTION: APPROVED WITH THE CONDITION THAT STEP LIGHTS SHALL BE USED AT THE FRONT ENTRANCE RATHER THAN LANTERNS.

3. **ARC-22-054 (ZON-22-044) 333 SUNSET AVE (COMBO)** The applicant, Royal Poinciana South LLC (Arthur Pergament), has filed an application requesting Architectural Commission review and approval for renovations and additions to an existing 7-story apartment building, including landscaping, hardscaping, new accessory structures, changes to the lobby level and additions to the penthouse, requiring Special Exception with Site Plan Review and Variances from height, lot coverage, and setbacks. Town Council will perform review of the Special Exception, Site Plan Review and Variances.

ACTION: DEFERRED TO MAY 25, 2022

4. **ARC-22-075 301 POLMER PARK RD., LOT B** The applicant, 301 Polmer Park LLC (Richard True, Managing Member) has filed an application requesting Architectural Commission review and approval for a new two-story residence with landscape, hardscape, and pool.

ACTION: DEFERRED TO MAY 25, 2022

5. **ARC-22-084 (ZON-22-057) 147 SEABREEZE AVE (COMBO)** The applicant, MEHWD147 LLC (Elanor Acquavella Dejoux), has filed an application requesting Architectural Commission review and approval for a 16 SF first story addition, including variances from lot coverage and cubic content ratio (CCR), and the addition of railing to an existing nonconforming 3rd floor roof deck. Town Council will review the variance portion of the application.

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT; IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

6. **ARC-22-086 (ZON-22-059) 2219 IBIS ISLE RD (COMBO)** The applicant, GLOBAL ONE INVESTMENT GROUP LLC (Alfredo Borges), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the Cape Dutch style

containing 4100 SF and with new landscaping and hardscape on vacant site. Town Council will review the site plan review portion of the application.

ACTION: DEFERRED TO MAY 25, 2022

7. **ARC-22-091 256 MOCKINGBIRD TR.** The applicant, M2B Properties LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new single-family residence designed in a “Cottage” style, with associated pool, hardscape, and landscape improvements.

ACTION: DEFERRED TO MAY 25, 2022

E. MINOR PROJECTS – OLD BUSINESS

F. MINOR PROJECTS – NEW BUSINESS

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public
2. Staff
3. Commission

IX. NEXT MEETING DATE: Wednesday, May 25, 2022

X. ADJOURNMENT

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 054-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to the Planning, Zoning & Building Department.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 15, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Resolution No. 054-2022**
- ▣ **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Resolution 054-2022 – Master Fee Schedule

Date: April 15, 2022

STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council review the proposed changes to the Master Fee Schedule involving the Development Review Fees. Staff further recommends that the Town Council approve Resolution No. 054-2022 to implement the revised fees.

GENERAL INFORMATION

The Town's Development Review Fees were reviewed last year, and via Resolution No. 68-2021, many of the land use fees were changed. This was the first fee update to many of the land use fees in years. The fee changes were reviewed and revised at the start of our new comprehensive land use application process. We reviewed our old fees based upon the expected time that staff and consultants would spend processing applications under the new system. We compared our old and then-proposed fees with several other communities, to make sure that our fees were comparable.

Our new land use review process has now been in place for more than six months. During this time, we have monitored the time spent by each staff member to properly review and present the applications to Arcom, Landmarks and Town Council. Many of the recent fee adjustments are fine and correct, others are proposed to be changed a bit to further provide for the expense incurred by the department to handle these applications.

The internal process changes, in some cases, added a few additional steps to the old review process and require additional staff review and administrative time. These additional steps and additional staff time are reflected in the proposed fee changes, all of which are modest. Staff also researched comparable fees in a few other Southeast Florida communities, to make certain the proposed fees are in line with peer departments.

The proposed changes, contained in the attached Exhibit "A", modify fees in the following categories:

- Development Review – Architectural Review, Development Review and Miscellaneous Fees
- Lien & Open Permit Searches
- Permits, Construction
- Special Event

A new category of fee is set up for the future Building Safety Inspection and Recertification program but is reserved, for now (until needed). A comparison with other communities was again made to show the fee changes as comparable with our neighboring communities.

FUNDING/FISCAL IMPACT

There will be a very modest increase in revenue for the department with these fee changes, although they will be generally offset by the additional staff time dedicated to the new process.

Resolution No. 054-2022 is ready for your consideration and approval.

Attachments: Resolution No. 054-2022, with Exhibit “A”
Comparison Table of Fees, with Backup

WRB

RESOLUTION NO. 054-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING REVISED FEES RELATED TO THE PLANNING, ZONING & BUILDING DEPARTMENT

WHEREAS, the Town Council has adopted the Town of Palm Beach Master Fee Schedule, and

WHEREAS, Town staff has proposed revisions to several of the Fees contained within the Master Fee Schedule.

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

Section 1. The Master Fee Schedule is revised with the changes to only pages 1, 2, 7, 8, 9, 11, 12, 13 and 26, found on Exhibit “A” (attached).

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

EXHIBIT “A”

**TOWN OF PALM BEACH MASTER FEE SCHEDULE
EDITS ONLY TO PAGES 1, 2, 7, 8, 9, 11, 12, 13 AND 26**

Town of Palm Beach Master Fee Schedule

TABLE OF CONTENTS

<u>FEE TYPE</u>	<u>PAGE</u>
Building Safety Inspection and Recertification Program Reserved.	1
Business Tax Receipts	1-2
Data Processing Services (Labels)	5-7
Development Review Fees (Includes Architectural and Landmark Reviews)	5-7
Environmental & Sanitation Fees	7-9
Liens & Open Permit Searches	9-11
Notarization Services	9-11
Parking Meter Fees	9-11
Permits, Construction (Includes Dune Construction)	10-11
Permits, Parking & Transportation (Includes Parking Placards)	11-13
Permits, Other	12-14
Public Safety Services, Alarms (Fire and Burglar)	13-15
Public Safety Services, Fire-Rescue	14-16
Public Safety Services, Police	16-19
Records Request Fees	16-19
Recreation Fees	17-19
Returned Check Fees	17-19
Rights-of-Way Fees	17-20
Violations, Fines, Penalties, & Late Fees (All)	18-21

DEPARTMENT CODES & CONTACT INFORMATION

CE - Code Enforcement Department - (561) 227-7080
FIN - Finance Department - (561) 838-5444
FR - Fire-Rescue Department - (561) 838-5420

Town of Palm Beach Master Fee Schedule

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

FEE CATEGORY

DEPT

<u>BUILDING SAFETY INSPECTION AND RECERTIFICATION PROGRAM RESERVED.</u>		
<u>Each Review of the Building Recertification Report</u>	<u>\$500.00 per Building</u>	<u>PZB</u>

BUSINESS TAX RECEIPTS		
<u>BUSINESS TYPE:</u>		
Abstractors of Title	\$466.00	PZB
Accountant/Auditor/C.P.A., Firm (includes one professional)	\$466.00	PZB
Accountant/Auditor/C.P.A.	\$466.00	PZB
Adult Entertainment	\$1,346.00	PZB
Administrative Office	\$377.75	PZB
Answer Phone (support business services)	\$466.00	PZB
Apartments (see Rental Dwellings)		
Architect	\$466.00	PZB
Art Gallery, up to 400 sq ft	\$197.95	PZB
Art Gallery, 401 - 2,000 sq ft	\$466.00	PZB
Art Gallery, 2,001 - 4,000 sq ft	\$537.50	PZB
Art Gallery, 4,001 - 8,000 sq ft	\$1,075.00	PZB
Art Gallery, over 8,000 sq ft	\$1,616.00	PZB
Artist	\$357.75	PZB

Town of Palm Beach Master Fee Schedule

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
DEVELOPMENT REVIEW FEES		
ARCHITECTURAL REVIEW FEES:		
ARCOM Application, Major	\$2,500 2,750.00	PZB
ARCOM Application, Minor	\$1,000 1,25500.00	PZB
ARCOM Application, Staff Approval	\$300 350.00	PZB
ARCOM Application deferral, Major	\$350 500.00	PZB
ARCOM Application deferral, Minor	\$200 300.00	PZB
ARCOM Resubmittal Fee	\$500 1,000.00	PZB
ARCOM Appeal of Board Determination	\$4,500 2,000.00	PZB
ARCOM Appeal of Staff Determination	\$4,500 2,000.00	PZB
Landmark Application	\$750.00	PZB
Landmark Resubmittal Fee	\$250.00	PZB
Landmark Application, Staff Approval	\$150.00	PZB
Landmarks Appeal of Board Determination	\$4,500 2,000.00	PZB
Landmarks Appeal of Staff Determination	\$4,500 2,000.00	PZB
Landmark Tax Abatement Preparation Fee	\$4,200 1,500.00	PZB
DEVELOPMENT REVIEW FEES:		
Address Change	\$500.00	PZB
Appeal, Administrative Decision	\$4,500 2,000.00	PZB
<u>Clarification Hearing Request, by Applicant</u>	\$1,000 .00	PZB
Comp Plan, FLUM Amendment, Small-Scale	\$5,000.00	PZB
Comp Plan, FLUM Amendment, Large-Scale	\$6,000.00	PZB
Comp Plan, Text Amendment	\$5,000.00	PZB
DEP Permit Zoning Determinations	\$500.00	PZB
Development Review Consultant Reports & Escrow	As Quoted	PZB

Town of Palm Beach Master Fee Schedule

Kitchen Agreement	\$300 500.00	PZB
Lot Split Application	\$3,000.00	PZB
Outdoor Café Permit, Annual, Plus Per Seat Below	\$1,000.00	PZB
Outdoor Café - Per Seat	\$50.00	PZB
Plat	\$5,000.00	PZB
PUD Application	\$5,000 6,000.00	PZB
Replat	\$5,000.00	PZB
Site Plan Review, Administrative	\$1,500.00	PZB
Site Plan Review, All SFD; and PUD/MFD/Commercial, 200 sq ft or less	\$2,000 2,250.00	PZB
Site Plan Review, PUD, MFD/Commercial, over 200 sq ft	\$4,000 5,000.00	PZB
Site Plan Review, Resubmittal	\$1,000.00	PZB
Special Exception	\$2,500 3,000.00	PZB
Special Exception, MFD/Commercial	\$3,000 3,500.00	PZB
Special Exception, Resubmittal	\$1,000.00	PZB
Special Exception, Use, Modification, and/or Expansion	\$2,000.00	PZB
Subdivision, Preliminary	\$5,000.00	PZB
Subdivision, Final	\$5,000.00	PZB
Subdivision, Impact Study	Minimum 2% of Estimate of Sub-Division Improvements Plus Either \$300/Platted Lot or \$10/FF/Lot, Whichever is Greater	PZB
<u>Project / Permit Time Extension / Waiver of Construction Hours</u>	\$500.00	PZB
Town Council Resubmittal Fee	\$500 1,000.00	PZB
Traffic Concurrence Determinations and Escrow	As Quoted	PZB
Unity of Title Agreement	\$500 750.00	PZB
Variance, SFD	\$1,000 1,250.00	PZB
Variance, Flood	\$2,000 2,500.00	PZB
Variance, MFD/Commercial	\$3,000.00	PZB
Variance, Resubmittal	\$1,000.00	PZB
Variance, Uses or Structures	\$2,000.00	PZB
Waiver, Advanced Irrigation Program Application	\$300.00	PZB
Waiver, Advanced Irrigation Program Transfer Fee	\$100.00	PZB

Town of Palm Beach Master Fee Schedule

Waiver, Dimensional	\$2,000.00	PZB
Zoning Code, Text Amendment-Proposed	\$1,000 1,500.00	PZB
Zoning Code, Text Amendment-Studied	\$5,000.00	PZB
Zoning Code, Zoning District Change	\$5,000.00	PZB
MISCELLANEOUS FEES:		
Landmark Manual, Owner, first one	No Charge	PZB
Landmark Manual, Owner, all subsequent ones	Actual Cost	PZB
Landmark Manual, Non-Owners	Actual Cost	PZB
Landmark Plaque, Owner, first one	No Charge	PZB
Landmark Plaque, Owner, all subsequent ones	Actual Cost	PZB
Zoning Verification Letter	\$500.00	PZB

ENVIRONMENTAL & SANITATION FEES

HISTORIC TREES:

Annual Inspection and Maintenance, per tree

\$221.00

PW

INDUSTRIAL WASTE SURCHARGE RATES**:

BOD (biochemical oxygen demand in mg/L)	\$0.40/pound	PW
TSS (total suspended solids in mg/L)	\$0.40/pound	PW
OG (oil and grease in mg/L)	\$7.30/pound	PW

**Monthly surcharges shall be calculated as follows:

IWS= $8.34(V)(\$0.40 \times (\text{BOD}-400)) = \$0.40y(\text{TSS}-400) + \$7.30z(\text{OG}-100)$

IWS= Monthly industrial surcharge rate

V= Volume of industrial flow in million gallons per month based on metered water

X= Capital and operating costs per pound of BOD greater than 400 mg/L

Y= Capital and operating costs per pound of TSS greater than 400 mg/L

Z= Capital and operating costs per pound of oil and grease greater than 100 mg/L

SANITARY SEWER CAPITAL CONNECTION FEES (Based on Water Meter Size):

5/8"	\$550.00	PW
3/4"	\$825.00	PW
1"	\$1,375.00	PW
1 1/2"	\$2,750.00	PW

Town of Palm Beach Master Fee Schedule

Full Truck	\$420.00	PW
<i>SPECIAL VEGETATIVE TRASH PICK-UPS (Ficus Hedge Collection & Disposal):</i>		
Collection & Disposal Fee - First 100' of Hedge Material (3-hour crew minimum)	\$700.00	PW
Collection & Disposal Fee - Each Additional Hour	\$300.00	PW
<i>SPECIAL GARBAGE COLLECTION (Multi-Family Weekend Service):</i>		
Weekend Service (Fee for Condo Weekend Service is Based on Assessment Rate Set by the Town Council Every September)		PW

LIENS & OPEN PERMIT SEARCHES

Lien Searches (within 7 days)	\$75 100.00	FIN
Lien Searches, expedited (within 2 days)	\$150 200.00	FIN
Open Permit Searches	\$75 100.00	PZB
Open Permit Searches, expedited	\$150 200.00	PZB

NOTARIZATION SERVICES

Notarization, per document, Residents, Employees, & Town Project or Contract Documents	No Charge	Notaries
Notarization, per document, All Other Individuals & Documents	\$10.00	Notaries

PARKING METER FEES

Mid-Town Beach and Phipps Ocean Park	\$5.00/hour	FIN
All Other Locations in Town	\$3.00/hour	FIN

PERMITS, CONSTRUCTION (Includes Dune Construction)

(BCAIF) Building Code Administrators & Inspectors Fund Surcharge (F.S. 468.631)	1.5% of Permit Fee, Minimum \$2.00	PZB
Building Board of Adjustments, Appeal of Building Official Determination	\$500 1,000.00	PZB
Certificate of Completion	\$100 200.00	PZB

Town of Palm Beach Master Fee Schedule

Construction Permit Fee, including Conservation, Tent and Landscape Permits	Town plan review and Town inspections - 2.8% of Construction Value, Minimum \$100.00; Private Provider plan review and Town inspections - 2.59% of Construction Value, Minimum \$100.00; Town plan review and Private Provider inspections - 2.1% of Construction Value, Minimum \$100.00; Private Provider plan review and Private Provider inspections 1.89%, Minimum \$100.00	PZB
Construction Permit, Extension Fee, Reactivation Fee, Processing Fee, Re-inspection Fee, Re-issuance Fee, and Renewal Fee	\$100 200.00	PZB
Construction Permit, Issuance Fee	70% of Permit Fee Calculation	PZB
Construction Permit, Plan Review Fee, each permit	30% of Permit Fee Calculation, Min. \$75.00	PZB
Construction Permit, Refund Processing Fee	\$150 200.00	PZB
Construction, Permit Revision Fee (includes one page)	\$100-150 + \$25 50/pg thereafter	PZB
Construction Permit, Time Extension Fee, Request Submitted Within Time Allowed	\$.10 per sq ft, minimum	PZB
Construction Permit, Time Extension Fee, Request Submitted after Permit Expiration	\$0.20 per sq ft/min. \$1,000.00/day	PZB
Construction Permit, Transfer Fee	\$75 200.00	PZB
Construction Product Approval Review	\$1,500 2,000.00	PZB
Contractor Registration, One-time only	\$25.00	PZB
Dune Vegetation Permits, Class I, Major	\$3,500.00	PZB
Dune Vegetation Permits, Class I, Minor	\$1,400.00	PZB

Town of Palm Beach Master Fee Schedule

Dune Vegetation Permits, Class II, All Other	\$140.00	PZB
Dune Vegetation Permits, Class II, Beach/Dune Trimming	\$700.00	PZB
Dune Vegetation Permits, Class III	No Charge	PZB
Electrical Release Agreement	\$75 150.00	PZB
Expedited Plan Review Fee	\$100 + \$50/pg	PZB
Flood Zone Certification (FIRM) Letter	\$100.00	PZB
Department of Business and Professional Regulation Surcharge (F.S. 553.721)	1.0% of Permit Fee, Minimum \$2.00	PZB
Landscape Permit	3% Value of Work	PZB
Major Plan Re-Check Fee (determined by Building Official)	Minimum 10% of the Construction Permit Calculation Fee	PZB
Preliminary Plan Review Fee (separate from Plans Examination Fee)	\$1,500.00	PZB
Tent Permit Fee	3% of Construction Value, Min. \$75.00	PZB
Tent Permit, Extension Fee (Use over 15 days)	\$1,500/month, or portion thereof	PZB
Tent Permit, Re-inspection Fee for Multiple Events, Per Event	\$75 100.00	PZB
Work Completion Bond	135% of Construction Value	PZB
Work Completion Bond Processing Fee	\$150 200.00	PZB

PERMITS, PARKING & TRANSPORTATION (Includes Parking Placards)

Parking, Construction (see Rights-of-Way section)		
Parking Permit, Residential	\$50.00	FIN
Parking Permit, Group, Temporary (required to have 2 visitor/service permits before issuance)	No Charge	CE
Parking Permit, Valet, annual permit application fee, for each staging area	\$400.00	FIN
Parking Permit, Valet, Temporary, application fee, for each staging area	\$50.00	FIN
Parking Permit, Valet, transfer fee for revocable annual valet permit	\$300.00	FIN
Parking Permit, Visitor/Service	\$50.00	FIN
Parking Placard, 1 month period	\$115.00	FIN
Parking Placard, 4 month period	\$385.00	FIN

Town of Palm Beach Master Fee Schedule

<u>SPECIAL EVENT/TEMPORARY ANIMAL PERMIT LATE FEE:</u>			
Late Application, less than 30 days before event	100.00		TC
Permit Issued After the Fact (fee is in addition to any Code Enforcement Board Admin Fees)	\$75.00		TC
<u>TENT PERMIT LATE FILING FEE:</u>			
Tent Permit, Late Filing Fee	200% of Tent Permit Fee		PZB
<u>WATER CONSERVATION/RESTRICTIONS VIOLATION FINES:</u>			
First Offense, within any 180-day period	\$75.00		CE
Second Offense, within any 180-day period	\$125.00		CE
Third Offense, within any 180-day period	\$250.00		CE
Fourth and Subsequent Offenses, within any 180-day period	\$500.00		CE
<u>WATER CONSERVATION/RESTRICTIONS VIOLATION FINES: CURTAILMENT AUTHORIZED (Emergency Order):</u>			
First Offense	\$125.00		CE
Second Offense	\$250.00		CE
Third Offense	\$400.00		CE
Fourth and subsequent offense	\$500.00		CE
<u>VEHICLE PERMIT PENALTIES:</u>			
Late Annual Renewal	\$100.00		FIN

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 055-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Second Amendment to the Existing Interlocal Agreement Governing the Protocol by Which the Town of Palm Beach Transports and Refers Homeless Individuals for Acceptance into the Homeless Resource Center and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town of Palm Beach.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated April 28, 2022, from Nicholas Caristo, Chief of Police**
- ▣ **Resolution No. 055-2022**
- ▣ **HRC Interlocal Agreement & Amendments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Interlocal Agreement Amendment Governing Homeless Resource Center Use
Resolution No. 055-2022

Date: April 28, 2022

STAFF RECOMMENDATION

Staff recommends Mayor and Town Council approve Resolution No. 052-2022, authorizing the execution of the attached Interlocal Agreement Amendment governing the protocol by which the Town refers and transports homeless individuals for acceptance into the Homeless Resource Center (HRC) (Exhibit A).

GENERAL INFORMATION

On May 22, 2012 the Town entered into an Interlocal Agreement governing the protocol by which the Town refers and transports homeless individuals for acceptance into the Homeless Resource Center (HRC). On January 29, 2018 the Town approved the first amendment to this Interlocal agreement which extended the Interlocal Agreement through May 21, 2022. The Town's Police Department continues to refer and transport homeless individuals to the HRC in compliance with the Interlocal Agreement and anticipates continuing this practice.

TOWN ATTORNEY REVIEW

The resolution and agreement have been reviewed and approved by the Town Attorney for legal form and sufficiency.

NC/wmr

Attachments

cc: John C. Randolph, Town Attorney

RESOLUTION NO. 055-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SECOND AMENDMENT TO THE EXISTING INTERLOCAL AGREEMENT GOVERNING THE PROTOCOL BY WHICH THE TOWN OF PALM BEACH TRANSPORTS AND REFERS HOMELESS INDIVIDUALS FOR ACCEPTANCE INTO THE HOMELESS RESOURCE CENTER AND AUTHORIZING THE TOWN MANAGER AND STAFF TO EXECUTE ALL DOCUMENTS NECESSARY ON BEHALF OF THE TOWN OF PALM BEACH.

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

Section 1. This Interlocal Agreement Amendment governing the Town's protocol regarding the transport and referral of homeless individuals for acceptance into the Homeless Resource Center extends the existing Interlocal Agreement from May 21, 2022 through May 20, 2027.

Section 2. Town Manager and staff are authorized to execute all documents necessary to effectuate this agreement.

Section 3. The Interlocal Agreement, its first Amendment and the proposed second Amendment are attached hereto as *Exhibit A* and are hereby incorporated within this Resolution and made a part hereof.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (this "Agreement") is made and entered into May 22, 2012, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and the Town of Palm Beach, a municipal corporation of the State of Florida ("Town").

WITNESSETH

WHEREAS, the County has established a Homeless Resource Center ("HRC") within the municipal boundaries of the City of West Palm Beach ("WPB") for the referral of the County's homeless population to a central facility supporting organizations, services and programs that will help end the cycle of homelessness; and

WHEREAS, the County has entered into an Interlocal Agreement dated January 12, 2010, with WPB (City Ordinance No. 4235-09, as may be amended) in support of the HRC; and

WHEREAS, the Palm Beach County Law Enforcement Planning Council ("LEPC") and subcommittee of the Criminal Justice Commission has adopted Best Practices for law enforcement personnel's: 1) interaction with the homeless population and 2) referral of homeless individuals to the HRC and related community agencies' specialty facilities; and

WHEREAS, the foregoing operating protocols have been developed in satisfaction of the requirements set forth in the Interlocal Agreement between County and WPB, which are to: 1) uphold the safe and orderly operation of the HRC; 2) sustain compatibility between the HRC and the uses and character of land surrounding and in the vicinity of the HRC; and 3) further the purpose of the HRC to end homelessness for qualified individuals that voluntarily commit to participate in the services and programs offered by the HRC; and

WHEREAS, the aforementioned protocol is endorsed by the LEPC for countywide implementation through standard law enforcement practices and procedures that shall precede a referral to the HRC; and

WHEREAS, the County and the Town have determined it to be beneficial to both parties for the Town to be able to refer and transport homeless individuals to the HRC; and

WHEREAS, this Agreement authorizes the Town to utilize the HRC in a manner that conforms to both the operational understanding and expectations of both the County and WPB as established by the Interlocal Agreement and the practices endorsed by the LEPC; and

WHEREAS, the County and the Town have the ability to lawfully enter into this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

SECTION 1: PURPOSE

The purpose of this Agreement is to: 1) provide the protocol by which the Town shall refer and transport homeless individuals for acceptance into the HRC and 2) provide for payment of any transport costs incurred by the Town.

SECTION 2: LAW ENFORCEMENT BEST PRACTICES

2.01 The Town agrees to abide by and adopt the Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless ("Best Practices") in accordance with the most current approved revision to the Best Practices, which is attached as **Exhibit A** to this Agreement. The Best Practices establish the guidelines which law enforcement agencies shall include in each agency's operating procedures and which law enforcement personnel shall follow during their interactions with homeless individuals. The Best Practices may be modified or updated from time to time as may be agreed to by the LEPC. Each update to the Best Practices shall be transmitted to the County's representatives identified in Section 11 of this Agreement who shall have responsibility for transmitting such update to the Town's representatives identified in Section 11. The update shall automatically replace the former and become part of this Agreement with sixty (60) days prior notice of the implementation date.

SECTION 3: HRC REFERRAL PROCEDURES

3.01 The County may establish and issue HRC specific procedures associated with HRC referrals ("Referral Procedures"). The Referral Procedures include such documents as the Field Referral Form which is attached as **Exhibit B** to this Agreement. The Referral Procedures may be modified or updated from time to time by the County with sixty (60) days prior notice of the implementation date at which time such modifications/updates shall automatically replace the former and become a part of this Agreement. In the event that the Town does not agree to operate in accordance with the Referral Procedures, then the Town's sole option shall be to exercise its right to terminate this Agreement as provided herein.

3.02 The Town agrees to conduct training for all sworn personnel, and those non-sworn personnel which may have interaction with the homeless. The training curriculums (new and refresher) shall be provided to the Town by the County (as prepared by the Palm Beach County Sheriff's Office). The Town agrees to conduct training for all officers (and eligible non-sworn personnel) as part of new employee field training and as part of the next round of in-service training. Subsequent refresher training shall be conducted no less frequently than annually as part of in-service training.

SECTION 4: TRANSPORTATION COSTS

4.01 The Town, on an individual referral basis, has the option of either: 1) transporting a homeless person and all of their belongings that are not secured, to the HRC by Town personnel in a Town-owned vehicle, or 2) requesting that the County arranges for transport via the County's contracted transport provider. In the event that the Town chooses to utilize the County's contracted transport provider, the Town agrees to reimburse the County the actual cost of the

transport. The County shall invoice the Town for the number of transports twice a year on March 31st and September 30th. The Town shall pay the County, in full, no later than thirty (30) days after the date of the invoice. Payments shall be sent to:

Facilities Development & Operations
Fiscal Manager
2633 Vista Parkway
West Palm Beach, FL 33411-5603

Attn: HRC Interlocal Agreement #_____ Invoice #

If during transport, the homeless person decides that he/she does not wish to end their homelessness, the Town will return the homeless person to his/her original location or another location within the Town's boundaries that is mutually acceptable to the homeless person and the Town. In the event that the homeless person is being transported by the County's contracted transport provider, the homeless person will be returned only to the original location from which he/she originated. In the event of the foregoing, the Town will still be required to reimburse the County for the cost of the partial trip. The Town's reimbursement obligations set forth in this section shall survive expiration or termination of this Agreement.

SECTION 5: INDEMNIFICATION

5.01 Each party shall be liable for its own actions and negligence and, to the extent permitted by law, each party shall indemnify, defend and hold harmless the other party against any actions, claims or damages arising out of the indemnifying party's negligent, willful, or intentional acts or omissions in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida State Statutes, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful, or intentional acts or omissions. This provision shall survive expiration or termination of this Agreement.

SECTION 6: TERM OF AGREEMENT

6.01 The initial term of this Agreement is for five (5) years and shall commence immediately upon execution of this Agreement. The term of this Agreement may be renewed for three (3) successive periods of five (5) years each under the same terms and conditions of this Agreement. At least six (6) months prior to the expiration of this Agreement's term, the Town shall provide the County with a request to renew this Agreement. If agreed upon by the parties, within two (2) months of the County's receipt of such request, the County shall process an Amendment to this Agreement which shall be executed by both the Town and the County. The County may not unreasonably withhold its approval of the renewal request.

SECTION 7: ENFORCEMENT

7.01 The County will immediately communicate with the Town's Representative any referral that the County determines not to have been made in accordance with the Referral

Procedures. If a homeless person cannot be accepted into the HRC due to an error of the Town's law enforcement personnel with respect to the Referral Procedures, the homeless person will be transported back to the location from which he/she originated at the Town's cost, pursuant to Section 4.01. The Town retains the option of self-transport but agrees to consider the information provided by the HRC operator prior to making a determination regarding self-transport on a return trip. For purposes of this Section 7, within fifteen (15) days of the effective date of this Agreement the Town shall provide the County with written notice as to the person designated as the Town's Representative and such representative's contact information. The Town may from time to time change the person designated as the Town's Representative, upon three (3) days prior written notice to the County.

SECTION 8: AMENDMENTS TO THIS AGREEMENT

8.01 This Agreement may be amended from time to time by written amendment executed by both the Board of County Commissioners and the Town.

SECTION 9: TERMINATION

9.01 This Agreement may be terminated by either party, with or without cause. Any termination shall be effective sixty (60) days from the receipt of written notice thereof.

SECTION 10: ANNUAL BUDGET APPROPRIATIONS

10.01 The County's and the Town's performance and obligations to pay pursuant to this Agreement are contingent upon annual appropriation for its purpose by the Board of County Commissioners and the Town Council.

SECTION 11: NOTICES

11.01 Any notice given pursuant to the terms of this Agreement shall be in writing and delivered by Certified Mail, Return Receipt Requested. The effective date of such notice shall be the date of receipt, as evidenced by the Return Receipt. All notices shall be addressed to the following:

As to the County:

Director, Facilities Development & Operations
2633 Vista Parkway
West Palm Beach, FL 33411

With a copy to:

County Attorney's Office
301 North Olive Avenue
West Palm Beach, FL 33401

County Administrator
301 North Olive Avenue
West Palm Beach, FL 33401

Director, Human Services Division
810 Datura Street
West Palm Beach, FL 33401

As to the Town:

Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Any party may from time to time change the address at which notices under this Agreement shall be given such party, upon three (3) days prior written notice to the other parties.

SECTION 12: APPLICABLE LAW/VENUE

12.01 This Agreement shall be governed by the laws of the State of Florida and venue for any causes of action concerning this Agreement shall be in Palm Beach County, Florida.

SECTION 13: FILING

13.01 A copy of this Agreement shall be filed with the Clerk & Comptroller's Office in and for Palm Beach County.

SECTION 14: DELEGATION OF DUTY

14.01 Nothing contained herein shall be deemed to authorize the delegation of the Constitutional or Statutory duties of the County's or the Town's officers.

SECTION 15: PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL

15.01 Palm Beach County has established the Office of the Inspector General, which is authorized and empowered to review past, present and proposed County contracts, transactions, accounts and records. All parties doing business with the County shall fully cooperate with the Inspector General. The Inspector General has the power to subpoena witnesses, administer oaths, require the production of records, and to audit, investigate, monitor, and inspect the activities of the Town, its officers, agents, employees, and lobbyists in order to ensure compliance with the agreement specifications and to detect waste, corruption and fraud.

SECTION 16: MISCELLANEOUS

16.01 The recitals set forth in this Agreement are true and correct and are incorporated herein.

16.02 All Exhibits referenced in this Agreement are incorporated herein by such reference and shall be deemed to be an integral part of this Agreement.

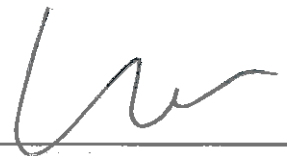
16.03 This Agreement and any Exhibits attached hereto and forming a part thereof as if fully set forth herein, constitute all agreements, conditions and understandings between the County and the Town concerning the Town's utilization of the HRC; except as herein otherwise provided, no subsequent alterations, waiver, change, or addition to this Agreement shall be binding upon the County or the Town unless reduced to writing and signed by them.

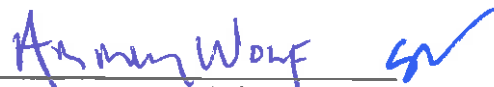
REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

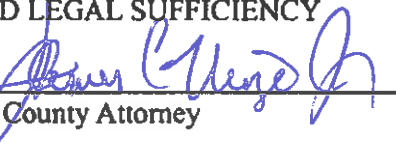
ATTEST:

PALM BEACH COUNTY, a political subdivision of the State of Florida

By: 

By: 
Dir., Facilities Dev & Opns

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

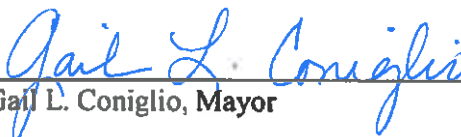
By: 
County Attorney

ATTEST:

TOWN OF PALM BEACH,
a municipal corporation of the State of Florida

TOWN CLERK

By: 
Susan A. Owens, MMC, Town Clerk

By: 
Gail L. Coniglio, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

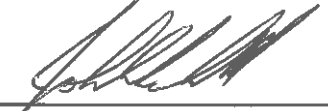
By: 
John C. Randolph, Town Attorney

EXHIBIT A

Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless

Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless

DISCUSSION: The development of countywide best practices is to ensure that members of Palm Beach County Law Enforcement Agencies understand and are sensitive to the needs and rights of homeless persons, and to set forth procedures for law enforcement members to follow during contacts with homeless persons. These Best Practices recognize that there is a right of all persons, including people experiencing homelessness, to be peaceably in any public place of the jurisdiction so long as their activities are lawful. It also explicitly affirms that homelessness is not a crime. It is also recognized that each individual law enforcement agency may develop policies and procedures to handle homeless persons based on the individual needs of their community, but that the policy or procedure will incorporate the Best Practices below.

POLICY: The policies of Palm Beach County Law Enforcement are to treat homeless persons in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. Agencies recognize that in law enforcement situations involving homeless individuals, it is preferable to make referrals to organizations that provide services to homeless individuals, and to refrain from initiating contacts that interrupt innocent activity and may violate an individual's constitutional rights.

DEFINITIONS:

Homeless Person - Is an individual or individuals who lack a fixed, regular and adequate night-time residence, or has a primary night-time residence that is:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- b. An institution that provides a temporary residence for individuals intended to be institutionalized;
- c. A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Law Enforcement Member (LE Member) – An employee or volunteer of a municipal, county or school board law enforcement agency in Palm Beach County, Florida; whether or not that member is sworn or non-sworn, paid or non-paid, status.

Accept Referral – Applies to a Homeless Person who has indicated that they desire to end their homelessness. This differs from a Homeless Person who seeks to have nothing more than a meal or a place to sleep for the night.

Homeless Resource Center (HRC) - A facility acting as single point of access recognized by the County to accept a Homeless Person and their families and engage individuals in ending their homelessness.

BEST PRACTICES:

• CONTACT

- A LE Member may at any time approach a Homeless Person who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, the LE Member may also contact an outreach worker from a public or private homeless services provider. The Homeless Person is free to choose whether to accept any referrals or not.
- When a Homeless Person accepts a referral, that person or persons shall be transported to the HRC or other community partner's facility identified by the HRC as appropriate for the specific type of referral. When a Homeless Person desires to end their homelessness and accept a referral to the HRC, the LE Member will begin the acceptance process in the field by completing an HRC Field Referral Form, confirming acceptance with the HRC and transporting (or arranging for transport) to the HRC. Prior to a Homeless Person being transported to the HRC, the LE Member shall query the appropriate State and National criminal history databases to determine if the Homeless Person is a registered sexual predator or sexual offender or has active arrest warrants.
 1. Homeless Sexual Offenders or Predators are not allowed at an HRC.
 2. Homeless Sexual Offenders or Predators under the supervision of the Florida Department of Corrections (FDOC) shall be free to go as long as their actions are lawful. For extenuating issues, FDOC can be contacted at (561) 837-5175 or after hours at (561) 791-4750.
 3. Homeless Sexual Offenders or Predators not under the supervision of FDOC should be reported to the Sheriff's Office S.P.O.T. Unit at (561) 688-4161 (M-F 8am to 4pm), or via e-mail at spot@pbso.org.
- LE Members having interactions and or contacts with persons determined to be homeless as a result of self-initiated contact or as a result of a citizen complaint shall document that contact. In all cases LE Members shall complete the reporting form appropriate to the interaction, and shall include the letters HL (homeless) in the address field, or other appropriate field, which records for tracking contacts only, a person's homelessness status. The reporting form shall be in a form such that each agency can electronically identify, retrieve and count interactions with a Homeless Person. The countywide goal is to have the forms entered by each agency into the Law Enforcement Exchange System. LE Members shall refrain from detention, arrest, interrogation, or initiation of any other criminal law enforcement interaction with any persons based solely upon their "status" of being or appearing to be homeless, so long as their activities are lawful.

- LE Members shall not communicate in any way, to persons who are or appear to be homeless, that they are not allowed to be in a particular public space in the jurisdiction based on their homeless status.
- Homeless school age children are required to be enrolled and attend school. LE Members shall contact the School District Police Dispatch at 561-434-8700 to determine if a child is enrolled. If the child is not enrolled, the School District Police Dispatch will be able to advise what public school the child should be attending. The officer will then advise the parents where to enroll the child.

- **“MOVE ON” ORDERS**

- LE Members shall not order any person to move to another location when that person has a legal right to be present where he or she is, subject to requests to move for safety or security or other constitutionally permissible reasons.
- It is agency policy not to give “move on” orders and not to arrest people for failure to move on if there is another reasonable way to resolve the situation. LE Members shall not give “move on” orders to persons merely because the person is or appears to be homeless.

- **REQUESTS FOR IDENTIFICATION**

- Requests for identification made to persons who are, or appear to be, homeless shall be subject to the same legitimate law enforcement purposes as are required when made to any other individual, but with sensitivity to the special needs and circumstances of the individual situation.
- 1. Requests or demands for identification shall only be made with good cause. Requests for identification shall not be made pursuant to casual contact with persons who are, or appear to be, homeless. At no time shall requests or demands for identification be made in order to harass, intimidate, threaten or make any other unwarranted show of authority.
- 2. Unless required by law, or essential to the performance of a law enforcement officer’s duty, at no time shall a form of identification presented by a Homeless Person be seized and not returned to him or her.
- 3. In situations where persons who are, or appear to be, homeless are unable to produce a valid form of identification, the LE Member shall not penalize the person for failing to produce the requested identification.

- **PERSONAL PROPERTY**

- The personal property of a Homeless Person shall be treated with the same respect and consideration given to the personal property of any other individual, with

particular sensitivity to the special needs and circumstances of the individual situation.

1. In arrest situations, a Homeless Person shall not be required to abandon personal property they identify as their own at the arrest site. LE Members shall not damage, hide or cause to be abandoned the personal property of any such person. Where practical, LE Members shall adopt or facilitate measures that will best safeguard personal property, as determined by the arrestee.
 - a. Property may be taken into custody when an arrestee identifies the property as his or hers. The personal property of arrestees experiencing homelessness is to be handled in the same manner as the property of other arrestees.
 2. In no event shall any LE Member destroy any personal property known to belong to a Homeless Person, or recognizable as property of a Homeless Person, unless it is contaminated or otherwise poses a health hazard.
 3. A Homeless Person has a constitutionally protected expectation of privacy in their personal belongings and closed containers. LE Members shall refrain from instituting any search, frisk, or other such investigation where the elements of reasonable suspicion or probable cause is not met. A person's status of being, or appearing to be, homeless, without more, does not constitute reasonable suspicion or probable cause or any other grounds for such a search.
- **ARREST SITUATIONS** - Arrests of all persons including those defined as homeless, shall comply with State law, or County Ordinance and Department policies and procedures.
 - If a LE Member observes a Homeless Person engaged in criminal activity, when practical and prudent to do so and with the consent of the victim who has signed a "refusal to prosecute" form, an alternative to a physical arrest shall be used, to include utilizing the resources at the HRC.
 - A LE Member always has the right to approach any individual including a person who is, or appears to be homeless, to allay any suspicions a LE Member may have about the individual, and ascertain that no criminal activity is occurring.
 - **TRAINING** - Training on how to interact with a Homeless Person shall be conducted as a part of any new officer field training curriculum. Annual in-service training curriculums shall include updates and refreshers on this topic.

EXHIBIT B
Field Referral Form

Homeless Resource Center

1000 45th Street, West Palm Beach, FL 33407



Field Referral Form

Contact Information For Person Making The Referral:

Contact Name:	Contact Phone No.:	Contact Badge No.:
Date:	Time:	Law Enforcement Agency:
Location:	Law Enforcement Case #:	Signature of Contact Person:

Client Information:

Name:	Date of Birth:	Gender: ☐ Male ☐ Female ☐ Other
-------	----------------	--

PLEASE VERIFY BEFORE PROCEEDING FURTHER:

☐ Active arrest warrant ☐ Sexual offender/perpetrator

If client does not have an active arrest warrant and client is not a sexual offender/perpetrator –Please fill out the rest of the form and contact the HRC for a referral # before transporting.

Client Information (Check All That Apply)	Current Living Situation:
☐ Weapons search ☐ Personal belongings search ☐ ID verified / Type: _____ ☐ Used alcohol or drugs last 24 hours? ☐ Is client on supervised release/probation? _____ ☐ Client DOC# _____ ☐ Children present? How many _____	☐ Sharing housing ☐ Substandard housing ☐ Camping or sleeps in car ☐ Motel/hotel ☐ Transient ☐ Other: _____
For DOC information call (561) 791-4750	Contact the HRC to confirm the referral Confirmation # _____

Client Screening – If any of the following are checked, do not transport to the HRC:

Mental Health Screening Check all that apply:	Substance Abuse Screening Check all that apply:	Medical Physical Screening Check all that apply:
☐ Threat to themselves	☐ Intoxicated	☐ Large open sore/wound
☐ Threat to others	☐ Severely impaired due to drugs	☐ Chest pains/shortness of breath
If any of the above are checked, please transport client to the nearest Baker Act Facility	If any of the above are checked, please transport client to the nearest Substance Abuse Detox Facility	If any of the above are checked, please transport client to the nearest Emergency Room for Clearance

Client: I understand that I am being transported to the Homeless Resource Center because I want to permanently end my homelessness and this is not an overnight shelter. _____ Client Signature Date	Transportation Information: Name of Company: _____ Phone #: _____ Turn Over To: _____ _____ Signature of person transporting	_____ Name of HRC Staff _____ Date and Time _____ Signature of HRC Staff verifying handoff
---	--	---

Homeless Resource Center Information Sheet

The major cause of homelessness in the United States is lack of affordable housing.

Process for making referrals to the Homeless Resource Center:

- The Homeless Resource Center (HRC) is a centralized intake/assessment center that offers temporary interim housing for those individuals and families who indicate **they want to end their homelessness**.
- ***The HRC is not an overnight shelter, a food kitchen, a clothing pantry or a place to go for only a few hours.***
- If you approach a person who appears homeless, offer information on services (brochure provided with this form) or if the person would like to **end their homelessness**, offer a referral to the HRC.
- Before filling out the Field Referral Form, perform a NCIC/FCIC check to determine if the individual has an active arrest warrant or if they are a sexual offender/perpetrator. If they are, handle according to your agency policies and do not refer.
- If the individual does not have an active warrant and is not a sexual offender, fill out the Field Referral Form starting with your contact information in the first section of the form.
- Check all that apply regarding Client Information and Current Living Situation.
- To the best of your knowledge, fill out the Client Screening Section. If any of the items are checked, the individual should be referred or transported to the facility type indicated.
- Once the form is completed call the HRC (number to be determined) to confirm the referral and to be given a referral confirmation number. Write the number on the form in the space specified. Indicate to the HRC whether you will be transporting the individual or if you will be calling for transportation and the estimated time of arrival at the HRC.
- Transportation depends on your municipality's procedure. If you are not physically transporting, you must call the pre-arranged transportation company. Fill out the information on the form and have the person that is transporting sign the form indicating that the individual has been turned over to them.
- Sign the form under the Contact Information For Person Making The Referral Section before you hand the form to the HRC personnel or to the transportation company.
- If the individual has personal belongings, make every attempt to transport all of the person's belongings with them.
- Ensure that the individual's personal identification documents are returned to them before transport.

There are a few things you can do to humanize homelessness and de-stigmatize mental illness:

- Make eye contact.
- Pay attention to your language. Use expressions such as "people experiencing homelessness". People who are in this situation are still people first.
- Recognize the value of the person's belongings.

Doc No 18-2017
Reso No 218-2017

**FIRST AMENDMENT
TO INTERLOCAL AGREEMENT**

THIS FIRST AMENDMENT to the Interlocal Agreement dated May 22, 2012 (the "Agreement"), is made as of January 29 / 2018, by and between Palm Beach County, a political subdivision of the State of Florida ("County"), and Town of Palm Beach, a municipal corporation of the State of Florida ("Town").

WHEREAS, the Agreement provides the protocol by which the Town refers and transports homeless individuals for acceptance into the Homeless Resource Center (HRC) and provides for the payment of any transport costs; and

WHEREAS, the County and the Town have determined it to be beneficial to both parties to continue the Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the County and Town agree as follows:

1. The term of the Agreement is renewed beginning on May 22, 2017, and continuing through May 21, 2022, pursuant to the exercise of the first of three (3), five (5) year renewal options.

2. Section 15 of the Agreement is deleted in its entirety and replaced with the following:

SECTION 15: PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL

Palm Beach County has established the Office of the Inspector General, Palm Beach County Code, Section 2-421 – 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and audit, investigate, monitor, and inspect the activities of entities contracting with the County, or anyone acting on their behalf, in order to ensure compliance with contract specifications and detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second-degree misdemeanor.

3. The Agreement is hereby modified to add the following:

SECTION 17: NO THIRD PARTY BENEFICIARY

No provision of this Contract is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Contract, including but not limited to any citizen or employees of the County and/or Town.

4. The Agreement is hereby modified to add the following:

SECTION 18: NON-DISCRIMINATION

Pursuant to Resolution R-2014-1421, as may be amended, it is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

The Town has submitted to County a copy of its non-discrimination policy which is consistent with the above paragraph, as contained in Resolution R-2014-1421, as may be amended, or in the alternative, if the Town does not have a written non-discrimination policy, it has affirmed through a signed statement provided to County that Town will conform to the County's non-discrimination policy as provided in R-2014-1421, as may be amended.

5. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the Town and County.

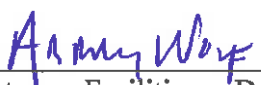
THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

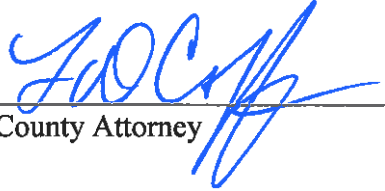
ATTEST:

PALM BEACH COUNTY, a political subdivision of the State of Florida

By: 
FDO Fiscal Officer

By: 
my Director, Facilities Development & Operations

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
County Attorney

ATTEST:

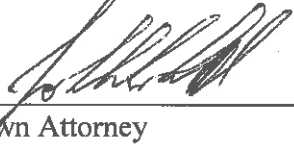
TOWN CLERK

TOWN OF PALM BEACH, a municipal corporation of the State of Florida

By: 
Kathleen Dominguez, Town Clerk

By: 
Gail L. Coniglio, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Town Attorney

**SECOND AMENDMENT
TO INTERLOCAL AGREEMENT**

THIS SECOND AMENDMENT to the Interlocal Agreement dated May 22, 2012, as amended by R2018-0385 (collectively referred to herein as the “Agreement”), is made as of _____, by and between Palm Beach County, a political subdivision of the State of Florida (“County”), and the Town of Palm Beach, a municipal corporation of the State of Florida (“Town”).

WHEREAS, the Agreement provides the protocol by which the Town refers and transports homeless individuals for acceptance into the Homeless Resource Center (HRC) and provides for the payment of any transport costs; and

WHEREAS, the County and the Town have determined it to be beneficial to both parties to continue the Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the County and Town agree as follows:

1. The parties agree to exercise the second of the three (3) five (5) year renewal options. The term of the Agreement is renewed beginning on May 21, 2022 and continuing through May 20, 2027.

2. Section 12 of the Agreement is deleted in its entirety and replaced with the following:

SECTION 12: REMEDIES

This Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Agreement will be held in a court of competent jurisdiction located in Palm Beach County, Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of the County and/or Town.

3. Section 18 of the Agreement is deleted in its entirety and replaced with the following:

SECTION 18: NON-DISCRIMINATION

The County is committed to assuring equal opportunity in the award of contracts and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2017-1770, as may be amended, the Town warrants and represents that throughout the term of

the Agreement, including any renewals thereof, if applicable, all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information. Failure to meet this requirement shall be considered default of the Agreement.

4. The Agreement is hereby modified to add the following:

SECTION 19: ASSIGNMENT

Town may not assign, mortgage, pledge, or encumber this Agreement in whole or in part, without prior written consent of County, which may be granted or withheld at the County's absolute discretion. This provision shall be construed to include a prohibition against an assignment, mortgage, pledge, encumbrance or sublease, by operation of law, legal process, receivership, bankruptcy, or otherwise, whether voluntary or involuntary.

SECTION 20: SEVERABILITY

If any term of the Agreement or the application thereof to any person or circumstance shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement, or the application of such term to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

SECTION 21: COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

SECTION 22: EFFECTIVE DATE

This Agreement is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners and shall become effective only when signed by all Parties and approved by the Palm Beach County Board of County Commissioners.

5. Except as modified by this Second Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the Town and County.

THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

ATTEST:

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
FDO Fiscal Officer

By: _____
Isamì Ayala-Collazo, Director
Facilities Development & Operations

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
County Attorney

ATTEST:

TOWN CLERK

**TOWN OF PALM BEACH, A
MUNICIPAL CORPORATION OF THE
STATE OF FLORIDA**

By: _____
Queenester Nieves, Town Clerk

By: _____
Danielle H. Moore, Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 056-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach, Ex Post Facto, to Submit an Application for the FY2021 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime Expenses Incurred During the Grant Period; and Authorizing the Town Manager and Staff to Execute All Documents Necessary on Behalf of the Town of Palm Beach.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated April 28, 2022, from Nicholas Caristo, Chief of Police**
- ▣ **Resolution No. 056-2022**
- ▣ **PRPA Grant Application**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: FY2021 President Residence Protection Assistance (PRPA) Grant Reimbursement
Resolution No: 056-2022

Date: April 28, 2022

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 056-2022 authorizing the Town of Palm Beach, ex post facto, to submit FY2021 Presidential Residence Protection Assistance (PRPA) grant application for reimbursement of qualifying law enforcement personnel overtime for the protection of the President and family while in residence in the Town Palm Beach.

GENERAL INFORMATION

This grant program is administered by the Federal Emergency Management Agency (FEMA) under the Department of Homeland Security Appropriations Act, 2018, (Pub. L. No. 115-141) and provides for the reimbursement of overtime activities associated with the protection of any non-governmental residence of the President designated or identified to be secured by the United States Secret Service (USSS). Awards are made on a first come first serve rolling basis to qualifying agencies, therefore, so as to not jeopardize this grant reimbursement opportunity, the application was submitted in December of 2021, prior to the December 6th, 2021 deadline.

FUNDING/FISCAL IMPACT

FEMA has not made funding decisions or disbursements to date. The Town anticipates a minimum reimbursement of \$8,798.86 for overtime expenses incurred while the President was in residence during the application period of October 1, 2020 – September 30, 2021.

PURCHASING REVIEW

This item is not applicable to the Purchasing Division.

