TENTATIVE: SUBJECT TO REVISION

TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 8, 2018

9:30 AM

Town Council Meeting

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

Mayor Gail L. Coniglio
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. PRESENTATIONS

A. Flagler Bridge Project Update.
Geoffrey Parker, New Millenium Engineering

V. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Investment Advisory Committee Applicants.
Kirk W. Blouin, Town Manager

B. Presentations by Planning and Zoning Commission Applicants.
Kirk W. Blouin, Town Manager

C. Appointments to the Investment Advisory Committee. Page 11
Kirk W. Blouin, Town Manager

D. Appointments to the Planning and Zoning Commission. Page 20
Kirk W. Blouin, Town Manager

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES Page 41
Kathleen Dominguez, Town Clerk

a. March 5, 2018, Special Town Council Meeting Minutes
b. March 20, 2018, Town Council Meeting Minutes
c. March 21, 2018, Development Review Town Council Meeting Minutes
Deferred from the April 10, 2018, Town Council Meeting

d. April 9, 2018, Special Town Council Meeting Minutes - Budget Workshop
e. April 10, 2018, Town Council Meeting Minutes
f. April 11, 2018, Town Council Meeting Development Review Minutes

2. Approval of major matters considered by the Architectural Commission at its meeting of April 25, 2018. Page 109
Paul Castro, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 43-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-19 for the Construction of the Royal Palm Way Irrigation Improvements and Approving a Contract to Treasure Coast Irrigation and Landscape LLC., in the Amount of $183,685.77, and Establishing a Construction Phase Budget of $204,000. Page 136
H. Paul Brazil, P.E., Director of Public Works

2. RESOLUTION NO. 53-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No. Page 140

2018-36 for the Inlet Dock Repair and Rehabilitation Project and Approving a Construction Contract to Murray Logan Construction, Inc., in the Amount of $166,000 and Establishing a Construction Phase Budget of $183,000.

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

3. RESOLUTION NO. 54-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-22 for the E-1, E-2 and G-1 Liftstation Improvements Project and Approving a Construction Contract to Akerblom Contracting, Inc., in an Amount of $724,900 and Authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings in the Amount of $301,842 and Establishing a Construction Phase Budget of $1,130,000, Including Contingency for Both Construction and Owner Direct Purchasing. Page 144

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

4. RESOLUTION NO. 55-2018 A Resolution Of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of $97,300 for the E-1, E-2 and G-1 Liftstation Improvements Project, and Establishing a Construction Phase Engineering Services Budget of $107,000. Page 151

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

5. RESOLUTION NO. 56-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Purchase Orders to Advanced Roofing, in the Amount of $13,500 for Hurricane Repairs and $13,500 for Maintenance Repairs, Certified Roofing Specialists, Inc, in the Amount of $61,050 for Hurricane Repairs and $68,855 for Maintenance Repairs and Hi-Tech Roofing and Sheet Metal, in the Amount of $12,700 for Maintenance Repairs, Totaling $169,605, for the Repair of Roofing Systems on Town Owned Facilities and Establishing an Overall Project Budget of $195,045, Which Includes a Repair Contingency. Page 160

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

6. RESOLUTION NO. 57-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Hulett Environmental Services Inc., for Treatment of Lethal Yellowing Disease in Coconut Palms and Royal Palm Bug and Fertilization Treatment in Royal Palm Trees in the Annual Amount of $61,518 and Establishing a Project Budget of $67,673. Page 166

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

7. RESOLUTION NO. 58-2018 A Resolution Of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Easement and Use Agreement with the Property Owner of 150 Bradley Place and the Town of Palm Beach for Installation, Access, and Maintenance of the Foundations, Mast Arms, Pedestrian Poles, and Associated Signal Equipment. Page 170

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

8. RESOLUTION NO. 59-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders For Tree Trimming Services To Core Services LLC in the Amount of $39,840 for Coconut Palm Trimming and $63,720 for Hourly Tree Trimming Services and to Property Works in the Amount of $6,105 for Australian Pine Trimming Totaling $109,665 and Establishing a Project Budget of $120,631 for FY18. The Five Year Project Budget Shall be $897,030 Which Includes an Estimated Annual Cost of $149,505 and a $29,800 Contingency, Contingent of Funding in Future Fiscal Years. Page 180

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

9. RESOLUTION NO. 60-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving An Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services (EMS) Grant Equipment and Authorizing the Application for Funds From the Palm Beach County EMS Program in the Amount of $25,000 And Establishing a Budget of $25,000 in Fiscal Year 2018 To Be Used For The Purchase Of One (1) Stryker Power Load Cot Fastening System and Associated Accessories; and Authorizing the Town Manager to Execute This Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget. Page 186

   Darrel Donatto, Fire Rescue Chief

10. RESOLUTION NO. 61-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Four (4) Genesis Power Units, Four (4) Cutters and Refurbish Four (4) Spreaders and Eight (8) Rams From Rescue Systems Unlimited in the Amount of $68,060 and Establishing a Total Budget of $68,060. Page 198

    Darrel Donatto, Fire Rescue Chief

11. RESOLUTION NO. 62-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm, Beach County, Florida, Authorizing the Purchase of One Ford F450 Type 1 Medium Duty Ambulance Spec #1 Purchase In Accordance With Florida Sheriff's Association Bid FSA16-VEF12.0 With NFPA Department Ambulance Required Equipment in the Amount of $276,597 and Establishing a Total Budget of $282,597. Page 204

    Darrel Donatto, Fire Rescue Chief

12. RESOLUTION NO. 64-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the Selection Committee Recommendation for RFP 2018-16 IT Consulting Services to Three Proposers; Presido Networked Solutions LLC, Sentinel Technologies Inc. and Saalex Corporation, and Authorizing the Town Manager to Execute the Agreements on Behalf of the Town with the Top Three Ranked Firms; and Approve Annual Budget Of $107,000 For Fiscal Year 2018 And A Five Year Page 228

Proposed Requirement of $535,000 With The Three Proposers, Subject to Annual Town Council Review And Authorization.

Jay Boodheshwar, Deputy Town Manager

13. RESOLUTION NO. 66-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida adopting the Master Plan of the Town of Palm Beach Docks and Accessory Structures; and providing an effective date. Page 233

    Beth Zickar, Director of Recreation

14. RESOLUTION NO. 67-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase to Purchase Order No. 180488 to AppleOne Employment Services, in the Amount of $16,000, Increasing the Amount from $33,224 To $49,224. Page 359

    Danielle Olson, Director of Human Resources

C. OTHER

1. Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Two Proposed Projects, in an Amount Not to Exceed $27,000. Page 362

   Beth Zickar, Director of Recreation

2. Waiver to Town Code 42-198 and 199 for the D-14 Stormwater Pump Station Improvements. Page 365

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

3. Lake Trail Signs and Striping. Page 368

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

4. Permission to Close Country Club Road for the Annual Trimming of the Cut. Page 370

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

5. Angler Avenue Parcel Conveyance from Palm Beach County to the Town of Palm Beach. Page 372

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

X. BOARD/COMMISSION ANNUAL REPORT

A. Code Enforcement Board Annual Report. Page 376

Matthew Natale, Chair

B. Planning and Zoning Commission Annual Report. Page 381

Martin I. Klein, Chair

XI. COMMITTEE REPORTS

A. Report of the Administrative and Personnel Committee Meeting Held on March 15 and March 19, 2018. Page 386

TIME CERTAIN: 11:00 A.M.

Lew Crampton, Chair

B. Report of the Public Works Committee Meeting Held on April 12, 2018. Page 390
Bobbie Lindsay, Chair

XII. PUBLIC HEARINGS

A. RESOLUTION NO. 68-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Designating Three New Historic/Specimen Trees Located at 1255 South Ocean Boulevard and Four Arts Plaza – Four Arts Garden, Providing an Effective Date. Page 394
H. Paul Brazil, P.E., Director of Public Works

XIII. REGULAR AGENDA

A. Old Business

1. Comprehensive Review of Town Operations (CROTO) Update Page 398

   a. Employee Compensation and Benefits.
   Danielle Olson, Director of Human Resources

   b. Expansion of the Paid Parking Program.
   Jay Boodheshwar, Deputy Town Manager

   c. Solicit Corporate Sponsorships for Recreation Programs.
   Beth Zickar, Director of Recreation

   d. PZB Department Fees.
   Paul Castro, Acting Director of Planning, Zoning & Building

   e. Palm Beach Island Cats Funding.
   Jane Le Clainche, Director of Finance

2. Coastal Update:

   a. Shoreline Condition Update
   H. Paul Brazil, P.E., Director of Public Works

3. Review and Approval of Extended Construction Hours for Testa Concrete Pours. Page 474
   H. Paul Brazil, P.E., Director of Public Works

4. Town-wide Undergrounding Project: Page 485

   a. Review of Project and Dashboard, Summary of Project Status.
   Steven Stern, Project Manager

   b. Appeal to Reduce Undergrounding Assessment for the below parcels within "the Residences at Sloan's Curve."
   Attorney John O'Neill for:

i. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
ii. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
iii. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
iv. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
v. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
vi. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
vii. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
viii. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

TIME CERTAIN: 2:00 PM

B. New Business

1. Signature Policy for Resolutions and Ordinances. Page 861

   Kathleen Dominguez, Town Clerk

2. Discussion regarding the Town Council Meeting Schedule for August and September.

   Danielle H. Moore, President

3. Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poiciana. Page 865

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

C. Matters Pulled From Consent Agenda: If needed

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 06-2018 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of The Town Code of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-53, Membership; Termination of Membership; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Page 869

   Danielle Olson, Director of Human Resources

B. First Reading

1. ORDINANCE NO. 07-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach's Code of Ordinances by Amending Section 18- Page 874

167 To Allow for a Non-Resident Expert To Be Appointed to the Architectural Commission (ARCOM); Providing for Incorporation of Recitals; Providing for Severability; Providing for Repeal of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date.

Paul Castro, Acting Director of Planning, Zoning & Building

2. ORDINANCE NO. 08-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82, Personnel, Article III, Resolution of Employee Grievances, of the Town Code of Ordinances at Section 82.207, Review By Administrative and Personnel Committee; Further Amending Section 82.208, Role of Committee; Amending Section 82.209, Procedures; Amending Section 82.210, Findings of Committee; Amending Section 82.211, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 880

   Danielle Olson, Director of Human Resources

3. ORDINANCE NO. 09-2018 - An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, at Section 2-136, Appointive Administrative Officers, so as to Delete the Term Public Safety Director and Substitute for that Term the Terms Chief of Police and Chief of Fire Rescue; Amending Division 5, Director of Public Works at Section 2-247, General Duties, Supervision by Manager, to Delete the Reference to the Public Works Director being under the Direct Supervision of the Town Manager; Further Providing that all References in the Town Code to Public Safety Director Shall Now be Referred to as Chief of Police and Chief of Fire Rescue; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 886

   Jay Boodheshwar, Deputy Town Manager

4. ORDINANCE NO. 10-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2017, Providing an Effective Date. Page 892

   Jane Le Clainche, Director of Finance

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to publiccomment@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 Thursday 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 Thursday 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 Systems (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
Meeting Schedule

Town Council Meeting-Regular Business
May 8, 2018, 9:30 AM @ Council Chambers
More Details

Town Council Meeting-Development Review Matters
May 9, 2018, 9:30 AM @ Council Chambers
More Details

Public Works Committee Meeting
May 10, 2018, 9:30 AM @ Council Chambers
More Details

Planning and Zoning Commission
May 15, 2018, 9:30 AM @ Council Chambers
More Details

Landmarks Preservation Commission Meeting
May 16, 2018, 9:30 AM @ Council Chambers
More Details

Code Enforcement Board Meeting
May 17, 2018, 2:00 PM @ Council Chambers
More Details

Retirement System Board of Trustees Meeting
May 18, 2018, 9:00 AM @ Council Chambers
More Details

Investment Advisory Committee Meeting
May 18, 2018, 2:30 PM @ Council Chambers
More Details

Architectural Commission Meeting
May 23, 2018, 9:00 AM @ Council Chambers
More Details

Shore Protection Board Meeting
May 24, 2018, 9:00 AM @ Council Chambers
More Details

Memorial Day-Town Hall Closed
May 28, 2018, 8:30 AM - 5:00 PM
More Details

Underground Utility Task Force Meeting
June 5, 2018, 9:00 AM @ Council Chambers
More Details

Ordinances, Rules, and Standards Committee
June 7, 2018, 9:30 AM
More Details

Town Council Meeting-Regular Business
June 12, 2018, 9:30 AM @ Council Chambers
More Details

Town Council Meeting-Development Review Matters
June 13, 2018, 9:30 AM @ Council Chambers
More Details

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Investment Advisory Committee.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Memorandum dated April 30, 2018, from Kirk Blouin, Town Manager**
- **Ballot**
- **Applications for IAC Appointments**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 8, 2018

TO: Mayor and Town Council

FROM: Kirk Blouin, Town Manager

RE: Investment Advisory Committee Appointments

DATE: April 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint two members to serve on the Investment Advisory Committee.

GENERAL INFORMATION

The terms of Andrew Frazier and Kathleen Anderson expire May 2018. Both members are eligible for and have applied for reappointment.

Both applicants have submitted proof of Town of Palm Beach residency.

There are no other applicants for these two seats.

Attachment

KWB:cek

cc: Jane Le Clainche, Director of Finance

BALLOT FOR APPOINTMENT OF MEMBER(S)
TO THE **INVESTMENT ADVISORY COMMITTEE**
Town Council Meeting on **May 8, 2018**

Position(s) to be filled: 2 Members

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

Regular Member(s) Applying for Reappointment

Kathleen Anderson

Andrew Frazier

Signature of Town Council Member: _____
Name of Town Council Member

RECEIVED

2018 APR 26 PM3:01 TWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail addressed to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Kathleen M Anderson

Residence Address: 2660 S Ocean Blvd

Mailing Address: 2660 S Ocean Blvd

Home Telephone: 609 915 9318

E-mail Address: KMA2658@aol.com

Work Telephone:

I am a resident of the Town of Palm Beach KMA (please initial)

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 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. KDA

1. Why do you wish to be appointed as a member of the Investment Advisory Committee? (Please use additional pages if necessary

My style of investing throughout my 30+year career on Wall Street is aligned with that of the IAC. Focus is on protection on the downside while still generating a return.

2. Please identify how many meetings of the Investment Advisory Committee you have attended in the past two (2) years.

☑ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4+

3. 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.

None

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

None

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

Worked as analyst/portfolio manager at Merrill Lynch / BlackRock 30+
focus on yield and downside protection

6. 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
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. Retired No. of years. 2yrs

Employer. BlackRock

8. Past occupation(s). Portfolio Manager / Analyst No. of years. 30+yrs

Employer(s). BlackRock / Merrill Lynch Investment Manager

9. Please provide details regarding your educational background:

BBA in Economics & Finance Baruch College NY
some graduate work in finance

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

Family Member Name	Relationship	Address	Occupation	Employer

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? no

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☐ Male ☑ Female
☐ Asian American	☑ Caucasian	PHYSICALLY DISABLED
☐ Hispanic American	☐ Not known	☐ 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 or dismissal after appointment.

SIGNATURE: Kathleen M Anderson DATE: 4/25/18

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.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail addressed to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Andrew S Frazier Residence Address: 242 Merrain Road

Mailing Address: same Home Telephone: 561 844 7458

E-mail Address: frazier.asd@gmail.com Work Telephone:

I am a resident of the Town of Palm Beach AF (please initial)

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 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. KD ✓

1. Why do you wish to be appointed as a member of the Investment Advisory Committee? (Please use additional pages if necessary

I have expertise in money management and believe that I can be of assistance to the Committee

2. Please identify how many meetings of the Investment Advisory Committee you have attended in the past two (2) years.

☐0 ☐1 ☐2 ☐3 ☒4+

3. 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.

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

I have difficulty attending the August meeting but made it last year.

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

Trustee: Brown Brothers Harriman Mutual Fund Group - Audit Chair
CEO of an insurance company with $1+ billion portfolio

6. 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
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. retired No. of years. _____

Employer. _____

8. Past occupation(s). CEO/CFO No. of years. 28

Employer(s). Western World Insurance Group

9. Please provide details regarding your educational background:

BA - Johns Hopkins University
MBA - University of Chicago

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

Family Member Name	Relationship	Address	Occupation	Employer
Nancy Frazier	spouse	same	Not Employed	

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? no

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☒ Male ☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED
☐ Hispanic American	☐ Not known	☐ 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 or dismissal after appointment.

SIGNATURE: _____ DATE: 3-2-18

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.

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Planning and Zoning Commission.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Memorandum dated April 30, 2018, from Kirk Blouin, Town Manager**
- **Ballot**
- **PZC Applications**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 8, 2018

TO: Mayor and Town Council

FROM: Kirk Blouin, Town Manager

RE: Planning and Zoning Commission Appointments

DATE: April 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint one member to the Planning and Zoning Commission.

GENERAL INFORMATION

The seat previously held by Lew Crampton needs to be filled. This position has a term expiration of September 2019.

There are six applicants seeking appointment to fill this vacancy.

Eric Christu and **Michael Spaziani** are currently serving as alternate members of the Planning and Zoning Commission and both have applied to be appointed as a regular member of the Commission.

Marilyn Beuttenmuller, Karen Butler, John Ceriale, and **John Tatooles** have also applied for the open position.

In the event that Mr. Christu or Mr. Spaziani are selected to serve in the regular position, appointment of an alternate member will need to be considered at the May 8th Town Council meeting.

All applicants have submitted proof of voter registration in the Town of Palm Beach.

Attachment

KWB:cek

cc: Paul Castro, Acting Director of Planning, Zoning, and Building.
Kelly Churney, Office Assistant III

BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE **PLANNING & ZONING COMMISSION**
Town Council Meeting on **May 8, 2018**

Positions to be filled: **1** **Regular Members**

Please circle 1 from the list of names appearing below

Alternate Members Applying for Promotion to Regular Member
(Listed alphabetically)

Eric Christu

Michael Vincent John Spaziani

Others Who Have Submitted Applications
(Listed alphabetically)

Marilyn Beuttenmuller

Karen Butler

John Ceriale

John Tatooles

Signature of Town Council Member: _____
Name of Town Council Member

RECEIVED
2018 APR 17 AM 10:58 TWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Planning and Zoning Commission must file an annual financial disclosure form per State law.)

Name: **MARILYN N. BEUTTENMULLER** Residence Address: 1555 N. Lake Way, Palm Beach, FL 33480

Mailing Address: SAME Home Telephone: 561-844-0935

E-mail Address: _____ Work Telephone: N/A

I am a registered voter of the Town of Palm Beach_____(please initial)

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application. MRB

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

As a forty year resident of the Town, I have been the beneficiary of others who have served on this advisory commission to the Town Council. I am now able to give back and devote the time required to help keep Palm Beach a superior place to live for all its residents. I believe that my personal skills, education and work history qualify me to become a collegial and contributing member of the Commission.

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? One

3. 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.

Palm Beach Zoological & Conservation Society (officer / board member, 28 yrs.); **Sailfish Club of Florida** (past: board Member, 3yrs); **Junior League of the Palm Beaches** (past: Ex. Comm. member & Chair of various); **Norton Gallery of Art** (past: Pres. of Young People's President's Council); **Cardinal Newman H.S.** (past: Pres. of Long Range Planning Cm.)

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A.	Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?	Yes ☑	No ☐
B.	Meetings on consecutive dates?	Yes ☑	No ☐
C.	Meetings which might be scheduled for multiple dates within the same month	Yes ☑	No ☐
D.	Meetings scheduled year-round	Yes ☑	No ☐

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

None

6. Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain. Attach additional pages if necessary)

None, directly. However, during 13 years as a staff attorney for the 4th District Court of Appeal, I prepared legal memoranda advising judges of the Court concerning appeals related to comprehensive land planning, zoning, land use, boards of adjustment, water regulatory, environmental and other governmental issues.

7. 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
- ☐ North End Property Owners Association
- ☑ Other **Garden Club of Palm Beach**

8. Present occupation. **Retired** No. of years.

Employer.

N/A

9. Past occupation(s). **Clerk of Court, Florida 4th District Court of Appeal** No. of years. 23 (as Clerk of Court)

Employer(s).

State of Florida Courts - 36 years.

10. 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)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☑ Law
- ☑ Social Sciences
- ☐ Urban and Regional Planning
- ☐ Building Construction and/or Development
- ☑ Geography

11. Please provide details regarding your educational background:

B.A. Economics, Dominican University, River Forest, IL (1970)

M.B.A. University of Florida, Gainesville, FL (1972)

J.D. University of Miami, Coral Gables, FL (1977)

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary)

My educational background, forty years residence, and professional experience enable me to be a contributing member of the Commission in its advisory role to the Town Council regarding municipal planning concepts consistent with the Town's comprehensive land use plan and other zoning and development issues within the Commission's purview.

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

Family Member Name	Relationship	Address	Occupation	Employer
Donald Beuttenmuller	Spouse	Same	General Counsel	Gunster

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?
NO

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☑ I will resign from the N/A if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☑ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American

☐ Asian American ■ Caucasian

☐ Hispanic American ☐ Not known

GENDER

☐ Male ■ 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 or dismissal after appointment.

SIGNATURE: Marilyn X DATE: April 17, 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.

RECEIVED

2018 APR 10 PM 2:29 TWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

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Name: KAREN S. BUTLER

Residence Address: 389 SOUTH LAKE DR.

Mailing Address: 389 SOUTH LAKE DRIVE PALM BEACH, FL 33480

Home Telephone: 561-507-5509

E-mail Address:

Work Telephone: 312-560-8710

I am a registered voter of the Town of Palm Beach _____ (please initial) KD

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

Desire to make a meaningful contribution to the Town of Palm Beach by applying my experience in entitling zoning and planning real estate projects which included redevelopment of parts of cities, suburbs and shopping malls

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? 2-3 PZ plus meetings of ARCOM, LANDMARKS COMMISSION AND TOWN COUNCIL + UUTF

3. 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.

A) Metropolitan Planning Council, Chicago - Board of Trustees 6 years, monthly, bi-monthly meetings including subcommittees - CHICAGO, IL.

B) GODDESS FUND FOR STROKE RESEARCH IN WOMEN - 12 years, monthly Trustees meetings plus monthly Chicago Friends of Goddess Fund monthly meetings as Chairman

C) Transaction Policy Committee, The Glen (Glenview Naval Air Station), Village of Glenview Trustees and Mesirow Financial.

D) Various Boards related to restructuring of Canary Wharf, London, England

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A.	Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?	Yes ☒ No ☐
B.	Meetings on consecutive dates?	Yes ☒ No ☐
C.	Meetings which might be scheduled for multiple dates within the same month	Yes ☒ No ☐
D.	Meetings scheduled year-round	Yes ☒ No ☐

(*) Times Square - 7 million sq. ft. mixed use including historic preservation of theaters (\$2 billion project)

(**) Glenview Naval Air Station, Glenview IL., 5 million sq. ft. Redevelopment of Navy Base, mixed use, led joint-public-private to win to success. Included historic preservation (\$1.5 billion project)

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

6. Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain. Attach additional pages if necessary) Have worked in 31 states and been responsible for 45 states in U.S. working as a public official (Times Squ Redevelopme for N.Y. Stat) banker and R.E.I.T. developer of shopping malls.

7. 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
- ☐ North End Property Owners Association
- ☐ Other _____

8. Present occupation. Managing Member, Great Harbor Advisors LLC No. of years. 6

Employer. Managing Director JLL (Jones Lang LaSalle) Public Institutions Group (1 yr.), Development / Chemical Bank – Vice President, Real Estate Finance – 6 yrs

6 yrs: Senior Director GGP (Shopping Mall REIT)

9. Past occupation(s) Bank of NY Mellon – 4 yrs, Vice President, Construction Lending Group. No. of years.

Employer(s). N.Y. State Urban Development Corp. – 5 years – Assistant Vice President, Times Square Redevelopment Corp.

10. 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)

- ☒ Architecture
- ☒ Landscape Architecture/Design
- ☒ Law
- ☒ Social Sciences
- ☒ Urban and Regional Planning
- ☒ Building Construction and/or Development
- ☒ Geography

Have taught Real Estate Development and Financ courses at Northwestern + DePaul U. for MBAs

11. Please provide details regarding your educational background: Graduated Smith College. Studied Art and Architecture, English (major) Economics - Worked with Master Planners at Cooper Robertson (Times Square) Ehrenkrantz Eckstut + Kuhn (various), Skidmore Owings + Merrill (Glenview, IL)

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary) Please see resume and biography attached. Very passionate about and experienced in subject matter. Set zoning envelope for 13-acre Redevelopment of Times Square (NY) and 1,000 ac. Glenview Naval Air Station (IL) plus mixed-use development of shopping malls in Oregon and California. Projects included preservation of open space and historic structures, mixed uses, green improvements, transportation, etc. in a very thoughtful and successful way, involving much collaboration and consensus-building plus best practices.

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

Family Member Name	Relationship	Address	Occupation	Employer
Grace B. Martin	Mother	389 S. Lake Dr.	N/A	N/A retired resident

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?
No

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☒ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE
☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER
☐ Male ☒ 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 or dismissal after appointment.

SIGNATURE: G. B. Butler DATE: 4/10/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.

RECEIVED

2018 APR 27 AM10:05 TWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

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Name: John V. Ceriale

Residence Address: 230 S. Ocean Boulevard, Palm Beach, FL 33480

Mailing Address: 230 S. Ocean Boulevard, Palm Beach, FL 33480

Home Telephone: N/A

E-mail Address: ceriale@prospecthoteladvisors.com

Work Telephone: 917-836-2304

I am a registered voter of the Town of Palm Beach ___ (please initial)

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application. JKD

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

I have been a resident of Palm Beach for over 15 years now. I care deeply about the economic health of our community. I come with years of experience in matters related to planning and zoning across the ccountry, as well as internationally, in my professional work as a hotel and hospitality expert over the past 40 years. I have helped to guide and shape cities and communities in relation to tourism and economic stability and viability. I have a deep understanding of the profound effects strong or weak P&Z oversight can have. I am very interested in the right mix, and how it is mixed, of residential and commercial interests in our community.

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? 0

3. 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.

Montefiore Health Systems (New York, 1 year); James Beard Foundation (New York, 1 years); Motel 6 (4 years); La Quinta Hotels (7 years); Hilton Hotels (7 years);

Cornell University (New Trustee)

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A.	Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?	Yes ☑	No ☐
B.	Meetings on consecutive dates?	Yes ☑	No ☐
C.	Meetings which might be scheduled for multiple dates within the same month	Yes ☑	No ☐
D.	Meetings scheduled year-round	Yes ☑	No ☐

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

None

6. Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain. Attach additional pages if necessary)

I have been a part of numerous teams doing development work in numerous jurisdictions worldwide, but have not personally presented.

7. 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
- ☐ North End Property Owners Association
- ☐ Other _____

8. Present occupation. Hotel real estate advisor to private equity firms. No. of years. 20

Employer.

Self-employed, Prospect Hotel Advisors, LLC

9. Past occupation(s). Managing Director, Blackstone Group No. of years. 4

Employer(s).

Westin Hotels, Marriott Hotels

10. 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)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☐ Law
- ☑ Social Sciences
- ☐ Urban and Regional Planning
- ☐ Building Construction and/or Development
- ☐ Geography

11. Please provide details regarding your educational background:

Undergraduate studies, Loyola College (Political Science)

Undergraduate studies, University of Nevada Las Vegas (BA) & Hotel Administration (BS)

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary)

I have spent a lifetime in hospitality doing development, operations, and management -- working with architects, interior designers, landscape designers, and urban planners. I was inducted into the Interior Design Hall of Fame in 2016 for my influence and contributions to the hospitality industry (hotels, restaurants, and public spaces). I believe that my experience in tourism and my understanding of markets uniquely qualifies me with objectivity and vision for future planning. In addition, I love the Town of Palm Beach and am committed to ensuring its best future. Please see bio attached.

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

Family Member Name	Relationship	Address	Occupation	Employer
Melissa Ceriale	Spouse	230 S. Ocean Boulevard, Palm Beach, FL 33480		

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?
No

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☐ Yes ☑ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American

☐ Asian American ■ Caucasian

☐ Hispanic American ☐ Not known

GENDER

■ Male ☐ 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 or dismissal after appointment.

SIGNATURE: _____ DATE: 27 April 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

_____ **of each year.**

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.

2018 APR 20 PM1:16 TWN CLERK

TOWN OF PALM BEACH

RECEIVED

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

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Name: Eric Christu

Residence Address: 1500 N Oean Blvd., Palm Beach, FL 33480

Mailing Address: SAME

Home Telephone: 561-758-7544

E-mail Address: ericchristu@aol.com

Work Telephone: 561-758-7544

I am a registered voter of the Town of Palm Beach ECC (please initial)

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application. ✓KD

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

I wish to continue my service on the Commission as a voting member as I believe this is an important time for planning issues in the Town and I hope to continue to offer my expertise in planning and zoning. As a full-time resident with children attending school on Palm Beach, I am absolutely committed to carrying out the mission of the Commission in a thoughtful and diligent manner.

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? All except one

3. 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 Planning and Zoning Commission 2017 to present - alternate member

I have also served as a Chair Person of a Florida Bar Committee, as past President of the Federal Bar, and on numerous local Bar Committees and charitable organizations for the past 20 years.

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A.	Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?	Yes ☑	No ☐
B.	Meetings on consecutive dates?	Yes ☑	No ☐
C.	Meetings which might be scheduled for multiple dates within the same month	Yes ☑	No ☐
D.	Meetings scheduled year-round	Yes ☑	No ☐

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

NONE

6. Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain. Attach additional pages if necessary)

I have experience with handling and litigating zoning issues in the Town of Palm Beach, and the municipalities of Manalapan and Ocean Ridge. These have included handling zoning approval matters for clients, as well as litigating zoning issues.

7. 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
- ☐ North End Property Owners Association
- ☐ Other _____

8. Present occupation. Attorney No. of years. 34

Employer.
Shutts and Bowen LLP

9. Past occupation(s). n/a No. of years. _____

Employer(s).

10. 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)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☑ Law
- ☐ Social Sciences
- ☐ Urban and Regional Planning
- ☑ Building Construction and/or Development
- ☐ Geography

11. Please provide details regarding your educational background:

J.D. Georgetown University Law Center

B.A. with Honors, University of Minnesota, Minneapolis, MN

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary)

In addition to my current service and experience on the Commission, I have been and remain interested and focused on planning and growth issues in the Town and spend considerable time following Town developments in these areas so as to better serve on the Commission and to better understand the issues facing the Town and its residents. I have a solid understanding of the Town's Comprehensive Plan as well as related statutory enactments and applicable case law. I have experience in handling matters under Chapter 163 of the Florida Statutes, **including the Bert Harris Act. I have handled matters involving plats and zoning issues in the Town of Palm Beach and have familiarity with the Town Ordinances and Comprehensive Plan. I feel that with this background and being a long-term resident, I am qualified to serve. See attached CV.**

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

Family Member Name	Relationship	Address	Occupation	Employer
Maura Ziska Christu	Wife	1500 N Ocean Blvd	Attorney	Kochman & Ziska
Caroline Christu	Daughter	1500 N Ocean Blvd	Student	
Ella Christu	Daughter	1500 N Ocean Blvd	Student	

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?
NO

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☑ I will resign from the Commission as an Alternate Memeber if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☑ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American
☐ Asian American ■ Caucasian
☐ Hispanic American ☐ Not known

GENDER

■ Male ☐ 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 or dismissal after appointment.

SIGNATURE: _____ DATE: 4/20/2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission acts in an advisory capacity to the Town Council in all matters relating to municipal planning and development. The Commission is required to follow the concepts and contents of the Town's comprehensive land use plan in all planning, zoning and development related deliberations and decisions. The Commission shall also have such powers and duties as may be prescribed by Ordinance. The members of the Commission must be registered voters in the Town of Palm Beach. The seven regular members serve for terms of three years. Three alternate members of the Zoning Commission may be appointed by the Town Council who serve when called upon by the Chair of the Commission in the absence of any regular member.

Received 2/16/18
(via email attached.)

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Planning and Zoning Commission must file an annual financial disclosure form per State law.)

Name: MICHAEL VINCENT JOHN SPAZIANI Residence Address: 3300 S. OCEAN BLVD, PB.

Mailing Address: 3300 S. OCEAN BLVD. PALM BEACH Home Telephone: 561 655 8009

E-mail Address: spaziane@aol.com Work Telephone: 561 655 8009

I am a registered voter of the Town of Palm Beach MVJS (please initial)

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

I want to play a role in shaping the development of a town that I have lived in for over ½ of my life.
As a commercial/residential appraiser zoning issues are items I address on a daily basis

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? All except one

3. 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.

6 YEARS PLANNING & ZONING
9 YEARS RECREATIONAL ADVISORY COMMISSION - 3 years as chairman

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A. Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)? Yes ☑ No ☐
B. Meetings on consecutive dates? Yes ☑ No ☐
C. Meetings which might be scheduled for multiple dates within the same month Yes ☑ No ☐
D. Meetings scheduled year-round Yes ☑ No ☐

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

None

6. Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain. Attach additional pages if necessary)

Recently worked on the Comprehensive Plan last year as a member of the Planning & Zoning Commission.

7. 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
- ☐ North End Property Owners Association
- ☐ Other _____

8. Present occupation. Commercial & Residential Real Estate Appraiser No. of years. 34 Years

Employer. Michael Vincent John Spaziani, 2875 S. Ocean Blvd, Palm Beach

9. Past occupation(s). Commercial & Residential Real Estate Appraiser No. of years. 4 Years

Employer(s). Andrew Santangini MAI, Gainesville, Fla

10. 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)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☐ Law
- ☐ Social Sciences
- ☑ Urban and Regional Planning
- ☑ Building Construction and/or Development
- ☐ Geography

11. Please provide details regarding your educational background:

Harvard University - Real Estate Development & Management, AMD, 2004
University of Florida - Real Estate & Urban Analysis - MBA - 1990
Pennsylvania State University - Bachelor of Science - 1977

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary)

6 Years of experience on the Town of Palm Beach Commission with the majority of meetings as a voting member.

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

Family Member Name	Relationship	Address	Occupation	Employer
Michael Spaziani	Son	3300 S OCEAN BLVD	STUDENT	

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?
NO

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☑ I will resign from the P&Z ALTERNATE if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☑ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American
☐ Asian American ☑ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☑ Male ☐ 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 or dismissal after appointment.

SIGNATURE: Michael Vincent John Spaziani DATE: 02/16/2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

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Proof of residency verified. P.G.

2018 APR 23 PM3:45 TWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

PLANNING AND ZONING COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Planning and Zoning Commission must file an annual financial disclosure form per State law.)

Name: John J. Tatooles

Residence Address: 122 OceanView Road

Mailing Address: same as residence

Home Telephone: 312-485-5252 (cell)

E-mail Address: jjt5959@gmail.com

Work Telephone: _____

I am a registered voter of the Town of Palm Beach JJT (please initial)

Appointment to Planning and Zoning Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Planning and Zoning Commission? (Please explain and attach additional pages if necessary)

See Attached

2. How many meetings of the Planning and Zoning Commission have you attended in the last year? Two

3. 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.

See Attached

4. Are you willing and available to attend meetings of the Planning and Zoning Commission as described below?

A.	Meetings which last a full day (9:30 a.m. to 5:00 p.m., or even later)?	Yes ☑	No ☐
B.	Meetings on consecutive dates?	Yes ☑	No ☐
C.	Meetings which might be scheduled for multiple dates within the same month	Yes ☑	No ☐
D.	Meetings scheduled year-round	Yes ☑	No ☐

5. Please indicate if there are any periods of time for which you will be unavailable for meetings.
None - I am a full time resident

6. Do you have any experience in requesting comprehensive plan amendments or zoning approvals from the Town of Palm Beach or other jurisdictions? (Please explain. Attach additional pages if necessary)
see attached

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

- [x] Palm Beach Chamber of Commerce
- [ ] Palm Beach Civic Association
- [ ] Citizens' Association of Palm Beach
- [x] Preservation Foundation of Palm Beach
- [ ] North End Property Owners Association
- [x] Other Historical Society of Palm Beach

8. Present occupation. attorney No. of years. 30+

Employer.
of counsel Hogan, Marren, Babbo & Rose, Ltd.

9. Past occupation(s). _____ No. of years. _____

Employer(s).

10. 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)

- [ ] Architecture
- [ ] Landscape Architecture/Design
- [x] Law
- [ ] Social Sciences
- [ ] Urban and Regional Planning
- [ ] Building Construction and/or Development
- [ ] Geography

11. Please provide details regarding your educational background:

DePauw University, Greencastle, Indiana BA 1981, Washington and Lee University
Lexington, Virginia JD 1984, New York Univerisity, NY, NY LLM tax 1985
University of Chicago Basic Program non-degreed certificate

12. Why do you feel that you are qualified to serve on the Town's Planning and Zoning Commission? (Attach additional page if necessary)

See Attached

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

Family Member Name	Relationship	Address	Occupation	Employer

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

NO

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

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/committee/commission

16. In the event you are applying to be a Regular Member of Planning and Zoning Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? ☑ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American

☐ Asian American ■ Caucasian

☐ Hispanic American ☐ Not known

GENDER

■ Male ☐ 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 or dismissal after appointment.

SIGNATURE: _____ DATE: April 20, 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

PLANNING AND ZONING COMMISSION

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TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda
Minutes

Agenda Title
TOWN COUNCIL MEETING MINUTES
Kathleen Dominguez, Town Clerk

a. March 5, 2018, Special Town Council Meeting Minutes
b. March 20, 2018, Town Council Meeting Minutes
c. March 21, 2018, Development Review Town Council Meeting Minutes
Deferred from the April 10, 2018, Town Council Meeting

d. April 9, 2018, Special Town Council Meeting Minutes - Budget Workshop
e. April 10, 2018, Town Council Meeting Minutes
f. April 11, 2018, Town Council Meeting Development Review Minutes

Presenter

ATTACHMENTS:

- **a. March 5, 2018 Special Town Council Meeting Minutes**
- **b. March 20, 2018 Town Council Meeting Minutes**
- **c. March 21, 2018 Development Review Town Council Meeting Minutes**
- **d. April 9, 2018 Special Town Council Meeting - Budget Workshop Minutes**
- **e. April 10, 2018 Town Council Meeting Minutes**
- **f. April 11, 2018 Development Review Town Council Meeting Minutes**

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON MONDAY, MARCH 5, 2018

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on March 5, 2018, at 1:00 p.m. On roll call, all elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the Agenda, as printed. On roll call, the motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS – *None*

V. NEW BUSINESS

A. Presentation of Comprehensive Review of Town Operations Executive Summary
Kirk W. Blouin, Town Manager

President Kleid spoke regarding the procedure for reviewing and commenting on the items in the CROTO.

It was the consensus of the Town Council to presume approval of each item unless stated otherwise through comment and discussion.

Town Manager Blouin provided an executive summary and overview of the CROTO.

Below is a summary of the action items for Tables A, B and C:

1. Table A - Cost Saving Measures to be Implemented Immediately or in FY19 Budget

FIRE-RESCUE

Item #3 – Reduction of Midtown Beach Lifeguard positions

Discussion ensued regarding public safety concerns with reduced staff and possible impact to state and federal funding.

It was the consensus of the Town Council to place Item 3 in the "To be Determined" category pending further study.

HUMAN RESOURCES
Item #21 Modifications to Merit Pay System

Danielle Olson, Director of Human Resources, provided an overview of the proposed changes to the Merit Pay System.

Discussion ensued regarding the proposed options for employee performance pay, cost savings, impact to retaining and recruiting the best employees, staying competitive with the market, providing a lump sum bonus to employees who are "topped out", and what the entire employee compensation package entails.

Michael Ainslie, 202 Plantation Rd., spoke regarding the reported range of employee salaries that are not competitive to the marketplace.

It was the consensus of the Town Council to direct staff to present a new column in the Employee Compensation table, labeledC1 with the option of a .5% performance pay increase and to focus on staying competitive with the market. Staff was also requested to present a new employee compensation package to the Town Council (with a breakdown of the Public Safety and General Employee population) as part of the Long Term Budget Plan for further discussion at the Budget Workshop scheduled on April 9, 2018.

PUBLIC WORKS
Item #36 – Reduction of Lake Trail Sweeping
Item # 40 - Transfer maintenance of all 18 Town Owned Signalized traffic Intersections to Palm Beach County

It was the consensus of the Town Council to deny staff's recommendation for Items 36 and 40, listed above.

TOWN MANAGER'S OFFICE AND RELATED PROGRAMS
Item #50 – Eliminate Rotary Club Membership
Item #53 – Provide paperless Agenda Packet

Anita Seltzer, 44 Cocoanut Row, spoke regarding the need for additional staff in the Town Clerk's Office and requested the Town Council to reconsider their decision approving the elimination of the Administrative Assistant position. She

also spoke regarding the protection of email addresses.

It was the consensus of the Town Council to deny staff's recommendation for Items 50 and 53, listed above.

RECREATION ENTERPRISE FUND
Item # 72 – Reduction in Hour of Private Security
Item #74 – Replace golf pull carts every other year.

Discussion ensued regarding the importance of providing surveillance and security guards at the Town Docks and options for providing adequate indoor storage for the pull carts at the Par 3.

It was the consensus of the Town Council to approve staff's recommendation for Items 72 and 74, listed above; with the additional direction to look into acquiring vinyl golf cart covers in order to extend the life of the pull carts.

2. Table B – Potential Revenue Options and Other Expenditure Considerations:

POLICE DEPARTMENT
Item # 6 – Reimbursement of POTUS Overtime
Item #7 – Add Kiosks throughout Town to Increase Parking Meter Rates

Anne-Marie Taylor, Deputy Chief of Police, spoke regarding retention issues in the police staff and an inequity in the overtime policy for police and general employees.

Jay Boodheshwar, Deputy Town Clerk, spoke regarding the placement of on or off-street parking kiosks, such as Parkmobile, throughout certain commercial areas and the beach.

It was the consensus of the Town Council to direct staff to investigate Item 6 further and bring it back to the Budget Workshop meeting on April 9, 2018.

It was the consensus of the Town Council to direct staff to defer Item 7, pending further study and to report back at a Special Town Council Meeting - Workshop.

PERSONNEL AND BENEFITS

Item #23 – Increase General Employee Defined Benefit Contribution.
Item #24 – DC Plan for new hires

It was the consensus of the Town Council to defer Items 23 and 24,pending further study.

RECREATION ENTERPRISE FUNDS

Item #37 – Raise non-resident differential from 15% to 25% over resident rates

Item #40 – Restructure existing instructor agreements
Item #41 – Institute a non-resident fee for community based special events

Beth Zickar, Director of Recreation provided an overview of the fee increase for Item #37.

It was the consensus of the Town Council to defer Item 37, pending further study.

It was the consensus of the Town Council to deny staff's recommendation for Items 40 and 41.

OTHER FUND CONSIDERATIONS – POLICY ACTION

Jane Le Clainche, Director of Finance, provided an overview of the items below and requested guidance on the following policy matters:

a. The Debt Service Reserve

Discussion ensued regarding appropriate ways to use the reserves in the debt service fund to benefit other programs.

It was the consensus of Town Council to utilize the reserves in the Debt Service Fund to lower the Town's annual fund transfer to the Unfunded Actuarial Accrued Liability (UAAL).

b. OPEB TRUST

It was the consensus of the Town Council to direct staff to keep the extra funds from the OPEB trust in abeyance and provide a recommendation at the next Retirement Board of Trustees meeting.

c. One-Cent Sales Tax

It was the consensus of the Town Council to keep the funds from the one-cent sales tax in abeyance and provide a recommendation at a later date.

3. Table C – Additional Options for Future Cost Savings – Not Recommended:

It was the consensus of the Town Council to approve staff's recommendations for all of the items listed in Table C.

VI. ANY OTHER MATTERS - *None*

VII. ADJOURNMENT

There being no further business to discuss, the Special Town Council Meeting of March 5, 2018 was adjourned at 6:25 p.m.

APPROVED:

_____
Town Council President

ATTEST:

_____
Kathleen Dominguez
Town Clerk

Date: _____

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 20, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, March 20, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. Council President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the Agenda:

- **ITEM IXV.B.** Report of the Administrative and Personnel Committee was taken out of order and hear after ITEM III.

- **ITEM XVI.A.1.d.** RESOLUTION NO. 38-2018: A correction was made to the Resolution so that it read: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 South to Whiting-Turner, Inc., in an Amount of ~~$111, 824~~ $125,146.86.

- Resolution No. 40-2018 was added for discussion under **ITEM XVI. B**.

Motion was made by Council Member Zeidman, and was seconded by Council Member Araskog, to approve the Agenda, as amended. On roll call, the motion carried unanimously.

IV. CERTIFICATION OF ELECTION RESULTS

A. RESOLUTION NO. 24-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 13th Day of March, 2018.
Kathleen Dominguez, Town Clerk

Town Clerk Dominguez provided an overview of the election results.

Motion was made by Council President Pro Tem Moore, and was seconded by Council Member Zeidman, to approve Resolution No. 24-2018. On roll call, the motion carried unanimously.

V. RECOGNITIONS

A. Recognition of Richard M. Kleid for His Years of Service on the Town Council from 2005 to 2018, Including Two Years of Service as the Town Council President Pro Tem and Two Years of Service as the Town Council President.
Gail L. Coniglio, Mayor

Mayor Coniglio thanked Council President Kleid for his many years of public service and dedication to the community and presented him with a plaque.

President Kleid provided his parting words and spoke regarding his optimism for the future.

B. Recognition of Richard Sammons for his service on the Architectural Commission from March 2012 to March 2018.
Gail L. Coniglio, Mayor

Mayor Coniglio thanked Mr. Sammons for his service and dedication to the Architectural Commission. Mr. Sammons was not present to receive his plaque.

C. Recognition of Ann Vanneck for her service on the Architectural Commission from March 2008 to March 2018.
Gail L. Coniglio, Mayor

Mayor Coniglio thanked Ms. Vanneck for her service and dedication to the Architectural Commission and presented her with a recognition plaque.

VI. SWEARING IN OF ELECTED OFFICIALS

A. The Honorable Judge Lisa Small

1. Lew Crampton

2. Barbara Duna Lindsay

3. Margaret A. Zeidman

Judge Small performed the swearing in of Town Council Members: Lew Crampton - Group 1, Margaret Zeidman - Group 2, and Bobbie Lindsay - Group 3.

(Clerk's Notes: Council Members Crampton, Lindsay and Zeidman assumed their seats on the dais, the Mayor became the Presiding Officer, and Council President Kleid left the dais.)

VII. ORGANIZATIONAL ITEMS

1. Election of Town Council President Pursuant to Section 3.01 of the Town Charter

2. Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter

Ballots were given to each Council Member to elect a new Council President and Council President Pro Tem.

Town Manager Blouin announced that Danielle H. Moore was elected as Town Council President.

(Clerk's Note: President Moore became the Presiding Officer.)

Town Manager Blouin announced that Margaret A. Zeidman was elected as Town Council President Pro Tem.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to ratify the results of the election of Town Council President and Town Council President Pro Tem. On roll call, the motion passed unanimously.

(Clerk's Note: The Town Council took a 5 minute recess to reorganize their seats on the dais)

VIII. PRESENTATIONS

A. Presentations by Applicants for the Architectural Commission.

The following applicants presented their qualifications:

KT Catlin
John David Corey
Robert Garrison
Daniel Floersheimer
Betsy Shiverick
Nikita Zukov

Town Attorney Randolph spoke regarding Section 18-166(a) of the Town Code which frames the criteria for Memberships and Appointments.

Consideration was given and discussed regarding the ARCOM Ordinance and whether the current pool of candidates meets the required criteria or possess the equivalent expertise.

Two candidates were requested to present their landscape qualifications and gardening experience.

B. Presentations by Applicants for the Landmarks Preservation Commission

The following applicants presented their qualifications:

Jacqueline Albarran
Marcia Mulford Cini
Kim Coleman
Jeanne Daniel
William Feldkamp
Sue Patterson

It was the consensus of the Town Council to direct Staff to add a discussion regarding the Ordinance related to ARCOM membership requirements to the April 10, 2018 Town Council Meeting.

IX. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio introduced Harrison Fisher, a fourteen year-old student from the Palm Beach Day Academy who was chosen by his school to be Mayor for the day in Palm Beach. Mr. Fisher spoke regarding the need for improved school safety and stricter gun laws in light of the recent school shootings that occurred at Marjory Stoneman Douglas High School.

Mayor Coniglio expressed her gratitude to Harrison Fisher and spoke in support of his efforts to keep schools safe. She also thanked the community for their involvement in signing the petitions to protect the Town's home rule. She spoke regarding recent bills that failed such as the ones pertaining to vacation rentals, permit fees, tree trimming and vegetation regulations, and municipal election dates.

X. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Moore welcomed Mr. Crampton and thanked the Town Council for their support as she assumes her new role as President. She stressed the importance of the Town Council working as a team..

Council Member Araskog thanked Mayor Coniglio for all of her efforts in raising awareness of the home rule issues. She thanked Richard Kleid for his service and welcomed new Council Member Lew Crampton. She remarked on how fortunate the

Council is to work with qualified board and commission members. She requested that a discussion beadded under Any Other Matters regarding the Council Committee appointments. She reminded the community about the County's dog leash law. She also congratulated President Moore and President Pro Tem Zeidman on their new positions.

President Moore added to Ms. Araskog's comment about the dog leash law and the Town's Code of Ordinances relative to picking up animal droppings. She also stated that it is a health issue and a public nuisance.

Council Member Crampton thanked all the voters and stated his goals during his tenure,which are to ensure the town operates productively and to shine a light on the Town's finances. He also praised the ARCOM and Landmarks Preservation Commission applicants for their willingness to serve and remarked on their excellent qualifications.

Council Member Lindsay welcomed Council Member Crampton and shared a recent incident regarding a dog attack. She echoed the comments of President Moore regarding the importance of people picking up after their dogs, especially on the Town's beaches. She applauded the Mayor on her efforts with handling the assault on home rule by the legislature.

Council President Pro Tem Zeidman commented on her tenure with the Council and that she looks forward to serving as the President Pro Tem.

Town Manager Blouin commented on the second amendment and the need to change legislation. He also announced the results of the appointments to the ARCOM and Landmarks Preservation Commission.

XI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Jack McDonald, spoke regarding the previous comments that were made by David Leavitt from the Palm Beach Island Cats during last month's Town Council meeting. He requested that the Town consider contributing additional funding to the Palm Beach Island Cats organization and that this matter be placed on the April Town Council meeting agenda.

It was the consensus of the Town Council to place the matter of additional funding to the Palm Beach Island Cats on the April 9, 2018 Special Town Council Budget meeting agenda.

XII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the Consent Agenda. On roll call, the motion carried unanimously.

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES

Kathleen Dominguez, Town Clerk

a. February 13, 2018, Town Council Meeting Minutes
b. February 14, 2018, Local Planning Agency Meeting Minutes
c. February 14, 2018, Development Review Town Council Meeting Minutes

2. Approval of Major Matters considered by the Architectural Commission at its meeting of February 28, 2018
Paul Castro, Interim Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 25-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager To Apply For and Execute the Grant Application for the Florida Inland Navigation District Waterways Assistance Program for the Design Phase of the Town Docks Improvement Project on Behalf of the Town.
Beth Zickar, Director of Recreation

2. RESOLUTION NO. 26-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to Award RFP No. 2018-10 and Approve a Purchase Order to Richard Maxwell, Inc. dba King Tree Service of South Florida, for Consulting Arborist Services, in the Amount of $23,500 and Establishing a Project Budget of $25,850 for FY2018. The Five Year Project Budget Shall be $235,785, Which Includes an Annual Cost of $47,125 and a $23,785 Contingency, Contingent on Funding in Future Fiscal Years.
H. Paul Brazil, P.E., Director of Public Works

3. RESOLUTION NO. 27-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute a Quit Claim Easement Agreement, Attached as Exhibit "A" Between Florida Department of Transportation and the Town of Palm Beach for Access and Maintenance of Said Revetment at Sloan's Curve.
H. Paul Brazil, P.E., Director of Public Works

4. RESOLUTION NO. 28-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Chen, Moore and Associates, Inc., in the Amount of $20,215 for the Phipps Ocean Park (North) Restroom Replacement, and Establishing a Construction Phase Engineering Budget of $25,000.

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

5. RESOLUTION NO. 29-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement for Water Distribution System Upgrades, Rehabilitation, and Replacement with the City of West Palm Beach.
H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 30-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Mock Roos and Associates, Inc., in an Amount of $93,000 for the D-2 and D-17 Stormwater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of $102,000.
H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 31-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for the Town Docks for Fiscal Year 2018.
Beth Zickar, Director of Recreation

C. OTHER

1. Request for Approval of Payment Under Town's Supplemental Life Insurance Program
Danielle Olson, Director of Human Resources

XIII. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Landmarks Preservation Commission.
Edward Cooney, Chair

Chairman Cooney provided a report of the annual activities of the Landmarks Preservation Commission.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to accept the annual report of the Landmarks Preservation Commission. On roll call, the motion passed unanimously.

XIV. COMMITTEE REPORTS

A. Report of the February 8, 2018 Ordinances, Rules and Standards Committee Meeting.
Bobbie Lindsay, Chair

Council Member Lindsay provided an overview of the report.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve the report of the Ordinances, Rules and Standards Committee meeting of February 8, 2018. On roll call, the motion passed unanimously.

B. Report of the Administrative and Personnel Committee Meeting of March 15, 2018.
Richard M. Kleid, Chair

Council President Kleid and Council Member Araskog provided a verbal report of their conclusions of the hearing.

(Clerk's Note: This item was taken out of order and heard after Item III.)

(Clerk's Note: The motion below was revisited and amended later in the meeting)

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to uphold the termination of Mr. Allen Powery. On roll call, the motion passed 4 to 1, with Council Member Araskog dissenting.

Council Member Lindsay spoke regarding the previous vote earlier in the meeting to uphold the termination of Mr. Allen Powery. She explained the reason she recused herself from the Administrative and Personnel Committee hearings due to a personal conflict, and therefore, should not have voted on the matter of his termination. She requested that the Town Council consider rescinding the previous vote so that she would recuse herself.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to reconsider the previous motion and revisit the matter to uphold the termination of Mr. Allen Powery. On roll call, the motion passed 4 to 1 with Council Member Lindsay absent.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to uphold the termination of Mr. Allen Powery. On roll call, the motion passed 3 to 2, with Council Member Araskog dissenting and Council Member Lindsay absent.

XV. PUBLIC HEARINGS

A. RESOLUTION NO. 32-2018 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 Properties Commonly Known as 1020 S. Ocean Boulevard and 100 Via Del Lago, in the Town of Palm Beach, Florida.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the Resolution.

Council President Moore brought up a complaint she received regarding homes not being sodded and irrigated within 30 days after being demolished.

Director Brazil responded that he would inform the Planning, Zoning and Building Department about the issue so they can work with Code Enforcement.

In response to a question from Council Member Araskog, Director Brazil spoke regarding the procedure for vacating and abandoning right-of-way (ROW) easements and explained that the new easements are dedicated simultaneously.

There were no public comments.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 32-2018, with the condition that the owner pay all fees related to implementing and vacating the abandonment, including but not limited to recording fees; and that the abandonment and re-dedication occur simultaneously. On roll call, the motion carried unanimously.

B. RESOLUTION NO. 33-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements Within the Nightingale Trail and La Puerta Way Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.
H. Paul Brazil, P.E., Director of Public Works

Town Engineer Patricia Strayer provided an overview of the Resolution.

There were no public comments.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Resolution No. 33-2018. On roll call, the motion carried unanimously.

XVI. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project:
Steven N. Stern, Underground Utilities Project Manager

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

Project Manager Stern provided a progress report on the Undergrounding Project including an update on communications, recent enhancements to the dashboard and the Gantt chart and the negotiations with AT&T.

In response to a question from Council Member Crampton, Director of Finance Jane Le Clainche spoke regarding the use of commercial paper to finance Phase 2 and Phase 4 of the project as long as the construction

of the Phase 2 project is on budget. She added that if the project for phase 2 construction is not on budget, then staff would come back to Town Council with recommendations and options for consideration.

In response to a question from Council President Pro Tem Zeidman, Director Le Clainche gave an update on the cost and financing and stated that there were other monies available for use in addition to the commercial paper. She also explained the total cost for Phase 2, which is $9.5M.

Project Manager Stern highlighted negotiations with FP&L regarding credits towards the project. He explained that the exact amount will be forthcoming from FP&L.

In response to a question from Council Member Araskog, Town Manager Blouin spoke regarding the Town's efforts to increase transparency and reduce project costs.

Mayor Coniglio expressed her gratitude regarding staff's initiative to bring the project costs down to $90M.

b. RESOLUTION NO. 34-2018 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. in the Amount of $1,212,379 for Phase 4 Engineering Design Services of the Town-wide Undergrounding of Utilities Program.

Town Engineer Strayer provided an overview of Resolution No. 34-2018.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 34-2018. On roll call, the motion passed unanimously.

c. RESOLUTION NO. 35-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 North to Burkhardt Construction, Inc., in an Amount of $371,200.88 and Establishing a Total Construction Budget of $5,504,048.20.

Town Engineer Strayer provided an overview of Resolution Nos. 35-2018 and 36-2018 and explained the reasons for the change orders.

Discussion ensued regarding the total cost of the project, direct bury vs. service conduits and fiber optics.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 35-2018. On roll call, the motion passed unanimously.

d. RESOLUTION NO. 36-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 South to Whiting-Turner, Inc., in an Amount of $125,146.86 and Establishing a Total Construction Underground Utilities Budget of $5,172,205.29.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 36-2018. On roll call, the motion passed unanimously.

2. Approval of the December 12, 2017 Town Council Meeting Minutes.
Julie Araskog, Town Council Member

Council Member Araskog provided an overview of the desired amendments to the minutes.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the December 12, 2017 Town Council Meeting Minutes, with the addition of the verbiage that Council Member Araskog requested a deferral until after a performance review was done to page 11 under New Business, Item 1. On roll call, the motion passed 4-1 with Council President Moore dissenting.

3. Business Workshop Report.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided a summary of the results of the Business Workshop that took place on February 26, 2018.

Discussion ensued regarding solutions to the parking issues and high business turnover in the commercial areas.

Laurel Baker, Palm Beach Chamber of Commerce, expressed her thanks for the workshop and spoke regarding the parking issues in various sections of Town.

It was the consensus of the Town Council to accept the report.

4. Thomas G. Bradford Severance Agreement.
John C. Randolph, Town Attorney

Town Attorney Randolph provided a report on the negotiations with Mr. Bradford on his severance agreement.

In response to a question from Council Member Araskog, Town Attorney Randolph reviewed the cost of the benefits in the agreement.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the severance agreement with former Town Manager, Thomas G. Bradford. On roll call, the motion passed unanimously.

5. Discussion Regarding Potential Ordinance to Ban Single Use Plastic Bags.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager provided an overview of the potential ordinance to ban single use plastic bags.

Town Attorney Randolph spoke regarding a pending lawsuit against the City of Coral Gables who recently passed a similar Ordinance banning single use plastic bags. He reported that the Florida Retail Federation filed an injunctive relief declaring the Ordinance unconstitutional. He recommended that the Town await the decision of the Third Court of Appeal before making any decision regarding adopting the Ordinance.

It was the consensus of the Town Council to take no action until the legal matter with Coral Gables is resolved.

B. New Business

1. Appointments to the Architectural Commission.

Motion was made by Council Member Araskog, and was seconded by President Pro Tem Zeidman, to ratify the appointments of Robert Garrison, Nikita Zukov and John David Corey as Regular Members to the Architectural Commission with the condition that Mr. Corey receive his certification as a Master Gardener. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to ratify the appointment of Dan Floershemier as Alternate Member to the Architectural Commission. On roll call, the motion passed unanimously.

2. Appointments to the Landmarks Preservation Commission.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Araskog, to ratify the appointments of John Tim Gannon and Jacqueline Albarran as Regular Members to the Landmarks Preservation Commission. On roll call, the motion passed unanimously.

3. Coastal Update:

a. Shoreline Condition Update

Rob Weber, Coastal Manager gave an overview of the shoreline conditions for each reach.

b. RESOLUTION NO. 37-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for $1,742,200 to West Construction, Inc., for the Construction of the Mid-Town Beach Groin Construction Project, Establishing a Construction Phase Budget of $1,950,000 for Said Project, and Authorizing the Town Manager to Execute the Purchase Order and Take Action Necessary to Effectuate Completion of the Project.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 37-2018. On roll call, the motion carried unanimously.

c. RESOLUTION NO. 38-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Coastal Engineering Construction Administration and Support Services to Aptim, Inc., in an Amount of $47,100, and Establish a Task Budget of $55,000, for the Mid-Town Beach Groin Construction Project.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 38-2018. On roll call, the motion carried unanimously.

d. RESOLUTION NO. 39-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Permit Required Sea Turtle Nighttime Monitoring and Nest Relocation To D.B. Ecological, Inc., in an Amount of $23,100, and Establishing a Task Budget of $31,350, for the Mid-Town Beach Groin Construction Project.
H. Paul Brazil, P.E., Director of Public Works

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to accept Resolution No. 39-2018. On roll call, the motion carried unanimously.

4. \Appointment of the Town's Representative to the Citizens' Committee on Airport Noise (CCAN).
Gail L. Coniglio, Mayor

It was the consensus of the Town Council to appoint Council Member Araskog to the Citizen's Committee on Airport Noise (CCAN).

C. Matters Pulled From Consent Agenda: If needed

Council Member Lindsay spoke regarding the sale of semiautomatic assault weapons and the recent school shootings.

Discussion ensued regarding public access to assault weapons and the second amendment right.

RESOLUTION NO. 40-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Urging The United States Congress And The Florida Legislature To Enact A Prohibition On The Sale Of Semiautomatic Assault Weapons And Their Associated High Capacity Magazines And Bump Stocks For Civilian Use.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 40-2018. On roll call, the motion carried unanimously.

XVII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 02-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Section 2-636. – Shore Protection Board Created; Appointments; Terms; Qualifications; Advisory Function; Requirements; Officers; Procedure; (A) Generally Eliminating The Option For One of The Members To Be A Nonresident of The Town Having A Special Skill As It Relates To Shore Protection.
John C. Randolph, Town Attorney

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to adopt Ordinance No. 02-2018, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 05-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulation, of the Town Code of Ordinances at Section 18-112 of Article II, Division 5, Prohibition on Demolition to Provide for a Prohibition of Demolition of Structures During the Period of the Year Commending on the Monday Prior to Thanksgiving of Each Year and Ending the Monday After Easter of the Following Year; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

In response to a question from President Moore, Deputy Town Manager provided an explanation and timeline of the proposed changes.

Discussion ensued regarding the construction season and the appropriate start and end dates to include in the Ordinance language.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to adopt Ordinance No. 05-2018 with the following amendments: on first reading. On roll call, the motion passed unanimously.

XVIII. ANY OTHER MATTERS

Discussion regarding the appointments to the Town Council Committees and each Council Member expressed their preference for specific committees.

It was stated that Council Committee appointments will be made be at the discretion of the Council President pursuant to Section 2-61 of the Town Code of Ordinances.

It was the consensus of the Town Council to direct staff to provide update on streamlining the Administrative and Personnel committee hearing process at the next Town Council meeting.

XIX. ADJOURNMENT

There being no further business, the regular Town Council meeting of March 20, 2018 was adjourned at 4:30 p.m.

APPROVED:

_____
Danielle H. Moore, Town Council President

ATTEST:

_____
Kathleen Dominguez, Town Clerk

Date: _____

TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on March 21, 2018

I. CALL TO ORDER AND ROLL CALL

The Town Council meeting was called to order on Wednesday, March 21, 2018 at 9:30 A.M., in the Town Council Chambers. On roll call, all of the elected officials except the Mayor were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Ruderman gave the invocation. Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore expressed her concern with the landscape expertise requirement qualification *(landscape architect, or a master gardener or someone with equivalent experience)* for the ARCOM members that were appointed at the Tuesday Town Council meeting. Discussion took place on qualification requirements.

Council member Lindsay informed everyone that Council member Araskog was not on the ballot for Town Council President as the paper incorrectly reported.

V. COMMUNICATIONS FROM CITIZENS

Rene Silvin, 422 Australian Avenue, feels that a member of Landmarks / ARCOM should attend Town Council meetings when any landmark / ARCOM issue(s) are on the agenda. This way the commission member can be available to the Council if there are any questions and then go back to their respective commission and report what the Town Council has decided.

Kenneth Walker, 130 Sunrise Avenue, stated that architects have a stake in health and safety. He wanted to allay the Council's concern that someone with related experience is suitable because it is not a health and safety issue with landscaping.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda.

DEFERRALS: The following items were deferred to the April 11, 2018 Town Council meeting:

-Item No. VIII.A.1., ARCOM Appeal of 446 North Lake Way

-Item No. VIII.B.1.b., Variance #21-2017

-Item No. VIII.B.1.d., Z-17-00042 Site Plan Review

-Item No. VIII.B.2.b., Z-18-00068 Site Plan Review

-Item No. VIII.B.2.e., Z-18-00071 Special Exception With Site Plan Review and Variances

-Item No. VIII.B.2.f., Z-18-00072 Site Plan Review and Variances

The following items were deferred to the May 9, 2018 Town Council meeting:

-Item No. VIII.B.2.g., Z-18-00073 Site Plan Review

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to approve the agenda, as amended above. On roll call, the motion carried unanimously.

Deputy Town Manager Boodheshwar asked for clarification on the master gardener requirement.

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 23-2018 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 137 Seaspray 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.

Landmark Consultant, Emily Stillings of Murphy Stillings, LLC, provided details pertaining to the property.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Resolution No. 23-2018 approving the landmark. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal; 446 North Lake Way; Case # 054-2017

Item deferred to the April 11, 2018 Town council meeting

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as 235 Via Vizcaya., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission deferred the project for one month to the March 28, 2018 meeting. Carried 7-0] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 14, 2018 from Francis Lynch

Item deferred to the April 11, 2018 Town council meeting

b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as 218 Miraflores Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 6-1.]

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay to defer Site Plan Review #1-2017 to April 11, 2018 Town council meeting.

c. Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at 377 N LAKE WAY, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 7-0.]

Deputy Clerk Ruderman swore in those who would be providing testimony.

Attorney Ziska provided details on the project.

Architect Seagraves provided additional information.

Acting Director Castro provided Staff comments.

The following ex-parte communications were declared. President Pro Tem Zeidman spoke with Alan Shulman who advocated for his position.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00034 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

d. Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at 1700 S OCEAN BLVD, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the March 28, 2018 meeting. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

Item was deferred to the April 11, 2018 Town council meeting

e. Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: RB Low Density Residential The application of CARLSON GUSTAV TRUST &, Owner, relative to property located at 280 ORANGE GROVE RD, legal description on file, is described below. 1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting Carried 7-0.]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Architect Seagraves provided additional details.

Mr. Castro provided Staff comments.

Discussion took place on off street parking, setbacks and hardship.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Site Plan No. Z-17-00052 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance Z-17-00052 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

f. Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at 323 CHILEAN AVE, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3. The Landmarks Commission deferred this project to the April 18, 2018 meeting to allow staff to obtain a peer review of the structural engineering report submitted by the applicant. Carried 7-0.]

Motion was made by Council member Araskog, and seconded by President Pro Tem Zeidman, to defer Z-17-00058 Special Exception with Site Plan Review and Variances to May 9, 2018 Town council meeting. On roll call, the motion carried unanimously.

g. Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential The application of REGALBUTO JASON, Owner, relative to property located at 160 SEABREEZE AVE, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The applicant is also planning

to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) a cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) on east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the architectural portion of the project at the January 24, 2018 meeting. Carried 5-2. The Architectural Commission conditionally approved the landscape portion of the project at the January 24, 2018 meeting. Carried 7-0. All approval conditions are related to the architecture and landscape only.]

The following ex-parte communications were declared. Council President Moore, spoke with Mrs. Regalbuto and has been in the house many times prior to the fire.

Attorney Ziska provided details of the project.

Discussion took place on landscape/open space portion of the project.

Architect Albarran provided additional details.

Mr. Castro provided Staff comments.

Discussion took place on footprint, covered terrace, cubic content ratio.

Motion was made by Council Member Araskog, that Variance Z-17-00059 shall be denied, for the reason that the application does not meet all of the criteria set forth in Section 134-201(a), items 1 through 7. The motion died for lack of a second.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Special Exception No. Z-17-00059 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. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00059 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and subject to landscape open space based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-17-00059 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

The Town Council recessed at 11:00 A.M. and reconvened at 11:05 A.M.

h. Z-17-00060 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of JHD ASSOCIATES LLC, Owner, relative to property located at 230 ROYAL PALM WAY SUITE: SITE, legal description on file, is described below. *PLEASE NOTE: THIS PROJECT ENCOMPASSES 230 AND 240 ROYAL PALM WAY* 1) Site Plan Review to allow the construction of three (3) carport awnings totaling 6,359 square feet to provide covered parking for 38 parking spaces in the existing parking lot behind the building. The following variances are being requested to allow construction of the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25% maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet in lieu of the 10 foot minimum required In the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances and site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as amended at the February 28, 2018 meeting, with the awnings on the west and south perimeter spaces only. Carried 7-0.]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00060 for perimeter covered parking be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Variance Z-17-00060 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

i. Z-17-00063 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of ROSS CAROLYN H EST, Owner, relative to property located at 201 SANFORD AVE, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,699 square foot two-story, slngle family residence on a portion of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum

required In the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq] [The Architectural Commission approved this project at the February 28, 2018 meeting. Carried 7-0.]

No ex-parte communications were declared.

Deputy Clerk Ruderman swore in all those would be giving testimony.

Attorney Ziska provided details of the project.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Special Exception Z-17-00063 shall be granted, with the caveat that the owner will provide a utility easement, 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. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00063 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

j. Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at 313 1/2 WORTH AVE SUITE: B 3, legal description on file, is described below.1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats. [Applicant's Representative: Maura Ziska Esq] Consideration of Proposed Declaration of Use Agreement

No ex-parte communications were declared.

Mr. Castro provided Staff comments.

There was a short discussion on parking – variance for off street parking was eliminated.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to accept the amendment to the original Declaration of Use Agreement. On roll call, the motion carried unanimously.

k. MODIFIED Z-17-00066 SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at 313 1/2 WORTH AVE SUITE: SITE, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. New mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window.[Applicant's

Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front facing façade was too modern, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design, 4) Whether the retractable awnings were appropriate, 5) The height of the pergolas. They all agreed that accessibility at the entrance was necessary.

The following ex-parte communications were declared. Council Member Araskog read the E-mail that was received from John Eubanks and attended ARCOM meeting where this was discussed. Council President Moore read the John Eubanks E-mail, someone from Mr. Smith's office called, but she did not return the call. She also received an E-mail from the owner of Trillion and attended the ARCOM meeting. Council Member Lindsay spoke to the owner of Trillion and read the E-mail from Mr. Eubanks. President Pro Tem Zeidman received an E-mail.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay to defer Modified Z-17-00066 Site Plan Review to April 11, 2018 meeting. On roll call, the motion carried unanimously.

2. New Business

a. Z-18-00067 VARIANCE(S) Zoning District: R C Medium Density Residential. The application of SADECA REALTY LLC, Owner, relative to property located at 138 ROOT TRL SUITE: SITE, legal description on file, is described below. Request a variance to allow a seventeen (17) foot wide sliding driveway gate with a 2.58 foot setback from the edge of pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmark Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on the setback and whether there are other gates on the street.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance Z-17-00067 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

b. Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R B Low Density Residential The application of 1280 NORTH LAKE WAY LLC, Owner, relative to property located at 1280 N LAKE WAY, legal description on file, is described below. 1. Site Plan Review to allow the construction of a 7,431 square foot two story, single family residence on a non conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. 2. A variance request to allow the two story residence with a

point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred this project for one month to the March 28, 2018 meeting for restudy. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

Item deferred to the April 11, 2018 Town Council meeting.

c. Z-18-00069 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-D(2) High Density Residential The application of ALBERT ULF L, Owner, relative to property located at 425 WORTH AVE SUITE: PH C, legal description on file, is described below. A site plan modification request with variances to allow a 58 square foot addition to the laundry room and a 815 square foot trellis addition on the penthouse level of an existing six story building in the R D(2) Zoning District. The following variances are being requested to allow the additions: 1. allow a building height for the additions to be 58.5 feet (to match existing) in lieu of the 35 foot maximum allowed. 2. allow the additions to the existing 6th floor penthouse in lieu of the 3 story maximum allowed. 3. allow a front yard setback of 60.0' for the addition on the north side in lieu of the 117 foot minimum required (height of existing building x number of street yards). 4. allow a front yard setback of 22.7' for the trellis on the south stde in lieu of the 126.5' minimum required (height of existing building x number of street yards). 5. allow a side yard setback of 46.5' for the trellis in lieu of the 58.5 foot minimum required (due to height of existing building). [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 7-0.]

The following ex-parte communications were declared. The applicant is a distant relative of Council President Moore but she had no communication with the applicant about this project.

Attorney Ziska provided details of the project.

Architect Marsh provided additional details.

Architect Williams provided additional details.

Mr. Castro provided Staff comments.

Discussion took place on similarity / dissimilarity to neighbors and setbacks.

Discussion took place on procedure of plan submittal.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00069 be approved, conditional upon a consent letter from the condominium association, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-17-00069 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. Z-18-00070 SITE PLAN REVIEW Zoning District: R D(2) High Density Residential The application of WINTHROP HOUSE COND, Owner, relative to property located at 100 WORTH AVE SUITE: SITE, legal description on file, is described below. Request for Site Plan Review to remove and place existing planters on the 5th floor rooftop/sundeck of the condominium building. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan No. Z-17-00070 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Architect Sanchez commented that items such as a roof repair should not have to come before council because of cost and time required.

Mr. Castro explained the history and reasons for the requirements.

e. Z-18-00071 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B A Beach Area The application of TRAVERSE NORMAN &, Owner, relative to property located at 1744 S OCEAN BLVD, legal description on file, is described below. 1. Request a special exception to permit the construction of a +/ 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of South Ocean Boulevard. The application proposes to divert traffic onto the applicant's property so there will not be a need to close the road. 2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

Item deferred to the April 11, 2018 Town Council meeting.

f. Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R A Estate Residential The application of SHADOWBROOK LAND TRUST &, Owner, relative to property located at 110 VIA VIZCAYA, legal description on file, is described below. Site Plan Review to allow the construction of a 5,084 square foot two story, single family residence on a non conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of

the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred this project to the March 28, 2018 meeting. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated March 13, 2018 from Maura Ziska

Item deferred to the April 11, 2018 Town Council meeting.

g. Z-18-00073 SITE PLAN REVIEW Zoning District: R B Low Density Residential The application of PALAMAD LLC, Owner, relative to property located at 305 MADDOCK WAY, legal description on file, is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission deferred this project to the April 18, 2018 meeting to allow staff to obtain a peer review of the structural engineering report submitted by the applicant. Carried 7-0.]

Item deferred to the May 9, 2018 Town Council meeting.

Clerk's Note: A portion of Item X. ANY OTHER MATTERS item was heard here .

Zack Shipley, 228 Seaspray Avenue, spoke about memorandum regarding land use ordinance that the Town Council members recently received. The memo cites several examples of ambiguities and anachronisms in the Town's land use ordinance. Intensity is limited to a single subsection of the Town's ordinances and is undefined elsewhere. He feels that the Town's land use ordinances need to be amended so that substantial increases in intensity of land use near residential areas will be prohibited. He advocated that the code be detailed and clear as possible.

Katie Pressley, 133 Seaspray, agreed with Mr. Shipley and stressed that she does not want commercial development to encroach upon residential boundaries.

Mr. Castro asked for clarification from Council what they want Planning & Zoning Commission to study.

There was a consensus to send this item to the Planning & Zoning Commission for discussion.

Discussion ensued on procedure to handle items addressed in Carole LeCates memorandum.

IX. <u>ORDINANCES</u>

A. Second Reading

1. ORDINANCE NO. 04-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of

Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement, And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisons For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses, And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-Aa, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-Aa, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII, Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail, By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-Aa, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts, By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Discussion took place on Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure for Zoning Text Amendments

Simon Taylor, expressed his concerns on Section 134-145 and 134-261 verbiage.

Attorney Randolph stated that substantive changes to this Ordinance will require a third reading.

The Town Council recessed at 11:54 A.M. and reconvened at 11:58 A.M.

Section 134-1698 and Section 134-796 were discussed.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to defer Ordinance 4-2018 in order to make amendments and come back for third reading at the April 11, 2018 meeting. On roll call, the motion carried unanimously.

X. ANY OTHER MATTERS

A. Discussion took place on communications from citizens on deferred items.

XI. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of March 21, 2018 was adjourned at 1:10 P.M.

APPROVED:

_____

Danielle H. Moore, Town Council President

PREPARED BY:

_____

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL BUDGET WORKSHOP HELD ON MONDAY, APRIL 9, 2018

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting – Budget Workshop was called to order on Monday, April 9, 2018, at 9:31 a.m. in the Town Council Chambers. On roll call all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

President Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the Agenda. On roll call, the motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS

J. Patterson Cooper, of the Palm Beach Civic Association, remarked that this was a time to take a step back and look strategically at the budget.

Allen Wyett, 1145 N. Lake Way, commented on the change that brought the Town Docks under the oversight of the Recreation Department.

V. TOWN MANAGER FY19 BUDGET OVERVIEW

Kirk Blouin, Town Manager, provided an overview of the FY19 budget and the Long Term Financial Plan (LTFP). Mr. Blouin highlighted the recent upgrade issued by Standard and Poor's, of the Town's Revenue Bonds to a AAA credit rating; revenues and expenditures that are at or below budget levels; Town reserves

that are at or above minimum required levels; the $5M+ transfer to the Retirement Fund and improved pension liability forecast.

Mr. Blouin noted that the budget forecast shows a deficit of over $900K for FY19. He stated that meetings will be held with each department director with a view to eliminate the deficit through the budget development process. He explained the surplus funds that were identified in the LTFP and how they are projected to reduce costs, increase the reserves, and address other council priorities in the future.

VI. TOWN OF PALM BEACH FUND STRUCTURE

Jane Le Clainche, Director of Finance, presented an outline of the Town's fund structure, which includes the General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Recreation Enterprise Fund, Internal Service Funds and Trust Funds.