TOWN ATTORNEY REVIEW

The resolution is similar to previous PRPA Grant Reimbursements that have been approved by the Town Attorney as to form and legal sufficiency.

NC/WR

cc: Jane LeClainche, Director of Finance
John Randolph, Town Attorney

RESOLUTION NO. 056-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN OF PALM BEACH, EX POST FACTO, TO SUBMIT AN APPLICATION FOR THE FY2021 PRESIDENTIAL RESIDENCE PROTECTION ASSISTANCE (PRPA) GRANT FOR REIMBURSEMENT OF APPLICABLE LAW ENFORCEMENT PERSONNEL OVERTIME EXPENSES INCURRED DURING THE GRANT PERIOD; AND AUTHORIZING THE TOWN MANAGER AND STAFF TO EXECUTE ALL DOCUMENTS NECESSARY ON BEHALF OF THE TOWN OF PALM BEACH.

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

Section 1. The Town Manager and staff are authorized, ex post facto, to submit an application to the Federal Emergency Management Agency (FEMA) for reimbursement of applicable overtime expenses incurred by law enforcement personnel during the grant period of October 1, 2020 - September 30, 2021.

Section 2. A copy of the FY2021 Presidential Residence Protection Assistance (PRPA) Grant application submitted on behalf of the Town of Palm Beach is attached hereto as *Exhibit A* and is hereby incorporated within this Resolution and made a part hereof.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

[Skip to main content](#)
[ND Grants](#)

-
- [Applications](#)
 - [Manage Applications](#)
- [Grants](#)
 - [Grants Dashboard](#)
 - [Performance Progress Reports](#)
 - [Manage Amendments](#)
-
- [Administration](#)
 - [Organizations](#)
 - [Request Organization Access](#)
 - [Review Organization Access Requests](#)
- [townofpb](#)
 - [Logout](#)
 -
 - [Help](#)
 - [Download Plug-ins](#)

View Application

- [Application Information](#)
- [Applicant Information](#)
- [SF-424 Information](#)
- [Contacts](#)
- [SF-424A](#)
- [Attachments](#)
- [Certification Regarding Lobbying](#)
- [SF-LLL](#)
- [SF-424B](#)
- [Action History](#)

Application Information

Application Number
 [EMW-2021-GR-APP-00217](#)
Funding Opportunity Name
 Fiscal Year 2021 Presidential Residence Protection Assistance Grant (PRPA)
Funding Opportunity Number
 DHS-21-GPD-134-00-01
Application Status
 Submitted

Applicant Information

Legal Name
 [Town of Palm Beach](#)
Type
 City or township governments
Division Name
Department Name
Employer Identification Number (EIN)
 59-6000402
Other Organizations that share this EIN
DUNS Number
 076030659
DUNS+4
 0000
UEI Number
EFT Indicator
Applicant Congressional District
 Congressional District 21, FL

Physical Address

 360 S County Rd
 Palm Beach, Florida 33480
 UNITED STATES

Mailing Address

 PO Box 2029
 Palm Beach, Florida 33480
 UNITED STATES

SF-424 Information

Project Information

Project Title
 Presidential Residence Protection of Mar-a-Lago October 1, 2020 - January 20, 2021
Program/Project Congressional Districts
 FL-21
Proposed Start Date
 10/01/2020
Proposed End Date
 01/20/2021
Areas Affected by Project (Cities, Counties, States, etc.)
 Town of Palm Beach

Estimated Funding
 05-10-22 TCM Backup

Funding Source	Estimated Funding (\$)
Federal Funding	\$8,022.31
Applicant Funding	\$0.00
State Funding	\$0.00
Local Funding	\$0.00
Other Funding	\$0.00
Program Income Funding	\$0.00
Total Funding	\$8,022.31

Is application subject to review by state under the Executive Order 12372 process?
Program is not covered by E.O. 12372.
Is applicant delinquent on any federal debt?
No

Contacts

Contact Name	Email	Primary Phone Number	Contact Types
Blouin, Kirk		561-838-5400	Signatory Authority
Ladd, Melissa	mladd@townofpalmbeach.com	5612276333	Authorized Official Primary Contact
Wood, Amy	awood@townofpalmbeach.com	561-227-6332	Secondary Contact

SF-424A

Budget Information for Non-Construction Programs

OMB Number
4040-0006
Expiration Date
06/30/2014

Burden Statement

Grant Program
Presidential Residence Protection Assistance Grant
CFDA Number

Budget Object Class	Amount
Personnel	\$8,022.31
Fringe Benefits	\$776.55
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Total Direct Charges	\$8,798.86
Indirect Charges	\$0.00
Budget Category Total	\$8,798.86
Non-Federal Resources	Amount
Applicant	\$0.00
State	\$0.00
Other	\$0.00
Total Non-Federal Resources	\$0.00
Income	Amount
Program Income	\$0.00
Total Budget	Amount
Federal	\$8,798.86
Non-Federal	\$0.00
Total Project Cost	\$8,798.86

Direct Charges Explanation
OT expenses presidential residence protection
Indirect Charges Explanation

Forecasted Cash Needs (Optional)

No Forecasted Cash Needs have been entered for this application

Future Funding Periods (Years) (Optional)

No Budget Estimates of Federal Funds Needed for the Balance of the Project have been entered for this application

Remarks

SF-424A Budget Information - Non-Construction Programs (4040-0006)

SF-424A Budget Information - Non-Construction Programs (4040-0006)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 4040-0006. The time required to complete this information collection is estimated to average 1.8 hours per response, including the time to review instructions, search existing data resources, gather the data needed and complete and review the information collection.

If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:
U.S. Department of Health & Services, OS/OCIO/PRA,
200 Independence Avenue, SW, Washington, DC 20547-1215

Washington D.C. 20201,
Attention: PRA Reports Clearance Officer.

Agency, Total Responses, Average Burden per response in Hours, Total Burden Hours

- CNCS, 10, 4, 40
- DOI, 1274, 49/60, 1046
- DOS, 150, 5/60, 13
- EPA, 9098, 1.97, 17905
- SSA, 1400, 30/60, 700
- TREAS, 276, 1, 276
- VA, 184, 15/60, 46
- USDA, 7241, 3, 21723
- DOC, 5685, 20/60, 1895
- DOT, 50, 1.6, 80
- DHS, 150, 2, 300
- HHS, 1510, 2.64, 3998
- Total, 27028, __, 48022
- 48022 hrs. / 27028 = 1.8 total hours per response.

Close

Attachments

Attached Documents	Title	Description
Form GG_LobbyingForm-V1.1.pdf	Form GG_LobbyingForm-V1.1.1.pdf	Submitted in Grants.gov
Form SF424_2_1-V2.1.pdf	Form SF424_2_1-V2.1.pdf	Submitted in Grants.gov
GrantApplication.xml	GrantApplication.xml	Submitted in Grants.gov
Town of Palm Beach Detailed_Budget_Spreadsheet.xlsx	Town of Palm Beach_Detailed_Budget_Spreadsheet	Detailed Budget Spreadsheet
Town of Palm Beach 2021_PRPA Grant Program Narrative.docx	Town of Palm Beach 2021_PRPA Grant Program Narrative	Grant Program Narrative
Town of Palm Beach Disclosure of Pending_Applications.pdf	Town of Palm Beach_Disclosure_of_Pending_Applications	Disclosure of Pending Applications
Town of Palm Beach Certification.pdf	Town of Palm Beach Certification	Certification

Certification Regarding Lobbying

Status Signed
Date Signed 12/03/2021

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure of Lobbying Activities,' in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,00 0 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure of Lobbying Activities,' in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Applicant's Organization:
Town of Palm Beach
Signing Authority: 05104226TCM Backup

Mr. Melissa Ladd
 Signature Date:
 12/03/2021
 Signatory Authority Title:
 Town Manager

I, **Kirk Blouin**, or my designee am hereby providing my signature for this application as of **12/03/2021**

SF-LLL

Disclosure of Lobbying Activities

OMB Number
0348-0046
 Expiration Date
12/31/2013

Burden Statement

Status Not Applicable
 Date Signed 12/03/2021

Form Not Applicable to Application
 Yes

SF-424B

Assurances for Non-Construction Programs

OMB Number
4040-0007
 Expiration Date
06/30/2014

Burden Statement

Status Signed
 Date Signed 12/03/2021

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

NOTE:

Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685- 1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These

requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis- Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93- 205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

Applicant's Organization:
Town of Palm Beach
Signing Authority Name:
Melissa Ladd
Signature Date:
12/03/2021
Signatory Authority Title:
Town Manager

I, **Kirk Blouin**, or my designee am hereby providing my signature for this application as of **12/03/2021**

Close

Action History

10 records per page

Search:

User	Action	Description	Date
• ← Previous • Next →			

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 057-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-08, Disaster Debris Monitoring to Rostan Solutions, LLC and DebrisTech, LLC.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 27, 2022 from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 057-2022**
- ▣ **Evaluation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approve the Award of RFP No. 2022-08 – Disaster Debris Monitoring Services
Resolution No. 057-2022

DATE: April 27, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 057-2022, approving the Award of RFP No. 2022-08, Disaster Debris Monitoring Services to the two responding firms Rostan Solutions, LLC and DebrisTech, LLC.

It would be the recommendation that the Public Works Director or designee be able to secure the firm that has the ability to respond to a particular storm and needs of the Town as the event occurs.

GENERAL INFORMATION

The Town of Palm Beach sought proposals from experienced firms to perform disaster debris monitoring services immediately after a hurricane or other disaster. The Town received two responsive, responsible proposals.

The Town was obligated to resolicit these services as the current contract expires June 1, 2022. The Contract had been in place since 2017.

The Town of Palm Beach, Florida was incorporated in 1911. It is a 16-mile-long barrier island located in the eastern part of Palm Beach County. The Town serves a full-time resident population of approximately 8,400 with an estimated 10,468 additional seasonal residents. In 2004 the Town worked two months recovering from Hurricane Francis with an estimated 111,669 cubic yards of vegetative debris and 94,660 cubic yards of mulch, vegetation and stumps. Our Debris Management Plan estimates an average Category 3 hurricane with medium vegetation cover may produce up to 527,280 cubic yards of debris. The Town provides a temporary disposal/processing site at a vacant lot located at 6th Street and North Quadrille Blvd in West Palm Beach with permanent disposal at the Skees Road and Okeechobee Blvd. landfills owned by the Town. It is expected that in this type of scenario that Town forces, a Debris Monitoring Contractor and a Debris Removal Contractor would be utilized for recovery operations.

The Contractor must be knowledgeable in Federal Emergency Management Agency (FEMA) and Federal Highway Administration (FHWA) regulations, guidelines and operating policies. The Contractor will support the Town during a disaster recovery effort and shall coordinate with the disaster debris removal Contractor(s) and the Town to ensure a compliant, well managed and organized approach to debris collection and disposal within FEMA guidelines.

The Town of Palm Beach will provide: • Vehicle certification forms • Placards • Load tickets.

The contractor will provide: • Fixed Site Debris Monitors • Field Debris Monitors • Debris Monitoring Supervision • Electronic Ticketing System (if utilized by Contractor).

The scope of services to be provided are contract compliance oversight and inspection and not professional engineering services.

The Contractor must be prepared to effect placement of field monitors within 24 hours from the notice to proceed. When additional debris monitoring is needed to meet FEMA monitoring requirements, the Contractor shall be prepared to increase the number of monitors for the Town to use as needed. It is anticipated that a Notice to Proceed is to be issued 24 to 72 hours before projected land fall of a hurricane.

PROCUREMENT METHODOLOGY

Town Purchasing issued a RFP for these services as the Qualifications/Experience of the Firm(s), their Technical Abilities and Approach to the Scope were weighted as the determination of responsiveness.

The solicitation was broadcast nationally to 190 firms. Only two firms responded to the solicitation.

The Selection Committee consisted of the following:

<u>Voting</u>	<u>Non-Voting</u>
Chet Purves	Eric Brown, P.E.
Paul Colby	Roger Bollier
Amy Wood	Ryan Canterbury/Duke Basha (facilitators)

The Selection Committee recommended award of the following firms:

- Rostan Solutions, LLC
- DebrisTech, LLC

The Selection Committee did not request oral presentations for this solicitation as both firms were deemed qualified. The Town has had past working experience with Rostan Solutions, LLC.

FUNDING/FISCAL IMPACT

There is no immediate fiscal impact to the award of this contract since these services are only

activated in a storm event. If activation were to occur, funding sources such as use of contingency or a draw from reserves would be suggested to Town Council.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 057-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFP NO. 2022-08, DISASTER
DEBRIS MONITORING TO ROSTAN SOLUTIONS, LLC AND
DEBRISTECH, 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. 057-2022, approving the Award of RFP No. 2022-08, Disaster Debris Monitoring to Rostan Solutions, LLC and DebrisTech, 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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

				Paul Colby	
Section	Question	Max	Offer	Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Rostan Solutions, LLC - Rostan Solutions, LLC	15.00 (15.00%)	good proposal, put together well. informative.
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	DebrisTech, LLC - DebrisTech, LLC	15.00 (15.00%)	another good proposal, put together well. informative.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	24.00 (24.00%)	Previous work with town.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	DebrisTech, LLC - DebrisTech, LLC	21.00 (21.00%)	Strong team. Not sure of past work with TOPB
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	6.00 (6.00%)	
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	DebrisTech, LLC - DebrisTech, LLC	6.00 (6.00%)	

Section	Question	Max	Offer	Score	Paul Colby Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.4.	Financial and Other Information - 10% weight Please attach the following evaluation information: - Financial resources and capabilities - Evidence of insurance capability - Present and previous litigation or disputes - Contract Denial, Lost and/or Terminated Contracts Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	2.00 (2.00%)	Financial evaluation to be provided by Finance
1.3.4.	Financial and Other Information - 10% weight Please attach the following evaluation information: - Financial resources and capabilities - Evidence of insurance capability - Present and previous litigation or disputes - Contract Denial, Lost and/or Terminated Contracts Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	DebrisTech, LLC - DebrisTech, LLC	2.00 (2.00%)	Financial evaluation to be provided by Finance

				Chet Purves	
Section	Question	Max	Offer	Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Rostan Solutions, LLC - Rostan Solutions, LLC	20.00 (20.0%)	Extensive FEMA experience
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	DebrisTech, LLC - DebrisTech, LLC	15.00 (15.00%)	
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	30.00 (30.0%)	Very specific to the Town.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	DebrisTech, LLC - DebrisTech, LLC	18.00 (18.00%)	
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	8.00 (8.00%)	Provided specifics on workload and availability.
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	DebrisTech, LLC - DebrisTech, LLC	6.00 (6.00%)	Limited information provided

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	8.00 (8.00%)	
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	DebrisTech, LLC - DebrisTech, LLC	8.00 (8.00%)	

Section	Question	Max	Offer	Amy Wood	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Rostan Solutions, LLC - Rostan Solutions, LLC	25.00 (25.00%)	Extensive experience list, including multiple hurricanes. HaulPass electronic ticketing product been in use since 2006, recent upgrade in 2019. GIS interface supported. Supplies seem to be available in sufficient supply so as not to cause delay.
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	DebrisTech, LLC - DebrisTech, LLC	25.00 (25.00%)	Have responded within 48 hours to every contract activation. Digital ticket tracking since 2010. Experience with higher category hurricanes. Letters of commendation included.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	30.00 (30.0%)	Was the Town's monitor for Hurricane Irma. Have the ability to specifically track and monitor hazardous trees and other special waste removal like derelict vessels. Review of debris removal contractor invoices within 7 days. Acts as advisor pre storm to review/improve Town debris processes to ensure FEMA compliance.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	DebrisTech, LLC - DebrisTech, LLC	30.00 (30.0%)	Use of secondary and tertiary backup database copies. At close of project, data is provided to Town in Excel and PDF format. Ability to monitor hanging branches and leaning trees. Presented sample reports. Acts as advisor pre storm to review/improve Town debris processes to ensure FEMA compliance.

Section	Question	Max	Offer	Score	Amy Wood
					Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	9.00 (9.00%)	TASK GUARANTEED RESPONSE TIME Pre-Event Coordination and Planning 96 Hours prior to event Remote Staging of Equipment and Personnel 48 Hours prior to event **Deploy Forward Team to Town 12 Hours after the event Mobilize Project Resources to Begin Operations Within 24 hours of all clear Fully Operational Within 72 hours of all clear **In the case of an unpredictable event, our guaranteed response time is within 24-hours of notification
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	DebrisTech, LLC - DebrisTech, LLC	8.00 (8.00%)	Within 24 hours of notification, DebrisTech provides an adequate number of professionals and qualified personnel to the project area to begin the startup of the Debris Removal Operation. DebrisTech continues to increase its staffing from this point meet the requirements of the local government's contractor(s).
1.3.4.	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	Rostan Solutions, LLC - Rostan Solutions, LLC	8.00 (8.00%)	Did not include information on: *Present and previous litigation or disputes *Contract Denial, Lost and/or Terminated Contracts
1.3.4.	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	DebrisTech, LLC - DebrisTech, LLC	10.00 (10.0%)	

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 058-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-09, Disaster Debris Removal to a Pool of Pre-Qualified Firms, Ceres Environmental Services, Inc., DRC Emergency Services, LLC and Phillips and Jordan, LLC.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 27, 2022 from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 058-2022**
- ▣ **Committee Scoring**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approve the Award of RFP No. 2022-09 – Disaster Debris Removal and Disposal Services - **Resolution No. 058-2022**

DATE: April 27, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 058-2022, approving the Award of RFP No. 2022-09, Disaster Debris Removal and Disposal Services to a pool of Pre-Qualified Firms, Ceres Environmental Services, Inc., DRC Emergency Services, LLC and Phillips and Jordan, Inc.

It would be the recommendation that the Public Works Director or designee be able to secure the firm that has the ability to respond to a particular storm and needs of the Town as the event occurs.

GENERAL INFORMATION

The Town of Palm Beach sought proposals from experienced firms to perform Disaster Debris Removal and Disposal Services.

The Town was obligated to resolicit these services as the current contract expires June 1, 2022. The Contract had been in place since 2017.

The primary objective of the RFP was to secure the services of experienced Contractors who are capable of efficiently removing large volumes of disaster-generated debris from a large area in a timely and cost-effective manner and lawfully disposing of all debris. The successful Proposers must be capable of assembling, directing, and managing a work force that can complete the debris management operations in a maximum of ninety (90) days. Additionally, the Contractors may, at the sole discretion of the Town, be involved with on-going debris management/mitigation. Contractors shall provide all necessary labor, management, supervision, trucks, gas, oil, safety equipment, and any other materials and equipment necessary to perform the job as specified. Contractors are responsible for any required Right-of-Way permits. A list of all equipment available to complete the services of this contract must be included with the submission of this Request for Proposals. FEMA Requirements - The awarded contractor(s) must comply with all Federal Procurement Standards and Regulations regarding this project, including the Stafford Act

and other Public Assistance Grant Programs. Uniform Rules for entities, pass-through entities, recipients and sub recipients are identified in 2 C.F.R. §§ 200.318 through 200.326 (see Attachment “A”).

The scope of work for the primary purpose of this RFP is divided into three (3) parts. ♣ Part 1 - Debris Removal and Disposal Operations. ♣ Part 2 - Debris Management Site Operations. ♣ Part 3 - Debris clearance for access from rights-of-way and public property.

After a Purchase Order is issued, specific work authorizations by the Town will be through written Task Orders. Task Orders will define the job to be accomplished, location of job, timeframe for completion, rates to be used, etc. Any job with requirements or rates not covered by this Proposal will be negotiated. The Town reserves the right to extend operations on a weekly basis.

PROCUREMENT METHODOLOGY

Town Purchasing issued an RFP for these services as the Qualifications/Experience of the Firm(s), their Technical Abilities and Approach to the Scope were weighted as the determination of responsiveness.

The solicitation was broadcast nationally to 190 firms. Ten firms responded to the solicitation.

The Selection Committee consisted of the following:

<u>Voting</u>	<u>Non-Voting</u>
Chet Purves	Eric Brown, P.E.
Paul Colby	Roger Bollier
Amy Wood	Ryan Canterbury/Duke Basha (facilitators)

The Selection Committee recommended award of the following firms:

- Ceres Environmental Services, Inc
- DRC Emergency Services, LLC
- Phillips and Jordan, LLC

FUNDING/FISCAL IMPACT

There is no immediate fiscal impact to the award of this contract since these services are only activated in a significant storm event requiring support to Town resources. If activation were to occur, funding sources such as use of contingency or a draw from reserves would be suggested to Town Council.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 058-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFP NO. 2022-09, DISASTER
DEBRIS REMOVAL TO A POOL OF PRE-QUALIFIED FIRMS,
CERES ENVIRONMENTAL SERVICES, INC., DRC
EMERGENCY SERVICES, LLC AND PHILLIPS AND JORDAN,
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. 058-2022, approving the Award of RFP No. 2022-09, Disaster Debris Removal to a pool of Pre-Qualified Firms, Ceres Environmental Services, Inc., DRC Emergency Services, LLC and Phillips and Jordan, 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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Section	Question	Max	Offer	Score	Amy Wood	
					Comment	
1.3. Evaluation Factors		75.00 (75.00%)				
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	22.50 (22.50%)	Founded in 1976, disaster response facility in Florida. Ceres maintains a toll-free Storm Hotline that is staffed and accessible 24 hours a day, 7 days a week to handle questions, concerns or complaints related to clean-up. Multiple commendation quotes included for post storm debris work. Multiple current contracts within Florida. Each day, Ceres' accounting staff imports the monitor's ADMS data by mapping the Excel spreadsheet and uploading to Ceres database. Ceres' accounting staff then reconciles the previous day's data, identifies inconsistencies, and communicates those inconsistencies back to the monitoring firm to help ensure data integrity used in reports and invoices.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	20.00 (20.0%)	Multiple current contracts within Florida. Multiple letters of commendation included for post storm debris work.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	22.50 (22.50%)	70 years in business, 33 in disaster response. Regional office in Florida. Multiple current contracts within Florida. Provided this service to the Town in the past. P&J can assist the Town of Palm Beach's public information officer or Contract Coordinator with the development of disaster response and recovery communications.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	TFR Enterprises, Inc - TFR Enterprises, Inc	20.00 (20.0%)	Multiple current contracts within Florida. Operating debris removal (disaster relief and recovery) business for 14 years. Extensive list of completed contracts. Work completed with subcontractors. Have experience with Beach and Sand Cleaning and Restoration	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Southern Disaster Recovery - Southern Disaster Recovery	20.00 (20.0%)	In business for 10 years. Satellite office in Orlando. Multiple current contracts within Florida. Depending on the size of the project SDR may subcontract up to sixty percent of the debris operations.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	CrowderGulf - CrowderGulf	20.00 (20.0%)	over 50 years of successful experience in debris management, removal and disposal services. 3 satellite offices in Florida. Damage Assessment via Helicopter Flyover or Drones. Multiple current contracts within Florida.	

Section	Question	Max	Offer	Score	Amy Wood	
					Comment	
1.3. Evaluation Factors		75.00 (75.00%)				
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	20.00 (20.0%)	D&J offers training and pre-planning to our clients included in the contract at no additional cost. Over 55 years of disaster recovery and debris management experience. Multiple current contracts within Florida. Multiple letters of commendation included for post storm debris work. Use of Thompson Data Management Suite (TDMS) electronic ticketing.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	KDF Enterprises, LLC - KDF Enterprises, LLC	17.50 (17.50%)	Experience described going back to the 2004 hurricane season. Current contracts within Florida.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	17.50 (17.50%)	It is ATL's usual practice to dispatch a Project Manager to The City within twenty-four (24) hours after the thirty-six (36) hour hurricane warning has been issued and to be present at all initial meetings, so to be prepared and fully operational within the first twenty-four hours. It is ATL's commitment to offer our disaster recovery services to the residents of the State of Florida first. Quite a bit of waterway debris removal work.	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	20.00 (20.0%)	Disaster response division started over 16 years ago. Multiple current contracts within Florida. Multiple letters of commendation included for post storm debris work.	
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	24.00 (24.00%)	2979 subcontractors, 1384 pieces of equip. Company equipment (leased and owned) and personnel allow Ceres to respond to a disaster regardless of the immediate availability of subcontractors. .100 of these subcontractors are located within 50 miles of Palm Beach. Ceres has identified our office in Sarasota, Florida as a mobilization headquarters. . Ceres, with the prior approval of the Town, will make available updates to citizens through internet access, including information on which areas have been cleared, and the proposed schedule for future clearing of debris. Segregated, processed non-grindables will be recycled to the maximum extent possible and practicable. Collection crews will typically work up to 12 hours per day, seven days per week unless otherwise specified or limited by contractual requirements. For safety reasons, collection crews will work during daylight hours only. Debris processing sites typically operate 24 hours per day, seven days per week if sufficient lighting is provided during evening hours, unless restricted by the contract.	
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	24.00 (24.00%)	DRC is uniquely positioned to respond to coastal communities. DRC issensitive to the town's needs to immediately provide access to storm water pump stations. DRC is mindful of the narrow rights-of-way prevalent in Palm Beach, especially the residential areas. Furthermore, we have specialized equipment, including skid steers, with rubber tires that are able to traverse streets covered in sand. The company has 2,568 trucks and 1,657 pieces of support equipment, either owned or under agreement, available for immediate use.	

Section	Question	Max	Offer	Amy Wood	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	27.00 (27.00%)	P&J currently employs approximately 1,000 individuals, 245 of which are currently stationed in Palm Beach County full time. P&J has access to an extensive fleet of more than 750 heavy and specialized pieces of equipment, as well as an equipment service center in Florida. P&J has pre-registration information on file for 3,411 subcontractors located in the State of Florida. The pre-registration process allows P&J to confirm equipment suitability and readiness, verify insurance policies are sufficient and current, review financial and safety performance, and execute subcontractor agreements. P&J deploys disaster services personnel to affected locations in advance of predictable events and can begin deployment within 12 hours of non-predictable events.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	24.00 (24.00%)	Use of lower noise equipment if DMS located near occupied structures. TFR personnel has conducted over 350+ federally funded projects. ALL TFR CLIENTS HAVE RECEIVED 100% OF THEIR ELIGIBLE REIMBURSEMENT. TFR HAS NEVER HAD A SINGLE DOLLAR DEOBLIGATED BY FEMA or the FHWA. TFR is a green industry company. The principals of TFR are proponents of recycling whenever possible and many members of management are LEED Certified. Tickets entered throughout day.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Southern Disaster Recovery - Southern Disaster Recovery	21.00 (21.00%)	The Project Manager will arrive at the designated Post-Storm meeting location and initiate recovery activities as conditions permit within 8 hours of notice to proceed. SDR will provide a minimum of 5 crews to commence debris clearance operations within 24 hours of issuance of a notice to proceed. We will pursue local and MBE/WBE/DBE as it is economically feasible to do so. When feasible, maximum effort will be made to salvage and/or recycle debris.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	CrowderGulf - CrowderGulf	24.00 (24.00%)	Mobilization for PUSH operations will begin within 24-48 hours of NTP and we will be fully operational and hauling debris within 48 hours of initial NTP. In addition, we will have a Debris Management Site (OMS) fully operational for reduction and disposal of debris within 72 hours of the NTP. CrowderGulf will commit a senior employee to be stationed in the Town's Emergency Operations Center to coordinate plans for debris operations, communications and scheduling with the Town's Emergency Management personnel. If requested by the Town, this senior management representative will be on site in the Emergency Operations Center prior to storm landfall. . Local citizens will be employed and trained to work in the field office under experienced CrowderGulf management supervision. If at all possible, load debris only once and deliver directly to the final disposal site. Use temporary debris management sites (TDMS) only when they increase operational efficiency. Recycle if costs to benefits are favorable. e. Sufficient trucks or trailer hauling equipment will be assigned to each crew to preclude having idle loading equipment. If hauling equipment is found idle and frequently waiting to be loaded, some of the hauling equipment will be reassigned to other crews. Crews will be adjusted as needed to maximize the use of all trucks and equipment. CrowderGulf has the ability to perform maintenance and repair in the field, where the work is happening. CrowderGulf has vast experience working with several monitoring companies and are familiar and compatible with their programs, processes and procedures. See page 78 for CG ability to work with Town employees with the Pilot debris Strait Time and Force Account Labor.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	27.00 (27.00%)	D&J owns over \$30,000,000.00 of equipment. the company is also capable of independent response within hours using its own resources. Ship materials for construction of monitoring tower and hazardous materials containment area (don't rely on materials being available). References use of ADMS. D&J ENTERPRISES, INC WILL SELF-PERFORM AT LEAST 30% OF THIS CONTRACT AND HAVE COMPANY OWNED EQUIPMENT ON SITE AT ALL TIMES. THE REMAINING 70% WILL BE SUBCONTRACTED TO D&J'S LONG TIME COMMITTED SUBCONTRACTORS AS WELL AS SUBCONTRACTORS LOCAL TO THE TOWN OF PALM BEACH AREA. All subcontractors are under the daily supervision of a D&J supervisor. D&J shall employ only Subcontractors who are financially sound, have had a history of on-time schedule and cost performance, and who have specific skills that would strengthen D&J's ability to meet the Statement of Work requirements.

Section	Question	Max	Offer	Score	Amy Wood	
					Comment	
1.3. Evaluation Factors		75.00 (75.00%)				
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	21.00 (21.00%)	Pre-Disaster Phase The project manager will be on site where possible. Post-Disaster Phase Full project team and all field personnel, including pre-arranged subcontractors, will be on site within 24 hours of a notification to proceed (or immediately following storm impact). As part of this contract, we will repair and will fill to grade with like material all surface damage, such as rutting and pavement damage, caused by our equipment during debris removal. We will repair all damage to existing grade, road shoulders, sidewalks, drainage structures, trees, shrubs, grassed areas, etc. caused by our equipment or personnel. Debris collection will begin within 48 hours in line with local priorities. We will provide a weekly debris removal schedule to be advertised in local newspaper and radio stations by the Town and the content of these message will be verified with the Town prior to publication. They will include a description of the work we are completing, an explanation of how debris should be left for collection, what debris is eligible for collection and when it should be left and will be collected as well as where to go for more information. At KDF we have a strong focus on recycling and reducing the amount of debris that ends up in our landfill sites. KDF is a licensed General Contractor in Alabama, North Carolina, South Carolina, Louisiana and Mississippi. *We will obtain all additional licenses necessary to perform this project if awarded.	
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	21.00 (21.00%)	ATL has several mechanics on board along with having service vehicles fully equipped to undertake field repairs as needed. ATL is a contractor with the Town to complete a large percentage of its own work. ATL’s administrative office in Lake Worth, Florida. ATL owns and operates a DEP permitted wood and yard waste facility in Lake Worth. . If alternative electronic ticket monitoring applications are approved by FEMA and offered by the Town’s monitoring firm, ATL has no objection in using this environmentally friendly accounting process.	
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	21.00 (21.00%)	See page 38 for mobilization schedule. Citizen debris drop-off points may be established which helps reduce illegal dumping. Tickets entered the next day following creation. If required, CTC can have a certified arborist on site to ensure quality of work performed by all CTC employees.	
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	8.00 (8.00%)		
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	9.00 (9.00%)		
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	9.00 (9.00%)		
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	8.00 (8.00%)		
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Southern Disaster Recovery - Southern Disaster Recovery	8.00 (8.00%)		

Section	Question	Max	Offer	Amy Wood	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	CrowderGulf - CrowderGulf	8.00 (8.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	8.00 (8.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	8.00 (8.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	8.00 (8.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	8.00 (8.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	9.00 (9.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	8.00 (8.00%)	

Section	Question	Max	Offer	Amy Wood	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	9.00 (9.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	7.00 (7.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Southern Disaster Recovery - Southern Disaster Recovery	7.00 (7.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	CrowderGulf - CrowderGulf	8.00 (8.00%)	

Section	Question	Max	Offer	Amy Wood	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.4.	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	7.00 (7.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	4.00 (4.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	6.00 (6.00%)	

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	25.00 (25.00%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	25.00 (25.00%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	25.00 (25.00%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	TFR Enterprises, Inc - TFR Enterprises, Inc	10.00 (10.0%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Southern Disaster Recovery - Southern Disaster Recovery	15.00 (15.00%)	

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	CrowderGulf - CrowderGulf	20.00 (20.0%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	15.00 (15.00%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	KDF Enterprises, LLC - KDF Enterprises, LLC	15.00 (15.00%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	15.00 (15.00%)	
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	10.00 (10.0%)	

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal		Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	30.00 (30.0%)	
1.3.2.		30.00 (30.0%)			
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal		DRC Emergency Services, LLC - DRC Emergency Services, LLC	30.00 (30.0%)	
1.3.2.		30.00 (30.0%)			
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal		Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	30.00 (30.0%)	
1.3.2.		30.00 (30.0%)			
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal		TFR Enterprises, Inc - TFR Enterprises, Inc	18.00 (18.00%)	
1.3.2.		30.00 (30.0%)			
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal		Southern Disaster Recovery - Southern Disaster Recovery	24.00 (24.00%)	
1.3.2.		30.00 (30.0%)			

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal				
1.3.2.		30.00 (30.0%)	CrowderGulf - CrowderGulf	24.00 (24.00%)	
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal				
1.3.2.		30.00 (30.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	18.00 (18.00%)	
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal				
1.3.2.		30.00 (30.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	18.00 (18.00%)	
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal				
1.3.2.		30.00 (30.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	18.00 (18.00%)	
	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal				
1.3.2.		30.00 (30.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	12.00 (12.00%)	
	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements				
1.3.3.		10.00 (10.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	10.00 (10.0%)	

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Workload and Scheduling - 10% weight Please attach the following evaluation information:				
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	10.00 (10.0%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	10.00 (10.0%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	4.00 (4.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Southern Disaster Recovery - Southern Disaster Recovery	6.00 (6.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	CrowderGulf - CrowderGulf	8.00 (8.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	6.00 (6.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	0.00 (0%)	document not related
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	6.00 (6.00%)	

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Workload and Scheduling - 10% weight Please attach the following evaluation information:				
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	0.00 (0%)	Document not related
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	6.00 (6.00%)	

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Southern Disaster Recovery - Southern Disaster Recovery	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	CrowderGulf - CrowderGulf	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	6.00 (6.00%)	Litigation prior to 10 years?

Section	Question	Max	Offer	Chet Purves	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	6.00 (6.00%)	
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	4.00 (4.00%)	No litigation info

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	20.00 (20.0%)	Great local exp.
	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	20.00 (20.0%)	Sarasota, FL - WPB OFFICE - Great exp.
	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	20.00 (20.0%)	Knoxville, TN - Detailed proposal, SWA contract as sub - current contract with Town
	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	TFR Enterprises, Inc - TFR Enterprises, Inc	20.00 (20.0%)	Lots of Florida contracts & exp. although based out of Leander, Texas
	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Southern Disaster Recovery - Southern Disaster Recovery	17.50 (17.50%)	Greenville, SC. Not a ton of FL contracts, but good exp.

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	CrowderGulf - CrowderGulf	17.50 (17.50%)	Mobile AL. - Satellite office in FL. - good exp.
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	12.50 (12.50%)	Has disaster arm but seems more like a civil contractor.
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	KDF Enterprises, LLC - KDF Enterprises, LLC	15.00 (15.00%)	Alabama - Some south Fla. exp. , more northern Fla.
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	20.00 (20.0%)	Lots of Exp in FL. - CWP, Lake Worth drainage district, SFWMD
1.3.1.	Qualifications/Experience of Firm - 25% weight Please attach the following evaluation information: Company Credentials Current Contracts Completed Commercial and/or Governmental Contracts Experience in similar jobs Understanding of the Town's needs Successful use of innovative ideas Ability to electronically accumulate load ticket data and produce reports	25.00 (25.00%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	15.00 (15.00%)	Topeka, KS. - awarded TOPB tree trimming services - did not perform Towns satisfaction - although they are a storm chaser company, with this type of exp.

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	21.00 (21.00%)	Boilerplate approach - good staff resumes
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	21.00 (21.00%)	Better approach understanding - still Boilerplate information.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	24.00 (24.00%)	Good local subcontractor participation - lots of equipment at their disposal, good approach, knows the Towns property's
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	21.00 (21.00%)	TOPB needs? boilerplate information provided. lots of equipment at their disposal
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Southern Disaster Recovery - Southern Disaster Recovery	18.00 (18.00%)	Better approach -lots of equipment at their disposal, good staff resumes

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	CrowderGulf - CrowderGulf	18.00 (18.00%)	Boilerplate approach - good staff availability and local knowledge
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	15.00 (15.00%)	D&J ENTERPRISES, INC WILL SELF-PERFORM AT LEAST 30% OF THIS CONTRACT?? TOPB needs? boilerplate information provided. lots of equipment at their disposal
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	18.00 (18.00%)	Good approach but still Boilerplate information.
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	18.00 (18.00%)	better approach but still Boilerplate information. Ample equipment. CWPB office
1.3.2.	Technical abilities and approach to Scope of Work - 30% weight Please attach detailed Proposal per below requirements, but not limited to: Quality and quantity of physical resources Understanding of Scope of Work Quality of overall proposal Individualization of proposal to Town of Palm Beach needs Licenses Overall completeness, clarity and quality of proposal	30.00 (30.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	18.00 (18.00%)	TOPB needs? boilerplate information provided.
1.3.3.	Workload and Scheduling - 10% weight Please attach the following evaluation information: Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	6.00 (6.00%)	Small workload, nothing in Fla

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Workload and Scheduling - 10% weight Please attach the following evaluation information:				
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	6.00 (6.00%)	large work load.
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	7.00 (7.00%)	Good work load and scheduling
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	7.00 (7.00%)	69 standby contracts within the State of Florida
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	Southern Disaster Recovery - Southern Disaster Recovery	6.00 (6.00%)	
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	CrowderGulf - CrowderGulf	6.00 (6.00%)	Good work load and scheduling
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	6.00 (6.00%)	Current Fla. contracts as prime - Meeting the Town's requirements?
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Workload and Scheduling - 10% weight Please attach the following evaluation information:	10.00 (10.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	6.00 (6.00%)	Good work load and scheduling
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements	10.00 (10.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	6.00 (6.00%)	Good work load and scheduling - letters of recommendation

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Workload and Scheduling - 10% weight Please attach the following evaluation information:				
1.3.3.	Overall workload of the company, number of current contracts Project scheduling ability/timely completion of work/schedule to accommodate this contract Meeting the Town's requirements Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	5.00 (5.00%)	Current work load? Meeting Town requirements?
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Ceres Environmental Services, Inc. - Ceres Environmental Services, Inc.	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	DRC Emergency Services, LLC - DRC Emergency Services, LLC	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Phillips and Jordan, Inc. - Phillips and Jordan, Inc.	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	TFR Enterprises, Inc - TFR Enterprises, Inc	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Southern Disaster Recovery - Southern Disaster Recovery	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	CrowderGulf - CrowderGulf	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	D&J Enterprises, Inc. - D&J Enterprises, Inc.	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.

Section	Question	Max	Offer	Paul Colby	
				Score	Comment
1.3. Evaluation Factors		75.00 (75.00%)			
	Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts				
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	KDF Enterprises, LLC - KDF Enterprises, LLC	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report. Financial and Other Information - 10% weight Please attach the following evaluation information: Financial resources and capabilities Evidence of insurance capability Present and previous litigation or disputes Contract Denial, Lost and/or Terminated Contracts	10.00 (10.0%)	Arbor Tree and Land, Inc. - Arbor Tree and Land, Inc.	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.
1.3.4.	Financial Information Note: Please provide an indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project shall be included in the RFP response. If selected as a short listed finalist, the Town may request you to order and provide a copy of Dun & Bradstreet report.	10.00 (10.0%)	Custom Tree Care, Inc. - Custom Tree Care, Inc.	2.00 (2.00%)	Finance to provide evaluation score for Financial and Other Information.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 059-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Chen Moore and Associates for Professional Assistance with the Phipps Park Lifeguard Building Renovation in the Amount of \$69,858 and Establishing a Project Budget of \$77,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 28, 2022 from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 059-2022**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approving a Purchase Order to Chen Moore and Associates for Professional Assistance with the Phipps Park Lifeguard Building Renovation in the Amount of \$69,858 and Establishing a Project Budget of \$77,0000- **Resolution No. 59-2022**

DATE: April 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a Purchase Order to Chen Moore and Associates for Professional Assistance with the Phipps Park Lifeguard Building Renovation in the Amount of \$69,858 and Establishing a Project Budget of \$77,0000.

GENERAL INFORMATION

Town Engineering requested Chen Moore and Associates (CMA) submit the attached proposal for the Phipps Park Lifeguard Building Renovation. The existing building has had numerous issues since Hurricane Irma damaged the facility in August 2017. The structure has continued to deteriorate over the years and requires immediate attention.

PURCHASING BACKUP

Town Purchasing has worked with Public Works to review previously awarded work to CMA with issue.

FUNDING/FISCAL IMPACT

Funding for this award will be from the Capital Improvement Program.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 059-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO CHEN MOORE AND
ASSOCIATES FOR PROFESSIONAL ASSISTANCE WITH THE
PHIPPS PARK LIFEGUARD BUILDING RENOVATION IN THE
AMOUNT OF \$69,858 AND ESTABLISHING A PROJECT
BUDGET OF \$77,000.**

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. 059-2022, approving a Purchase Order to Chen Moore and Associates for Professional Assistance with the Phipps Park Lifeguard Building Renovation in the Amount of \$69,858 and Establishing a Project Budget of \$77,0000

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member



April 8, 2022

SENT VIA EMAIL
(dmealy@townofpalmbeach.com)

Dean Mealy
Purchasing Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Subject: **Phipps Park Lifeguard Building Renovation**
CMA Proposal: P22.431.41

Dear Mr. Roach:

Chen Moore and Associates (CMA) is pleased to submit the following proposal for professional assistance with the Phipps Park Lifeguard Building Renovation. The primary design work will be completed by CMA's Subconsultant, PGAL with assistance by their sub-consultants Jezerinac Group, and JLRD, Inc. CMA will also provide all the civil design services for the project with the assistance of Engenuity Group Inc. (EGI) for Survey.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

- Task 1 – Preliminary Design
- Task 2 – Design Documents: 60%, 90%, Permitting Set with Specification
- Task 3 – Permitting Services
- Task 4 – Construction Documents & Bidding Assistance

Below is a description of the services included with each of these essential tasks:

Task 1 – Preliminary Design

The Consultant Team will, based on the previous prepared assessment documents, prepare a preliminary plan. The plan will be conceptual in nature. Details to be included will be hardening concepts, proposed systems to be upgraded or replaced, proposed floor plan layout.

Task 2 – Design Documents

Once the preliminary design has been agreed on by the stakeholder of the project. The Consultant Team will be preparing a 60% submittal review set, 90% review set, and a permit set with specification. The Consultant will submit a permitting package and respond to comments from the reviewing agencies.

Task 3 – Permitting Services

Once the permitting design documents have been accepted by the Town. The Consultant will submit a permitting package and respond to comments from the reviewing agencies. For the purpose of this proposal the permitting agency that will be submitted to include The Town of Palm Beach Building Department and The Florida Department of Environmental Protection.

Task 4 – Bidding Assistance

The final phase of this proposal will be preparing the approved drawings, specification, and permits for bid solicitation by the Town. The Consultant will address request for information from the bidders and draft a letter recommending the award of contract.

II. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the Town with these services if necessary:

1. Environmental or geotechnical engineering
2. Engineering services during construction or construction administration.
3. Public outreach or meetings
- 4.

II. COMPENSATION AND SCHEDULE

The work is proposed to be compensated on a lump sum basis for a proposed total fee of \$69,858.00. The work is anticipated to be completed within 8 weeks of issuance of Notice To Proceed (NTP). Below is a breakdown of the fee and schedule by task.

Task	Description	CMA Fee	EGI Fee	PGAL Fee	Total Fee	Weeks from NTP
1	Preliminary Design	\$2,000	\$3,648	\$9,380	\$15,028.00	8
2	Design Documents	\$6,200		\$38,000	\$44,200.00	24
3	Permitting Services	\$1,640		\$4,170	\$5,810.00	32
4	Bidding Assistance	\$1000		\$3,820	\$4,820.00	33
Total		\$10,840.00	\$3,648.00	\$55,370.00	\$69,858.00	33



Should you have any questions, I can be reached via email at dcowan@chenmoore.com.

Respectfully submitted,

David Cowan Jr., PE
Senior Engineer
Chen Moore and Associates

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
Phipps Park Lifeguard Building Renovation

Chen Moore and Associates Project # P21.431.41

	CMA		EGI	PGAL	Total
Hourly Rate	Project Manager \$180.00	Project Engineer \$160.00	Survey (LS)	Architect (LS)	
TASK 1 – Preliminary Design					
1.1 Hardening concepts, systems to be upgraded	4	8			
Task 1 Total	\$720	\$1,280	\$3,648	\$9,380	\$15,028.00
TASK 2 – Design Documents					
2.1 60%, 90%, Permitting Set with Specification	6	32			
Task 2 Total	\$1,080	\$5,120		\$38,000	\$44,200.00
TASK 3 – Permitting Services					
2.1 Town of Palm Beach and FDEP	2	8			
Task 2 Total	\$360	\$1,280		\$4,170	\$5,810.00
TASK 4 – Bidding Assistance					
3.1 Coordinate RFIs and Award Letter	2	4			
Task 3 Total	\$360	\$640		\$3,820	\$4,820.00
TOTAL FEE	\$2,520.00	\$8,320.00	\$3,648.00	\$55,370.00	\$69,858.00



April 4, 2022

Mr. David Cowan, Jr. P.E.
Senior Engineer
Chen Moore and Associates
500 S Australian Avenue, Suite 850
West Palm Beach, Florida 33401

Re:Town of Palm Beach

**Phlipps Park Lifeguard Building Renovation
2185 South Ocean Boulevard
Palm Beach, Florida]
PGAL Project number 1006533**

ALEXANDRIA
ATLANTA
AUSTIN
BOCA RATON
CHICAGO
DALLAS/FORT WORTH
DENVER
HOBOKEN
HOUSTON
LAS VEGAS
LOS ANGELES
SALT LAKE CITY
SAN DIEGO

David,

Thank you for the opportunity to provide this proposal for the renovation of the existing lifeguard building built in 1992 consisting of approximately 800 square feet. Our proposal includes renovation of the architectural, structural, mechanical, electrical and plumbing systems and components of the building.

Scope:

Provide design and documentation for a renovation of the existing lifeguard station. The renovation scope of work is as follows:

1. Reroof
2. Replace roof sheathing
3. Replace exterior siding
4. Repair or replace exterior wall sheathing
5. Evaluate Internal condition of exterior wall assembly and rehabilitate as necessary
6. Replace exterior soffit panels and trim boards
7. Paint exterior
8. Replace existing windows with impact resistant windows
9. Provide/replace accordion shutters on all openings for security reasons
10. Replace existing exterior doors with impact resistant (NOA may not be available for corner windows – they may need to be sacrificial)
11. Replace all wood deck, stairs, and railings - composite wood is preferred
12. Add an east-west access path if desired
13. Replace upper-level floor framing hangers as necessary
14. Remediate upper-level floor framing members with epoxy as necessary
15. Replace lower-level flooring and evaluate framing
16. Lower the final grade of the lower-level floor
17. Provide new lower-level floor decking
18. Repaint interior roof framing
19. Repaint interior plywood sheathing wall finish and all interior surfaces

20. Replace interior resilient flooring
21. Replace kitchen cabinets
22. Replace restroom tile
23. Replace plumbing fixtures
24. Rehabilitate shower enclosure and pan
25. Add hurricane rated partition on the main level between un-conditioned, mechanically ventilated kitchen/restroom area and open-air observation area
26. Replace interior and exterior lighting, switches, receptacles, water heater
27. Replace all electrical wire back to the panel
28. Replace electrical panel and weatherproof enclosure
29. Test service connection back to the panel near the tennis courts
30. Replace copper pipe water service to the building
31. Replace main water shutoff valve
32. Replace plumbing pipe hangers
33. Replace PVC sanitary piping
34. Replace trap primer

Project tasks and Anticipated Schedule:

- I. Prepare a preliminary design concept (2 months)
 - a. Proposed plan
 - b. Hardening concept
 - c. Proposed systems to be upgraded/replaced
- II. Prepare Construction Documents (4 months)
 - a. Prepare a 60% submittal review set
 - b. Prepare a 90% submittal review set
 - c. Prepare permit set
 - d. Prepare book specifications
- III. Permitting (2 months)
 - a. Address permitting comments
- IV. Bidding assistance (1 month)
 - a. Address bidding RFI's

Design Team:

Architectural: PGAL, Inc.
 Structural: Jezerinac Group
 MEP: JLRD, Inc.

Proposed Fees:

We propose to complete the work with our consulting team for a lump sum of \$ 55,370 (not including reimbursables).

Prepare a preliminary design concept	\$ 9,380
Architectural	\$ 3,960
Structural	\$ 4,000

MEP **\$ 1,420**

Prepare Construction Documents 60% submittal

\$ 42,170

Architectural \$ 22,550

Structural	\$ 11,500
------------	-----------

MEP **\$ 8,120**

Bidding Assistance

\$ 3,820

Architectural \$ 1,710

Structural	\$ 1,500
------------	----------

MEP **\$ 610**

Construction Phase Services are excluded from this proposal at the request of the Town of Palm Beach.

Additional Services:

Additional services If required, including additional meetings, will be based on our hourly rates:

Principal: \$250.00

Project Manager: \$225.00

Senior Designer / Senior Architect	\$195.00
---	-----------------

Project Designer / Project Architect	\$150.00
---	-----------------

Technical / CAD Drafting	\$135.00
---------------------------------	-----------------

Administration	\$ 90.00
----------------	----------

Reimbursable Expenses:

Printing, Postage (Courier) and Mileage will be billed at 1.10 of actual invoices with a not-to-exceed, for budgeting purposes, of \$500.00.

If you have any questions, please do not hesitate to call.

Sincere

Samuel J. Ferreri, AIA
Principal

April 7, 2022

David Cowan Jr., P. E.
LEED A.P., ENV SP, Senior Engineer
Chen Moore and Associates
500 Australian Ave South., Suite 850
West Palm Beach, FL 33401
(Via email: dcowan@chenmoore.com)

**Re: Professional Surveying Services
Phipps Park Lifeguard Building Topographic Survey
Palm Beach, Florida
Engenuity Group Project No. 22044.01**

Dear Mr. Cowan:

We are pleased to offer this proposal to render Professional Surveying services in connection with Phipps Park Lifeguard Building located at 2185 S Ocean Blvd, Palm Beach, FL (hereinafter called the 'Project').

Engenuity Group, Inc. will prepare a Topographic and Tree Survey pursuant to Chapter 5J-17.050 Florida Administrative Code, of a portion of the site identified by Parcel Control Number: 50-43-44-11-03-000-1201. We will obtain detailed topographic information within the area shown on the attached graphic, which was provided by your office April 5, 2022, outlined in **red**. Additionally, we will obtain topographic information within the area outlined in **blue** so that your office may build a surface for the area. Lastly, we will utilize an existing survey under job number 20140.01 to provide topographic data within the **yellow**.

See the attached **Designated Scope of Services** for a list of items to be included on the Survey. The survey will also show the limits of the coastal construction control line.

Survey Fee: \$3,648.00

The final deliverable will be an electronically signed and sealed copy of the Topographic and Tree Survey with the accompanying AutoCAD file which can be provided within forty (40) business days of receiving authorization to proceed. Shall sketch and descriptions be produced an electronically sighted and sealed copy of it will also be prepared. In the event of rain delaying our field work, the delivery time will be pushed back the same number of days.