VII. FY18 LONG TERM FINANCIAL PLAN

a. Trends and Forecast

b. Reserve Status

c. Pension Fund Update

Jane Le Clainche, Director of Finance, presented a summary of the FY18 Long Term Financial Plan, including a trend analysis of the General Fund Revenue and Expenditures, General Fund forecast, Recreation Enterprise Fund, Capital Funds, Reserve Status and Pension Fund.

Discussion ensued regarding the revenue estimates forecasted for the current year vs. the past five (5) years, the reduction of FTE positions that were recommended in the CROTO for FY19, the Town's comparison to other municipalities with regard to salary and benefits, the percentage jump in the LTFP forecast for employee benefits from FY19 and FY20, the transition process for the fund transfer from the Accelerated Capital Improvement Plan (ACIP) to the Pay-as-you-go Plan, the long-term financing options and revenue for the Town Docks replacement project, the amount of access money in the reserves, and the modifications to the Town's Pension System to address the Unfunded Actuarial Accrued Liability (UAAL).

Town Manager Blouin stated that more information regarding the Town's Compensation study and the Town Docks replacement project will be presented at the May Town Council meeting.

VIII. FLORIDA MUNICIPAL BUDGET REQUIREMENTS (TRIM)

Jane Le Clainche, Director of Finance, gave a brief overview of the Florida Truth-in-Millage (TRIM) Law and the established requirements. She

explained the State's timetable, which requires the Town to hold budget meetings during the summer.

IX. TOWN OF PALM BEACH REQUIREMENTS

a. Code Requirements

b. Charter Requirements

Director Le Clainche explained the Town's Code and Charter requirements as it relates to budget matters.

X. FY19 BUDGET PROCESS

Director Le Clainche, provided an overview and timeline of the Town's budget development process.

XI. ANY OTHER MATTERS

Council Member Araskog inquired about the percentage rate of the property taxes that are returned to the Town.

Director Le Clainche explained that 19.23% of the property tax collected is returned to the Town. She also explained the percentages for the different taxing districts.

Council Member Crampton congratulated the Town Manager and Finance Director on the budget presentation.

XII. ADJOURNMENT

There being no further business, the Special Town Council Budget Workshop was adjourned at 11:30 a.m.

APPROVED:

_____

Danielle H. Moore
Town Council President

ATTEST:

_____
Kathleen Dominguez
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, April 10, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, April 10, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. Council President Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and was seconded by President Pro Tem Zeidman, to approve the Agenda. On roll call, the motion carried unanimously.

IV. RECOGNITIONS

A. Recognition of James M. Ballentine for his Service on the Code Enforcement Board from April 2008 through April 2018.

Mr. Ballentine was recognized for his service on the Code Enforcement Board and was presented with a plaque by Mayor Coniglio.

B. Recognition of Cynthia Van Buren for her Service on the Code Enforcement Board from April 2007 through April 2018.

Ms. Van Buren was recognized for her service on the Code Enforcement Board and was presented with a plaque by Mayor Coniglio.

V. PRESENTATIONS

A. Legislative Session Update Presentation by The Honorable Bobby Powell, Florida Senate District 30

State Senator Bobby Powell, Senate District 30, provided an update of the legislative session which included a PowerPoint presentation on key issues and the state budget.

B. Royal Poinciana Playhouse Update by Alex Patterson, UpMarkets

Alex Patterson, UpMarkets, reported on the negotiations with the potential plaza operator and the successful activities of the plaza. She stated that the negotiations were unsuccessful but the efforts to find a tenant will continue.

C. Presentations by Code Enforcement Board Applicants.

The following applicants presented their qualifications:

Rosemary Carpenter
Matthew Natale
Linda Wartow

D. Presentations by Recreation Advisory Commission Applicants.

The following applicants presented their qualifications:

John Hartz, Jr.
Gail Ellen Howe

E. Presentations by Applicants for the Retirement Board of Trustees.

The following applicant presented his qualifications:

Herbert Roemmele

VI. BOARD/COMMISSION APPOINTMENTS

A. Appointments to the Code Enforcement Board.
Kirk W. Blouin, Town Manager

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to ratify the appointments of Rosemary Carpenter, Matthew Natale and Linda Wartow as regular members of the Code Enforcement Board. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Crampton, to ratify the appointment of Steven Meltzer as an alternate member of the Code Enforcement Board. On roll call, the motion carried unanimously.

B. Appointments to the Recreation Advisory Commission.
Kirk W. Blouin, Town Manager

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to ratify the appointments of Alexandra Woodfield and G. Ellen Howe as regular members of the Recreation Advisory Commission. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton to reappoint John Hartz, Jr. as an alternate member of the Recreation Advisory Commission. On roll call, the motion carried unanimously.

C. Appointments to the Retirement Board of Trustees.
Kirk W. Blouin, Town Manager

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to ratify the appointment of Daniel Stanton as a regular member of the Retirement Board of Trustees. On roll call, the motion carried unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio applauded Town Manager Blouin and staff on the Budget and Long Term Financial Plan. She spoke regarding the legislative attacks on home rule and encouraged the residents to sign the online home rule petition on the Town's website.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - None

IX. COMMUNICATIONS FROM CITIZENS

Rene Silvin, Australian Avenue, spoke regarding the deportation proceedings against Javier Gonzalez, Manager of Pizza Al Fresco. He introduced Mr. Gonzalez, 630 Claremont Drive, West Palm Beach, who presented his case to the Council and informed them that he is facing a deportation hearing on April 20th.

Mayor Coniglio expressed her sympathy and well wishes for Mr. Gonzalez. Council President Pro Tem Zeidman wished him reason, compassion and intelligence regarding his hearing.

Burt Handelsman of Worth Avenue, requested the Council to write a letter to the President of the United States regarding the deportation of Mr. Gonzalez.

Council Members Araskog and Lindsay spoke in support of sending a letter to the President.

Town Attorney Randolph advised that the Mayor can send a letter to the President on behalf of the Council or each member could send a letter individually.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to direct the Mayor to write a letter on behalf of the Town Council regarding the matter of Javier Gonzalez's deportation. On roll call, the motion carried unanimously.

Simon Taylor, spoke regarding his discontent with the delay from UpMarkets in getting a tenant for the Royal Poinciana Theater.

Scott Lewis, Scott Lewis Gardening, spoke regarding the various heavy (noisy) equipment used in Town during the weekends and requested that the Town set the same standards for its contractors as it does for the lawn service companies.

Bill Metzger, 277 Esplanade Way, spoke regarding the Royal Poinciana Playhouse and the community efforts of the Performing Arts Center Volunteer Task Force.

X. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the Consent Agenda. On roll call, the motion carried unanimously.

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES
Kathleen Dominguez, Town Clerk

a. March 20, 2018, Town Council Meeting Minutes
b. March 21, 2018, Development Review Meeting Minutes

Deferred to the May 8, 2018, Town Council Meeting

2. Approval of major matters considered by the Architectural Commission at its meeting of March 28, 2018.
Paul Castro, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 041-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Police Motorcycles in the Amount of $47,970 from Bruce Rossmeyer's Daytona Harley Davidson; Via the Florida Sheriff's Association Bid #FSA 17-VEL 25.0; Providing an Effective Date.
Ann-Marie Taylor, Acting Chief of Police

2. RESOLUTION NO. 044-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-21 and Approving a Construction Contract To A.U.M. Construction, Inc., for the Signalization and Mast Arm Improvements at the Bradley Place/Sunrise Avenue and Clarke Avenue/Cocoanut Row Intersections, in

the Amount of $532,618 and Establishing a Construction Phase Budget of $586,000.

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

3. RESOLUTION NO. 045-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of $63,627.50 to Kimley-Horn And Associates Inc., for Construction Phase Engineering Services for the Mast Arm Replacement and Signalization Improvement Project at the Bradley Place/Sunrise Avenue and Clarke Avenue/Cocoanut Row Intersections, and Establishing a Construction Phase Budget of $70,000.

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

4. RESOLUTION NO. 046-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-26 for the Mid-Town Bathroom and Lifeguard Building Repairs and Approving a Construction Contract to Creative Contracting Group, in the Amount of $115,000 and Establishing a Construction Phase Budget of *$126,000.*

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

5. RESOLUTION NO. 047-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of $21,928.75 for the Mid-Town Bathroom Repairs, and Establishing a Construction Phase Engineering Services Budget of $25,000.

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

C. OTHER

1. Approval of the Selection Committee's Recommendation of the Ranking of Firms for RFP No. 2018-17 for Wi-Fi Services for the Town Docks, With BEACON Digital Media Marina WiFi - MarinaCams Networking Being the Highest Ranked Proposer and Authorizing Permission to Negotiate an Agreement on Behalf of the Town.

Beth Zickar, Director of Recreation

2. Waiver to Town Code for 89 Middle Road LLC for an Extension of Time for Installation of Utility Improvements.

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

3. Request by the City of West Palm Beach for Town Sponsorship in the Amount of $12,000 for the City's Fourth on Flagler Event.

Kirk W. Blouin, Town Manager

4. Approve a Change Order to the Construction Manager at Risk Contract to Whiting-Turner Contracting Company for the Phipps Ocean Park

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

5. Weeks Ethics Complaint against Town Attorney.
John C. Randolph, Town Attorney

XI. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Architectural Commission.
Robert J. Vila, Chair

Chair Vila presented an overview of the report.

Discussion ensued regarding the main reason for the ARCOM deferrals and concerns with the applicants meeting with the individual Commissioners before the meeting.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Crampton, to accept the Annual Report of the Architectural Commission presented by Robert Vila. On roll call, the motion carried unanimously.

XII. REGULAR AGENDA

A. **Old Business**

1. Request for a Fourth Extension of the Town's Conditional Abatement Period for Palm House.
Cary Glickstein, Receiver

Mr. Glickstein provided an overview of his request and the reasons for the fourth extension.

Motion was made by Council Member Lindsay, and was seconded by President Pro Tem Zeidman, to approve the Receiver's fourth request to extend the abatement period to 120 days subject to the same terms and conditions approved in the third request. On roll call, the motion carried unanimously.

2. Town-wide Undergrounding Project:
Steven N. Stern, Underground Utilities Project Manager

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

Project Manager Stern provided a status update on the underground utilities project and an overview of the Dashboard.

Town Manager Blouin provided a timeframe for the negotiations process with AT&T.

Discussion ensued regarding the cost and the timeline for construction of Phase 2, the telecommunications consultant contract and the related costs

outside of the contract.

3. Coastal Update:
H. Paul Brazil, Director of Public Works

a. Groin Rehabilitation Update

Rob Weber, Coastal Program Manager, introduced Thomas Pierro, Director of Operations for APTIM, who presented the Groin Rehabilitation Plan.

Discussion ensued regarding liability issues with groin ownership, the permitting process and the cost benefit for shore protection.

Director Brazil spoke regarding the guidelines pertaining to the use of Individual Project Approvals (IPA) under the Beach Management Agreement.

It was the consensus of the Town Council to direct staff to explore the liability issue and the IPA approach with the Town Attorney and report back to the Town Council at a future meeting.

b. RESOLUTION NO. 050-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Purchase Order No. 170736 to Woods Hole Group, Inc., in the Amount of $59,950, for Dynamic Modeling for the Coastal Vulnerability Assessment, Thereby Increasing the Purchase Order From $100,000 to $159,950, and Thereby Increasing the Task Budget From $110,000 to $169,950.

Coastal Program Manager Weber provided an overview of the Resolution.

Motion was made by Council Member Araskog, and was seconded by President Pro Tem Zeidman, to approve Resolution 050-2018. On roll call, the motion carried unanimously.

c. RESOLUTION NO. 20-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Professional Coastal Engineering Services to Gahagan & Bryant Associates, Inc., in an Amount of $26,240 for the Sand Transfer Plant Feasibility Study, and Establishing a Task Budget of $30,000.
H. Paul Brazil, P.E., Director of Public Works

Coastal Program Manager Weber provided an overview of the

Resolution.

It was the consensus of the Council to deny this Resolution.

4. Recreation Center Project
TIME CERTAIN: 10:30 AM

a. Update from the Friends of Recreation.

Chair Matthew Smith provided an update on the fundraising efforts for the Recreation Center. He reported that they have surpassed their goal of $3.7 Million and gave a breakdown of the donations received. He stated that the excess funds will be used to create an endowment fund.

b. Project Update.

Director Brazil provided a brief status update on the construction of the new center. He spoke regarding the design stage and stated that the plans for about 90% and some value engineering were complete. He stated that since the litigation has been resolved, the construction manager is developing the Guaranteed Maximum Price (GMP). Staff will review the GMP and report to the Town Council at the June Town Council Meeting.

c. Funding Source(s) For Town's Share of Project Costs.
Jane Le Clainche, Director of Finance

Director Le Clainche presented the available funding sources for the Town's share of the project costs of $3.7M.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Crampton, to allocate $1.85M each from the Health Insurance and Risk Reserve Funds to satisfy the Town's share of the project costs. On roll call, the motion carried 4 to 1 with Council Member Araskog dissenting.

Director Le Clainche stated that an Ordinance amending the budget will be presented at the next Town Council Meeting for first reading.

B. **New Business**

1. Town Docks Project
TIME CERTAIN: 11:00 AM

a. Presentation of Draft Master Plan for the Town Docks and Accessory Structures.
Beth Zickar, Director of Recreation

Beth Zickar, Director of Recreation, provided an overview of the selection

process for awarding the contract to W.F. Baird & Associates for the Draft Master Plan for the Town Docks. She introduced Gordon Thomson, P.E.D., C.E., of W.F. Baird & Associates who presented the draft master plan.

Public Comments:

Dennis Keith, Board President of 455 Australian Avenue, Palm Beach representing the Royal Park Association.

Zachary Shipley of 228 Seaspray Avenue, Palm Beach.

Joe Carol, Yacht Captain, of Sag Harbour, NY.

Connie Geisler of 315 S. Lake Drive, Palm Beach.

Sharon McGinley, Boat Owner.

Susan Watts, 44 Cocoanut Row, Palm Beach.

Dr. Ellen Howe, 2295 S. Ocean Blvd., Palm Beach.

John Sprague, J. Sprague Consulting, LLC.

Town Manager Blouin spoke regarding dock usage and revenue.

Mike Horn, Town Dock master, provided an overview of the slip owners at the docks including residents vs. non-residents.

Discussion ensued regarding the hurricane rating for the proposed docks, dredging, cost and timeline, current maximum vessel size the Town Docks can accommodate, market rates and grant funding requirements, revenue generation, and keeping a town-serving element.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to adopt alternative 3 of the design recommendations of the Town Docks Master Plan. On roll call, the motion carried unanimously.

b. Authorization to Issue RFQ for Design Consultant Services for Town Dock Replacements.
H. Paul Brazil, Director of Public Works

Director Brazil provided an overview of the selection committee and the next steps regarding the Design Consultant Services for the Town Dock Replacements.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Lindsay, for authorization to issue an RFQ for Design Consultant Services for Town Dock Replacements with the environmental permitting done separately. On roll call, the motion carried unanimously.

2. Discussion of Section 18-166 of the Town Code of Ordinances Relative to ARCOM Memberships and Appointments.
Paul Castro, Acting Director of Planning, Zoning and Building

Acting Director Castro provided an overview of the proposed amendments to Chapter 18 as it relates to the ARCOM memberships and appointments procedure.

Discussion ensued regarding the need for flexibility in the Code to appoint an ARCOM member with Master Gardener expertise and opening it up to non-residents.

It was the consensus of the Town Council to direct staff to amend Section 18-166 of the Town Code to allow for state registered architects that are Florida residents.

3. Comprehensive Annual Financial Report Fiscal Year Ended September 30, 2017.
Jane Le Clainche, Director of Finance

Director Le Clainche, provided an overview of the CAFR report.

Motion was made by Council Member Crampton, and was seconded by President Pro Tem Zeidman, to accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2017. On roll call, the motion carried unanimously.

4. Request for Authorization to Study a Possible Zoning Text Amendment to Change the Off-Street Parking Requirements for Private Social, Swimming, Golf, Tennis and Yacht Clubs
Paul Castro, Acting Director of Planning, Zoning and Building

Acting Director Castro provided an overview of the request.

Discussion ensued regarding whether or not the Planning and Zoning Commission should study this item.

It was the consensus of the Town Council to take no action on this item.

5. Proposed Amendment to the Town Code relating to the Administrative and Personnel Committee Hearing Process.

Director of Human Resources Olson provided an overview of the proposed amendments to the APC hearing process.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to amend Chapter 82 of the Town Code of Ordinances, removing the Administrative and Personnel

Committee and replacing it with a Special Magistrate. On roll call, the motion passed unanimously.

C. **Matters Pulled From Consent Agenda:** ***None***

XIII. ORDINANCES

A. **Second Reading**

1. ORDINANCE NO. 05-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulation, of the Town Code of Ordinances at Section 18-112 of Article II, Division 5, Prohibition on Demolition, to Provide for a Prohibition of Demolition of Structures During the Period of the Year Commencing on the Monday Prior to Thanksgiving of Each Year and Ending on March 31 of the Following Year, Including Good Friday; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Araskog, to adopt Ordinance No. 05-2018, on second and final reading. On roll call, the motion carried unanimously.

B. **First Reading**

1. ORDINANCE NO. 06-2018 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of The Town Code of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-53, Membership; Termination of Membership; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Lindsay, and was seconded by President Pro Tem Zeidman, to adopt Ordinance No. 06-2018, on first reading. On roll call, the motion carried unanimously.

XIV. ANY OTHER MATTERS

President Pro Tem Zeidman announced that a Public Workshop on Hurricane Preparedness will be occurring during the month May on a date to be announced.

Council Member Araskog requested that staff change the name of the Town's Rumor Control Line to "Hurricane Hotline".

XV. ADJOURNMENT

There being no further business, the regular Town Council meeting of April 10, 2018 was adjourned at 3:30 p.m.

APPROVED:

_____
Danielle H. Moore, Town Council President

ATTEST:

_____
Kathleen Dominguez
Town Clerk

Date: _____

TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on April 11, 2018

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Araskog asked for clarification on a Town docks item discussed at the Regular Town Council meeting. President Moore suggested that she meet with Town Manager Blouin for any clarification required.

V. COMMUNICATIONS FROM CITIZENS

VI. APPROVAL OF AGENDA

The following change was made to the agenda.

DEFERRAL: The following item was deferred to the May 9, 2018 Town Council meeting:

- Item VII.A.1., ARCOM Appeal of 446 North Lake Way

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to approve the agenda, as amended above. On roll call, the motion carried unanimously.

VII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal 446 North Lake Way

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to defer ARCOM appeal to May 9, 2018 Town council meeting. On roll call, the motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as 235 Via Vizcaya., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story,

single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission conditionally approved a portion of the project but deferred a portion of the project for one month to the April 25, 2018 meeting. Carried 7-0]

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to defer Site Plan Review #1-2017 to the May 9, 2018 Town Council meeting. On roll call, the motion carried unanimously.

Town Clerk Dominguez swore in those who would be providing testimony.

b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as 218 Miraflores Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 The following ex-parte communications were declared. Council Member Araskog received a call from the owner, Vera Alfieri, but did not discuss anything with her. She also stated that they are friends. Council Members Crampton and Lindsay, President Pro Tem Zeidman and President Moore spoke to Maura Ziska who advocated for her client.

Vera Alfieri, 218 Mira Flores Drive, explained reason for the variance.

Attorney Ziska provided details of the project.

Architect Bonner provided additional details.

Acting Director Castro provided Staff comments.

Discussion took place on lot coverage and the adjacent homes.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance 21-2017 shall be granted, with the caveat that the owner will provide a utility easement if necessary, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, motion carried 4-1 with Council Member Araskog dissenting.

c. Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at 1700 S OCEAN BLVD, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building

height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

The following ex-parte communications were declared. Council Member Crampton, President Moore, President Pro Tem Zeidman, and Council Member Lindsay, all spoke to Maura Ziska who advocated for her client. Council Member Araskog had a conversation with neighbor Maureen Donnell and heard remarks that were made at the ARCOM meeting.

Attorney Ziska provided details of the project.

Architect Albarran provided additional details.

Mr. Castro provided Staff comments.

Discussion took place on the easement and screening.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Site Plan No. Z-17-00042 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Variance Z-17-00042 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at 224 S OCEAN BLVD, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.]

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to defer Z-17-00047 to the May 9, 2018 Town council meeting. *No further deferrals allowed for this item.* On roll call, the motion carried unanimously.

e. Z-17-00059 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of REGALBUTO JASON, Owner, relative to property located at 160 SEABREEZE AVE, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R B Zoning District. The applicant is also planning to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) A cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) an east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the January 24, 2018 meeting. Carried 5-2.]

The following ex-parte communications were declared. Council Member Crampton, President Pro Tem Zeidman, and Council Member Lindsay, all spoke with Maura Ziska who advocated for her client.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on, driveway landscape open space.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-17-00059 (landscape open space variance) shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. (The other variances were conditionally approved at the March 21, 2018 Town Council meeting.) On roll call, the motion carried unanimously.

f. Z-17-00066 MODIFIED SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at 313 1/2 WORTH AVE SUITE: SITE, legal description on file, is described below. 1. Request for special exception approval to allow a two (2 story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front facing façade was too modern, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design, 4) Whether the retractable awnings were appropriate, 5) The height of the pergolas. They all agreed that

accessibility at the entrance was necessary. The Architectural Commission deferred the project to the April 25, 2018 meeting. Carried 7-0.]

The following ex-parte communications were declared. Council Member Crampton spoke with Maura Ziska who advocated for her client. Mayor Coniglio spoke with Tatiana Van Zandt and Burt Handelsman regarding concerns on the project. President Moore spoke with Maura Ziska who advocated for her client. She received a phone call from Mrs. Holzer but did not return the call. President Pro Tem Zeidman and Council Member Lindsay both spoke with Tatiana Van Zandt and with Maura Ziska who advocated for her client.

All council members received letters and E-mails associated with this project that were included in their backup.

Attorney Ziska provided details of the project.

Architect Smith provided additional details.

Mr. Castro provided Staff comments.

Tatiana Van Zandt, the owner of Trillion, expressed concern about elimination of green space between two buildings.

Attorney Eubanks reported on meetings and conversations focusing on this project only.

Jose Gonzales, General Manager would like a nice outside space for his guests.

Discussion took place on concerns with the retractable awning and other potential modifications.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that the trellis portion of Special Exception No. Z-17-00066 shall be granted, and that awning portion be denied, 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. On roll call, the motion carried 4-1, with President Pro Tem Zeidman dissenting.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00066 be approved, except for the following: front façade and the floor as presented, and retractable awning, and based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have not been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. Without a second, the motion was not considered.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to defer Modified Site Plan Review Z-17-00066 in order to send back to ARCOM for further study and review with the exception of the retractable awning. The motion carried 3-2 with President Pro Tem Zeidman and President Moore dissenting.

g. Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R B Low Density Residential The application of 1280 NORTH LAKE WAY LLC, Owner, relative to property located at 1280 N LAKE WAY, legal description on file, is described below. 1. Site Plan Review to allow the construction of a 7,431 square foot two story, single family residence on a non conforming platted lot which is 87.95 feet in width in lieu of the 100

foot minimum width required in the R B Zoning District. 2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 6-1. The Architectural Commission approved this project at the March 28, 2018 meeting. Carried 4-3.]

Town Clerk Dominguez swore in all those who would be providing testimony.

The following ex-parte communications were declared. Council Member Crampton, President Pro Tem Zeidman, and Council Member Lindsay spoke to Maura Ziska who advocated for her client. President Moore spoke with Maura Ziska who advocated for her client. She was a college classmate with Mr Lambert. Council Member Lindsay spoke with Mr. Kirchoff about elevations and she received an E-mail from Mr. Lambert.

Attorney Ziska provided details of the project.

Architect Kirchoff provided additional details.

Mr. Castro provided Staff comments.

Discussion took place on height and point of measurement.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-18-00068 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-18-00068 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

h. Z-18-00071 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area The application of TRAVERSE NORMAN &, Owner, relative to property located at 1744 S OCEAN BLVD, legal description on file, is described below. 1. Request a special exception to permit the construction of a +/ 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of the road. Also proposed is a walkover and landing. The application proposes to close one lane of traffic at one time to construct the tunnel. 2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

The following ex-parte communications were declared. Council Member Crampton, President Moore, and Council Member Lindsay spoke with Maura Ziska who advocated for her client.

Attorney Ziska provided details of the project.

Architect Perry provided additional details.

Mr. Castro provided Staff comments.

Architect Barr provided additional details.

A short discussion on the timeframe ensued.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance Z-18-00071 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan No. Z-18-00071 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception No. Z-18-00071 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. On roll call, the motion carried unanimously.

i. Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R A Estate Residential The application of SHADOWBROOK LAND TRUST &, Owner, relative to property located at 110 VIA VIZCAYA, legal description on file, is described below. Site Plan Review to allow the construction of a 5,084 square foot two story, single family residence on a non conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved this project at the March 28, 2018 meeting. Carried 7-0.]

The following ex-parte communications were declared. President Moore, Council Member Lindsay and President Pro Tem Zeidman, spoke to Maura Ziska who advocated for her client.

Attorney Ziska provided details of the project.

Architect Albarran provided additional details.

Mr. Castro provided Staff comments.

Discussion took place on lot coverage requirements.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-18-00072 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-18-00072 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and subject to landscape open space based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

The Town Council recessed at 11:43 a.m. and reconvened at 11:50 a.m.

2. New Business

a. Z-18-00074 VARIANCE(S) The application of 17 GOLFVIEW ROAD LLC, Owner, relative to property located at 17 GOLFVIEW RD, legal description on file, is described below. The applicant is proposing to construct a 224 square foot pool cabana and a 175 square foot awning in the rear of the property that will require the following variances: 1. Landscaped open space of 46% in lieu of the 48.7% existing and the 50% minimum required in the R A Zoning District. 2. Lot coverage of 31% in lieu of the 29.10% existing and the 25% maximum allowed in the R A Zoning District. 3. Rear yard setback of 8.83 feet in lieu of the 10 foot minimum required for an unenclosed accessory structure in the R A Zoning District. [Applicant's Representative Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

The following ex-parte communications were declared. Council Member Crampton, President Moore, President Pro Tem Zeidman, and Council Member Lindsay spoke with Maura Ziska who advocated for her client, President Moore has been through the property on several occasions when it belonged to the previous owner.

Attorney Ziska provided details of the project.

Architect Jackman provided additional details.

Mr. Castro provided Staff comments.

Rene Silvin, 422 Australian Avenue, reported that when the resolution was made, it was stipulated that the Everglades Club give their consent to the variance.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, that Variance Z-18-00074 shall be granted, with the caveat that the owner will

provide a utility easement if necessary, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

b. Z-18-00075 SPECIAL EXCEPTION The application of WELLS FARGO BANK, NA Owner, relative to property located at 255 S COUNTY RD SUITE: SITE, legal description on file, is described below. The Applicant seeks approval of a Special Exception with Site Plan Review to modify SE#23 2015 for the building signage to remove the existing "First National Bank" sign and replace it with a "Wells Fargo Building" sign of the same size. There will be no increase in sign face area and the square footage of the proposed sign complies with the Town Code. [Applicant's Representative Harvey E Oyer III Esq] [Landmark Preservation Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [Landmark Preservation Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

The following ex-parte communications were declared. Council Members Crampton, Araskog, Lindsay and President Pro Tem Zeidman spoke to Harvey Oyer who advocated for his client. Council Member Araskog also listened to this issue when it was presented at Landmarks. Mayor Coniglio spoke with Harvey Oyer and discussed that this is a prominent building and similar to the Post Office. President Moore spoke to Mr. Oyer who advocated for his client and she drives by the bank many times per day. Council Member Araskog added that she discussed whether the word “Building” was required.

Architect Spina provided the details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception No. Z-18-00075 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. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

c. Z-18-00076 SITE PLAN REVIEW WITH VARIANCE(S) The application of WEXLER GARY &, Owner, relative to property located at 14 VIA VIZCAYA, legal description on file, is described below. Site plan review request to allow the construction of a 7,400 square foot two story single family residence on a platted non conforming lot in both width and area in the R-A Zoning District. In connection with the proposed construction, the following variance is being requested: A variance request for a one story element rear street yard setback (south side of the property) of 15 feet in lieu of the 35 foot minimum required in the R-A Zoning District. [Applicant's Representative David E. Klein Esq] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the March 28, 2018 meeting. The conditions are related to the architecture only. Carried 7-0.]

No ex-parte communications were declared.

Attorney Klein provided the details of the project.

Architect Seagraves provided additional information.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Site Plan No. Z-18-00076 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and subject to landscape open space based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Variance Z-18-00076 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. Z-18-00077 VARIANCE(S) The application of WALKER JEFFREY C, Owner, relative to property located at 662 ISLAND DR, legal description on file, is described below. The applicant is proposing to construct a 543 second floor within the existing footprint of the one- story residence which will require the following variances: 1) lot coverage of 29.8% in lieu of the 25% maximum allowed in the R B Zoning District for a two story residence on a lot that is in excess of 20,000 square feet; 2) cubic content ratio of 4.28 in lieu of the 3.83 existing and the 4.10 maximum allowed in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

The following ex-parte communications were declared. Council Members Crampton, Lindsay and President Pro Tem Zeidman spoke with Maura Ziska who advocated for her client.

Attorney Ziska provided the details of the project.

Architect Perry provided additional details.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance Z-18-00077 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

e. Z-18-00078 SPECIAL EXCEPTION The application of EVERGLADES CLUB INC, Owner, relative to property located at 500 S COUNTY RD SUITE: SITE, legal description on file, is described below. A request for special exception approval with site plan review to remove an existing Golf Cart Shelter and portion of an existing site wall located southwest of the existing Pro Shop and add a new site wall, a 1,099 square foot

golf bag storage building and a 2,971 square foot golf cart shelter located southwest of the existing Pro Shop. [Applicant's Representative Maura Ziska Esq]

The following ex-parte communications were declared. Council Members Araskog and Crampton and President Moore are members of the Everglades Club. President Moore, President Pro Tem Zeidman, and Council Members Crampton and Lindsay spoke to Maura Ziska who advocated for her client.

Attorney Ziska provided details of the project.

Architect Drobot provided additional details.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Special Exception No. Z-18-00078 shall be granted, with the caveat that the owner will provide a utility easement, if necessary, 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. On roll call, the motion carried unanimously.

f. Z-18-00079 VARIANCE(S) The application of ANGLE ANN BRITT &, Owner, relative to property located at 306 PENDLETON LN, legal description on file, is described below. The applicant is proposing to construct a 340 square foot one story loggia addition to the existing residence that would result in the following variances being requested: 1) an angle of vision of 130 degrees in lieu of the 117 degrees existing and the 116 degrees maximum allowed in the R·B Zoning District 2) a front yard setback of 22.91 feet in lieu of the 25 foot minimum setback required in the R-B Zoning District [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

Deputy Clerk Gayle-Gordon swore in all those who would providing testimony.

The following ex-parte communications were declared. Council Member Crampton spoke to Maura Ziska who advocated for her client. Mayor Coniglio received E-mails of support from the neighbors. President Moore has spent time in the Angle's home and their children attend school together, President Pro Tem Zeidman spoke to Maura Ziska who advocated for her client and she received two letters, Council Member Lindsay spoke to Maura Ziska who advocated for her client and received a number of E-mails in support of the project.

Attorney Ziska provided details of the project.

Architect Torres provided additional details.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Variance Z-18-00079 shall be granted, with the caveat that the owner will provide a utility easement, if necessary, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. Z-18-00081 SITE PLAN REVIEW The application of KENNEDY SUZANNE W, Owner, relative to property located at 140 KINGS RD, legal description on file, is

described below. Site Plan Review to allow the construction of a 6,361 square foot two story, single family residence on a non conforming platted lot which is 100.03 feet in width in lieu of the 125 foot minimum required in the R A Zoning District; 143.08 feet in depth in lieu of the 150 foot minimum required in the R A Zoning District; and 14,308 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 6-1.]

The following ex-parte communications were declared. Council Member Crampton spoke to Maura Ziska who advocated for her client. He also received a letter from Eric Stonestrom who opposed the project. Mr. Stonestrom is a friend of his and a board member at the South Florida Science Center and Aquarium. Mayor Coniglio and President Moore received the same correspondence. President Pro Tem Zeidman and Council Member Lindsay spoke with Maura Ziska who advocated the position of her client. Council Member Araskog read the correspondence and she knows Eric Stonestrom.

Attorney Ziska provided details of the project.

Architect Perry provided additional details.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan No. Z-18-00081 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and subject to landscape open space based upon the finding that the approval of the site plan will not adversely affect the public interest and 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. On roll call, the motion carried unanimously.

h. Z-18-00082 SPECIAL EXCEPTION WITH SITE PLAN REVIEW The application of 257 RPW LLC, Owner, relative to property located at 257 ROYAL POINCIANA WAY, legal description on file, is described below. 1) A request for special exception approval with site plan review to modify the previously approved awning (Special Exception # 18 2017) to correct the dimensions to be what was installed at 29 feet 8 inches x 12 feet in lieu of the previously approved plan that showed the awning to be 28 feet 9 inches x 12 feet (an 11 inch difference). 2) A request for special exception approval to have a valet operation for lunch and dinner during the following hours: Dinner: 5:00 pm 10:00 pm Sunday to Wednesday; 5:00 pm 3:00 am Thursday to Saturday Lunch: Daily 10 am to 3 pm [Applicant's Representative Maura Ziska Esq]

The following ex-parte communications were declared. Council Member Araskog and President Moore received a message from Nick Coniglio regarding the project but never spoke with him. Council Member Crampton spoke with Maura Ziska who advocated for her client. President Pro Tem Zeidman and Council Member Lindsay spoke with Nick Coniglio and Maura Ziska who advocated for the project.

Attorney Ziska provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on valet operation and awning size.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Special Exception No. Z-18-00082 shall be granted, with the caveat that if the frame ever gets damaged and needs to be replaced, that it is replaced with awning of the same size, 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. On roll call, the motion carried unanimously.

i. Z-18-00083 VARIANCE(S) The application of 89 MIDDLE ROAD LLC, Owner, relative to property located at 89 MIDDLE RD, legal description on file, is described below. 1) The Applicant is proposing a new pitched roof to replace a flat roof over the 2 story guest house/garage and construct a trellis on the rooftop of the one story portion of the guest house/garage which will require the following variances to be requested: a) a request to increase the overall building height of the guest house/garage by adding the pitched roof in an existing non conforming side yard setback of 6.1 feet in lieu of the 15 foot minimum required in the R A Zoning District; b) a request to increase the building height of the guest house/garage by adding a trellis in an existing non conforming side yard setback of 9.5 in lieu of the 15 foot minimum required in the R A Zoning District. 2) A request for a variance to allow a 120 foot long retaining wall to be at a height of 9.5 feet in lieu of the 7 foot tall maximum allowed. [Applicant's Representative Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

The following ex-parte communications were declared. Council Member Crampton, President Moore, President Pro Tem Zeidman ,and Council Member Lindsay spoke with Maura Ziska who advocated for her client.

Attorney Ziska provided details of the project.

Architect Portuondo provided additional details.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance Z-18-00083 shall be granted, with the caveat that the owner will provide a utility easement, if necessary, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Town Council recessed at 12:25 p.m. and reconvened at 1:45 p.m.

j. Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at 901 N OCEAN BLVD, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project for one month at the March 28, 2018 meeting. Carried 7-0.]

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to defer Variance #18-00084 to the May 9, 2018 Town Council meeting. On roll call, the motion carried unanimously.

k. Z-18-00085 VARIANCE(S) The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at 139 N COUNTY RD SUITE: 15, legal description on file, is described below. *This application is on behalf of the tenant Illustrated Properties LLC* The applicant is requesting a variance to permit the operation of a real estate brokerage office containing approximately 1,008 sq. ft. on the first floor of the Paramount Building which does not meet all of the requirements to allow an office use on the first floor in this situation. The proposed use meets the special exception uses requirement in Section 134 1109(18) that there are at least 50% existing office uses on all floors in the Paramount Building but fails to meet the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative Tim Hanlon Esq]

No ex-parte communications were declared.

Attorney Hanlon provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on expansion of retail spaces.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Variance Z-18-00085 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that approval is for this applicant only. On roll call, the motion carried unanimously.

l. Z-18-00086 VARIANCE(S) The application of JHD ASSOCIATES LLC, Owner, relative to property located at 230 ROYAL PALM WAY SUITE: BLDG 1, legal description on file, is described below. TD Wealth Management is leasing Suite 100 (which totals 2,144 square feet) on the east end of the first floor of 230 Royal Palm Way. This application proposes to install two business identification signs on the building: one on the north façade facing Royal Palm Way and one on the south façade facing the parking lot. Because of the style and height of the existing stone façade of the first story of the building, and the existing windows on the facades, the signs need to be installed higher than the ceiling of the first floor, which is only 8.16 feet. Although the proposed signs will be located well below the 15' otherwise allowed by code in this zoning district, signs located above the ceiling height of the first floor require variances. Request for business identification sign on the north façade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. Request for business identification sign on the south façade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. These measurements are from the finished floor elevation of the first floor. [Applicant's Representative James M. Crowley Esq]

Ex-parte communications were not declared.

Attorney Crowley provided details of the project.

Mr. Castro provided Staff comments.

Discussion took place on location of signage on the front of the building and necessity of signage in the back of the building.

Architect Pandula provided additional details.

Further discussion took place on signage on building, location of sign, clarification of staff approval process, other possible tenants signage, and further study on uniformity of signage.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, that Variance Z-18-00086 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that approval is for this applicant only. On roll call, the motion carried unanimously.

3. Other

a. RESOLUTION NO. 51-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To The Zoning Item Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto; Requiring That Zoning Applications Which Intensify The Use Of A Property, Or Create A Taller Or Larger Building Than The Zoning Code Allows Have A Legal Notice Requirement Of 1,000 Feet In Lieu Of The 300 Foot Existing Legal Notice Requirement During The Period That Zoning Is In Progress For Any Zoning Application; Providing An Effective Date.

Mr. Castro provided the background.

Discussion took place on notice requirement and specificity of the resolution to commercial zones. Examples were given that would be included in study. Discussion took place on the timeframe.

Simon Taylor, 234 Oleander, offered that he would support a resolution of this nature.

Discussion took place on reasons and timing for zoning in progress, reason for 1,000 feet notification to residents and notification to residents with regard to Carriage House.

No action was taken on this item.

VIII. <u>ORDINANCES</u>

A. Third Reading

1. ORDINANCE NO. 4-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural

Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Simon Taylor, 234 Oleander Avenue, explained that a 30-day cut off of people's rights to make a case is flagrantly out of keeping with American due process.

Anita Seltzer, Cocoanut Row, addressed her concerns about proposed Town code amendments that she feels have not been thoroughly reviewed by the Planning & Zoning Commission or the Town Council.

Council Member Araskog asked for clarification on 30-day appeal process in comparison to other boards and commissions.

Mr. Castro provided clarification on equipment on Lake Trail.

Discussion took place on the language in the ordinance.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to adopt Ordinance No. 4-2018, on third and final reading. On roll call, the motion carried unanimously.

IX. ANY OTHER MATTERS - None

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of April 11, 2018 was adjourned at 2:15 p.m.

APPROVED:

_____

Danielle H. Moore, Town Council President

PREPARED BY:

_____

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Minutes

Agenda Title

Approval of major matters considered by the Architectural Commission at its meeting of April 25, 2018.

Presenter

Paul Castro, Acting Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum dated April 30, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Minutes of the Architectural Commission Meeting of April 25, 2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of April 25, 2018

Date: April 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 25, 2018.

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 25, 2018.

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

PC:kmc

TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, APRIL 25, 2018

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

I. **CALL TO ORDER**

Mr. Vila called the meeting to order at 8:59 a.m.

II. **ROLL CALL**

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	ABSENT (unexcused)
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:
John Lindgren, Planning Administrator
Kelly Churney, Secretary to the Architectural Review Commission

Please note: Ms. Shiverick voted in the absence of Mr. Small.

III. **PLEDGE OF ALLEGIANCE**

Chairman Vila led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE MARCH 28, 2018 MEETING**

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the minutes from the March 28, 2018 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Lindgren requested to amend the agenda with the deferral of the following projects to the May 23, 2018 meeting: B-003-2018, 2291 Ibis Isle Rd. E., B-030-2018, 905 N. Ocean Blvd. and A-015-2018, 528 N. Lake Way.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the agenda as amended. Motion carried unanimously.

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

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

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

Susan Gary, 229 Onondaga Avenue, expressed concern about Mr. Vila's comments regarding speeding up projects for developers and informal meetings with the professionals at the April Town Council meeting. Mr. Vila responded.

Mr. Garrison spoke about the dedication of the Architectural Commissioners and the ex parte that they provide at every meeting. A discussion among the Commissioners ensued about meeting with architects, providing design feedback to the professionals and declaring ex parte communication.

Jere Zenko, 232 Tangier Ave., expressed concern about receiving one notice on project B-070-2018 225 Tangier Ave. Mr. Lindgren stated that the project had been properly noticed and publicly deferred to a date certain at the ARCOM meetings.

VIII. **PROJECT REVIEW**

DEMOLITIONS AND TIME EXTENSIONS

B-042-2018 Demolition
Address: 830 S. County Rd.
Applicant: Kenneth & Claudia Silverman
Architect: M. Mark Marsh/Bridges Marsh & Associates, Inc.
Landscape Architect: Dustin Mizell/Environment Design Group
Project Description: Demolition of existing 2-story residence, guesthouse, pool and associated hardscape.

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

Mr. Marsh presented the proposed demolition of the existing residence and guesthouse. He handed out additional photos of the residence to the Commissioners.

Mr. Mizell presented the proposed demolition of the landscape and hardscape.

Mr. Garrison expressed concern about the demolition of the residence. Mr. Lindgren explained the Commissioners' role in the approval of a demolition.

Mr. Corey was in favor of the landscape demolition plan.

Ms. Shiverick expressed concern about the demolition and thought it could be renovated. Mr. Ives agreed. Mr. Marsh responded to Ms. Shiverick's comments.

Mr. Zukov asked about a historical policy that allowed Commissioners to see the plan for the future residence prior to approving the demolition request. Mr. Lindgren stated that policy did not exist today.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the demolition as requested with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion carried 5-2 with Mr. Garrison and Ms. Grace opposed.

Kathy Bleznak, 960 N. Ocean Blvd., expressed concern about the over building of the north end of the island as well as the homes proposed for 901 and 905 N. Ocean Blvd.

MAJOR PROJECTS – OLD BUSINESS
B-054-2017 New Construction
Address: 446 N. Lake Way
Applicant: Stephen A. Levin
Architect: Benjamin Schreier/Affiniti Architects
Project Description: New contemporary two story home and one story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool.

Project History:

- June 2017 – Presented and deferred to August 2017 (major restudy requested)
- August 2017 – Deferred at the request of the Architect to September 2017
- September 2017 – Presented and deferred to November 2017 (restudy)
- November 2017 – Presented and deferred to January 2018 (major restudy requested) ***change in architect***
- January 2018 – Presented and deferred to February 2018 (based upon Commissioners comments)
- February 2018 – Presented and deferred to March 2018 (restudy)
- March 2018 – Presented and deferred to April 2018 (based upon Commissioners comments)

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

Daniel Ménard, LeBerge and Ménard, presented the architectural modifications proposed for the new residence.

Mr. Ives expressed concern about the pilasters on the windows, the fenestration, the front entrance and the overall project. He indicated that he could not support the project. Ms. Grace agreed.

Ms. Grace expressed concern for the windows, arches on the south elevation and the brackets on the arches.

Mr. Corey was in favor of the water table addition and the arches. He was not in favor of the pilaster between the windows and thought the entrance was heavy. He stated he could support the project.

Mr. Floersheimer asked about the deletion of the room and the overall length of the house. Mr. Ménard responded to explain the design.

Ms. Catlin thought the house had progressed but still thought there was still work that needed to be done.

Ms. Shiverick thought the house had improved but wondered if the mass could still be reduced.

Mr. Garrison pointed out that the proposed house was being placed on a long and narrow, subdivided lot. He added that consequently, the house design was long and narrow. He thought the design had progressed.

Mr. Vila thought the east façade had improved and thought the project should be approved.

Ms. Grace thought home designs should have beauty and charm and be reviewed on all sides.

James Green, attorney for the applicant, stated that the design meets Code and the architect had complied with all of the requests from the Commission. He advocated for an approval from the Commission.

Ms. Grace thought that some of the comments from the previous meeting had not been addressed in the currently proposed design.

Mr. Corey asked a question about the model and stated that it seemed that the house has lengthened since the first presented. Mr. Ménard responded.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented. Motion failed 3-4 with Messrs. Ives, Zukov and Mses. Grace and Shiverick opposed.

Mr. Zukov asked if the project could be deferred to allow him time to meet with the architect. Mr. Green stated the architect would meet with Mr. Zukov.

A second motion made by Mr. Zukov and seconded by Ms. Shiverick to defer the project for one month to the May 23, 2018 meeting. Motion carried 5-2 with Ms. Grace and Mr. Ives opposed.

B-070-2017 Demolition/New Construction
Address: 225 Tangier Ave.
Applicant: ILLKM PB LLC
Architect: Benjamin Schreier/Affiniti Architects
Project Description: Demolition of an existing residence constructed in 1958, Construction of new one story Bermuda style 6,192 sq. ft. residence, with swimming pool, associated landscaping and landscape lighting.

Motions carried at the October meeting to approve the demolition and to defer the project for one month to the November 2017 meeting for restudy based on the comments from the Commission. A motion carried at the November meeting to defer the project for one month to the December meeting at the request of the architect. A motion carried at the December meeting to defer the project for one month to the January meeting at the request of the architect. A motion carried at the January meeting to defer the project to the February 2018 meeting for a restudy of the loggia and fenestration. A motion carried at the February meeting to approve the project as presented with the caveat to incorporate the comments of Commissioners Vila and Sammons into the design of the project and that the pergola feature will return to the Commission for approval. A motion carried at the March meeting to defer the project for one month at the request of the architect.

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

Mr. Schreier thanked the Commission for the approval of the project and presented the proposed modifications for the interior loggia on the new residence.

Mr. Zukov asked about the loggia's relationship to the residence. Mr. Schreier responded and presented an inspiration photo of another loggia in Palm Beach, similar to what he proposed.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the plan as presented. Motion carried 5-2 with Ms. Grace and Mr. Zukov opposed.

B-105-2017 New Construction
This project has to be approved in its entirety before it can be heard at by the Town Council to address the Site Plan Review application*
Address: 235 Via Vizcaya
Applicant: 235 Via V PB, LLC
Architect: Pat Segraves/SKA Architect + Planner
Project Description: New construction of Mediterranean Revival home to be approximately 7,000 square feet. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW INFORMATION: The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required.

A motion carried at the December meeting to defer the project to the January 2018 meeting. A motion carried at the January meeting to defer the project to the February 2018 meeting at the staff's request. A motion carried at the February meeting to defer the project for one month to the March 28, 2018 meeting for restudy based on the comments from the Commissioners. A motion carried at the March meeting to approve the architecture and landscape plans as presented, including the wrought iron railings shown on the overhead projector and the caveat that the architect will restudy the one story roof design, which will return to the Commission at the April 25, 2018 with a new design.

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

Mr. Segraves presented the roof modifications proposed for the residence. He also presented some of the revisions that had been made since the last presentation, which had been requested by the Commissioners.

Motion made by Ms. Grace and seconded by Mr. Zukov to approve the project as presented. Motion carried unanimously.

B-003-2018 Demolition/New Construction
Address: 2291 Ibis Isle Rd. E.
Applicant: Lynne Eriksen
Architect: Roger Hansrote/ACI
Project Description: Demolition of an existing one story, CBS, 2547 s.f. ranch style single-family residence and swimming pool constructed in 1961. Construction of a new 3576 s.f. AC area one story single family residence with a 523 s.f. garage, swimming pool and associated landscaping and hardscape.

Please note: This item was deferred to the May 23, 2018 meeting with the Item V. Approval of the Agenda.

B-008-2018 Demolition/New Construction
Address: 232 Seabreeze Ave.
Applicant: Jim & Robin Carey
Architect: Jeremy K. Walter, AIA/Jeremy K. Walter Architects, LLC
Project Description: Demolition of existing 2 story single family dwelling, 2 story garage, storage shed and pool. New construction of a 2 story single family contemporary home with concrete tile and standing seam zinc coated copper roof, new pool, site walls and landscaping.

At the January meeting, a motion carried to approve the demolition of the existing property as requested. A second motion carried to defer the project for two months to the March meeting for a complete redesign of the project. A motion carried at the March meeting to defer the project for one month to April 25, 2018 for restudy based on the comments from the Commission.

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

Mr. Carey, homeowner, discussed the intent of the proposed design of his home.

Mr. Walter presented the proposed architectural modifications for the new residence. He presented additional modifications on the overhead projector.

Ms. Shiverick asked about the proposed materials. Mr. Walter presented the proposed samples of the materials to the Commission. Ms. Shiverick was in favor of the window and door changes.

Mr. Corey asked about the proposed height of the home compared to other homes in the neighborhood. Mr. Walter responded.

Ms. Grace thought the house was out of scale for the streetscape. She thought the proposed home still felt cold, especially with the dark door.

Mr. Ives thought the house was moving in the right direction but still lacked a bit of character for the area.

Mr. Vila thought the design was a bit too serious. He appreciated the changes with the windows but thought there could still be a few more changes, especially with the ratio of the glazing. He suggested using a lighter roof color and a different color for the shutters.

Mr. Garrison thought the proportions of the windows and doors, especially on the front façade, needed to be restudied.

Mr. Corey thought some more quirkiness needed to be brought into the design. He also requested to see the heights of the neighboring homes at the next presentation.

Anne Pepper, 333 Seaspray Ave., supported Mr. Corey's comments regarding the height of the proposed home.

Motion made by Ms. Grace and seconded by Mr. Ives to defer the project for one month to the May 23, 2018 meeting. Motion carried unanimously.

Please note: A short break was taken at 10:38 a.m. The meeting resumed at 10:51 a.m.

B-012-2018 Modifications
Address: 313 ½ Worth Ave.
Applicant: Via Bice Worth Avenue LLC
Architect: Jeffrey W. Smith/Smith Architectural Group
Project Description: Renovation of Via Bice to include new paving, new trellis, retractable awning, landscaping and lighting. Removal of awnings. Renovations to Peruvian Ave façade to include new stone entry, new glass awning, landscaping and lighting, replace awnings. New Doors.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW INFORMATION: 1) Request for special exception approval to allow a two (2) story trellis 2)Request for site plan review to modify the Via Bice as follows: a) New mosaic pavers in the Via; b) New 2,240 square foot trellis with retractable awning above; c) New landscaping and lighting; d) New stone entry with awning on Peruvian Avenue; e) Removal of existing canvas awnings; f) New 37.5 square foot addition to existing bay window.

At the February meeting, a recommendation to the Town Council was given that the redesign was a positive step forward in the right direction. A motion carried at the March meeting to allow time for the project to be heard by the Town Council.

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

Mr. Smith stated that the area in question was located in two different zoning districts. He presented the proposed modifications for the building and Via. He showed the Commission sample materials. Mr. Smith stated that the Town Council denied the proposed awnings so the current request is for the pergola only.

Mr. Vila asked about the proposed pergola height. Mr. Smith responded.

Ms. Grace asked about the existing properties across the street. She stated she wanted to see the entire streetscape. Mr. Smith stated he had information on the buildings on the same side of the street.

Mr. Lindgren stated that the Town Council deferred the project with a strong objection to the awning.

Ms. Grace thought the proposed front façade was too commercial and did not fit into the area.

Ms. Catlin was in favor of the mosaic tile and the proposed changes to the Moroccan portion of the building. She also stated she would support the pergola. She thought the entrance still needed accessibility and was not in favor of the front façade. She recommended a renovation of the front façade.

Mr. Garrison agreed with Ms. Catlin about the exterior. He expressed concern about the lack of accessibility and the Via's infrastructure. Mr. Smith responded. He also stated he was opposed to the pergola. Mr. Garrison recommended a restudy.

Mr. Corey thought the existing site was cluttered and was in need of a renovation. He stated he could not support any of the new choices. He was not in favor of the changes and recommended a restudy.

Mr. Ives was in favor the proposed changes to the Moroccan portion of the building and the tile choice. He thought many of the choices were a large improvement over the existing situation. He strongly recommended addressing the accessibility issue.

Ms. Shiverick agreed with Mr. Ives. She was in favor of the tile and the pergola. She thought the front stone façade was too monolithic and made a few suggestions.

Mr. Floersheimer agreed with Ms. Shiverick and recommended softening the front entrance. He stated he could not support the pergola.

Ms. Grace thought the mosaic tile pattern was too busy and questioned whether they would be too slippery. Mr. Smith responded. She recommended a small pergola over the table area only rather than the proposed.

Mr. Zukov thought the proposed tile would lighten up the Via. He offered a suggestion of using safety glass over the pergola rather than the proposed awning. He was not in favor of the proposed front façade.

Mr. Ives asked about the aesthetics if Bice used dining umbrellas in the Via. Mr. Smith responded.

Mr. Floersheimer asked about the proposed design of the Moroccan area. Mr. Smith responded.

Mr. Vila stated he felt the current design did not fit the area. He asked how Bice currently addressed the accessibility issue. Mr. Smith responded. He questioned the pergola and awning design.

Motion made by Mr. Garrison to defer the project for further restudy.

Mr. Smith asked for a partial approval. Mr. Vila responded.

Leta Austin Foster, 64 Via Mizner, spoke in opposition of the current design.

Anne Pepper, 333 Seaspray Ave., spoke in opposition of the current design.

Robin Weeks, 210 Jamaica Ln., spoke in opposition of the current design.

Mr. Smith asked if the Commission wanted a more traditional and historical front façade. Some of the Commission members provided some design feedback.

Suzanne Reynolds, citizen, expressed concern about the proposed modern design and thought it remove the character from the Town.

Mr. Smith reminded the Commission that the building design was from 1985 and was not a historic building.

Mr. Zukov advocated for an approval for the proposed changes to the Moroccan portion of the building.

Motion made by Mr. Garrison and seconded by Mr. Corey to defer the project for one month to the May 23, 2018 meeting. Motion carried 6-1 with Mr. Zukov opposed.

Mr. Smith asked for more design direction.

Ms. Shiverick recommended less motion in the tile pattern. She recommended a less busy pattern.

B-024-2018 Modifications
Address: 561 Island Dr.
Applicant: 561 Island Drive LLC
Architect: Keith Williams/Nievera Williams Design
Project Description: Driveway gates, adjacent walls, columns and pedestrian gates located at side of house facing the street.

A motion carried at the March meeting to defer the project for one month at the request of the architect.

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

Mr. Williams presented the proposed modifications to the residence. He presented alternate gate designs on the overhead projector.

Mr. Garrison stated he was in favor of the gate on the overhead projector.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously.

B-030-2018 New Construction
Address: 905 N. Ocean Blvd.
Applicant: Patrick and Lillian Carney
Architect: LeBerge & Ménard Inc.
Project Description: Construction of a new 17,727 sq. ft. two story main house with a basement and a 1,284 sq. ft. single story guesthouse in the Neo-Classical style of architecture. Final hardscape, landscape and drainage plan to be presented as well.

A motion carried at the March meeting to defer the project for one month to the April 25, 2018 meeting for restudy.

Please note: This item was deferred to the May 23, 2018 meeting with the Item V. Approval of the Agenda.

B-034-2018 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 901 N. Ocean Blvd.
Applicant: PBB Island Properties, LLC
Architect: Roger Janssen/Dailey Janssen Architects
Landscape Architect: Joe Peterson/Peterson Design Professionals
Project Description: Construction of a two-story residence, hardscape, landscape and pool.

VARIANCE INFORMATION: 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

A motion carried at the March meeting to defer the project for one month to the April 25, 2018 meeting for restudy based on the comments from the Commissioners.

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

Mr. Janssen presented the proposed architectural modifications for the new residence.

Ms. Grace expressed concern about the mass of the home on the narrow lot. She questioned whether the home could be designed without requests for variances.

Mr. Janssen explained his request for variances and stated he thought they were reasonable.

Mr. Floersheimer stated concern about the point of measurement request. He thought the house could be lower in height.

Mr. Corey was in favor of several elements in the design but thought the elements were overblown. Mr. Corey suggested changing the home to be less monolithic and more modular on the site.

Ms. Shiverick agreed with Mr. Corey. She expressed concern about the height of the guesthouse. Mr. Janssen responded.

Ms. Catlin partially liked the design but expressed concern for the west façade of the guesthouse. She also thought the design needed more restudy. Mr. Janssen responded.

Mr. Garrison clarified the variance request. He made a suggestion for the guesthouse to reduce the height.

Mr. Ives agreed with Mr. Garrison about the variance request and lot coverage. He expressed concern about the large water feature at the front entrance and the west elevation of the guesthouse. He felt there was some disconnect in the design.

Ms. Grace suggested lowering the berm so that the home would be lower.

Mr. Corey thought the house was very tall and recommended a modular design.

Ms. Shiverick stated she preferred the alternate design of the lower roofs on the entrance portion of the home.

Mr. Floersheimer suggested moving the two-story portion of the home to a different area on the lot rather than on the highest section of the berm. Mr. Janssen responded.

Please note: A lunch break was taken at 12:30 p.m. The meeting resumed at 1:32 p.m.

Mr. Zukov spoke about making a motion for the variance request. Mr. Lindgren recommended that the Commission hear the landscape presentation as well as any comments from citizens.

Mr. Peterson presented the proposed plan for the landscape and hardscape.

Mr. Vila asked about the proposed Magnolia trees. Mr. Peterson responded.

Mr. Corey recommended that the wall on the west side of the property should follow the curvature of the road.

Ms. Shiverick asked about the proposed Seagrape trees at the entrance. Mr. Peterson responded.

Mr. Ives asked about proposed two trees in the motor court. Mr. Peterson stated they would be installed at 12 feet of clear trunk. Mr. Ives thought the area felt as it was missing something. Mr. Ives also expressed concern about the lack of landscaping on the west elevation in front of the guesthouse.

Mr. Vila recommended using different specimen trees other than Magnolia trees on the south elevation. He also recommended using a Flame vine along the wall. Mr. Peterson responded. He recommended using more Coconut Palms and other species on the south elevation. Mr. Vila recommended using Canary Date Palms rather than the proposed Medjool Date Palms in the courtyard and adding color to the street side landscaping. Mr. Vila asked about the proposed gates. Mr. Peterson stated the gates would be a white metal. Mr. Vila asked about the plantings on the north wall. Mr. Peterson responded. He recommended adding more screening on the north wall to block the guesthouse from the neighbors.

Mr. Garrison recommended making a low planting area between the trees in the courtyard.

Ms. Grace suggested adding tiered planting along the wall, with more colors and tropical plantings. Mr. Peterson responded. Mr. Vila agreed with Ms. Grace.

Greg Kino, attorney for Mr. & Mrs. Goodman at 911 N. Ocean Blvd., expressed concern about the approval of the proposed home setting a precedence for 905 N. Ocean Blvd. and discussed lot coverage. Mr. Kino introduced Gene Pandula, architect, testifying on behalf of Mr. & Mrs. Goodman. Mr. Kino asked Mr. Pandula to explain floor area ratio (FAR). Messrs. Kino and Pandula discussed FAR in relation to the two proposed homes, 901 and 905 N. Ocean Blvd., as well as other homes in the area. Mr. Kino argued that the home is excessively dissimilar from other homes in the area.

Mr. Ives asked for the FAR for the home that was previously on the lot before it was subdivided. Mr. Pandula responded.

Mr. Corey confirmed that the basement space was included in the FAR calculations. Mr. Kino stated that all of the calculations included any basement space.

Mr. Garrison asked if floor area ratio (FAR) was part of the ARCOM Code. Mr. Kino stated it was not a part of the ARCOM Code but it is a measurement tool of bulk, scale and mass.

Robin Weeks, 210 Jamaica Lane, objected to the proposed red roof, the height and scale of the home. She read letters of objection from David and Carol Barton and Scott and Marissa Vesley, who live on Jamaica Lane.

Bill & Anne Metzger, 277 Esplanade Way, asked the Commission to defer or deny the proposed home and provided reasons.

Joan Goodman, 911 N. Ocean Blvd., spoke about being overwhelmed in the north end with the lack of greenspace, mass and excessive height of some of the new homes.

Anne Pepper, 333 Seaspray Ave., inquired if the home could be reduced in height by reducing the ceiling heights.

Ms. Goodman complained about the vibrations and foundation cracks from demolition.

Motion made by Mr. Corey that implementation of the proposed variance will cause negative architectural impact to the subject property.

Mr. Janssen provided rebuttal to the FAR data presented by Mr. Kino.

Rene Silvin, 422 Australian Ave., spoke about the history of the Goodman property.

Motion made by Mr. Corey and seconded by Ms. Grace that implementation will cause negative architectural impact to the subject property. Motion failed 3-4 with Messrs. Zukov, Vila, Garrison and Ives opposed.

Motion made by Mr. Zukov and seconded by Mr. Garrison that implementation will not cause negative architectural impact to the subject property. Motion passed 4-3 with Mses. Grace, Shiverick and Mr. Corey opposed.

Mr. Garrison discussed his reasons for passing the variance request.

Mr. Vila thought the proposed home was massive and stated he could not support the design.

Mr. Ives stated that although he supported the variance, he thought the design needed restudy.

Mr. Zukov suggested dropping the guesthouse to the ground level.

Mr. Corey suggested splitting up the mass and making it a modular design. He recommended removing the pool in the front.

Ms. Catlin implied that the details are driving the home prices, not size.

Mr. Ives thought the design could work but it needed more restudy.

Mr. Vila suggested that the proposed home was too large for the lot. He offered that the home was not aesthetically pleasing.

Motion made by Mr. Ives and seconded by Ms. Grace to defer the project to the May 23, 2018 meeting for a restudy of the main house and guesthouse. Motion carried 6-1 with Mr. Zukov opposed.

MAJOR PROJECTS – NEW BUSINESS
B-036-2018 Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 211 Tangier Ave.
Applicant: Robert Kramer
Architect: Pat Segraves/SKA Architect + Planner
Project Description: Enclosure of an existing 200 sq. ft. loggia in the rear of the property. CCR variance requested.

VARIANCE INFORMATION: A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed in the R-B Zoning District.

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

Maura Ziska, attorney for the owner, explained the zoning requests and advocated for a positive recommendation to the Town Council.

Mr. Segraves presented the proposed modifications to the loggia.

Motion made by Mr. Zukov and seconded by Mr. Ives that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Zukov and seconded by Ms. Shiverick to approve the plans as presented. Motion carried unanimously.

B-037-2018 New Construction
Address: 230 Esplanade Way

Applicant: Brendan & Samantha Carroll
Architect: Pat Segraves/SKA Architect + Planner
Landscape Architect: Don Skowron/Don Skowron Incorporated
Project Description: New construction of two-story Island style home to be approximately 4,500 square feet. Final landscape and hardscape to be provided.

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans for the new residence. Mr. Clavijo presented a proposed sample of the roof material.

Mr. Corey was in favor of the many of the elements in the design. Mr. Corey asked about the proposed windows. Mr. Clavijo responded. Mr. Corey suggested centering the front door and changing the shutter color.

Ms. Grace asked about the height of the home compared to the homes on the street. She suggested reducing the height of the home so it would relate more with the neighboring homes. She also thought the fenestration on the south elevation did not relate with the rest of the elevations.

Mr. Garrison asked about the material for the railing on the front façade. Mr. Segraves stated the railing would be aluminum. Mr. Garrison also recommended using double hung windows rather than casement windows with the proposed shutters.

Ms. Shiverick recommended increasing the window size of the second floor windows on the north elevation. A short discussion ensued about the proposed windows.

Mr. Zukov recommended looking into the restrictions for horizontal railings. He also recommended centering the front door. He asked about the proposed material of the door. Mr. Clavijo showed an inspiration photo for the design of the front door. Mr. Zukov expressed concern about the windows on the south elevation. Mr. Clavijo responded.

Mr. Vila suggested restudying the entire fenestration proposed for the home. Mr. Vila asked about the proposed roof for the garage portion of the home and its connectivity to the main house. Mr. Clavijo and Mr. Segraves responded with an explanation for the roof plan.

Motion made by Mr. Garrison and seconded by Mr. Zukov to defer the project for one month to the May 23, 2018 meeting to restudy the first floor windows, height of the home and the railings.

Anne and Bill Metzger, 277 Esplanade Way, expressed concern about the proposed front door, plate glass, roof and mass of the proposed home.

Mr. Skowron presented the proposed plans for the landscape and hardscape.

Mr. Vila asked Mr. Skowron about the proposed turf. Mr. Skowron responded. He recommended moving the Bismarck Palms away from the house. Mr. Skowron agreed.

Mr. Corey questioned whether there was sufficient landscaping on the south to buffer the home from the neighbors.

Ms. Grace recommended different vegetation around the south perimeter.

Motion amended by Mr. Garrison and seconded by Mr. Zukov to include a restudy of the landscaping. Motion carried unanimously.

B-038-2018 Modifications
Address: 1230 N. Ocean Way
Applicant: Dr. and Mrs. Tony Nader
Architect: Harold Smith/Smith and Moore Architects, Inc.
Landscape Architect: John Lang/Lang Design Group
Project Description: Change to a previously approved single family residence. The owner would like to construct the home at a finished floor elevation of 7' NAVD in lieu of 7.5' NGVD to meet current Town and FEMA requirements. No variances will be required. Landscape and hardscape revisions.

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

Mr. Smith presented the proposed architectural modifications to the residence.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously.

Mr. Lang presented minor changes to the landscape and hardscape plans.

Mr. Garrison confirmed that the landscape and hardscape changes were included in his motion.

B-039-2018 Alternations/Modifications
Address: 130 Clarendon Ave.
Applicant: Mr. & Mrs. Harry Slatkin
Architect: MP Design & Architecture
Landscape Architect: Mario Nievera/Nievera Williams Design
Project Description: Renovations to existing two-story residence. New one-story pool pavilion. Changes to motor court, hardscape & landscaping.

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

Michael Perry, MP Design & Architecture, presented the proposed architectural modifications to the residence.

Mr. Nievera presented the proposed modifications to the landscape and hardscape.

Mr. Vila discussed creating enough space for landscape trucks to sit on the property rather than the street. There was a short discussion about landscaping vehicles and where they would park on the site.

Mr. Garrison was not in favor of the casement windows with the shutters. Mr. Perry stated that these are French casement windows. There was a discussion about the proposed casement window and shutters.

Mr. Corey was in favor of the project. He recommended using double hung windows on the guesthouse. He recommended restudying the fenestration on the main house and possibly recommended removing the shutters on the main house. He thought the pediment around the front door was a bit thin. Mr. Perry responded and stated he could make the stone surround wider. Mr. Corey was in favor of the landscape design. He recommended adding a shade tree in the front, northeast corner.

Mr. Zukov expressed concern about the proposed pavilion. Mr. Perry responded.

Ms. Shiverick expressed concern about the style change of the home and asked about the proposed color of the home. Mr. Perry responded. Ms. Shiverick asked about the proposed shutters. Mr. Perry responded.

Mr. Vila asked about the material proposed for the entry surround. Mr. Perry responded. Mr. Vila recommended shopping for an antique stone surround.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented with the caveat to increase the stone surround on the front door if possible. Motion carried unanimously.

B-041-2018 Alterations/Modifications
Address: 680 S. Ocean Blvd.
Applicant: Richard Kurtz
Architect: Studio SR Architecture & Design
Project Description: Window and door changes, continuation of colonnade along entry façade, loggia addition on east/ocean façade, cast stone details and associated changes to landscape & hardscape.

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

Rafael Rodriguez and Raphael Saladrigas presented architectural modifications for the residence.

Ms. Grace asked about the change in design style. Mr. Saladrigas responded.

Mr. Garrison was in favor of the changes and stated he would support the project.

Mr. Vila asked about the proposed fenestration. Mr. Saladrigas responded and presented an alternate elevation on the overhead projector. Mr. Vila asked about the proposed details for the home. Mr. Saladrigas explained the detail choices.

Mr. Corey questioned the choice of windows and recommended a restudy of some of the windows and doors.

Mr. Saladrigas stated that the owner prefers bronze windows.

Mr. Zukov asked if all of the windows proposed were the same material. Mr. Saladrigas reviewed the windows.

Mr. Ives expressed empathy for the design team and their challenge and stated he was supportive of the changes.

Mr. Corey was sympathetic to the design team but thought that a restudy of the east façade would be beneficial.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month to the May 23, 2018 meeting with a restudy of the fenestration on the east façade. Motion failed 3-4 with Messrs. Garrison, Ives, Zukov and Vila opposed.

A second motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented with the alternative option 2 shown with bronze windows, without mullions. Motion carried 5-2 with Mr. Corey and Ms. Grace opposed.

B-043-2018 Additions/Modifications
Address: 1494 N. Lake Way
Applicant: Malcolm Hall
Architect: MP Design & Architecture
Project Description: New living space infill to existing one story four-car garage at roof attic. New copper dormers at mansard roof. All colors and materials to match existing.

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

Michael Perry, MP Design & Architecture, presented the proposed architectural modifications to the residence.

Mr. Garrison was in favor of the changes.

Mr. Ives questioned the balcony on the second floor window. Mr. Perry responded.

Motion made by Mr. Garrison and seconded by Mr. Zukov to approve the plans as presented. Motion carried unanimously.

B-044-2018 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
Address: 184 Bradley Place
Applicant: Parc Regent Condominium Association, Inc.
Architect: Ralph Cantin/Ralph Cantin Architect, Inc.
Project Description: Replace and enlarge existing dock electrical building for 3-phase power and to meet current codes.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE INFORMATION: The Parc Regent Condominium Association is requesting site plan approval and variances for the following improvements: 1) Request a variance to reconstruct the existing dock with a length of 243 feet from land in lieu of the 150 foot maximum allowed; 2) Request variances to enlarge a 36 square foot electrical building to 112 square feet (additional 76 s.f.) to convert a 2 Phase to 3 Phase service which will result in: (i) a side yard setback of 24.37 in lieu of the 30 foot minimum required; and ii) a rear yard setback of 17.24 in lieu of the 30 foot minimum required.

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

Maura Ziska, attorney for the owner, explained the zoning requests and advocated for a positive recommendation to the Town Council.

Mr. Cantin presented the proposed architectural changes to the electrical building.

Motion made by Mr. Corey and seconded by Mr. Garrison that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Mr. Ives to approve the plans as presented. Motion carried unanimously.

B-045-2018 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
Address: 916 S. Ocean Blvd.
Applicant: 916 South Ocean Boulevard, LLC
Architect: Roger Janssen/Dailey Janssen Architects

Project Description: Construction of a new two-story residence, pool cabana, beach cabana, pool and spa, landscape and hardscape.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE INFORMATION: 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum.

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

M. Timothy Hanlon, attorney for the owner, explained the zoning requests and advocated for a positive recommendation to the Town Council.

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

Ms. Catlin expressed concern about the projection of the front door on the east elevation. She suggested lowering the chimney if possible. She suggested a restudy of the fenestration on the north elevation as well as the west elevation. She indicated that the area with the small chimney on the north elevation seemed cluttered. She suggested making the second floor columns a bit thicker. She recommended restudying the middle section of the residence on the south elevation.

Ms. Shiverick agreed with Ms. Catlin regarding the columns but thought the house was largely successful. She recommended using additional cypress on the house if possible.

Mr. Zukov made a suggestion for the arches on the east elevation. He also questioned the window for the kitchen. Mr. Janssen responded.

Mr. Ives suggested making sure the columns on the east and west elevations matched. He thought there was a slight disconnect with the front entrance to the rest of the house. He recommended looking at the second floor fenestration against the eaves as well as the proposed bay windows. He generally was in support of the house. Mr. Janssen showed an alternate design for the front entrance.

Ms. Grace thought the entry detail did not fit on the house. She also thought the stone around the arches seemed too heavy. She thought the windows on the south elevation seemed repetitive. Mr. Janssen responded.

Mr. Corey was in support of the variance requested. Mr. Corey questioned the bay windows on the side of the ocean. While he was in favor of the stone surround entrance, Mr. Corey questioned whether it fit the proposed house.

Mr. Garrison agreed with Mr. Corey's front entrance assessment. He preferred the alternate design of the arches for the east elevation but thought the columns on second floor were too thin. He questioned the fenestration on the north elevation and suggested to restudy the bay windows.

Mr. Vila questioned the front entrance in relation to the home as well as the design style. He stated that the material choices would be important.

Mr. Zukov asked about the west elevation details. He recommended increasing the columns.

Motion made by Mr. Ives and seconded by Mr. Corey to defer the project for one month to the May 23, 2018 meeting. Motion carried unanimously.

A. MINOR PROJECTS – OLD BUSINESS
NONE

B. MINOR PROJECTS – NEW BUSINESS
A-011-2018 Modifications
Address: 1226 N. Lake Way
Applicant: Alan Marantz
Architect: Harold Smith/Smith and Moore Architects, Inc.
Project Description: Replacement of east-facing windows; elimination of two windows at second floor east-facing loggia; addition of two doors on same loggia.

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

Mr. Smith presented the proposed architectural modifications to the residence.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously.

A-012-2018 Modifications
Address: 500 Island Dr.
Applicant: Boldan Nowak
Architect: Steven Knight/Alexis Knight Architects, Inc.
Project Description: Replacement of existing lights in the driveway entry pier (4 locations).

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

Rex Sucaldito, Alexis Knight Architects, presented the proposed modifications for the residence.

Ms. Grace was not opposed to the location of the lanterns but thought the proposed fixtures were too tall.

Mr. Corey asked if the lanterns were already installed. Mr. Sucaldito indicated that temporary fixtures were installed but would be removed and replaced with the proposed fixtures.

Mr. Ives was not in favor of the fixtures and questioned the proportions of the lanterns in relation to the columns.

Mr. Vila expressed concern about the proposed lighting hindering drivers. He thought the fixtures were too big and could not support the request. Mr. Vila suggested using indirect lighting.

Mr. Sucaldito asked about the maximum height allowable for the lanterns. Mr. Lindgren stated responded.

Ms. Shiverick recommended uplighting rather than the proposed lanterns.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month to the May 23, 2018 meeting. Motion carried unanimously.

A-013-2018 Modifications
Address: 215 Brazilian Ave.
Applicant: ARCA 21, LLC
Architect: Harold Smith/Smith and Moore Architects, Inc.
Project Description: Changes made during construction including balusters, vehicular gates, garage doors and other minor additional items.

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

Mr. Smith introduced Val Pegas who represented the owner for the property.

Ms. Pegas provided a brief history of how the owner became the lender in the project.

Mr. Smith presented a brief history of his relationship with the project. He indicated that some of the as built items did not match the ARCOM approved plans. He presented the proposed architectural modifications to the building.

Mr. Garrison stated he could not support the changes.

Mr. Zukov talked about the cost to make the corrections to change the items to what was previously approved. He also discussed an issue of not receiving a C.O., which would prevent owners from moving into their apartment. Mr.

Lindgren stated that the Building Official would have to make the determination whether to allow the owners to move into their apartment.

Motion made by Mr. Zukov and seconded by Mr. Ives to keep the previously approved 2014 plans with the exception of the garage doors, which would be refaced.

Mr. Smith asked the Commission if they could look at the entrances on the east and west façades and asked for an approval of an alternate design.

Mr. Garrison advocated reverting to the 2014 approved ARCOM plans.

Motion carried unanimously.

A-014-2018 Modifications
Address: 1214 N. Ocean Blvd.
Applicant: Mr. & Mrs. John Sculley
Architect: MP Design & Architecture
Project Description: Fenestration changes at existing two-story residence.

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

Michael Perry, MP Design & Architecture, presented the modifications to the fenestration.

Mr. Zukov asked about the horizontal railing. Mr. Perry stated the railing was existing.

Mr. Vila thought the changes were consistent with the previous changes.

Motion made by Ms. Grace and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously.

A-015-2018 Additions/Modifications
Address: 528 N. Lake Way
Applicant: NLWFL LLC
Architect: Mario Nievera/Nievera Williams Design
Project Description: Proposed concept for north yard to include demo of existing pool, construction of new pool, open-air structure, relocation of generator and pool equipment with new enclosure, new site walls and remodeled landscape.

Please note: This item was deferred to the May 23, 2018 meeting with the Item V. Approval of the Agenda.

IX. **OTHER BUSINESS**
NONE.

X. **ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

NONE.

XI. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Lindgren stated that Ms. Shiverick declared a conflict for the major project at 306 Pendleton Lane at the March 28, 2018 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Lindgren and Mr. Corey provided an update on the Master Gardener course that Mr. Corey would taking in the fall. A short discussion ensued about the course and certification.

Mr. Vila inquired about the possibility of adding a non-resident expert to the Architectural Commission. Mr. Lindgren stated that a proposed Code change proposing this possibility would be presented to the Town Council in the upcoming months.

Mr. Garrison thanked Mr. Vila for speaking at the Town Council meeting last month.

Ms. Catlin recommended handing out the ARCOM or LPC ordinance to new owners to inform them of potential building restrictions. Mr. Lindgren stated the owners should be doing their due diligence.

Mr. Ives suggested addressing the topic of demolitions with the Town Council. He reminded the Commission that there is no age limit for landmarking a home. Mr. Lindgren suggested recommending to the Town Council to revise the Landmark Code to add criteria regarding demolitions.

XII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Garrison to adjourn the meeting at 5:30 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, May 23, 2018 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chair
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 43-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-19 for the Construction of the Royal Palm Way Irrigation Improvements and Approving a Contract to Treasure Coast Irrigation and Landscape LLC., in the Amount of $183,685.77, and Establishing a Construction Phase Budget of $204,000.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 13 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 43-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Award Bid No. 2018-19 and Approve a Construction Contract for the Irrigation Improvements on Royal Palm Way from the Royal Park Bridge East to South Ocean Boulevard
Accelerated Capital Improvement Program - Phase 2
Resolution No. 43-2018

DATE: April 13, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 43-2018 awarding Bid No. 2018-19 and approving a construction contract to Treasure Coast Irrigation and Landscape LLC., for the Irrigation Improvements Project on Royal Palm Way from the Royal Park Bridge east to South Ocean Boulevard, in the amount of $183,685.77 and establishing a construction phase budget of $204,000, including contingency.