Permit Fees, Reproduction Charges and Reimbursable Expenses

The Total Contract Price **does not** include the payment of any governmental agency submittal or processing fees. The cost of these fees and any costs incurred by the office for printing, reproduction and other reimbursable expenses such as postage, travel, and document copy charges will be billed to the client monthly.

Invoicing and Payment

Work will be invoiced on a monthly basis for work completed to date. Invoice shall be paid in full by the Client within thirty (30) days of the invoice date, unless within such thirty (30) day period, Client notifies Engenuity Group, Inc. in writing of its objection to the amount of said invoice. Such notice shall be accompanied by payment of any undisputed portion of said invoice. If written objection is not received within thirty (30) days it shall constitute approval of invoice by Client. If the payment is not received within fifteen (15) days of billing date, a late charge will be added to the invoice in the amount of 1½ percent per month on the outstanding balance. If payment is not received within sixty (60) days of the invoice date, work may be suspended on the project until the outstanding invoice(s) are paid in full.

This proposal represents the entire understanding between you and us with respect to the Project. If this satisfactorily sets forth your understanding of our agreement, please execute the attached Authorization and return it to us. If you have any questions, please do not hesitate to contact us.

PURSUANT TO SECTION 558.0035 FLORIDA STATUTES, THE CONSULTANT IS THE RESPONSIBLE PARTY FOR THE PROFESSIONAL SERVICES IT AGREES TO PROVIDE UNDER THIS CONTRACT. NO INDIVIDUAL PROFESSIONAL EMPLOYEE, AGENT, DIRECTOR, OFFICER OR PRINCIPAL MAY BE INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF THIS CONTRACT, AS LONG AS THE CONSULTANT MAINTAINS THE PROFESSIONAL LIABILITY INSURANCE REQUIRED UNDER THIS CONTRACT AND AS LONG AS ANY DAMAGES ARE SOLELY ECONOMIC IN NATURE AND THE DAMAGES DO NOT EXTEND TO PERSONAL INJURIES OR PROPERTY NOT SUBJECT TO THIS CONTRACT.

Sincerely,



Jennifer Malin, P.S.M.
Director of Surveying

Approved by,



Andre Rayman, P.S.M.
President

DESIGNATED SCOPE OF SERVICES: TOPOGRAPHIC/TREE SURVEY
NAME: PHIPPS PARK LIFEGUARD BUILDING
ENGENUITY PROJECT NO. 22044.01 DATE: 4/7/2022

TASK:	Included in Contract (Yes/No)
Topographical Survey	
Minimum of two permanent benchmarks per every 500' on site; description and elevation to nearest .01'.	Yes
Contours at 1-foot intervals; error shall not exceed one half contour interval.	No
Spot elevation at each intersection of a 25-foot square grid covering the property.	Yes
Spot elevations at street intersection and at 100 feet on center curb, sidewalk and edge of paving including far side of paving.	Yes
Topographic data will be obtained at 100-foot intervals of the road from right-of-way to right-of-way.	No
Plotted location of structures, man-made (e.g., paved areas) and natural features.	Yes
Location of water mains, and other utilities including, but not limited to, buried tanks and septic fields serving, or on, the property based on as-built information supplied by utility companies.	No
Location of fire hydrants available to the property.	Yes
Location and characteristics of power and communications systems above grade.	Yes
Location, size, depth and direction of flow of sanitary sewers, storm drains and culverts serving, or on, the property; location of catch basins and manholes, and inverts of pipe at each.	No
Name of the operating authority of each utility.	No
Elevation of water in any excavation, well or nearby body of water.	No
Extent of watershed onto the property.	No
Trees of 6" and over (caliper 3' above ground); locate within 1' tolerance and give species in English or botanical terms.	Yes
Specimen trees flagged by the Owner or the Architect (___ in number); locate to the center within 1' tolerance; give species in English or botanical terms, give caliper and ground elevation on upper slope side.	No
Perimeter outline only of thickly wooded areas unless otherwise directed.	Yes
Confirm soil boring location(s).	No
SUE Services included in the scope	No
Scale of drawing is typically 1"=20' but will be determined by Engenuity Group, Inc. unless the client specifies a scale they would like the drawing at.	
Other (specify):	
Datum will be National American Vertical Datum 1988 (NAVD 88) SUE Services are Not included in the services The coastal construction control line will be shown on the survey. Topographic data will be obtained on a 25-foot grid for the area outlined in blue. Any pertinent grade breaks, dunes will also be located.	

Graphic



TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 060-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Zimmerman Tree Services in the Amount of \$88,700 for Trimming of Royal Palms, Hardwoods and Australian Pines.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum dated April 27, 2002, from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 060-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approve a Change Order to Zimmerman Tree Services in the Amount of \$88,700
- **Resolution No. 060-2022**

DATE: April 27, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a request for a Change Order for the contract to maintain the Royal Palms, Hardwoods and the Australian Pines in the amount of \$88,700 to Zimmerman Tree Services.

GENERAL INFORMATION

As a result of a study of the trimming of trees consisting of Royal Palms, Hardwoods and Australian Pines, it has been determined that additional trimmings are required. The Town Arborist, Richard Maxwell has opined on the issue and concurs with the increased trimming schedule. The additional trimming will increase the health and longevity of many of the trees as well as potentially reduce safety risks for residents and their property.

PURCHASING BACKUP

Town Purchasing has worked with Public Works to complete semi-annual vendor performance of the contractor and report above satisfactory performance.

FUNDING/FISCAL IMPACT

Funding for this Change Order will come from the Public Works Operations Budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 060-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER TO ZIMMERMAN TREE
SERVICES IN THE AMOUNT OF \$88,700 FOR TRIMMING OF
ROYAL PALMS, HARDWOODS AND AUSTRALIAN PINES.**

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. 060-2022, approving a Change Order for the contract to maintain the Royal Palms, Hardwoods and the Australian Pines in the amount of \$88,700 to Zimmerman Tree Services.

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 061-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector in the Amount of \$80,052 for Twenty-eight (28) Cradlepoint Wireless Router Devices for Public Safety.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum dated April 28, 2022 from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 061-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approve a Purchase Order to Insight Public Safety in the Amount of \$80,052 for Twenty-eight Cradlepoints Wireless Router Devices for Public Safety Vehicles - **Resolution No. 061-2022**

DATE: April 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a Purchase Order to Insight Public Safety in the Amount of \$80,052 for Twenty-eight Cradlepoints Wireless Router Devices for Public Safety Vehicles.

GENERAL INFORMATION

The emergency services vehicles have suffered from poor cellular service and connectivity throughout the Island for many years. This, combined with the numerous locations on the Island that provide no coverage, resulted in major issues for the TOPB Public Safety Departments and the public for which they serve. 5G service has significantly improved cellular service on the Island in recent years. The Information Technology Department reached out to Verizon and AT&T to test 5G mobile modems. After extensively testing the modems in the Police and Fire vehicles, the IT Department found significant improvement in both coverage and speed. These findings were shared with the Public Safety Departments. The decision was made to move forward with upgrading emergency vehicles with the new 5G mobile modems and service. With everything else being equal, the Verizon Cradle Point Solution was chosen over AT&T because it provided a central administration portal that AT&T did not have.

PURCHASING BACKUP

Town Purchasing is Piggybacking the County of Fairfax Virginia Contract to secure these items for best pricing.

FUNDING/FISCAL IMPACT

Funding for this will be from the Public Safety Operations Budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Information Technology Department in addition to the Police and Fire from an operational viewpoint from their vehicles and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 061-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO INSIGHT PUBLIC
SECTOR IN THE AMOUNT OF \$80,052 FOR TWENTY-EIGHT
(28) CRADLEPOINT WIRELESS ROUTER DEVICES FOR
PUBLIC SAFETY.**

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. 061-2022 approving a Purchase Order to Insight Public Sector in the Amount of \$80,052 for Twenty-eight (28) Cradlepoint Wireless Router Devices for Public Safety.

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 062-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 for the Water Feasibility Study.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 28, 2022, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 062-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approve a Change Order to Kimley-Horn and Associates, Inc in the Amount of \$100,000 to Continue Support of the Water Feasibility Study - **Resolution No. 062-2022**

DATE: April 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a request for a Change Order to Kimley-Horn and Associates, Inc in the amount of \$100,000 to continue support of the Water Feasibility Study Project.

GENERAL INFORMATION

On December 10, 2019, Town Council approved Resolution No. 151-2019, which approved the award of RFQ No. 2019-36 to Kimley-Horn and Associates in the amount of \$316,380. The objective of Kimley-Horn and Associates was to address the following:

The Town of Palm Beach is interested in exploring options for providing residents of the Town potable water upon expiration of the current Retail Water Service and Franchise Agreement with the City of West Palm Beach which will expire in 2029. The water supply options that are being reviewed include:

- Continue with a Retail Agreement with the City of West Palm Beach
- Negotiating a Wholesale Agreement with the City of West Palm Beach
- Negotiating a Wholesale Agreement with another Utility
- Developing a Town-owned water source
- Entering into a Public-Private-Partnership with a water provider
- Combination of the above water supply options

Since the initial award, there has been extensive coordination of efforts to this particular study. This will be the second Change Order. The first Change Order was approved on November 15, 2021, in the amount of \$100,000 for a November 2021 approved amount of \$416,380.

PURCHASING BACKUP

Town Purchasing has worked with Public Works to complete vendor performance of the contractor

and report outstanding performance for their efforts in this project.

FUNDING/FISCAL IMPACT

The project will be fully funded from the Capital Improvement Program Budget.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

CC: H. Paul Brazil, P.E., Director of Public Works
 Patricia Strayer, P.E., Town Engineer
 Jason Debrincat, P.E., Senior Project Engineer

RESOLUTION NO. 062-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER TO KIMLEY-HORN AND
ASSOCIATES, INC. IN THE AMOUNT \$100,000 FOR THE
WATER FEASIBILITY STUDY.**

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. 062-2022, approving a Change Order to Kimley-Horn and Associates, Inc. in the Amount of \$100,000 for the Water Feasibility Study.

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 067-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Chen Moore and Associates for Engineering Services for CIPP Lining - Basins A05, A06 and A43 in the Amount of \$175,240 and Establishing a Project Budget of \$200,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2022, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 067-2022**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Approve a Purchase Order to Chen Moore and Associates for Engineering Management and Oversight of the Cured in Place Pipe (CIPP) of Wastewater Pipelines in Basins A05, A06, and A43 in the Amount of \$175,240 and Establish a Project Budget of \$200,000 - **Resolution No. 067-2022**

DATE: April 27, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a Purchase Order to Chen Moore and Associates for Engineering Management and Oversight of the Cured in Place Pipe (CIPP) of Wastewater Pipelines in Basins A05, A06, and A43 in the Amount of \$175,240 and Establish a Project Budget of \$200,000.

GENERAL INFORMATION

Town Engineering requested Chen Moore and Associates (CMA) submit the attached proposal for professional services to provide professional assistance with the engineering management and oversight of the Cured in Place Pipe (CIPP) lining of wastewater pipelines in Basins A05, A06 and A43. The focus of the effort will be in managing the work of the contractor Insituform Technologies, LLC (Insituform) and verifying the work is being done in accordance with Town construction procedures and the required technical specifications. The length of CIPP work proposed for each basin is as follows:

- Basin A05 – 9,366 LF (pipe diameter varies from 6” to 15”)
- Basin A06 – 34,475 LF (pipe diameter varies from 6” to 24”)
- Basin A43 – 273 LF (pipe diameter varies from 8” to 10”)

Town Council had approved Resolution No. 113-2021 to AEGION/Insituform Technologies LLC for Lining of Sewer Pipes within the A6 Basins in September 2021. Town Council had also approved Resolution No. 084-2021 to AEGION/Insituform Technologies LLC for Lining of Sewer Pipes.

The project required a champion to provide the engineering management and oversight. Due to a staff shortage, it was decided to engage CMA to manage the project.

Insituform will be focused entirely on preparing the pipe for CIPP lining, installing the lining, and tying the new liner into all services and manholes properly. The work will also include all necessary public noticing and maintenance of traffic in accordance with the Town's requirements and standard procedures. The work is not expected to involve smoke testing, cleaning, or CCTV recording of the pipelines separate from the efforts required to install the CIPP lining.

PURCHASING BACKUP

Town Purchasing has worked with Public Works to review the previously awarded resolutions to ensure that the vendor still has the Cooperative Contract.

FUNDING/FISCAL IMPACT

Funding for this award will be from the Capital Improvement Program. Federal ARPA funds will be used for the I & I Project.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 067-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO CHEN MOORE AND
ASSOCIATES FOR ENGINEERING SERVICES FOR CIPP
LINING – BASINS A05, A06 AND A43 IN THE AMOUNT OF
\$175,240 AND ESTABLISHING A PROJECT BUDGET OF
\$200,000.**

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. 067-2022, approving a Purchase Order to Chen Moore and Associates for Engineering Services for CIPP Lining - Basins A05, A06 and A43 in the Amount of \$175,240 and Establishing a Project Budget of \$200,000.

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

April 26, 2022

SENT VIA EMAIL
(DMealy@TownofPalmBeach.com)

Dean Mealy, II
Purchasing Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Subject: **CIPP LINING – BASINS A05, A06, A43**
CMA Proposal: P22.431.01

Dear Mr. Mealy:

Chen Moore and Associates (CMA) is pleased to submit the attached proposal for professional services to provide professional assistance with the engineering management and oversight of the Cured In Place Pipe (CIPP) lining of wastewater pipelines in Basins A05, A06 and A43. The focus of the effort will be in managing the work of the contractor Insituform Technologies, LLC (Insituform) and verifying the work is being done in accordance with Town construction procedures and the required technical specifications. The length of CIPP work proposed for each basin is as follows:

- Basin A05 – 9,366 LF (pipe diameter varies from 6" to 15")
- Basin A06 – 34,475 LF (pipe diameter varies from 6" to 24")
- Basin A43 – 273 LF (pipe diameter varies from 8" to 10")

It is assumed that the work to be performed by Insituform will be focused entirely on preparing the pipe for CIPP lining, installing the lining, and tying the new liner into all services and manholes properly. The work will also include all necessary public noticing and maintenance of traffic in accordance with the Town's requirements and standard procedures. The work is not expected to involve smoke testing, cleaning, or CCTV recording of the pipelines separate from the efforts required to install the CIPP lining.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

- Task 1 – Meetings and Coordination with Insituform
- Task 2 – Construction Preparation (Public Notices and Maintenance of Traffic)
- Task 3.1 – Basin A05: Construction Observation
- Task 3.2 – Basin A06: Construction Observation
- Task 3.3 – Basin A43: Construction Observation
- Task 4 – Pay Application, Submittal Review, and Project Closeout

Below is a description of the services included with each of these essential tasks:

Task 1 – Meetings and Coordination with Insituform

The Consultant will prepare for and attend a kick-off meeting with the Town and Insituform to establish lines of communication, expectations, and procedures for the performance of the CIPP lining work. In the kickoff meeting the technical specifications, standards, and construction requirements for the work will be reviewed in detail. These standards will be based on the existing agreement between Insituform and the Town and will not be prepared by the Consultant.

After the kickoff meeting, the Consultant will prepare for and attend monthly progress meetings with Insituform and the Town to review the work completed, discuss any issues or concerns, and maintain progress. It is assumed there will be no more than six (6) progress meetings required to complete the work. The Consultant will prepare an agenda and meeting summary for the kickoff meeting and each progress meeting to document the status of the work. In addition to formal meetings, the Consultant will review and record all correspondence associated with the work in cooperation with the Town.

Task 2 – Construction Preparation (Public Notices and Maintenance of Traffic)

The Consultant will coordinate with Insituform to make sure that door hangers are placed at all affected residences and businesses to alert everyone to the upcoming field work and potential for short-term service discontinuities. The Consultant will provide staff to respond to resident phone calls or field meetings to address questions or concerns with the construction activities. The Consultant will inform Town staff of resident concerns and respond to all inquiries directly in cooperation with Town staff directives.

The Consultant will also coordinate with Insituform and Town staff to make sure that workable Maintenance of Traffic (MOT) plans are prepared for road closures and traffic management during equipment mobilization and CIPP lining installation. The Consultant will ensure that MOT plans are prepared in sufficient advance of mobilization such that Town staff can post notifications of the changes in traffic patterns for public information.

Task 3.1 – Basin A05: Construction Observation and Documentation

The Consultant will provide routine field inspections during the set-up of MOT, installation of CIPP lining, and demobilization during each day of construction activities in Basin A05. The Consultant's field inspector will also prepare a daily report for each day's inspections to document activities for the Town's reference.

In addition to field observation, the Consultant will coordinate with Insituform to perform a review of any concerns with pipe damage, obstructions, or root intrusion identified in the pre-lining report and video. This information will be brought to the attention of the Town if needed. The Consultant will also perform a review of post-lining reports and video to confirm that the CIPP has been installed properly at the correct thickness and that all laterals have been re-connected. Progress of the work will be tracked in GIS to illustrate which locations have been lined and where issues, such as root intrusion in laterals, may have

been identified. It is assumed that if samples of the CIPP materials require additional testing, laboratory testing is beyond the Consultant's scope.

For the purposes of this proposal, it is assumed that the production rate is roughly 500-ft per day and the installation effort will require up to twenty (20) working days to perform the installation of the 9,366 linear feet of CIPP lining identified in Insituform's Purchase Order. It is assumed that no lateral lining will be included in this effort.

Task 3.2 – Basin A06: Construction Observation and Documentation

The Consultant will provide routine field inspections during the set-up of MOT, installation of CIPP lining, and demobilization during each day of construction activities in Basin A06. The Consultant's field inspector will also prepare a daily report for each day's inspections to document activities for the Town's reference.

In addition to field observation, the Consultant will coordinate with Insituform to perform a review of any concerns with pipe damage, obstructions, or root intrusion identified in the pre-lining report and video. This information will be brought to the attention of the Town if needed. The Consultant will also perform a review of post-lining reports and video to confirm that the CIPP has been installed properly at the correct thickness and that all laterals have been re-connected. Progress of the work will be tracked in GIS to illustrate which locations have been lined and where issues, such as root intrusion in laterals, may have been identified. It is assumed that if samples of the CIPP materials require additional testing, laboratory testing is beyond the Consultant's scope.

For the purposes of this proposal, it is assumed that the production rate is roughly 500-ft per day and the installation effort will require seventy (70) working days to perform the installation of the 34,475 linear feet of CIPP lining identified in Insituform's Purchase Order. It is assumed that no lateral lining will be included in this effort.

Task 3.3 – Basin A43: Construction Observation and Documentation

The Consultant will provide routine field inspections during the set-up of MOT, installation of CIPP lining, and demobilization during each day of construction activities in Basin A43. The Consultant's field inspector will also prepare a daily report for each day's inspections to document activities for the Town's reference.

In addition to field observation, the Consultant will coordinate with Insituform to perform a review of any concerns with pipe damage, obstructions, or root intrusion identified in the pre-lining report and video. This information will be brought to the attention of the Town if needed. The Consultant will also perform a review of post-lining reports and video to confirm that the CIPP has been installed properly at the correct thickness and that all laterals have been re-connected. Progress of the work will be tracked in GIS to illustrate which locations have been lined and where issues, such as root intrusion in laterals, may have been identified. It is assumed that if samples of the CIPP materials require additional testing, laboratory testing is beyond the Consultant's scope.

For the purposes of this proposal, it is assumed that the installation effort will require ten (10) working days to perform the installation of the 273 linear feet of CIPP lining identified in Insituform's Purchase Order as well as the potential for lining of the laterals from the sewer main to the right of way limits.

Task 4 – Pay Application, Submittal Review, and Project Closeout

The Consultant will provide a thorough review of each payment application submitted by Insituform, and after coordinating all comments will provide a recommendation for payment to the Town. For the purposes of this proposal, it is assumed there will be six (6) payment applications reviewed. The Consultant will also review any additional submittals such as change order requests or shop drawings for potential substitutions. Considering the existing documentation already in place with respect to the Insituform Purchase Order, it is assumed that no more than three (3) submittals will require review by the Consultant. Once all CIPP lining has been completed, the Consultant will provide a digital archive of all records and documentation to the Town. The Consultant will also provide markups of the extent of all CIPP lining for incorporation in the Town's GIS system.

II. SCHEDULE

Based on the nature of the construction observation element of the proposed effort, the schedule is largely dependent on the means and methods of Insituform and how the work proceeds. For the purposes of this proposal, it is assumed that the work can be completed in less than six (6) months and assumes one (1) month for administrative elements. If Insituform is able to find efficiencies in the process or mobilize multiple crews, it is anticipated the work could be completed much sooner.

III. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the Town with these services if necessary:

1. Procuring field survey of topographic or wastewater features.
2. Designing the replacement or rehabilitation of existing utilities for point repairs or otherwise.
3. Calculations for design related elements including CIPP thickness.
4. Placement of door hangers on behalf of the Contractor.
5. Permitting for any activities related to the work.
6. Storage of samples or laboratory testing and related coordination.

IV. COMPENSATION

CMA will be compensated for the services described on an hourly basis in an amount of **\$175,240.00** per attached Exhibit A.

Should you have any questions, I can be reached via email at bwhitfield@chenmoore.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Whitfield", is positioned above the typed name.

Brent Whitfield, PE
Director of Water Resources
Chen Moore and Associates

Attachments:

Exhibit A: Detailed Fee Estimate

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
CIPP LINING – BASINS A05, A06, A43

Chen Moore and Associates Project # P22.431.01

	Principal \$275.00	Project Director \$220.00	Project Manager \$180.00	CMA Project Engineer \$125.00	Associate Engineer \$115.00	Senior Const Specialist \$125.00	Clerical \$65.00	Total
Hourly Rate								
TASK 1 – Meetings and Coordination with Insituform								
1.1 Kickoff meeting (Prepare/Attend/Document)	2	8				2		\$2,130.00
1.2 Up to 6 progress meetings (Prepare/Attend/Document)	6	12				6		\$4,230.00
1.3 Review and respond to correspondence from Insituform	4	12						\$3,040.00
Task 1 Total Fee	\$0	\$2,640	\$5,760	\$0	\$0	\$1,000	\$0	\$9,400.00
Task 1 Total Hours	0	12	32	0	0	8	0	52
TASK 2 – Construction Preparation (Public Notices and MOT)								
2.1 Review and revise language and format of door hangers	1	4						\$940.00
2.2 Coordinate placement of door hangers and log calls		10		40				\$6,400.00
2.3 Coordinate response to questions from residents and businesses	20	50						\$13,400.00
2.4 Review MOT plans from Insituform		10				20		\$4,300.00
2.5 Coordinate public notification of MOT with Town		10						\$1,800.00
Task 2 Total Fee	\$0	\$4,620	\$15,120	\$0	\$4,600	\$2,500	\$0	\$26,840.00
Task 2 Total Hours	0	21	84	0	40	20	0	165
TASK 3.1 – Basin A05: Construction Observation								
3.1.1 On-site field observations (Up to 20 days)		20	20			100		\$16,100.00
3.1.2 Prepare Documentation / Review Reports and Videos / Track Progress	20	10			30	10		\$10,900.00
Task 3.1 Total Fee	\$0	\$4,400	\$5,400	\$0	\$3,450	\$13,750	\$0	\$27,000.00
Task 3.1 Total Hours	0	20	30	0	30	110	0	190
TASK 3.2 – Basin A06: Construction Observation Commission								
3.2.1 On-site field observations (Up to 70 days)		35	70			350		\$56,350.00
3.2.2 Prepare Documentation / Review Reports and Videos / Track Progress	35	35			105	35		\$30,450.00
Task 3.2 Total Fee	\$0	\$7,700	\$18,900	\$0	\$12,075	\$48,125	\$0	\$86,800.00
Task 3.2 Total Hours	0	35	105	0	105	385	0	630

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
CIPP LINING – BASINS A05, A06, A43

Chen Moore and Associates Project # P22.431.01

TASK 3.3 – Basin A43: Construction Observation									
3.3.1 On-site field observations (Up to 10 days)				10				50	\$8,050.00
3.3.2 Prepare Documentation / Review Reports and Videos / Track Progress		10		5		15		5	\$5,450.00
Task 3.3 Total Fee	\$0	\$2,200	\$2,700	\$0	\$1,725	\$6,875	\$0		\$13,500.00
Task 3.3 Total Hours	0	10	15	0	15	55	0		95
TASK 4 – Pay Application, Submittal Review, and Project Closeout									
4.1 Review Pay Applications (Up to 6)		4	6					12	\$3,460.00
4.2 Review Submittals (Up to 3)		6	24						\$5,640.00
4.3 Project Closeout		2	12						\$2,600.00
Task 4 Total Fee	\$0	\$2,640	\$7,560	\$0	\$0	\$1,500	\$0		\$11,700.00
Task 4 Total Hours	0	12	42	0	0	12	0		66

TOTAL FEE **\$175,240.00**

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 068-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Solid Waste and Recycling Inter-local Agreement with Palm Beach County Solid Waste Authority.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum dated April 28, 2022 from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 068-2022**
- ▢ **SWA Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy II, NIGP-CPP, CPPO

RE: Request to Approve Updated Interlocal Agreement with Palm Beach County
Solid Waste Authority Related to Solid Waste and Recycling - **Resolution No.
068-2022**

DATE: April 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a Request to Update the Interlocal Agreement with Palm Beach County Solid Waste Authority for Solid Waste and Recycling.

GENERAL INFORMATION

The Solid Waste Authority has requested that the Town of Palm Beach approve the updated Interlocal Agreement,

The interlocal agreement between the Solid Waste Authority (PBC) and TOPB is very similar in content to the previous agreement that was executed in 2009. The agreement outlines the relationship related to disposal of solid waste (garbage) as well as residential recycling. The only noteworthy change in the new agreement is a requirement that municipalities must ensure that collection equipment is capable of providing “dual stream” recycling, since PBC is one of the few counties in FL that is not performing “single stream” recycling. Since the TOPB is one of the few self-hauling municipalities that doesn’t contract out this service, our vehicles/equipment must meet those requirements (which they do). The continued recycling of materials is beneficial since there is no cost for tipping fees (as there is with garbage), and there is a possibility for a small amount of revenue if recycled materials are sold by SWA. SWA is updating their agreements with all the municipalities for consistency and to ensure the specific recycling equipment requirements are met.

In 2021, 1503 tons were recycled. If this material was collected and disposed of as garbage it would cost \$63,126 at the current fee of \$42/ton.

PURCHASING BACKUP

Town Purchasing along with Public Works has reviewed the proposed updated Interlocal Agreement for Recycling and have noted no new requirements upon the Town to comply with.

USER DEPARTMENT CONCURRENCE

This item has been reviewed by the Public Works Department and is approved as recommended.

TOWN ATTORNEY REVIEW

The Town Attorney reviewed and has approved as to legal form and sufficiency.

RESOLUTION NO. 068-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE EXTENSION OF THE SOLID WASTE AND
RECYCLING INTER-LOCAL AGREEMENT WITH PALM
BEACH COUNTY SOLID WASTE AUTHORITY.**

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. 068-2022, approving the Extension of the Solid Waste and Recycling Inter-local Agreement with Palm Beach County Solid Waste Authority.

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
Attn: Kirk Blouin

October 9, 2020

Dear valued municipal partner,

As you are aware, during last legislative session, the Governor signed CS/House Bill 73, Environmental Regulation, adding a new subsection 22 to 403.706, F.S. that impacts each of us regarding residential recycling collection and processing. Specifically, the addition of new subsection 403.706 (22)(a) establishes a requirement that certain language be included in all new or renewed collection contracts between municipalities or counties and private waste haulers with the intended goal of reducing contamination in recycling. Attached, for your reference, please find a copy of CS/HB 73 Section 1 (Bill), (ATTACHMENT A) detailing the specific requirements.

The Solid Waste Authority of Palm Beach County (Authority) is the entity responsible for providing the county-wide recycling program, achieving the state-mandated recycling goals, and operating the Recovered Materials Processing Facility. As such, the Authority believes that, to help ensure a consistent county-wide program, it is in our collective best interest to provide our municipal partners with a common framework to be utilized in developing future procurement and/or contract renewal documents for private waste hauling services that comply with the new legislative requirements.

To that end we have revised our existing Interlocal Agreement (ILA) relative to the new requirements and we believe that the revised ILA contains the language that meets all of the requirements of the new law. We have also taken this opportunity to update the ILA to reflect current industry definitions and simplified the structure. There have been no substantive changes to the terms and conditions of the current ILA. Accordingly, attached please find the current draft of the revised ILA for your consideration (ATTACHMENT B).

As the future need arises for you to solicit new or renew existing waste collection contracts, as your solid waste and recycling partner, we strongly encourage you to review the attached Bill and address the specific requirements utilizing the language provided in the revised ILA or, alternately, include the revised ILA as an exhibit referencing the appropriate sections.

Additionally, and as another initiative to reduce inbound recycling contamination, we also recommend that for future bids, RFPs or collection contract renewals your municipality include specific language requiring a rear-load split-body compacting recycling vehicle with one

compartment dedicated to paper/fiber products and one compartment dedicated for other recovered materials (containers). It is our experience that this type of collection vehicle significantly reduces cross-contamination. We have attached our contract specification for the type of recycling collection vehicle for your reference and consideration (ATTACHMENT C).

Again, we thank you for our great partnership as we work together to serve our customers with the highest level of quality collection service possible. Should you have any questions or concerns please feel free to contact Mr. John Archambo at (561) 315-2010 or email at jarchambo@swa.org.

Sincerely,



Dan Pellowitz
Executive Director

Enclosure: ATTACHMENT A) CS/HB 73 Section I
 ATTACHMENT B) Draft Revised ILA
 ATTACHMENT C) SWA Haulers Agreement, Section 14 - Collection Vehicles

ENROLLED

CS/HB 73

2020 Legislature

1
2 An act relating to environmental regulation; amending
3 s. 403.706, F.S.; specifying requirements for
4 contracts between residential recycling collectors or
5 recovered materials processing facilities and counties
6 or municipalities for the collection or processing of
7 residential recycling material; providing that a
8 residential recycling collector or recovered materials
9 processing facility is not required to collect,
10 transport, or process contaminated recyclable material
11 except pursuant to specified contractual requirements
12 after a contract is executed; defining the term
13 "residential recycling collector"; providing
14 applicability; amending s. 403.813, F.S.; prohibiting
15 local governments from requiring further verification
16 from the Department of Environmental Protection for
17 certain projects; revising the types of dock and pier
18 replacements and repairs that are exempt from such
19 verification and certain permitting requirements;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (22) of section 403.706, Florida
25 Statutes, is renumbered as subsection (23), and a new subsection

Page 1 of 23

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0073-02-er

ENROLLED

CS/HB 73

2020 Legislature

(22) is added to that section, to read:

403.706 Local government solid waste responsibilities.—

(22) (a) Each contract between a residential recycling collector and a county or municipality for the collection or transport of residential recyclable material, and each request for proposal or other solicitation for the collection of residential recyclable material, must include all of the following:

1. The respective strategies and obligations of the county or municipality and the residential recycling collector to reduce the amount of contaminated recyclable material being collected.

2. The procedures for identifying, documenting, managing, and rejecting residential recycling containers, truck loads, carts, or bins that contain contaminated recyclable material.

3. The remedies authorized to be used if a container, cart, or bin contains contaminated recyclable material.

4. The education and enforcement measures that will be used to reduce the amount of contaminated recyclable material.

5. A definition of the term "contaminated recyclable material" that is appropriate for the local community.

(b) Each contract between a recovered materials processing facility and a county or municipality for processing residential recyclable material, and each request for proposal or other solicitation for processing residential recyclable material,

ENROLLED

CS/HB 73

2020 Legislature

51 must include all of the following:

52 1. The respective strategies and obligations of the county
53 or municipality and the facility to reduce the amount of
54 contaminated recyclable material being collected and processed.

55 2. The procedures for identifying, documenting, managing,
56 and rejecting residential recycling containers, truck loads,
57 carts, or bins that contain contaminated recyclable material.

58 3. The remedies authorized to be used if a container or
59 truck load contains contaminated recyclable material.

60 4. A definition of the term "contaminated recyclable
61 material" that is appropriate for the local community.

62 (c) After a contract is executed, a residential recycling
63 collector is not required to collect or transport contaminated
64 recyclable material, except pursuant to a contract consistent
65 with paragraph (a). As used in this subsection, the term
66 "residential recycling collector" means a for-profit business
67 entity that collects and transports residential recyclable
68 material on behalf of a county or municipality.

69 (d) After a contract is executed, a recovered materials
70 processing facility is not required to process contaminated
71 recyclable material, except pursuant to a contract consistent
72 with paragraph (b).

73 (e) This subsection applies to each contract between a
74 municipality or county and a residential recycling collector or
75 recovered materials processing facility executed or renewed

ENROLLED

CS/HB 73

2020 Legislature

76 after October 1, 2020.

77 (f) This subsection applies only to the collection and
78 processing of material obtained from residential recycling
79 activities. As used in this subsection, the term "contaminated
80 recyclable material" refers only to recyclable material that is
81 comingled or mixed with solid waste or other nonhazardous
82 material. The term does not include contamination as that term
83 or a derivation of that term is used in chapter 376 and other
84 sections of chapter 403, including, but not limited to,
85 brownfield site cleanup, water quality remediation, drycleaning-
86 solvent-contaminated site cleanup, petroleum-contaminated site
87 cleanup, cattle dipping vat site cleanup, or other hazardous
88 waste remediation.

89 Section 2. Subsection (1) of section 403.813, Florida
90 Statutes, is amended to read:

91 403.813 Permits issued at district centers; exceptions.—

92 (1) A permit is not required under this chapter, chapter
93 373, chapter 61-691, Laws of Florida, or chapter 25214 or
94 chapter 25270, 1949, Laws of Florida, and a local government may
95 not require a person claiming this exception to provide further
96 department verification, for activities associated with the
97 following types of projects; however, except as otherwise
98 provided in this subsection, this subsection does not relieve an
99 applicant from any requirement to obtain permission to use or
100 occupy lands owned by the Board of Trustees of the Internal

**INTERLOCAL AGREEMENT FOR THE DELIVERY OF MUNICIPAL SOLID WASTE
TO DESIGNATED FACILITIES AND FOR A MUNICIPAL REVENUE SHARING
RECYCLING PROGRAM**

THIS Agreement, made and entered into this ____ day of _____, 20__ by and between the **SOLID WASTE AUTHORITY OF PALM BEACH COUNTY**, a dependent special district created pursuant to Chapter 2001-331, Laws of Florida, as amended, hereinafter called "Authority", and the **TOWN OF PALM BEACH**, a municipal corporation, chartered and organized in accordance with the laws of the State of Florida, hereinafter called "TOWN".

WITNESSETH:

WHEREAS, the Authority has been empowered by law to carry out the powers, obligations and requirements in Palm Beach County, Florida, prescribed to a "county" pursuant to the provisions of Chapter 403, Part IV, *Florida Statutes*; as amended, and

WHEREAS, the TOWN desires to work in cooperation with the Authority to continue a municipal recycling program toward achievement and maintenance of the State recycling goal and the requirements of Chapter 403, Part IV, *Florida Statutes*; as amended, and

WHEREAS, in addition, the TOWN provides for the collection of solid waste from the residents and businesses and residential recyclable materials within its boundaries and recognizes the need for safe and sanitary processing and disposal of solid waste and residential recyclable materials; and

WHEREAS, the TOWN wishes to participate in a coordinated County-wide program for the management of hazardous waste and control of solid waste processing and disposal and residential recycling participation in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution; and

WHEREAS, the TOWN together with the Authority recognizes the need to plan and develop an adequate solid waste and residential recycling system for the benefit of all the residents of Palm Beach County.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of the TOWN, its constituents and the Authority, it is agreed as follows:

1. The above recitals are true and correct and incorporated into the body of this Agreement as if fully set forth herein.
2. Definitions:
Acceptable Load – Any load of otherwise Designated Recyclables that contains no Prohibited Material and a maximum of 12% Contamination in total, or the Container component contains no Prohibited Material and a maximum of 12% Contamination and

the Fiber component contains no Prohibited Material and a maximum of 5% Contamination.

Acceptable Material – Designated Recyclables as defined herein.

Combined-Haul Town – A municipality that has contracted with a Private Hauler that also services other municipal or unincorporated areas within Palm Beach County to collect and deliver Residential Recovered Materials to the Authority.

Containers – Includes aluminum cans, aseptic containers, gable-topped containers, glass bottles and jars (green, brown and clear), and plastic containers #1 - #7 (except Styrofoam).

Contaminated Recyclable Material – Any Recyclable Material that does not conform to the standards for Acceptable Loads.

Contamination – Any material not included in the definition of Designated Recyclables.

Corrugated Cardboard – Containers having liners of either test liner, jute, or kraft.

Designated Facility – The Authority's Recovered Materials Processing Facility (RMPF), the Authority's transfer stations, a Private Commercial Materials Recycling Facility (PCMRF) designated by the Authority or any other sites designated by the Authority for recycling. The Authority reserves the right to add or delete approved facilities with reasonable notice.

Designated Recyclables – Fiber and Containers as defined herein or other materials as the Authority may designate.

Equivalent Residential Unit (ERU) – Single-Family and Mobile Homes equal 1 ERU, Multi-Family Homes equal 0.75 ERUs.

Fiber – Includes newspapers (including inserts), magazines and catalogs, phone books, Corrugated Cardboard, Mixed Paper, Sorted White Ledger, Sorted Office Paper, and kraft bags.

Mixed Paper – A mixture of various types and grades of paper including but not limited to: all office paper, colored paper, corrugated cardboard, envelopes (excluding envelopes with cellophane windows), junk mail, kraft bags, magazines, and catalogs. Mixed Paper does not include tissue or towel paper.

Municipal Solid Waste or MSW – Garbage, sewage, sludge, septage, rubbish, refuse, and other discarded solid or liquid materials resulting from domestic, industrial, commercial, agricultural, and governmental operations, but does not include solid or dissolved materials in domestic sewage, storm drainage, or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Net Revenue – Residential Recovered Materials Revenue minus Processing Cost.

Private Hauler – Any for-profit person or entity providing collection of solid waste and/or recyclables for hire on a routine basis within the municipality.

Processing Cost – The sum(s) due and payable to the contract operator of the RMPF by the Authority.

Prohibited Material – Hazardous, medical or biological waste.

Public/Self Hauler – The municipality providing the collection of solid waste and recyclables using their own resources rather than using the hauling services of a Private Hauler.

Recovered Materials Processing Facility (RMPF) – A facility owned by the Authority that processes Recyclable Material.

Recyclable Material – Includes Containers and Fiber.

Residential Recovered Materials Revenue – Total earned revenue from the sale of designated Residential Recovered Materials.

Residential Recovered Materials – Designated Recyclables collected from residential units less Unacceptable Materials and Prohibited Materials delivered to Designated Facilities.

Self-Haul Town – A municipality that collects its own Residential Recovered Materials and delivers it to the Authority or who uses a private contractor that collects its Residential Recovered Materials on dedicated routes and can positively demonstrate that they have collected and are delivering only that jurisdiction's Residential Recovered Materials to the Authority.

Sorted Office Paper – Office paper including letterhead, computer paper, legal paper, loose-leaf paper, copy and typing paper.

Sorted White Ledger – White ledger or computer printout paper.

Unacceptable Load – Any load of Designated Material delivered to a Designated Facility that is deemed not an Acceptable Load as defined herein.

Unacceptable Material – Any material other than Acceptable Material and Prohibited Material.

3. The purpose of this Agreement is to set forth the terms and conditions for the delivery of Municipal Solid Waste (MSW) to Designated Facilities and for the operation of a recycling program between the Authority and the TOWN which upon execution by both parties shall automatically rescind the current **INTERLOCAL AGREEMENT FOR THE DELIVERY OF MUNICIPAL SOLID WASTE TO DESIGNATED FACILITIES AND FOR A MUNICIPAL RECYCLING PROGRAM** and shall become effective upon filing with the Clerk of the Courts in accordance with Chapter 163, *Florida Statutes*.
4. The TOWN agrees that all MSW and Designated Recyclables collected by or on behalf of the TOWN shall be disposed of at a Designated Facility in accordance with this Agreement.
5. The TOWN agrees to cooperate with the Authority to provide all necessary and required information to the Authority in a timely manner so that it can be determined if the TOWN's MSW and Designated Recyclables are being delivered to a Designated Facility.

6. The Authority agrees to pay the TOWN a minimum of 50% of the Net Revenues earned from the sale of Residential Recovered Materials attributable to the TOWN on a quarterly basis. The actual percentage will be determined annually through the Authority's budget process. The Net Revenues to be shared will consist of the Residential Recovered Materials Revenues received by the Authority for each quarter less the Processing Cost for that quarter. That amount will be divided by the total tons received to determine an average price per ton and then multiplied by the adopted annual revenue share percentage to set the program price to be paid for the quarter. The Net Revenue distribution formula will be based on the number and type of residential units serviced by the TOWN in relation to the total number of these units for all municipalities participating in this program or on the actual amount delivered for municipalities that haul their own material. Each participating municipality will either be classified as a Self-Haul Town or a Combined-Haul Town. Self-Haul Cities will receive a revenue share based on the actual weight of Acceptable Loads delivered to a Designated Facility. Combined-Haul Cities will share the balance of those net revenues based upon the proportion of their total ERUs serviced in comparison to the total ERUs serviced for all Combined-Hauler Cities in Palm Beach County.
7. The Authority agrees to maintain its Designated Facilities to ensure adequate capacity for the TOWN's waste and residential recyclables to operate within all applicable local, state and federal environmental guidelines.

8. Collection of Designated Recyclables

A. Residential

Individual residents/homeowners shall be encouraged by the TOWN to separate their MSW into recyclables and non-recyclables. Each residential unit or combination of units will receive from the Authority the appropriate type and number of reusable containers, in accordance with the countywide recycling program, into which Recyclable Materials will be deposited.

Corrugated Cardboard shall be cut to an acceptable size and flattened, and for curbside residents, shall be set beside or in the same reusable container as the Fiber. Residents receiving containerized service may receive a separate container to be used for the collection of Corrugated Cardboard.

The Authority retains the right to modify the manner in which materials are set out for collection with reasonable notice to the TOWN. Notice for a substantial change in collection method shall be no less than one year.

B. Commercial

Individual businesses shall be encouraged by the TOWN to separate their MSW into two categories: recyclable and non-recyclable. Businesses contracting for services will arrange with their service provider to receive one or more containers into which Recyclable Material may be deposited. Acceptable Materials for commercial recycling shall include: Containers, Corrugated Cardboard, Sorted

White Ledger, Mixed Paper, Sorted Office Paper, and any other materials agreed to in writing by the TOWN and the Authority.

The Authority reserves the right to add or delete allowable Designated Recyclables and when doing so will provide the TOWN with reasonable notice to make those changes.

9. Commercial Recycling Revenue Share

As a further incentive for the TOWN to actively pursue commercial recycling, the Authority and the TOWN may enter into a separate agreement to provide for payment to the TOWN for all Acceptable Loads of agreed upon commercial Recyclable Materials. Types of commercial Recyclable Materials eligible for payment shall be determined by the Authority.

10. Transportation and Equipment

The TOWN shall be responsible for having collected Designated Recyclables transported to a Designated Facility as defined herein. The Authority or its contractor shall receive, process, dispose of and/or recover all Designated Recyclables delivered by or on behalf of the TOWN, at no charge to the TOWN, except for Unacceptable Loads as described below. Collection equipment must be of a type to provide for rear, side or front unloading and may be compartmentalized or in separate vehicles.

11. Improperly Prepared and Sorted Recyclable Materials

When a collector's crew encounters improperly prepared and sorted materials or non-recyclable items, they must follow this procedure:

- A. The collector shall pick up all Designated Recyclables except for Contaminated Recyclable Material or those which cannot be safely retrieved from the reusable containers. Improperly prepared and sorted materials or contamination will be left in the reusable containers or temporarily removed and returned to the reusable containers. The collector shall leave an Authority and/or TOWN approved form on the material or in the container. The form will notify the resident or business that material has not been properly sorted, and will provide contact information for the TOWN or Authority recycling coordinator for further information. Upon request of the TOWN, the Authority will provide rejection procedure training for the route drivers. The Authority and the TOWN will consult and evaluate the extent of the need for such training, which shall be provided by the Authority.

As a means of strengthening the TOWN's ability to have its collector fulfill the TOWN's recycling needs, the TOWN agrees to notify the Authority when preparing the TOWN's future Request for Proposals or Bid for collection services.

- B. It shall be the responsibility of the TOWN or its Private Hauler to contact residents or businesses that repeatedly place improperly sorted materials in their designated container and inform and encourage them to properly sort materials. If the problem

persists, the TOWN shall notify the Authority, who shall then assist the TOWN in resolving the problem.

12. Recycling Containers

The Authority shall provide yellow and blue eighteen (18) and ninety-six (96) gallon recycling containers. The yellow and blue colors reflect a consistent educational advertising effort through TV commercials, newsprint, radio, mailer, or other source. It is the TOWN's responsibility to make sure it or its Private Hauler has equipment compatible to provide proper collection of these recycling containers without damage. The TOWN or its Private Hauler shall be responsible for replacement of any recycling container(s) damaged during service at no cost to the Authority. The Authority reserves the right to add or delete different size containers and when doing so will provide the TOWN with reasonable notice to make those changes.

13. Compliance with Zoning Ordinances

Any transfer, processing, disposal and/or storage of Municipal Solid Waste and Recyclable Materials shall be undertaken at a Designated Facility that complies with all local zoning ordinances and any other applicable local and state statutes, ordinances, and regulations.

The TOWN further agrees to use its best efforts to amend or modify its appropriate zoning, building, or land development code to require new multi-family or commercial developments to provide adequate space for recycling containers.

14. Delivery of Unacceptable Loads

If the TOWN delivers a load of Designated Recyclables that is deemed to be an Unacceptable Load, the TOWN or its Private Hauler will be charged the actual disposal cost for any rejected load due to Contamination or equipment failure. The Authority will notify the TOWN or its contractor immediately of an Unacceptable Load. If the problem of Unacceptable Loads persists (more than two times in a month), the Authority may elect to monitor the route for proper sorting and tagging procedures, and/or make recommendations to the TOWN.

15. Promotion and Education Responsibilities

The Authority will provide recycling containers and assist in promoting and educating residents within the TOWN in an effort to increase recyclable tonnages and reduce Contamination.

16. Delivery of Designated Recyclables

The TOWN agrees that it shall require that all Designated Recyclables separated from the normal Municipal Solid Waste stream that are collected by or on behalf of the TOWN be delivered to Designated Facilities as defined herein. The TOWN will take such action as is

necessary and available to ensure against and prevent scavenging and unauthorized removal of such recyclables within the jurisdiction of the TOWN.

17. Term

This Agreement shall begin on the later of its effective date or October 1, 2020, and continue through the following September 30th and shall automatically be renewed for successive annual periods. Either party may terminate this Agreement on any October 1st by delivering written notice received by the other party prior to the preceding May 1st. The Authority will continue to provide the necessary recycling containers and ongoing education and advertising as provided in this Agreement. Notwithstanding termination, any rights or duties imposed by law shall remain in effect.

18. Change in Law

In the event any change in law abrogates or modifies any provisions or applications of this Agreement, the parties hereto agree to enter into good faith negotiations and use their best efforts to reach a mutually acceptable modification of this Agreement.

19. Notices

All formal notices affecting the provisions of this Agreement shall be delivered in person or be sent by registered or certified mail to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For the Authority:	For the TOWN:
Solid Waste Authority of Palm Beach County 7501 North Jog Road West Palm Beach, Florida 33412 Attention: Executive Director	Town of Palm Beach 360 South County Road Palm Beach, FL 33480 Attn: Town Manager

20. If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid or unenforceable for any cause or reason, or is abrogated or negated by a change in law, the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been incorporated herein.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective as of the day and year first above written:

As to the Authority:

WITNESSES:

SOLID WASTE AUTHORITY OF
PALM BEACH COUNTY

Daniel Pellowitz, Executive Director

Date: _____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SOLID WASTE AUTHORITY OF PALM
BEACH COUNTY

General Counsel to the Authority

Sandra J. Vassalotti, Clerk to the Authority

Date: _____

Date: _____

(Affix SWA Seal)

ATTEST:

As to the TOWN:

(Affix Municipal Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

TOWN

Date: _____

SWA Haulers Agreement Excerpt

14. **COLLECTION EQUIPMENT:** The Contractor shall have on hand at all times and in good working order such equipment as shall permit the Contractor to safely, adequately and efficiently perform the contractual duties specified in this Agreement. Upon execution of this Agreement and semi-annually thereafter, the Contractor shall provide in a format specified by the Contract Administrator a list of the equipment, both dedicated and reserve, to be used by the Contractor to provide each type of collection service relating to this Agreement. Solid Waste collection equipment shall be of the enclosed loader packer type, or other equipment that meets industry standards and is approved by the Contract Administrator, unless otherwise provided within this Agreement. All Equipment shall be kept in good repair, appearance and in a sanitary, clean condition at all times. Recovered Materials collection equipment shall be the McNeilus or Heil split body rear loader (one compartment for paper products; one compartment for other Recovered Material), and must be compatible for unloading at the designated RMPF or transfer station. In the event a compacting vehicle is used for the collection of Recovered Materials, compaction pressure may not exceed 50 pounds per square inch for the commingled non-paper Recovered Materials to avoid glass breakage. Equipment utilized for the collection of Recovered Materials shall be clearly identified for that purpose. The Contractor shall have available reserve equipment which can be put into service within two (2) hours of any breakdown. Such reserve equipment shall correspond in size and capacity to the equipment used by the Contractor to perform the contractual duties. Contractor shall notify the Contract Administrator or his designee by phone within two hours of any equipment breakdown. If the public road or public right-of-way in the Service Area is substandard, as specifically designated by the Contract Administrator, in writing, the Contractor must provide lightweight equipment to service these roads.

BEFORE MAILING YOUR ILAs MAKE SURE THE FOLLOWING HAS BEEN COMPLETED

- ☐ 1. Necessary information has been entered on appropriate pages of all three (3) copies.
- ☐ 2. Necessary signatures on all three (3) copies.
- ☐ 3. Necessary Seal on all three (3) copies.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Consent - Other

Agenda Title

Status Report on Previously Approved Expansion of Placard Parking Program.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated April 22, 2022, from Jane Le Clainche, Director of Finance**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director

Re: Status Report on Previously Approved Expansion of Placard Parking Program

Date: April 22, 2022

STAFF RECOMMENDATION

Staff recommends the Town Council review the status report on the previously approved expansion of the placard parking program, and grant permanent approval of the net addition of the 25 placards dedicated to the program areas outlined below.

GENERAL INFORMATION

At the October 12, 2022, Town Council meeting, a status report was provided regarding the expansion of the placard parking program. The approval of the expansion on April 13, 2021, included the addition of 25 net spaces (inclusive of the elimination of 40 placards on S. Lake Drive) in various locations. To ensure no unintended consequences, the additional placards in the mid-Town area were limited to 6 months and then extended an additional 6 months and staff was directed to provide a status report to Council in April 2022, before these locations were made permanent. Below is the list of the new and expanded areas approved, as well as the participation status for each program area (as of 4-21-22).