GENERAL INFORMATION

The design of the Irrigation Improvements on Royal Palm Way was originally to be funded within the General Capital, Pay-As-You-Go fund. Staff was able to identify available funding within Accelerated Capital Improvement Program Phase 2 (ACIP 2) for the construction phase of the Irrigation Improvement project. At the request of staff, during the Fiscal Year 2018 budget development process, the Town Council authorized transferring this project to the ACIP 2 fund.

The existing irrigation system on Royal Palm Way from the Royal Park Bridge east to the South Ocean Boulevard is currently made up of multiple battery operated controllers, multiply water service points, a pipe system that consist of a variety of materials that date back over 20 years. Also, there are no drawings that identify the components or location of the existing irrigation system. These improvements will provide the Town with a smart irrigation system that is controlled and monitored from one source point and will reduce water usage and cost. The piping will be consistent in material and size, providing uniform sprinkler coverage, and includes bubblers for the trees. Construction Phase Engineering Services will be completed by Town staff. An additional benefit of the construction is as-builts drawings will be provided which establishes the necessary information for long term operation and maintenance.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program, Phase 2.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. A total of 455 irrigation firms were notified of the Invitation to Bid, of which, 18 pulled plan holders of the documents. The bid was advertised in the websites OnDemand and Public Purchase in addition to published in the Palm Beach Post.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Jane La Clainche, Finance Director
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senor project Engineer
Michael Roach, P.E., Project Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 43-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2018-19 FOR THE CONSTRUCTION OF THE ROYAL PALM WAY IRRIGATION IMPROVEMENTS AND APPROVING A CONTRACT TO TREASURE COAST IRRIGATION AND LANDSCAPE LLC., IN THE AMOUNT OF $183,685.77, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $204,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for the Treasure Coast Irrigation and Landscape LLC., Inc., in an amount of $183,685.77 for construction of the Royal Palm Way Irrigation Improvements, and establishing a construction phase budget of $204,000, including contingency.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 53-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-36 for the Inlet Dock Repair and Rehabilitation Project and Approving a Construction Contract to Murray Logan Construction, Inc., in the Amount of $166,000 and Establishing a Construction Phase Budget of $183,000.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 18 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 53-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Award Bid No. 2018-36 and Approve a Construction Contract for the Inlet Dock Repairs and Rehabilitation Project
Resolution No. 53-2018

DATE: April 18, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 53-2018 awarding Bid No. 2018-36 and approving a construction contract to Murray Logan Construction, Inc. in an amount of $166,000 for construction of the Inlet "Annie's" Dock Repairs and Rehabilitation Project and establishing a construction phase budget of $183,000, including contingency.

GENERAL INFORMATION

On September 10, 2017, the Inlet ("Annies Dock"), located at the north end of the Island of Palm Beach, was damaged by high wind, rough waves and storm conditions from Hurricane Irma. On September 11, 2017, Town Staff and Synergy NDS, the Town's Florida Municipal Insurance Trust, representatives identified the damage during post storm assessments. The Town solicited Kimley Horn and Associates Inc.'s (KHA) to perform a more detailed structural assessment of the dock's conditions. KHA observation's found extensive damage to the dock connections at the pile cap, concrete pile cap cracking and the shifting of the dock were probably from the storm surge and repeated heavy wave action from Hurricane Irma. KHA also noted, material wash out from behind the seawall compromising the seawall cap and tie backs, damage to the asphalt path to the dock and displaced riprap. KHA prepared plans and specifications to repair/rehabilitate the dock and have assisted staff with permitting.

The Town received one quote on April 25, 2018 (a copy of the tabulation sheet is attached). The low, responsive, responsible bidder was Murray Logan Construction Inc., in the amount of $166,000 for the scope of services and improvements identified in the KHA bid set plans dated March 2018. The contractor's quote was in-line with the Engineers Opinion of Cost. Staff recommends awarding a construction contract to Murray Logan Construction, Inc., for the bid amount of $166,000, and establishing a construction phase budget of $183,000. Upon competition of the repairs, it is Town staff's intent to submit the repair/rehabilitation costs to FEMA for reimbursement.

FUNDING/FISCAL IMPACT

The funding for the construction phase for the Inlet "Annie's" Dock Repair and Rehabilitation Project will be funded from the Town's Self Insurance Risk Fund. Final costs will be submitted to FEMA for reimbursement.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. Purchasing had solicited bids in the Palm Beach Post, and online through Demand Star and Public Purchase.

Through Demand Star 454 registered contractors received notice of the bid of which, 24 plan holders were noted and through Public Purchase, 532 vendors received notice of the bid of which 24 plan holders were noted.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Brett Madison, Facilities Maintenance Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 53-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2018-36 FOR THE INLET DOCK REPAIR AND REHABILITATION PROJECT AND APPROVING A CONSTRUCTION CONTRACT TO MURRAY LOGAN CONSTRUCTION, INC., IN THE AMOUNT OF $166,000 AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $183,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Murray Logan Construction, Inc., in an amount of $166,000 for construction of the Inlet Dock Repair and Rehabilitation Project and establishing a construction phase budget of $183,000, including contingency.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 54-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-22 for the E-1, E-2 and G-1 Liftstation Improvements Project and Approving a Construction Contract to Akerblom Contracting, Inc., in an Amount of $724,900 and Authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings in the Amount of $301,842 and Establishing a Construction Phase Budget of $1,130,000, Including Contingency for Both Construction and Owner Direct Purchasing.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 18, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 54-2018**
- **Bid Tab Sheet**
- **Bid Tab Sheet - Cost Savings Tabulation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Award Bid No. 2018-22 and Approve a Construction Contract for the E-1, E-2, and G-1 Liftstation Improvements Project
Resolution No. 54-2018

DATE: April 18, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 54-2018 awarding Bid No. 2018-22 and approving a construction contract to Akerblom Contracting, Inc. in an amount of $724,900 for construction of the E-1, E-2, and G-1 Liftstation Improvements Project and authorizing the Town Manager to exercise the option of Owner Direct Purchase for materials in the amount of $301,842 establishing a construction phase budget of $1,130,000, including contingency for both construction and owner direct purchasing.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program Phase II, a condition assessment was performed by Mock Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations. The stations in the assessment were graded from 1 "in like new condition" to 5 "in need of immediate replacement". The E-1 Liftstation (on Mediterranean Road), E-2 Liftstation (on N. Lake Way between Nightingale Trail and Mockingbird Trail), E-4 (N. Lake Way west of Hi Mount Rd) and G-1 Liftstation (Pinewalk) all received a conditional assessment value of 4 for limited elements within each station, meaning improvements were needed in the next 2-5 years. In February 2017, Town Council awarded a design and bid phase engineering contract to Kimley-Horn to complete the E-1, E-2, E-4 and G-1 Liftstation Improvements. Plans, specifications and permitting for the improvements were completed by Kimley-Horn and sent out for public bid by the Town's Purchasing Division. Some of the repairs required at the stations are: replace pumps and rails, add sump pumps to valve vaults, replace valves, conduits, seals, wiring, controls, replacing access hatches and repairs to the structures themselves. The construction for the E-4 Liftstation has been postponed until the summer of 2019 to avoid any disruption of the Lake Trail in the summer of 2018.

The Town received four (4) quotes on March 15, 2018 (See Attachment "A" for a copy of the bid tabulation sheet). The quotes ranged from $1,150,900 to $1,422,500. The low, responsive, responsible bidder was Akerblom Contracting, Inc. After review of the bids from Town staff and Kimley-Horn, it appeared the pricing was higher than industry standard and above the engineers estimate provided to the Town. With Purchasing's assistance, a schedule of values with material quotes were requested from all the vendor's that submitted bids for review. Two (2) of the four (4) vendors, (Akerbloom and V Engineering) provided the requested items in a timely manner. Following the review of the material bids, it appeared that one specific material vendor (Xylem) had sole sourced the materials and packaged as one price for each station. Purchasing contacted the vendor (Xylem) for clarification on the imposed sole source requirement as it was not advertised as such. Purchasing then issued an addendum to all bidders for an extension of time to re-bid the project with the intent to secure better pricing from multiple vendors without the sole source requirement imposed by Xylem.

The Town received two (2) quotes on April 20, 2018 with no change in price from the low, responsive, responsible bidder Akerblom Contracting, Inc and a slight decrease in price from V Engineering. A schedule of values with material quotes were requested again from Akerblom Contracting, Inc. With the help from Purchasing, staff negotiated a construction contract with Akerblom Contracting, Inc in the amount of $1,150,900 minus the material quote of $426,000 for a contract price of $724,900. This price would require the Town to exercise an Owner Direct Purchase for the materials in the amount of $301,842 with three (3) separate vendors. This approach would complete the scope of services and improvements identified in the KHA bid set plans dated January 2018. The total negotiated combined construction cost using Owner Direct Purchasing for the project would be $1,026,742 without contingency. The projected cost savings with Owner Direct Purchase by the Town will be approximately $124,158.37. (See Attachment "B" for cost savings tabulation).

Staff recommends awarding a construction contract to Akerblom Contracting, Inc. in an amount of $724,900 for construction of the E-1, E-2, and G-1 Liftstation Improvements Project and authorizing the Town manager to exercise the option of Owner Direct Purchasing in the amount of $301,842 with three (3) separate vendors for materials and sales tax savings establishing a construction phase budget of $1,130,000, including contingency, for both construction and Owner Direct Purchasing.

FUNDING/FISCAL IMPACT

The funding for the construction phase for the E-1, E-2, and G-1 Liftstation Improvements Project is contained within the Town's Accelerated Capital Improvement Program-Phase II budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. Purchasing had solicited bids in the Palm Beach Post, and online through Demand Star and Public Purchase. Through Demand Star 944 registered contractors received notice of the bid of which, 24 plan holders were noted and through Public Purchase, 779 vendors received notice of the bid of which 38 plan holders were noted.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Brett Madison, Facilities Maintenance Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 54-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2018-22 FOR THE E-1, E-2 AND G-1 LIFTSTATION IMPROVEMENTS PROJECT AND APPROVING A CONSTRUCTION CONTRACT TO AKERBLOM CONTRACTING, INC., IN AN AMOUNT OF $724,900 AND AUTHORIZING THE TOWN MANAGER TO EXERCISE THE OPTION OF OWNER DIRECT PURCHASE FOR MATERIALS AND SALES TAX SAVINGS IN THE AMOUNT OF $301,842 AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $1,130,000, INCLUDING CONTINGENCY FOR BOTH CONSTRUCTION AND OWNER DIRECT PURCHASING.

* * * * *

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 a purchase order for Akerblom Contracting, Inc. in an amount of $724,900 and authorizing the Town Manager to exercise the option of Owner Direct Purchase for materials and sales tax savings in the amount of $301,842 to three (3) separate vendors establishing a construction phase budget of $1,130,000, including contingency, for both construction and owner direct purchasing.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Bid No. 2018-22
E1, E2 AND G1 SANITARY LIFTSTATION IMPROVEMENT PROJECT
TABULATION
Due: 3/15/18 @ 2 p.m.

				Vendor:	**Akerblom Contracting, Inc.**		**Hinterland Group, Inc.**		**TLC Diversified, Inc.**		**V Engineering & Consulting Corp.**	
				Address:	2064 SW 28 Terrace		992 W 15th Street		2719 17th Street East		2929 SW 3 Ave., Ste. 340	
					Ft. Lauderdale, FL 33312		Riviera Beach, FL 33404		Palmetto, FL 34221		Miami, FL 33129	
				Telephone:	954-224-1766		561-640-3503		941-722-0621		786-420-5950	
				Fax:	954-791-9789		561-640-3404		941-722-1382		786-420-5289	
				Contact:	Jeanne Akerblom		Daniel Duke, III		Thurston Lamberson		Felix Valdes	
Item No.	**Description**	**Qty**	**Unit**		**Price per Unit**	**Total**	**Price per Unit**	**Total**	**Price per Unit**	**Total**	**Price per Unit**	**Total**
SCHEDULE OF BID ITEMS:												
1	Mobilization/Demobilization	1	L.S.		$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 97,500.00	$ 97,500.00	$ 129,000.00	$ 129,000.00
2	Performance and Payment Bonds	1	L.S.		$ 20,000.00	$ 20,000.00	$ 25,000.00	$ 25,000.00	$ 11,000.00	$ 11,000.00	$ 20,000.00	$ 20,000.00
3	Insurance and Indemnification	1	L.S.		$ 25,000.00	$ 25,000.00	$ 5,000.00	$ 5,000.00	$ 100.00	$ 100.00	$ 25,000.00	$ 25,000.00
4	E-1 Demolition	1	L.S.		$ 10,000.00	$ 10,000.00	$ 25,000.00	$ 25,000.00	$ 7,000.00	$ 7,000.00	$ 46,000.00	$ 46,000.00
5	E-1 Sanitary By-Pass Pumping	1	L.S.		$ 15,000.00	$ 15,000.00	$ 20,000.00	$ 20,000.00	$ 38,000.00	$ 38,000.00	$ 20,000.00	$ 20,000.00
6	E-1 Civil/Mechanical Improvements	1	L.S.		$ 230,234.00	$ 230,234.00	$ 160,000.00	$ 160,000.00	$ 198,000.00	$ 198,000.00	$ 145,000.00	$ 145,000.00
7	E-1 Electrical Improvements	1	L.S.		$ 73,160.00	$ 73,160.00	$ 85,000.00	$ 85,000.00	$ 202,000.00	$ 202,000.00	$ 175,000.00	$ 175,000.00
8	E-1 Site Restoration	1	L.S.		$ 10,750.00	$ 10,750.00	$ 50,000.00	$ 50,000.00	$ 3,800.00	$ 3,800.00	$ 10,000.00	$ 10,000.00
9	E-2 Demolition	1	L.S.		$ 25,000.00	$ 25,000.00	$ 35,000.00	$ 35,000.00	$ 7,000.00	$ 7,000.00	$ 35,000.00	$ 35,000.00
10	E-2 Sanitary By-Pass Pumping	1	L.S.		$ 15,000.00	$ 15,000.00	$ 35,000.00	$ 35,000.00	$ 38,000.00	$ 38,000.00	$ 20,000.00	$ 20,000.00
11	E-2 Civil/Mechanical Improvements	1	L.S.		$ 287,422.00	$ 287,422.00	$ 220,000.00	$ 220,000.00	$ 288,000.00	$ 288,000.00	$ 155,000.00	$ 155,000.00
12	E-2 Electrical Improvements	1	L.S.		$ 70,580.00	$ 70,580.00	$ 100,000.00	$ 100,000.00	$ 159,500.00	$ 159,500.00	$ 145,000.00	$ 145,000.00
13	E-2 Site Restoration	1	L.S.		$ 25,000.00	$ 25,000.00	$ 80,000.00	$ 80,000.00	$ 3,800.00	$ 3,800.00	$ 10,000.00	$ 10,000.00
14	G-1 Demolition	1	L.S.		$ 10,000.00	$ 10,000.00	$ 40,000.00	$ 40,000.00	$ 31,000.00	$ 31,000.00	$ 35,000.00	$ 35,000.00
15	G-1 Sanitary By-Pass Pumping	1	L.S.		$ 7,000.00	$ 7,000.00	$ 10,000.00	$ 10,000.00	$ 21,000.00	$ 21,000.00	$ 20,000.00	$ 20,000.00
16	G-1 Civil/Mechanical Improvements	1	L.S.		$ 153,754.00	$ 153,754.00	$ 180,000.00	$ 180,000.00	$ 130,000.00	$ 130,000.00	$ 75,000.00	$ 75,000.00
17	G-1 Electrical Improvements	1	L.S.		$ 103,000.00	$ 103,000.00	$ 85,000.00	$ 85,000.00	$ 183,000.00	$ 183,000.00	$ 220,000.00	$ 220,000.00
18	G-1 Site Restoration	1	L.S.		$ 20,000.00	$ 20,000.00	$ 75,000.00	$ 75,000.00	$ 3,800.00	$ 3,800.00	$ 10,000.00	$ 10,000.00
				TOTAL	$	1,150,900.00	$	1,280,000.00	$	1,422,500.00	$	1,295,000.00

Opened by: John Cmar
Witnessed by: Duke Basha

Apparent Awardee

TOWN OF PALM BEACH

Bid No. 2018-22
E1, E2 AND G1 SANITARY LIFTSTATION IMPROVEMENT PROJECT
COST SAVINGS TABULATION

	Construction Contract	Owner Direct Purchase Items		
Vendor:	Akerblom Contracting, Inc.	Flygt	C.C. Controls	US Foundary
Address:	2064 SW 28 Terrace Ft. Lauderdale, FL 33312	15132 Park of Commerce Blvd, Ste. 102 Jupiter, FL 33478	5760 Corporate Way, Ste. 100 West Palm Beach, Florida 33407	8351 NW 93rd Street Medley, FL 33166
Telephone:	954-224-1766	561-848-1200	561-293-3975	305-885-0301
Fax:	954-791-9789	561-848-1299	561-293-3976	305-887-9429
Contact:	Jeanne Akerblom	Eric Johnson	J.P.	Elena Gonzalez

Item No.	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
SCHEDULE OF BID ITEMS:					4/25/2018	Quote	4/9/2018	Quote	4/10/2018	Quote	757717
1	Mobilization/Demobilization	1	L.S.	$ 50,000.00	$ 50,000.00	$ -	$ -	$ -	$ -	$ -	$ -
2	Performance and Payment Bonds	1	L.S.	$ 20,000.00	$ 20,000.00	$ -	$ -	$ -	$ -	$ -	$ -
3	Insurance and Indemnification	1	L.S.	$ 25,000.00	$ 25,000.00	$ -	$ -	$ -	$ -	$ -	$ -
	Sub-Total				$ 95,000.00		$ -		$ -		$ -
4	E-1 Demolition	1	L.S.	$ 10,000.00	$ 10,000.00	$ -	$ -	$ -	$ -	$ -	$ -
5	E-1 Sanitary By-Pass Pumping	1	L.S.	$ 15,000.00	$ 15,000.00	$ -	$ -	$ -	$ -	$ -	$ -
6	E-1 Civil/Mechanical Improvements	1	L.S.	$ 230,234.00	$ 230,234.00	$ 20,000.00	$ 20,000.00	$ -	$ -	$ 39,169.69	$ 39,169.69
7	E-1 Electrical Improvements	1	L.S.	$ 73,160.00	$ 73,160.00	$ -	$ -	$ 35,000.00	$ 35,000.00		$ -
8	E-1 Site Restoration	1	L.S.	$ 10,750.00	$ 10,750.00	$ -	$ -	$ -	$ -	$ -	$ -
	Sub-Total				$ 339,144.00		$ 20,000.00		$ 35,000.00		$ 39,169.69
9	E-2 Demolition	1	L.S.	$ 25,000.00	$ 25,000.00	$ -	$ -	$ -	$ -	$ -	$ -
10	E-2 Sanitary By-Pass Pumping	1	L.S.	$ 15,000.00	$ 15,000.00	$ -	$ -	$ -	$ -	$ -	$ -
11	E-2 Civil/Mechanical Improvements	1	L.S.	$ 287,422.00	$ 287,422.00	$ 27,000.00	$ 27,000.00	$ -	$ -	$ 55,671.94	$ 55,671.94
12	E-2 Electrical Improvements	1	L.S.	$ 70,580.00	$ 70,580.00	$ -	$ -	$ 35,000.00	$ 35,000.00	$ -	$ -
13	E-2 Site Restoration	1	L.S.	$ 25,000.00	$ 25,000.00	$ -	$ -	$ -	$ -	$ -	$ -
	Sub-Total				$ 423,002.00		$ 27,000.00		$ 35,000.00		$ 55,671.94
14	G-1 Demolition	1	L.S.	$ 10,000.00	$ 10,000.00	$ -	$ -	$ -	$ -	$ -	$ -
15	G-1 Sanitary By-Pass Pumping	1	L.S.	$ 7,000.00	$ 7,000.00	$ -	$ -	$ -	$ -	$ -	$ -
16	G-1 Civil/Mechanical Improvements	1	L.S.	$ 153,754.00	$ 153,754.00	$ 34,000.00	$ 34,000.00	$ -	$ -	$ -	$ -
17	G-1 Electrical Improvements	1	L.S.	$ 103,000.00	$ 103,000.00	$ -	$ -	$ 56,000.00	$ 56,000.00	$ -	$ -
18	G-1 Site Restoration	1	L.S.	$ 20,000.00	$ 20,000.00	$ -	$ -	$ -	$ -	$ -	$ -
	Sub-Total				$ 293,754.00		$ 34,000.00		$ 56,000.00		$ -
			TOTAL	$	1,150,900.00	$	81,000.00	$	126,000.00	$	94,841.63
19	Material Credit Change Order to Original Bid	1	L.S.	$ 426,000.00	$ 426,000.00	$ -	$ -	$ -	$ -	$ -	$ -
	Total				$ 724,900.00		$ 81,000.00		$ 126,000.00		$ 94,841.63

Initial Project Bid $ 1,150,900.00

Anticipated Project Total using Owner Direct Purchase $ 1,026,741.63

Projected Project Savings **$ 124,158.37**

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 55-2018 A Resolution Of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of $97,300 for the E-1, E-2 and G-1 Liftstation Improvements Project, and Establishing a Construction Phase Engineering Services Budget of $107,000.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 18, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 55-2018**
- **Kimley Horn Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

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 for Construction Phase Engineering Services for the E-1, E-2, and G-1 Liftstation Improvements Project
Resolution No. 55-2018

DATE: April 18, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 55-2018 approving a purchase order to Kimley-Horn and Associates, Inc. (KHA), for construction phase engineering services in the amount of $97,300 for the E-1, E-2 and G-1 Liftstation Improvements Project and establishing a construction phase engineering services budget of $107,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program Phase II, a condition assessment was performed by Mock Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations. The stations in the assessment were graded from one (1) "in like new condition" to five (5) "in need of immediate replacement". The E-1 Liftstation (on Mediterranean Road), E-2 Liftstation (on N. Lake Way between Nightingale Trail and Mockingbird Trail), E-4 (N. Lake Way west of Hi Mount Rd) and G-1 Liftstation (Pinewalk) all received a conditional assessment value of four (4) for limited elements within each station, meaning improvements were needed in the next 2-5 years.

In February 2017, Town Council awarded a design and bid phase engineering contract to KHA to complete the E-1, E-2, E-4 and G-1 Liftstation Improvements. Plans, specifications and permitting for the improvements have been completed by KHA and sent out for public bid by the Town's Purchasing Division. Some of the repairs required at the stations are: replace pumps and rails, add sump pumps to valve vaults, replace valves, conduits, seals, wiring, controls, replacing access hatches and repairs to the structures themselves. The improvements for the E-4 Liftstation are adjacent to the Lake Trail and have removed from the construction set. The construction for the E-4 Liftstation has been postponed until the summer of 2019 to avoid any disruption of the Lake Trail in the summer of 2018. The recommendation as part of this resolution, is for KHA to oversee and inspect the E-1, E-2 and G-1 Liftstation Improvements Project during construction.

Staff has negotiated the KHA proposal for construction phase engineering services in the amount of $97,300. Staff also recommends a contingency of $9,700, resulting in a total construction phase engineering services budget of $107,000.

FUNDING/FISCAL IMPACT

Funding for the construction phase engineering services for the E-1, E-2, and G-1 Liftstation Improvements Project is contained within the Town's Accelerated Capital Improvement Program-Phase II budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Brett Madison, Facilities Maintenance Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 55-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR CONSTRUCTION PHASE ENGINEERING SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., IN AN AMOUNT OF $97,300 FOR THE E-1, E-2 AND G-1 LIFTSTATION IMPROVEMENTS PROJECT, AND ESTABLISHING A CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF $107,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an amount of $97,300 to Kimley-Horn and Associates, Inc., for construction phase engineering services of the E-1, E-2 and G-1 Liftstation Improvements Project and establishing a construction phase engineering services budget of $107,000, including contingency.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

Kimley»Horn

April 12, 2018

Mr. Jason Debrincat, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: ***Construction Phase Services Proposal – E-1, E-2, and G-1 Lift Stations***

Dear Jason,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the E-1, E-2 and G-1 Lift Station Improvements in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

The Town of Palm Beach is currently in the bid phase of the E-1, E-2 and G-1 Lift Station Improvements. The Town has requested Kimley-Horn to provide construction phase services for the project. The project is expected to begin in June 2018 and have a duration of approximately 5 months.

Scope of Services

Construction Phase Services

We will provide construction phase services for the project for the purpose of providing assistance to the Town during construction. We will employ the services of an electrical subconsultant to perform the below services that are related to the electrical improvements that are to be made at each lift station. We believe this to be the level of services required to provide the required regulatory certifications at the end of the project and determine if the project is being constructed in general accordance with the plans and specifications. Our construction phase services and fees are based on a project duration of five months.

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

- We will attend a Pre-Construction Conference prior to commencement of Work at the Site.
- We will provide the Contractor with up to four (4) sign and sealed copies of the plans for submittal of the building permit package. We will respond to one round of reasonable building permit comments received during the building permit review.

Progress Meetings. Kimley-Horn will attend up to fourteen (14) bi-weekly progress meetings during the anticipated 5-month project construction duration.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected 5-month construction duration in order to observe the progress of the Work (up to 78 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

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

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

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

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. It is anticipated that 40 submittals will be required for review. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

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

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within

Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- We will provide field assistance during start up and testing for each of the three lift stations.

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

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that five (5) applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

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

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

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

Kimley-Horn will notify the Town and Contractor. We anticipate completing the following items once the project is deemed substantially complete:

- We will review Record Drawings and Operation and Maintenance Manuals prepared by the selected contractor.
- We will prepare and submit the construction completion certifications for the FDEP permit if the construction is found to be in general accordance with the plans and specifications upon completion of the improvements.

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

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

Additional Services

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

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

Information Provided by the Town

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

- Access to the site.

Schedule

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

Fee and Billing

Kimley-Horn will perform the scope of services for the lump sum fee of $97,300.00. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. 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 January 27, 2016, 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" shall refer to The Town of Palm Beach. We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\E-1, E-2, G-1 Construction Phase\E-1 E-2 G-1 Liftstation Improvements - Construction Phase Services 20180330.docx

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 56-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Purchase Orders to Advanced Roofing, in the Amount of $13,500 for Hurricane Repairs and $13,500 for Maintenance Repairs, Certified Roofing Specialists, Inc, in the Amount of $61,050 for Hurricane Repairs and $68,855 for Maintenance Repairs and Hi-Tech Roofing and Sheet Metal, in the Amount of $12,700 for Maintenance Repairs, Totaling $169,605, for the Repair of Roofing Systems on Town Owned Facilities and Establishing an Overall Project Budget of $195,045, Which Includes a Repair Contingency.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 23, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 56-2018**
- **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve Purchase Orders for the Repair of Roofing Systems at Town Facilities
Resolution No. 56-2018

DATE: April 23, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 56-2018 awarding purchase orders to Advanced Roofing, in the amount of $13,500 for hurricane repairs; and $13,500 for maintenance repairs, Certified Roofing Specialists, Inc, in the amount of $61,050 for hurricane repairs and $68,855 for maintenance repairs; and Hi-Tech Roofing and Sheet Metal, in the amount of $12,700 for maintenance repairs of roofing systems on Town owned facilities totaling an amount of $169,605, and establishing an overall project budget of $195,045, which includes a repair contingency.

GENERAL INFORMATION

The roofing systems at Town facilities are inspected annually at all occupied facilities and other unoccupied locations are inspected on a rotating basis. Town staff makes small repairs identified in the inspection process and the Town's pre-qualified roofing contractors quote the repair of larger problems and are awarded contracts per our purchasing selection process. Repairs are prioritized and completed based on funding.

After Hurricane Irma, a second round of inspections were performed to identify issues that were related to the storm. The Town staff met with the SynergyNDS Group (as arranged by Town Risk Manager) and reviewed the damages. All critical leaks or issues were identified and resolved within the first few days after the storm. Town staff received subsequent quotes for non-critical or emergency roof repairs from the SynergyNDS Group. Staff subsequently asked for clarification on cost of repairs and detailed impacts to the areas surrounding each facility. Synergy failed to provide justification for cost and facility impacts. Because there were no current leaks or structural problems, staff made the decision to work with the roofing consultant to develop a scope of work for all repairs. This was done in an effort to better manage the projects, gain more competitive pricing for all repairs and to control facility impacts. The repairs were divided into two (2) categories: hurricane repairs and standard maintenance repairs.

Bid No. 2018-32 was issued to the four (4) prequalified roofing contractors and three (3) contractors offered bids for the repairs. The bids were reviewed and the contractor that offered the lowest bid or total sum for both types of repair was awarded that respective facility. The repairs that are hurricane related total $74,550 and will be funded from the Town Risk insurance account. Invoices and purchase orders for these repairs will be documented and submitted for reimbursement through FEMA. The maintenance repairs total $95,055 and are funded by the facility building maintenance program and from the Public Works operations budget. A 15% contingency is recommended by the roofing consultant and is included in the project budget. Staff recommends approval of an overall project budget of $195,045.

FUNDING/FISCAL IMPACT

The funding for this project is from the FY18 Public Works operations budget, the Recreation, Tennis or Par 3 facility and the Risk Manager Insurance program.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Jane Le Clainche, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Brett Madison, Facilities Maintenance Manager
Dean Mealy, Purchasing Agent
Karen Temme, Risk Manager
Beth Zickar, Recreation Director

RESOLUTION NO. 56-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING PURCHASE ORDERS TO ADVANCED ROOFING, IN THE AMOUNT OF $13,500 FOR HURRICANE REPAIRS AND $13,500 FOR MAINTENANCE REPAIRS, CERTIFIED ROOFING SPECIALISTS, INC, IN THE AMOUNT OF $61,050 FOR HURRICANE REPAIRS AND $68,855 FOR MAINTENANCE REPAIRS AND HI-TECH ROOFING AND SHEET METAL, IN THE AMOUNT OF $12,700 FOR MAINTENANCE REPAIRS, TOTALING $169,605, FOR THE REPAIR OF ROOFING SYSTEMS ON TOWN OWNED FACILITIES AND ESTABLISHING AN OVERALL PROJECT BUDGET OF $195,045, WHICH INCLUDES A REPAIR CONTINGENCY.

* * * * *

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

Section 1. The repair of roofing systems on Town facilities is hereby awarded to Advanced Roofing in the amount of $13,500 for hurricane repairs and $13,500 for maintenance repairs, Certified Roofing Specialists in the amount of $61,050 for hurricane repairs and $68,855 for maintenance repairs, and Hi-Tech Roofing and Sheet Metal in the amount of $12,700 for maintenance repairs, totaling $169,605, and establishing an overall project budget of $195,045, which includes a repair contingency.

Section 2. The Town Manager is hereby authorized and directed to approve purchase orders on behalf of the Town of Palm Beach for this roofing repair and maintenance task.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of this project including any necessary change order work funded by the project contingency as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Bid No. 2018-32

ROOF REPAIRS

TABULATION

Due: 4/20/18 @ 2 p.m.

Vendor:	Advanced Roofing	Certified Roofing Specialists, Inc	Hi-Tech Roofing & Sheet Metal
Address:	1950 NW 22nd Street Fort Lauderdale, FL 33311	3440 NW 25th Avenue Pompano Beach, FL 33069	2266 4th Avenue N. Lake Worth, FL 33461
Telephone:	954-522-6868 x 1049	954-781-7663	561-586-3110
Fax:	954-566-2967	954-943-7833	561-586-5198
Contact:	Debbie Giuliani	Eugene O. Fall	Michael J. Daley
E-mail:	DebbieG@advancedroofing.com	gfall@certifiedcontractinggroup.com	Mdaley@Hi-Techroofing.com

Item No.	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
2	Central Fire Station, Tab #2 of link found herein - hurricane	1	LS		$ 35,763.00		$ 19,780.00		$ 39,850.00
3	North Fire Station, Tab #3 of link found herein - hurricane	1	LS		$ 16,421.00		$ 11,785.00		$ 18,600.00
20	North Fire Station, Tab #3 of link found herein - standard	1	LS		$ 8,500.00		$ 5,650.00		$ 11,000.00
	Total North Fire Station				$ 24,921.00		$ 17,435.00		$ 29,600.00
4	Public Works Building, Tab #4 of link found herein - hurricane	1	LS		$ 16,500.00		$ 12,650.00		$ 18,720.00
21	Public Works Building, Tab #4 of link found herein - standard	1	LS		$ 2,500.00		$ 5,765.00		$ 2,650.00
	Total Public Works				$ 19,000.00		$ 18,415.00		$ 21,370.00
5	Phipps Ocean Park, Tab #5 of link found herein - hurricane	1	LS		$ 6,500.00		$ 1,460.00		$ 3,800.00
22	Phipps Ocean Park, Tab #5 of link found herein - standard	1	LS		$ 1,455.00		$ 1,180.00		$ 2,100.00
	Total Phipps Ocean Park				$ 7,955.00		$ 2,640.00		$ 5,900.00
6	Par 3 Clubhouse, Tab #6 of link found herein - hurricane	1	LS		$ 13,500.00		$ 24,785.00		$ 14,985.00
25	Par 3 Clubhouse, Tab #6 of link found herein - standard	1	LS		$ 13,500.00		$ 12,810.00		$ 15,800.00
	Total Par 3 Clubhouse				$ 27,000.00		$ 37,595.00		$ 30,785.00
7	Par 3 Pump House, Tab #7 of link found herein - hurricane	1	LS		$ 9,500.00		$ 4,765.00		$ 7,687.00
8A	Recreation - Main Building, Tab #8 of link found herein - hurricane	1	LS		$ 8,170.00		$ 7,750.00		$ 9,630.00
23A	Recreation - Main Building, Tab #8 of link found herein - standard	1	LS		$ 11,610.00		$ 8,265.00		$ 14,525.00
	Total Rec Main Building				$ 19,780.00		$ 16,015.00		$ 24,155.00
8B	Seaview Tennis - hurricane	1	LS		$ 570.00		$ 500.00		$ 720.00
23B	Seaview Tennis - standard	1	LS		$ 810.00		$ 250.00		$ 950.00
	Toatal Seaview Tennis				$ 1,380.00		$ 750.00		$ 1,670.00
8C	Equipment Storage - hurricane	1	LS		$ 760.00		$ 500.00		$ 850.00
23C	Equipment Storage - standard	1	LS		$ 1,080.00		$ 250.00		$ 1,275.00
	Total Equipment Storage				$ 1,840.00		$ 750.00		$ 2,125.00
9	Phipps Ocean Park - Tennis, Tab #9 of link found herein - hurricane	1	LS		$ 2,900.00		$ 1,860.00		$ 2,000.00
STANDARD REPAIRS							HURRICANE = $61,050		
1	Town Hall, as specified in Tab #1 of link found herein	1	LS		$ 13,333.00		$ 15,650.00		$ 12,700.00
10	A-5 Pump Station, Tab #10 of link found herein	1	LS		$ 4,500.00		$ 2,765.00		$ 5,500.00
11	Pinewalk Transfer Station, Restroom, Tab #11 of link found herein	1	LS		$ 1,200.00		$ 485.00		$ 1,750.00
12	Pinewalk Transfer Station, Storage, Tab #12 of link found herein	1	LS		$ 1,600.00		$ 1,480.00		$ 2,100.00
13	Okeechobee Landfill, Tab #13 of link found herein	1	LS		$ 5,700.00		$ 1,965.00		$ 5,800.00
14	D-2 Pump Station, Tab #14 of link found herein	1	LS		$ 3,850.00		$ 1,750.00		$ 3,900.00
15	D-7 Pump Station, Tab #15 of link found herein	1	LS		$ 1,500.00		$ 510.00		$ 1,700.00
16	D-8 & E-5 Pump Station Generator Room - Electrical Control Room, Tab #16 of link found herein	1	LS		$ 3,750.00		$ 3,280.00		$ 4,800.00
17	A-41 Pump House, Tab #17 of link found herein	1	LS		$ 5,250.00		$ 1,980.00		$ 4,000.00
18	A-42 Pump House, Tab #18 of link found herein	1	LS		$ 1,650.00		$ 1,380.00		$ 1,700.00
19	Central Fire Station, Tab #2 of link found herein	1	LS		$ 29,500.00		$ 29,765.00		$ 34,750.00
24	Phipps Ocean Park - Tennis, Tab #9 of link found herein	1	LS		$ 4,900.00		$ 1,650.00		$ 4,100.00

TOWN OF PALM BEACH

Bid No. 2018-32

ROOF REPAIRS

TABULATION

Due: 4/20/18 @ 2 p.m.

Vendor:	Advanced Roofing	Certified Roofing Specialists, Inc	Hi-Tech Roofing & Sheet Metal
Address:	1950 NW 22nd Street Fort Lauderdale, FL 33311	3440 NW 25th Avenue Pompano Beach, FL 33069	2266 4th Avenue N. Lake Worth, FL 33461
Telephone:	954-522-6868 x 1049	954-781-7663	561-586-3110
Fax:	954-566-2967	954-943-7833	561-586-5198
Contact:	Debbie Giuliani	Eugene O. Fall	Michael J. Daley
E-mail:	DebbieG@advancedroofing.com	gfall@certifiedcontractinggroup.com	Mdaley@Hi-Techroofing.com

Item No.	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
ALTERNATE ITEM									
14A	**D-2 Pump Station, Tab #14 of link found herein with ALTERNATE liquid applied flashing system**	1	LS		$ 975.00		**$ 485.00**		$ 1,300.00
OPTION									
Mechanical			Hourly	$ 75.00		$ 78.00		$ 85.00	
Laborer			Hourly	$ 65.00		$ 73.00		$ 75.00	
REPLACEMENT PARTS, AS NEEDED									
Cost Plus			%	25%		20%		20%	

Opened by: Duke Basha
Witnessed by: Dean Mealy

Indicates Low Bid for Building

Standard $68,855

Triple M Roofing Corp did not bid.

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 57-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Hulett Environmental Services Inc., for Treatment of Lethal Yellowing Disease in Coconut Palms and Royal Palm Bug and Fertilization Treatment in Royal Palm Trees in the Annual Amount of $61,518 and Establishing a Project Budget of $67,673.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 17, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 57-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Contract Extension for Lethal Yellowing Services
Resolution No. 57-2018

DATE: April 17, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 57-2018 authorizing a final contract extension to Hulett Environmental Services, Inc., for Lethal Yellowing Inoculations and Royal Palm Treatments in the annual amount of $61,518 and establishing an annual project budget of $67,673, including contingency.

GENERAL INFORMATION

This operation consists of treating all coconut palms in the Town's rights-of-way, parks, and medians with an antibiotic three (3) times per year; to help prevent the palms from contracting lethal yellowing disease, which can be fatal if not treated.

This award also includes treating all royal palms in the rights-of-way, parks, and medians for royal palm bugs twice a year and fertilization three (3) times per year. The treatment of the palms has been very effective and all operations will be monitored by Town staff and the Town's arborist.

The services remaining for FY18 include, one (1) lethal yellowing treatment and one (1) royal palm fertilization totaling $14,142, and a ten percent (10%) contingency of $1,415. Services required for FY19 are a follows; three (3) lethal yellowing treatments, three (3) royal palm fertilizations, and two (2) royal palm bug treatments totaling $47,376, and a ten percent (10%) contingency of $4,740, for a project budget of $67,673.