- 200 Block of Brazilian Ave (north and south): 8 placards allocated (new area)
 - *All 8 are sold and 11 people are on the waitlist.*
- 300 Block of Cocoanut Row (east and west): 23 placards allocated (new area)
 - *All 23 are sold and 5 individuals are on the waitlist.*
- 100 Block Hammon Ave (north and south): 10 more placards allocated (expanded area)
 - *9 of 12 total are sold.*
- 300 Block of Hibiscus Ave (east and west): 10 more placards allocated (expanded area)
 - *All 12 are sold and 12 individuals are on the waitlist.*
- 100 Block of Main Street (south): 10 placards allocated (new area)
 - *All 10 total are sold, 4 individuals are on the waitlist*
- 400 (north) /500 (east) Blocks of Worth Ave: 4 placards allocated (new area)
 - *All 4 are sold and 14 individuals are on the waitlist.*

The expansion of the placard program has proven to be well received. Staff has not received any concerns regarding the expansion. Although there was a net addition of 25 spaces in the program, the loss of 40 placards on S. Lake Drive has contributed to the continued high demand for placard parking in the Mid-Town area. Opportunities for expansion of the program will continue to be presented to the Business and Administrative Committee as they are identified, with any areas which they recommend coming to the Town Council.

cc: Carolyn Stone, Assistant Town Manager
Department Directors
Parking Committee

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Consent - Other

Agenda Title

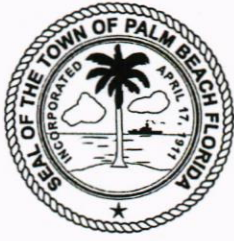
340 Royal Poinciana Way - Review and Approval of The Declaration of Use Agreement and the Amended and Restated 1979 Agreement.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **340 Royal Poinciana Way Development Order April 2022**
- ▣ **Revised Declaration of Use Agreement for 340 Royal Poinciana Way**
- ▣ **Amended and Restated 1979 Agreement**
- ▣ **340 Royal Poinciana Way Development Order March 2022**



TOWN OF PALM BEACH

Planning, Zoning & Building Department

TOWN COUNCIL DEVELOPMENT ORDER

File: ZON-22-018
Property: 340 Royal Poinciana Way
Meeting Date: April 13, 2022

At the April 13, 2022 meeting, the Town Council approved the Declaration of Use Agreement (Exhibit A) and the Amended and Restated 1979 Agreement (Exhibit B) with all changes directed by the Council and established on the record, in accordance with Section 134-226 and Section 134-229 of the Town's zoning code. The final acceptance of said documents is scheduled for the May ~~11~~^{10th}, 2022 Town Council meeting.

The Development Order (Exhibit C), dated March 28, 2022, for the March 09, 2022 Town Council meeting, reflects approval of a Special Exception With Site Plan Review and Variances for renovations, additions, and modifications to the existing buildings and site.

Sincerely,



4.15.22

Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
TOWN COUNCIL

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Bradley Falco, Planner II
zf

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

And

RPP PALM BEACH PROPERTY LP

And

INNOVATE CORP.

April 2022

**Prepared by and return to:
James M. Crowley, Esquire
Gunster
777 S. Flagler Drive, Suite 500 East
West Palm Beach, FL 33401**

TABLE OF CONTENTS

	Page
ARTICLE 1	RECITALS.....4
ARTICLE 11	REPRESENTATION OF AUTHORITY..... 4
ARTICLE III	CULTURAL ARTS CENTER USE4
ARTICLE IV	CONDITIONS.....4
ARTICLE V	VOLUNTARY AGREEMENT.....5
ARTICLE VI	REMEDIES FOR VIOLATION.....5
ARTICLE VII	PROVISIONS TO RUN WITH INNOVATE/RECORDING.....5
ARTICLE VIII	ENTIRE AGREEMENT.....6
ARTICLE IX	EFFECTIVE DATE.....6
ARTICLE X	MISCELLANEOUS.....6

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this ____ day of _____, 2022 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); INNOVATE CORP., a Delaware corporation, 295 Madison Avenue, 12th Floor, New York, New York 10017, (hereinafter called "Innovate"); and RPP PALM BEACH PROPERTY LP, a Delaware Limited Partnership, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467 ("RPP")(collectively, the "Parties"), which terms "Town" and "Innovate" and "RPP" will include and bind the successors and assigns of the Parties, wherever the context so requires or admits.

WITNESSETH :

WHEREAS, the Property described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property") is located within the municipal limits of the Town; and

WHEREAS, Innovate ~~is~~ has been approved to operate a cultural arts center exceeding 3,000 square feet which is a permitted use in the C-PC Zoning District with Special Exception approval; and

WHEREAS, the Town Council conditionally approved Zoning Application No. ZON-22-018 (the "Application") on March 9, 2022, which authorized Innovate to operate a cultural arts center at the above referenced location and approved, among other things, RPP's proposed renovation of the theater building and parking area; and

WHEREAS, the Application was approved, subject to the conditions set forth herein and the approval of this Declaration of Use Agreement on the basis of the Application, the testimony on behalf of Innovate and RPP, and the specific finding of the Town Council that the proposed cultural arts center is beneficial and compatible with the neighborhood, and upon a finding by the Town Council that the applicable provisions of the Town Code governing use of the Property and Special Exception, Site Plan, and Variance criteria have been met; and

WHEREAS, should RPP and Innovate fail to comply with the conditions set forth by the Town Council on March 9, 2022 as further set forth in Article IV below, the approval of the Special Exception may be revoked and Innovate's operation may cease as identified in the application; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception is conditioned upon the representations made herein and all of the conditions herein imposed.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I

RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II

REPRESENTATION OF AUTHORITY

Innovate and RPP have the full right to enter into this Declaration of Use Agreement and to bind themselves to the terms of this Agreement. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement and the Agreement dated March 6, 1979, as amended by the Town Council at its public meeting on April 13, 2022. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which the Property are subject.

ARTICLE III

CULTURAL ARTS CENTER USE

The use of Property shall be for the operation of a cultural arts center in compliance with all of the information and exhibits, not inconsistent with the terms and conditions set forth herein, as set forth in the Application and the conditions of approval as authorized by Town Council on March 9, 2022 as the same may be amended from time to time (hereinafter referred to as the "Approval").

ARTICLE IV

CONDITIONS

The approval for Innovate to operate the cultural arts center is conditioned upon the following:

- 1) Valet parking shall be operated in accordance with the valet circulation plan dated April 1, 2022, prepared by Simmons and White and attached hereto as Exhibit "B"; provided that the number of valet attendants shall be adjusted to maintain a regular maximum queueing of fifteen total cars;
- 2) The hours of operation for the cultural arts center shall run from 8:00 am until 12:00 am, seven days a week, for members of the public; provided that, on January 31 of each year, the cultural arts center may remain open until 2:00 AM for New Year's Eve;

- 3) Innovate shall not have a cultural arts programming event that exceeds half capacity prior to 6pm on dates when RPP is also hosting an outdoor promotional event at the Property prior to 6pm.
- 4) During the period from November 1 to April 30th, Innovate shall utilize ~~an~~two off-duty police officers to assist with traffic control for cultural arts center events that occur on weekdays between the hours of ~~2:30:00~~ p.m. and 5:~~30~~ p.m if said events will exceed a capacity of ~~75~~100 people.

ARTICLE V VOLUNTARY AGREEMENT

Innovate and RPP agree to be bound by the terms and conditions in this Agreement and waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI REMEDIES FOR VIOLATION

1. Upon determination by the Town Council of a violation of any of the terms or conditions of this Agreement and upon notice in writing from the Town to Innovate, RPP, and their representatives of said violation(s) and the date upon which said violation(s) shall be corrected, Innovate shall pay to the Town a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Town Council, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to Innovate and RPP.

In the event Innovate, RPP, or their representatives, successors and assigns, disputes the determination of the Town Council that a violation of this Agreement has occurred, Innovate or RPP may appeal the Town Council's decision to the Circuit Court in and for Palm Beach County, Florida.

2. In addition to the above, the Town and/or Innovate and/or RPP shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non-performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VII

PROVISIONS TO RUN WITH INNOVATE/RECORDING

This Agreement shall run with Innovate and shall be binding upon Innovate, RPP, and their representatives, successors and assigns, and shall terminate upon the termination of the Special Exception Permit or the business tax receipt for Innovate or rescission of approval by Town Council. This Agreement shall be recorded by Innovate in the Official Records of Palm Beach County, Florida upon full execution by the Parties hereto.

ARTICLE VIII

ENTIRE AGREEMENT

This Agreement and Special Exception under the Application represent the entire Agreement between the Parties as to its subject matter and it may not be amended except by written agreement executed by both Parties.

ARTICLE IX

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last Party to sign the Agreement.

ARTICLE X

MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended or assigned except by written instrument signed by all Parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals the day and year first above. .

Signed, sealed and delivered
In the presence of:

TOWN OF PALM BEACH

Print Name: _____

By: _____
Danielle Moore, Mayor

Print Name: _____

Print Name: _____

By: _____
Margaret Zeidman, President Town Council

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

Print Name: _____

INNOVATE CORP.

Print Name: _____

By: _____
Its: _____

Print Name: _____

RPP PALM BEACH PROPERTY LP

Print Name: _____

By: _____
Its: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by Danielle Moore, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by Margaret Zeidman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of
____ 2022, by _____, on behalf of
INNOVATE CORP. He/She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of
____ 2022, by _____, on behalf of RPP PALM
BEACH PROPERTY LP. He/She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL A:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the north by the southerly right-of-way line of Royal Poinciana Way; on the east by the westerly right-of-way line of Cocoanut Row; on the west by the Waters of Lake Worth; on the south by the following described line:

Commencing at the intersection of the northerly right-of-way line of White Hall Way with the westerly right-of-way line of Cocoanut Row, as said streets are described in deed recorded in Deed Book 814, Page 477, and subsequent pages, public records of Palm Beach County, Florida; thence northerly along the said westerly right-of-way line of Cocoanut Row, a distance of 444.76 feet to the beginning of a curve concave to the east having a radius of 329.60 feet and a central angle of 23°53'30"; hence northerly along the arc of said curve, a distance of 137.44 feet, to the tangent to said curve; thence northerly along said tangent, a distance of 59.62 feet to the point of beginning of the herein described south line; thence westerly making an angle from southwest to west of 66°14'30", a distance of 227.26 feet; thence northerly at right angles, a distance of 25 feet; thence westerly at right angles, a distance of 293.43 feet to the beginning of a curve to the northeast, having a radius of 65.03 feet and a central angle of 85°42'43", a distance of 97.28 feet; thence northwesterly a distance of 33.90 feet, more or less, to the southeast corner of a parcel of land described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida, said southeast corner is located on the arc of a curve concentric with the last herein described curve, and having a radius of 90.03 feet and a central angle of 102.55'30" and is 4.19 feet southerly from a point of reverse curve; thence northerly along the arc of the just described curve, a distance of 4.19 feet to the point of reverse curvature of a curve concave to the west, having a radius of 513.29 feet and a central angle of 15°35'22"; thence northerly along the arc of said reverse curvature a distance of 97.62 feet to a point in a line parallel with and 461.20 feet southerly from (measured at right angles to) the southerly right-of-way line of Royal Poinciana Way, said line also being described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida; thence westerly along said parallel line, a distance of 191.06 feet, more or less, to the Waters of Lake Worth and the end of herein described southerly line.

Excepting, however, so much of a nearly rectangular area of land, together with riparian or littoral rights appurtenant or incident thereto, as is included in the foregoing described parcel of land, and which nearly rectangular area of land has a southerly boundary of 208.44 feet, an easterly boundary of 71.20 feet, a northerly boundary of 190.74 feet plus 12.08 feet, on two different courses coinciding with the south line of the east approach of Flagler Memorial Bridge, and having a westerly boundary of 71.38 feet coinciding with the west face of an existing concrete bulkhead within the Waters of Lake Worth, and all as such nearly rectangular area of land m riparian and littoral rights appurtenant or incident thereto are more particularly described and were conveyed in deed of Florida East Coast Hotel Company to Town of Palm Beach, dated September 11, 1939, and recorded in Deed Book 592, Page 478, of the public records of Palm Beach County, Florida.

ALSO EXCEPTING, HOWEVER, ROYAL POINCIANA WAY ADDITIONAL RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 23661, PAGE 787, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

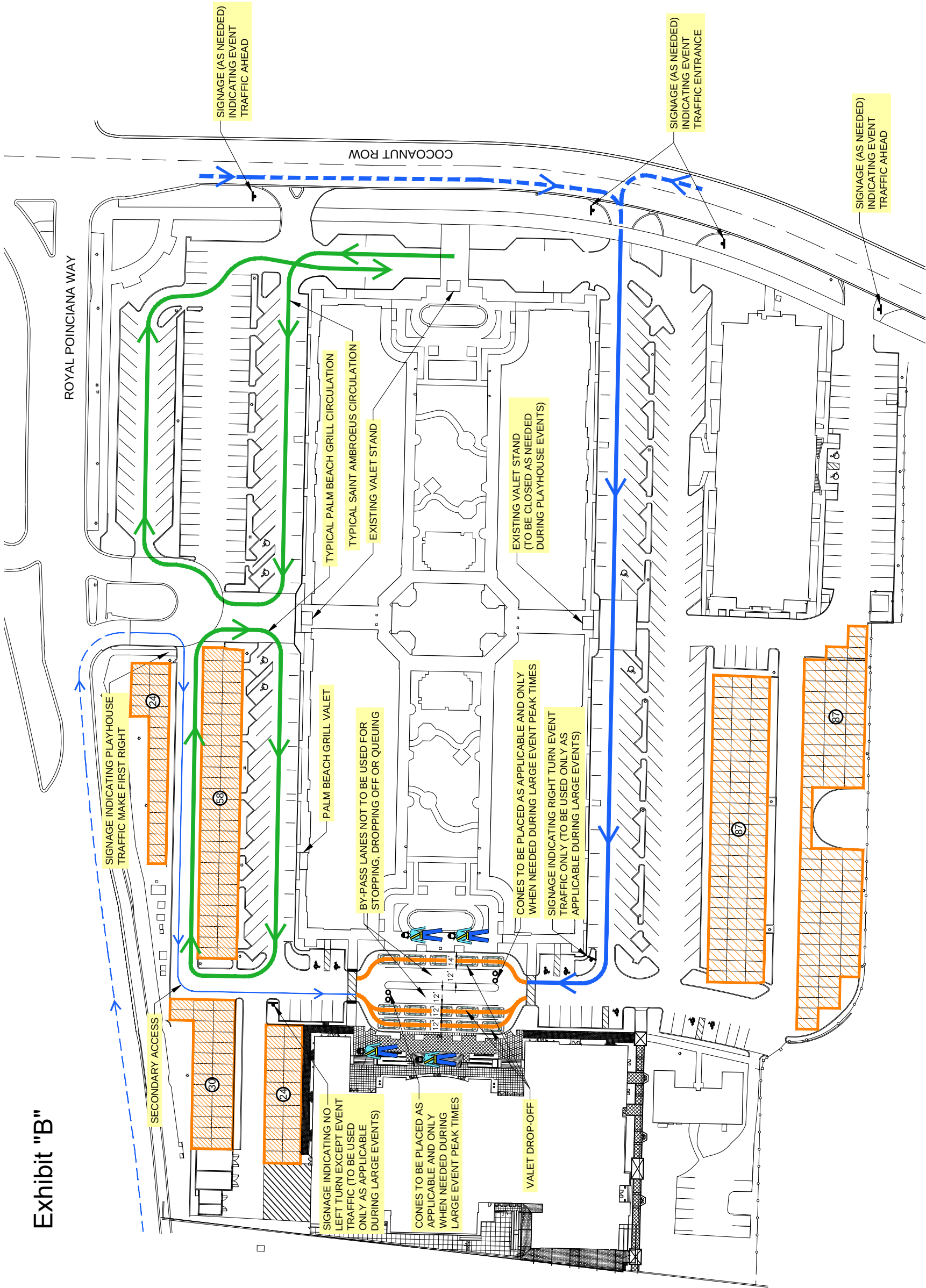
PARCEL B:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Beginning at a point on the Westerly right of way line of Cocoanut Row as laid out and in use, at a distance of 173.9 feet South of the intersection of said West line of the right of way of Cocoanut Row and the Southerly right of way line of Royal Poinciana Way, thence Westerly parallel to the Southerly right of way line of said Royal Poinciana Way a distance of 868.33 feet; thence Southerly at right angles to the preceding course a distance of 245.3 feet to the beginning of a curve concave to the West having a radius of 513.29 feet and a central angle of 15°35'22"; thence Southerly along the arc of said curve a distance of 42.04 feet to the Point of Beginning and the Northeast corner of the parcel of land herein described; thence continue Southerly along the arc of said curve a distance of 97.62 feet to a point of reverse curvature; thence Southerly along the arc of a curve to the East and having a radius of 599.29 feet, a distance of 4.06 feet to a point in the South line of the herein described parcel; thence Westerly, parallel to and 561.2 feet Southerly (measured at right angles) from the Southerly right of way line of said Royal Poinciana Way, a distance of 180 feet, more or less, to the waters of Lake Worth; thence Northerly along the waters of Lake Worth to a point in a line parallel to and 100 feet Northerly (measured at right angles) from the Southerly line of the herein described parcel; thence Easterly along said Parallel line a distance of 185 feet more or less to the Point of Beginning.

TOGETHER WITH the non-exclusive easement for ingress and egress as set forth in Deed dated March 31, 1955, recorded April 19, 1955, in Deed Book 1090, page 264, of the Public Records of Palm Beach County, Florida.

Exhibit "B"



VALET CIRCULATION AND PARKING PLAN

4/1/2022

OPERATIONAL MANAGEMENT
STAFF DUTIES:

VALET ATTENDANTS:
EXACT NUMBER OF ATTENDANTS WILL
VARY AND DEPEND ON EVENT TYPE



LEGEND

- INGRESS QUEUE
- VALET DROP-OFF
- EXISTING RESTAURANT TYPICAL
VALET CIRCULATION

TOTAL VALET SPACES = 310

MINIMUM VALET *
REQUIREMENTS

EVENT SIZE	VALET ATTENDEES
100	3
200	4
300	5
400	7

* MINIMUM VALET ATTENDEES
REQUIRED TO MAINTAIN EVENT
QUEUE AT 15 VEHICLES OR LESS

ROYAL POINCIANA PLAYHOUSE
SECTION 22, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
TRAFFIC CIRCULATION EXHIBIT

SIMMONS & WHITE
TRAFFIC ENGINEERING & PLANNING, INC.
2551 Metcalf Road, Suite 100, Palm Beach, Florida 33407 • (561) 475-7548
www.simmonsandwhite.com

DESIGN	DRAWN	CHECKED	APPROVED	DATE	JOB NO.	DRAWING NO.	SHEET	OF
B.K.	C.O.				21-119	2119Z15	1	1

EXHIBIT B

Prepared by and return to:
James M. Crowley, Esq.
Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401

AMENDED AND RESTATED 1979 AGREEMENT

THIS AMENDED AND RESTATED 1979 AGREEMENT ("Amended and Restated Agreement"), is made and entered into this _____ day of _____, 2022, between TOWN OF PALM BEACH, a Florida municipal corporation, 360 S. County Road, Palm Beach, Florida 33480 ("Town") and RPP PALM BEACH PROPERTY LP, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467 ~~340 Royal Poinciana Way, Palm Beach, Florida 33480~~ ("RPP").

WITNESSETH

WHEREAS, On March 6, 1979, Town and Poinciana Properties, Ltd., a Virginia Limited Partnership authorized to do business in Florida ("Partnership") entered into an agreement ("1979 Agreement") concerning Town Variance No. 39-78 affecting the real property more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, On May 12, 1980 the Property was purchased from Partnership by Sidney Spiegel, Trustee ("Trustee"); and

WHEREAS, On May 12, Town and Trustee entered into an Amendment to Agreement ("First Amendment"); and

WHEREAS, On January 27, 1984, the Town and Poinciana executed a Second Amendment to Agreement, extending the single matinee performance permission from July 1, 1983 through March 31, 1984; on August 2, 1984, the Town and Poinciana executed a Third Amendment to Agreement, extending the single matinee performance permission from July 1, 1984 through March 31, 1985; on July 25, 1985, the Town and Poinciana executed Fourth Amendment to Agreement, extending the single matinee performance permission from December 1, 1985 through March 31, 1986; on July 21, 1986, the Town and Poinciana executed a Fifth Amendment to Agreement, extending the single matinee performance permission from December 1, 1986 through April 12, 1989; on July 10, 1989, the Town and Poinciana executed a Sixth Amendment to Agreement, extending the single matinee performance permission from December 1, 1989 through April 13, 1990; on November 5, 1990, the Town and Poinciana executed a Seventh Amendment to Agreement, extending the single matinee performance permission from December 1, 1990, through April 12, 1991; on June 12, 1991, the Town and Poinciana executed an Eighth Amendment to Agreement, extending the single matinee performance permission from beginning from December 3, 1991 through April 30, 1992; on October 15, 1992, the Town and Poinciana executed a Ninth Amendment to Agreement, extending the single matinee performance permission from December 3, 1992 through April 30, 1993; on June 25, 1993, the Town and Poinciana executed a Tenth Amendment to Agreement, extending the single matinee performance permission from December 3, 1993 through April 30, 1994; on August 9, 1994, the Town and Poinciana executed

an Eleventh Amendment to Agreement, extending the single matinee performance permission from November 15, 1994 through April 1, 1995; on November 14, 1995, the Town and Poinciana executed a Twelfth Amendment to Agreement, extending the single matinee performance permission from November 29, 1995 through April 1, 1996; on October 14, 1996, the Town and Poinciana executed Thirteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1996 through April 1, 1997; on October 3, 1997, the Town and Poinciana executed a Fourteenth Amendment to Agreement, extending the single matinee performance permission from December 23, 1997 through April 5, 1998; on September 9, 1998 the Town and Poinciana executed a Fifteenth Amendment to Agreement, extending the single matinee performance permission from November 11, 1998 through April 7, 1999; on September 8, 1999 the Town and Poinciana executed a Sixteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1999 through April 30, 2000; on January 19, 2001 the Town and Poinciana executed a Seventeenth Amendment to Agreement, extending the single matinee performance permission from December 6, 2000 through February 28, 2001; on August 22, 2001, the Town and Poinciana executed an Eighteenth Amendment to Agreement, extending the single matinee performance permission from December 12, 2001 through April 24, 2002; and on April 15, 2003, the Town and Poinciana executed a Nineteenth Amendment to Agreement, extending the single matinee performance permission from December 3, 2002 through April 14, 2003 (collectively, the “Subsequent Amendments”); and

WHEREAS, on August 26, 2014 RPP acquired the ground lease for the Property; and

WHEREAS, on March 9, 2022, the Town Council did, after public notice and public hearing, approve Zoning Application ZON-21-018 (the “Application”), which authorized, among other things, the redevelopment of portions of the Property (the “Project”); and

WHEREAS, RPP made application for and received from the Town Council, after public notice and public hearing on April 13, 2022, permission to amend the 1979 Agreement as set forth below.

IT IS THEREFORE AGREED:

(1) The above recitals are true and correct and are incorporated herein and made a part hereof.

(2) The 1979 Agreement, the First Amendment, and the Subsequent Amendments are hereby amended, superseded, and consolidated into this Amended and Restated Agreement, and in the event of any conflicts between this Amended and Restated Agreement and the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements, this Amended and Restated Agreement shall control.

(3) Any terms, provisions, covenants, restrictions, or other requirements contained within the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements which are not included in this Amended and Restated Agreement are hereby terminated.

~~(4)~~ The granting of the Application is contingent upon and subject to
(4) compliance by RPP
with the following conditions:

A. Upon completion of the modified construction approved by the Town Council pursuant to the Application, the buildings and the Property shall conform to the requirements of the zoning code except as authorized by the Application and the previous zoning approvals, including variances, which have been approved by the Town Council. No other non-conformity is permitted unless approved by the Town Council in accordance with the variance procedures set forth in Chapter 134-201 of the Town Code. The number of parking spaces provided for all existing development at the Property, including that development authorized pursuant to the Application, is 679; however, there continue to be 45 vested and unused parking spaces for future use assignment by the Town Council upon application by RPP or any tenant for permitted commercial uses that require additional parking.

~~A.~~ B. Upon completion of the Project, there will be over 16% of landscaped open space, as defined by the Zoning Code of the Town and determined by the building official. After construction is completed and a certificate of occupancy is issued there shall be no conversion of any landscaped areas to paved areas without approval of the Town.

~~B.~~ C. The unity of title prohibiting the separate conveyance of any portion of the Royal Poinciana Plaza shall not be terminated without the consent of the Town.

(5) Subsequent to the completion of construction and during its ownership of the Royal Poinciana Plaza RPP (and during the ownership of any purchaser) agrees to perform as follows:

~~A.~~ A. In the event of the demise of the historic Mysore Fig Tree ~~(the "Mysore Tree"), the quantity of landscaped open space that exists within the curb surrounding the Mysore Tree shall be maintained at the Property, but may be relocated to other portions of the Property subject to any necessary permits or approvals required by the Town code that area within~~
the curb around the base of the tree will be maintained in its entirety as landscaped open space.

B. There shall be no construction of any new buildings in the Royal Poinciana Plaza after completion of construction of the improvements authorized by the Town Council pursuant to the Application; however, this shall not prohibit construction of alterations or renovations of any buildings in the Plaza which does not increase number of square feet in said buildings.

C. RPP will not instigate or participate in legal action to repeal the current

~~B.~~ zoning ordinance.

~~C.~~ D. RPP will continue to lease the theater space only for use as a theater of the performing and/or visual arts and for lectures and other special events.

~~D.~~ E. RPP will include a restrictive clause in any contract of sale of the Property whereby the purchaser agrees to prohibit use of the theater space for any purpose other than as set forth in paragraph C above and that said restriction shall be contained in the deed of conveyance to purchaser.

~~E.~~ F. RPP will not allege economic hardship as a basis to abrogate any of the terms of this Amended and Restated Agreement.

(6) The above conditions shall be construed to be covenants and restrictions running with the land and shall be in full force and effect so long as the structure currently known as the Royal Poinciana Plaza continues to be in existence and is located upon the above-described premises. However, no one of the above shall bind RPP or any subsequent owners of the Royal Poinciana Plaza to this agreement or the current zoning ordinance if at some future date that ordinance is revised as it applies to the plaza and thereby provides for further development possibilities.

(7) Upon any breach of the above covenants and conditions by RPP or its successors and assigns, Town shall have all the rights and remedies allowed by law to require strict compliance with said covenants and conditions.

(8) This Amended and Restated Agreement shall inure to and be binding upon the successors and assigns of the parties hereto. This agreement may be changed only by written amendment executed by the Town and RPP or its successors and assigns.

(9) Parking shall remain as shown on the plans approved by the Town Council during its review of the Application and shall be calculated at one space per 300 square feet of leasable area. The total number of parking spaces provided for all existing development, including that development authorized by the Application, is 679. The assignment of the 45 vested and unused parking spaces shall require review and approval by the Town Council at a public meeting. .

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on the day and year first above written.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

TOWN OF PALM BEACH

Print Name: _____

By: _____
Danielle Moore, Mayor

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

By: _____
Margaret Zeidman, Town Council President

By: _____
Kirk Blouin, Town Manager

RPP PALM BEACH PROPERTY LP

By: _____
Its: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by Danielle Moore, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by Margaret Zeidman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____ 2022, by _____, on behalf of RPP PALM BEACH PROPERTY LP. He/She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires:_____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By:_____
John C. Randolph, Esquire

EXHIBIT C



TOWN OF PALM BEACH

Planning, Zoning & Building Department

March 28, 2022

Mr. James M. Crowley, Esq
777 S Flagler Dr
Suite 500 East
West Palm Beach, FL 33401

Subject: ZON-22-018 (COA-22-003) 218 Royal Poinciana Way, Palm Beach, FL

Dear Mr. Crowley:

The Town Council, at its March 9, 2022 meeting, conditionally approved your client's Special Exception with Site Plan Review:

- Special Exception: Sec. 134-229; To allow a cultural arts center use greater than 3,000 SF Of GLA in the C-PC zoning district.

And Variance application for the following:

1. Sec.134-1262(10): Overall building length of 175'-2" & 158'-9" in lieu of the 150' maximum allowed.
2. Sec. 134-1262(8): Building height for the theater building expansion in lieu of the 25' maximum allowed in the C-PC Zoning District.
 - o 2A: Reconstruct playhouse building at 46.83' (flyspace) and 28.25' (theater) due to 50%+ demolition
 - o 2B: New additions at 27.417' in excess of maximum height allowed
3. Sec. 134-1607(1): To allow 16 air conditioning equipment on the roof at the maximum 108 inches in height in lieu of the 48 inch maximum.
4. Sec. 134-1607(1): To allow (2) exhaust equipment at 84 inches in height in lieu of the 36 inches permitted in the C-PC zoning district.
5. ~~Sec. 134-1262(11): To allow landscaped open space at 15.6% in lieu of the 16% previously approved by variance as documented in the 1979 Agreement and the 255 required in the C-PC zoning district.~~ **VARIANCE WITHDRAWN BY APPLICANT AND NOT APPROVED**

6. Sec. 50-114: Floodplain Variance: To allow a portion of the finished floor elevation to be 5.5' NAVD to match existing landmarked building.
7. Sec. 134-2211: Request to eliminate loading zone requirements for new construction over 4,000 SF
8. Sec. 134-2172: To allow new 90° parking spaces adjacent to a drive aisle nonconforming in width.
9. Sec. 134-2175: Request to eliminate 39 required parking spaces by providing 679 parking spaces in lieu of the 718 previously approved at the property.
10. Sec. 134-2179(f): To allow for parking in the street side-yard setback (Cocoanut Row)
11. Sec. 134-2179(f): To allow for parking in the front-yard setback (Royal Poinciana Way)
12. Sec. 134-2237(2): Reestablish existing 3 vehicle tandem parking

The condition of approval is that a new declaration of use agreement replace the 1979 agreement with conditions of approval and returns to review by the Town Council at the April 13, 2022 Meeting.

The Town Council approval is identified on the digitally stamp dated plan package dated March 02, 2022, from Spina O'Rourke & Partners, Nievera Williams Design, Caulfield & Wheeler, Inc., and Simmons & White Civil Engineering Consulting, Inc. all of which are part of the approval. 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 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 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. The approval(s) for the Landmarks Preservation Commission will expire one year (12 months) from the date of the Landmarks Preservation Commission meeting at which the decision was rendered, unless a building permit has been issued for the work.

Sincerely,



Wayne Bergman
Director of Planning, Zoning and Building

cc: James Murphy, Asst. Director of Planning, Zoning and Building
Sarah Pardue, Historic Preservation Planner
Jordan Hodges, Planner II
Bradley Falco, Planner I
zf & pf



TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Consent - Other

Agenda Title

Approve Request by Florida Power & Light (FPL) for Night Work at 155 North County Road

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2022, H. Paul Brazil, P.E., Director of Public Works**
- ▣ **FPL Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Approve Request by Florida Power & Light (FPL) for Night Work at 155 North County Road

DATE: May 2, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the request for Florida Power & Light (FPL) to perform night work at 155 North County Road.

GENERAL INFORMATION

To address a reliability and safety issue, FPL is requesting a waiver to the “no work after 5:00 p.m.” to be able to work during the night hours at Amici Market located at 155 North County Road. FPL needs to replace a leaning pole that includes three (3) transformers on Grace Trail on the north side of Amici Market. A power outage will be required to perform this work.

Amici Market is open from 8 a.m. to 8 p.m., and has specifically requested the work be performed after business hours. The required work will take approximately four (4) hours by FPL. Grace Trail is located between Amici Market and Saint Edwards Parrish Center. The north bound lane of North County Road between Sunrise Avenue and Park Avenue would be closed between the hours of 8:00 p.m. and 12:00 a.m.

Public Works recommends approval of the waiver request. If approved, Public Works will work directly with FPL to coordinate the necessary right-of-way permit and the appropriate day to complete this work.

FUNDING/FISCAL IMPACT

There are no funding implications.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Wayne Bergman, Director of Planning and Zoning
Craig Hauschild, Civil Engineer



April 29, 2022

Paul Brazil
Director of Public Works
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Brazil,

Florida Power & Light Company is requesting a waiver to be able to work during night hours within the town of Palm Beach to address a reliability and safety issue.

FPL needs to replace a badly leaning FPL pole with three transformers in the alley on the northside of Amici Market located at 155 North County Road. Since the transformers on this pole provide electricity to this market, a power outage is needed to perform this work.

Due to Amici Market being open from 8 a.m. – 8 p.m., they have requested for this work to take place during the hours the market is closed. This work will take approximately 4 hours.

If the waiver is approved, this job will take place on a weekday from 8 p.m. – 12 a.m. The following lane closure will take place during this time:

- Northbound right lane of North County Road between Sunrise Avenue and Park Avenue.

Thank you for considering this request for waiver. Please do not hesitate to call me at **(239) 246-4893** or **Senior Customer Advisor Robert Weese at 561-685-4814** should you need additional information.

Sincerely,

Nolan Ehinger
Production Lead
Florida Power & Light Company

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Code Enforcement Board

Presenter

Bram Majtlis, Chair

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2022 from Nicholas Caristo, Chief of Police**
- ▣ **List of Properties With Outstanding Fines**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council
Via: Kirk W. Blouin, Town Manager
From: Nicholas Caristo, Chief of Police 
Re: Annual Report – Code Enforcement Board
Date: April 25, 2022

STAFF RECOMMENDATION

Staff recommends the Town Council review the Annual Report for 2021-2022, presented by the Code Enforcement Board.

GENERAL INFORMATION

The following summarizes the activities of the Code Enforcement Board and staff beginning May 2021 through April 25, 2022.

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 March 2022 meeting and Scotch Peloso was elected as Vice Chairman. The remaining members are Daniel McDonnell, Linda K. Wartow, Martin Klein, Chris Larmoyeux and Pamela Saba. The alternate member is John McGowan, and there is one alternate vacancy.

The Code Enforcement Board considered fifty-one new code violation cases, twelve fine consideration cases, three fine reduction requests, and four old business cases. There were no foreclosure consideration cases.

\$118,050.00 in fines and \$3,600.00 in administrative fees were collected.

Seven properties have daily running fines, which total \$3,470,450.00. Seven properties have non-running fines, totaling \$10,175.00. Three of these four were non-property owners with non-running fines, totaling \$1,225.00

Liens in favor of the Town have been filed against property owners where appropriate.

Notice of Code Violation citations written and collected, in which the violator admitted to guilt and paid the fine, totaled \$29,705.00

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 one full-time Construction Site Monitor

The Code Enforcement staff processed 1,828 complaints. 811 of the complaints were self-initiated by Code Enforcement Officers. 4,185 inspections were completed. 613 code violation warnings were written. 629 verbal warnings were given. 180 Notice of Violation letters were issued. 156 Notice of Violation citations were issued. 66 Board Orders were issued. 23 Right-of-Way violations were written.

Attached please find a list of properties with outstanding fines as of April 25, 2022.

Attachment

NC/cm

LIST OF PROPERTIES WITH OUTSTANDING FINES

1. 287 Pendleton Ave.
2. 226 Pendleton Ave.
3. 224 Atlantic Ave.
4. 123 Chilean Ave.
5. 425 Chilean Ave.
6. 301 Via Linda
7. 250 Seminole Ave.
8. 380 S. County Road
9. 191 Bradley Pl.
10. 234 Eden Road
11. 106 Hammon Ave.
12. 620 N Lake Way
13. 250 Worth Ave.
14. 991 N Lake Way
15. 101 Seminole Ave.
16. 2800 S. Ocean Blvd.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Planning and Zoning Commission

Presenter

Gail Coniglio, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated April 19, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **2021 Planning and Zoning Commission Annual Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 11, 2022

To: Mayor and Town Council

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

Re: Annual Report - Planning and Zoning Commission

Date: April 19, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council hear and accept the Planning and Zoning Commission Annual Report for 2021-2022.

GENERAL INFORMATION

Attached Exhibit A is a summary of the activities of the Planning and Zoning Commission for the past year. As you are aware, over this timeframe the Town has been, and still is, going through the Covid-19 Pandemic. Given the limitations last year, the activity of the Commission was robust. During the period of April 2021 through April 2022, the Planning and Zoning Commission had 9 meetings, 5 of which were virtual. The wide range of zoning issues that were addressed at those meetings are outlined in attached Exhibit A. Gail Coniglio, the Chair of the Planning and Zoning Commission, is prepared to address the Town Council with comments regarding the Planning and Zoning Commission's activities and to answer any questions.

cc: Kirk Blouin, Town Manager
Planning and Zoning Commission
James Murphy, Asst. Director of Planning, Zoning and Building
zf

EXHIBIT A PLANNING AND ZONING COMMISSION ACTIVITIES

- Considered and recommended approval of zoning text amendments that changed all bars and lounges, dining rooms, restaurants and/or retail specialty foods, including the incidental sale of prepared food for takeout from permitted uses to special exception uses in the C-TS, C-WA, C-OPI, C-PC and C-B Commercial Zoning Districts. The changes require all of these uses to go through the quasi-judicial hearing process for approval or denial in the Town's commercial zoning districts.

Adopted Commission recommendation by Ordinance #12-2021

- Considered and recommended zoning text amendments that modified existing outdoor seating by eliminating administrative approval and making outdoor seating a conditional approval of a special exception. The modifications create new outdoor café seating regulations for dining rooms in the R-D(2) high density residential district

Adopted Commission recommendation by Ordinance #16-2021

- Considered and recommended zoning text amendments that eliminated administrative outdoor seating in all commercial zoning districts; replaced existing outdoor seating requirements with new outdoor café seating regulations for dining rooms, restaurants and retail special foods, including the incidental sale of prepared for takeout. The new regulations created outdoor seating requirements for both public and private property within the commercial zoning districts and made outdoor café seating a conditional approval of special exception. The conditions included locational criteria, indemnification and insurance requirements, screening, furniture pedestrian clearances and aesthetic approval to ensure compatibility to the surrounding area. The changes also eliminated the ability for outdoor seating for bars, lounges and night clubs.

Adopted Commission recommendation by Ordinance #16-2021.

- Considered and recommended zoning text amendments that specified that a property in the R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) residential zoning districts could only have one dock. The changes also limited a dock to not exceed 30% of the lot width and limited the width of a dock to 10 feet when more than 6 feet from the mean high water line or Bulkhead Line, whichever is most landward.

Adopted Commission recommendation by Ordinances #16-2021 and Ordinance #17-2021.

- Considered and made recommended zoning text amendments that changed the regulations for lot grade topography and drainage to limit the maximum amount of fill that can be placed on a lot and provided exceptions for first floor ramps, landings, open terraces and/or step to extend six feet into required front, street side and street rear setback and provided an exception to allow unenclosed entry ramps landings and associated steps to extend 4 feet into side and rear setback in all zoning districts.

Adopted Commission recommendation by Ordinance #19-2021.

- Considered proposed zoning text amendments related to one-story incentives, off-street parking and screening requirements for single-family dwellings, mechanical equipment and the definitions for building height.

Deferred that item to the May 17, 2021 meeting and asked staff to provide more information.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda Committee Reports

Agenda Title
Report of the Ordinances, Rules and Standards Committee Meeting Held on April 14, 2022

Presenter
Julie Araskog, Chair

ATTACHMENTS:

- ▣ **April 14, 2022 ORS Meeting Report**



TOWN OF PALM BEACH

Town Manager's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON APRIL 14, 2022

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee meeting of April 14, 2022 was called to order at 9:30 a.m. by Chair Araskog. 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

Allen Willinsky, 2780 S. Ocean Blvd. (the Ambassador II), spoke regarding the noise from the special events being held at the Four Seasons Hotel. He requested that the Town Council: deny all applications for mega-events by the Four Seasons Hotel; revise and update the decibel levels of Area 4 to conform with Areas 1 and 3; add sound measurement equipment using the "C" scale to measure the reverberations of the pounding bass levels; and protect property values. He submitted his written comments for the record.

Chair Araskog thanked Mr. Willinsky for his comments and informed him that an update regarding this matter was made at the end of yesterday's council meeting. She also informed him that he would be notified when this matter would be heard by the Town Council.

Member Cooney also thanked Mr. Willinsky for his comments and requested an explanation of the "C" scale and an update from the Town Attorney.

Town Attorney Randolph reported that the Chief of Police stated that the Four Seasons Hotel was cited for the March 8, 2022 event and that case will be heard at the May meeting of the Code Enforcement Board. Attorney Randolph also stated that working in conjunction with the Planning and Zoning Department, there will be a determination as to whether there was violation of the Special Exception requirement of no unusual noise or glare, and if the decibel levels need to be lowered in residential areas.

V. REGULAR AGENDA

A. Old Business

1. Further Review of Chapter 42 of the Town Code, Article V – Noise
Jay Boodheshwar, Deputy Town Manager

Chair Araskog gave a brief overview of the research being done regarding this item. She mentioned that after certain studies, the Town Attorney has opted to proceed in a different direction. She stated that this was Deputy Town Manager Boodheshwar's last meeting as he is leaving the Town and thanked him for his service to the Committee.

Jay Boodheshwar, Deputy Town Manager, expressed his appreciation and thanked his team. He stated that a few years ago the City of Naples copied and adopted the Town's leaf blower ordinance. He stated that certain chapters of the Town's Code are being studied with a view to remedies of noise issues. He clarified that the Town does not issue Special Event permits for private properties.

Mr. Boodheshwar gave an update on research into different municipalities and to noise and the Town's Code. Town Attorney Randolph spoke regarding decibel levels and discussed certain municipalities that had lower decibel levels. He suggested that it is appropriate to lower the decibel levels in certain areas of the Town to be consistent with certain other municipalities such as the Town of Jupiter. He also suggested making these changes via the Zoning Code. Ben Alma, Support Services Manager reported that the noise meters being used by his officers use the "A" scale. Wayne Bergman, Director of Planning, Zoning and Building explained the differences in using the "A" and "C" scales for noise measurement and the different scenarios for use of each scale. He stated that most entities use the "A" scale.

Mr. Willinsky spoke about the use of the "C" scale and referred to the "Sound Wave Measurement" section of the Dooley report, which was included in the backup, and states: *"The 'C' scale weighting system allows the sound meter to pick up low frequencies. These are the intrusive sub-woofer type of bass sounds that can penetrate structures and result in physical sensation. This type of base is not readable using the 'A' scale."*

Discussion ensued after which it was decided to direct staff to lower the decibel level in area 4 to be the same as in areas 1 and 3.

Motion was made by Chair Araskog and seconded by Member Cooney to change the decibel level in Area 4 be the same decibel level as Areas 1 and 3. On roll call, the Motion passed unanimously.

The committee directed staff to submit a revised Ordinance for consideration of the Town Council at its next meeting.

Regarding Chapter 42 Article V – Noise, Attorney Randolph explained that this

section deals with issues regarding everyday noise.

Member Cooney referred to some of the outdated language in the Code and enquired if that language could also be revised during the change to the sections of the Code.

The committee agreed with the changes recommended by staff for Chapter 42, Article V. Noise, sections:

- 42-196 – Prohibited Noise
- 42-197 – Specific acts prohibited
- 42-226 – Use of meter authorized
- 42-227 – Geographic sections
- 42-228 – Non-vehicular noise

Staff was directed to add Sections 42-196 - Prohibited Noise and 42-197 - Specific Acts Prohibited to the Charitable Solicitations Permit application so that applicants will be aware of any actions that are prohibited.

The changes were also agreed for the following sections:

- 22-273 – Closing hours, patrons to vacate
- 22-275 – Open air music and singing in commercial district

B. New Business

1. None

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

Motion was made by Member Cooney and seconded by Chair Araskog to adjourn the April 14, 2022 Ordinances, Rules and Standards Committee Meeting at 10:45 AM. On roll call, the Motion passed unanimously.

APPROVED

Julie Araskog, Chair

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Committee Reports

Agenda Title

Report of the Business and Administrative Committee Meeting Held on April 18, 2022.

Lew Crampton, Chair

1. Recommended Parking Regulation Changes on the 200 Block of South County Road.

Nicholas Caristo, Chief of Police

Presenter

ATTACHMENTS:

- ▣ **April 18, 2022, BAC Meeting Report**
- ▣ **1. Memorandum dated May 2, 2022 from Nicholas Caristo, Chief of Police**
- ▣ **1. Parking Regs 200 S County**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON APRIL 18, 2022

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee meeting of April 18, 2022 was called to order at 3:00 PM by Chair Crampton. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the agenda:

- (1) Addition of Item No. V.B.2. Discussion Regarding 300 block of Sunset Avenue
- (2) Renumbering of original Item No. V.B.2 to V.B.3. Summary of Future Parking Items to be Addressed by the BAC.
- (3) Addition of Prohibition of Construction and Service Vehicles on Worth Avenue to the list of Future Parking Items to be Addressed by the BAC.

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

IV. COMMUNICATIONS FROM CITIZENS

V. REGULAR AGENDA

A. Old Business

1. None

B. New Business

1. Proposed Conversion of 2-hour Parking on the 200 Block of S. County Road to a Combination of 30-Minute and ParkMobile Only Paid Parking
Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager presented a summary of the proposed conversion of 2-hour parking spaces on the 200 block of S. County Road to 30-minute and ParkMobile only paid parking. He referred to a survey of businesses on that block such as Onblonde Pet Spa, Mish Jewelry, Capehart Photography, Lycette, Paris Ceramics, Lewis Pharmacy, Pierce Archer, Halotopia and Evey and stated that there were mixed responses to the survey. Mr. Boodheshwar referred to the utilization study which showed that the fourteen (14) spaces in question were being used 100% of the time.

Ben Alma, Support Services Manager, explained that an officer met with each business person and received mixed responses regarding the parking issue. He stated that observations were made at 10AM and 3PM and this showed the spaces being occupied 100% each time. Mr. Boodheshwar pointed out that the survey results showed five (5) businesses responded “Yes” and five (5) responded “No” to the 30-minutes.

Mr. Boodheshwar explained the current and proposed regulations which were shown on the parking map included in the backup.

Chair Crampton suggested that due to the 50:50 for and against the new measures, there probably should be a conversion of less than the recommended fourteen (14) spaces.

After lengthy discussion it was recommended that the west side of the block be converted to 30-minute parking and a combination of one-hour and ParkMobile only, no Kiosk parking, on the east side of the block.

2. Discussion Regarding 300 block of Sunset Avenue
Jay Boodheshwar, Deputy Town Manager

Mr. Boodheshwar reported that there were parking issues on the 300 block of Sunset Avenue due to there being no parking regulations after 6PM. This causes the area to be used by valets, self-parkers and other transients. Mr. Alma, Support Services Manager, gave an overview of various problems being experienced on that block, and stated that in conjunction with the Public Works Dept., No Loitering signs were being posted and the bathrooms are being locked. Mr. Boodheshwar stated he spoke with the Police Chief regarding recreational vehicles being parked overnight on the street and pointed to Chapter 70 Sec. 70-9 of the Town Code, regarding Sleeping, camping in public place; sleeping in vehicle which states “*No person shall sleep or camp on any public beach, dune, beach access (dune crossover), sidewalk, parking lot or other public area of the town and no person shall sleep in any vehicle upon any town street, public right-of-way, town property, beach access parking area, parking lot or any other public property between the hours of 10:00 p.m. and 6:00 a.m. the following day.*” Mr. Alma stated that citations have been issued

but most violators do not pay and there is not much recourse to collect the fines.

After discussion, the committee decided that staff should return to a future meeting with recommendations regarding this issue.

3. Summary of Future Parking Items to be Addressed by the BAC
Jay Boodheshwar, Deputy Town Manager

Mr. Boodheshwar stated he is currently developing a “knowledge transfer” list regarding various topics being handled by the committee to be distributed to staff who will be supporting the committee.

Chair Crampton requested that staff also create a list of various actions that have been taken by the Committee during the past 3-4 years regarding parking, construction site management, code enforcement, etc.

Mr. Boodheshwar suggested that the following items should be addressed by the Committee:

1. Review and Consider Potential Additional Modifications of Marina-Related Parking Regulations on South Lake Drive
2. Review and Consider Potential Modifications of Parking Regulations on 400 Block Streets Adjacent to South Lake Drive (Brazilian, Australian, Chilean and Peruvian)
3. Review and Consider Further Expansion of Placard Parking Program
4. Review and Consider Further Expansion of Paid Parking Program (ParkMobile and Kiosks)
5. Review and Consider Potential Modifications of Valet Permitting Program
6. Review and Consider Potential Modifications of Existing Residential Parking Permit (RPP) Program Areas
7. Prohibition of Construction Trucks and Service Vans on Worth Avenue

Mr. Boodheshwar suggested that the list should be handled according to priority. He stated that item nos. 1, 2, 5 and 7 should be handled as high priority during the summer.

Member Lindsay expressed her agreement with the issues being prioritized and stated she would like the use of kiosks to be discontinued as they are ugly and difficult to see in the sunlight.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

Motion was made by Member Lindsay and seconded by Chair Crampton to adjourn the meeting at 3:54 PM. On roll call, the Motion passed unanimously.

APPROVED

Lewis S.W. Crampton, Chair

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Proposed Conversation of 2-hour Parking on the 200 Block of S. County Road to a Combination of 30-Minute, 1-Hour, and ParkMobile Only Paid Parking

Date: May 2, 2022

STAFF RECOMMENDATION

Staff recommends the Town Council approve converting the twenty-two (22) current 2-hour spaces on South Country Road (between Royal Palm Way and Seaview Ave) as outlined below and as recommended by the Business and Administrative Committee (BAC).

GENERAL INFORMATION

At the April 12 Town Council meeting and the April 18 BAC meeting, the Police Department initially proposed converting fourteen (14) 2-hour parking spaces on South County Road (between Royal Palm Way and Seaview Avenue) to 30-minute parking.