The contract provides for the option of four (4) twelve (12) month renewals with all original terms, conditions, and pricing. The original contract award was made on June 10, 2014 by Resolution 77-2014. This is the forth (4th) and final extension for this contract.

FUNDING/FISCAL IMPACT

Funding for these services have been requested in the FY19 budget. A contingency of ten percent (10%) has been included for emergency treatments. Charges for trees which are the responsibility of other funds (Recreation, Worth Avenue Maintenance Assessment, etc.) will be charged directly to those funds and are beyond the responsibility of the Public Works operating budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed by the Town Attorney and approved as to legal form and sufficiency.

cc: Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 57-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO HULETT ENVIRONMENTAL SERVICES INC., FOR TREATMENT OF LETHAL YELLOWING DISEASE IN COCONUT PALMS AND ROYAL PALM BUG AND FERTILIZATION TREATMENT IN ROYAL PALM TREES IN THE ANNUAL AMOUNT OF $61,518 AND ESTABLISHING A PROJECT BUDGET OF $67,673.

* * * * *

WHEREAS, a contract was awarded on June 10, 2014 with Resolution 77-2014 to Hulett Environmental Services to provide treatment of lethal yellowing disease in coconut palms and royal palm bug and fertilization treatment in royal palm trees; and

WHEREAS, Hulett Environmental Services has provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

Section 1. The fourth (4th) and final contract extension for treatment of lethal yellowing disease in coconut palms and royal palm bug and fertilization treatment in royal palm trees is approved. Costs for services performed pursuant to this contract shall be $61,518 as stated therein, but shall not exceed a cumulative amount of $67,670 for a period of fifteen (15) months, beginning July 1, 2018 and ending September 30, 2019.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the implementation of this contract, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of May 2018.

_____	_____
Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	_____
	Margaret A. Zeidman, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Lewis S. W. Crampton, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 58-2018 A Resolution Of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Easement and Use Agreement with the Property Owner of 150 Bradley Place and the Town of Palm Beach for Installation, Access, and Maintenance of the Foundations, Mast Arms, Pedestrian Poles, and Associated Signal Equipment.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 19, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 58-2018**
- **Easement and Use Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Execute an Easement and Use Agreement for the Signalization and Mast Arm Improvements at Bradley Place and Sunrise Avenue
Resolution No. 58-2018

DATE: April 19, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 58-2018 authorizing the Mayor to execute an Easement and Use Agreement between the Town of Palm Beach and the private property owner at 150 Bradley Place, The Palm Beach Biltmore Condominium.

GENERAL INFORMATION

Staff has requested an Easement and Use Agreement from 150 Bradley Place, the Palm Beach Biltmore Condominium, because of the lack of available right-of-way and the space required to complete the improvements. The Easement and Use Agreement is required to allow the construction and permanent location of the foundations, mast arms, and associated signal equipment related to the signalization and mast arm improvements at Bradley Place and Sunrise Avenue.

The Palm Beach Biltmore Condominium, located at 150 Bradley Place, has submitted their executed Easement and Use Agreement. Staff recommends that Town Council authorize the Mayor to execute the Easement and Use Agreement, upon finalization of the documentation by all parties.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed by the Town Attorney and approved for legal form and sufficiency.

Attachments
cc: Jane Le Clainche, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
John C. Randolph, Town Attorney
Dean Mealy, Purchasing Agent
Michael Roach, P.E., Project Engineer

RESOLUTION NO. 58-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AND USE AGREEMENT WITH THE PROPERTY OWNER OF 150 BRADLEY PLACE AND THE TOWN OF PALM BEACH FOR INSTALLATION, ACCESS, AND MAINTENANCE OF THE FOUNDATIONS, MAST ARMS, PEDESTRIAN POLES AND ASSOCIATED SIGNAL EQUIPMENT.

* * * * * *

WHEREAS, the Town of Palm Beach has requested the execution of an Easement and Use Agreement with the property owners of 150 Bradley Place; and

WHEREAS, the parties mutually recognize the need to execute the Agreement setting forth the responsibilities of each party.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Mayor is hereby authorized to execute the Easement and Use Agreement for the signal mast arms, foundations, pedestrian poles, and associated signal equipment between the property owners of 150 Bradley Place, and the Town of Palm Beach.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

EASEMENT AND USE AGREEMENT

This Easement and Use Agreement (the "Agreement") is entered as of this ____ day of _____, 2018, by and between **Palm Beach Biltmore Condominium Association, Inc.**("Grantor") with an address at 150 Bradley Place, Palm Beach, Florida, 33480 and the **Town of Palm Beach**, a municipality existing under the laws of the State of Florida, with an address at 360 South County Road, Palm Beach, Florida 33480 (the "Grantee").

RECITALS

WHEREAS, Grantor is the fee simple owner of certain real property more particularly described on Exhibit "A and B," attached hereto and by this reference incorporated herein (the "Property"); and

WHEREAS, Grantor is desirous of granting of two (2) non-exclusive easements on the Property to Grantee, solely for Grantee's use and operation of a Signal Mast Arm, Foundation, Pedestrian Signal and Pole, and electrical/communication wiring as described on Exhibit "A and B" attached hereto and by this reference made a part hereof as it will exist and will be situated, consistent with Grantee's governmental obligations and responsibilities and directly relating to the maintenance and operation of the Signal Mast Arm and equipment; and,

WHEREAS, Grantee is desirous of obtaining said easements; and,

WHEREAS, the parties hereto are desirous of memorializing the terms of the easements,

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration to which the parties acknowledge receipt of, the parties agree as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein by reference.

2. Grant of Easement:

Grantor grants to Grantee a non-exclusive easement in favor of Grantee for the purposes stated above (the "Easement"). The Easements granted herein shall run with the land and be binding upon Grantor, its successors, and assigns for so long as the Signal Mast Arm, Foundation, Pedestrian Signal and Pole, and electrical/communication wiring remains on the Property, reserving unto Grantor the full right and use of its area within the Easements for purposes that do not conflict or interfere with the rights conveyed to Grantee herein. Grantor hereby covenants, warrants, and represents that: it is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrance; except those encumbrances of record in the Public Records of Palm Beach County, Florida; that Grantor has good right and lawful authority to convey the Easements; and Grantor fully warrants and defends the title to the Easements hereby conveyed against the lawful claims of all persons whomsoever.

3. Easement Area Maintenance Costs: Grantor acknowledges that the Signal Mast Arm, Foundations, Pedestrian Signal and Pole, and electrical/communication wiring are owned by Grantee. Grantee acknowledges that its sole use of the Signal Mast Arm, Foundation, Pedestrian Signal and Pole, and electrical/communication wiring will be to maintain and operate the signals within the Bradley Place and Sunrise Avenue intersection currently as situated and exists for so long as the intersection needs to be signalized and operational, without any repair, modification, maintenance or replacement that will in any way affect the Property or impede the use of the Property by its owner. Should the Signal Mast Arm, Foundation, Pedestrian Signal and Pole, and electrical/communication wiring require any repair or maintenance, said repair or maintenance must be performed by Grantee, at Grantee's expense.

4. Damage: Grantee shall be responsible for any damage caused within the Easements, the Property and/or to the Signal Mast Arm, Foundation, Pedestrian Signal and Pole, and electrical/communication wiring, and Grantee shall, immediately upon notification of such damage, begin the repair of such damage and diligently complete such repairs as soon as reasonably possible. If Grantee should fail to complete such repairs in accordance with the terms of this paragraph, after giving Grantee notice and reasonable opportunity to cure, Grantor shall have the right, but not the obligation, to cause such repairs to be made and Grantee shall pay on demand all of Grantor's costs in connection therewith (including, without limitation, attorney's fees and other costs of collection) together with interest thereon at an annual rate of twelve percent (12%) accruing from and after the date of such expenditure until the date Grantor receives full payment.

5. Indemnification: Each party to this agreement shall be liable for its own actions and negligence and, to the extent permitted by law, Grantor shall indemnify, defend and hold harmless Grantee against any actions, claims or damages arising out of the Grantor's negligence in connection with this Agreement; and, to the extent allowed by law, Grantee shall indemnify, defend and hold harmless the Grantor against any actions, claims or damages arising out of the negligence of Grantee in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of Grantee's sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes*. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions.

6. Not a Public Dedication. Nothing contained herein shall be deemed to be a gift or dedication of any portion of the easement area to the general public or for any public use or purpose whatsoever.

7. Non-Waiver: The failure of any party to insist upon strict performance of any of the terms, covenants or conditions hereof shall not be deemed a waiver of any rights or remedies which that party may have hereunder or at law or equity and shall not be deemed a waiver of any subsequent breach or default in any of such terms, covenants or conditions.

8. Successors in Interest: All provisions of the Agreement are binding upon and shall inure to the benefit of, and are enforceable by and against, the successors and assigns of each party hereto.

9. Entire Agreement: The Agreement contains the entire agreement between the parties with respect to the subject matter hereof and no statement or representation of any party, their agents or employees, shall form any part hereof or be binding upon the other party.

10. Effective Date: The term "effective date" or "date of the Agreement" shall mean the latest date the Agreement is executed by the parties.

11. Signatures: This Agreement may be executed in multiple counterparts which together shall have the same force and effect as if this single instrument were executed by both parties hereon.

[Signatures and acknowledgments appear on the following pages]

GRANTOR:

Signed, sealed and delivered in our presence:

Palm Beach Biltmore Condominium Association, Inc., owner of 150 Bradley Place, Palm Beach Florida 33401

Witness
Print Name: Sally Morris

By: Phillip Rosenbaud
Title: Pres.

Witness
Print Name: Lance Marsigliano

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 19 day of April, 2018 by Phillip Rosenbaud as a President Palm Beach Biltmore Condominium Association, Inc., owners of 150 Bradley Place, Palm Beach, Florida, who ☑ is personally known to me or ☐ has produced the following as identification:_____.

(seal)

Notary Public State of Florida
Meghan Crosby
My Commission FF 178018
Expires 12/17/2018

Meghan Crosby
Notary Public in and for the State and County aforesaid
Commission Number FF 178018
My Commission Expires: 12-17-18
Print Notary Name: Meghan Crosby

[signatures continue on following page]

Signed, sealed and delivered in
our presence:

_____
Witness
Print Name:_____

_____
Witness
Print Name:_____

GRANTEE:

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

_____
By: Gail L. Coniglio
Title: Mayor

Approved as to legal form and sufficiency:

_____
Town Attorney

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018 by Gail L. Coniglio as a Mayor of the Town of Palm Beach, a municipal; corporation existing under the laws of the State of Florida, who ☐ is personally known to me or ☐ has produced the following as identification:_____.

(seal)

_____
Notary Public in and for the State and
County aforesaid
Commission Number:_____
My Commission Expires:_____
Print Notary Name:_____

SKETCH AND DESCRIPTION
SIGNAL EASEMENT
PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

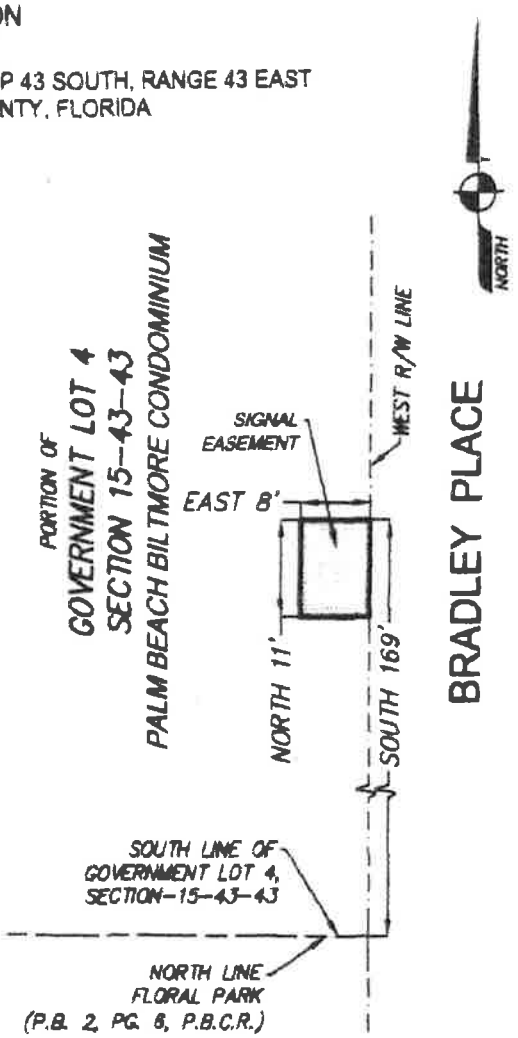
LAND DESCRIPTION:

The east 8 feet of the north 11 feet of the south 169 feet of Government Lot 4, Section 15, Township 43 South, Range 43 East lying west of the west right-of-way line of Bradley Place.

Said land lying in Palm Beach County, Florida and contains 88 square feet, more or less.

0 20 40

GRAPHIC SCALE IN FEET
1"=20'



SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PG. = Page; R/W = Right-of-Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/22/18

Michael D Avirom

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS	AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING		
	50 S.W. 2nd AVENUE, SUITE 102	JOB #:	9929-14A
	BOCA RATON, FLORIDA 33432	SCALE:	1" = 20'
	(561) 392-2594 / www.AVIROMSURVEY.com	DATE:	02/21/2018
		BY:	KSB
		CHECKED:	M.D.A.
		F.B.	– PG. –
		SHEET:	1 OF 1

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SKETCH AND DESCRIPTION

SIGNAL EASEMENT

PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

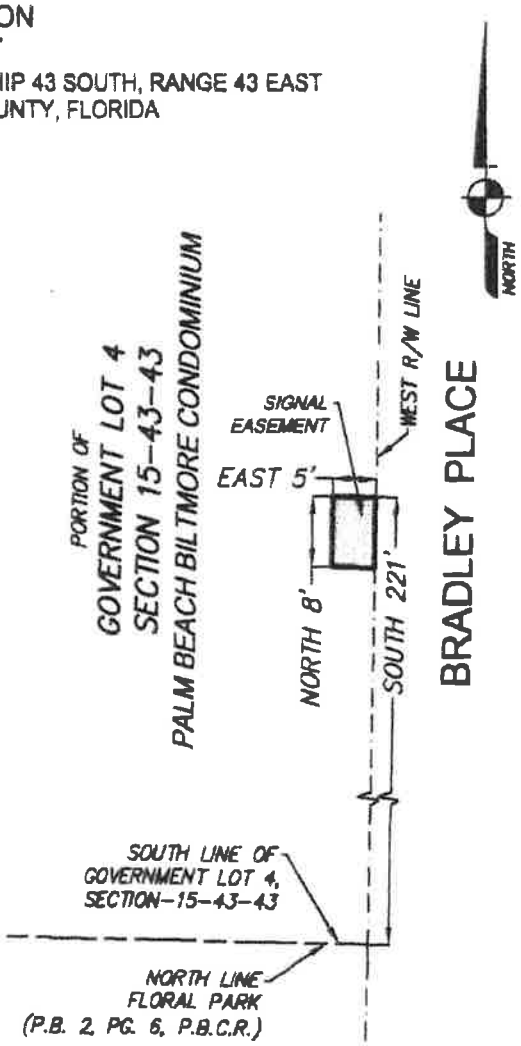
LAND DESCRIPTION:

The east 5 feet of the north 8 feet of the south 221 feet of Government Lot 4, Section 15, Township 43 South, Range 43 East lying west of the west right-of-way line of Bradley Place.

Said land lying in Palm Beach County, Florida and contains 40 square feet, more or less.

0 20 40

GRAPHIC SCALE IN FEET
1"=20'



SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
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CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/20/18

Michael D. Avirom

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS	AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2nd AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 (561) 392-2594 / www.AVIROMSURVEY.com	JOB #: 9929-14B
		SCALE: 1" = 20'
		DATE: 02/21/2018
		BY: KSB
		CHECKED: M.D.A.
		F.B. — PG. —
		SHEET: 1 OF 1

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TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 59-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders For Tree Trimming Services To Core Services LLC in the Amount of $39,840 for Coconut Palm Trimming and $63,720 for Hourly Tree Trimming Services and to Property Works in the Amount of $6,105 for Australian Pine Trimming Totaling $109,665 and Establishing a Project Budget of $120,631 for FY18. The Five Year Project Budget Shall be $897,030 Which Includes an Estimated Annual Cost of $149,505 and a $29,800 Contingency, Contingent of Funding in Future Fiscal Years.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 23, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 59-2018**
- **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Award a Contract to Core Services LLC and Property Works for Tree Trimming and Pruning Services
Resolution No. 59-2018

DATE: April 23, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 59-2018, awarding purchase orders to Core Services LLC for coconut palm trimming and hourly tree trimming services and to Property Works, for Australian pine tree trimming and pruning services totaling in an amount not-to-exceed $120,631 for FY18, and establish an annual project budget of $149,505 and an overall five (5) year budget of $897,030 including a $149,000 contingency.

GENERAL INFORMATION

A professional tree-trimming contractor has performed the operation for trimming and pruning of the Town's trees since FY10. A contractor trims the coconut and royal palms twice a year, performs maintenance trimming on other trees in Town owned parks and rights-of-way as directed by the Town arborist and staff, and includes the maintenance of traffic while trimming duties are performed. The trimming of historic and specimen trees is a part of the tree trimming contract. The previous contract was broken out into two (2) bids for services: tree trimming and coconut trimming. A single contractor was low on both services and was awarded both contracts. The vendor was in year three (3) of their contract but failed to perform the required trimming after the recent hurricane and the Town opted to terminate the contract for convenience.

The Town elected to combine all tree trimming services and issued RFB No. 2018-12 for the tree trimming and pruning services. Lot one (1) of the bid is for trimming of the coconut palms and is priced on a per tree basis. This provides a set rate for the trimming of each tree and allows a per tree price for unscheduled trimmings. Lot two (2) is for the once a year trimming of Australian Pines on Wells Rd. Lot three (3) provides for the hourly trimming of hardwoods, mangroves, royal palms and other tree types. The Town also requested pricing on two (2) or three (3) men crews with bucket trucks and all associated equipment or labor needed. The trimming crews are supervised by the vendor and operate under the direction of the Town arborist and/or the Parks Bureau Supervisor.

The hourly trimming and pruning has been reduced to an annual average of 150 hours for the two (2) man crews and 200 hours for the three (3) man crews. All maintenance of traffic is included.

On March 21, 2018, eight (8) vendors submitted bids to perform these services. The Town reviewed the bids and identified primary, secondary, and tertiary vendors in each Lot. This will eliminate the need to rebid services if one or more vendor fails to perform their duties as described in the contract or if their current workload prevents them from responding to Town requests for trimming. The Lots and awarded vendors are described below:

Lot One (1) – Coconut Trimming

- Primary Awardee – Core Services LLC
- Secondary Awardee – The FA Bartlett Tree Expert
- Tertiary Awardee – Property Works

Lot Two (2) – Australian Pines

- Primary Awardee – Property Works
- Secondary Awardee – Zimmerman Tree Service
- Tertiary Awardee – The FA Bartlett Tree Expert

Lot Three (3) – Trimming of Mangroves and Hardwoods

- Primary Awardee – Core Services LLC
- Secondary Awardee – Custom Tree Care
- Tertiary Awardee – Zimmerman Tree Service

Based on submitted bids, Town staff requests awarding purchase orders to the awardees for single coconut palm trimming in the amount of $39,840, trimming of the Australian pines in the amount of $6,105 and hourly tree trimming in the amount of $63,720 totaling $109,665. The FY18 project budget shall be established at $120,631 which includes a ten percent (10%) contingency for unforeseen or emergency work. The five (5) year project budget is estimated to be $897,030, which includes an annual cost of $149,505 and a $29,800 annual contingency based on funding in future fiscal years.

FUNDING/FISCAL IMPACT

Sufficient funds exist in the Public Works FY18 operating budget to accomplish this work. Future work will be contingent on funding in future fiscal years.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Jane Le Clainche, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 59-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PURCHASE ORDERS FOR TREE TRIMMING SERVICES TO CORE SERVICES LLC IN THE AMOUNT OF $39,840 FOR COCONUT PALM TRIMMING AND $63,720 FOR HOURLY TREE TRIMMING SERVICES AND TO PROPERTY WORKS IN THE AMOUNT OF $6,105 FOR AUSTRALIAN PINE TRIMMING TOTALING $109,665 AND ESTABLISHING A PROJECT BUDGET OF $120,631 FOR FY18. THE FIVE YEAR PROJECT BUDGET SHALL BE $897,030 WHICH INCLUDES AN ESTIMATED ANNUAL COST OF $149,505 AND A $29,800 CONTINGENCY, CONTINGENT OF FUNDING IN FUTURE FISCAL YEARS.

* * * * *

Section 1. The Town Council of the Town of Palm Beach hereby authorizes purchase orders to Core Services LLC in an amount of $39,840 for palm tree trimming and $63,720 for hourly tree trimming services and Property Works in the amount of $6,105 for Australian pine tree trimming totaling $109,665 and establishes a project budget of $120,631 for FY2018. The five (5) year project budget shall be $897,030, which includes an annual cost of $149,505 and a $149,000 contingency, contingent of funding in future fiscal years.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S. W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

RFB No. 2018-12
TREE TRIMMING & PRUNING SERVICES
TABULATION
Due: 3/21/2018 @ 2 p.m.

Vendor:	CORE SERVICES LLC	THE F.A. BARLETT TREE EXPERT COMPANY	ZIMMERMAN TREE SERVICE	PROPERTY WORKS	MIGNANO TREE CARE, INC	CUTTING EDGE INDUSTRIES INC	CUSTOM TREE CARE, INC	THE DAVEY TREE EXPERT COMPANY
Address:	407 Hart Road Lexington KY 40502	560 NE 42 Court Oakland Park, FL 33334	4660 71 Court South Lake Worth, FL 33463	1201 Roebuck Ct West Palm Beach, FL 33401	1127 SE 2ND Street Boynton Beach, FL 33435	2025 NW 15th Ave #B Pompano Beach, FL 33069	3722SW Spring Creek Ln Topeka, KS 66610	1500 Mantua Street Kent, OH 44240
Telephone:	859-444-8319	954-561-9514	561-968-1045	561-805-8687	561-738-2850	954-978-6311	785-478-9805	330-673-9511
Fax:			561-966-4612	561-805-8688	561-738-2801	954-978-3328	785-478-4195	
Contact:	Emily Marquess	Jeremy Chancey	Michael Zimmerman	Alex Hernandez	Brian Galaini	James Jankowski, Pres-CEO	Greg Gathers	Laura Wimer
E-mail:	coredisasterservices@gmail.com	jchancey@bartlett.com	mickey@zimmermantreeservice.com	alex@propertyworksonline.net	mignanotreecare@bellsouth.net	chrissy@cuttingedgefl.com	ggathers@customtreecare.com	

Item No.	Description	Qty	Unit	Price per Tree	Total	Price per Tree	Total	Price per Tree	Total	Price per Tree	Total	Price per Tree	Total	Price per Tree	Total	Price per Tree	Total	Price per Tree	Total
	Lot 1 - Coconut Trees																		
1	Coconut Tree, Fronds piled and stacked for pickup as specified herein	2800	Tree	$ 16.60	$ 46,480.00	$ 19.50	$ 54,600.00	$ 23.75	$ 66,500.00	$ 20.78	$ 58,184.00	$ 26.00	$ 72,800.00	$ 25.00	$ 70,000.00	$ 35.00	$ 98,000.00	$ -	
2	Coconut Tree, Fronds dropped into Town provided vehicles as specified herein	2800	Tree	$ 16.60	$ 46,480.00	$ 19.50	$ 54,600.00	$ 23.25	$ 65,100.00	$ 24.45	$ 68,460.00	$ 20.00	$ 56,000.00	$ 22.00	$ 61,600.00	$ 30.00	$ 84,000.00	$ -	
			TOTAL	$	92,960.00	$	109,200.00	$	131,600.00	$	126,644.00	$	128,800.00	$	131,600.00	$	182,000.00		
	Apparent Awards			Primary Awardee*		Secondary Awardee*				Tertiary Awardee*									
	Lot 2 - Australian Pines																		
1	Australian Pines - once a year service as specified herein	111	Tree	$ 130.00	$ 14,430.00	$ 82.00	$ 9,102.00	$ 69.37	$ 7,700.07	$ 55.00	$ 6,105.00	$ 135.00	$ 14,985.00	$ 95.00	$ 10,545.00	$ 120.00	$ 13,320.00	$ -	
			TOTAL	$	14,430.00	$	9,102.00	$	7,700.07	$	6,105.00	$	14,985.00	$	10,545.00	$	13,320.00	$	-
	Apparent Awards					Tertiary Awardee*		Secondary Awardee*		Primary Awardee*									
	Lot 3 - Hourly Trimming of Mangroves, Hardwoods, Royals, Washingtonians, Dates, Queens and other tree types																		
1	Two (2) man crew with a bucket truck as specified herein	150	Hour	$ 138.00	$ 20,700.00	$ 164.00	$ 24,600.00	$ 140.00	$ 21,000.00	$ 158.89	$ 23,833.50	$ 150.00	$ 22,500.00	$ 245.00	$ 36,750.00	$ 135.00	$ 20,250.00	$ -	
2	Three (3) man crew with a bucket truck as specified herein	200	Hour	$ 183.00	$ 36,600.00	$ 246.00	$ 49,200.00	$ 210.00	$ 42,000.00	$ 207.78	$ 41,556.00	$ 225.00	$ 45,000.00	$ 300.00	$ 60,000.00	$ 195.00	$ 39,000.00	$ -	
3	Climber as specified herein	40	Hour	$ 62.50	$ 2,500.00	$ 82.00	$ 3,280.00	$ 70.00	$ 2,800.00	$ 48.89	$ 1,955.60	$ 75.00	$ 3,000.00	$ 85.00	$ 3,400.00	$ 70.00	$ 2,800.00	$ -	
4	Flagger as specified herein	40	Hour	$ 42.00	$ 1,680.00	$ 69.15	$ 2,766.00	$ 70.00	$ 2,800.00	$ 42.78	$ 1,711.20	$ 75.00	$ 3,000.00	$ 45.00	$ 1,800.00	$ 40.00	$ 1,600.00	$ -	
5	Chip Truck as specified herein	80	Hour	$ 28.00	$ 2,240.00	$ 82.00	$ 6,560.00	$ 70.00	$ 5,600.00	$ 158.89	$ 12,711.20	$ 75.00	$ 6,000.00	$ 95.00	$ 7,600.00	$ 70.00	$ 5,600.00	$ -	
			TOTAL	$	63,720.00	$	86,406.00	$	74,200.00	$	81,767.50	$	79,500.00	$	109,550.00	$	69,250.00	$	-
	Apparent Awards			Primary Awardee*				Tertiary Awardee*								Secondary Awardee*			
	TOTAL LOTS 1 - 3			**$**	**171,110.00**	**$**	**204,708.00**	**$**	**213,500.07**	**$**	**214,516.50**	**$**	**223,285.00**	**$**	**251,695.00**	**$**	**264,570.00**	**NO BID**	

Description	Primary Awardee*	Secondary Awardee*	Tertiary Awardee*
Lot 1 - Coconut Trees	Core Services, LLC	The FA Bartlett Tree Expert	Property Works
Lot 2 - Australian Pines	Property Works	Zimmerman Tree Service	The FA Bartlett Tree Expert
Lot 3 - Hourly Trimming of Mangroves	Core Services, LLC	Custom Tree Care	Zimmerman Tree Service

*All Awardees listed are Apparent Awardees

Opened by: Sandy Shea
Witnessed by: Duke Basha

page 1 of 2

TOWN OF PALM BEACH
RFB No. 2018-12
TREE TRIMMING & PRUNING SERVICES
TABULATION
Due: 3/21/2018 @ 2 p.m.

OPTIONAL - EMERGENCY RESPONSE

Vendor:	CORE SERVICES LLC	THE F.A. BARLETT TREE EXPERT COMPANY	ZIMMERMAN TREE SERVICE	PROPERTY WORKS	MIGNANO TREE CARE, INC	CUTTING EDGE INDUSTRIES INC	CUSTOM TREE CARE, INC	THE DAVEY TREE EXPERT COMPANY
Address:	407 Hart Road	560 NE 42 Court	4660 71 Court South	1201 Roebuck Ct	1127 SE 2ND Street	2025 NW 15th Ave #B	3722SW Spring Creek Ln	1500 Mantua Street
	Lexington KY 40502	Oakland Park, FL 33334	Lake Worth, FL 33463	West Palm Beach, FL 33401	Boynton Beach, FL 33435	Pompano Beach, FL 33069	Topeka, KS 66610	Kent, OH 44240
Telephone:	859-444-8319	954-561-9514	561-968-1045	561-805-8687	561-738-2850	954-978-6311	785-478-9805	330-673-9511
Fax:			561-966-4612	561-805-8688	561-738-2801	954-978-3328	785-478-4195	
Contact:	Emily Marquess	Jeremy Chancey	Michael Zimmerman	Alex Hernandez	Brian Galaini	James Jankowski, Pres-CEO	Greg Gathers	Laura Wimer
E-mail:	coredisasterservices@gmail.com	jchancey@bartlett.com	mickey@zimmermantreeservice.com	alex@propertyworksonline.net	mignanotreecare@bellsouth.net	chrissy@cuttingedgefl.com	ggathers@customtreecare.com	

Item No.	Description	Unit	Price per Tree	Price per Tree	Price per Tree	Price per Tree	Price per Tree	Price per Tree	Price per Tree	Price per Tree
	Lot 1 - Coconut Trees									
1	Coconut Tree, Fronds piled and stacked for pickup as specified herein	Tree	$ 16.60	$ -	$ 35.62	$ 27.50	$ 50.00	$ -	$ 45.00	$ -
2	Coconut Tree, Fronds dropped into Town provided vehicles as specified herein	Tree	$ 16.60	$ -	$ 34.87	$ 34.50	$ 40.00	$ -	$ 40.00	$ -
	Lot 2 - Australian Pines									
1	Australian Pines - once a year service as specified herein	Tree	$ 210.00	$ -	$ 104.05	$ 68.75	$ 225.00	$ -	$ 180.00	$ -
	Lot 3 - Hourly Trimming of Mangroves, Hardwoods, Royals,									
1	Two (2) man crew with a bucket truck as specified herein	Hour	$ 160.00	$ -	$ 210.00	$ 227.00	$ 225.00	$ -	$ 185.00	$ -
2	Three (3) man crew with a bucket truck as specified herein	Hour	$ 200.00	$ -	$ 315.00	$ 288.75	$ 337.50	$ -	$ 275.00	$ -
3	Climber as specified herein	Hour	$ 75.00	$ -	$ 105.00	$ 75.75	$ 112.50	$ -	$ 95.00	$ -
4	Flagger as specified herein	Hour	$ 55.00	$ -	$ 105.00	$ 62.00	$ 56.25	$ -	$ 45.00	$ -
5	Chip Truck as specified herein	Hour	$ 28.00	$ -	$ 105.00	$ 227.00	$ 112.50	$ -	$ 100.00	$ -
								See attached sheet		NO BID

Opened by: Sandy Shea
Witnessed by: Duke Basha

page 2 of 2

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 60-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving An Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services (EMS) Grant Equipment and Authorizing the Application for Funds From the Palm Beach County EMS Program in the Amount of $25,000 And Establishing a Budget of $25,000 in Fiscal Year 2018 To Be Used For The Purchase Of One (1) Stryker Power Load Cot Fastening System and Associated Accessories; and Authorizing the Town Manager to Execute This Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget.

Presenter

Darrel Donatto, Fire Rescue Chief

ATTACHMENTS:

- **Memorandum Dated April 10, 2018, From Darrel Donatto, Fire Rescue Chief**
- **Resolution No. 60-2018**
- **Interlocal Agreement - Grant Reimbursement**
- **Stryker Quote**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Darrel Donatto, Fire Rescue Chief

Re: Palm Beach County Emergency Medical service grant reimbursement
Resolution No: 60-2018

Date: April 10, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Palm Beach County Emergency Medical Service grant request.

GENERAL INFORMATION

This grant program is administered under section 163.01, Florida Statutes. The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by chapter 401, part II, Florida Statutes, to dispense grant funds. Forty five percent (45%) of these funds are made available to the 67 Boards of County Commissioners throughout the State to improve and expand pre-hospital Emergency Medical Services in their county.

The prehospital EMS projects may include, but not be limited to, increasing existing levels of EMS, evaluation, community education, injury-prevention programs, training in cardiopulmonary resuscitation and other lifesaving and first aid techniques.

Palm Beach Fire Rescue is requesting one (1) Stryker Power Load Cot Fastening System and associated accessories for one of the department's ambulances. The Power Load System lifts and lowers a stretcher into and out of an ambulance, reducing spinal loads and the risk of cumulative trauma injuries to paramedics. The Power Load System improves operator and patient safety by supporting the stretcher throughout the loading and unloading process. The County agrees to reimburse the Town from its 2017-2018 EMS state grant funds for the purchase, and the Town agrees to accept the said reimbursement under the terms and conditions of the EMS State grant.

FUNDING/FISCAL IMPACT

Fire-Rescue will use the Grant Equipment (001.40.417.526.60.64.09) to fund the project cost of the grant request. The Town of Palm Beach portion of the grant is $0.00 with up to $25,000.00 (100%) funding received from approved Palm Beach County Emergency Medical service grant reimbursement program.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The resolution has been approved by the Town Attorney as to form and legal sufficiency.

SB

Attachment: Palm Beach County Emergency Medical Service grants reimbursement agreement.

cc: Jane Struder, Director of Finance
Darrel Donatto, Fire Rescue Chief
Dean Mealy, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 60-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF PALM BEACH FOR THE REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES (EMS) GRANT EQUIPMENT AND AUTHORIZING THE APPLICATION FOR FUNDS FROM THE PALM BEACH COUNTY EMS PROGRAM IN THE AMOUNT OF $25,000 AND ESTABLISHING A BUDGET OF $25,000 IN FISCAL YEAR 2018 TO BE USED FOR THE PURCHASE OF ONE (1) STRYKER POWER LOAD COT FASTENING SYSTEM AND ASSOCIATED ACCESSORIES; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS PURCHASE ON BEHALF OF THE TOWN; SUCH FUNDS SHALL NOT SUPPLANT EXISTING EMS BUDGET.

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by Chapter 40l, Part II, Florida Statutes, to dispense grant funds. Forty-five percent (45%) of these funds are made available to the 67 Boards of County Commissioners (BCCs) throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS) in their county; and

WHEREAS, DOHEMS County grants are only awarded to Boards of County Commissioners (BCC), however, each BCC is encouraged to assess its countywide EMS needs and establish priorities before submitting a grant application; and

WHEREAS, the COUNTY may reimburse and disburse the State trust funds to licensed emergency medical providers; and

WHEREAS, the COUNTY agrees to reimburse the TOWN from its FY2017-2018 EMS State grant funds for the purchase of one (1) Stryker Power Load Cot Fastening System and associated accessories and the Town agrees to accept said reimbursement under the terms and conditions of the EMS State grant and this Agreement.

WHEREAS, the total amount to be paid by the COUNTY from its FY2017-2018 EMS grant funds for the purchased EMS Equipment as reimbursement to the TOWN under this Agreement shall not exceed a total amount of twenty-five thousand dollars ($25,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Town Council of the Town of Palm Beach hereby approves the Interlocal Agreement between Palm Beach County and the Town of Palm Beach for the reimbursement of Emergency Medical Services grant equipment and authorizes the acceptance of the Palm Beach County Emergency Medical Service grant request for the purchase of one (1) Stryker Power Load Cot Fastening System and associated accessories not to exceed a total amount of Twenty-five thousand dollars ($25,000.00).

Section 2. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the purchase of said equipment to be used for the improvement and expansion of EMS services for the town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S.W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF PALM BEACH FOR THE REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES GRANT EQUIPMENT

THIS INTERLOCAL AGREEMENT (" the Agreement") is made as of the_____ day of _____, 2018, by and between the Board of County Commissioners, Palm Beach County, a political subdivision of the State of Florida (herein referred to as COUNTY), and the TOWN of Palm Beach a municipal corporation of the State of Florida (herein referred to as the TOWN), each one constituting a public entity as defined in Part I of Chapter 163, Florida Statutes.

WITNESSETH

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by Chapter 40l, Part II, Florida Statutes, to dispense grant funds. Forty-five percent (45%) of these funds are made available to the 67 Boards of County Commissioners (BCCs) throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS) in their county; and

WHEREAS, DOHEMS County grants are only awarded to Boards of County Commissioners (BCC), however, each BCC is encouraged to assess its countywide EMS needs and establish priorities before submitting a grant application; and

WHEREAS, the COUNTY may reimburse and disburse the State trust funds to licensed emergency medical providers; and

WHEREAS, the COUNTY agrees to reimburse the TOWN from its FY2017-2018 EMS State grant funds for the purchase of **one (1) Power Load Cot Fastening System** ("EQUIPMENT" or "EMS equipment") and the TOWN agrees to accept said reimbursement under the terms and conditions of the EMS State grant and this Agreement.

Now, therefore, in consideration of the mutual promises contained herein, COUNTY and TOWN agree as follows:

ARTICLE 1 – RECITALS

The above recitals are true, correct and incorporated herein.

ARTICLE 2 - REPRESENTATIVE/MONITORING POSITION

The COUNTY'S representative/Agreement monitor during the term of this Agreement shall be Sally Waite, whose telephone number is (561) 712-6484.

The TOWN'S representative/contact monitor during the term of the Agreement shall be Sean Baker whose telephone number is (561) 227-6433.

ARTICLE 3 - PAYMENT TO TOWN

The total amount to be paid by the COUNTY from its FY2017-2018 EMS grant funds for the purchased EMS Equipment as reimbursement to the TOWN under this Agreement shall not exceed a total amount of twenty three thousand three hundred twenty five dollars ($23,325.00).

The TOWN shall purchase the EQUIPMENT and submit the required documentation for reimbursement (referenced in Article - 4) to the COUNTY Representative at least ninety (90) days before the expiration of the FY2017-2018 EMS State Grant. Approved documentation will be processed by the County Finance Department for payment to the TOWN.

ARTICLE 4 - GRANT PROGRAM REQUIREMENTS

TOWN SHALL:

A. Comply with general requirements, and conditions of the State EMS County Grant Program.

B. Submit to the COUNTY Representative on or before September 30, 2018 copies of paid receipts, invoices, or other documentation acceptable to the Palm Beach County Finance Department to establish that the purchase of the EQUIPMENT was incurred by the TOWN.

C. Immediately return the purchased EQUIPMENT to the COUNTY, should the TOWN cease to operate its pre-hospital emergency medical services during the life of the equipment.

D. Submit a training report to the COUNTY'S Division of Emergency Management to include a sign in sheet, date, title and contact number of the persons trained for the EQUIPMENT, if applicable within 90 days of the effective date of this Agreement. This report shall include all of the necessary training provided for the EQUIPMENT and will be the responsibility of the TOWN purchasing the EQUIPMENT to provide the training. TOWN'S failure to satisfactorily complete the training in the timeframe provided shall constitute a breach of contract. As such, COUNTY may terminate this Agreement and demand return of the EQUIPMENT.

ARTICLE 5 – LIABILITY/INDEMNIFICATION

Each party to this Agreement shall be liable for its own actions and negligence. To the extent permitted by law, and without waiving sovereign immunity beyond the limits set forth at Sec. 768.28, Florida Statutes, the TOWN agrees to indemnify, defend and hold harmless the COUNTY against any actions, claims or damages arising out of the TOWN'S use, care and maintenance of the EQUIPMENT.