The reason for the request is that many of the 22 total spaces on this block are consistently used by beachgoers, thus minimizing the ability of customers visiting businesses and stores in this area to find on-street parking. Parking enforcement has advised that 42% of the parking citations issued in 2020 in this area were for overtime parking. In 2021, 45% of the citations were for overtime parking and through March 2022, 38% of the citations were issued for the same reason. After a review of input received from nearby business owners at the April 18 BAC meeting, the BAC and staff modified the initial recommendation and have now endorsed the conversation of the existing twenty-two (22) 2-hour parking spaces in question to the following:

- Convert four (4) spaces on the west side of S. County to 30-minute free parking
- Convert ten (10) spaces on the east side of S. County to 1-hour free parking
- Convert eight (8) spaces on the east side of S. County to ParkMobile only paid parking

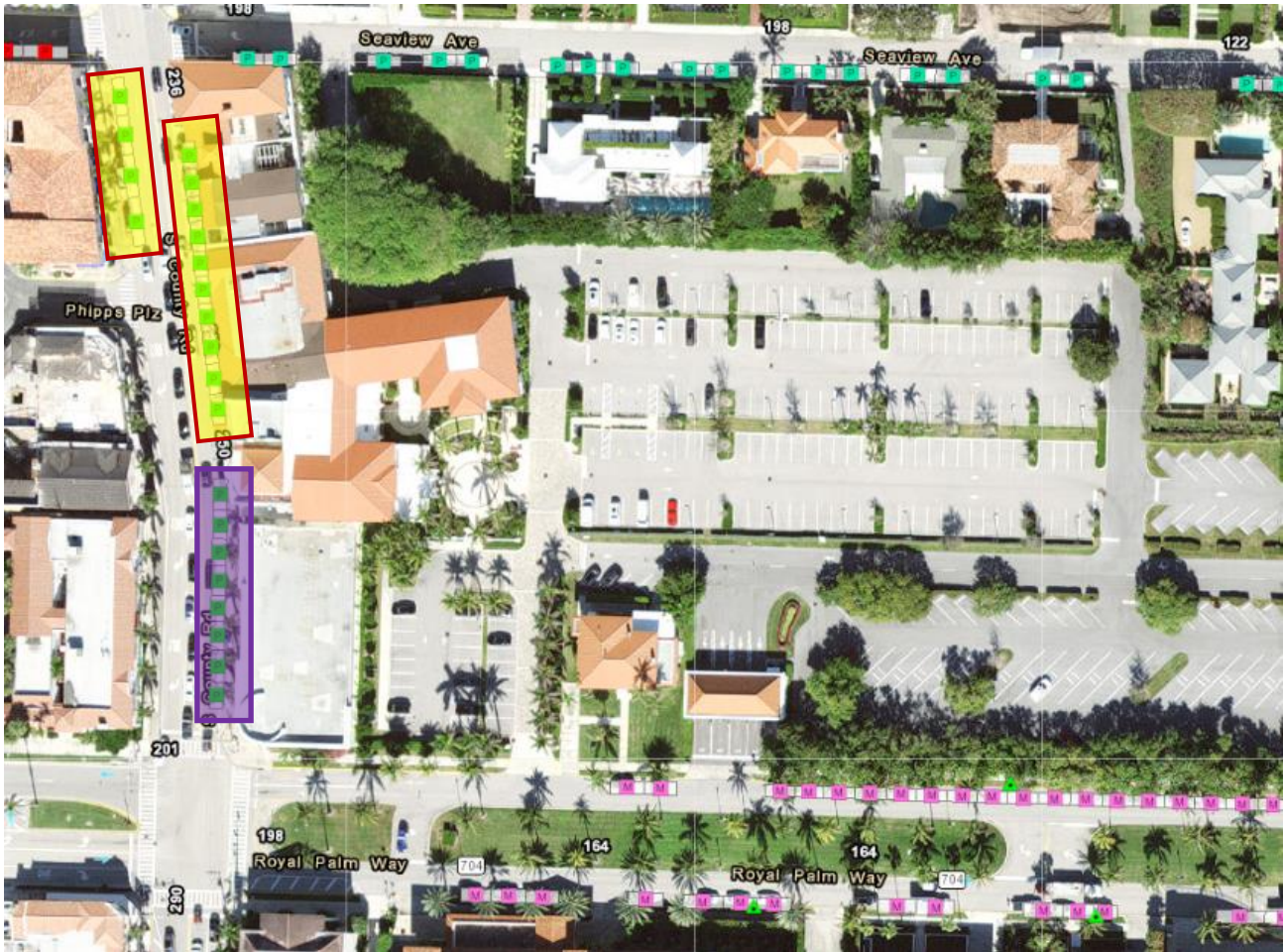
See attached map for more information.

Attachment

cc: Carolyn Stone, Assistant Town Manager
Department Directors
Business Administrative Committee

SOUTH COUNTY ROAD

200 BLOCK



CURRENT REGULATIONS

East Side:

- 2-hour (18 spaces)

South Side:

- 2-hour (4 spaces)

PROPOSED REGULATIONS

East Side:

- Convert ten (10) of the current 2-hour spaces to 1-hour free parking (see YELLOW area)
- Convert eight (8) of the current 2-hour spaces to ParkMobile only, matching the rates and times for the paid parking on Royal Palm Way (see PURPLE area)

West Side:

- Convert four (4) of the current 2-hour spaces to 30-minute free parking (see YELLOW area)

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

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. Consider The Breakers Request for Improvements Along South County Road Between Via Bethesda and Royal Poinciana
- c. Review of Temporary Replacement of Failing Mast Arms at Peruvian Avenue and Worth Avenue by Florida Department of Transportation.
- d. RESOLUTION NO. 063-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Engineering Design Services for Post-Mounted Signals at Hammon Avenue, Worth Avenue, and Peruvian Avenue in the Amount of \$82,028 and Establishing a Project Budget of \$90,000.
- e. Approve Request for Saturday Work to Mill and Resurface Parking Lot at 205 Royal Palm Way

Presenter

ATTACHMENTS:

- ▣ **a. Review of Project and Dashboard, Summary of Project Status**
- ▣ **b. Memorandum dated April 21, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **b. The Breakers Letter**
- ▣ **b. Attachment 1**
- ▣ **b. Attachment 2**

- ▢ **b. Citizen Letters**
- ▢ **c. Memorandum dated April 21, 2022, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▢ **d. Memorandum dated April 28, 2022, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▢ **d. Resolution No. 063-2022**
- ▢ **d. Kimley-Horn and Associates, Inc. Agreement**
- ▢ **e. Memorandum dated May 2, 2022, from H. Paul Brazil, P.E., Director
of Public Works**
- ▢ **e. Hedrick Brothers Construction Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

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: April 25, 2022

I. COMMUNICATIONS:

A. Community Meetings:

Coffee with the Crew meetings were held in March and April for north and south phases. In March at the north phases meeting two (2) residents attended but those residents were from Phase 2 North which has been completed. In April no resident attended the north coffee with the crew. The south meetings had the same type of participation. Two (2) residents attended from Phase 3 South, but mostly attended in hopes that they had recruited other residents in the area to attend. In April there were no residents present. Therefore, staff has cancelled coffee with the crew.

B. Significant Postal Mail or E-mail

Staff meetings in Phase 6 North and South are focused on a few remaining easements to finalize. Staff's meetings for Phase 7 North and South are ongoing, but staff is reevaluating the approach since we have not been able to get responses from several residents. Staff is waiting to send letters out for Phase 8 until we have made more progress with easements in Phase 7.

II. PROGRESS SUMMARY:

Overall, Town-wide Construction Progress, ten (10) 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 and 5S. Phase 6 North and South are out for bids.

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 S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 89% complete. Presently working with FPL to complete conversions. All conversions for all utilities should be complete by June 15th. FPL should begin removing poles by July 1st.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

Phase 3 South:

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 58% complete. Progress will significantly increase in May due to a number of agreements with businesses not to do work to impact their operations.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 78% complete. All equipment has been installed with the exception of 3 switches at D-10 Pump Station.

Phase 4 South:

From Peruvian to Royal Palm Way

- Construction is 7% complete.

Phase 5 North:

From Country Club Road to Southland Road

- Design is 100% complete.
- 87 out of 87 (100%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Construction has begun.

Phase 5 South:

From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Design is 99% complete.
- 81 of 83 (98%) easements are recorded or verbally approved.
- Construction has begun.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Design is 94% complete and on schedule.
- 43 of 47 (91%) easements approved.

Phase 6 South:

Seaspray Ave. to the south of Royal Poinciana Way

- Design is 87% complete and on schedule.
- 66 of 71 (93%) easements approved.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Design is 48% complete and on schedule.
- 22 of 79 (28%) easements approved.

Phase 7 South:

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 48% complete and on schedule.
- 17 of 68 (10%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 26% complete and on schedule.
- 2 of 87 (2%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.
- Requested an update on the status of the requested (and approved) grant modification but still have not received a response from FEMA/FDEM.
- Awaiting the first reimbursement payment.

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.

cc: Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
April 30, 2022

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,856,262	\$ 12,734,604	99.1%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,924,578	\$ 12,836,463	99.3%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,399,544	\$ 9,918,553	60.5%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 17,695,472	\$ 7,412,447	41.9%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 17,935,288	\$ 3,235,448	18.0%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,954,334	\$ 1,711,815	87.6%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,619,090	\$ 631,589	39.0%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,391,803	\$ 452,861	32.5%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 82,776,371	\$ 48,933,780	59.1%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,513,512	\$ 2,513,512	\$ 2,427,701	96.6%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,418,157	\$ 85,289,884	\$ 51,361,481	60.2%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 14,543,157	\$ 11,780,924	81.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 664,169	\$ 1,640,162	246.9%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,418,157	\$ 85,954,053	\$ 64,782,567	75.4%

Total Project Budget - Opinion of cost for construction	\$ 122,418,157
% Budgeted/Encumbered To Date Project Costs	69.67%
% Spent to Date - Project Costs	41.96%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 18,329,914	0.0%
Assessment Revenue	\$ 21,430,000	\$ 21,759,105	101.5%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ -	0.0%
Interest	\$ 1,567,009	\$ 3,118,387	199.0%
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	\$ 5,000,000	\$ 2,750,000	55.0%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (401) Fund Marina	\$ 2,600,000	\$ 1,300,000	50.0%
Transfer from (001) General Fund - PM Salary	\$ 751,000	\$ 929,766	123.8%
Total Project Revenues	\$ 113,153,646	\$ 121,977,853	107.8%

Underground Utility Project Budget
Phase 1 Project Costs
April 30, 2022

	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	3,598,144	100.0%
Street Light Conversion			\$ 26,273	40,934	155.8%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	16,945	108.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	392,932	82.4%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	\$ 4,210,000	\$ 4,930,000	\$ 4,844,935	\$ 4,766,377	98.4%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,450,977	100.0%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Street Light Conversion			\$ 68,115	68,115	100.0%
Utility Design Costs			\$ 33,013	44,958	136.2%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,317,824	95.9%
Construction Engineering (KH)			\$ 316,498	316,396	100.0%
	\$ 6,800,000	\$ 6,350,000	\$ 6,390,143	\$ 6,345,618	99.3%
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				1,861	
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,856,262	\$ 12,734,604	99.1%

Underground Utility Project Budget
Phase 2 Project Costs
April 30, 2022

	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	3,905,978	99.3%
Owner Purchased Supplies			\$ 83,073	205,809	247.7%
FPL Design Cost			\$ 11,759	65,822	559.8%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,963,409	102.7%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	88,167	251.9%
Burkhardt Construction			\$ 6,322,275	6,125,191	96.9%
Owner Supplied Materials			\$ 172,321	175,898	102.1%
FPL Design Cost			\$ 13,330	16,900	126.8%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)	-		\$ 325,280	\$ 285,891	87.9%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,098,206	\$ 6,884,084	97.0%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising				\$ 1,101	
Recording Costs			\$ 3,605	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 188,622	\$ 187,564	99.4%
Total Phase 2 Costs	\$9,170,000	\$13,470,000	\$ 12,924,578	\$ 12,836,463	99.3%

Underground Utility Project Budget
Phase 3 Project Costs
April 30, 2022

	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	\$ 2,797	100.0%
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
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	\$ 409,387	100.0%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,222	\$ 457,222	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	\$ 5,451,576	\$ 5,430,692	99.6%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 33,400	33,400	100.0%
Construction			\$ 8,029,385	2,344,193	29.2%
Owner supplied Pipe			\$ 118,315	118,315	100.0%
FPL Construction			\$ 562,000	562,905	100.2%
FPL Design Cost			\$ 11,359	15,808	139.2%
FPL - 101 El Brillo			\$ 10,875	10,875	100.0%
J Box Installation			\$ 14,636	14,636	100.0%
ATT Design and Construction Cost			\$ 425,000	5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	3,128	1.6%
Construction Engineering (KH)			\$ 322,540	152,316	47.2%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,722,638	\$ 3,260,576	33.5%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,663	99.4%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Recording Costs				\$ 5,067	
Easement Abandonment			\$ 8,150	\$ 7,645	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 330,825	\$ 333,574	100.8%
Total Phase 3 Costs	\$10,910,000	\$15,400,000	\$ 16,399,544	\$ 9,918,553	60.5%

Underground Utility Project Budget
Phase 4 Project Costs
April 30, 2022

	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			\$ 5,061,056	3,754,483	74.2%
Owner Supplied Pipe and Vaults				148,998	
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost				5,000	
Comcast Design Cost			\$ 173,151	173,151	
Utility Costs (FPL, Comcast, AT&T)					
Street Light Conversion FPL				4,222	
Construction Engineering (KH)			\$ 324,309	194,655	60.0%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 5,685,086	4,407,172	77.5%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,803,506	81,949	0.9%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes				2,170	
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	9,890	82.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 1,148,441	1,148,441	100.0%
Construction Engineering (KH)			\$ 333,659	32,885	9.9%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 10,665,924	1,683,112	15.8%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,231	99.2%
Easement Assistance (KH)			\$ 59,369	37,607	63.3%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				5,629	
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 450,583	428,812	95.2%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 17,695,472	7,412,447	41.9%

Underground Utility Project Budget
Phase 5 Project Costs
April 30, 2022

	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			\$ 6,416,942	683,258	10.6%
Construction Manager			\$ 940,702	112,884	12.0%
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)			\$ 334,157	41,506	12.4%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 7,845,381	\$ 1,005,335	12.8%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	146,250	2.2%
Infrastructure from Phase 4 south bid			\$ 163,350		0.0%
Construction Manager			\$ 979,098	78,328	8.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 365,720	365,720	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)			\$ 334,159	26,757	8.0%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,555,071	\$ 701,788	8.2%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,536	100.0%
Easement Assistance			\$ 81,086	\$ 77,963	96.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 32,130	78.2%
Jones Foster - Legal					
Legal Ads				\$ 327	
Recording Costs				\$ 5,304	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 340,766	\$ 334,260	98.1%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 17,935,288	\$ 3,235,448	18.0%

Underground Utility Project Budget
Phase 6 Project Costs
April 30, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 451,268	95.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 785,223	95.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 8,985	0.0%
Task 1.6 Meetings North			\$ 84,791	\$ 85,151	100.4%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 1,330,627	92.4%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction			\$ 24,270		
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 40,138	\$ 29,198	72.7%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction			\$ 24,270		
Construction					
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)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 64,194	\$ 39,924	62.2%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 286,543	81.5%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 22,968	39.3%
Legal Ads				\$ 113	
Recording Costs				\$ 2,442	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 410,009	\$ 312,066	76.1%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,954,334	\$ 1,711,815	87.6%

Underground Utility Project Budget
Phase 7 Project Costs
April 30, 2022

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 196,995	40.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 252,332	40.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938		0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 21,192	27.3%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 470,519	38.0%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction					
Construction					
Approved Change Orders					
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	\$ 15,806	\$ 27,165	171.9%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction					
Construction					
Approved Change Orders					
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	\$ 19,953	\$ 19,953	100.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 113,075	32.6%
Surveys					
Legal Sketch					
Legal Ads				\$ 113	
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs				\$ 764	
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 346,459	\$ 113,952	32.9%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,619,090	\$ 631,589	39.0%

Underground Utility Project Budget
Phase 8 Project Costs
April 30, 2022

	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	\$ 308,705	30.0%
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	\$ 346	0.4%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 309,051	26.9%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 13,160	\$ 13,160	100.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 130,471	57.3%
Surveys					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Temp Services					
Recording Costs				\$ 122	
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 227,724	\$ 130,649	57.4%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,391,803	\$ 452,861	32.5%

Underground Utility Project Budget
Other Project Costs
April 30, 2022

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan	\$ 12,015	\$ 12,015	100.0%
Assessment Costs, Fees and Discounts	\$ 786,560	\$ 786,560	100.0%
Project Manager -Pay and benefits	\$ 559,547	\$ 563,017	100.6%
Temp Services - Easement Acquisition	\$ 150,000	\$ 97,459	65.0%
Other Miscellaneous Expenses		\$ 22,716	
General Easement Assistance	\$ 24,976	\$ 24,838	99.4%
Community Outreach	\$ 282,519	\$ 223,214	79.0%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,513,512	\$ 2,427,701	96.6%

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	\$ 1,400	56.0%
Debt Service Fees	\$ 2,000	\$ -	0.0%
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	\$ 10,586,462	79.3%
Total Debt Service and Related Debt Issuance Costs	\$ 14,543,157	\$ 11,780,924	81.0%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
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	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 607,692	
PBT Real Estate v TPB		\$ 188,594	
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	\$ 664,169	\$ 1,640,162	246.9%

Town of Palm Beach - Underground Utility Project Dashboard - April 2022



TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Consideration of The Breakers Request for Improvements to South County Road

DATE: April 21, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council review the attached proposal from The Breakers for improvements to South County Road between Via Bethesda and Royal Poinciana

GENERAL INFORMATION

Over the past couple of years staff has had several conversations with The Breakers management about South County Road Improvements for both safety and aesthetics. On March 11, 2022, staff received a written request along with two (2) exhibits outlining the specific recommendations for the South County Road improvements. The letter and exhibits are attached.

In summary the request are as follows:

- 1) Install an on-demand pedestrian/golf cart-crossing traffic light at Via Bethesda and just north of Pendleton Avenue. This would replace the existing flashing amber lights that are also on-demand.
- 2) Install brick pavers (red brick/herringbone pattern as is currently installed in The Breakers main drive) in lieu of black asphalt on South County Road at both The Breakers main entrance and the Ocean Club Member (Pinewalk) entrance. Our understanding is the FDOT has made exceptions to allow this type of cosmetic treatment on public roads. The Breakers main drive has been bricked since 2003 with absolutely no issues and the need for little maintenance. The Town would most likely be required to enter into a maintenance agreement with FDOT.
- 3) In order to lock in and line the brickwork referred to in #2 above, install gold tabby crosswalks (similar to Worth Avenue) surrounding the brick inlays at The Breakers Main Drive and Ocean Club Member (Pinewalk) entrances.
- 4) Install new gold tabby sidewalks on both sides of South County Road from approximately Pendleton Avenue/Via Bethesda north to Royal Poinciana Way as part of the stated initiative to improve Town sidewalks.

- 5) Adjust the traffic signal on Royal Poinciana Way when travelling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the crosswalk/golf cart crossing on South County Road is active.
- 6) Improve the visibility of all crosswalks along South County Road by using high visibility road paint.

FUNDING/FISCAL IMPACT

The funding for this effort has not been defined. An order of magnitude cost estimate was developed and is estimated to be approximately \$3 million. Some of this cost is an incremental increase with undergrounding being responsible for initial cost of replacing sidewalk which is either impacted by construction or impacted due to removal of poles. Once more direction is provided a better breakdown of cost and responsibilities can be developed.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer



March 11, 2022

Mr. Paul Brazil, Director of Public Works
Ms. Patricia Strayer, Senior Project Engineer
Town of Palm Beach Public Works Department
951 Old Okeechobee Road # A
West Palm Beach, Florida 33401

Dear Mr. Brazil and Ms. Strayer:

I am writing to outline the proposed improvements along South County Road in the vicinity of The Breakers which were all discussed during our Zoom meeting on Thursday, February 24, 2022. The Town's on-going electrical under-grounding project provides the Town with a unique opportunity to improve the esthetics and safety of this prominent stretch of roadway and pedestrian walkways in an efficient and cost effective manner.

We request that the Town leadership look favorably upon the following improvement initiatives where the road is impacted by the Town's under-grounding project and also endorse those that fall under the jurisdiction of the Florida Department of Transportation (FDOT).

- 1) Install an on-demand pedestrian / golf cart-crossing traffic light at Via Bethesda and just north of Pendleton Avenue. Despite the existing flashing amber lights (which are also only activated on-demand), this road crossing continues to be dangerous. A few key notes to emphasize the "on-demand" nature of the traffic light functionality:
 - o The Breakers maintenance vehicles do not cross at this intersection. For safety purposes, we require them to cross at the traffic lights at Pinewalk.
 - o The traffic light would only be activated for golf carts or Town pedestrians.
 - o As a result of scheduled tee times, golf cart traffic is essentially limited to every 10 minutes on the busiest of days. On an "average" day, the on-demand light would likely only be activated a few times each daylight hour.
 - o Golf cart traffic is limited to day light hours (i.e.: when the golf course is open). There would typically be no use before approximately 8:30 AM as the crossing is from the 7th green to 8th tee and limited use in late afternoons, early evenings in the summer and during inclement weather.

As South County Road is the responsibility of FDOT, we believe the endorsement of the Town Council, Public Works and Public Safety will be needed to achieve this improvement.

- 2) Install brick pavers (red brick / herringbone pattern as is currently installed in The Breakers Main Drive) in lieu of black asphalt on South County Road at both The Breakers Main Drive and the

Mr. Brazil and Ms. Strayer
March 11, 2022
Page 2

Ocean Club Member (Pinewalk) entrances. Our understanding is the FDOT has made exceptions to allow this type of cosmetic treatment on public roads. The Breakers Main Drive has been bricked since 2003 with absolutely no issues and the need for little maintenance. We would be prepared to enter into a maintenance agreement if necessary.

- 3) In order to lock in and line the brickwork referred to in #2 above, install gold tabby crosswalks (similar to Worth Avenue) surrounding the brick inlays at The Breakers Main Drive and Ocean Club Member (Pinewalk) entrances.
- 4) Install new gold tabby sidewalks on both sides of South County Road from approximately Pendleton Avenue / Via Bethesda north to Royal Poinciana Way as part of the stated initiative to improve Town sidewalks.
- 5) Adjust the traffic signal on Royal Poinciana Way when travelling east and turning south onto South County Road by adding a "No turn on Red" warning whenever the crosswalk / golf cart crossing on South County Road is active.
- 6) Improve the visibility of all crosswalks along South County Road by using high visibility road paint.

An "Overall Paving Modification Plan" is attached (PM-1 and PM-2) which illustrates these safety and esthetic improvements to this prominent stretch of South County Road.

In conjunction with the underground project, Florida Power & Light Company and the Town have requested The Breakers grant easements of various sizes at eight (8) locations on The Breakers property adjacent to South County Road. Electrical equipment will be installed within these easements and at least five locations will require portions of our historical Australian Pine hedge be removed and replaced with an alternative planting. Granting these easements (as well as two others – one each along Royal Poinciana Way and Coconut Row) is a significant commitment by The Breakers.

We respectfully request that the Town Council and staff support these improvements for the safety and enjoyment of all TOPB residents and guests.

Sincerely,



Paul N. Leone
CEO

cc: Maggie Zeidman, TOPB Council President

The Breakers

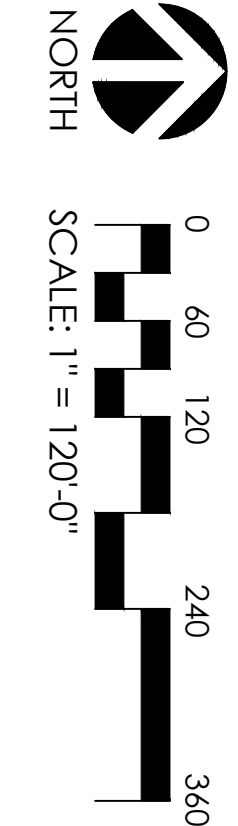
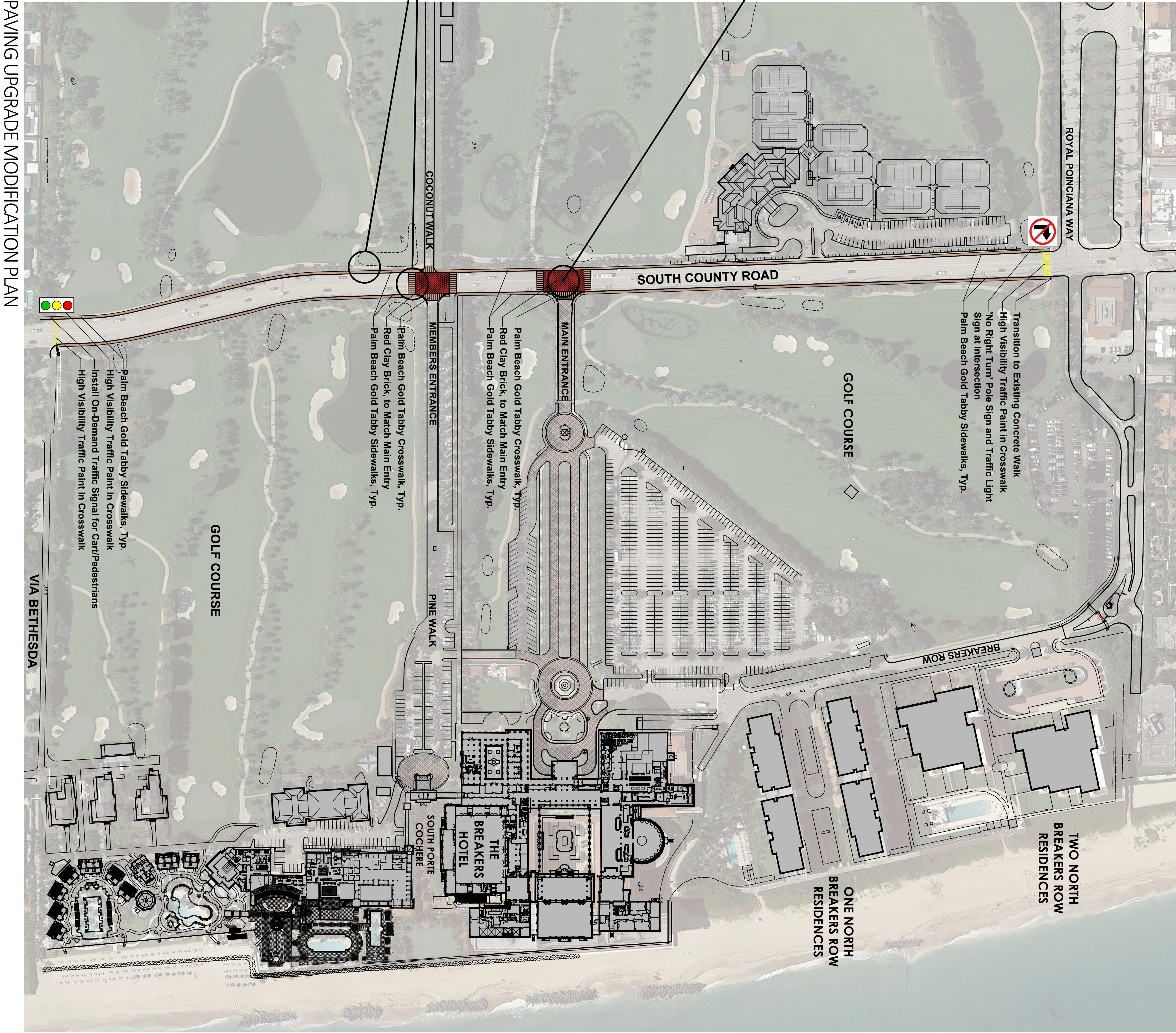
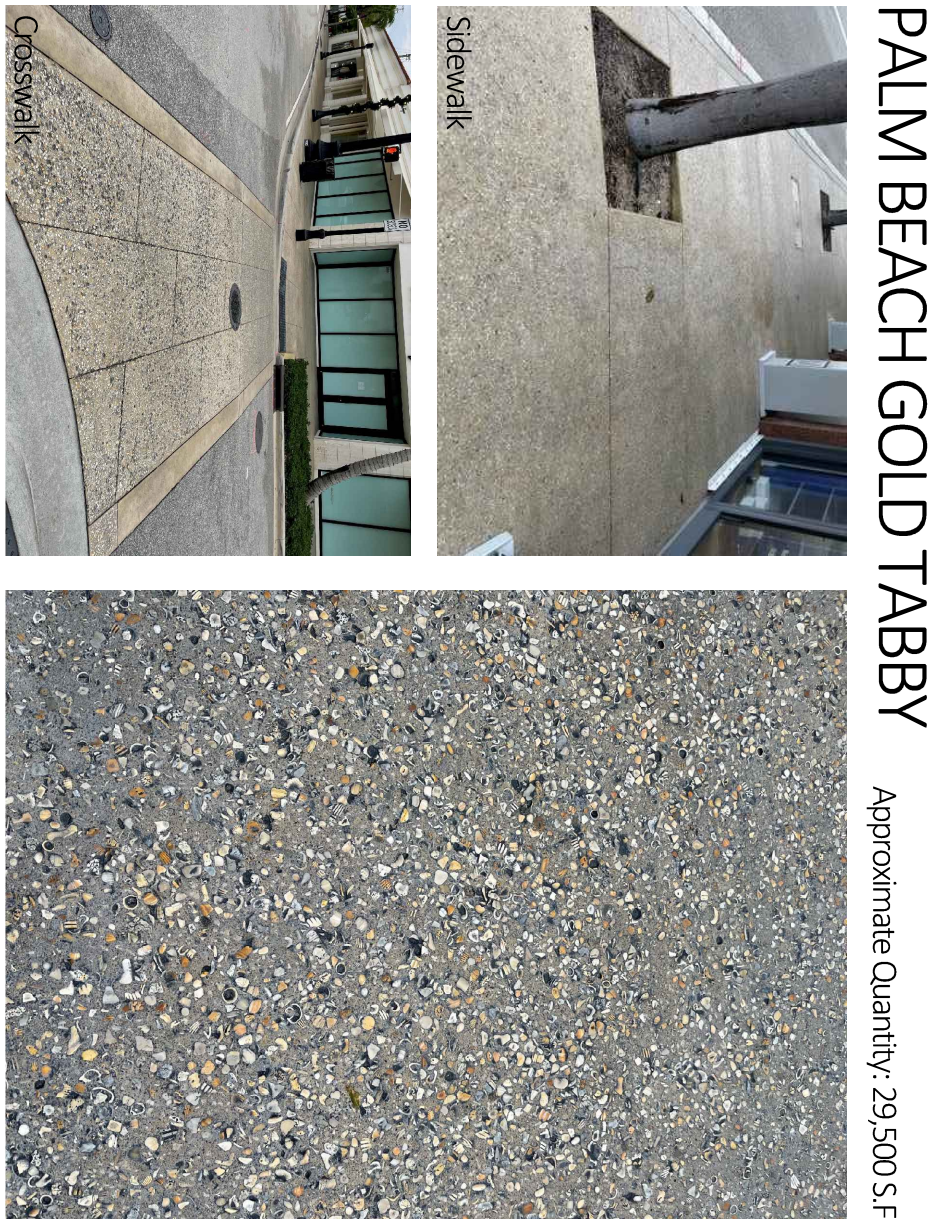
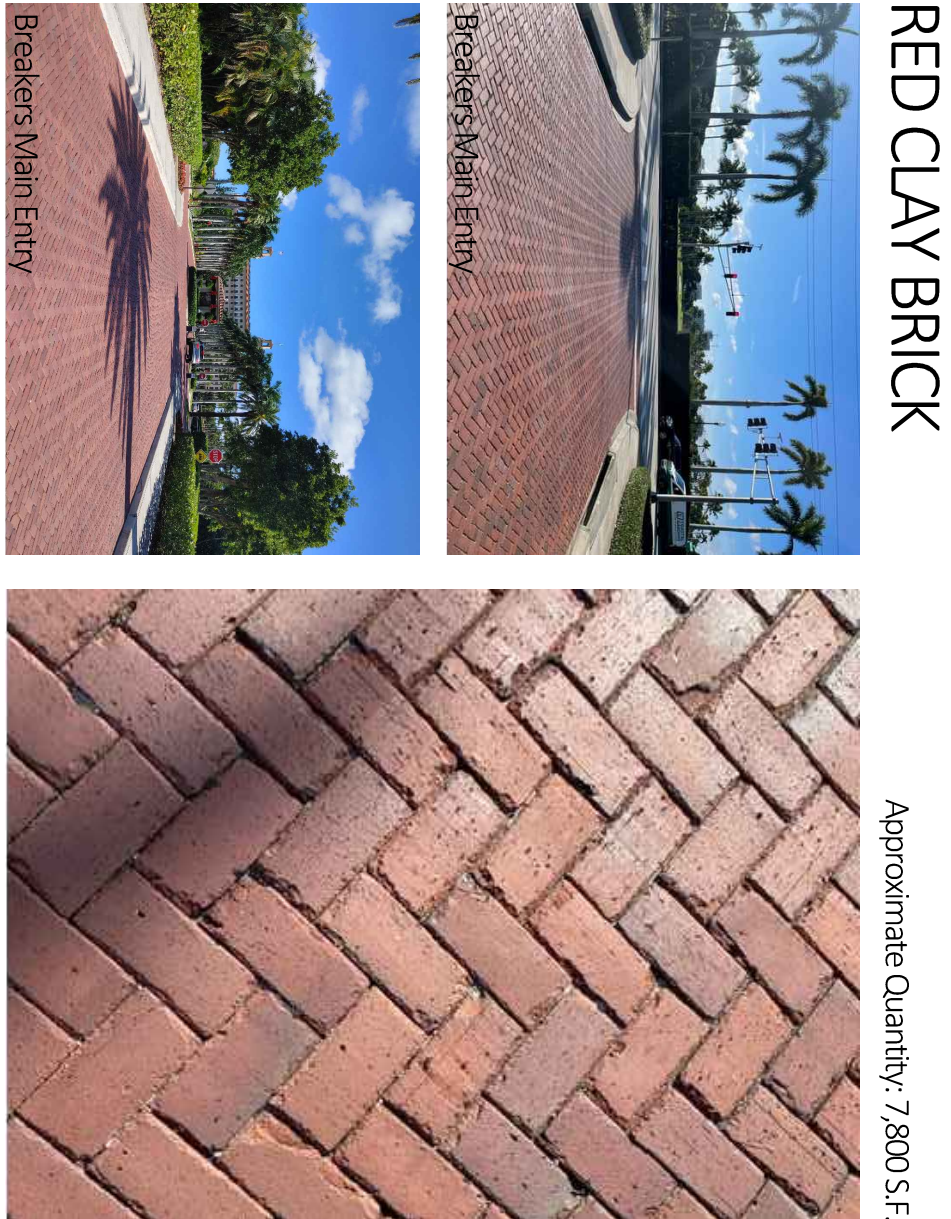
The Town of Palm Beach Florida

Date:	12/21/21
Scale:	1" = 120'-0"
Design By:	MJD
Drawn By:	MJD
Checked By:	JES
File No.	632.11
Job No.	18-20

REVISIONS / SUBMISSIONS

09/03/22 Client Comments

OVERALL
PAVING
MODIFICATION
PLAN





SCHMIDT
NICHOLS
LANDSCAPE ARCHITECTURE
AND URBAN PLANNING

1551 N. Flagler Dr, Ste 102
West Palm Beach, FL 33401
Phone: 561.684.6141
Email: info@snlandplan.com
Website: www.snlandplan.com
License No: LC26000232

The Breakers

The Town of Palm Beach Florida

Date:	12/21/21
Scale:	1" = 20'-0"
Design By:	MJD
Drawn By:	MJD
Checked By:	JES
File No.	632.11
Job No.	18-20

REVISIONS / SUBMISSIONS

03/03/22 Client Comments
03/09/22 Client Comments

03/09/22 Client Comments

PAYING

MODIFICATI

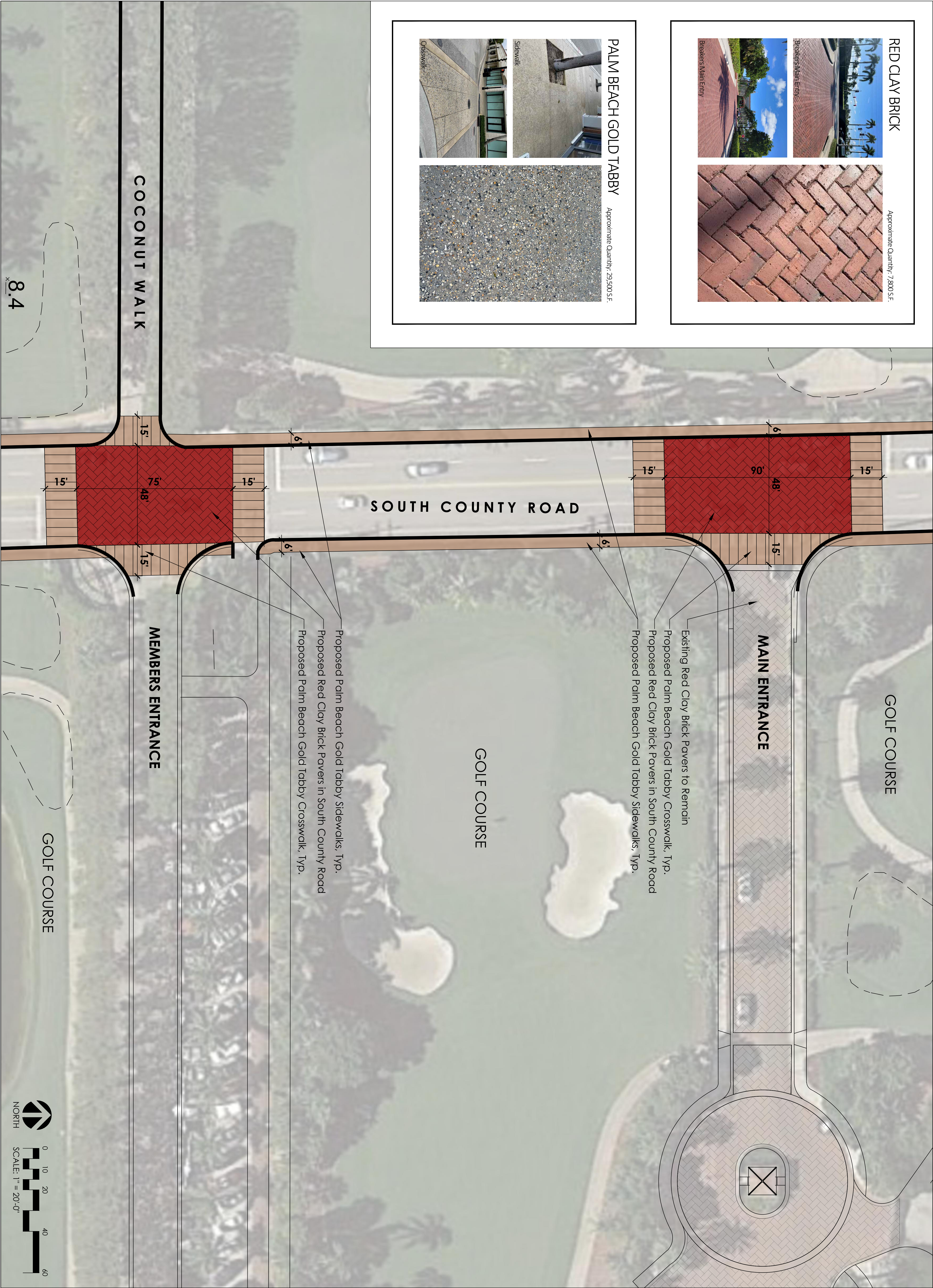
MODIFICATION PLAN

PLAIN

ENLARGEMENT

PM-2

of 2



Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

Bernadine Canuso
1 North Breakers Rm #433
Palm Beach, FL 33480

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

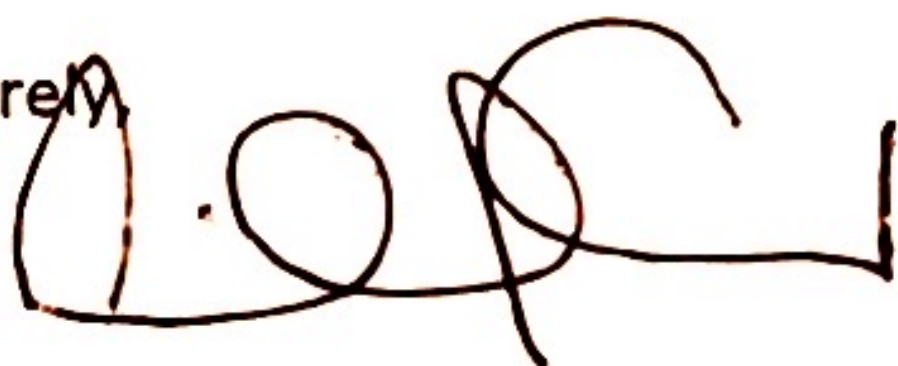
The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,



MICHAEL CARDOSO

1 N. BREAKERS ROW, APT. 433

PALM BEACH, FL 33480

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Pat Gayle-Gordon](#); [Kelly Churney](#)
Subject: FW: May 10 Town Council Meeting
Date: Thursday, April 28, 2022 3:55:06 PM

From: Dina Wexler <dinawex@icloud.com>
Sent: Thursday, April 28, 2022 2:46 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: May 10 Town Council Meeting

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council:

I am writing to express my strong feeling to avoid and deny the request by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

The dynamics of the Via Bethesda cross walk does not require additional safety measures. The current pedestrian activated flashing light has proven to be a warning to motorists that golfers would like to cross the road. A red light stopping all traffic is not indicated for motorists that golfers wish to cross the road. The street is painted with white stripes indicating a crosswalk. This is successful in cities and towns across the world. It can continue to be successful here in Palm Beach.

As a longtime resident of the Town of Palm Beach, it has been my experience that motorists are able to stop for pedestrians and golfers on carts. Adding more red lights and difficulties trying to move through town will only complicate driving and possibly cause injuries.

I am hopeful that the Town Council appreciates the need to allow motorists to continue to share the road with golf carts, bicycles and pedestrians without need and expense of an additional crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road. The crosswalks in our town are well marked and do not require further embellishment and expense. I enthusiastically request that you deny all requests and allow citizens to move freely without further unnecessary regulations on our roads.

Sincerely,

Dina Wexler, DDS
dinawex@icloud.com

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a “No Turn on Red” warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers’ request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a “no turn on red” warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,



05-10-22 TCM Backup

MARTIN I. KLEIN
1060 NORTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480
TELEPHONE (561) 881-8000
FACSIMILE (561) 881-8080
April 28, 2022

Hon. Danielle Moore, Mayor
& Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Dear Mayor and Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require these additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian or cart occupants at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch enhances all of the risks above.

MARTIN I. KLEIN

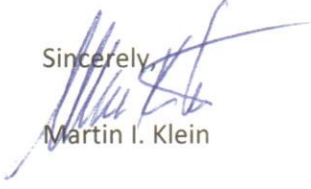
1060 NORTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480

TELEPHONE (561) 881-8000
FACSIMILE (561) 881-8080

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly either drives by or uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,



Martin I. Klein

From: David Leibowitz <david.g.leibowitz@gmail.com>
Sent: Thursday, April 28, 2022 2:07 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Subject: The Breakers safety request

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- ☐ The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- ☐ an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a “No Turn on Red” warning whenever the golf cart crossing /pedestrian cross walk is active; and
- ☐ enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- ☐ Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- ☐ With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- ☐ Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- ☐ Increased speed limit from 25 to 30 mph in this stretch resulting is faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers’ request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly

indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a “no turn on red” warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely, -David G. Leibowitz

701 South Olive Ave
Apt #2012
West Palm Beach
Fl
33401

914-714-8700

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Antonette Fabrizi](#); [Pat Gayle-Gordon](#); [Kelly Churney](#)
Subject: FW: May 10 Town Council Meeting
Date: Thursday, April 28, 2022 3:54:48 PM

-----Original Message-----

From: Mindy Wexler <mindywex@gmail.com>
Sent: Thursday, April 28, 2022 2:08 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: May 10 Town Council Meeting

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk; • an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a “No Turn on Red” warning whenever the golf cart crossing /pedestrian cross walk is active; and • enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road; • With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle; • Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes; • Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers’ request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a “no turn on red” warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,
Mindy Wexler
100 Sunrise Ave apt 415
Palm Beach 33480

From: Peter <peter9451@aol.com>
Sent: Thursday, April 28, 2022 5:17 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: May 10 Town Council Meeting

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a “No Turn on Red” warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers’ request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a “no turn on red” warning travelling east on the intersection of Royal Poinciana Way and

South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely, Peter Price (Member of Breakers)

-----Original Message-----

From: Kenneth Small <ksmall5689@gmail.com>

Sent: Thursday, April 28, 2022 4:14 PM

To: Town Council <TCouncil@TownofPalmBeach.com>

Subject: May 10 Town Council Meeting

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a “No Turn on Red” warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers’ request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a “no turn on red” warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

Dr Kenneth Small
100 Sunrise Ave
Palm Beach
Sent from my iPhone

Richard Aron
100 Worth Avenue, #122
Palm Beach, FL 33480

May 1, 2020

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

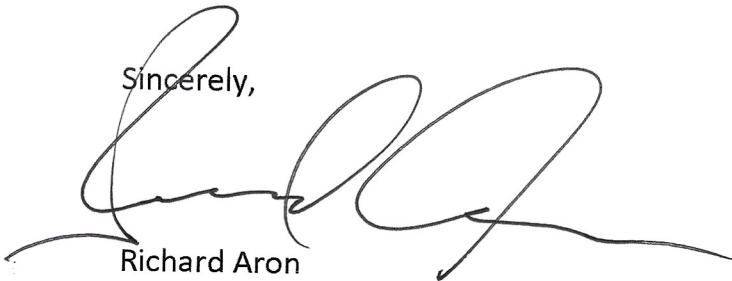
- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;

- Increased speed limit from 25 to 30 mph in this stretch resulting is faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Aron', with a long horizontal flourish extending to the right.

Richard Aron

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 02 2022

Town Manager's Office

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

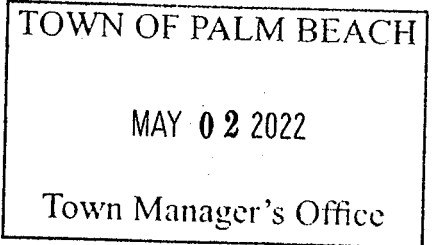
I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

Juan and Joseph J. Patton

PS- one personal note we & several other member golfers have had cars drive through vehicle in mid-cross walk on many occasions.

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480



Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

General James L. Jones
400 North Flagler Drive # 1101
West Palm Beach, FL 33401

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 02 2022

Town Manager's Office

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

Dr. & Mrs. Dennis Vollman

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 02 2022

Town Manager's Office

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

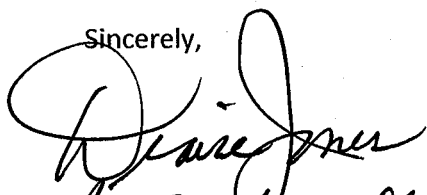
The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,


05-10-22 TCM Backup
Breakers Club Member

Karen Egger
216 Colonial Ln
Palm Beach, FL 334480
eggerkaren@gmail.com

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,



Karen Egger

April 29, 2022

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth A Himmel", with a stylized flourish at the end.

Kenneth A Himmel

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 04 2022

Town Manager's Office

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,


05-10-22 CM Backup

209 WELLS RD
PALM BEACH, FL 33480

May 1st
2022

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 04 2022

Town Manager's Office

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

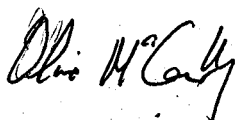
The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,



05-10-22 TCM Backup

OLIVE MC CARTHY
209 WELLS ROAD,
PALM BEACH
FL 33480

Mayor & Town Council
360 South County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 04 2022

Town Manager's Office

4/30/2022

Dear Town Council:

I am writing to express my strong support for the important safety enhancements requested by The Breakers to be undertaken during the Town electrical undergrounding project along South County Road, specifically:

- The installation of a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk;
- an adjustment to the traffic signal on Royal Poinciana Way for vehicles traveling east and turning south onto South County Road by adding a "No Turn on Red" warning whenever the golf cart crossing /pedestrian cross walk is active; and
- enhancement of all cross walk visibility with high definition materials.

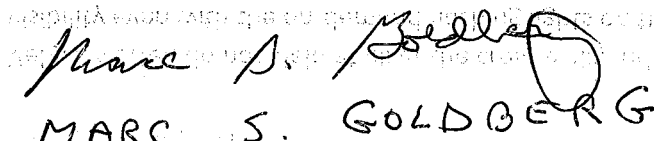
The dynamics of the Via Bethesda cross walk and increases in pedestrian, golf cart and vehicle traffic in Palm Beach require additional safety measures. The current pedestrian activated flashing light has proven to be ineffective for the following reasons:

- Vehicles often do not yield at all at the cross walk, indicating that it does not have sufficient visibility even with the on-demand flashing lights on the side of the road;
- With four lanes of traffic, a yielding vehicle often blocks the view of the pedestrian or golf cart in the cross walk for a subsequent approaching vehicle, putting the pedestrian at serious risk of being hit by the second vehicle;
- Church parking in the outside traffic lanes on South County Road also blocks the view of pedestrians and golf carts entering the cross walk for approaching vehicles, creating a serious risk of being hit by vehicles traveling in the inside lanes;
- Increased speed limit from 25 to 30 mph in this stretch resulting in faster vehicle speed enhancing all of the risks above.

In order to address these serious safety exposures, I agree with The Breakers' request for a Pedestrian Hybrid Beacon System (PHB) at the Via Bethesda cross walk. This type of crossing signal extends over the road, and has an on-demand red light which, when activated, will clearly indicate the cross walk is in use to all approaching vehicles, and that a full stop is required. This light will only be activated on demand when pedestrians or golf carts are entering the cross-walk. As a citizen of Palm Beach ^{County} who regularly uses this cross walk, I feel strongly that this type of crossing signal is required to address the existing serious safety issues.

I am hopeful that the Town Council appreciates the need for an enhanced crossing signal at Via Bethesda, a "no turn on red" warning travelling east on the intersection of Royal Poinciana Way and South County Road and enhanced visibility markings at all crosswalks. I enthusiastically support these important safety upgrades.

Sincerely,


MARC S. GOLDBERG

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Review of Temporary Replacement of Failing Mast Arms at Peruvian Avenue and Worth Avenue by Florida Department of Transportation

DATE: April 21, 2022

STAFF RECOMMENDATION

Town staff has worked with Florida Department of Transportation (FDOT) to develop the recommended alternative to limit impacts to the Town.

GENERAL INFORMATION

On March 9, 2022 the Town of Palm Beach was notified that FDOT was developing plans to replace the eastbound deteriorated decorative mast arm assemble at the intersection of South County Road and Peruvian Avenue. At that time we were provided plans for a temporary pedestal mounted signal and a pedestrian signal to be installed. The proposed plans were for a standard FDOT metal pole. Shortly after receiving this notification and plans, we were provided inspection results of another failing mast arm which is located at the intersection of South County Road and Worth Avenue. FDOT's request included replacing this failing mast arm prior to the beginning of the 2022 hurricane season which is June 1st.

Town staff utilized the existing continuing services consulting contracts to have Kimley Horn perform a structural evaluation to determine if the mast arms could be repaired. The results of the evaluation were that the mast arms could not be repaired and needed to be replaced. FDOT staff met with Kimley Horn and Town staff to discuss alternatives. FDOT will utilize the Town's standard twenty-five (25) foot streetlight pole without the luminary as the post for the signals. The design is being completed now with an implementation date of no later than June 1st at both intersections. A rendering of the poles to be installed is being developed so that this can be presented at the May 10th Town Council meeting. The selected alternative is due to this collaboration.

FUNDING/FISCAL IMPACT

There are no funding impacts at this time.

Attachments

cc: Mike Roach, P.E., Project Engineer
Paul Colby, Facilities Maintenance Manager
Patricia Strayer, P.E., Town Engineer

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order to Kimley-Horn and Associates, Inc. for Engineering Design Services for Post Mounted Signals to Replace the Mast Arms at Hammon Avenue, Worth Avenue, and Peruvian Avenue in the Amount of \$82,028 and Establish a Project Budget of \$90,000
Resolution No. 063-2022

DATE: April 28, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 063-2021 to issue a purchase order to Kimley-Horn and Associates, Inc. (KHA) in the amount of \$82,028 and establishing a project budget of \$90,000. KHA will perform Engineering Design Services for the post mounted signals to replace the mast arms at Hammon Avenue, Worth Avenue, and Peruvian Avenue.

GENERAL INFORMATION

On March 9, 2022, the Town of Palm Beach was notified that the Florida Department of Transportation (FDOT) was developing plans to replace the eastbound deteriorated decorative mast arm assemble at the intersection of South County Road and Peruvian Avenue. At that time we were provided plans for a temporary pedestal mounted signal and a pedestrian signal to be installed. The proposed plans were for a standard FDOT metal pole. Shortly after receiving this notification and plans, we were provided inspection results of another failing mast arm which is located at the intersection of South County Road and Worth Avenue. FDOT's request included replacing this failing mast arm prior to the beginning of the 2022 hurricane season which is June 1st.

Town staff anticipates the failure of the remaining existing mast arms at Worth Avenue, Peruvian Avenue and Hammon Avenue. Therefore, staff is requesting approval of a purchase order to KHA to complete design and construction documents for replacing these mast arms. Staff is anticipating to complete the replacing concurrent with undergrounding construction in this area by summer of 2023.

FUNDING/FISCAL IMPACT

Funding for this award will be from the CIP Pay-As-You-Go Fund.

PUBLIC WORKS REVIEW

This item has been reviewed by Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jane Le Clainche, CPA Finance Director
Dean Mealy, CPPO Town Purchasing Manager

RESOLUTION NO. 063-2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR POST-MOUNTED SIGNALS AT HAMMON AVENUE, WORTH AVENUE, AND PERUVIAN AVENUE IN THE AMOUNT OF \$82,028 AND ESTABLISHING A PROJECT BUDGET OF \$90,000.

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

Section 1. The Town Council of the Town of Palm Beach, Palm Beach County, Florida hereby approves Resolution No. 063-2022, approving a Purchase Order to Kimley-Horn and Associates, Inc. for Engineering Design Services for post-mounted signals at Hammon Avenue, Worth Avenue, and Peruvian Avenue in the amount of \$82,028 and establishing a project budget of \$90,000.

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 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Kimley»Horn

April 28, 2022

Mr. Dean Mealy, II CPPO
Town of Palm Beach – Purchasing Division
951 Old Okeechobee Boulevard, Suite 'D'
West Palm Beach, Florida 33401

Re: Post-Mounted Signal Design
Town of Palm Beach, Florida

Dear Mr. Mealy:

Kimley-Horn and Associates, Inc. ("Kimley-Horn") is pleased to submit this agreement to the Town of Palm Beach ("the Client", "Town" or "You") for providing professional engineering services associated with the development of design plans related to post-mounted traffic signal replacement at three intersections in the Town of Palm Beach, Florida.

PROJECT UNDERSTANDING

It is our understanding that the Town desires to replace the mast-arm traffic signals with post-mounted signals on Florida Department of Transportation (FDOT) controlled roads. Replacements are being considered at the following intersections ("subject locations"):

- Hammon Avenue & South County Road
- Worth Avenue & South County Road
- Peruvian Avenue & South County Road

We have prepared this agreement to prepare signal design plans.

SCOPE OF SERVICES

BASE MAPPING

Existing Intersection surveys will be utilized at the subject locations. The surveys will be updated to include right-of-way information. If any roadway widening plans are proposed, the Town shall provide roadway widening plans including proposed lane widths, edges of pavement, right-of-way, signing, pavement markings, above-ground and underground utilities, sidewalks, and topography at the four corners of the subject intersection. The electronic plans file will be utilized to develop a base map from which the traffic signal will be designed. Kimley-Horn will review each intersection in the field using the base map plot as a reference.

60% SIGNAL PLAN PREPARATION

Kimley-Horn will develop a Conceptual Signal Plan for each subject location for the 60% review stage. We will attend one kick-off meeting with the Town to discuss project details. We will also visit each site

to observe the existing conditions that may affect the design. For each intersection, the Conceptual Signal Plan will indicate the location of the proposed signal poles, controller, signal head placement, pedestrian signal heads and pushbuttons, and electrical service. Kimley-Horn will coordinate with the Town of Palm Beach Public Works Department to determine the location or relocation of the signal hardware. We will also coordinate with utility owners in the area to obtain information about existing utilities and to identify potential conflicts.

Kimley-Horn will submit the Conceptual Signal Plans to the Town of Palm Beach Public Works Department and FDOT, and attend one plan review meeting with Town staff. Kimley-Horn will reference the FDOT standard specifications and provisions for each subject intersection.

Kimley-Horn will coordinate with Town and FDOT Staff to address comments on the preliminary design and then proceed to prepare the 90% Signal Plans Package.

90% SIGNAL PLAN PREPARATION

For each intersection, Kimley-Horn will prepare a set of traffic signal design plans and furnish a Signal Plans Package in accordance with professionally accepted traffic signal plans preparation standards for each intersection. Each Signal Plans Package will be prepared for the 90% review stage, including proposed conduit layout, pay items, general notes, key sheet, detector schedules, traffic signal head legend, structural plan sheets, signal operations plan (SOP), and previously incorporated comments. If easements are required, Kimley-Horn will obtain sketch and legal descriptions for the proposed easements. Easement agreement preparation and negotiations will be performed by others.

Each Signal Plans Package will consist of: (1) Key Sheet; (2) General notes; (3) Tabulation of quantities; and (4) Signalization plan by which to install the signal posts, signal heads, vehicle detectors, and other equipment in the construction of the traffic signal at the subject intersections. Design sheets will be included as part of the Signal Plans Package. Kimley-Horn will prepare an engineer's opinion of probable cost and reference the FDOT standard specifications and provisions for each subject intersection.

The Signal Plan Package will be submitted to the Town of Palm Beach Public Works Department and FDOT for their review and comment. Kimley-Horn will meet once with the Town to review comments and will coordinate with the Town regarding any comments and then proceed to address comments and begin preparation of the Final Signal Plans Package.

Kimley-Horn will coordinate with a subsurface utility location firm to obtain underground and overhead utility locations. Soft-dig information will be provided at each of the proposed pole locations. Up to two digs per corner will be performed.

STRUCTURAL CALCULATIONS

Geotechnical design data is required for the signal pole foundation designs. Kimley-Horn will obtain the appropriate Standard Penetration Test (SPT) soils boring information from a licensed geotechnical engineer.

Kimley-Horn will review the soil boring data and spot elevations and coordinate with the Town's

preferred signal pole fabricator to prepare structural calculations. Kimley-Horn will prepare a structural calculation package for a standardized foundation design. The design plan sheets and calculations shall be developed in accordance with FDOT design requirements.

SUBMIT FINAL SIGNAL PLANS

Kimley-Horn will prepare Final Signal Plans for each subject intersection upon Town of Palm Beach Public Works Department and FDOT review and approval of the 90% plans.

FINAL ACCEPTANCE OF TRAFFIC SIGNAL CONSTRUCTION

Upon final acceptance of the signal plans, Kimley-Horn will prepare an engineer's opinion of probable construction cost and reference the FDOT standard specifications and provisions for each subject intersection.

BID PHASE SERVICES

We will attend the pre-bid meeting and provide answers to questions during the bidding process. WE will review the bid proposal of the apparent low bidder and provide a summary memorandum of our findings. It is understood that the Town will administer the bidding process in-house.

ADDITIONAL SERVICES

The following services are not included in the scope of services, but can be provided as additional services if authorized by the Client. Compensation for additional services will be agreed to prior to their performance.

- Plan revisions outside of those described in the above tasks
- Utility relocation plans
- Permitting with agencies other than Town of Palm Beach Public Works and FDOT
- Attendance at additional meetings or at public hearings
- Preparation of emergency vehicle pre-emption plans
- Traffic counts to determine initial signal timings
- Development of design modifications due to revisions in Florida Department of Transportation design standards
- Preparation of additional plan sets
- Construction phase services

Additionally, if a temporary signal is required prior to or during the construction at any of the subject intersections, temporary signal design, and structural calculations will be provided as Additional Services.

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 for the above tasks on an hourly basis in accordance with our Contract with the Town. We recommend that a budget of \$82,028 be established for the project. A breakdown of this fee is attached to this proposal.

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., dated July 10, 2019, 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.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Senior Vice President

Attachment



Adam B. Kerr, P.E.
Project Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Approve Request for Saturday Work to Mill and Resurface Parking Lot at 205 Royal Palm Way

DATE: May 2, 2022

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the request for Saturday work at 205 Royal Palm Way.

GENERAL INFORMATION

The Carriage House located at 270 and 264 South County Road has completed construction. To expedite this work at the Carriage House, the Town worked closely with Hedrick Brothers Construction to complete the undergrounding design for FPL, ATT, and Comcast for the south side of Phipps Plaza. As part of the utilities undergrounding done for the Carriage House project, there were impacts to the private parking lot of 205 and 221 Royal Palm Way for Phipps Plaza residents. The trenching needed for the undergrounding was extensive and could not be performed by directional drilling.

There are forty-three (43) spaces in the private parking lot which are approximately 70% to 80% full of employees' cars each workday. Because JP Morgan is closed on Saturdays, Hedrick Brothers is requesting approval to mill and resurface the parking lot on a Saturday to avoid any impacts to the JP Morgan employees and customers. Hedrick Brothers has communicated with all residents on the north side of the parking lot and no objections have been raised.

Public Works and Planning, Zoning and Building departments recommend approving this request.

FUNDING/FISCAL IMPACT

There are no funding implications.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Wayne Bergman, Director of Planning and Zoning
Craig Hauschild, Civil Engineer

5/2/2022

Town of Palm Beach
Public Work Department
Attn; Patricia Strayer

Reference: 205 Royal Palm Way Lot Repaving

Hello Patricia;

As part of the utilities undergrounding done for the Carriage House project and the Phipps Plaza residents an agreement was made to have Hedrick mill and repave the private parking lot of 205 and 221 Royal Palm Way. The trenching needed for the undergrounding was extensive. These 43 spaces are approximately 70 to 80% full of employees' cars each workday. Early on our expectation was to perform the paving work on one or two Saturdays to not displace the JP Morgan employees. This plan was made prior to the Town prohibiting Saturday heavy work back in February.

We would be able to mill and pave the lot in one day. Striping and car stops is quiet work to be done on the next Saturday.

In order to not need to find parking for 30 or more cars on a weekday would a special exception for one Saturday of heavy work be considered in this case?

I appreciate your attention to this situation.

Best regards,



Pat Marshall, Project Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Implementation Plan for Coastal Resiliency - Part Two

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 15, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Tables from Level Up Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council
Kirk. W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works
Wayne Bergman, Director of Planning, Zoning and Building

RE: Implementation Plan for Coastal Resiliency – Part Two

DATE: January 20, 2022, Revised April 15, 2022

STAFF RECOMMENDATION

Town staff requests that Town Council review the summary of recommendations made by Woods Hole Group in their resiliency study as described below and to provide any policy or guidance to develop a multiyear implementation plan. Staff recommends that the discussion at this meeting be limited to (C.) Floodplain Development and (D.) Comprehensive Planning. The remaining sections (A. & B.) were discussed at the February 8, 2022, meeting.

GENERAL INFORMATION

The Woods Hole Group submitted their report in November 2021 with suggestions and recommendations associated with the Coastal Resilience Implementation Plan ("Level-Up Palm Beach"). The plan is organized into four (4) components (Town Facilities and Infrastructure, Lake Worth Shoreline, Floodplain Development, and Comprehensive Planning). Within each component there are recommendations and suggested action items that are near-term and medium-term, as well as long-term. Adaptation pathways and key decision points are also provided to allow for flexibility and adapting strategies as actual conditions dictate in the future. A monitoring program is also outlined to assist with the Town's decision making in the future. The four (4) components are summarized below along with policy or guidance that is necessary in beginning to implement the plan.

A. Town Facilities and Infrastructure

Objective: Adapt Town assets to mitigate risks of damage and failure from future coastal flooding.

Recommendations: (based on CFVA Risk-Based Prioritization Method)

1. Near-term adaptations are focused on critical facilities and assets already in the five-year Capital Improvement Plan (CIP) — these are listed in Table 3 of the Level-Up Palm Beach Report and will be accomplished by the Public Works Department as part of the annual budgeting process.
2. These near-term adaptations for Town assets are listed in Table 4 of the report to include the recommended adaptation measures and the interim design flood elevation (DFE).
3. Florida Statutes require the use of sea level rise projections for 2040 and 2070 (with intermediate low projections of 0.7 feet and 1.3 feet respectively, and intermediate-high projections of 1.4 feet and 3.3 feet).

4. Other Town assets at present risk of flooding based on PB-FRM are prioritized in Table 6 of the report and should be considered medium-term adaptation targets.
5. Town assets at future risk of flooding only with storm intensification are noted in Table 7 of the report.

Previous Town Council Direction: Staff to address these projects in future budget requests in the Capital Improvement Program. Mitigation component to be completed opportunistically with planned Capital Projects for each asset. Staff to report incremental cost increase for mitigation work.

B. Lake Worth Shoreline

Objective: Mitigate neighborhood and Town-wide exposure to future coastal flooding, emanating primarily from the Lake Worth shoreline.

Recommendations: (based on CFVA Risk-Based Prioritization Method and FEMA FIRM maps)

1. Bulkhead construction specifications to amend the Town Code of Ordinances include a recommendation to require FEMA base flood elevation plus 2 feet (BFE + 2.0') for top elevation of any bulkheads or cut-off walls. Flexibility to raise the top elevation another 2.0' in the future is also recommended. Information required in permit applications is standardized and expanded, along with inspection requirements of work done. Table 8 of the report includes suggested text revisions to the Ordinance Sec. 62-75. The current BFE per the 2019 FIRM maps is +6.0 NAVD.

Staff Comment: Current requirement is minimum +5.0 NAVD. Many existing walls are lower than +5.0 NAVD.

Staff Recommendation: Staff should develop renderings at typical locations to help the community visualize the impacts of raising walls to +6.0 NAVD, +8.0 NAVD and +10.0 NAVD.

2. New specifications are also recommended to add higher standards including flood design requirements, reinforced concrete caps for all bulkheads, and to design/construct adjoining bulkheads in manner to mitigate leakage between them.

The elevations of adjacent grades also need to be addressed to mitigate potential impacts to accessibility and scenic vistas from Lake Trail and private property. Surrounding grades are recommended to be raised to within 30 inches of new seawall cap elevation. Temporary waivers or easements may be considered when no mutually agreeable alternatives are found for situations where the accessibility or adjacent grade requirements cannot be met. Table 9 of the report includes recommended language for these new standards for bulkhead construction.

Staff Recommendation: Stricter standards for design requirements should be adopted. Staff to obtain an order of magnitude cost per liner foot of redevelopment (seawall, grade, and trail). Possible redevelopment alternatives include:

- Accept the Woods Hole recommendation of grade transitions as private seawalls are raised due to redevelopment or code related deficiencies (see item 3 below). Grade changes would have to meet ADA requirements. This requires the property owner to raise both the grades adjacent to the seawall and the Lake Trail elevation when the adjacent seawall is raised. Staff should develop renderings at typical locations to help the community visualize the impacts of these transitions.

- The Town raises the privately owned seawalls, the surrounding grades, and the Lake Trail by assessment to the adjacent property owners. Town owned sections would be constructed at the expense of all the taxpayers of the Town.
 - The Town raises the seawalls, the surrounding grades, and the Lake Trail at the expense of all the taxpayers of the Town.
3. An amendment to the Code of Ordinances is recommended to establish more robust maintenance and certification standards of all bulkheads and seawalls. Condition surveys and corrective repairs to address bulkheads or seawalls in disrepair are included for citations and Code Enforcement Board actions, as well as certification and re-certification requirements. The property owner would be required to raise the seawall elevation if 25% of the existing wall length needs repair. Table 10 of the report includes suggested text revisions to the Ordinance Sec. 62-77.

Staff Recommendation: This is a significant change and staff recommends approval.

4. Neighborhood-scale flood control systems may be beneficial in completion of the higher standards proposed and may be efficient and effective in delivering these infrastructure changes systematically by the Town rather than incrementally by individual property owners. To provide flexibility for such actions, the Town should consider amending the Code of Ordinances (Chapter 90, Article II, Division 5 — Municipal Services District) to include "Coastal Flood Control" in the list of services, programs, and improvements that the entity is authorized to provide. These changes should be reflected in an amendment to the Comprehensive Plan since there are multiple sections of Division 5 that would need to be modified.

Thirteen (13) potential neighborhood-scale flood control units are shown in Figure 8 of the report. Prioritization criteria should be developed to address phasing, risk mitigation, and cost effectiveness for these flood control units.

Staff Recommendation: Staff recommends that we work with a consultant to develop priorities, refine scope, and develop preliminary costs. At that point, The Town Council could consider how these projects would be funded and when they may be implemented.

5. It is recommended that in the near-term, the Town should conduct a high-resolution survey of shoreline infrastructure to better inform planning of potential flood control system alignments, to include the top elevations of shoreline structures, adjacent grades, and condition ratings.

Staff Recommendation: Staff to investigate alternatives and present to Town Council. Include in FY 2023 budget.

6. Storm surge barriers at the Lake Worth Inlet should be considered to mitigate coastal flooding of Lake Worth shoreline due to Atlantic Ocean storm surge passing through the inlet. This would be a major infrastructure undertaking and would involve a large and multi-jurisdictional group of stakeholders. U.S. Army Corps of Engineers (USACE) has constructed such storm surge barriers elsewhere, and a Coastal Storm Risk Management (CSRM) feasibility study would be necessary to pursue this type of initiative. The Town should take the following steps towards obtaining a CSRM feasibility study: (1) Conduct preliminary evaluation using PB-FRM model to determine effectiveness of a surge barrier at the inlet and (2) Conduct regional outreach with all stakeholders to introduce the concept and discuss potential roles and (3)

Engage federal and state elected officials to raise awareness of the study and potential benefits and request legislative support and funding and (4) Support the submittal of feasibility study proposal by the Project Sponsor to USACE for inclusion in their annual report to Congress and (5) Advocate with elected officials for feasibility study authorization and appropriations, and grant support.

Staff Recommendation: Staff recommends that we retain a consultant to outline the process and cost to implement this mitigation alternative. The consultant should also address the probability of success before any final decisions are made.

7. Lake Worth water level monitoring would be very beneficial in documenting local water level information. Only one active NOAA tide gauge is present in the area at the Lake Worth Pier and doesn't directly reflect water levels experienced within the Lake Worth Lagoon. It is recommended that the Town contact the Center for Operational Oceanographic Products and Services (CO-OPS) stakeholder services branch to explore options for water level monitoring. It may be possible for the Town to partner with other local stakeholders and commercial/government interests in pursuing accurate water level information. Alternative technologies for collecting water level measurements are also evolving rapidly and may offer lower-cost options and allow for more locations to be measured (e.g., at bridge locations, etc.). It is recommended that a water-level monitoring program be developed to include both the NOAA and alternative options.

Previous Town Council Direction: Staff to investigate alternatives and present to Town Council. Include in FY 2023 budget.

C. Floodplain Development

Objective: Improve the safety of buildings and their occupants from future coastal flooding.

Recommendations:

1. The Town should consider a more stringent definition of substantial improvement and substantial damage over a longer cumulative time and at a lower percent of market value threshold to increase the speed at which existing buildings are brought into compliance with higher standards for flood resistant construction. These higher standards are recommended to be any substantial improvements over a ten (10) year period and cumulative cost of 25% or greater of the market value, or for any substantial damage that exceeds 25% of the market value. Table 11 of the report includes suggested text revisions to the Ordinance Sec. 18-232 (Ref: Code of Ordinances, Chapter 18, Article IV, Division 1). Note that these recommended amendments would earn the Town additional CRS credit points.

Staff Comment: Staff recommends a slight increase of the cumulative period to two (2) years, but no change to the 50% value threshold in use today. This topic will be addressed at this meeting.

2. Higher elevation requirements for non-residential structures and non-residential areas of mixed-use structures should be set, than the minimum requirements in the 2020 Florida Building Code (FBC) 7TH Edition Buildings. Amendments to the FBC should be coordinated with the Florida Department of Emergency Management (FDEM) before any first reading of a revised Ordinance. Table 12 of the report includes suggested text revisions to the ordinance Sec. 18-244 (Ref: Code of Ordinances, Chapter 18, Article IV, Division 2). Note that these recommended amendments would earn the Town additional CRS credit points.

Staff Comment: Staff recommends BFE, plus 2 feet. This topic will be addressed at this meeting.

3. Higher elevation requirements for residential structures should be set than the minimum requirements in the 2020 Florida Building Code (FBC) 7TH Edition Buildings. Amendments to the FBC should be coordinated with the Florida Department of Emergency Management (FDEM) before any first reading of a revised Ordinance. Table 13 of the report includes suggested text revisions to the Ordinance Sec. 18-244, R322.2.1 and R322.3.2 (Ref: Code of Ordinances, Chapter 18, Article IV, Division 2). Note that these recommended amendments would earn the Town additional CRS credit points. Also note that a related topic is the modification of residential zoning to limit the height of fill that can be used to meet minimum elevation requirements (i.e., half the distance from the crown of the road to the first habitable floor level); this is intended to mitigate stormwater runoff impacts to neighboring properties.

Staff Comment: Staff recommends BFE, plus 2 feet. This topic will be addressed at this meeting.

4. Building heights should be defined in reference to the minimum flood elevation, and the zero datum for the purposes of calculating building height for new construction and substantial improvements should be defined in all districts to include the term "or the minimum flood elevation as defined in Sec. 134-2 of the Code." A definition for the term "minimum flood elevation" should be added to this section to clarify that it includes the base flood elevation plus freeboard heights required in Chapter 18 as applied to flood hazard areas in Chapter 50. Such a potential definition is "the minimum elevation requirements defined in Chapter 18 for new construction or substantial improvements, applicable within flood hazard areas defined in Chapter 50". It is also noted that this term should be consistently used and referenced across the building height definitions, throughout Chapter 134 and, if needed, in Chapter 50.

Staff Comment: Staff recommends adding and amending the definitions, as described. This topic will be addressed at this meeting.

5. Flood hazard areas are those within which floodplain management regulations and flood-resistant construction standards of the FBC (as amended) apply in Town. Those flood hazard areas should be expanded to include areas lower than the base flood elevation plus the minimum freeboard height adopted in Chapter 18 elevation requirements. This will require that new development and substantial improvements meet a consistent minimum standard of flood-resistance, regardless of whether they are located within the present FEMA 100-year floodplain boundary or just beyond it. Table 14 of the report includes suggested text revisions to the Ordinance Sec. 50-38 (Ref: Code of Ordinances, Chapter 50, Article II, Division 2). Note that cross references between Chapter 18 and Chapter 50 need to be reviewed and verified, to identify where the FBC is referenced and amended, to also reference Chapter 18 amendments to the FBC (i.e., "this chapter is intended to be administered and enforced in conjunction with the Florida Building Code, as amended in Chapter 18). Expanding the area of special flood hazards can increase the CRS credit points.

Staff Comment: Staff recommends the increase in freeboard in the Special Flood Hazard Areas, but not in the "X" flood zones. This topic will be addressed at this meeting.

D. Comprehensive Planning

Objective: Integrate future coastal flood risk mitigation with other Town planning, policy, and infrastructure funding priorities.

Recommendations:

1. The Town should consider amending the Future Land Use Element of the Comprehensive Plan to integrate the findings and recommendations from the previous objectives for Lake Worth Shoreline and Floodplain Development. The Executive Summary should be updated and expanded for the Provision of Public Services section, and the Development of Coastal and Flood-Prone Areas section, per the recommendations in the report. Table 15 of the report includes recommended changes in the Objectives and Policies for the Future Land Use Element.

Staff Comment: Staff recommends approval. This topic will be addressed at this meeting.

2. The Town should consider amending the Transportation Element of the Comprehensive Plan to integrate the findings and recommendations from the previous objectives for Town Facilities and Infrastructure and Lake Worth Shoreline. The Executive Summary should be updated and expanded for the Regionally Significant Roadways section, and the Existing System Deficiencies section, per the recommendations in the report. A discussion of adaptation strategies affecting transportation rights-of-way should also be included. Table 16 of the report includes recommended changes in the Objectives and Policies for the Transportation Element.

Staff Comment: Staff recommends approval. This topic will be addressed at this meeting.

3. The Town should consider amending the Infrastructure Element of the Comprehensive Plan to integrate the findings and recommendations from the previous objectives for Town Facilities and Infrastructure and Lake Worth Shoreline. The Executive Summary should be updated and expanded for the Sanitary Sewer Services and Drainage section, and a new Coastal Flood Control section should be added, per the recommendations in the report. Table 17 of the report includes recommended changes in the Goals, Objectives, and Policies for the Infrastructure Element. [Note that this is where design storm criteria and level of service are referenced.]

Staff Comment: Staff recommends approval. This topic will be addressed at this meeting.

4. The Town should consider amending the Coastal Management/Conservation Element of the Comprehensive Plan to integrate the findings and recommendations from the previous objectives for Town Facilities and Infrastructure and Lake Worth Shoreline. The Executive Summary should be updated and expanded for the Floodplains section, the Comprehensive Coastal Management Plan section, the Remedies for Existing Pollution section, the Infrastructure and Natural Disaster Planning section, and a new Adaptation Action Areas section should be added, per the recommendations in the report. Table 18 of the report includes recommended changes in the Objectives and Policies for the Coastal Management/Conservation Element.

Staff Comment: Staff recommends approval. This topic will be addressed at this meeting.

5. The Town should consider amending the Intergovernmental Coordination Element of the Comprehensive Plan to integrate the findings and recommendations from the previous objective for Lake Worth Shoreline. The Executive Summary should be updated and expanded for the Analysis section, the Transportation Element section, the Infrastructure Element section, the Coastal Management/Conservation Element section, and the Capital Improvements section, per the recommendations in the report. The Intergovernmental

Coordination Matrix should be updated to include Lake Worth Coastal Flood Mitigation in the list of program work tasks and the USACE in the list of governmental entities. Table 19 of the report includes recommended changes in the Goals, Objectives, and Policies for the Intergovernmental Coordination Element.

Staff Comment: Staff recommends approval. This topic will be addressed at this meeting.

6. The Town should consider amending the Capital Improvements Element of the Comprehensive Plan to integrate the findings and recommendations from the previous objectives for Town Facilities and Infrastructure and Lake Worth Shoreline. The Executive Summary should be updated and expanded for the Capital Improvements Program Project Descriptions section, per the recommendations in the report. Table 20 of the report includes recommended changes in the Objectives and Policies for the Capital Improvements Element. [Note that this is also where design storm criteria and level of service are referenced.]

Staff Comment: Staff recommends approval, after a joint review with Public Works is complete and any revisions are proposed. This topic will be addressed at this meeting.

Town staff recommends that the Town Council review the suggestions and provide policy guidance and direction as to priority of given tasks and desired timeline for future consideration of those tasks.

FUNDING/FISCAL IMPACT:

There would be an impact to the budget for public property projects, resulting consultant actions, and private property impacts would be borne by those property owners. Many of the recommended changes to Town regulations would require prior review and approval by State agencies (including DEP and DEM) and the Florida Building Commission. These State reviews and presentations will require staff and consultant time and will be an added expense.

cc: John Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Patricia Strayer, Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Dean Mealy, Purchasing Manager
Rob Weber, Coastal Program Manager

Table 2 Recommended interim Design Flood Elevations (DFEs) for Town facilities.

End-of-Service Time Horizon	Design Flood Elevation	Typical Project/Asset Type
2021-2040	FEMA BFE + 1 ft	Maintenance; Electrical Panel
2041-2060	FEMA BFE + 2 ft	Rehabilitation; Emergency Generator, HVAC System, Pump, Deployable Flood Barriers
2061-2070	FEMA BFE + 3 ft	New Construction/Substantial Improvement; Building, Seawall

Table 3 Risk-based prioritization of assets in the 5-year capital plan.⁷

Asset	Probability (Present)	Probability (Future)	Asset Value	Risk Score (Present)	Planned Improvement Year
G-7 WPS*	10%	>20%	60	6.0	2021
D-12 SPS (Building)	5%	>20%	70	3.5	2022
D-6 SPS (Building)	5%	>20%	67	3.4	2025
A-42 WPS*	5%	>20%	60	3.0	2023
E-6 WPS	3%	20%	70	2.1	2022

Asset	Probability (Present)	Probability (Future)	Asset Value	Risk Score (Present)	Planned Improvement Year
E-5 WPS*	3%	20%	63	1.9	2022
A-43 WPS*	3%	>20%	60	1.8	2023
Town Hall*	2%	20%	73	1.5	2025
D-12 SPS (Wet Well)	2%	10%	70	1.4	2021
A-39 WPS*	2%	>20%	70	1.4	2023
D-17 SPS	2%	10%	57	1.1	2023-2024
Police*	1%	10%	80	0.8	2023/4
A-6 WPS	1%	10%	73	0.7	2021
Central Fire*	1%	10%	73	0.7	2022
D-8 SPS	1%	10%	63	0.6	2022
South Fire*	1%	10%	53	0.5	2022
S-2 WPS	0.5%	5%	90	0.5	2021-2025
North Fire*	0.5%	5%	70	0.4	2024-2025
A-5 WPS	1%	5%	60	0.3	2024

⁷ WPS stands for Wastewater Pump Station, and SPS stands for Stormwater Pump Station. Probability and risk score data for assets marked with an asterisk should be further verified, as engineering plans for planned capital improvements were not available for review at the time of this report.

Table 4 Recommended near-term adaptations and interim DFEs for Town facilities.⁸

Asset	Recommended Adaptation Measures	Interim DFE
G-7 WPS*	Raise electrical/controls equipment to be replaced	FEMA BFE + 2 ft
D-12 SPS (Building)	Dry floodproof with deployable barriers, conduit sealant; evaluate/reinforce wall strength if needed; raise radiators and associated wall openings	FEMA BFE + 2.5 ft
D-6 SPS (Building)	Raise proposed main disconnect and existing 30KVA transformer	FEMA BFE + 2 ft
A-42 WPS*	Raise electrical/controls equipment to be replaced	FEMA BFE + 2 ft
E-6 WPS	Raise electrical/controls equipment to be replaced, raise or dry floodproof odor control enclosure	FEMA BFE + 2 ft
E-5 WPS*	Raise electrical/controls equipment to be replaced, new radiators and associated wall openings	FEMA BFE + 2 ft
A-43 WPS*	Raise electrical/controls equipment to be replaced	FEMA BFE + 2 ft
Town Hall*	Dry or wet floodproof	FEMA BFE + 2.5 ft
D-12 SPS (Wet Well)	Extend pump electrical gear wall, raise electrical panels, provide higher access if needed	FEMA BFE + 2.5 ft
A-39 WPS*	Raise electrical/controls equipment to be replaced	FEMA BFE + 2 ft
D-17 SPS	Raise electrical/controls equipment to be replaced	FEMA BFE + 2.5 ft
Police*	Dry or wet floodproof	FEMA BFE + 2.5 ft
A-6 WPS	Raise proposed equipment	FEMA BFE + 2.5 ft
Central Fire*	Dry or wet floodproof	FEMA BFE + 2.5 ft
D-8 SPS	Raise proposed air-cooled radiators, pump control panel	FEMA BFE + 2.5 ft
South Fire*	Dry or wet floodproof, or perimeter barrier	FEMA BFE + 2.5 ft
S-2 WPS	Dry or wet floodproof	FEMA BFE + 2.5 ft
North Fire*	Elevate building	FEMA BFE + 4 ft

⁸ WPS stands for Wastewater Pump Station, and SPS stands for Stormwater Pump Station.

Recommended measures and suggested interim DFEs for assets marked with an asterisk should be further verified, as engineering plans for planned capital improvements were not available for review at the time of this report.

Table 5 **Relative sea level rise projections for Palm Beach required by Florida Statutes.¹⁰**

Sea Level Rise Scenario	Intermediate-Low	Intermediate-High
2040	0.7 ft	1.4 ft
2070	1.3 ft	3.3 ft

Table 6 Other Town assets at present risk of flooding based on PB-FRM.¹¹

Stormwater	Wastewater			Recreation
D-18*	E-15*	E-17*	G-1	Rec Center*
D-6*	E-50*	E-18*	A-7*	Par 3 Maintenance*
D-7*	E-9*	E-20*	E-1	Phipps North Restrooms*
D-14*	E-10*	E-22*	E-2	Chilean Ave Restrooms*
D-2*	E-12*	E-23*	E-13	Phipps South Restrooms*
D-4*	E-14*	A-41*	S-2	Par 3 ProShop*
D-9*	E-16*	E-19*	A-5*	Memorial Fountain*
D-16*	E-4*	E-3	E-24*	
D-17 (Generator)	E-7*	E-21*	E-25*	
D-10*	E-8*	E-38*	E-44*	
	E-11*	E-40*		

Table 7 Town assets at future risk of flooding based on PB-FRM.¹²

Wastewater			
G-9*	A-4 (Building)*	E-27*	A-4 (Wet Well)*

¹¹ Probability and risk score data for assets marked with an asterisk should be further verified, as engineering plans for planned capital improvements were not available for review at the time of this report.

¹² Probability and risk score data for assets marked with an asterisk should be further verified, as engineering plans for planned capital improvements were not available for review at the time of this report.

Table 8 Higher standards for bulkhead construction on Lake Worth - modifications.

Existing	Recommended
(d) <i>Elevation of top.</i> The top of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer. ... (k) <i>Profiles with application.</i> If in the construction of any structure covered in this section is made, such application must be accompanied by a profile taken along the line of the proposed structure, such profile to show the character of materials encountered to elevations of required penetrations. (l) <i>Plans.</i> All plans accompanying applications for structures covered in this section must be prepared by, or in collaboration with, a civil engineer licensed to practice in the state. ...	(d) <i>Elevation of top.</i> The top of bulkheads or cutoff walls shall be at an elevation not lower than the base flood elevation plus two feet.¹³ Foundations shall be designed with sufficient structural capacity to enable the top elevation to be raised an additional two feet without requiring full reconstruction. (k) <i>Permit applications.</i>¹⁴ [consolidating and expanding upon (k) and (l)] All permit applications shall include the following information: 1) Engineering plans signed and sealed by a Professional Engineer licensed in the State of Florida. 2) A Standard Penetration Test (SPT) soil boring report containing the required soil design parameters for the location of the proposed wall prepared by a geotechnical engineer licensed in the State of Florida. The location and required depth of the boring shall be determined by the geotechnical engineer. The depth of the boring shall be a minimum of five (5) feet lower than the deepest component of the proposed bulkhead wall. 3) A soil boring profile signed and sealed by the geotechnical engineer. 4) A plan view of the proposed bulkhead wall clearly indicating the location of the soil boring. 5) A cross section of wall indicating the channel bottom elevation, the cap elevation and identifying the type, size, and location of wall components.

¹³ Alternatively, a lower top elevation could be set. North Palm Beach sets the minimum cap elevation for bulkheads in Lake Worth at 5 ft NAVD88 and the maximum cap elevation at the FEMA BFE, subject to approval by key staff. Fort Lauderdale sets the minimum seawall elevation for properties with a FEMA BFE of 4 ft NAVD88 at 3.9 ft NAVD88 and the maximum seawall elevation at 5 ft NAVD88 (FEMA BFE + 1 ft), and it strongly encourages "property owners choosing to construct seawalls at less than 5 ft NAVD88... to have foundations designed to accommodate a future seawall height extension up to a minimum elevation of 5 ft NAVD88." Miami Beach sets a minimum elevation for seawalls at 5.7 ft NAVD88 (well below FEMA BFE in most parts of the City), with allowances for certain circumstances in which a minimum elevation of 4 ft NAVD88 is acceptable provided the structure is designed and constructed to accommodate a future extension to 5.7 ft NAVD88.

¹⁴ Modified from North Palm Beach, FL Code of Ordinances

Existing	Recommended
(n) <i>Inspection.</i> The town or authorized agent has the right at all times to inspect work being done under this section. ...	6) Fundamental soil data from the soil boring used in the design including saturated and submerged unit soil weight, coefficient of active pressure, coefficient of passive pressure, friction angle (for cohesionless soils), and cohesion (for cohesive soils). 7) Documentation demonstrating that concrete satisfies the requirements of ACI 318 Exposure Class C2. 8) Plans demonstrating that exposed steel tie back anchor rods and other anchors shall be coated with a heavy-duty protective coating to prohibit corrosion. 9) A copy of the pollution control plan required by the Florida Department of Environmental Protection (FDEP) permit depicting the location and types of pollution control mitigation measures. During the course of construction, the permittee shall be required to submit to the Town all reports required by the National Pollutant Discharge Elimination System (NPDES) permit prior to the Town's issuance of a certificate of occupancy. (n) <i>Inspection.</i> The town or authorized agent has the right at all times to inspect work being done under this section. The permittee shall notify the town at least forty-eight (48) hours prior to the following events to allow for inspection: 1) the first installation of any structural support; 2) the backfilling of structural supports, including any anchors or tie rods; 3) the pouring of any cast-in-place construction; and 4) the final cap pouring.

Table 9 Higher standards for bulkhead construction on Lake Worth - additions.

Recommended Additions
(p) <i>Flood design requirements.</i>¹⁵ The design of bulkhead walls shall conform to recognized engineering standards and calculation methods for coastal flood mitigation, erosion control, and land retention structures and shall account for the following: 1) A design flood equivalent to the base flood plus two feet; 2) Load and resistance factors applicable for the engineering analysis and design of the wall; 3) Differential hydrostatic pressure due to tides and stormwater runoff; 4) Surcharge loads on the bulkhead wall; 5) Potential erosion at the toe of the wall; and 6) Backflow prevention for drainage outfalls, where applicable. (q) <i>Caps.</i>¹⁶ All bulkheads shall be capped with a continuous reinforced concrete cap. Caps placed at an elevation greater than the adjacent property shall provide a wall return of the same material and type as the bulkhead cap. All areas visible from adjacent property shall have a finished appearance equivalent to or better than painted concrete stucco. (r) <i>Adjoining bulkheads.</i>¹⁷ To the extent practicable, bulkheads shall be designed and constructed to adjoin immediately proximate bulkheads to close gaps and prevent trespass of tidal surface water. (s) <i>Elevation of adjacent grade.</i> For the purposes of this section, adjacent grade shall mean the area of land within a 15-foot¹⁸ setback from the east face of the bulkhead wall, or, where the Lake Trail is present, between the east face of the bulkhead wall and the eastward limit of the

¹⁵ Modified from North Palm Beach, FL Code of Ordinances

¹⁶ Modified from North Palm Beach, FL Code of Ordinances

¹⁷ Modified from Miami Beach, FL Code of Ordinances

¹⁸ Alternatively, a larger setback could be specified.

Recommended Additions

Lake Trail right-of-way¹⁹. Except as provided in (u), adjacent grade shall be backfilled and graded to an elevation no lower than 30 inches below the proposed top of bulkhead elevation. Fill placed on the lot to comply with the requirements of this section shall be excluded from limitations and calculations of allowable fill imposed by other sections of this code.

(t) *Accessibility of adjacent grade.* The portions of adjacent grade within the Lake Trail right-of-way shall be graded as an accessible path of travel, as defined in the Florida Building Code.

(u) *Adjacent grade between adjoining properties.* The Town may grant a temporary waiver of the elevation of adjacent grade requirements in (s), following the process and conditions described in section (v) only for the minimum adjacent grade area required to:

- 1) maintain an accessible path of travel along the Lake Trail where transitioning to existing grade at adjoining side property lines or public ways; or
- 2) meet the existing grade of adjoining side property lines where the Lake Trail is not present and accessibility is not required.

(v) *Process and conditions for a temporary waiver of adjacent grade elevation requirements.* A coordination meeting will be held by the Town Engineer with the bulkhead or seawall owner and adjoining property owners prior to the issuance of any waivers to determine whether there are mutually agreeable alternatives to the granting of a waiver²⁰. If no alternative is agreed, the Town Engineer may grant a separate temporary waiver with conditions to the bulkhead or seawall owner for each portion of adjacent grade that does not meet the requirements of (s). Each waiver shall expire 30 days²¹ after the bulkhead or seawall on the adjoining property to which the subject adjacent grade is connected is reconstructed to meet the standards of this section. As a condition of granting a temporary waiver under this section, the Town shall require the bulkhead or seawall owner to provide the Town with a separate temporary easement over each portion of adjacent grade covered by a waiver. The term of each easement shall be set to expire no later than 30 days²² after the issuance of a certificate of occupancy for the adjoining property's bulkhead to be replaced in the future. The temporary easement shall grant the Town the right to backfill, grade, pave, and landscape the subject adjacent grade to

¹⁹ Alternatively, the limits could be set at the westward and eastward limits of the Lake Trail right-of-way.

²⁰ For example, an adjoining property owner may agree to extend the construction limits onto their property to enable a more desirable grading and vista outcome for both property owners.

²¹ Alternatively, a longer or shorter period could be specified. The general idea is to put a time limit on the waiver so that either the Town or the bulkhead or seawall owner will be incentivized to coordinate a smoothing of grades and vistas once the adjoining project is under construction. If the waiver expires before the adjacent grade condition is corrected to comply with the vista requirement, penalties could start to accrue daily.

²² Alternatively, a longer or shorter period could be specified. The term of the easement should coincide with the term of the waiver.

Recommended Additions

bring it to an elevation no lower than 30 inches below the top of bulkhead elevation²³. The Town Engineer²⁴ is authorized by this section to procure construction services and levy an assessment against the bulkhead or seawall owner for the backfilling, paving, and landscaping of adjacent grade over which such a temporary easement is held²⁵. The terms of waivers and temporary easements granted under this section may be extended if agreed out of mutual convenience by the Town Engineer and property owner. The Town Engineer is hereby authorized to extend the terms of such waivers and easements on behalf of the Town for a period no longer than 90 days²⁶ beyond the initial terms. In no case shall the Town Engineer grant a temporary waiver to a bulkhead or seawall owner for the portion of adjacent grade where transitioning to an adjoining property where a bulkhead or seawall has already been constructed to the specifications of this section²⁷.

Table 10 Higher standards for bulkhead maintenance on Lake Worth.

Existing	Recommended ²⁹
All bulkheads and seawalls within the town shall be maintained in good condition to provide for the protection of upland and foreshore properties, limit wave overtopping, and be impervious without cracks or holes that would allow for the passage of sand. Failure to maintain a bulkhead or seawall in good condition shall be a violation of this section and subject to action before the town's code enforcement board. When cited by the town's code enforcement board a condition survey of any seawall or bulkhead prepared by a professional engineer licensed to practice in the state along with plans required to implement the engineer's recommendation to bring the structure into compliance shall be submitted to the town. Upon project completion, certification by a professional engineer licensed to practice in the state must be submitted to the town. Recertification of the seawall by a professional engineer licensed to practice in the state shall be required every 15 years from the date of the original certification. A condition survey of any seawall or bulkhead prepared by a professional engineer licensed to practice in the state along with plans required to implement the engineer's recommendation for repair or replacement shall be submitted to the town when a new building is proposed or when renovations exceeding 50 percent of the value of the primary structure are proposed. Upon project completion certification by a professional engineer licensed to practice in the state must be submitted to the town. Recertification of the seawall by a professional engineer	(a) All property owners must maintain their bulkheads and seawalls in good repair to provide for the protection of upland and foreshore properties. A bulkhead or seawall is presumed to be in disrepair if: 1) it has cracks, holes, or other structural deficiencies that would allow for upland erosion through the bulkhead or seawall; 2) allows unsafe, dangerous, or damaging wave overtopping; or 3) allows tidal waters to flow through or over the bulkhead or seawall to adjacent properties or public right-of-way at levels below the minimum top elevation specified in Sec. 62-75. (b) Property owners failing to maintain their bulkheads or seawalls in good repair or failing to (re)certify them in accordance with the schedule set forth in (c) shall be in violation of this section and subject to action before the town's code enforcement board. 1) Within sixty (60) days of receiving a citation from the town's code enforcement board, the owner of the property on which the bulkhead or seawall is constructed shall submit to town a condition survey of the structure prepared by a professional engineer licensed to practice in the state along with plans required to implement the engineer's recommendation to correct the disrepair shall be submitted to the town. 2) The property owner shall complete the repair within seven hundred thirty (730) days³⁰ of receipt of citation. 3) If the required repair meets the substantial repair threshold in (d), the

²⁹ Modified from Fort Lauderdale, FL Code of Ordinances and Miami Beach, FL Code of Ordinances.

³⁰ Miami Beach allows 730 days to comply from the date of citation.

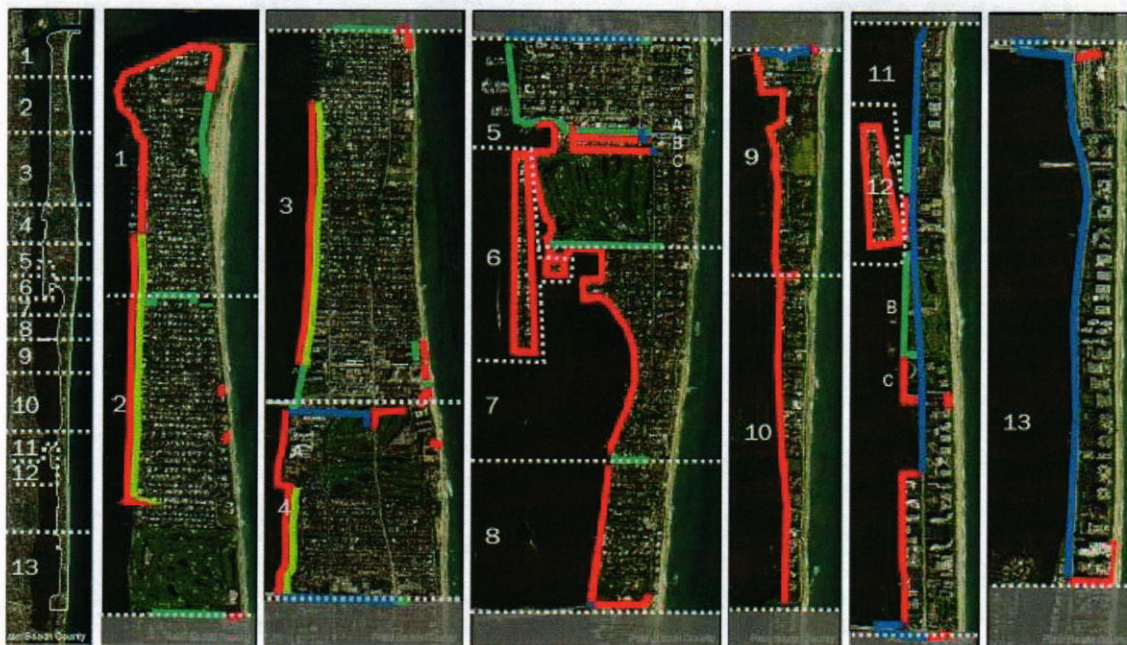
Existing	Recommended ²⁹
licensed to practice in the state shall be required every 15 years from the date of the original certification.	property owner shall repair or replace the bulkhead or seawall to meet the minimum construction specifications in Sec. 62-75. 4) Upon project completion, certification by a professional engineer licensed to practice in the state must be submitted to the town. c) Recertification of bulkheads and seawalls by a professional engineer licensed to practice in the state indicating that the structure is in a state of good repair shall be required every 10 years from the date of the original certification, or [date this ordinance is updated], whichever is later. (d) Bulkhead or seawall improvements constituting substantial repair at the time of permit application shall meet the construction specifications in Sec. 62-75 for the continuous bulkhead or seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean: 1) Any improvement to the bulkhead of more than twenty-five percent (25%)³¹ of the length of the structure, including both the bulkhead and cap; or 2) Any improvement to the bulkhead which results in an elevation change along more than twenty-five percent (25%)³² of the length of the structure. (e) A condition survey of any seawall or bulkhead prepared by a professional engineer licensed to practice in the state, indicating that the structure is in compliance with the minimum construction specifications in Sec. 62-75 for the continuous bulkhead or seawall for the length of the property or with plans

³¹ Alternatively, a higher percent value could be specified.

³² Alternatively, a higher percent value could be specified.

Existing	Recommended ²³
	required to implement the engineer's recommendation for repair or replacement to bring the structure into compliance, shall be submitted to the town when new construction or substantial improvement, as defined in Sec. 18-232, to the primary structure are proposed. 1) Upon project completion, certification by a professional engineer licensed to practice in the state must be submitted to the town. (d) Property owners with permeable erosion barriers such as rip rap, or a land/water interface of another nature on the Lake Worth shoreline shall maintain their land/water interface so as not to allow tidal waters to cross through or over their land/water interface to adjacent properties or public right-of-way at levels below the minimum top elevation specified in Sec. 62-75. Property owners failing to meet this maintenance standard shall be a violation of this section and subject to action before the town's code enforcement board. 1) Within sixty (60) days of receiving a citation from the town's code enforcement board, the owner of the property on which the violation occurred shall submit to town a condition survey of the land/water interface prepared by a professional engineer licensed to practice in the state along with plans required to implement the engineer's recommendation to bring the property into compliance.³³ 2) The property owner shall complete the repair within seven hundred thirty (730) days of receipt of citation.

³³ The Town could state an explicit preference for soft, natural, or nature-based coastal flood mitigation infrastructure on shorelines where no bulkheads or seawalls are present.



Ownership

■ Town ■ ROW Easement ■ Private ■ State

Figure 8 Potential neighborhood-scale flood control units and system alignments. These “flood control units” are not intended to align with the traditional Coastal Program shoreline “Reaches.”

Table 11 Higher standards for substantial improvement and substantial damage.

Existing	Recommended
<i>Substantial improvement.</i> Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to (see Note). If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed...	<i>Substantial improvement.</i> [For the purposes of determining compliance with the flood provisions of this code,] Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period⁵⁰, the cumulative cost of which equals or exceeds 25 percent⁵¹ of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to (see Note). If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed...
(FBC 7th Ed.) <i>Substantial damage.</i> Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.	<i>Substantial damage.</i> [For the purposes of determining compliance with the flood provisions of this code,] Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 25 percent of the market value of the structure before the damage occurred.

⁵⁰ Alternatively, the Town could adopt a 5-year period and earn half as many additional CRS credit points.

⁵¹ The Town could adopt any percentage lower than 50% and earn the same number of CRS credit points. Alternatively, the Town could base substantial improvement determinations based on a threshold of more than 25% of the building's lowest floor square footage, for less CRS credit points.

⁵² Town of Palm Beach Comprehensive Plan 2017.

Table 12 Higher standards for Buildings elevation requirements.

Existing	Recommended
(FBC 7 th Ed.)	The following sections of the Florida Building Code – Buildings are hereby amended as follows:
1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and Coastal A Zones, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.	1612.4.3 Modifications of ASCE 24 – Elevation Requirements. Table 2-1, Table 4-1, Table 5-1, Table 6-1, and Table 7-1 shall be modified as follows:
1612.4.1 Modification of ASCE 24. ...	1. The minimum elevation requirements for Flood Design Class 2, Flood Design Class 3, and Flood Design Class 4 buildings and structures shall be to or above the base flood elevation plus three (3) feet. ^{54, 55}
1612.4.2 Modification of ASCE 24 9.6 Pools. ...	

Table 13 Higher standards for Residential elevation requirements.