ARTICLE 6 – FILING

A copy of this Agreement will be filed with the Clerk of Circuit Court in and for Palm Beach County.

ARTICLE 7 - AVAILABILITY OF FUNDS

The COUNTY'S performance and obligation to pay under this Agreement is contingent upon annual appropriations from the FY2017-2018 EMS State grant funds. On-going costs for EMS, maintenance and replacement of the EQUIPMENT is the responsibility of the TOWN and will not be funded under this grant program. Such costs remain the responsibility of the TOWN. The COUNTY shall have no further obligation to the TOWN, or any other person or entity.

ARTICLE 8 – 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 Palm Beach County. 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 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 the TOWN.

ARTICLE 9 – ARREARS

The TOWN shall not pledge the COUNTY'S credit or make it a guarantor of payment or surety for any Agreement, debt, obligation, judgment, lien, or any form of indebtedness. The TOWN further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this Agreement.

ARTICLE 10 - ACCESS AND AUDITS

The COUNTY shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit during normal business hours, at the TOWN'S place of business.

Palm Beach County has established the Office of the Inspector General in 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 to audit, investigate, monitor, and inspect the activities of the TOWN, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements 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.

ARTICLE 11 – NONDISCRIMINATION

The consultant warrants and represents that 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.

ARTICLE 12- AUTHORITY TO PRACTICE

The TOWN hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct pre-hospital emergency medical services during the life of the equipment. Proof of such licenses and approvals shall be submitted to the COUNTY's representative upon request.

ARTICLE 13 – SEVERABILITY

If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 14 – NOTICE

All notices required in this Agreement shall be sent by certified mail, return receipt requested, hand delivery or other delivery service requiring signed acceptance. If sent to the COUNTY, notices shall be addressed to:

Sally Waite, EMS Manager
20 South Military Trail
WPB, FL 33401

With copy to:

Palm Beach County Attorney's Office
301 North Olive Ave. – 6th Floor
WPB, Florida 33405

If sent to the TOWN, notices shall be addressed to:

Sean Baker
300 North County Road
Palm Beach, FL 33480

ARTICLE 15 - <u>ENTIRETY OF CONTRACTUAL AGREEMENT</u>

The COUNTY and the TOWN agree that this Agreement sets forth the entire Agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

ARTICLE 16 - <u>EXPIRATION OF AGREEMENT</u>

This Agreement shall automatically expire in five (5) years or upon the expiration of the life of the EQUIPMENT, whichever comes first, in accordance with the State EMS County Grant Program. At such time, the TOWN may dispose of said EQUIPMENT as surplus property with no further municipal purpose.

ARTICLE 17 - <u>EFFECTIVE DATE</u>

This Agreement shall become effective when signed by both the COUNTY and the TOWN.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of the COUNTY and TOWN has hereunto set its hand the day and year above written.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Verdenia C. Baker
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By_____
County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By_____
Division Director

TOWN OF PALM BEACH

By: _____
TOWN Representative

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By_____
TOWN Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By_____
TOWN Representative

stryker®

Comprehensive Quotation

Sales Account Manager
GISEL LEPIOR
GISEL.LEPIOR@STRYKER.COM
Cell: 561-383-1887

Remit to:
Stryker Medical
P.O. Box 93308
Chicago, IL 60673-3308

End User Shipping Address
1063635
PALM BEACH FIRE DEPT NORTH FIRE STN
300 N COUNTY RD
PALM BEACH, FL 33480

Shipping Address
1063635
PALM BEACH FIRE DEPT NORTH FIRE STN
300 N COUNTY RD
PALM BEACH, FL 33480

Billing Address
1063635
PALM BEACH FIRE DEPT NORTH FIRE STN
300 N COUNTY RD
PALM BEACH, FL 33480

Customer Contact	Ref Number	Date	PO Number	Reference Field	Quote Type
	6451962	04/06/2018	QUOTE		

Line #	Quantity	Item Description	Part #	Unit Price	Extended Price	Item Comments
1.00	**1**	**PowerLOAD**	**6390000000**	**$21,448.44**	**$21,448.44**	
		Options				
	1	PowerLOAD	6390000000	$21,448.44	$21,448.44	
	1	Standard Comp 6390 Power Load	6390026000			
	1	English Manual	6390600000			
	1	1 year parts, labor & travel	7777881660			
	1	UNIVERSAL FLOORPLATE OPTION	6390028000			
	1	ONE PER UNIT MANUAL, ENG OPT	6390020000			
2.00	2	6506 PWRLD COMPAT UPGRADE KIT	6506700001	$1,485.74	$2,971.48	
3.00	1	ProCare Upgrade Charge	77100003	$310.00	$310.00	

Note:
*Quote is Valid until September 2018.
**Stryker Standardization Pricing (SSP).
***Please note ProCare Upgrade Charge is for each kit installation.

Product Total	$24,729.92
Freight	$0.00
Tax	$0.00
Total Incl Tax & Freight	**$24,729.92**

☐ Signature: _____ Title/Position: _____ Date: _____

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.
Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency.
Terms: Net 30 Days. FOB origin. A copy of Stryker Medical's standard terms and conditions can be obtained by calling Stryker Medical's Customer Service at 1-800-STRYKER.
Cancellation and Return Policy: In the event of damaged or defective shipments, please notify Stryker within 30 days and we will remedy the situation. Cancellation of orders must be received 30 days prior to the agreed upon delivery date. If the order is cancelled within the 30 day window, a fee of 25% of the total purchase order price and return shipping charges will apply.

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 61-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Four (4) Genesis Power Units, Four (4) Cutters and Refurbish Four (4) Spreaders and Eight (8) Rams From Rescue Systems Unlimited in the Amount of $68,060 and Establishing a Total Budget of $68,060.

Presenter

Darrel Donatto, Fire Rescue Chief

ATTACHMENTS:

- **Memorandum Dated April 26, 2018 From Darrel Donatto, Fire-Rescue Chief**
- **Resolution No. 61-2018**
- **American Rescue Technology Sole Source Letter**
- **Rescue Systems Unlimited LLC Quote**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Darrel Donatto, Deputy Fire Rescue Chief

Re: Authorization to Purchase Four Sets of Genesis Rescue Tools
Resolution No. 61-2018

Date: April 26, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 61-2018 authorizing the purchase of four (4) Genesis power units, four (4) cutters and refurbish four (4) spreaders and four (8) rams from Rescue Systems Unlimited in the amount of $68,060 and establishing a total budget of $68,060

GENERAL INFORMATION

The Fire Rescue Department outfits each of their fire engines with Genesis Hydraulic Rescue Tools. Rescue tools are used by emergency personnel to assist with vehicle extrication of crash victims, as well as other rescues from small spaces. These tools include a power unit, cutters, spreaders, and rams.

In June, 2014, all of the rescue tools were scheduled for replacement through the equipment replacement schedule, however the purchase was extended until FY2018. The department will replace four (4) power units, four (4) cutters and refurbish Four (4) spreaders and eight (8) rams. By refurbishing the existing equipment, the department will save $48,440

FUNDING/FISCAL IMPACT

$52,755 was provided in the Equipment Replacement Fund for the replacement of four power units, four spreaders, and four cutters. The remaining $15,305 will be funded from the Fire Department general operating budget.

FINANCE REVIEW

The item has been reviewed by the Finance Department and approved as recommended.

PURCHASING REVIEW

The item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The resolution was reviewed and approved by the Town Attorney for legal form and sufficiency.

JD

cc: Jane Struder, Director of Finance
Darrel Donatto, Fire Rescue Chief
Dean Mealy, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 61-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF FOUR (4) GENESIS POWER UNITS, FOUR (4) CUTTERS AND REFURBISH FOUR (4) SPREADERS AND EIGHT (8) RAMS FROM RESCUE SYSTEMS UNLIMITED IN THE AMOUNT OF $68,060 AND ESTABLISHING A TOTAL BUDGET OF $68,060

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

Section 1. The Town Council hereby authorizes and approves the sole source bid for the purchase of four (4) Genesis power units, four (4) cutters and refurbish four (4) spreaders and eight (8) rams from Rescue Systems Unlimited in the amount of $68,060 and establishing a total budget of $68,060.

Section 2. The Town Manager is hereby authorized and directed to execute the sole source bid for the purchase of four (4) Genesis power units, four (4) cutters and refurbish four (4) spreaders and eight (8) rams from Rescue Systems Unlimited in the amount of $68,060 and establishing a total budget of $68,060

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effect the purchase of four (4) Genesis power units, four (4) cutters and refurbish four (4) spreaders and eight (8) rams from Rescue Systems Unlimited in accordance with the terms set forth above.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

AMERICAN
RESCUE TECHNOLOGY INCORPORATED

2780 Culver Ave.
Kettering, OH 45429
937.293.6240 Telephone
937.293.7049 Fax
www.genesisrescue.com

January 1, 2018

Gentlemen,

Rescue Systems Unlimited LLC is the sole supplier for products from American Rescue Technology, Inc. (Genesis Rescue Tools, Genesis high pressure hydraulic hose, Genesis Air Lifting Bags, Kodiak struts and Quik-Kut Air Hammers) in Florida and Georgia. They are solely responsible for all sales, service and training in Florida and Georgia. If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Richard S. Michalo
President
American Rescue Technology, Inc.

RESCUE SYSTEMS UNLIMITED LLC.

Quote

Date	Quote #
1/22/18	17-070

Name / Address
TOWN OF PALM BEACH FIRE

107 Meridian Hills Road
Tallahassee, FL 32312

Item	Description	Qty	Cost	Total
P.ART.593.338.2	MACH III OUTLAW 6.5 HONDA PUMP	4	7,290.00	29,160.00
C.ART.105.048.4	C365 CUTTER	4	7,870.00	31,480.00
PT.580.264.1	REFURB. OF TOOL. ,PIGTAIL HOSES, HANDLE GUARDS, SEALS. S40 SPREADERS	4	970.00	3,880.00
PT.580.264.1	REFURB. OF TOOL. ,PIGTAIL HOSES, HANDLE GUARDS, SEALS. RAMS	8	770.00	6,160.00
RSU.183.72.0	TRADE IN ON ON EQUIPMENT 4- C165 CUTTERS & 4- PUMPS		-5,100.00	-5,100.00
PT.ART.590.255.6	OSC HOSE UPGRADE KIT FOR REELS	8	310.00	2,480.00

Total	$68,060.00

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 62-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm, Beach County, Florida, Authorizing the Purchase of One Ford F450 Type 1 Medium Duty Ambulance Spec #1 Purchase In Accordance With Florida Sheriff's Association Bid FSA16-VEF12.0 With NFPA Department Ambulance Required Equipment in the Amount of $276,597 and Establishing a Total Budget of $282,597.

Presenter

Darrel Donatto, Fire Rescue Chief

ATTACHMENTS:

- **Memorandum Dated April 10, 2018, From Darrel Donatto, Fire-Rescue Chief**
- **Resolution No. 62-2018**
- **Demers Quote**

TOWN OF PALM BEACH
Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Darrel Donatto, Fire Rescue Chief

Re: Authorization for the Purchase of One Medium Duty Ambulance and Associated Equipment
Resolution No: 62-2018

Date: April 10, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 62-2018 authorizing the purchase of one Ford F450 type 1, Medium Duty Ambulance and associated equipment, from Quality Emergency Vehicles for $276,597.00 in accordance with Florida Sheriff's Association bid #FSA16-VEF12.0, and establishing a total budget of $282,597.00

GENERAL INFORMATION

The Department is recommending the purchase of one Ford F450 type 1, Medium Duty Ambulance manufactured by Demers Ambulances, sold and distributed by Quality Emergency Vehicles. This apparatus is a replacement for the previous 2008 Horton Freightliner Ambulance, which has been scheduled for replacement since 2015.

The 2008 Horton Freightliner Ambulance will be placed for auction as a surplus vehicle. Monies from the sale of this vehicle will be returned to the Equipment Replacement Fund to cover $7,972 that will be used for vehicle registration, radios, and additional equipment for the ambulance.

FUNDING/FISCAL IMPACT

Funding for this replacement purchase is scheduled from the Town's Equipment Replacement Fund. This purchase will utilize the State of Florida Sheriff's Association Specification #01 Type 1 Ambulance, Medium Duty 4x2. The specifications are similar to the Department's requirements and the process will expedite a critical need in a cost effective manner.

A quote was obtained during the FY2018 budget process for the replacement of the 2008 Horton Freightliner Ambulance in the amount of $276,597.00. The total cost for the new ambulance will be $282,597.00. There is currently $274,625.00 budgeted in the equipment replacement account

for the replacement, leaving a deficit of $ 7,972.00; the requested $ 7,972 will be taken from the FY2018 Equipment Replacement Fund Contingency. Proceeds of the sale of the old ambulance will be deposited into the Equipment Replacement Fund.

PURCHASING REVIEW

The item has been approved by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed Resolution No. 62-2018 and approves same as to legal form and sufficiency.

SB

cc: Jane Struder, Director of Finance
Darrel Donatto, Fire Rescue Chief
Dean Mealy, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 62 -2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF ONE FORD F450 TYPE 1 MEDIUM DUTY AMBULANCE SPEC #1; PURCHASE IN ACCORDANCE WITH FLORIDA SHERIFF'S ASSOCIATION BID FSA16-VEF12.0 WITH NFPA DEPARTMENT AMBULANCE REQUIRED EQUIPMENT IN THE AMOUNT OF $276,597.00 AND ESTABLISHING A TOTAL BUDGET OF $282,597.00

WHEREAS, there is a need to replace the 2008 Horton Freightliner Ambulance; and

WHEREAS, during the Fiscal Year 2018 budget process a quote was obtained for the replacement of said equipment in the amount of $276,597.00; and

WHEREAS, there is currently only $274,625.00 in the equipment replacement account; and

WHEREAS, there is a need to transfer $7,972 from the Fiscal Year 2017 Equipment Replacement Fund contingency fund in order to accommodate this purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA:

Section 1. The Town Council authorizes the purchase of one Ford F450 Type I Medium Duty Ambulance spec#1; purchase in accordance with Florida Sherriff's Association Bid FSA16-VEF12.0 with NFPA department ambulance required equipment in the amount of $276,597.00 and establishing a total budget of $282, 597.00.

Section 2. The Town Council of the Town of Palm Beach hereby approves the transfer of $7,972 from the Fiscal Year 2017 Equipment Replacement Fund Contingency to the Equipment Replacement Account.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate this transfer of funds from the FY2017 Equipment Replacement Fund Contingency to the Equipment Replacement Account.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

_____	_____
Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	_____
	Margaret A. Zeidman, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
ATTEST:	_____
	Lewis S.W. Crampton, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

V17.03

DEMERS AMBULANCES
3 Area Development Dr., Plattsburgh, NY 12901
Tel.: 800.363.7591 fax: 450.467.6526

Date : 4/20/18
Contact : Fred Allegretti

Email : qualityemergencyvehicle

MXP 170

Ambulance Type I (ALS

For Purchase Thru FSA 16-VEF 12. Bid Specification # 1

Buyer:
QEV
Town of Palm Beach
300 North Country Road
Palm Beach, Florida 33480

Shipping information
Quality Emergency Vehicles
890 S. Oak Crest Path
Lecanto, Florida 34461
Tax ID:

Stock # **TBD**

Chassis and Conversion price **$192,742**

SPECIFICATION TOPICS

Exterior Configuration:
- CHASSIS
- SUSPENSION
- MODULE SPECIFICATIONS
- MODULE CONFIGURATION
- LIGHTING
- EMERGENCY AND WORKING LIGHTS
- AUDIBLE WARNING SYSTEM
- VEHICLE FEATURES
- CONVENIENCE
- PAINT AND GRAPHICS

Interior Configuration:
- DRIVER'S COMPARTMENT
- CURB SIDE CONFIGURATION
- STREET SIDE CONFIGURATION
- FORWARD BULKHEAD
- ATTENDANT SEAT
- COT CONFIGURATION
- ACTION AREA CONTROL PANEL
- OXYGEN SYSTEM
- SUCTION SYSTEM
- ELECTRICAL SYSTEM
- COMMUNICATION SYSTEM
- CLIMATE CONTROL SYSTEM (HVAC)

Special Configuration :
- Long lead-time option (for administrative use only)
- KKK-A-1822-F EXCEPTION

EXTERIOR CONFIGURATION

CHASSIS 11

	Description	Total price
CHF17	Ford F450 4 x 4 Super duty Chassis cab ○ 6,7L POWER STROKE V8 Diesel Engine ○ Wheelbase 193" (4902 mm) ○ GVWR (Gross vehicle weight rating) 16,500 Lbs / 7,486 Kg	$0
CHF19	1 Ford F450 4 x 2 Super duty Chassis cab ○ 6,7L POWER STROKE V8 Diesel Engine ○ Wheelbase 193" (4902 mm) ○ GVWR (Gross vehicle weight rating) 16,500 Lbs / 7,486 Kg	$48,290

SUSPENSION 12

Description	Total price

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SSC11	1 *LiquidSpring suspension*	$10,360

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MODULE SPECIFICATIONS 13

		Description	Total price
MDA13	STD	• **Overall dimensions**	
		○ 170” [4318 mm] long x 95” [2413 mm] wide	
		○ Interior headroom 72” [1829 mm]	
	STD	• **Module structure**	
		○ All aluminum module	
		○ Single piece aluminum floor sheet	
		○ High strength aluminum sections	
		○ Acid preparation on the exterior structures (enhance bonding)	
		○ High shear strength structural elastic adhesive assembly of the wall panels to the wall structure	
		○ 12 rubber mount points on module to chassis for improved noise and vibration performance	
	STD	• **Door structure and accessories**	
		○ Sweep out floor compartments	
		○ Single piece aluminum sheet	
		○ Drop skirt forward of the wheel well, on both curb side and street side	
		○ Stainless steel piano hinges	
		○ Two (2) double stage rotary latches	
		○ "Trimark" chrome door handles	
		○ Auxiliary emergency door release (2)	
		○ Drip rail over all doors	
		○ Door hold open device	

MODULE CONFIGURATION 14

		Description	Total price
		• **Streetside configuration**	
CMA11		○ First door (S1) for main oxygen cylinder access	
CMB11		○ Second door (S2) for equipment storage	
CMB12	STD	1 One (1) full depth shelves	
CMB13		*Stair chair holder compartment door with one (1) half depth shelf in compartment*	$0
CMB14		1 *Fire extinguisher (5 lbs) ABC with heavy duty bracke t in electric compartment*	$105
CMC12	STD	Third door (S3) for equipment storage with interior/exterior access	
CMC13	STD	Two (2) full depth shelves	
CMC14		*Reinforcement for spare tire storage*	
CMC15		*Stair chair holder on compartment door with two (2) half depth shelves*	$0
CMC11		1 Third door (S3) with full height compartment for equipment storage	$260
CMC16		*Three (3) full depth shelves*	$0
CMC17		*Reinforcement for spare tire storage with two (2) full depth shelves*	$0
CMC19		1 *Reinforcement and anchors for SCBA mounted in compartment with two (2) full depth shelves*	$410
CMD11		○ Upper door (E) for electrical panel access	
		• **Curbside configuration**	
CME11		○ First door (C1) with batteries and ALS compartment access	
CMF11	STD	1 Second door (C2) for patient compartment access, with flush-mounted, automotive-style window	
CMF12		*Second door (C2) for patient compartment access, with flush-mounted, automotive-style opening window*	$0
CMG11		○ Third door (C3) backboard compartment	
CMG12	STD	Three (3) adjustable Premium backboard dividers with straps	
CMG13		*Stair chair location with two (2) shelves and one (1) full height divider*	$0
CMH11		*Flush-mounted, automotive-style window on curbside module*	$0
		• **Rear configuration**	
CMI11	STD	○ Two (2) patient compartment doors (R1 & R2), each with individual exterior door handle and window	
CMI12	STD	1 Frameless rear flush mounted tinted windows	
CMI13		*Frameless rear flush mounted tinted window with defrost*	$0
		• **Compartment lights**	
CMJ12	STD	○ High intensity tube lights	

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[redacted]

LIGHTING 15

		Description	Total price
		• **Type of lights**	
		○ Chrome bezel	
	STD	[1] *Whelen standard series*	
		[redacted] *Whelen M series (Pricing dependent upon selected options)*	
		• **Clearance lights**	
ECA11	STD	○ Seven (7) amber and seven (7) red LED marker lights	
ECA12	STD	○ Two (2) rear mid height red LED marker lights	
		• **Brake/tail/turning lights**	
		• Front configuration	
		[1] *Two (2) front amber LED arrows*	
ECB11		○ *600 series 6 X 4*	$320
ECB14		○ *M6 series 6 X 4*	$0
		• Lower front configuration	
ECB12		[ ] *Clear halogen fog lights with covers*	$0
ECB13		[ ] *Amber halogen fog lights with covers*	$0
		• Module side lighting configuration	
		[1] Two (2) amber LED turning lights (intermediate side mounted)	
ECC11	STD	○ *700 series 7 X 3*	
ECC14		○ *M7 series 7 X 3*	$0
		[redacted] *Two (2) amber LED turning arrows direction lights (intermediate side mounted)*	
ECC12		○ *700 series 7 X 3*	$0
		• Rear Curb and Street side door mounted (S4 & C3)	
		[1] *Two (2) additional red LED tail/turn lights*	
ECC13		○ *700 series 7 X 3*	$265
ECC15		○ *M6 series 6 X 4*	$0
		• Rear configuration	
		○ Third upper LED brake light	
ECD11	STD	○ *600 series 6 X 4*	
ECD18		○ *M6 series 6 X 4*	$0
ECD12		[ ] *Amber traffic advisor*	$0
ECD13		[ ] *Red traffic advisor*	$0
ECD14	STD	[redacted] Two (2) red LED brake/tail lights, two (2) LED amber turn lights and two (2) LED reverse lights in rear step plate	
		[redacted] *Four (4) red LED brake/tail lights and two (2) LED reverse lights in rear step plate Two (2) LED amber arrows on module at mid height*	
ECD15		○ *900 series 7 X 9*	$0
ECD19		○ *M9 series 10 X 6*	$0
		[redacted] *Two (2) amber LED arrows, two (2) red LED brake lights and, two (2) LED reverse lights at mid height*	
ECD22		○ *600 series 6 X 4*	$0
ECD23		○ *M6 series 6 X 4*	$0
		[1] *Four (4) red LED brake/tail lights and two (2) LED reverse lights in rear step plate Two (2) amber LED arrows, two (2) red LED brake lights and, two (2) LED reverse lights at mid height*	
ECD17		○ *600 series 6 X 4*	$1,270
ECD21		○ *M6 series 6 X 4*	$0

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[redacted]

EMERGENCY AND WORKING LIGHTS 16

		Description	Total price
		• **Type of lights**	
		○ Chrome bezel	
	STD	1 *Whelen standard series*	
		[redacted] *Whelen M series (Pricing dependent upon selected options)*	
		• **Flash pattern**	
	STD	Light Package with triple flash light pattern	
		• **Grille lights**	
		[redacted] Two (2) red LED in grille	
UTA12	STD	○ 500 series 5 x 1	
UTA18		○ *M7 series 7 X 3*	$0
		1 *Two (2) red LED in grille and two (2) clear LED with WIG WAG flash pattern in grille*	
UTA14		○ *500 series 5 x 1*	$290
UTA19		○ *M7 series 7 X 3*	$0
		• **Front module lights**	
		Five (5) LED emergency lights on front of module with 2 red / 1 white / 2 red	
UTB16	STD	○ 900 series 7 X 9	
UTB19		○ *M9 series 10 X 6*	$0
		Seven (7) LED 7x9 emergency lights on front of module with 3 red / 1 white / 3 red	
UTB17		○ *900 series 7 X 9*	$0
UTB20		○ *M9 series 10 X 6*	$0
UTB13		*Whelen 4500+ 76" flush mounted LED light bar, 3 red / 2 white / 3 red*	$0
		[redacted] *Two (2) upper corner red LED lights (900 series)*	
UTB15		○ *900 series 7 X 9*	$0
UTB18		○ *M9 series 10 X 6*	$0
UTB11		Demers aerodynamic cab riser with 5 red / 2 white / 5 red (500 series)	
		Two (2) upper corner red LED lights	
UTB15		○ *900 series 7 X 9*	$0
UTB18		○ *M9 series 10 X 6*	$0
		• **Intersection lights**	
		1 Two (2) red LED intersection lights	
UTC11	STD	○ *700 series 7 X 3*	
UTC13		○ *M7 series 7 X 3*	$0
		[redacted] *Two (2) clear/red LED intersection lights with turning priority*	
UTC12		○ *700 series 7 X 3*	$0
UTC14		○ *M7 series 7 X 3*	$0
		• **Curb and street side upper configuration**	
		○ Four (4) red LED lateral emergency lights (two (2) on each side)	
UTD11	STD	○ *900 series 7 X 9*	
UTD18		○ *M9 series 10 X 6*	$0
		Two (2) additional red LED emergency lights center side mount (one (1) on each side)	
UTD13		○ *900 series 7 X 9*	$0
UTD19		○ *M9 series 10 X 6*	$0
		○ Four (4) lateral LED scene lights (two (2) on each side)	
UTD17	STD	○ *900 series 7 X 9*	
UTD20		○ *M9 series 10 X 6*	$0
		• **Curb and street side lower configuration**	
		○ Two (2) red LED emergency lights intermediate side mount	
UTE11	STD	○ *700 series 7 X 3*	
UTE12		○ *M7 series 7 X 3*	$0

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		• **Rear module lights**	
		○ Two (2) red LED rear emergency lights (rear corners)	
UTF11	STD	○ *900 series 7 X 9*	
UTF17		○ *M9 series 10 X 6*	$0
		○ Two (2) Rear amber LED lights	
UTF12	STD	○ *600 series 4 X 6*	
UTF18		○ *M6 series 6 X 4*	$0
		○ Two (2) rear loading LED lights	
UTF15	STD	○ *600 series 4 X 6*	
UTF19		○ *M6 series 6 X 4*	$0
		1 *Two (2) additional red LED lights at window height*	
UTF16		○ *900 series 7 X 9*	$530
UTF20		○ *M9 series 10 X 6*	$0
		• **Door module lights**	
UTG11	STD	1 One red emergency LED light on each compartment and entry door panels (Total of eight (8))	
UTG12		Two red emergency LED lights on each compartment and entry door panels (Total of eight (16))	$0

AUDIBLE WARNING SYSTEM 17

		Description	Total price
		• **Siren**	
ASA11	STD	○ Siren amplifiers (100 watt) with 4 tones and Public address (P/A) microphone	
		• **Speakers**	
ASB11	STD	○ Two (2) bumper integrated speakers	
		• **Back-up alarm**	
ASC11	STD	○ Back up alarm (97db) with override switch	
		• **Low frequency tone system**	
ASD11		1 *Whelen Howler Low frequency tone siren*	$935

VEHICLE FEATURES 18

		Description	Total price
		• **Steps**	
EFA11	STD	○ Anti-skid lateral steps angle to match module width includes: mud guards	
EFA12	STD	○ Rear retractable anti-skid step	
		• **Mirrors**	
EFB11	STD	○ OEM exterior mirrors	
		• **Wheels**	
	STD	○ OEM Alloy Aluminium Wheels	
		• **License plate**	
EFC11	STD	Flush license plate location with LED light	
EFC12		1 *Recessed chrome licence plate holder with LED light*	$100
		• **Fuel**	
EFD11	STD	1 1/4 fuel tank filled- up	
EFD12		*Full fuel tank filled-up*	$0
		• **Module protection**	
EFE13	STD	○ Fiberglass wheel trim	
EFE14	STD	○ Undercoating protection	
EFE15	STD	○ Rear mudguard	
EFE12	STD	○ Module front and corner stainless steel protection	
		• **Chassis protection**	
EFE11		1 *Aluminum rub-rails on each side*	$265
EFF12		*Ali Arc high polish finish front bumper*	$0
EFF13		*Tow hooks (2) in rear step plate*	$0

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CONVENIENCE 19

		Description	Total price
CNA11	STD	○ Anti-theft	
CNA12	STD	○ Eco Smart (Idle reduction system)	
CNC13	STD	○ Door unlock valet switch located in front grille	
CNC15	STD	○ Fast-idle	
CNB11		1 *Back-up camera*	$600
CNB12		*Interior camera*	$0
CNC11		*Ultra sound whistle for animals (one on each side)*	$0
CNC14		*Keyless entry touch pad (One on C2/ One on A1)*	$0

PAINT AND GRAPHICS 21

		Description	Total price
	STD	○ White "Tristar" exterior paint : High built polyurethane surface paint over epoxy primer and two (2) acid stabilizing treatments to prevent galvanic/corrosion and provide high adhesion for epoxy primer	
DCA14		Emblem and markings "Star of Life" (3", 12", 16" and 32"), "AMBULANCE" (3) and mirrored "AMBULANC	$0

INTERIOR CONFIGURATION

DRIVER'S COMPARTMENT 22

		Description	Total price
		• **Front console**	
CBA13	STD	1 Control center with switches and LED backlit pictograms in floor mounted console	
CBA14		*8 " color touch screen in floor mounted console*	$0
	STD	○ OEM 12V DC Outlets (2)	
	STD	○ "Door ajar" & "Compartment" indicator lights	
	STD	○ Intercodes patient indicator lights (Red/Yellow/Green)	
	STD	○ Rear air conditioning/heating speed and temperature control with automatic mode	
	STD	○ Digital chassis voltmeter and conversion amp meter & voltmeter	
	STD	○ Auxiliary indicator light	
		• **Floor mounted console**	
CBB11	STD	*Floor mounted console*	
CBB15		○ Cup holders	
		○ Six (6) spare locations	
CBB14		○ Driver and passenger side armrest	
CBB11		1 *Deluxe floor mounted console*	$265
CBB15		○ Cup holders	
		○ Three (3) spare locations	
CBB12		○ Compartment with armrest	
		• **Accessories**	
CBB13		*Compartment for flare and fire extinguisher (5lbs)*	$0
CBD11		1 *Hand spotlight 400 000 CP with trigger type switch and ABS thermoformed bracket*	$100
		• **Reading light**	
CBC11	STD	○ Cab headliner with dual clear and red LED map lights	

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CURB SIDE CONFIGURATION

23

		Description	Total price
	STD	1 **Squad bench**	
CDE11		○ Flip down trash container with hands free open device	
CDA17	STD	1 Seating for three (3) passenger, 2 pts safety belt	
CDA13		○ Thermoformed full size molded backrest with lumbar support	
CDA11	STD	1 Single full length molded cushion and thermoformed full size molded backrest with lumbar support	
CDA12		*Three (3) ergonomic, thermoformed molded seat cushion*	$0
CDA15		*Three (3) thermoformed molded seat cushion with wheel and post cups for FW #107C stretcher*	$0
CDA16		*Three (3) thermoformed molded seat cushion with wheel and post cups for FW #9 stretcher*	$0
CDA23	*New*	Seating for three (3) passenger, 6 pts safety belts *(Curbside module window n/a)*	$0
CDA14		○ Thermoformed molded backrest	
CDA11		○ Single full length molded cushion	
		○ Auxiliary patient safety straps (3)	
		• Accessories	
CDF11		1 *Safety net*	$265
		Mobility Package	$0
CDB11		○ Adjustable slide tracking system	
		• Accessories	
CDF11		*Safety net*	$0
CDC11		• Cabinet configuration	
CDE11		○ Flip down trash container with hands free open device	
		○ Flip out writing panel	
		○ Drawers (2)	
		• Auxiliary cot and seating configuration	
		No auxiliary cot device	
		○ EVS thermoformed seat with 3 pts safety belt mounted swivel base (side, 45 and forward)	$0
CDB15		*Accomodation for backboard*	$0
		○ *EVS thermoformed flip down seat with 3 pts safety belt mounted swivel base (side, 45 and forward)*	
		○ *Anchors and belts (3) (Removable foot end bracket and foldable head bracket)*	
		○ *Design to fit a Ferno Millenia backboard.* ***If different, please specify in special note section, the model used.***	
CDB12		*Accomodation for FW#107C auxiliary stretcher*	$0
		○ *EVS thermoformed flip down seat with 3 pts safety belt mounted swivel base (side, 45 and forward)*	
		○ *Anchors and belts (3) (Removable foot end bracket and foldable head bracket)*	
		○ *Wheel and post cups*	
CDB13		*Accomodation for FW#9 auxiliary stretcher*	$0
		○ *EVS thermoformed flip down seat with 3 pts safety belt mounted swivel base (side, 45 and forward)*	
		○ *Anchors and belts (3) (Removable foot end bracket and foldable head bracket)*	
		○ *Wheel and post cups*	
		• Cabinet counter top configuration	
CDD11		*Cardiac monitor tray, sliding and turning*	$0
CDD12		*Cardiac monitor tray, sliding and turning, for "LIFEPAK 15"*	$0

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[redacted]

STREET SIDE CONFIGURATION 24

		Description	Total price
		• **Available configuration with S3 inside/outside access (CMC12)**	
MCA12	STD	[redacted] **Medical cabinet with "CPR" seat**	
		○ Aluminium extrusion structure	
		○ Main oxygen cylinder access door	
		○ Drawers (2) with writing panel	
MCE11	STD	[redacted] Seating for one EMT, 2 pts safety belts and thermoformed full size molded backrest cushion with lumbar support	
MCE12	*New*	[redacted] Seating for one EMT, 6 pts safety belts and thermoformed molded backrest cushion	$0
		○ Fiberglass and aluminum storage with LED strip lighting (2)	
		○ Rear lower fiberglass storage (1) with LED strip lighting and interior/exterior access to S3 exterior compartment	
		○ Clear LED reading lamps (2)	
MCB14		○ Aluminium restocking windows frames (3)	
		• Cardiac monitor configuration	
MCC11		[redacted] *Cardiac monitor tray, sliding and turning*	$0
MCC12		[redacted] *Cardiac monitor tray, sliding and turning, for "LIFEPAK 15"*	$0
MCA14		[redacted] **Medical cabinet with "CPR" forward facing captain seat**	$0
		○ Aluminium extrusion structure	
		○ Main oxygen cylinder access door	
		○ Drawers (2) with writing panel	
		○ Seating for one EMT, 3 pts EVS certified thermoformed seat	
		○ Fiberglass and aluminum storage with LED strip lighting (2)	
		○ Rear lower fiberglass storage (1) with LED strip lighting and interior/exterior access to S3 exterior compartment	
		○ Clear LED reading lamp (1)	
MCB14		○ Aluminium flip-up windows frames (3)	
MCA16		[redacted] **Full medical cabinet**	$0
		○ Aluminium extrusion structure	
		○ Main oxygen cylinder access door	
		○ Fiberglass and aluminum storage with LED strip lighting (3)	
		○ Rear lower fiberglass storage (1) with LED strip lighting and interior/exterior access to S3 exterior compartment	
		○ Clear LED reading lamp (2)	
MCB14		○ Aluminium flip-up windows frames (4)	
		• Cardiac monitor configuration	
MCC11		[redacted] *Cardiac monitor tray, sliding and turning*	$0
MCC12		[redacted] *Cardiac monitor tray, sliding and turning, for "LIFEPAK 15"*	$0
		• **Available configuration with full height S3 compartment (CMC11)**	
MCA11		1 **Medical cabinet with dual "CPR" seat**	$260
		○ Aluminium extrusion structure	
		○ Main oxygen cylinder access door	
		○ Drawers (2) with writing panel	
		○ Seating for two (2) EMT, safety belt and thermoformed full size molded backrest cushion	
		○ Fiberglass and aluminum storage with LED strip lighting (2)	
		○ Clear LED reading lamp (1)	
MCB14		○ Aluminium flip-up windows frames (2)	
MCA13		[redacted] **Medical cabinet with "CPR" forward facing captain seat**	$0
		○ Aluminium extrusion structure	
		○ Main oxygen cylinder access door	
		○ Drawers (2) with writing panel	
		○ Seating for one EMT, 3 pts EVS certified thermoformed seat	
		○ Fiberglass storage with LED strip lighting (2)	
		○ Clear LED reading lamp (1)	
MCB14		○ Aluminium flip-up windows frames (2)	
MCA15		[redacted] **Full medical cabinet**	$0
		○ Aluminium extrusion structure	
		○ Main oxygen cylinder access door	
		○ Fiberglass and aluminum storage with LED strip lighting (3)	
		○ Clear LED reading lamp (2)	

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[redacted]

MCB14	○ Aluminium flip-up windows frames (3)	
	• Cardiac monitor configuration	
MCC11	[redacted] *Cardiac monitor tray, sliding and turning*	$0
MCC12	[redacted] *Cardiac monitor tray, sliding and turning, for "LIFEPAK 15"*	$0

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[redacted]

FORWARD BULKHEAD 25

		Description	Total price
		• **Cab to module configuration**	
FBA11	STD	1 *Crawl through with sliding door*	
FBA12		[redacted] Pass-through sliding window (12" x 12")	
FBC11	STD	• **ALS front corner cabinet configuration - Street side**	
		○ Aluminum extruded door with see through windows and stainless steel handle	
		○ Three (3) fixed shelves	
		○ LED strip lighting	
FBB11	STD	• **ALS front cabinet configuration - Curb side**	
		○ Aluminium extrusion structure	
		○ LED strip lighting	
		○ Inside/outside access via curbside door	
		○ Four (4) aluminum extruded doors with see through windows and stainless steel handle	
		○ Two (2) adjustable shelves	
		○ One (1) fixed shelf	
		○ One lockable drawer with stainless steel handle	
		• **ALS upper front configuration**	
FBB13	STD	[redacted] Lockable compartment above ALS front cabinet	
		○ One (1) aluminum extruded door with see through window and stainless steel lockable handle	
		○ 12V and 110V outlets	
FBB14		[redacted] *Smithworks IV warmer*	$0
FBB15		1 *Mermaid refrigerated compartment*	$4,235

ATTENDANT SEAT 26

		Description	Total price
STA11	STD	[redacted] EVS certified thermoformed seat equipped with 3 pts safety belts	
STA12		1 *EVS certified thermoformed seat equipped with child safety device and 3 pts safety belts*	$345
STB11		*Left armrest*	$0
STB12		*Right armrest*	$0

COT CONFIGURATION 27

		Description	Total price
		• Floor	
		○ Flooring: 3/4 in. (19mm) exterior grade plywood	
CPA11	STD	1 Center mount cot configuration	
CPB11	STD	[redacted] Stryker rolling main cot fastener (cot not included)	
CPB12		[redacted] *Ferno main fastener*	$0
CPB13	*New*	1 *Stryker power load system with floor plate*	$0
CPB18	*New*	[redacted] *Ferno Stat Trac fastening system with mounting blocks (86")*	$0
CPD11	*New*	[redacted] *Integrated Charging Feature*	$0
CPB17	*New*	[redacted] *Stryker Performance-Load System with floor plate*	$0
CPD11	*New*	[redacted] *Inductive Charging Feature*	$0
CPA13		[redacted] *Center and left side mount cot configuration*	$0
CPB11		[redacted] Stryker rolling main cot fastener (cot not included)	
CPB12		[redacted] *Ferno main fastener*	$0
CPA12		[redacted] *Left side mount cot configuration*	$0
CPB11		[redacted] *Stryker rolling main cot fastener (cot not included)*	
CPB12		[redacted] *Ferno main fastener*	$0