Section and Parameter	Palm Beach Code of Ordinances	7 th Edition FBC	Recommended Future Technical Amendment ⁵⁶
R322.2.1 Elevation requirements			
Lowest floor - in flood hazard areas not designated as Coastal A Zones	BFE + 6 inches	BFE + 1 foot	BFE + 3 feet
Lowest floor - in Coastal A Zones	BFE + 1 foot	BFE + 1 foot	BFE + 3 feet
Lowest floor (including basement) – in areas of shallow flooding (AO Zones)	At least as high above the highest adjacent grade as the depth number specified in feet on the FIRM + 6 inches, or at least 2.5 feet if a depth number is not specified	Height above highest adjacent grade of not less than the depth number specified in feet on the FIRM + 1 foot, or not less than 3 feet if a depth number is not specified	<i>Recommend deleting as there are presently no AO Zones in Palm Beach</i>
Basement floors that are below grade on all sides	To or above the BFE + 6 inches	To or above BFE + 1 foot	To or above BFE + 3 feet
R322.3.2 Elevation requirements			
Lowest horizontal structural members supporting the lowest floor (with certain exceptions) - in coastal high-hazard areas and Coastal A Zones	BFE + 6 inches	BFE + 1 foot	BFE + 3 feet

⁵⁶ Alternatively, the Town could set lower elevation requirements to BFE + 2 ft, or not less than 4 ft if depth number is not specified.

Table 14 Higher standards for establishing flood hazard areas.

Existing	Recommended
To establish flood hazard areas and base flood elevations, pursuant to division 5 of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations: (2) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code. (3) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.	To establish flood hazard areas and minimum flood elevations, pursuant to division 5 of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations: (2) Are below the closest applicable base flood elevation plus three (3) feet⁵⁷, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of Chapter 18. (3) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

⁵⁷ The freeboard height referenced should be the same as is adopted in Sec. 18-244 elevation requirements. As alternatives to the recommended 3 feet freeboard height, this section could reference varying freeboard heights by Flood Design Class in ASCE 24 or reference a lower freeboard height (e.g., + 2 ft).

Table 15 Recommended changes to Future Land Use Element Objectives and Policies.⁵⁸

Future Land Use Element	The purpose of the Future Land Use Element is to designate future land use patterns as reflected in the goals, objectives, and policies of the other Comprehensive Plan Elements.
Goal 1	To maintain the Town's unique identity and its high quality of life through the efficient distribution of compatible land uses.
Objective 2	Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.
Policy 2.1.1	Where essential services are indicated as an appropriate use, essential services shall include public utility facilities related to water supply, telephone (excluding wireless telecommunication facilities), cable television, gas, electrical distribution systems and town-owned services such as sanitary sewer, stormwater drainage, <i>coastal flood control</i> , and solid waste collection and disposal systems, including any necessary appurtenant structures serving the Town.
Objective 3	Development order or permits for <i>new construction or substantial improvement</i> shall be issued for construction in the <i>flood hazard area (as defined in the Town of Palm Beach Code of Ordinances Ch. 50)</i> , <i>coastal high hazard area</i> , or <i>Lake Worth shoreline</i> only if they meet the <i>flood-resistant construction requirements of the Florida Building Code, as amended by the Town of Palm Beach Code of Ordinances (Ch. 18)</i> ; <i>comply with the Town's Floodplain Management Ordinance</i> ; and, <i>as applicable to parcels abutting Lake Worth, meet the bulkhead and seawall construction, maintenance, and certification requirements in the Town of Palm Beach Code of Ordinances (Ch. 62)</i> .
Policy 3.1	Prior to the issuance of a development order or permit, the Town shall make and record the following determinations: a. The proposed <i>new construction or substantial improvement</i> meets or exceeds the <i>flood-resistant construction requirements of the Florida Building Code, as amended by the Town of Palm Beach Code of Ordinances (Ch. 18)</i> b. The proposed <i>new construction or substantial improvement</i> complies with the <i>Town's Floodplain Management Ordinance (Palm Beach Code of Ordinances Ch. 50)</i>. c. (If applicable) All bulkheads or seawalls of the parcel abutting Lake Worth on which the proposed <i>new construction or substantial improvement</i> is located comply with the <i>construction, maintenance, and certification requirements in the Town of Palm Beach Code of Ordinances (Ch. 62)</i>.

⁵⁸ Text of recommended changes or additions is italicized and bright green.

Objective 5	Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.
Policy 5.2	In order to ensure the availability of public facilities and services necessary to support development concurrent with its impacts, prior to the issuance of a development order or permit, the Town shall make and record the following determinations: a. Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and the minor flooding associated with a five-year storm shall be carried off within sixty minutes. <i>(Consider referencing a specific data source, storm duration, and precipitation depth: "during a 2-year, 1-hour storm based on NOAA Atlas 14 Upper 90% Confidence Interval precipitation depth")</i> b. Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system; or, the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater; <i>(Consider referencing a specific data source and precipitation depth: "for a 3-year, 1-hour storm based on NOAA Atlas 14 Upper 90% Confidence Interval precipitation depth")</i> ... k. <i>Coastal flood waters will not substantially damage critical Town-owned facilities during a 100-year flood accounting for projected Intermediate-High sea level rise over the service life of the assets.</i> l. <i>Coastal flood waters will not pass through or over coastal flood control structures, constructed or permitted by the Town, during a 100-year flood accounting for projected Intermediate-High sea level rise over the service life of the structures.⁵⁹</i>
Objective 8	The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.
Policy 8.4	The Town shall require that all new development and redevelopment on the Atlantic shore restore dunes, where restoration potential exists and is necessary, as determined by the Town and FDEP. <i>Primary dune restoration to a higher crest elevation and sediment volume is a high priority along Reach 1 for coastal flood control.</i>

⁵⁹ This Level of Service standard should only be applied to improvements made after the adoption of seawall/bulkhead standards recommended in *Level-Up Lake Worth Shoreline*.

Policy 8.6	No development or redevelopment shall occur on or over submerged land other than docks, essential services or parks owned and operated by the Town. <i>Coastal flood control is considered an essential service.</i>
Objective 13	Public access shall be maintained to all recreational facilities, including recreational and commercial working waterfronts as defined in F.S. 342.07, under the jurisdiction of the Town of Palm Beach.
Policy 13.4	In evaluating applications for marinas or marina siting all of the following shall be addressed: land use compatibility; availability of upland support services; existing protective status or ownership; <i>adequacy of coastal flood control infrastructure</i> ; hurricane contingency planning; protection of water quality; water depth; environmental disruptions and mitigation actions; availability for public use; and, economic need and feasibility. The criteria shall be reviewed by the Planning Department on an annual basis and updated as necessary.
Objective 14	The Town shall adopt and implement policies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.
Objective 14.1	<i>The Town shall adopt one or more ordinances designating and mapping Adaptation Action Areas within Town that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning⁶⁰. A map of Adaptation Action Areas shall be included in the Comprehensive Plan. Adaptation Action Area 1 shall be designated as encompassing all lands within the municipal boundaries of the Town of Palm Beach designated as evacuation zones for storm surge.⁶¹</i>

Table 16 Recommended changes to Transportation Element Objectives and Policies.⁶²

Transportation Element	The purpose of the Town's Transportation Element is to provide the framework for establishing its desired transportation system; and, in particular, to plan for its future motorized and non-motorized traffic circulation needs.
Goal	Maximize the existing street transportation system to foster a safe, efficient and convenient transportation system, coordinated with the other governmental agencies, for all existing and future land uses.
Objective 1	The Town shall continue to correct traffic operational deficiencies and undertake other needed measures, identified in this Element, that are necessary to the provision of a safe, convenient, and energy efficient, multimodal transportation system, including providing for protection of existing and future rights-of-way from building encroachment. Design of the multimodal transportation system will be done to ensure the safety of not only motorists, but also the safety of cyclists and pedestrians, particularly where they interact with motorists.
Policy 1.4	<i>The Town will evaluate future needs for space within the Town and State transportation rights-of-way for siting of coastal flood control system infrastructure.</i>
Objective 3	Coordinate the Town's transportation planning efforts with the plans and programs of the Metropolitan Planning Organization and the Florida Department of Transportation's Adopted 5-Year Work Program, and take into consideration public transportation, bicycle and pedestrian ways, <i>and coastal flood control infrastructure</i> , in future transportation planning.
Policy 3.7	<i>The Town will coordinate with the MPO, FDOT, Palm Beach County, the City of West Palm Beach, and the Town of South Palm Beach on plans and funding to mitigate future coastal flood risks to regionally significant roadways.</i>

⁶² Text of recommended changes or additions is italicized and bright green.

Table 17 Recommended changes to Infrastructure Element Goals, Objectives, and Policies.⁶³

Infrastructure Element	The purpose of the Infrastructure Element is to provide for necessary public facilities and services related to future land use projections. It includes plans for sanitary sewer, solid waste, potable water, <i>coastal flood control</i> , and drainage facilities.
Goal 1	Maintain adequate levels of utility services for existing and future populations, and maximize utilization of existing investment and facilities.
Objective 1	The Town shall assure that all existing and future residents, and businesses in the Town, will have access to sanitary sewer facilities; maximize the use of existing collection and treatment facilities; and, meet future needs through continuation of its Sanitary Sewer Rehabilitation Program. The measurement of this objective is whether or not sanitary sewer facilities are available to all users, and the extent to which the following policies are implemented.
Policy 1.3	<i>The Town shall incorporate the funding of improvements in its Capital Improvements Element to mitigate identified vulnerabilities from future coastal flooding in the design, repair, and rehabilitation of sanitary sewer pump stations.</i>
Objective 7	The Town shall maximize its existing drainage facilities by correcting drainage problems in Town and explore methods of improving the quality of stormwater discharge. The measurement of this objective is the extent to which identified drainage problems are corrected, and the degree to which the following policies are implemented.
Policy 7.6	<i>The Town shall incorporate funding in its Capital Improvements Element to mitigate identified vulnerabilities from future coastal flooding in the design, repair, and rehabilitation of drainage pump stations.</i>
Policy 7.7	<i>The Town will evaluate the need for updated stormwater system modeling, level of service performance expectations, and development standards incorporating climate change projections for future precipitation and tidal boundary conditions.</i>
Objective 8	Development orders and permits for new development or redevelopment shall be issued only if the proposed project meets the Town's adopted level of service standards, or if needed expansion of facilities is coordinated with future development.

⁶³ Text of recommended changes or additions is italicized and bright green, except that red is used where background colors are bright green or teal.

Policy 8.1	The Town shall establish the following level of service standards: 1. Flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls; and, the minor flooding associated with a five-year storm shall be carried off within sixty minutes. <i>(Consider referencing a specific data source, storm duration, and precipitation depth: "during a 2-year, 1-hour storm based on NOAA Atlas 14 Upper 90% Confidence Interval precipitation depth")</i> 2. Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater. <i>(Consider referencing a specific data source and precipitation depth: "for a 3-year, 1-hour storm based on NOAA Atlas 14 Upper 90% Confidence Interval precipitation depth")</i>
Objective 12⁶⁴	<i>The Town shall initiate planning, enact policies, coordinate with partners, develop projects, and identify funding to mitigate neighborhood and Town-wide exposure to future coastal flooding. The measurement of this objective is the degree to which the following policies are implemented</i>
Policy 12.1	The Town shall establish the following level of service standards: m. Coastal flood waters will not substantially damage critical Town-owned facilities during a 100-year flood accounting for projected Intermediate-High sea level rise over the lifetime of the assets. n. Coastal flood waters will not pass through or over coastal flood control structures, constructed or permitted by the Town, during a 100-year flood accounting for projected Intermediate-High sea level rise over the lifetime of the structures.⁶⁵

⁶⁴ A subsection on Aquifer Recharge currently follows Objective 11. The Aquifer Recharge subsection contains a separate unnumbered Goal, Objective 12, and related Policies. These should be renumbered following the recommended addition of a new Objective 12 related to Coastal Flood Control.

⁶⁵ This Level of Service standard should only be applied to improvements made after the adoption of seawall/bulkhead standards recommended in *Level-Up Lake Worth Shoreline*.

Policy 12.2	1. The Town shall survey shoreline infrastructure top elevations, adjacent grades, and conditions along Lake Worth. 2. The Town shall revise and strengthen bulkhead construction specifications in the Code of Ordinances. 3. Revise and strengthen bulkhead maintenance and certification standards in the Code of Ordinances. 4. The Town shall create an online seawall/bulkhead permit application system. 5. The Town shall create and maintain a geospatial database and document management system for tracking bulkhead/seawall permit application materials, top elevations, adjacent grades, lengths, substantial improvements, certifications, waivers, and easements. 6. The Town shall carry out technical, planning, coordination, advocacy, and grant-seeking activities to study the feasibility, environmental impacts, and cost-effectiveness of a storm surge barrier at the Lake Worth Inlet and other alternatives for Town-wide and neighborhood-scale coastal storm risk management.
--------------------	---

Table 18 Recommended changes to Coastal Management/Conservation Element Objectives and Policies.⁶⁷

Coastal Management/Conservation Element	The purposes of this Element are to plan for and, where appropriate, restrict development activities where such activities would damage or destroy coastal resources; to protect human life; to limit public expenditures in areas subject to destruction by natural disaster; and to promote the conservation, use, and protection of natural resources.
Goal	Preserve, protect and enhance the natural and historic resources of the town, and limit public expenditures in areas subject to destruction by natural disasters, while ensuring maximum enjoyment and minimum exposure of human life in the coastal zone.
Objective 4	Protect and restore wetland habitat and estuarine water quality in the Town, thereby protecting fisheries and marine habitat. The measurement of this objective is the extent to which wetland habitat and estuarine quality are protected, and the degree to which the following policies are implemented.
Policy 4.3	<i>Mitigate the negative impacts of coastal flooding runoff upon water quality in Lake Worth by establishing that coastal flood waters will not pass through or over coastal flood control structures, constructed or permitted by the Town, during a 100-year flood accounting for projected Intermediate-High sea level rise over the lifetime of the structures.⁶⁸</i>
Policy 4.4⁶⁹	<i>The Town shall continue to prohibit the use of septic tanks.</i>
Objective 5	The Town shall protect and restore its beaches and dunes. The measurement of this objective is the extent to which beaches and shores are protected and restored, and the degree to which the following policies are implemented.

⁶⁶ F.S. 163.3177(6)(g)(10) specifically calls out storm surge evacuation zones as an example criteria for AAA designation.

⁶⁷ Text of recommended changes or additions is italicized and bright green.

⁶⁸ This Level of Service standard should only be applied to improvements made after the adoption of seawall/bulkhead standards recommended in *Level-Up Lake Worth Shoreline*.

⁶⁹ Moved from existing Objective 15, Policy 15.4

Policy 5.3	The Town shall require that all new development and redevelopment on the Atlantic shore restore dunes, where restoration potential exists and is necessary, as determined by the Town and FDEP. <i>Primary dune restoration to a higher crest elevation and sediment volume along Reach 1 is a high priority for coastal flood control.</i>
Objective 8	The Town will provide and maintain existing public access to beach areas which have been nourished at public expense, publicly-owned beachfront parks, and the Municipal Docks on Lake Worth. The measurability of this objective is the extent to which public access is provided and maintained, and the degree to which the following policies are implemented
Policy 8.6	The Town will adapt public access facilities to also function as coastal flood control structures.
Objective 15⁷⁰	<i>The Town shall adopt and implement policies that limit development and public expenditure within the Coastal High Hazard Area (CHHA).</i>
Policy 15.1	Publicly funded facilities that subsidize development will not be built in the Coastal High Hazard Area. However, this limitation does not apply to such facilities necessary to serve projects approved under prior development orders but not yet built, or to such facilities necessary to maintain adequate levels of public facilities and services to existing residents. Nor does it apply to publicly funded projects associated with providing beach restoration, public access, recreation, resource restoration, or the rehabilitation, maintenance or construction of shore protection structures such as groins, revetments or seawalls.
Policy 15.2	The Town shall not expand utility systems or public services that would be necessitated by increased development within the Coastal High Hazard Area.
Policy 15.3	The Town will coordinate with, and will rely on, the Florida Department of Environmental Protection to enforce building limitations seaward of the Coastal Construction Control Line.
Policy 15.4⁷¹	<i>The Town will mitigate hazards within the Coastal High Hazard Area through enforcement of building code requirements and other restrictions.</i>
Policy 15.5⁷²	The Town will limit residential development within the Coastal High Hazard Area.
Policy 15.6⁷³	The Town will limit public building and infrastructure in the CHHA.
Policy 15.7⁷⁴	Town-funded public facilities shall not be built in the coastal high hazard area, except for purposes of public safety and/or access, enhancement of water-related activities or significant resource protection.

⁷⁰ Objective 15 should be modified to disaggregate CHHA-related Policies from those dealing with climate change impacts.

⁷¹ Changed number from existing Policy 15.5 and modified to disaggregate CHHA-related provisions.

⁷² Changed numbering from existing Policy 15.6.

⁷³ Changed numbering from existing Policy 15.7.

⁷⁴ Changed numbering from existing Policy 15.8.

<i>Policy 15.8⁷⁵</i>	The Town will not permit density increases in the CHHA for redevelopment and new development unless such requests are consistent with this Comprehensive Plan.
<i>Objective 16⁷⁶</i>	The Town shall adopt and implement policies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.
<i>Policy 16.1⁷⁷</i>	The Town will continue to participate in the National Flood Insurance Program Community Rating System (CRS) and strive to maintain or improve its current CRS rating.
<i>Policy 16.2⁷⁸</i>	The Town will continue to enforce its building code and drainage requirements.
<i>Policy 16.3⁷⁹</i>	The Town will mitigate hazards through building practices and implementation of FEMA requirements, stormwater retention requirements, and other restrictions.
<i>Policy 16.3</i>	<i>The Town will update its existing Coastal Flood Vulnerability Assessment and underlying coastal flood risk model and stormwater flood model, to the extent practicable, to comply with State vulnerability assessment requirements in Section 380.093 of the Florida Statutes to meet eligibility requirements for Resilient Florida Grant Program implementation funding.</i>
<i>Policy 16.4</i>	<i>The Town shall create a Lake Worth water level monitoring program.</i>
<i>Policy 16.5</i>	<i>The Town shall adopt one or more ordinances designating and mapping Adaptation Action Areas within Town that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning⁸⁰. Adaptation Action Areas shall be included in the Future Land Use Map of the Town. Adaptation Action Area 1 shall be designated as encompassing all lands within the municipal boundaries of the Town of Palm Beach that are designated as evacuation zones for storm surge.⁸¹</i>

⁷⁵ Changed numbering from existing Policy 15.9.

⁷⁶ Changed numbering from existing Objective 15 to disaggregate CHHA-related Policies from those dealing with climate change impacts on flooding.

⁷⁷ Changed numbering from existing Policy 15.1.

⁷⁸ Changed numbering from existing Policy 15.3 and modified to disaggregate CHHA-related provisions.

⁷⁹ Changed numbering from existing Policy 15.5 and modified to disaggregate CHHA-related provisions.

⁸⁰ This language aligns with the Adaptation Action Area definition in F.S. 163.3164.

⁸¹ Adaptation Action Area 1 could alternatively be designated based on updated PB-FRM results meeting State standards, or areas within flood hazard areas as recommended herein to be redefined in the Code of Ordinances. Other embedded Adaptation Action Areas could be designated in the future, for example areas requiring improvements to implement a storm surge barrier at the Lake Worth Inlet, specific neighborhood-scale flood control system service areas, or as identified through future technical or public planning process.

Policy 16.6	<i>For the purposes of improving resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise⁸² in Adaptation Action Area 1, the Town will:</i> <i>7. Survey critical elevations of Town facilities for use in adaptation prioritization.</i> <i>8. Survey shoreline infrastructure top elevations and conditions along Lake Worth for use in flood risk modeling, adaptation prioritization, and code enforcement.</i> <i>9. Revise and strengthen bulkhead construction specifications in the Code of Ordinances.</i> <i>10. Revise and strengthen bulkhead maintenance and certification standards in the Code of Ordinances.</i> <i>11. Create an online seawall/bulkhead permit application system.</i> <i>12. Create and maintain a geospatial database and document management system for tracking bulkhead/seawall permit application materials, top elevations, adjacent grades, lengths, substantial improvements, certifications, waivers, and easements.</i> <i>13. Amend the charter of the Municipal Services entity to include coastal flood control services.</i> <i>14. Establish level of service standards for coastal flood control infrastructure and mitigation of Town asset coastal flood vulnerabilities.</i> <i>15. Carry out technical, planning, coordination, advocacy, and grant-seeking activities to study the feasibility, environmental impacts, and cost-effectiveness of a storm surge barrier at the Lake Worth Inlet and other alternatives for Town-wide and neighborhood-scale coastal flood control.</i> <i>16. Adopt amendments to the Florida Building Code through the Code of Ordinances, establishing higher standards for substantial improvement and substantial damage definitions and minimum elevation requirements for residential and non-residential structures.</i> <i>17. Revise and expand the definition in the Code of Ordinances of flood hazard areas within which floodplain management and flood-resistant construction standards apply.</i> <i>18. Report on implementation progress and key metrics every other year, with a comprehensive report every ten years.</i>
---------------------------	---

Table 19 Recommended changes to Intergovernmental Coordination Element Goals, Objectives, and Policies.⁸³

Intergovernmental Coordination Element	The purpose of this Element is to identify and resolve incompatible aspects of proposed comprehensive plans of local governments, and to determine and respond to the needs for coordination processes and procedures with adjacent local governments and regional and state agencies.
Goal 1	An effective government which utilizes intergovernmental coordination to maximize efficiency in providing services and facilities; to reduce duplication of effort; and, to solve common problems.
Objective 1.2	In order to ensure coordination mechanisms to address impacts of developments proposed in and adjacent to the Town that may affect adjacent local governments, the Town will continue to participate on various intergovernmental advisory committees, boards, commissions or groups serving the Town.
Policy 1.2.7	Issues of regional and state significance shall be coordinated with the Treasure Coast Regional Planning Council, the South Florida Water Management District, and/or State agencies having jurisdictional authority. Issues to be pursued include but are not limited to the following: ... <i>k. Strategies and funding to mitigate coastal flood risks from sea level rise and coastal storms along the Lake Worth and Atlantic Ocean shorelines.</i>
Goal 3	It is the goal of the Town of Palm Beach to work with Federal, State, County, and adjacent municipalities or agencies to protect and restore the existing coastal dune system and beaches along the City's beachfront, establish standards to minimize impacts resulting from beach erosion, <i>and mitigate future coastal flood risks along the Lake Worth shoreline.</i>
Objective 3.2	The Town will coordinate with appropriate agencies to address future coastal flood risks along the Lake Worth shoreline caused by sea level rise and extreme weather events, resulting in significant exposure of highly developed and populated areas and critical infrastructure.
Policy 3.2.1	<i>Seek State and Federal support for a U.S. Army Corps of Engineers Coastal Storm Risk Management Feasibility Study for Lake Worth, including an evaluation of a storm surge barrier at the Lake Worth Inlet.</i> <i>a. Conduct outreach to USACE, FDEP, FDOT, Palm Beach County, neighboring municipalities, Port of Palm Beach, and SFWMD.</i> <i>b. Conduct outreach to Federal and State elected officials.</i> <i>c. Support the Project Sponsor (which may be the Town) in submitting a feasibility study proposal to USACE and to Federal elected officials.</i> <i>d. Engage elected officials to advocate for Federal authorization and appropriations and State grant support for non-Federal cost-sharing.</i>
Policy 3.2.2	<i>Coordinate with the MPO, FDOT, Palm Beach County, the City of West Palm Beach, and the Town of South Palm Beach on plans and funding to mitigate future coastal flood risks to regionally significant roadways, including the potential siting of neighborhood-scale or Town-wide coastal flood control infrastructure within transportation rights-of-way.</i>

⁸³ Text of recommended changes or additions is italicized and bright green, except that red is used where background colors are bright green or teal.

Table 20 Recommended changes to Capital Improvements Element Objectives and Policies.⁸⁴

Capital Improvements Element	The purpose of this Element is to evaluate the need for public facilities, as identified in the other Plan Elements; to estimate the cost of improvements for which the Town of Palm Beach has fiscal responsibility; to analyze the Town's fiscal capability to finance and construct such improvements; and to adopt financial policies to guide funding and construction of capital improvements when required, based on needs identified in the other Plan Elements.
Goal	The Town shall, using sound fiscal policies, provide adequate services and facilities in a timely and efficient manner.
Objective 3	The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.
Policy 3.1	The Town shall utilize the following Level of Service standards, found in other elements of the Town's Comprehensive Plan, for public facilities in the Town. 3.1a Stormwater Discharge or Runoff – 1) Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and, the minor flooding associated with a five-year storm would be carried off within sixty minutes. <i>(Consider referencing a specific data source, storm duration, and precipitation depth: "during a 2-year, 1-hour storm based on NOAA Atlas 14 Upper 90% Confidence Interval precipitation depth")</i> 2) Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system; or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater. <i>(Consider referencing a specific data source and precipitation depth: "for a 3-year, 1-hour storm based on NOAA Atlas 14 Upper 90% Confidence Interval precipitation depth")</i> ... 3.1g Coastal Flood Control – 1) <i>Coastal flood waters will not substantially damage critical Town-owned facilities during a 100-year flood accounting for projected Intermediate-High sea level rise over the service life of the assets.</i>

⁸⁴ Text of recommended changes or additions is italicized and bright green, except that red is used where background colors are bright green or teal.

	<i>2) Coastal flood waters will pass through or over coastal flood control structures, constructed or permitted by the Town, during a 100-year flood accounting for projected Intermediate-High sea level rise over the service life of the structures.</i>
Objective	The Town shall include in its Schedule of Capital Improvements (SCI) all capital improvements needed within the five-year period covered by its CIP, including replacement of sanitary sewer infrastructure recognized as obsolete or worn-out and improvements needed to eliminate recognized deficiencies in its drainage system <i>and coastal flood control infrastructure</i> , as identified in the Comprehensive Plan.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion Regarding Café Permit Extension

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Backup for Outdoor Seating Extension**
- ▣ **Existing Outdoor Seating Regulations**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Outdoor Café Permit Extension Discussion

Date: April 27, 2022

GENERAL INFORMATION

Staff was requested to place this discussion matter on the May 10, 2022 Town Council agenda and to explain the status of the current Covid-19 Temporary outdoor seating program, which is scheduled to end immediately after this Memorial Day weekend. There is some concern that many of the restaurants that enjoy the temporary outdoor seating may not be aware of the end of the seating program. There is also concern with the fact Covid-19 cases are increasing in the State. Both of these concerns warrant a discussion on whether the seating program should end in another month.

There are twenty restaurants that took advantage of the Covid outdoor seating. The list is attached. The Town sent letters to the twenty restaurant operators, twice, announcing the end of the Covid-19 temporary outdoor seating. The first letter was mailed in October, 2021, and the second letter was mailed in February, 2022. Both letters are also attached.

Status of requests or interest in converting temporary outdoor seating to permanent outdoor seating are as follows:

- Meat Market – special exception was requested to continue their outdoor seating, later withdrawn by the applicant.
- La Bar a Vin - special exception was requested to continue their outdoor seating, later denied by Council. Staff believes that a new application is being considered.
- Bricktops - special exception was requested to continue their outdoor seating, later withdrawn by the applicant.
- Esplanade – first and second floor outdoor seating for Cojimar, later withdrawn by the applicant.
- Café L'Europe – special exception application recently made, to be heard in July.
- Club Collette – special exception application recently made, to be heard in July.

- La Goulue – Staff believes that the owner is exploring permanent outdoor seating options and may be working on an application.
- Surfside Diner – inquiries made of staff, owner possibly working on an application.
- Royal Poinciana Plaza – owner is aware of the expiration date. The theater restaurant application will include a special exception for outdoor seating.
- Coyo Taco, one of the twenty restaurants on the list, closed last year.
- A few of the restaurants that took advantage of the Covid-19 temporary seating already had approved outdoor seating, including Bice and Main Street –they may not apply.
- Another one or two restaurants may never make the special exception request as they probably cannot meet the new sidewalk dimensional requirements of five feet.

Attachments: List of restaurants enjoying the temporary outdoor seating
Letters, dated October 15, 2021& February 10, 2022

WRB

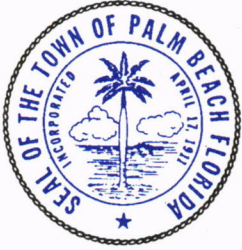
Paul Castro

From: Jay Boodheshwar
Sent: Wednesday, June 9, 2021 11:15 AM
To: Bobbie Lindsay; Danielle Hickox Moore; Julie Araskog; Lew Crampton; Margaret Zeidman; Ted Cooney
Cc: Wayne Bergman; James Murphy; Paul Castro; Kelly Churney
Subject: Outdoor Covid Seating
Attachments: restaurant covid seating.pdf

Per your request, see attached.

Restaurants	Location(s)	Damage Deposit	Indoor (pre-covid)	Indoor (50%)	Diff.	Outdoor (pre-covid)	Outdoor ft)
Cucina	Private Property	N/A	101	50	-51	16	67
Goyo Taco	Private Property	N/A	54	27	-27	26	40
Sant Ambroeus	Private Property	N/A	100	50	-50	20	56
Lola 41	Private Property	N/A	82	41	-41	74	45
Greens	Private Property	N/A	82	41	-41	0	18
Meat Market	Public Sidewalk and Private Property	\$1,000	172	86	-86	0	20
Buccan	Public Sidewalk	\$1,000	177	88	-89	0	32
Bice	Private Sidewalk	N/A	125	62	-63	47	32
Surfside	Public Sidewalk	\$1,000	78	28	-50	8	19
Café L' Europe	Public Sidewalk	\$1,000	180	90	-90	0	22
Henry's Palm Beach	Private Property	N/A	150	75	-75	0	18
Taboo	Public Sidewalk	\$1,000	197	98	-99	0	16
PB Grill & Honor Bar	Private Property	N/A	164	82	-82	0	22
TooJays	Private Property	N/A	124	62	-62	0	8
Bricktops	Private Property	N/A	98	49	-49	52	64
Club Collette	Private Property	N/A	150	75	-75	0	40
PB Catch	Public Sidewalk	\$1,000	122	56	-66	0	26
LaGoulue	Public Sidewalk	\$1,000	138	69	-69	0	20
Lae Bar a Vin	Public Sidewalk	\$1,000	58	29	-29	8	34
Main Street by Breakers	Public Sidewalk	\$1,000	6	0	-6	0	6
As of 2-10-20		\$9,000	2358	1158	-1200	251	605

Jay Boodheshwar



TOWN OF PALM BEACH

Planning, Zoning & Building Department

October 15, 2021

Dear Restaurant and Retail Owners & Operators:

This information is being sent to update you on recent changes made to the Town's outdoor seating regulations and Town Council policy changes. As you know, the Town created a temporary program early last year to allow outdoor seating in response to the pandemic. Indoor restaurant seating and retail displays were temporarily permitted to be relocated outdoors as a way for the Town to assist local business owners to continue to operate under a series of the Governor's Executive Orders that limited indoor seating. Twenty local restaurants and a few retailers took advantage of this program.

During this time, the Town worked to revise the outdoor seating regulations. Outdoor seating continues to be a special exception use under the zoning code. In addition, restaurants that are approved for the outdoor seating are required to apply for an annual Outdoor Café Permit. This permit will grant the restaurant owner/operator the ability to place a specified number of indoor seats outdoors and the outdoor operations will be reviewed annually for compliance and renewal.

Attached are the new outdoor seating regulations. Ordinance No. 16-2021 was adopted on August 11, 2021, and became effective on September 11, 2021. This ordinance modified the outdoor seating regulations in the zoning code and created the Outdoor Café Permit program. Resolution 68-2021 amended the Town Master Fee Schedule and set the Outdoor Café Permit fee at \$1,000 per year per restaurant, along with a \$50 fee per outdoor seat. It is expected that the Outdoor Café Permit revenue will cover the expected expenses in the program's administration and enforcement activities.

As mentioned above, outdoor seating may only be taken from existing Town-approved indoor seats. The regulations do not allow an increase in the total number of restaurant seats. For those restaurants interested in outdoor seating, please check the new regulations contained within Ordinance No. 16-2021 to see if your outdoor area is capable of complying with the regulations and if so, you are able to make an application for the special exception to permit outdoor seating on a more permanent basis. The ordinance contains two distinct sets of criteria and conditions for outdoor seating, depending upon whether the seating is on a street sidewalk or private property. These criteria and conditions are found in Town Code 134-2106.

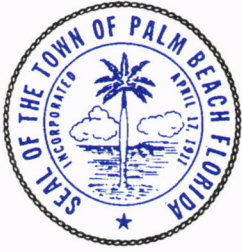
If your outdoor seating application is approved as a special exception by the Town Council, the annual Outdoor Café Permit application is required. These application forms are available on the

Town website. This permit will be issued annually to those establishments that comply with the Town codes.

The Town Council, on October 12, 2021, decided that the temporary Covid-19 outdoor seating program will continue through the upcoming season and will cease on Memorial Day, May 30, 2022. This allows you to make the special exception use application now and be scheduled for a Town Council hearing before the conclusion of the temporary seating program.

Two policy amendments were added this week by the Town Council for the current temporary outdoor seating program. The first is that all outdoor furniture visible from any public right of way must be brought indoors overnight. The second condition was the implementation of a “two-strike” policy regarding the actual number of seats in use, both indoors and outdoors. Any restaurant that exceeds the number of Town-approved seats, indoors and outdoors, at any time, verified by Town staff, will receive a written warning the first time, and loss of all temporary outdoor seating on the second offense. These violations can be appealed to the Town Council, in accordance with Town Code 134, Article II, Administration, Division 3, Appeals (134-141 through 134-145).

The Town hopes that the temporary outdoor seating and retail display program over the past year and a half were helpful to your business. Please contact Planning, Zoning & Building with any questions at (561) 838-5431.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

February 10, 2022

Dear Restaurant and Retail Owners & Operators:

This letter is being sent as a reminder that changes were made to the Town's outdoor seating regulations last fall. As you know, the Town created a temporary program in 2020 to allow outdoor seating in response to the pandemic. Indoor restaurant seating and retail displays were temporarily permitted to be relocated outdoors as a way for the Town to assist local business owners to continue to operate under a series of the Governor's Executive Orders that limited indoor seating. Twenty local restaurants and a few retailers took advantage of this program.

During this time, the Town worked to revise the outdoor seating regulations. Outdoor seating continues to be a special exception use under the zoning code. Restaurants that are currently approved for the temporary outdoor seating program and wish to continue after the temporary program ends are required to apply for a special exception use and an annual Outdoor Café Permit. This potential approval and annual permit will grant the restaurant owner/operator the ability to place a specified number of indoor seats outdoors and the outdoor operations will be reviewed annually for compliance and renewal.

Ordinance No. 16-2021 was adopted on August 11, 2021, and became effective on September 11, 2021. This ordinance modified the outdoor seating regulations in the zoning code and created the Outdoor Café Permit program. Resolution 68-2021 amended the Town Master Fee Schedule and set the Outdoor Café Permit fee at \$1,000 per year per restaurant, along with a \$50 fee per outdoor seat. It is expected that the Outdoor Café Permit revenue will cover the expected expenses in the program's administration and enforcement activities. The Ordinance, Resolution and Application Forms are available on the Town's website:
<https://www.townofpalmbeach.com/>

As mentioned above, outdoor seating may only be taken from existing Town-approved indoor seats. The regulations do not allow an increase in the total number of restaurant seats. For those restaurants interested in outdoor seating, please check the new regulations contained within Ordinance No. 16-2021 to see if your outdoor area is capable of complying with the regulations and if so, you are able to make an application for the special exception to permit outdoor seating on a more permanent basis. The ordinance contains two distinct sets of criteria and conditions for outdoor seating, depending upon whether the seating is on a street sidewalk or on private property. These criteria and conditions are found in Town Code 134-2106.

DIVISION 14. - CONDITIONAL APPROVAL OF A SPECIAL EXCEPTION FOR SIDEWALK AND/OR PRIVATE PROPERTY OUTDOOR CAFE SEATING ONLY FOR RESTAURANTS, DINING ROOMS, RETAIL SPECIALTY FOOD INCLUDING THE SALE OF PREPARED FOOD FOR TAKEOUT ONLY, AND PRIVATE SOCIAL, SWIMMING, TENNIS AND YACHT CLUBS.

Footnotes:

--- (13) ---

Editor's note— Ord. No. 16-2021, § 17, adopted August 11, 2021, repealed the former Div. 14, §§ 134-2104—134-2109, and enacted a new Div. 14 as set out herein. The former Div. 14 pertained to administrative approval of outdoor seating and derived from Ord. No. 5-09, § 1, adopted April 15, 2009.

Sec. 134-2104. - Requirements fees and security deposit.

- (a) It shall be unlawful for any person to provide outdoor cafe seating without an outdoor cafe seating permit from the town. Outdoor cafe seating shall only be permitted in the R-D(2), C-TS, C-WA, C-OPI, and C-B zoning districts if conditions of approval set forth in sections 134-2105 through 134-2108 are met and an outdoor cafe seating permit is issued by the town.
- (b) There is an annual outdoor cafe seating permit fee established in the town's master fee schedule and included in the annual business tax receipt.
- (c) Prior to the issuance of an outdoor cafe permit, the permittee shall provide a security deposit to the town in the amount as identified in the town's master fee schedule if any portion of the outdoor cafe seating is located within a town right-of-way or on town property.

(Ord. No. 5-09, § 1, 4-15-09; Ord. No. 16-2021, § 17, 8-11-21)

Sec. 134-2105. - Application.

After town council approval of a special exception zoning application, the applicant shall file for an outdoor cafe seating permit application to the director of the planning, zoning and building department or his or her designee (individually or collectively referred to in this chapter as "director"). The permit application shall be provided by the planning, zoning and building department.

(Ord. No. 5-09, § 1, 4-15-09; Ord. No. 16-2021, § 17, 8-11-21)

Sec. 134-2106. - Standards and criteria for special exception and outdoor cafe permit application review.

The standards and conditions required to be met as part of the special exception application and outdoor cafe seating permit approval are those provisions provided for in section 123-229 and the following criteria and conditions:

- (a) Criteria and conditions required to be met for approval of outdoor cafe seating on a street sidewalk.
 - (1) Outdoor cafe seating is not allowed to increase the capacity of a restaurant, dining room, retail specialty food including the sale prepared foods for takeout only, or private, social, swimming, golf, tennis or yacht club. The exception is that a specialty food use, including the sale of prepared foods for takeout only that is under 2,000 square feet in gross leasable area may request up to eight [additional] outdoor cafe seats over the inside capacity provided that the seating meets the conditions herein.
 - (2) Bars/lounges and nightclubs are not permitted to have outdoor cafe seating.

- (3) An outdoor cafe seating area is restricted to the area abutting the boundary lines of the property on which it is owned by the applicant is located.
 - (4) Outdoor cafe seating shall not be allowed where the outdoor seating furniture would be placed within five feet of bus stops, loading zones, valet parking stands, sight triangles or other structures or areas determined by the director to require clearance for the public. For the purpose of this chapter outdoor cafe seating furniture is defined as tables, chairs, umbrellas, portable heaters, mist sprayers and any other customarily usual objects used in the outside cafe seating area.
 - (5) No outdoor cafe seating furniture shall be allowed within five feet of a pedestrian crosswalk.
 - (6) All outdoor cafe seating furniture shall be located in such a manner that a minimum five foot-wide unobstructed pedestrian path is maintained at all times.
 - (7) No outdoor cafe seating furniture shall be permitted around the perimeter of an outdoor seating area that would have the effect of forming a physical or visual barrier discouraging the use of the pedestrian sidewalk.
 - (8) An outdoor cafe seating area is prohibited from having music.
 - (9) No wait stations shall be allowed outside on the sidewalk. All wait stations on private property shall not be visible from a sidewalk or street.
 - (10) All kitchen equipment used to service the outdoor cafe seating shall be located within a building.
 - (11) All outdoor cafe seating furniture and associated lighting shall be aesthetically and architecturally pleasing and approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
 - (12) An outdoor cafe seating area shall not count toward any maximum square footage limitations.
 - (13) All outdoor cafe seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.
 - (14) No outdoor cafe seating furniture located within the public right-of-way shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 - (15) The area covered by an outdoor cafe seating permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times and clear of any trash or refuse by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation and again at the close of each business day, or as may otherwise be determined by the director.
- (b) Criteria and conditions required to be met for approval of outdoor cafe seating on private property not within a street sidewalk:
- (1) Outdoor cafe seating is not allowed to increase the capacity of a restaurant, dining room, retail specialty food including the sale of prepared food for takeout only, or private, social, swimming, tennis or yacht club. The exception is that a specialty foods use, including sale of prepared foods for takeout only that is under 2,000 square feet in gross leasable area may request up to eight [additional] outdoor cafe seats over the inside capacity provided that the seating meets the conditions herein.
 - (2) Bars/lounges and nightclubs are not permitted to have outdoor cafe seating.

- (3) Outdoor cafe seating is restricted to boundary lines of the property on which the business owned by the applicant is located.
- (4) All tables, chairs, umbrellas, mist sprayer, space heaters or other customarily usual outdoor cafe seating furniture shall be located in such a manner that a minimum four foot-wide unobstructed pedestrian path is maintained at all times.
- (5) No objects shall be permitted around the perimeter of an outdoor cafe seating area occupied by tables and chairs that would have the effect of forming a physical or visual barrier discouraging the use of the pedestrian path.
- (6) An outdoor cafe seating area on private property shall only be allowed to have low-level, background music that does not exceed the maximum noise decibel requirements in sections 42-226 through 42-228 if approved by the town council as part of the special exception application approval.
- (7) No wait stations shall be allowed outside on a street sidewalk. All wait stations on private property shall not be visible from a sidewalk or street.
- (8) All kitchen equipment used to service the outdoor cafe seating shall be located within a building.
- (9) All outdoor cafe seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.
- (10) All outdoor cafe seating furniture, including the tables, chairs, awnings and space heater equipment shall be aesthetically and architecturally pleasing and approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
- (11) The area covered by an outdoor cafe seating permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times and clear of any trash or refuse by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation and again at the close of each business day, or as may otherwise be determined by the director.
- (12) Areas associated with the outdoor cafe seating shall not count toward any maximum square footage limitations.

(Ord. No. 5-09, § 1, 4-15-09; Ord. No. 16-2021, § 17, 8-11-21)

Sec. 134-2107. - Liability and insurance.

- (a) Prior to the issuance of a business tax receipt the applicant shall furnish the town with a signed statement that the permit shall hold harmless the town, its officers, employees, Palm Beach County or the Florida Department of Transportation (FDOT) (if within or abutting either governmental entities rights-of-way) for claims of damages to property or injury to person which may be occasioned by any activity carried out under the terms of the business tax receipt and approved outdoor sidewalk cafe permit. The statement shall include that the permittee shall be responsible, shall indemnify and shall hold the Town, Palm Beach County and/or FDOT harmless for performance of and payment for any environmental remediation that may be necessary, as determined by the FDOT, as a result of permittee's use of the area of the outdoor sidewalk cafe.
- (b) Permittee shall furnish and maintain public liability, food products liability, liquor liability, and property damage insurance for the benefit of the Town and/or Palm Beach County or FDOT (if within or abutting either

governmental entities rights-of-way) from all claims and damage to property or bodily injury, including death, which may arise from operations under the business tax receipt or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury or death to any one person or any number of persons in any one occurrence and property damage, respectively, per occurrence, or a combined coverage of not less than \$2,000,000.00. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insureds the town, Palm Beach County and/or FDOT, their officers and employees, if within or abutting either's rights-of-way and shall further provide that the policy shall not terminate or be canceled prior to the completion of the business tax receipt period without 45 days written notice to the risk manager at the address shown on the business tax receipt.

- (c) Damage to the public sidewalk or any public structure as a result of the outdoor cafe seating operation shall be the responsibility of the property owner to repair to the satisfaction of the town.
- (d) The town and its officers and employees shall not be responsible for sidewalk seating components relocated or damaged during emergencies.

(Ord. No. 5-09, § 1, 4-15-09; Ord. No. 16-2021, § 17, 8-11-21)

Editor's note— Ord. No. 16-2021, § 17, adopted August 11, 2021, amended the title of § 134-2107 to read as herein set out. The former § 134-2107 pertained to conditions specific to outdoor seating on public rights-of-way.

Sec. 134-2108. - Denial, revocation or suspension of approval.

- (a) An outdoor cafe seating permit shall be denied if all of the requirement and/or conditions in sections 134-2106 and 134-2107 are not met. An outdoor cafe seating permit may be modified, suspended or revoked by the planning, zoning and building director if it is determined that the business is violating the requirement and/or conditions in sections 134-2106 and 134-2107 or if it is determined by the town that the outdoor cafe seating is negatively impacting neighboring property owners or tenants.
- (b) The director may require the temporary removal of sidewalk cafe outdoor seating when street, sidewalk or utility repairs necessitate such action.
- (c) If found to be necessary for the protection of the health, safety and welfare of the public, the departments of public works, police and fire-rescue or other emergency service providers may require the applicant to immediately remove or relocate all or parts of the sidewalk outdoor cafe seating and, if necessary, the town may remove or relocate same in emergency situations.

(Ord. No. 5-09, § 1, 4-15-09; Ord. No. 16-2021, § 17, 8-11-21)

Sec. 134-2109. - Appeal of denial, suspension or revocation by the director of planning, zoning and building department.

The town council shall hear any appeal of a denial, suspension or revocation of an outdoor cafe seating permit by the planning, zoning and building director or designee pursuant to sections 134-141 through 134-145 of the code.

(Ord. No. 5-09, § 1, 4-15-09; Ord. No. 16-2021, § 17, 8-11-21)

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Evaluation of Impacts to Right-of-Way Due to “Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation”.

TIME CERTAIN: 2:00 PM

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 21, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Technical Memo**
- ▣ **CMA Review of Impacts from Proposed SR-A1A Widening**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Evaluation of Impacts to Right-of-Way Due to “Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation”.

DATE: April 21, 2022

STAFF RECOMMENDATION

Town staff recommends the project be limited to mill and resurface the present roadway at the existing dimensions and that the bike path be rebuilt.

GENERAL INFORMATION

In 2017, the Palm Beach Transportation Planning Agency (TPA) performed a study of opportunities to increase bicycle and pedestrian safety along the A1A corridor from Boca Raton to Jupiter. Where possible, this study recommended wider traffic lanes, the addition of bicycle lanes, and wider pedestrian paths. In 2022, the Florida Department of Transportation (FDOT) is planning to start the engineering design for the maintenance of the section of A1A between Lake Avenue (City of Lake Worth Beach) to Ibis Way (just south of Phipps Park) with anticipated construction of the improvements to start 2025. The TPA is requesting that the proposed bicycle and pedestrian improvements be implemented as part of the FDOT project. The proposed changes for this section of roadway are as follows:

- Widening of the traffic lanes from 11 feet to 12 feet
- Widening of the paved shoulder from 3 feet to 5 feet
- Increasing the Asphalt Path to 10 feet

Town staff and our engineering consultant, Chen Moore & Associates, Inc., reviewed the TPA’s recommendations. The current roadway profile is an 11 foot lane and 3 foot shoulder and the asphalt path on the west side of the road varies from 6 feet down to 4 feet. The grass median between the edge of the paved shoulder and the asphalt walking path varies in width with the narrowest being 7 feet. The majority of the roadway corridor is without curbing. TPA’s recommendation of expanding the travel lane from 11 to 12 feet and, in addition to expanding the paved shoulder to 5 feet, would mean adding 3 feet of additional asphalt to both sides of the road.

The resulting expansion would impact the following improvements within the right-of-way:

Landscaping on East Side:

- Hedge at 2500 South Ocean Blvd
- Seagrape at 2770 South Ocean Blvd
- Flower beds at 2780 South Ocean Blvd

Landscaping on West Side:

- Flower beds at 2760 South Ocean Blvd
- Minimally maintained shrubs, trees, and brush in under-developed sections

Items that would require specialty restoration or relocation:

- Paver driveway at 2300 South Ocean Blvd
- Paver driveway at 2660 South Ocean Blvd
- Paver driveway at 2760 South Ocean Blvd
- Lighted sign at 2773 South Ocean Blvd
- Lighted sign at 2860 South Ocean Blvd

General items that would require FDOT/FPL/WPB repair and retrofitting:

- Drainage inlets
- Electrical pullboxes
- Irrigation equipment
- Low voltage lighting equipment

Any private improvements located within the FDOT right-of-way belonging to the condos would have to be moved at the condo's expense. Another impact would mean the grass median between the roadway and the asphalt pathway would be reduced by 3 feet. The grass median would further be reduced by the expansion of the asphalt pathway to 10 feet. How much more the grass median would shrink would depend on which side the asphalt pathway is expanded. If the pathway is expanded equally on both sides of the pathway, the grass median in the middle could be reduced down to 2 feet in width. Although the impacts to the east side of A1A would be limited to approximately 3 feet the majority of the asphalt impacts would be on the west side because of the road widening and asphalt pathway widening. With the additional asphalt on the west side, residents should expect additional standing water after any rain events, as the drainage system is limited in the corridor.

The proposed project limits create a new bike lane for a limited distance which will not connect on the north side or south side to bike lane. Staff believes this is confusing to bikers and drivers. Staff does not see the benefit in expanding the driving lanes from 11 feet to 12 feet and making the driving pavement closer to the existing bike path. The primary resident concerns along this corridor is the condition of the bike path which is utilized for walking as much as it is for biking. Therefore, staff believes rebuilding the bike path is the most beneficial portion of this project.

FUNDING/FISCAL IMPACT

There are no funding impacts at this time.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

Attachments

cc: Jane Le Clainche, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
John C. Randolph, Town Attorney



Technical Memorandum

Review of Impacts from Proposed SR-A1A Widening

Date: February 24, 2022
CMA Proj No.: 431.029
Client: Town of Palm Beach - Department of Public Works

Project Background

In 2021, the Palm Beach Transportation Planning Agency (TPA) conducted a study of potential improvements to better accommodate bicycles and pedestrians along the SR-A1A corridor. To facilitate implementation of the identified improvements, the TPA looked for opportunities to pair the improvements with coincident Florida Department of Transportation (FDOT) roadway resurfacing projects. During this effort, the TPA identified fourteen (14) improvement projects between the City of Boca Raton and the City of Riviera Beach where pedestrian and bicycle improvements could be made alongside proposed FDOT roadway projects. One of the FDOT projects identified by the TPA is in the Town of Palm Beach, south of Sloans Curve.

As is shown in the table below, the FDOT Five Year Work Program describes project FM #4476631 as a resurfacing project for "A1A FROM SOUTH OF LAKE AVE TO N OF IBIS WAY". The identified schedule for the work is Design and Preliminary Engineering in 2022 and Construction in 2025. resurfacing project scheduled for engineering in 2022 and construction in 2025. No other projects are currently programmed immediately to the north or south of the project identified with the exception of a drainage maintenance improvement on SR-A1A at Sloans Curve in 2023 (FM# 4400092).

Office of Work Program and Budget

Updated: 1/12/2022 9:15 PM

Five Year Work Program

Selection Criteria
All in State
2022-2027 G1
Item Number:447663-1

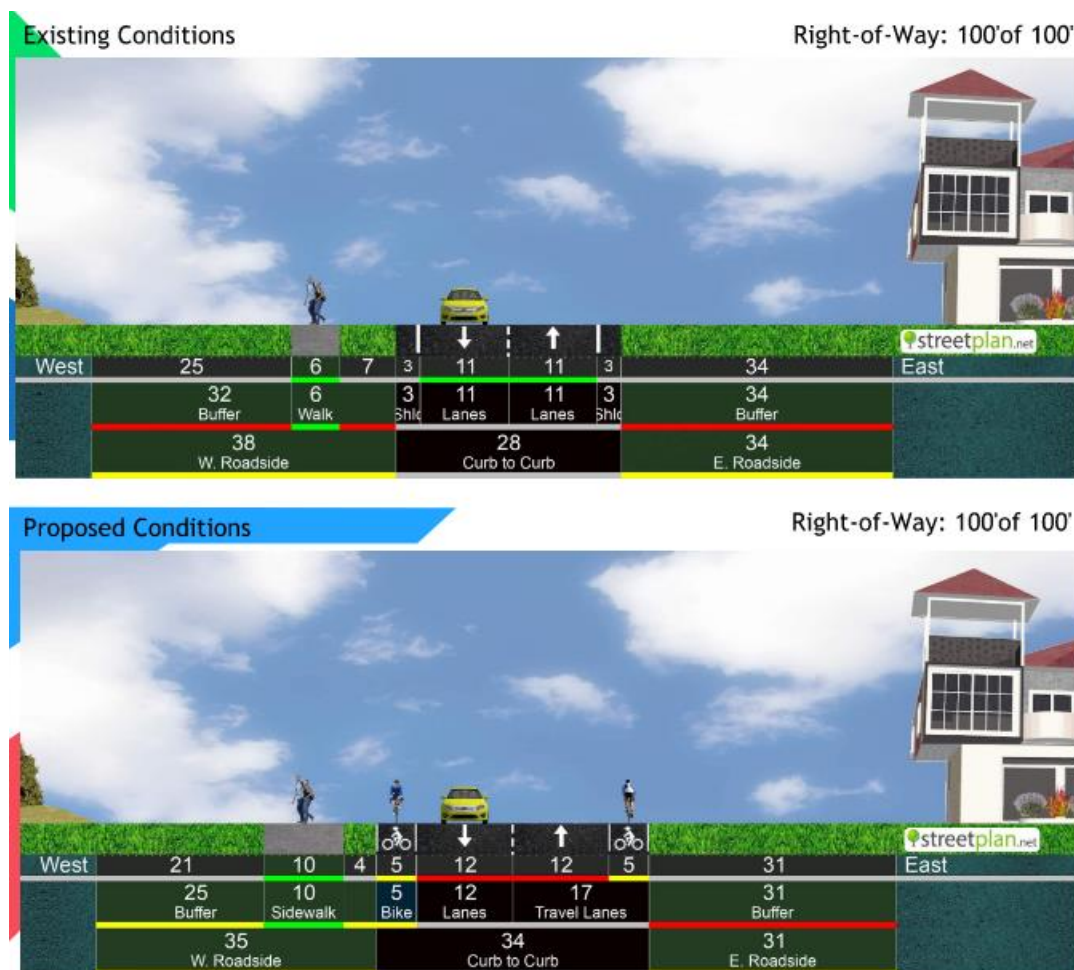
[Display current records in a Report Style](#)
[Display current records in an Excel Document](#)

Project Summary						
Transportation System: INTRASTATE STATE HIGHWAYDistrict 04 - Palm Beach County						
Description: A1A FROM SOUTH OF LAKE AVE TO N OF IBIS WAY						
Type of Work: RESURFACING View Scheduled Activities						
Item Number: 447663-1 View Map of Item						
Length: 2.074						
Project Detail						
Fiscal Year:	2022	2023	2024	2025	2026	2027
Highways/Preliminary Engineering						(On-Going)
Amount:	\$951,478					
Highways/Construction						
Amount:				\$4,588,866		
Item Total:	\$951,478			\$4,588,866		

The majority of the existing SR-A1A corridor from Lake Avenue to Ibis Way consists of a 100-ft wide public right-of-way with a 28-ft wide paved roadway in the middle and a 6-ft wide pedestrian and bicycle path on the west side separated by a 7-ft grass swale. In December 2021, the TPA provided the Town with a proposed change to this typical section which would consist of the following changes:

- Increase the width of the roadway from 28-ft to 34-ft by
 - Increasing the width of both north and southbound travel lanes from 11-ft to 12-ft
 - Increasing the width of both north and southbound shoulders from 3-ft to 5-ft
- Increase the width of the paved pedestrian path from 6-ft to 10-ft
- Decrease the western landscaped area from 25-ft to 21-ft
- Decrease the grassed swale between the path and the roadway from 7-ft to 4-ft
- Decrease the eastern landscaped area from 34-ft to 31-ft

The following exhibit illustrates the differences between the existing and proposed roadway typical section.



Investigation of Potential Impacts

As part of the due diligence to determine the potential impacts of the proposed improvements, the Town procured the services of CMA to investigate the widening of the roadway and paved path on adjacent facilities owned by either the Town or private entities. Utilizing survey files from previous projects along the corridor, CMA prepared exhibits comparing the existing and proposed pavement limits. In addition, CMA performed field measurements during site visits to quantify the extent of the potential impacts. These investigations identified the following types of impacts:

- Landscaping (sodded swales, hedges, flower beds)
- Specialty driveways
- Specialty signage
- Privately-owned irrigation equipment
- Drainage infrastructure
- Utility infrastructure

A detailed description for each type of impact is included below:

Landscaping

The largest impact of the proposed improvements to landscaping is to the sodded swales. The removal of approximately 7-ft of sod on the west side of the corridor and 3-ft of sod on the east side of the corridor removes approximately 1.8 acres of grass along the roughly 1.5-mile project. Approximately 0.4 acres of the sod removed is along the Town's Par 3 Golf Course.

In addition to the removal of sod, there are hedges and shrubs that will be impacted by the proposed improvements. As shown below, at 2500 South Ocean Blvd, there is a sea grape hedge that is immediately adjacent to the roadway on the east side. This hedge is used by the condominium association to hide landscape debris that has been trimmed and is waiting for pickup by the Town's waste collection crews. The proposed improvements would require removal of the hedge and possible relocation farther back.



Hedge at 2500 South Ocean Blvd

At 2770 South Ocean Blvd there is a large sea grape that is approximately 6 feet from the edge of pavement. Although the tree may not necessarily need to be removed, it is expected to be impacted by the construction of the potential improvements considering the roots typically extend to the drip line of the canopy which is near the existing edge of pavement.



Seagrape at 2770 South Ocean Blvd

There are two locations where existing flower beds will be impacted by the proposed improvements. At 2760 and 2780 South Ocean Blvd there are flower beds that would require removal or relocation based on the proposed improvements.



Flower Bed at 2780 South Ocean Blvd



Flower Bed at 2780 South Ocean Blvd

There are several locations where hedges and plant material that is not highly maintained will be impacted in areas that are relatively under-developed. An example of this is on the west side of the roadway across from the condominiums at 2580 and 2600 South Ocean Blvd, where the existing vegetation is along the strip of land between the roadway and the shoreline of the Lake Worth Lagoon.



Hedge along the west side of SR-A1A

Specialty Driveways

The majority of the driveways along the proposed project corridor are asphalt and as such will not be significantly impacted by the proposed improvements. There are however four locations where specialty driveways are installed that will be impacted by the proposed widening of asphalt pavement. The types of driveways impacted are either stamped concrete or pavers. The specialty driveways that will be impacted are shown below:



Driveway at 2300 South Ocean Blvd



Driveway at 2660 South Ocean Blvd



Driveway at 2760 South Ocean Blvd

Specialty Signage

There are two locations where private condominium signage that has low voltage up-lighting will be impacted by the proposed widening of the path on the west side of the roadway. The signage at 2773 South Ocean Blvd is surrounded by a green island ficus hedge and would need to be completely relocated west based on the proposed alignment. The signage at 2860 South Ocean Blvd would need to be relocated to the west as well as the accompanying low-voltage lighting.



Lighted sign at 2773 South Ocean Blvd



Lighted sign at 2860 South Ocean Blvd

Privately Owned Irrigation Equipment

Because privately owned irrigation equipment is difficult to identify without subsurface exploration, it is difficult to identify directly in the field the locations of sprinkler heads, valves, and irrigation piping. However, considering the healthy condition of the sod and the regular maintenance activities observed, it is anticipated that there are existing irrigation systems that extend to the edge of the existing pavement at each of the condominium locations. All of these systems would have to be modified during construction to accommodate the new pavement limits.

Drainage Infrastructure

Since this portion of SR-A1A is a FDOT roadway, the drainage system is owned and operated by the State agency. It is assumed that the increase in pavement will also increase the runoff generated after rainfall events and as such may require the construction of additional drainage infrastructure. The existing system includes drainage catchbasins and inlets along the west side of the roadway that will need to be retrofit to accommodate the proposed improvements. Below are examples of FDOT drainage inlets that will need to be raised to match the new grades and retrofitted to provide a safe walking surface for pedestrians on the new path.



FDOT Catchbasin in front of 2860 South Ocean Blvd

Utility Infrastructure

There are several locations where existing electrical pullboxes, water meters, and other general utility appurtenances will require relocation or retrofit by the FDOT to accommodate the proposed improvements. The retrofits could include upgrading the box type from a fiberglass box to a concrete box to provide H-20 traffic loading. Other facilities may require complete relocation. The cost of these efforts is typically born by the utility as part of their permitting agreements with FDOT to be within the right-of-way. Below are examples of utility elements that will require retrofit or relocation. Notably, none of the new street lights will be impacted by the proposed widening.



Existing Communications Utility Panel



Existing Water Meter and Irrigation Valve Boxes



Existing Communication Pullbox



Existing Street Lighting Pole

SR-A1A Proposed Roadway Improvements

Florida Department of Transportation

Palm Beach Transportation Planning Agency

Discussion of Potential Impacts

March 2022



BACKGROUND

- In 2021, the Palm Beach Transportation Planning Authority (TPA) conducted a study of proposed FDOT improvements along SR-A1A
- TPA identified 14 projects between Boca Raton and Riviera Beach where pedestrian and bicycle improvements could be made.
- The FDOT resurfacing project FM #4476631 would allow for the utilization of State funding to improve the bicycle and pedestrian facilities between Lake Avenue and Ibis Way.
- FDOT funding also identified to mark the roadway shoulder as a bike lane between Woodbridge Road and South County Road



Palm Beach Transportation Planning Agency (TPA)

SR-A1A Pedestrian/Bicycle Improvements Analysis

Project	Roadway	From	To	Description	Type	Municipality(ies)	Notes
1001	SR-A1A	Camino Real	Beach Club Way	Reconstruct Boca Raton Inlet Bridge to include bicycle lanes and 10-foot shared use path	Reconstruction	City of Boca Raton	
1002	SR-A1A	Beach Club Way	401 SR-A1A	Widen west side path from 8 feet to 10 feet	Resurfacing +	City of Boca Raton	Within limits of FM # 447661-1
1003	SR-A1A	Palmetto Park Road	300 feet north of Palmetto Park Road	Widen west side path and smooth out the right-angle bend from decorative concrete to asphalt path on the west side	Resurfacing +	City of Boca Raton	Within limits of FM # 447661-1
1004	SR-A1A	2871 N Ocean Blvd (San Remo Club)	Spanish River Blvd	Widen west side path from 6-8 feet to 10 feet	Resurfacing +	City of Boca Raton	Within limits of FM # 447661-1
1005	SR-A1A	Boca Raton/Highland Beach City Limit	Linton Boulevard	Widen paved shoulder to 5 feet and mark as a bicycle lane	Resurfacing	City of Highland Beach/ City of Delray Beach	Within limits of FM # 444477-1
1006	SR-A1A	Boca Raton/Highland Beach City Limit	Linton Boulevard	Widen west side path from 6 feet to 10 feet	Resurfacing +	City of Highland Beach/ City of Delray Beach	Within limits of FM # 444477-1
1007	SR-A1A	Woolbright Road	Sea Lake Drive	Widen paved shoulder to 5 feet and mark as a bicycle lane; may require minor curb modifications in some areas	Resurfacing +	Town of Ocean Ridge	
1008	SR-A1A	Sea Lake Drive	Boynton Inlet Pier	Reconstruct Boynton Inlet Bridge to include bicycle lanes and 10-foot shared use path	Reconstruction	Town of Ocean Ridge/ Town of Manalapan	
1009	SR-A1A	Lake Avenue	Sloan's Curve	Widen paved shoulder to 5 feet and mark as a bicycle lane	Resurfacing	Town of Palm Beach	Within limits of FM # 447663-1
1010	SR-A1A	Lake Avenue	Sloan's Curve	Widen west side path from 6 feet to 10 feet	Resurfacing +	Town of Palm Beach	Within limits of FM # 447663-1
1011	SR-A1A	Woodbridge Road	S County Road	Mark shoulder as bicycle lane; may require minor widening in some areas	Resurfacing +	Town of Palm Beach	
1012	SR-A1A	US-1/Quadrille	N Olive Avenue	Trim curb extensions and restripe to provide marked bicycle lane	Resurfacing +	City of West Palm Beach	
1013	SR-A1A	US-1/Broadway	Lake Shore Drive	Resurface/restripe to include bicycle lanes; may require design variation for inside lane width	Resurfacing	City of Riviera Beach	
1014	SR-A1A	Lake Drive	N Ocean Avenue	Resurface/restripe to include separated bicycle lanes; would require restriping of underutilized EB parking lane (WB parking lane already signed as no parking zone)	Resurfacing	City of Riviera Beach	

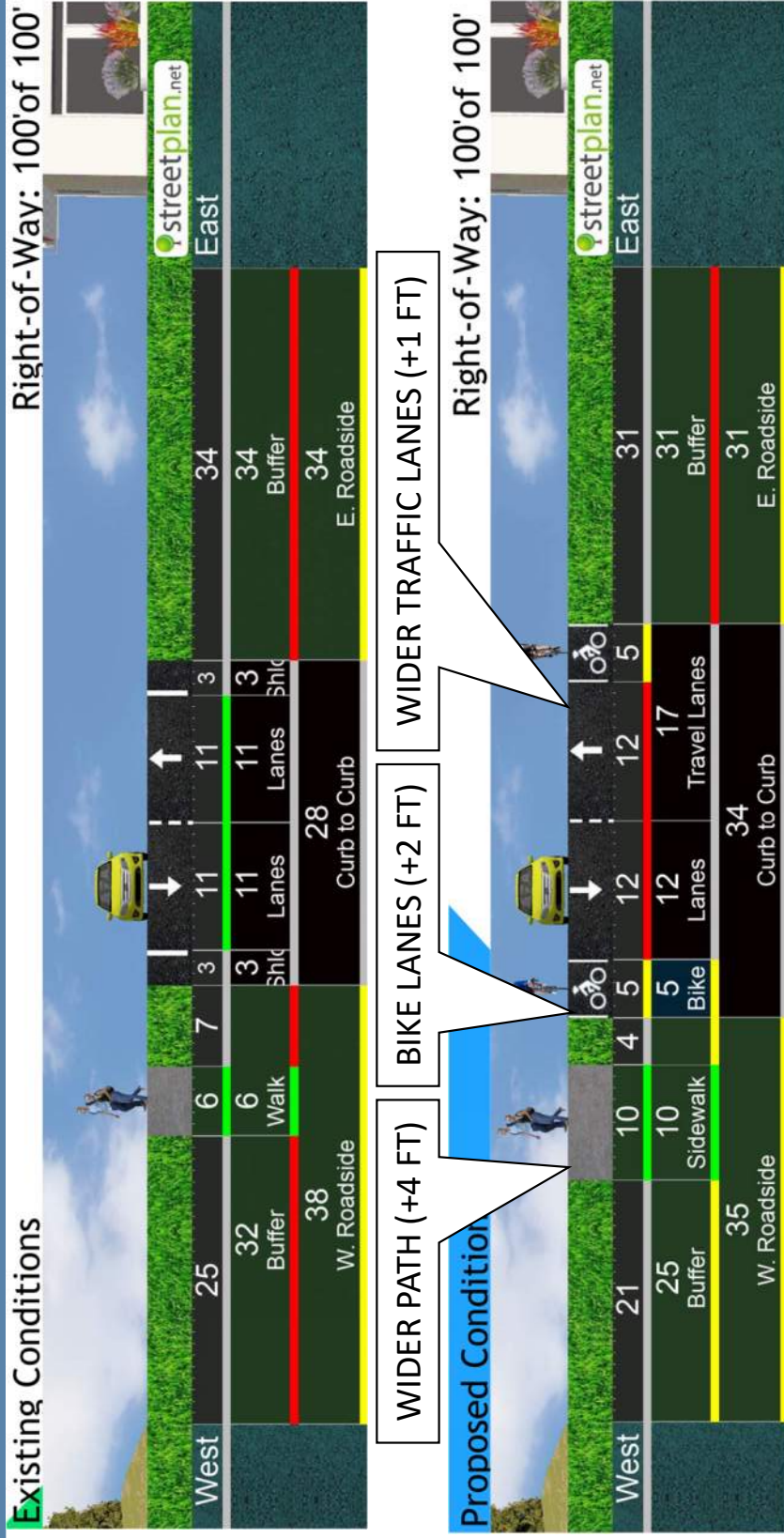
Type description notes:

Reconstruction = implementation would require significant roadway/bridge reconstruction

Resurfacing + = implementation scope would require additional scope and budget beyond a conventional resurfacing project

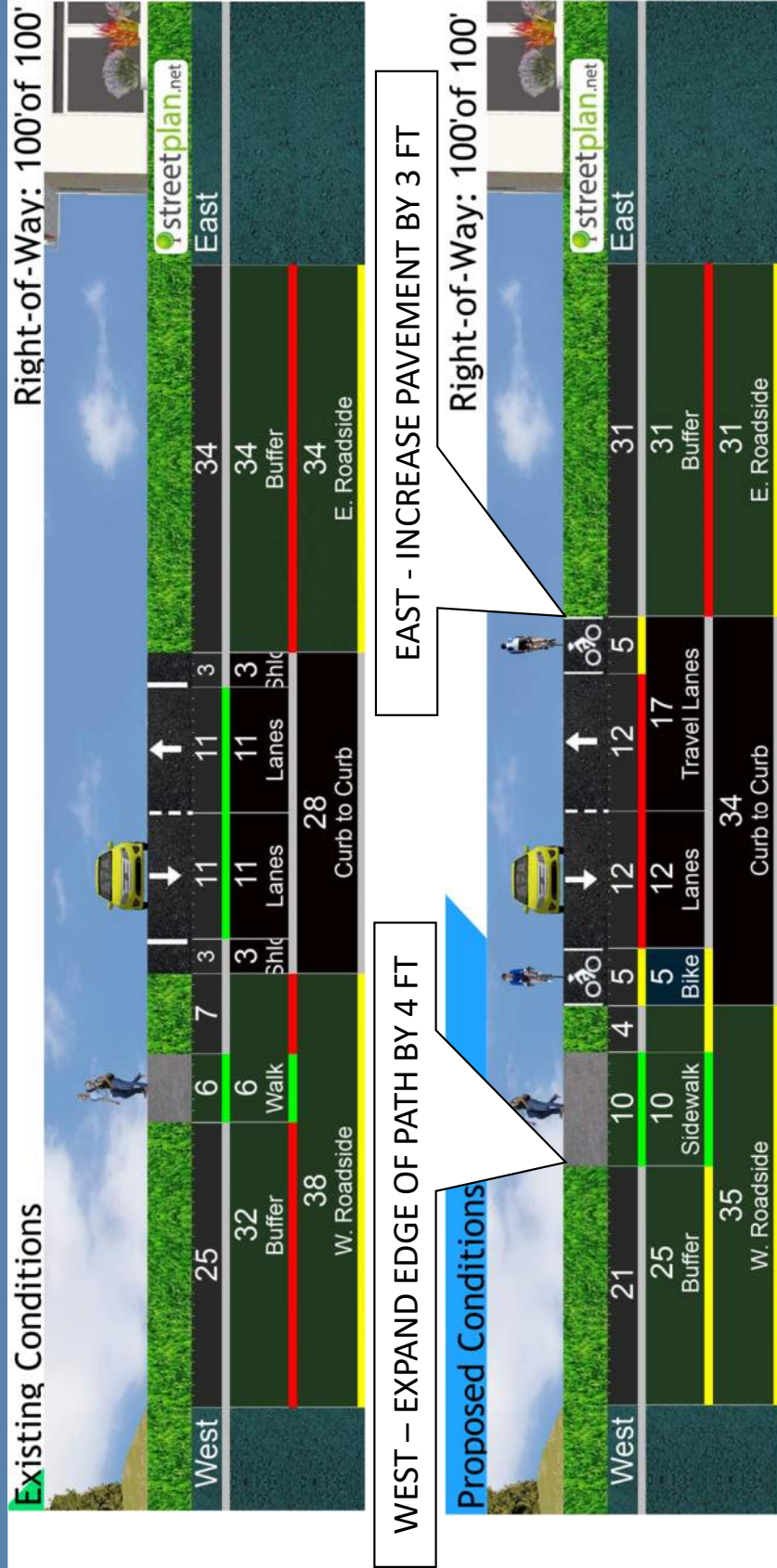
Resurfacing = implementation could be accomplished in a conventional resurfacing project

Proposed Improvements for Bicycles and Pedestrians



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

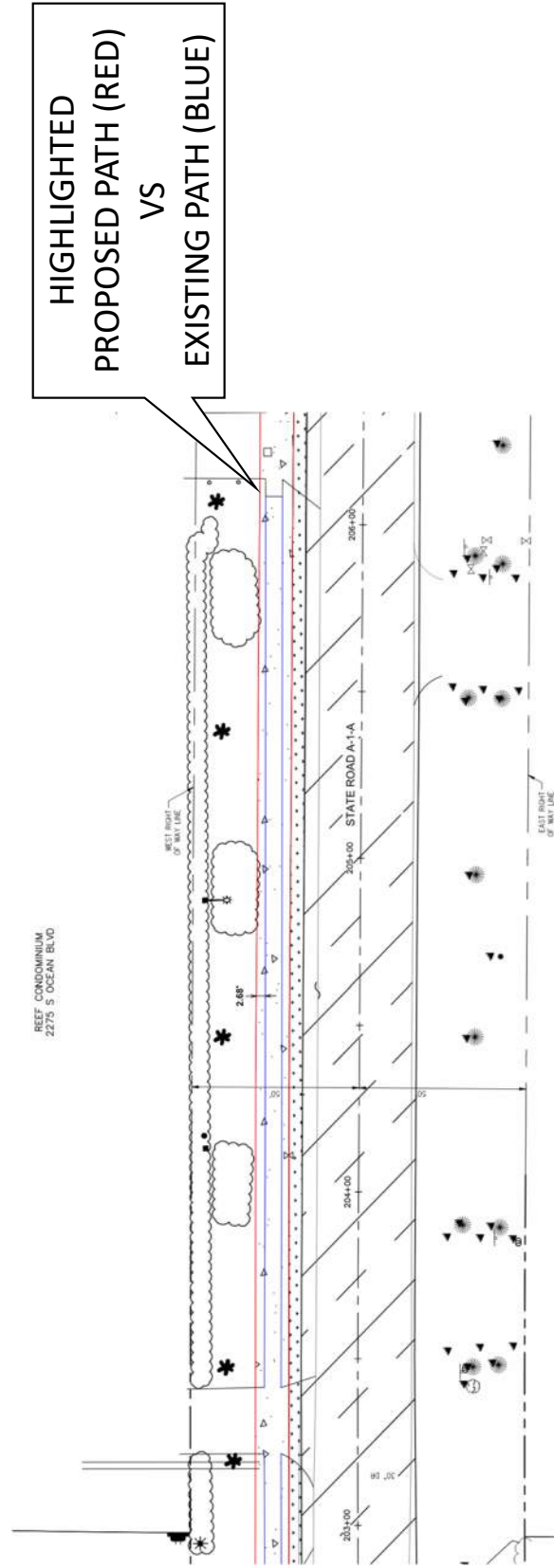
Proposed Improvements for Bicycles and Pedestrians



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Analysis of Potential Impacts

- Prepared a CAD drawing of proposed pavement compared to existing features (Utility Undergrounding Survey)



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Analysis of Potential Impacts

- Compared featured on CAD plan with field measurements



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Potential Impacts – Landscaping

West Side of SR A1A:

- Flower beds at 2760 South Ocean Blvd
- Minimally maintained shrubs, trees, and brush in under-developed sections



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Potential Impacts – Landscaping

East Side of SR A1A:

- Hedge at 2500 South Ocean Blvd
- Seagrape at 2770 South Ocean Blvd
- Flower beds at 2780 South Ocean Blvd



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Potential Impacts – Specialty Driveways

Items that would require specialty restoration:

- Paver driveway at 2300 South Ocean Blvd
- Paver driveway at 2660 South Ocean Blvd
- Paver driveway at 2760 South Ocean Blvd



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Potential Impacts – Specialty Signage

Items that would require specialty relocation:

- Lighted sign at 2773 South Ocean Blvd
- Lighted sign at 2860 South Ocean Blvd



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Potential Impacts – Utilities, Drainage, Irrigation

General items that would require FDOT/FPL/WPB/Other retrofit:

- Drainage inlets
- Water meters
- Electrical pullboxes
- Communication panels
- Irrigation equipment
- Low voltage lighting equipment



None of the new *light poles* are affected



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

Findings of Additional Investigation

- The predominant impacts are to three types of features:
 - Low value landscaping that can be relocated or replaced by FDOT
 - Infrastructure owned by other utilities or entities that FDOT will accommodate through coordinated relocation or retrofit
 - Specialty improvements (pavers, minor lighting, minor signage, irrigation) that will require relocation as coordinated by FDOT

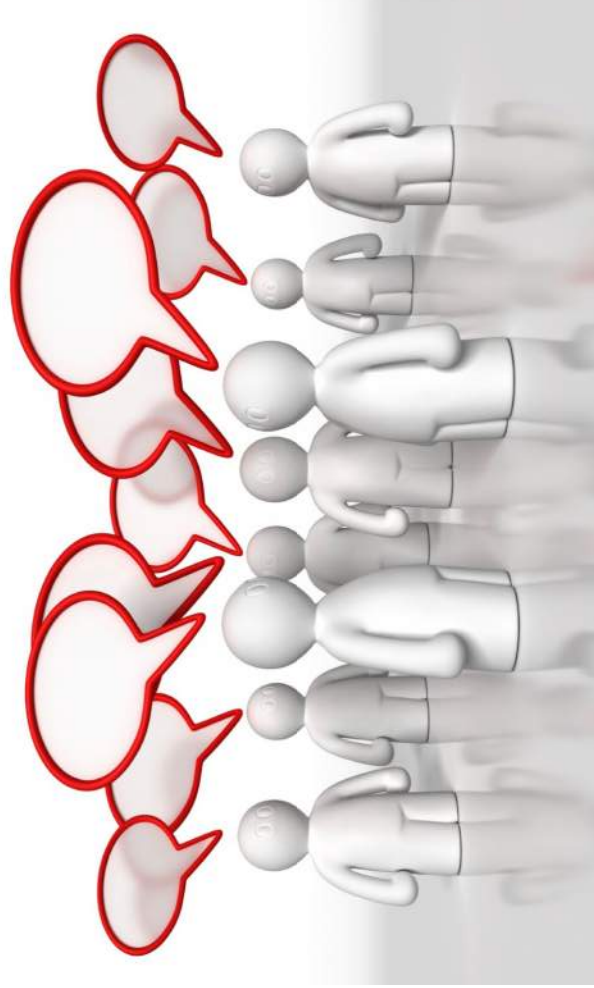


Additional Considerations

- The proposed improvements to the bicycle lanes and pedestrian path cannot be continued to the north of Ibis Way without more significant impacts on the west side of the right-of-way.
- The increase in pavement may necessitate additional drainage improvements by the FDOT (more inlets due to more runoff)



QUESTIONS



SR-A1A Proposed Bicycle / Pedestrian Improvements
March 2022

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of a Stop Work Order Due to Three Strike Rule at 310 Clarke Avenue.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2022 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Backup to 310 Clarke Avenue Stop Work Order**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 310 Clarke Ave. – Third Strike & Stop Work Order

Date: April 27, 2022



FYI - This Memo is provided as Information Only to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through January 12, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

310 Clarke Ave. recently reached the level of Three Strikes for construction violations. The contractor is Sciame Homes, LLC. The first violation was written for construction work and noise before 9:00 am, on February 8, 2022, by Code Enforcement. The second violation was written for obstruction of the right of way, without a permit, on April 7, 2022, by Code Enforcement. The standard Warning Notice was sent to the contractor on April 8, 2022. The third violation was written for not following permit terms – not parking in front of the job site, on April 21, 2022, by Public Works. Copies of all violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor April 22, 2022.

The regulations allow the violator to appeal the ticket(s). In this case, since the last violation was issued by Public Works, the appeal was filed to the Director of Public Works, Paul Brazil, on April 22, 2022. The appeal was filed in accordance with the time allowed under the code (filed within seven (7) days). The regulations required Mr. Brazil to hear / review the appeal (if filed) and render a ruling. Mr. Brazil found in favor of the Town, and therefore upheld the third violation (Third Strike). This decision occurred on April 25, 2022. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the entire construction project on April 29, 2022.

The contractor owes the Town \$1,150.00 in fines and fees, at this time.

The Town Council's process for this matter is contained within the Public Works "Right of Way Manual", as follows:

"When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the "3 strike" fine, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of way permits for the duration of the work in question.

The fine for a third (3rd) and each subsequent strike shall be \$500 plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest."

Any motion to resolve this matter should include "waiving the third strike" and "granting the ability for the contractor to apply for future right of way permits".

Attachments: Copies of the three violations
Copy of the Pending Stop Work Order Notice
Copy of the Appeal
Copy of Director Paul Brazil's decision regarding the appeal

WRB

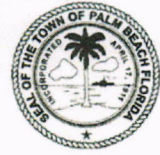
Cc: Paul Brazil, Director of Public Works
Police Chief Nick Caristo

TOWN OF PALM BEACH

10174



POLICE DEPARTMENT
Code Enforcement Unit
Notice of Violation



Luis Restrepo
Respondent's Name

SCIAME HOMES LLC.
Name of Company/Resident/Business

Respondent's Address

561-318-5048
Property/Business Address

YOU ARE NOTIFIED that on Tuesday FEB. 8, 2022 at 0842 hours
(day) (date) (time)

a violation of Construction work/making noise at 0843 hours.
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 42-199
(chapter and section)

occurred at: 310 Clarke Ave 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 \$ 250.00
OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, 3-18-2022 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, _____ 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]
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. Felix/9090 2-8-2022 0851hrs 22-039054
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]
Signature of Respondent

WHITE - PD Case File

BLUE - PD Log

GREEN - Finance

CANARY - Respondent



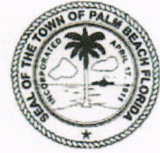
TOWN OF PALM BEACH

POLICE DEPARTMENT

Code Enforcement Unit

Notice of Violation

10246



Brian Barill
Respondent's Name

Sciame Homes LLC
Name of Company/Resident/Business

Respondent's Address

561-318-5048
Property/Business Address

YOU ARE NOTIFIED that on Thursday April 7, 2022 at 1537 hours
(day) (date) (time)

a violation of Obstruction of the right of way w/o permit
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 106-1
(chapter and section)

occurred at: 310 Clark Ave 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 \$ 250.00

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, May 19, 2022 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, _____ 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]
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. Felix / 9080 4-7-22 1540 hours 2022-097-135
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.

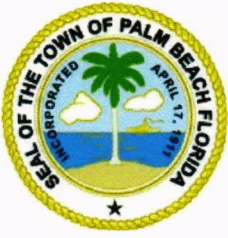
[Signature]
Signature of Respondent

WHITE - PD Case File

BLUE - PD Log

GREEN - Finance

CANARY - Respondent



TOWN OF PALM BEACH

Planning, Zoning & Building Department

April 8, 2022

Via email & mail: jhiler@sciame.com; trish@daviesusa.com

Sciame Homes LLC
% James Hiler Jr
251 Royal Palm Way, 300 A
Palm Beach, FL 33480

Re: **Warning Notice** Construction Parking & Construction Site Management Citations – 310 Clarke Ave, B-21-89334

On April 7, 2022 you received a citation for violation of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets and construction site management. These regulations are contained in the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site.

If three citations are received, the Chief of Police or the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a “**Stop Work**” order be issued as allowed by Section 18-204 of Town Code (referred to as the “3-strike” rule).

Your project has received **TWO** citations:

Strike 2 April 7, 2022 (NOV10246 Obstruction of Right-of-Way without permit & PW6419 – Fine for receiving 2nd Strike)
Strike 1 February 8, 2022 (NOV10174 – Construction work/making noise)

Per Town Resolution No. 001-2022, because you have received two strikes, a fine in the amount of \$250.00 is being imposed and is also payable immediately to the Town of Palm Beach. See attached PW6419. This fine is in addition to all right-of-way fines referenced above.

This is to notify you that if you receive another citation, under the Town’s rules a “Stop Work” order will be issued by this Department and additional fines shall be imposed. Please note that if a “Stop Work” order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

Your cooperation in observing the construction regulations of the Town will assist in ensuring that your job proceeds without disruption.

Sincerely,

Wayne Bergman

Wayne Berman
Director, Planning, Zoning & Building Department

cc: Mark J & Patricia L Davies, 76 Doubling Rd, Greenwich, CT 06830
Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Support Services Manager

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5431



PW- 6419

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: SCIANE HOMES DATE: 4/11/2022JOB ADDRESS: 310 Clarke Ave

- ☐ Working in right-of-way without permit \$ 150 X _____ = _____
- ☐ Failure to have permit on job \$ 150 X _____ = _____
- ☐ Construction parking without permit* \$ 150 X _____ = _____
1st = \$150 2nd = \$250 and thereafter = \$500
- ☐ Inadequate Maintenance of Traffic \$ 150 X _____ = _____
- ☐ Right-of-way littered by site dirt or debris \$ 150 X _____ = _____
- ☐ Failure to maintain safe sidewalk \$ 150 X _____ = _____
- ☐ Failure to carry-out permit terms/conditions \$ 150 X _____ = _____
- ☐ Storage of materials in right-of-way \$ 150 X _____ = _____
- ☐ Use of right-of-way as work area \$ 150 X _____ = _____
- ☐ Damage to infrastructure in right-of-way \$ 150 X _____ = _____
- ☐ Dewatering without a permit \$ 150 X _____ = _____
- ☐ Illegal discharges to Town sewers** \$ 500 X _____ = _____
- ☒ Other STRIKE 2 FINE \$ _____ X _____ = 250.-
- ☐ 2nd and added days of violation, double fine \$ _____ X _____ = _____

RESOLUTION 1-2022TOTAL FINE: \$ 250.-

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER [Signature]

white/violator

yellow/PW

pink/issuer



PW- 6394

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Seimmo Homes DATE: 4/21/22JOB ADDRESS: 310 Clarke

- ☐ Working in right-of-way without permit \$ 150 X _____ = _____
- ☐ Failure to have permit on job \$ 150 X _____ = _____
- ☒ Construction parking without permit* \$ 150 X _____ = _____
1st = \$150 2nd = \$250 and thereafter = \$500
- ☐ Inadequate Maintenance of Traffic \$ 150 X _____ = _____
- ☐ Right-of-way littered by site dirt or debris \$ 150 X _____ = _____
- ☐ Failure to maintain safe sidewalk *strike 3* \$ 150 X _____ = _____
- ☒ Failure to carry-out permit terms/conditions \$ 150 X 1 = \$150
NOT Parked in Front of Job
- ☐ Storage of materials in right-of-way \$ 150 X _____ = _____
- ☐ Use of right-of-way as work area \$ 150 X _____ = _____
- ☐ Damage to infrastructure in right-of-way \$ 150 X _____ = _____
- ☐ Dewatering without a permit \$ 150 X _____ = _____
- ☐ Illegal discharges to Town sewers** \$ 500 X _____ = _____
- ☐ Other _____ \$ _____ X _____ = _____
- ☐ 2nd and added days of violation, double fine \$ _____ X _____ = _____

TOTAL FINE: \$150

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER

Chet Purves



PW- 6422

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: SCAME HOMES DATE: 4/22/2022JOB ADDRESS: 310 Clarke Ave

- ☐ Working in right-of-way without permit \$ 150 X _____ = _____
- ☐ Failure to have permit on job \$ 150 X _____ = _____
- ☐ Construction parking without permit*
1st = \$150 2nd = \$250 and thereafter = \$500 \$ 150 X _____ = _____
- ☐ Inadequate Maintenance of Traffic \$ 150 X _____ = _____
- ☐ Right-of-way littered by site dirt or debris \$ 150 X _____ = _____
- ☐ Failure to maintain safe sidewalk \$ 150 X _____ = _____
- ☐ Failure to carry-out permit terms/conditions \$ 150 X _____ = _____
- ☐ Storage of materials in right-of-way \$ 150 X _____ = _____
- ☐ Use of right-of-way as work area \$ 150 X _____ = _____
- ☐ Damage to infrastructure in right-of-way \$ 150 X _____ = _____
- ☐ Dewatering without a permit \$ 150 X _____ = _____
- ☐ Illegal discharges to Town sewers** \$ 500 X _____ = _____
- ☒ Other STRIKE 3 \$ _____ X _____ = 500.-
- ☐ 2nd and added days of violation, double fine \$ _____ X _____ = _____

RES# 1-2022TOTAL FINE: \$500.-

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER

white/violator

yellow/PW

pink/issuer



TOWN OF PALM BEACH
Planning, Zoning & Building Department

April 22, 2022

Via email & mail: jhiler@sciame.com; trish@daviesusa.com

Sciame Homes LLC
% James Hiler Jr
251 Royal Palm Way, 300 A
Palm Beach, FL 33480

Re: Construction Parking & Construction Site Management Citations - 310 Clarke Ave, B-21-89334
STOP WORK ORDER PENDING

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town and other construction site matters. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **three** separate occasions you have received citations:

Strike 3 April 21, 2022 (PW6394– Failure to carry out permit terms/conditions & PW6422 – Fine for receiving 3rd Strike)
Strike 2 April 7, 2022 (NOV10246 Obstruction of Right-of-Way without permit & PW6419 – Fine for receiving 2nd Strike)
Strike 1 February 8, 2022 (NOV10174 – Construction work/making noise)

Per Town Resolution No. 001-2022, because you have received three strikes, a fine in the amount of \$500 is being imposed and is payable immediately to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above (see PW6422).

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Chief of Police or the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

An appeal to the Director of Public Works needs to be submitted in writing within seven (7) calendar days of the date of issuance of the citation. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day April 29, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

All requests to lift a "Stop Work" order would need to be decided by the Town Council. The next Town Council meeting date is Tuesday, May 12, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, May 6, 2022 prior to 5:00 PM.**

Sincerely,

Wayne Bergman

Wayne Berman
Director, Planning, Zoning & Building Department

cc: Mark J & Patricia L Davies, 76 Doubling Rd, Greenwich, CT 06830
Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Support Services Manager

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430



CGC 1521888

4/22/22

The Town of Palm Beach
Att: Mr. Paul Brazil – Public Works Director
360 South County Road
Palm Beach, FL 33480
Master Permit Number: **B-21-89334**
Appeal of Citation Number: 6394

Via email

Dear Mr. Brazil,

I am writing to appeal the latest parking citation issued to our project located at 310 Clarke Ave., Palm Beach – Master Permit Number B-21-89334.

We were issued a ticket yesterday for a passenger car parked in front of our site – with a parking pass. It is unclear to us why this is a violation. The reason for this vehicle parked in the street was the arrival of construction vehicles that needed to park on site. We had representation on site to manage parking, there were no obstructions to traffic, the right of way, or any of the neighbors.

Furthermore, we are still unclear as to what the full extent of all the new site management rules and regulations are. A review of the town's municipal code couldn't lead you down a more confusing path with links and references to other sections that are either incomplete or non-existent. There was no acknowledgment on our end that we were ever made fully aware or received a full copy of these regulations. The only document we acknowledge receipt of is the "Notice of the 3 Strike Construction Parking Rule" which was signed as part of our original permit application on 3/12/21.

In an effort to educate ourselves we requested a copy of the regulations but were provided an incomplete document. This is evidenced in the two emails attached from 4/12/22.

Please contact me with any questions or further information you require to accompany this request at 561-318- 5048 (office) /646-509-6498 (mobile) or via email jhiler@sciame.com.

I want to thank you in advance for your time in considering this appeal.

Sincerely,

Jim Hiler

251a Royal Palm Way Suites 300A & 400A (561) 318-5048 Fax (561) 904-6909

Sciame Homes
CGC152188

Cc:
Wayne Bergman – Building Official
Patricia Strayer – Town Engineer
Debbie Moddy – Business Services Supervisor
Mark Davies
Trish Davies

251a Royal Palm Way Suites 300A & 400A (561) 318-5048 Fax (561) 904-6909



TOWN OF PALM BEACH

Public Works Department

April 25, 2022

Mr. Jim Hiller
Sciame Homes
251a Royal Pam Way
Suites 300A and 400A
Palm Beach, FL 33480

Re: Third Strike 310 Clarke Avenue

Dear Mr. Hiller:

On April 22, 2022 you submitted your appeal of Citation Number 6394 issued April 21, 2022. After reviewing your appeal and the circumstances of the citation, your appeal is being denied. The citation was issued because one of your employees was parked in front of a different site with a parking placard for 310 Clarke Avenue. The 3 Strike Rule is clear that all construction parking must be in front of the construction site.

The request to lift the "Stop Work" order needs to be submitted to the Planning, Building and Zoning Department in order to get the request on the next available Town Council meeting. The next Town Council meeting is being held on Tuesday, May 10, 2022. In order for this item to be considered at this meeting, please submit a written request to Wayne Bergman, Director of the Planning, Zoning and Building Department by Wednesday, May 6, 2022 before 5:00 PM.

Sincerely,

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

cc: Wayne Bergman, Director, Planning, Zoning and Building Department
Debbie Moody, PZB Office Manager
Craig Hauschild, Civil Engineer

MAILING ADDRESS: Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 2 Article X Section 2-636 of the Town Code to Modify the Responsibilities of the Shore Protection Board

ORDINANCE NO. 006-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Article X, Section 2-636, Shore Protection Board; Providing for Severability, Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2022, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Ordinance No. 006-2022**
- ▣ **Attachment 1 - Article X - Shore Protection Board - Red Line**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Adoption of Shore Protection Board Ordinance – Second Reading
Ordinance No. 006-2022

DATE: April 20, 2022

STAFF RECOMMENDATION

Town staff requests that Town Council adopt Ordinance No. 006-2022 to revise Town Code of Ordinances, Chapter 2, Article X, Section 2-636, pertaining to the Shore Protection Board.

GENERAL INFORMATION

During the December 14, 2021 regular Town Council meeting, Council discussed the advisory capacity of the Shore Protection Board. Consistent with the comments made by Town Council, at the February 8, 2022 regular meeting, Town staff provided a red-lined draft of the revisions made by the Town Council. The scope had been adjusted to reflect the Board's refocused duties to include long term planning, public education, and assisting staff in applicable communication with the public. Budgeting, lobbying, and intergovernmental coordination have been stricken as they are responsibilities of the Mayor and Town Council.

Finally, other revisions suggested by staff included removing items that are no longer applicable as they were put in place to assist with the creation of the Board. No further comments to the red-lined draft were provided by Town Council, so staff has moved forward with drafting Ordinance No. 006-2022.

Attachment

cc: Shore Protection Board
Patricia Strayer, Town Engineer
Rob Weber, Coastal Program Manager
John C. Randolph, Town Attorney

ORDINANCE NO. 006-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ARTICLE X, SECTION 2-636, SHORE PROTECTION BOARD; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

Section 1. Chapter 2 Article X, Section 2-636-Shore Protection Board is amended as follows:

Article X. - Shore Protection Board^[14]

Sec. 2-636. - Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

(a)

Generally. A board of the Town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the Town Council. Members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by Town Council upon the expiration of one full year subsequent to their terms having expired. Members of the board shall be residents of the Town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the Town Council for the unexpired term.

(b)

Removal provisions. All members of the shore protection board serve at the pleasure of the Town Council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the Town Manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, the absence will be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the Town Council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(c)

Frequency of meetings. The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the Town Council.

(d)

Officers, rules of procedure. The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.

(e)

Advisory capacity. The shore protection board shall act in an advisory capacity to the Town Council and shall make recommendations to the Town Council on all matters relating to shore protection in the Town including, but not limited to, issues relating to the beaches and specific resiliency matters along the Town's Lake Worth Lagoon shoreline as directed by Town Council. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, public education, and assisting Town staff in applicable communication with the public.

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. [06-2017](#), § 1, [2-14-17](#); Ord. No. [2-2018](#), § 1, 3-20-18; [Ord. No. 03-2021](#), § 1, [2-9-21](#))

[Secs. 2-620—2-635. - Reserved.](#)

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 12th day of April 2022, and for second and final reading on this 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

ARTICLE X. - SHORE PROTECTION BOARD^[14]

Sec. 2-636. - Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

(a)

Generally. A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. ~~Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, m~~Members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. ~~This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term.~~ Members of the board shall be residents of the town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.

(b)

Removal provisions. All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be ~~unexecuted~~unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(c)

Frequency of meetings. The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.

(d)

Officers, rules of procedure. The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.

(e)

Advisory capacity. The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to ~~the beaches nourishment, coastal armoring, the sand transfer plant and specific resiliency matters relating to~~along the town's Lake Worth Lagoon shoreline as directed by Town Council. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, ~~budgeting, lobbying,~~ public education, and ~~intergovernmental coordination assisting Town staff in applicable communication with the public.~~

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. [06-2017](#), § 1, [2-14-17](#); Ord. No. [2-2018](#), § 1, 3-20-18; [Ord. No. 03-2021](#), § 1, [2-9-21](#))

Secs. 2-620—2-635. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 88 Articles II and III of the Town Code to Modify Hedge Heights and Eliminate Pests

ORDINANCE NO. 007-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 88, Property Maintenance Code, at Article II, Definitions, Section 88-14, General Definitions; and at Article III, General Requirements, Sections 88-16, Exterior Property Areas, and 88-23, Pest Elimination; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing an Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Ordinance No. 007-2022**

ORDINANCE NO. 007-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 88, PROPERTY MAINTENANCE CODE, AT ARTICLE II, DEFINITIONS, SECTION 88-14, GENERAL DEFINITIONS; AND AT ARTICLE III, GENERAL REQUIREMENTS, SECTIONS 88-16, EXTERIOR PROPERTY AREAS, AND 88-23, PEST ELIMINATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND 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. Chapter 88, Property Maintenance Code, Article II, Definitions, Section 88-14, General Definitions, is hereby amended as follows:

“Chapter 88 - PROPERTY MAINTENANCE CODE

ARTICLE II. – DEFINITIONS

Sec. 88-14. - General definitions.

Pest elimination. The control of insects, Iguanas, rodents or other pests; and the elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.”

Section 2. Chapter 88, Property Maintenance Code, Article III, General Requirements, Sections 88-16, Exterior Property Areas, Subsection (e); and 88-23, Pest Elimination, Subsection (a); is hereby amended as follows:

“ARTICLE III. - GENERAL REQUIREMENTS

Sec. 88-16. - Exterior property areas.

(e) Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Plants and plant heights that provide for rodent, Iguana, or pest access onto neighboring buildings shall be prohibited. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Sec. 88-23. - Pest elimination.

- (a) Infestation. Structures shall be kept free from insect and rodent infestation. Plants and plant heights that provide for rodent, Iguana, or pest access onto neighboring buildings shall be prohibited. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human*

health. After pest elimination, proper precautions shall be taken to prevent reinfestation.”

Section 3. 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 4. 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 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. 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 12th of April, 2022, and for second and final reading on this 10th day of May, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2022

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Chapter 42 Article V, Section 42-228 to Modify the Decibel level in Area 4 of the Town

ORDINANCE NO. 008-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental at Article V, Noise at Section 42-228, Nonvehicular Noise Amending the Maximum Level, dba Measurement In Geographic Area 4 to be Consistent with the Measurements in Geographic Areas 1 And 3, I.E., 61 Decibels During the Day and 55 Decibels at Night; Providing for Repeal of Ordinances or Parts of Ordinances in Conflict Herewith, Providing for Severability; Providing for Codification; Providing an Effective Date.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated April 27, 2022 from Nicholas Caristo, Chief of Police**
- ▣ **Ordinance No. 008-2022**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Proposed Ordinance to Amend Chapter 42 of the Town Code,
Relative to Non-Vehicular Noise
Ordinance 008-2022

Date: April 27, 2022

GENERAL RECOMMENDATION

Staff recommends that the Town Council approve Ordinance 008-2022, amending Chapter 42 of the Town Code, relative to non-vehicular noise.

STAFF INFORMATION

A discussion took place at the April 14, 2022, Ordinance Rules and Standards Committee Meeting regarding non-vehicular noise. It was determined that regulations relating to noise appear to be inconsistent in regard to the manner in which decibel levels are applied in various geographic residential areas. Based on resident's concerns about noise in geographic area 4 and the Town's desire to make the maximum level dBA's consistent in residential areas, the proposed changes are outlined below and incorporated in the attached ordinance.

Section 42-228

In the use of a sound level meter, the following criteria shall be used for determining a violation of the Town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment.

<i>Area (Geographic)</i>	Maximum Level, dBA	
	<i>Day</i>	<i>Night</i>
1	61	55
2	64	58
3	61	55
4	66 61	60 55

“Night” as used hereinabove is defined as the hours between 7:00 p.m. and 9:00 a.m. (Code 1982 § 12-147 (c))

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this ordinance and approved for legal form and sufficiency.

Attachment

NC/kr

cc: John C. Randolph, Town Attorney
Kirk Blouin, Town Manager
Benjamin Alma, Support Services Manager

ORDINANCE NO. 008-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENTAL AT ARTICLE V, NOISE AT SECTION 42-228, NONVEHICULAR NOISE AMENDING THE MAXIMUM LEVEL, DBA MEASUREMENT IN GEOGRAPHIC AREA 4 TO BE CONSISTENT WITH THE MEASUREMENTS IN GEOGRAPHIC AREAS 1 AND 3, i.e., 61 DECIBELS DURING THE DAY AND 55 DECIBELS AT NIGHT; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Sec. 42-228, of Chapter 42, Article V, relating to noise appears to be inconsistent in regard to the manner in which decibel levels are applied in various geographic areas of the Town, which are residential areas in the Town; and

WHEREAS, geographic areas 1 and 3, have maximum dBA readings of 61 in the day and 55 at night and geographic area 4, which is also a residential area has a maximum decibel reading of 66 during the day and 60 during the night; and

WHEREAS, it is the desire of the Town to make the maximum level dBA's consistent in these residential areas of the Town; and

NOW, THEREFORE, be it ordained by the Town Council of the Town of Palm Beach, Palm Beach, Florida as follows:

Section 1. Sec. 42-228, of Chapter 42, at Article V, Noise is hereby amended to read as follows:

Section. 42-228. Nonvehicular Noise.

In the use of a sound level meter, the following criteria shall be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment.

Area (Geographic)	Maximum Level, dBA	
	Day	Night
1	61	55
2	64	58
3	61	55
4	61	55

“Night” as used hereinabove is defined as the hours between 7:00 p.m. and 9:00 a.m. (Code 1982 § 12-147 (c))

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not effect 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 10th day of May, 2022, and for second and final reading on this 14th day of June, 2022.

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

Pat Gayle-Gordon, Town Clerk

Lewis S.W. Crampton, Town Council Member