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[redacted]

ACTION AREA CONTROL PANEL 28

		Description	Total price
		• **Action area console (ECC)**	
CRA11	STD	1 Switches with LED backlit pictogram	
CRA12		[redacted] *6.5" color touch screen console*	$0
		○ Rear speaker volume control	
		○ Temperature control with automatic setting	
		○ Power inverter control panel (with power inverter option only)	
CRB11		1 **Auxiliary control console on curb side for squad bench**	
		○ Switches with LED backlit pictogram	$635
		○ Lighting	
		○ Exhaust fan	
		○ Temperature control	
		○ Intercode	
		• **Auxiliary control console on curb side for mobility seat**	
CRB11		[redacted] Switches with LED backlit pictogram	
		○ Lighting	
		○ Exhaust fan	
		○ Temperature control	
		○ Intercode	
CRB12		[redacted] *6.5" color touch screen console*	$0
		○ Lighting	
		○ Exhaust fan	
		○ Temperature control	
		○ Intercode	

OXYGEN SYSTEM 29

		Description	Total price
		• **Main oxygen tank storage**	
OXA11	STD	[redacted] Universal vertical holder for main oxygen cylinder type "K" or "M" on street side S1 exterior compartment	
OXA12		1 *Hydraulic holder for vertical oxygen cylinder type "K" or "M" on street side S1 exterior compartment*	$3,170
OXA13		[redacted] *Dual universal vertical holder for main oxygen cylinder type "K" or "M" on street side S1 exterior compartm*	$0
		• **Main oxygen control**	
OXB11		[redacted] *Manual oxygen regulator (50PSI)*	$0
OXB12		1 *Manual oxygen regulator with pressure sensor and digital read-out*	$995
OXB13		1 *Electronic control valve with manual by-pass*	$460
		• **Oxygen outlets**	
OXC11	STD	1 *Quick connect style oxygen outlet*	
OXC12		[redacted] *DISS style oxygen outlet*	
OXE14		○ Four (4) oxygen outlets	
		○ Two (2) in left wall, ECC	
		○ One (1) right wall	
OXD11		1 *Flow meter (0-15LPM)*	$125
		○ One (1) oxygen outlet on ceiling	
OXD12		1 *Ceiling flow meter (0-25LPM)*	$160
		• **Portable oxygen tank storage**	
OXF11		[redacted] *"D" Portable oxygen cylinder storage (2) located in side entry door*	$0
OXF12		[redacted] *"E" Portable oxygen cylinder storage (2) located in side entry door*	$0

SUCTION SYSTEM 31

		Description	Total price
SUD11		• **Main suction pump and canister**	
SUA11	STD	○ Thomas suction pump	
SUB11	STD	○ Vacuum outlet	
SUC11	STD	○ Vacuum regulator with disposable canister (Rico RS-4X)	

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SUD12	**Auxiliary suction pump and canister with mobility package** ○ Thomas suction pump ○ Vacuum outlet ○ Vacuum regulator with disposable canister (Rico RS-4X)	$0

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ELECTRICAL SYSTEM 32

		Description	Total price
		• Dual alternators with 357-amp rating	
SEC11		• Demers Electronic Management System (DEMS) - Multiplex system	
		• Integreted AutoBoost system	
		• Electric door lock on all module doors	
		• Two (2) electric door lock/unlock switches located on side/rear right door	
		• **Batteries (4) :**	
		○ Two (2) OEM	
SEA13		○ Two (2) conversion batteries	
SEA14		• **Four (4) 12V DC electrical outlets**	
		○ Two (2) in ECC	
		○ One (1) in upper medical cabinet compartment	
		○ One (1) in front ALS cabinet	
		○ *One (1) additional outlet on curb side with mobility package*	
SEB15		• **Three (3) 120V AC hospital grade electrical outlets with indicator**	
		○ One (1) GFCI in ECC	
		○ One (1) in upper medical cabinet compartment	
		○ One (1) in front ALS cabinet	
		○ *One (1) additional outlet on curb side with mobility package*	
		• **Shoreline :**	
SEB13	STD	1 Yellow 15 amps Kusmaull Super Auto Eject with indicator	
SEB14		*Yellow 20 amps Kusmaull Super Auto Eject with indicator*	$0
		• **Inverter**	
SEB11		1 *Power inverter (Xantrex Freedom HW 1000)*	$1,020

COMMUNICATION SYSTEM 33

		Description	Total price
SCB11	STD	○ Data recorder available signals through universal connector in electrical compartment *Ignition, left and right flasher, hood sw, rpm, vss, maintenance indicator, speed indicator, module doors signal, passenger and driver door signal, siren output, siren speakers, primary and secondary emergency lights, brake.*	
SCA14		*Radio communication compartment with universal board, blade type fuse panels and harness to power the radio communication devices (12V battery feed, ground, ignition).*	$285
SCA11		5 *Antenna coaxial cables (2) pre-wiring (routed from front cab to radiocommunication compartment)*	$200

CLIMATE CONTROL SYSTEM (HVAC) 34

		Description	Total price
CVA11	STD	○ Separate heater unit with invisible outlets	
CVB11	STD	○ Ducted air conditioning unit	
CVC13	STD	○ Exhaust fan for contaminated air (2)	

INTERIOR LIGHTING 35

		Description	Total price
PLA11	STD	○ Eight (8) LED dome lights with four intensity settings	

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GRAB HANDLES AND GRAB RAILS (36)

		Description	Total price
BSD11	STD	[1] Chrome grab bar package	
BSD12		[ ] Yellow grab bar package	$0
BSB11		○ Two (2) entry grab bar, 12"	
BSC11		○ Two (2) rear door mounted grab bar, 16" x 16"	
BSC12		○ One (1) curb side door mounted grab bar, 12"	
BSA11		○ Two (2) ceiling mounted grab rail, 90"	

FINISH AND TRIM (37)

		Description	Total price
		○ Floor : Slip resistant, covering material; .098 in. (2.5mm) thickness rolled-up 3 in. (75mm)	
		• Lon seal	
FTA11	STD	[ ] Lon seal, Lon plate II, Gun metal	
FTA12		[ ] *Lon seal, Lon plate II, Mica*	$0
FTA13		[1] *Lon seal, Lon coin II Flecks, Onyx*	$110
FTA14		[ ] *Lon seal, Lon coin II Flecks, Moonstone*	$0
		• Altro	
FTA15		[ ] *Altro, Designer, Midnight*	$0
FTB11		○ Ceiling : Light grey	
		○ Walls : Light grey	
		○ Furnitures: Light grey	
FTC11		○ Upholstery: Cobalt Blue	
		Sun Yellow (Entrance head protectors)	
		○ Lower section: Dark grey	

FONCTIONNALITIES (38)

		Description	Total price
		• **Ceiling accessories**	
FCA13	STD	○ Four (4) recessed/flexible IV hooks in ceiling	
FCA11	STD	○ Two (2) recessed radio speakers	
		• **Upper front accessories**	
FCB11		[ ] *Driver intention lights over the front partition*	$0
		• **Upper curb side accessories**	
FCC12		[ ] *Glove box (5) compartment*	$0
FCC13		[1] *Storage cabinet with LED strip lighting*	$670
FCC17		[ ] *Half storage cabinet with LED strip lighting and glove box (3) compartment*	$0
		• **Curb side accessories**	
FCC11		[ ] *Sharp container enclosed in backboard compartment*	$0
		• **Street side accessories**	
FCD11		[1] *Glove box (4) compartment*	$240
FCD12		[1] *Solid surface on medical cabinet counter top*	$685
		• **Rear accessories**	
FCE11	STD	○ Digital clock over the rear door	
FCE12	STD	○ Driver intention lights over the rear door	
FCE13	STD	○ Rear step indicator over the rear door	

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SPECIAL CONFIGURATION

Long lead-time option (for administrative use only)

- **Stryker power load system with floor plate**
- **LiquidSpring suspension**

DCB11	1	*Custom striping and identifications (Description needed below)* See last unit F16P-1252	*Price on request*	$3,100
		(Urethane paint quoted unless otherwise stipulated; METALLIC paint will require an upcharge to our standard quote.) *Custom paint (Description needed below)* See last unit F16P-1252 Red Pierce # 80 (PPG3464) Black Pierce # 101 (PPG9000)	*Price on Request*	$7,655
	1	*CUSTOM CURB SIDE WALL WITH 2 SEAT WITH 6 POINT BELTS*	*Price on request*	$3,625
	1	*Custom Stretcher (Description needed below)* *STRYKER COT CONVERSION KIT AND INSTALLATION WITH PICKUP AND DELIVERY*	*Price on Request*	$4,800

COMMENTS OR SPECIAL NOTES

	Custom Option #	Description	Total price
1	1	*110/12 volt A/C combo unit with auto eject*	$4,850.00
2	1	*A/C condenser on front of body 60000 BTU*	$3,200.00
3	1	*Whelen 4500+ 90" flush mounted LED light bar, 6 Red 5 White*	$4,050.00
4	1	*S2 as deep as possible (delete drawer under action area and move inverter and pump to front of O/2 compartment*	$450.00
5	1	*2 under body lights on each side to come on with any door open perimeter ground lighting TechNiq E 100 6.5" LED floodlight*	$1,375.00
6	1	*Whelen 500 on inside of cab doors come on with door open, Whelen OS*	$275.00
7	1	*Install* ***customer supplid Knox box*** *in the 45degree cabinet(see drawing)*	$350.00
8	1	*Whelen traffic advisor TAM 65 36"*	$720.00
9	1	*45 Degree cabinet over counter at head of squad bench*	$1,450.00
	1	*Add cabinet to head of squad bench with kick out sharps and drawer facing cot. Delete drawers facing squad bench.*	$3,950.00
10	1	*Upholstery is to be Black in module (see F16P-1252)*	$0.00
11	1	*Duel Buell air horns in front bumper with actuation foot switch on each side mount compressor under body*	$2,350.00

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12	3	*(3) In total 10x10# plates same color as ambulance (the aluminium plate are slotted to permit the insertion of the number plate) see pictures of F16P-1252)*	$150.00
13	1	*2 Vulcan handlights 44451 w/chargers E504025 (1 in cab and 1 in S2 compartment)*	$675.00
14	1	*Add 1 SCBA bracket (Zico # ULLH-EZO-ES) Total of 3*	$175.00
15	1	*Two 20 amp super auto ejects 1 for A/C and 1 for shoreline*	$680.00

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SPECIAL CONFIGURATION

COMMENTS OR SPECIAL NOTES (CONTINUED)

	Custom Option #	Description	Total price
16	1	*Delete drawer and add custom cabinet head of bench*	$1,800.00
17	1	*Reinforce shelves in ALS cabinet*	$250.00
18	1	*Wheels are to be standard Ford aluminum*	$3,600.00
19	1	*Inverter to be constant hot*	$0.00
20	1	*CPR seat with 1 position only with a counter on the aft position no inside access for the S3 cabinet (no inside access due to full height S3).*	$0.00
	1	*S3 Full height;*	$0.00
21	1	*Ship arm rest loose for deluxe console - clarification, yes customer still wants the arm rests shipped loose even though the deluxe console replaces the arm rests.*	$0.00
22	1	*Sharps container (see F16P-1252)*	$125.00
23	1	*Wig-Wag lights off in park and on primary*	$0.00
24	1	*CPR seat with 1 position only with a counter on the aft position no inside access for the S3 cabinet - option selected (See Drawings) with 6 pts safety belt (pricing for 6-points)*	$420.00
25	1	*110 A/C to come on as soon as plug in*	$0.00
26	1	*Move charger/ inverter panal to bulk head compartment*	$350.00
27	1	*Add roll out tool tray in S2 compartment (see Drawings)*	$1,500.00
28	1	*Inside/outside right rear C3 (see drawings)*	$850.00
29	1	*Add divider and shelf in S1 compartment*	$275.00
30	1	*S2 Stair chair in comparment door*	$195.00
31	1	*C3 still need pocket in door for auto pulse storage in front of compartment.*	$500.00
32	1	*Hinge vent over bulk head*	$400.00
33	1	*Add cabinet in walk thur with hinge doors*	$650.00
34	1	*Move vacuum canister to rear of counter*	$0.00
35	1	*Screaming Eagle siren thru Ford OEM front bumper passenger side with ali-Arc selected*	$2,775.00
35	1	~~**Fire Com with 3 head sets**~~	$3,650.00

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KKK-A-1822-F EXCEPTION

Exception of KKK-A-1822-F Change Notice 8 par. 3.11.6 SAE J3027 Ambulance Litter Integrety, Retention and Patient Restraints

Initials

Exception taken? Yes I have read and understand the policy of my State on the KKK-F notice 8 requirement and release Demers from having to build my ambulance to these specific 3.11.6 SAE J3027 requirements. I also know and understand that taking exception will not preclude the operation of the ambulance in the State.

1 **Exception taken? No** I have read and understand the policy of my State on the KKK-F notice 8 requirement and require my ambulance to include testing required to meet KKK-F notice 8 3.11.6 SAE J3027. A Stryker Powerload or Ferno Stat Track must be o See cot section or Special notes for pricing details.

Exception of KKK-A-1822-F Change Notice 8 par. 3.11.4, 3.11.4.1 SAE J3026 Ambulance patient Compartment Seating Integrity

Initials

Exception taken? Yes I have read and understand the policy of my State on the KKK-F notice 8 requirement and release Demers from having to build my ambulance to these specific 3.11.6 SAE J3026 requirements. I also know and understand that taking exception will not preclude the operation of the ambulance in the State.

1 **Exception taken? No** I have read and understand the policy of my State on the KKK-F notice 8 requirement and require my ambulance to include testing required to meet KKK-F notice 8 3.11.4, 3.11.4.1 SAE J3026.

BASE PRICE & STANDARD	$192,742.00
OPTIONS	$29,935.00
CUSTOM ITEMS	$61,220.00
ESTIMATE FREIGHT (to be re-evaluated at time of shipping)	
DOCUMENT PROCESSING FEE	
SUBTOTAL	$283,897.00
Ford FIN Discount (QB522 Active)	**-$3,800.00**
NOTRADE-IN DISCOUNT	**-$3,500.00**
TOTAL:	**$276,597.00**

Payment Terms:
FOB

Total Cost
$276,597.00

Tag And Title included

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 64-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the Selection Committee Recommendation for RFP 2018-16 IT Consulting Services to Three Proposers; Presido Networked Solutions LLC, Sentinel Technologies Inc. and Saalex Corporation, and Authorizing the Town Manager to Execute the Agreements on Behalf of the Town with the Top Three Ranked Firms; and Approve Annual Budget Of $107,000 For Fiscal Year 2018 And A Five Year Proposed Requirement of $535,000 With The Three Proposers, Subject to Annual Town Council Review And Authorization.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated April 18, 2018, from Jay Boodheshwar, Deputy Town Manager**
- **Resolution No. 64-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Jay Boodheshwar, Deputy Town Manager
Charles Kapachinski, IT Manager

RE: Approval of Selection Committee Recommendation for 2018-16, IT Consulting Services to Three Top Ranked Firms; Presido Networked Solutions LLC, Sentinel Technologies Inc., and Saalex Corporation and approve annual budget of $107,000 for IT Consulting, and a five year proposed requirement of $535,000 with the three proposers subject to annual Town Council review and authorization.
Resolution No. 64-2018

DATE: April 18, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 64-2018 for approval of Selection Committee recommendation of the three highest ranked firms for IT Consulting to Presido Networked Solutions LLC, Sentinel Technologies Inc., and Saalex Corporation and to allow the Town Manager to execute agreements to each firm. Town staff also recommends approval of budget expenditures to the three firms in a not-to-exceed $107,000 annually and a five year requirement of $535,000 subject to annual Town Council review and authorization.

GENERAL INFORMATION

The Town had previously utilized the State of Florida Contract to secure IT Consulting Services. The State of Florida has not renewed any contracts for IT Consulting Services and counties and local municipalities have had to issue their own solicitations and awards.

The Town issued RFP 2018-16 and received ten proposals. The Selection Committee has recommended the top three ranked firms to complete IT Consulting Services for the Town.

Consulting services have been used to staff unfilled positions as well as provide services for skill and experience gaps. While all IT positions have been filled within the past 9 months, there are ongoing network related activities and projects that require advanced level skills through staff augmentation. Currently, the IT Department utilizes consultants to maintain, support and secure e-mail services in addition to assistance with network design, programming, securing and troubleshooting the extensive town-wide data and voice network.

FUNDING/FISCAL IMPACT

The funding for the IT Consulting for FY 2018 is $107,000 under account 001-15-125-513-30-34-10.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager

RESOLUTION NO. 64- 2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SELECTION COMMITTEE RECOMMENDATION FOR RFP 2018-16 IT CONSULTING SERVICES TO THREE PROPOSERS; PRESIDO NETWORKED SOLUTIONS LLC, SENTINEL TECHNOLOGIES INC. AND SAALEX CORPORATION, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENTS ON BEHALF OF THE TOWN WITH THE TOP THREE RANKED FIRMS. AND APPROVE ANNUAL BUDGET OF $107,000 FOR FISCAL YEAR 2018 AND A FIVE YEAR PROPOSED REQUIREMENT OF $535,000 WITH THE THREE PROPOSERS, SUBJECT TO ANNUAL TOWN COUNCIL REVIEW AND AUTHORIZATION.

WHEREAS, the Town issued RFP 2018-16 for IT Consulting Services; and

WHEREAS, the Town received ten proposals to provide IT Consulting Services of which were ranked by the Selection Committee to the three topped ranked firms;

WHEREAS, proposals from Presido Networked Solutions, LLC., Sentinel Technologies, Inc., and Saalex Corportation best met the requirements for the Town infrastructure requirements.

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 hereby approves the Selection Committee recommendation for RFP 2018-16, IT Consulting Services to three proposers; Presido Networked Solutions LLC, Sentinel Technologies Inc., and Sallex Corporation as outlined in the proposals to assist Town IT with infrastructure.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate these agreements.

Section 4. Agreements with the three firms shall not encumber funds exceeding Town Council budget approval for account 001-15-125-513-30-34-10, and a five year proposed requirement of $535,000 subject to annual Town Council review and authorization.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez
Town Clerk

_____
Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 66-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida adopting the Master Plan of the Town of Palm Beach Docks and Accessory Structures; and providing an effective date.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- **Memorandum Dated April 25, 2018 from Beth Zickar, Director of Recreation**
- **Resolution 66-2018 Master Plan for the Town of Palm Beach Docks and Accessory Structures**
- **Master Plan for the Town of Palm Beach Docks and Accessory Structures**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Resolution No 66-2018 – Adoption of the Master Plan for the Town Docks and Accessory Structures

Date: April 25, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council formally adopt the final Master Plan for the Town Docks and Accessory Structures and direct staff to take the necessary actions to move the project forward.

GENERAL INFORMATION

The Town Council provided direction to staff, at the January 10, 2017 meeting, to move forward with the issuance of a Request For Proposal (RFP) for the hiring of a consultant to prepare a master plan for the replacement of the Town Docks. The Selection Committee ranked the firm W.F. Baird & Associates Ltd. as the highest based on their submittal and the subsequent presentation, in response to the RFP. At the September 19, 2017 Town Council meeting the contract was awarded. An initial planning meeting with the team from W.F. Baird & Associates and Town staff was conducted on November 3, 2017. The Town's core project team included Beth Zickar, Director of Recreation, Mike Horn, Dockmaster, Patricia Strayer, Town Engineer and Jay Boodheshwar, Deputy Town Manager.

A series of outreach meetings were conducted, in an effort to gather public input for the development of the Master Plan. These sessions included discussions with the following:

- Mayor and Town Council
- Royal Park Homeowner's Association Focus Group
- Dock Patron Focus Group
- Recreation Advisory Commission presentation and Public Meeting

The feedback received from these meetings is contained within Appendix A of the draft Master Plan document.

An opinion survey was circulated to dock patrons to solicit their feedback and obtain suggestions on a variety of aspects of the Town Docks.

The Master Plan includes an examination of the existing conditions, a discussion regarding the basis of design, dock layout alternatives, recommendations for utility service and amenities, interior parking lot improvement options, dock infrastructure proposals, potential construction sequencing and timeline, future rate and revenue potential, grant assistance opportunities and anticipated operating and construction costs. Three dock configurations are presented for consideration. Each alternative provides a summary of the slip mix, projected revenue and anticipated construction costs.

Gordon Thomson, from W.F. Baird & Associates Ltd. presented the draft of the Town Docks Master Plan at a Special Recreation Advisory Commission (RAC) meeting on April 4, 2018 and to the Town Council on April 10, 2018. Both the RAC and the Town Council voted to support alternative 3. In addition, Town Council directed staff to move forward with project development.

FUNDING/FISCAL IMPACT

The Master Plan provides an analysis of potential revenue and construction costs for each of the alternatives presented. In addition, considerations for future operational costs are outlined. The opinion of probable construction costs recommends the staging of this process to facilitate cash flow and grant funding potential. The opinion of construction costs included with the report provides preliminary estimates for the various improvement options and recommendations suggested. Further evaluation, planning and design are required to identify more definitive cost estimates.

TOWN ATTORNY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Patricia Strayer, Town Engineer
Mike Horn, Dockmaster

RESOLUTION NO. 66-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE MASTER PLAN OF THE TOWN OF PALM BEACH DOCKS AND ACCESSORY STRUCTURES; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, on September 19, 2017 the Town of Palm Beach adopted Resolution 162-2017 approving the execution of an agreement with W.F. Baird & Associates Ltd. to complete a Master Plan for the Town Docks and Accessory Structures; and

WHEREAS, W.F. Baird & Associated Ltd. conducted outreach through public meetings, focus groups and opinion surveys with the Recreation Advisory Commission, Town residents, Dock patrons and the Mayor and Town Council in order to solicit input regarding the wants and needs of the community concerning the Town Docks; and

WHEREAS, a draft version of the Master Plan was presented to the Recreation Advisory Commission and the Town Council for review and additional input, resulting in the final Master Plan document attached hereto.

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

Section 1. The above referenced recitals are hereby confirmed and made part of this resolution by reference.

Section 2. The Master Plan for the Town Docks and Accessory Structures document attached as Exhibit "A" is adopted as a guide in the directing the future development of the Town Docks.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate this master plan.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of May 2018.

_____	_____
Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	_____
	Margaret A. Zeidman, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Lewis S.W. Crampton, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

Town of Palm Beach

Master Plan for the Town Docks and Accessory Structures

Baird.

Executive Summary

The Town Docks present the first impression of the Town of Palm Beach when crossing Royal Park Bridge. The beauty and serenity of the vessels moored at the docks provide an instant ambiance that reflect the elegance and sophistication of the Town of Palm Beach.

However, the Docks are starting to show their age and need rehabilitation and upgrading. Thus, the Town undertook this Master Plan to develop a vision for the Town Docks and determine a course of action.

The first step was to solicit feedback from the Mayor, Town Council, upland property owners, dock patrons, Town residents, and Town staff. There was general agreement that the docks need to be updated, but that a mixture of vessels should be maintained and the general feel of the docks should remain the same. A preference was also expressed for floating docks.

A market demand and rate analysis was also performed. This showed that the demand for dock space in southeast Florida is rising and that alternatives could be based on the vision for the Town Docks. It was also determined that rates at an updated Town Dock facility could be raised to market rates, especially given the stature of the Town of Palm Beach. The Town Docks' competitive advantage is its location with the implicit elegance and security of being located in the Town of Palm Beach.

Three alternatives are presented in the Master Plan ranging from minor expansion of the current layout to the addition of an additional dock north of the current Brazilian Dock, and multiple larger slips. The potential revenue generation, length, and construction cost of each alternative is summarized below.

Table 1.1: Summary of Predicted Revenue and Construction Cost

	Alternative 1	Alternative 2	Alternative 3
Annual Revenue	$13.5M	$16.3M	$16.4M
Cost	$26.3M	$30.7M	$31.8M
Dock Length	8,923 ft	10,673 ft	10,076 ft

In addition to the installation of a new dockage system, the cost includes dredging the mooring basin, a new bulkhead, renovating the three buildings, and addressing parking by adding 19 additional parking spaces with no loss of green space.

It is anticipated that construction could begin in April 2020. It may require two summer seasons to complete the work, though other construction timing opportunities are available.

The Recreation Advisory Commission voted to recommend Alternative 3 and the Town Council voted to support Alternative 3. Town Council directed staff to move forward with project development.

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1. Introduction

The Town Docks should reflect the elegance and sophistication of the Town of Palm Beach.

The Town Docks present the first impression of the Town of Palm Beach when crossing Royal Park Bridge. The beauty and serenity of the vessels moored at the docks provide an instant ambiance that reflect the elegance and sophistication of the Town of Palm Beach. The Town Docks are also the only public marina on the island of Palm Beach. It is essential that the Town Docks be a world-class facility keeping with the stature of the Town.

First constructed in the 1940s, the docks have been expanded and updated, but the last major renovations were conducted between 1993 and 1998. The Town recognized that an upgrade to the Town Docks was necessary. Thus, this Master Plan effort was undertaken to develop a vision for the Town Docks.

It was critical through the Master Plan development process to understand and integrate the opinions of a multitude of individuals. While any changes will obviously impact dock patrons, the Town stressed that the effect of any modifications to residents along South Lake Drive, and other Town residents that enjoy Lake Drive Park, must also be considered. Thus, public outreach has been a major component of the planning effort.

The Town Docks also provide an important source of revenue for the Town. Thus, the Master Plan also includes an estimate of upgrade costs and potential revenue generation. A market analysis was performed to determine demand for various slip sizes, including recommendations on the amenities to ensure that the Town Docks are a state-of-the-art facility but with fair market rates.

Multiple dock layouts were developed based on the market analysis and considering feedback from the public to maintain a range of vessels at the Town Docks.

Figure 1.1: View north to the Town Docks

2. Outreach and Public Input

Outreach and inclusion of public input was a critical element of the Town Dock's Master Plan.

A key effort in the development of the Master Plan was outreach to Town residents and dock patrons. The following meetings were held:

- Mayor and Town Council members
- Focus group with Royal Park Home Owners Association (21 attendees)
- Focus group with Dock Patrons (24 attendees)
- Public meeting and presentation at the Recreation Advisory Commission

An opinion survey was also circulated to the dock patrons to solicit their suggestions and obtain feedback on various aspects of the Town Docks (31 responses).

There were several common themes throughout these meetings, which are summarized here. A compendium of the comments recorded during the open meetings are presented in Appendix A.

The docks are dated and need upgrading.

There was unanimous agreement in all comments that the docks are dated, showing their age, and need to be rehabilitated.

These are the TOWN DOCKS. Keep the same feel.

This thread was reflected in a variety of statements all echoing that they wanted to retain the unique character of the Town Docks. Some indicated that the docks should not be expanded, that a mixture of vessels sizes should be maintained, and that footprints of the existing buildings not be expanded. The public also voiced opposition to a convenience store to sell supplies.

Opinions on the size and mixture of vessels varied.

Parallel with maintaining the feel of the docks was significant and varied feedback on the maximum size and number of vessels that the Town Docks should serve. The dock patrons were some of the most ardent supporters of having a mixture of slips.

The Docks should serve Town Residents.

Many commenters suggested that the Town Docks should provide a service to Town residents. This is the one public marina in the Town of Palm Beach and should serve Town residents.

Parking is insufficient.

It was made clear that parking solutions should be considered but not at the detriment of the existing green space. Revising the parking along South Lake Drive per the "Bonci" report was also raised.

Floating docks are preferable over fixed docks.

There was almost unanimous agreement that floating docks are preferable compared to fixed docks. This is a safety issue as well as for ease of docking and protection of the boats. The preference is to have piles within the deck structure rather than adjacent to the deck.

Consider a kayak launch.

Several residents expressed hope that a kayak launch could be included in the plan, because the Town Docks were one of the few public access points to the Lake Worth Lagoon.

Don't reduce the green space.

Numerous upland residents expressed concern about reducing the green space within Lake Drive Park. There was concern that the green space would be reduced to expand parking for the Town Docks.

Figure 2.1: View of Lake Drive Park

3. Existing Conditions

3.1 Docks and Bathymetry

The Town Docks consist of three piers: Brazilian, Australian, and the Peruvian Dock (listed north to south and named after the adjacent east/west roads, see Figure 3.1). The deck is aluminum and rests on a concrete cap supported by concrete piles. Thus, the deck does not rise and fall with the tide. They were last rehabilitated between 1993 and 1998.

Table 3.1: Existing Slip Mix

Slip Size (ft)	Brazilian Dock	Australian Dock	Peruvian Dock	Total
50	9	2	3	14
60	6		9	15
80	14	2		16
100		8		8
110		8	9	17
120		5		5
130		5		5
Total	29	30	21	80
MST	172 ft	262 ft	172 ft	606 ft
Length	2,040 ft	3,452 ft	1,813 ft	7,305 ft

Marginal side tie (MST) is a section of dock that can moor vessels but is not intended to service a particular length of vessel. Typically, longer than an individual slip, multiple vessels of various sizes can moor along MST, giving the marina added flexibility in mooring arrangements. MST at the existing docks is located at the western end of each dock.

The controlling depth in the Intracoastal Waterway (ICW) is stated as 12 feet (relative to mean lower low water (MLLW)), though in the vicinity of the Town Docks, it is as deep as 23 feet. The water depth at the docks varies from approximately 4.5 feet to 20 feet, though the majority of the area is 8.5 feet deep. The southern slips at the Peruvian Dock are shallower at approximately 7.5 feet. There is shoaling directly underneath each of the dock structures.

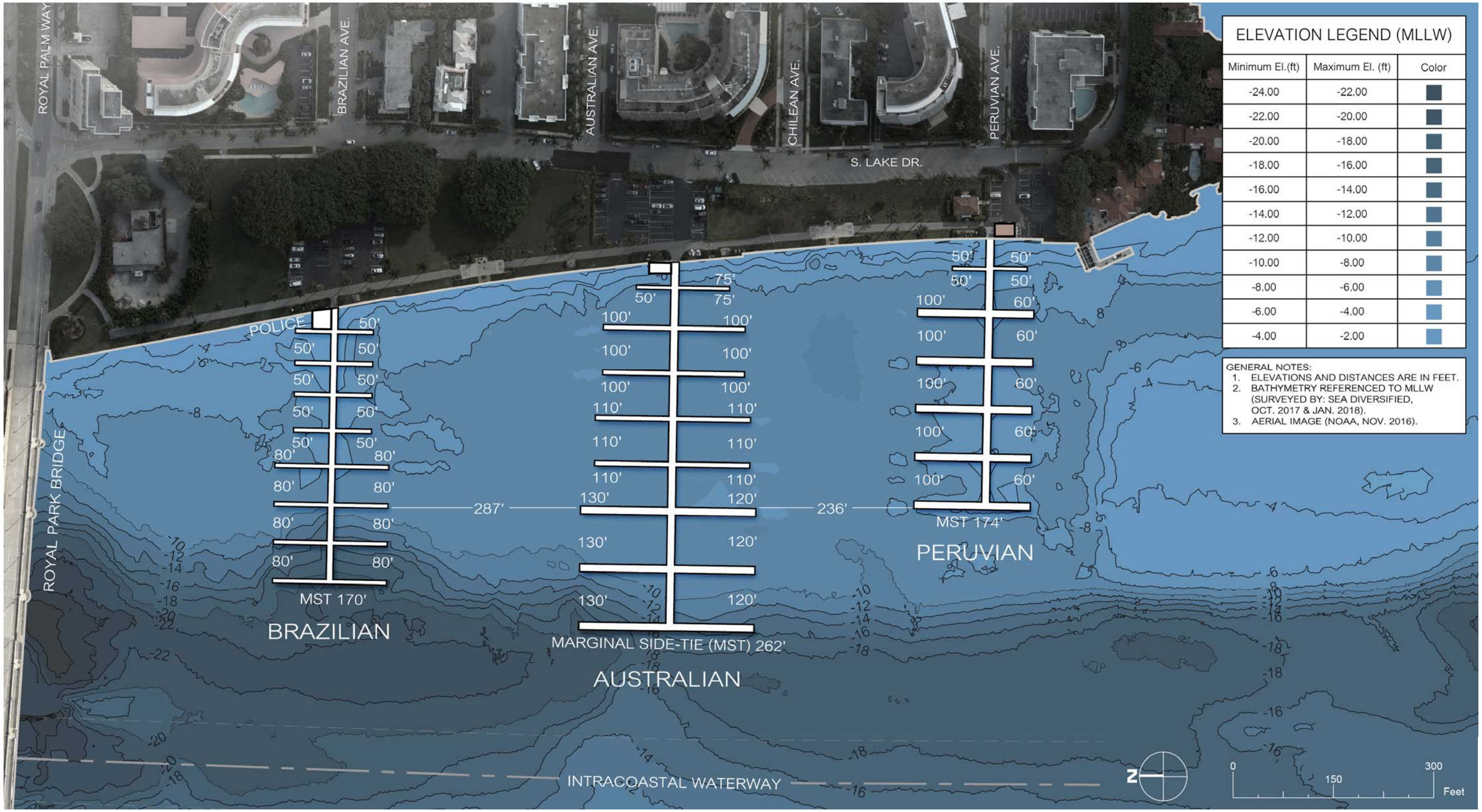

Figure 3.1: Existing Conditions of Dock Layout and Bathymetry

3.2 Tides and Water Levels

The mean tidal range at the Town Dock is 2.6 feet (MLW to MHW) as shown in Table 3.2. Given that most navigation charts typically refer to MLLW when discussing depths, all elevations are referenced to MLLW.

Mean tidal range = 2.6 feet

Table 3.2: Tidal Elevations

Description	Elevation (feet, MLLW)
Dock Elevation	5.5
Mean Higher High Water	2.91
Mean High Water	2.72
NAVD '88	2.41
Mean Tide Level	1.44
Mean Low Water	0.15
Mean Lower Low Water	0.00

The data in Table 3.2 is based on NOAA tide station 8722621, which used to be located at the Town Docks.

NOAA (2018) published a sea level rise rate of 0.0121 feet/year (3.68 mm/year) for the Lake Worth Pier based on a linear trend and using measurements dating back to 1970. Assuming a 50-year project life (construction by 2020) and a continuation of this linear trend, then a lower end of the expected sea level rise is 0.6 feet. NOAA provides a wide range for low (0.98 feet), intermediate (2.23 feet), and high (4.40 feet) sea level rise by 2070. The Southeast Florida Compact (2015) suggested using USACE's high sea level rise estimate, which would suggest that sea level will rise 1.71 feet by 2060.

3.3 Tidal Currents

Currents through the Town Docks were observed and estimated but not measured. The USACE (2014) measured currents as part of a Lake Worth Lagoon modeling effort and estimated peak spring flood tides of just over 1 knot. Considering the difference in cross-section, peak currents at the Town Docks are estimated to peak at 2 knots. Previous studies at Currie Park suggest stronger flood currents (southward directed) than ebb currents (northward directed) with peak speeds of 1.3 knots. The tidal currents suggest that vessels be aligned in a north-south direction to minimize vessel exposure to the currents.

3.4 Storm Surge

Storm surge is an increase in water level due to storm induced winds and atmospheric pressure change. NOAA (2016) developed an analysis of storm surge throughout south Florida using the SLOSH model, including within the Lake Worth Lagoon. Storm stage at a mean tide level in the immediate vicinity of the Town Docks was extracted from this data set and is presented in Table 3.3.

Table 3.3: Storm Stage at Town Docks based on SLOSH Modeling

Storm	Storm Stage (ft, MLLW)
Tropical Storm	3.6
Category 1	3.9
Category 2	4.8
Category 3	5.5
Category 4	6.7
Category 5	8.0

3.5 Wind

Hurricane force wind speeds, water level, and expected vessel size are used to develop design criteria for the dock elements. However, average wind conditions are also important elements for determining potential wave conditions.

The wind rose in Figure 3.2 shows that winds mainly arrive from the east to southeast, and this is also the direction of the strongest winds. Tropical storm force winds are infrequent enough that they don't register as a percentage and should be considered separately.

The Town Docks recommend that dock patrons relocate their vessels if there is an imminent threat of a hurricane.

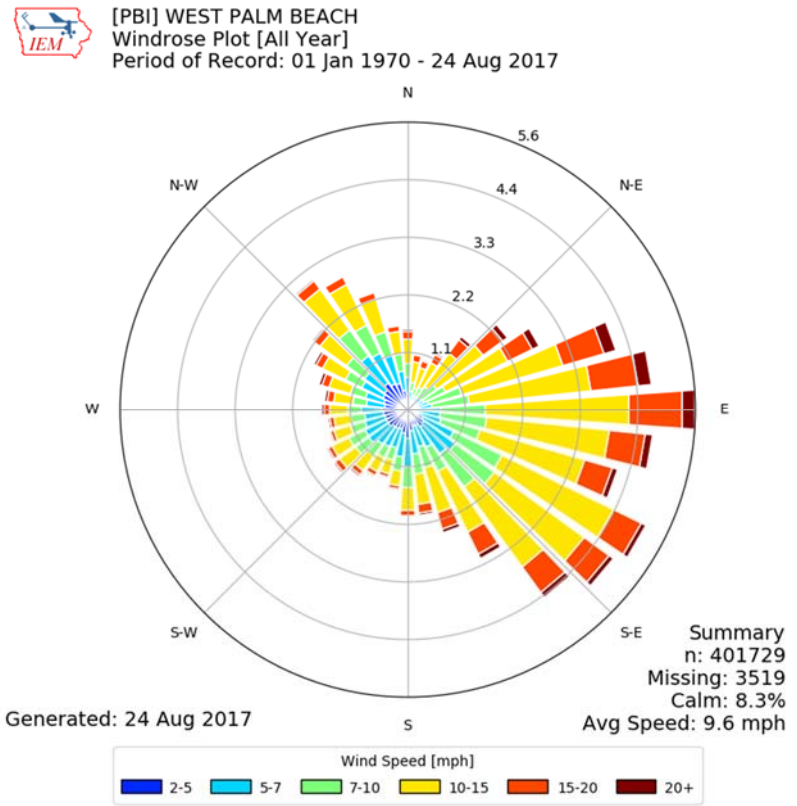

Figure 3.2: Wind Rose for West Palm Beach Airport (ISU, 2017)

3.6 Waves

Waves impacting the project site are created either by wind or boat wakes.

As shown in Section 3.5, winds are predominantly from the east to southeast and thus don't affect the Town Docks. However, approximately 3% of the time, the wind direction is either directly north or south, which has the potential to generate one-foot waves during 20 mph winds. Typically, wind direction and wind strength don't combine to generate waves greater than 0.5 feet at the Town Docks.

Dock patrons more often complain about boat wakes rocking vessels in the marina. The boat wakes are created by vessels traveling north from the Southern Blvd Bridge and trying to arrive at the Royal Park Bridge while it's open. While the Town Docks are located within a "minimum wake zone" Figure 3.3 (Palm Beach County, 2018), the boundary is located only 700 feet from the southeast corner of the docks. Thus, the boat wake can still propagate into the marina, even if the vessels elects to comply with the wake restriction, and vessels can often create boat wakes greater than one foot within the marina. The Dockmaster notifies passing vessels of their infraction when possible.

3.7 Sediment and Substrate

A sediment analysis was not performed during the development of the Master Plan. However, the bulkhead inspection video footage showed a sand substrate along the entire length of the bulkhead, and probing suggested a sandy substrate within the marina.

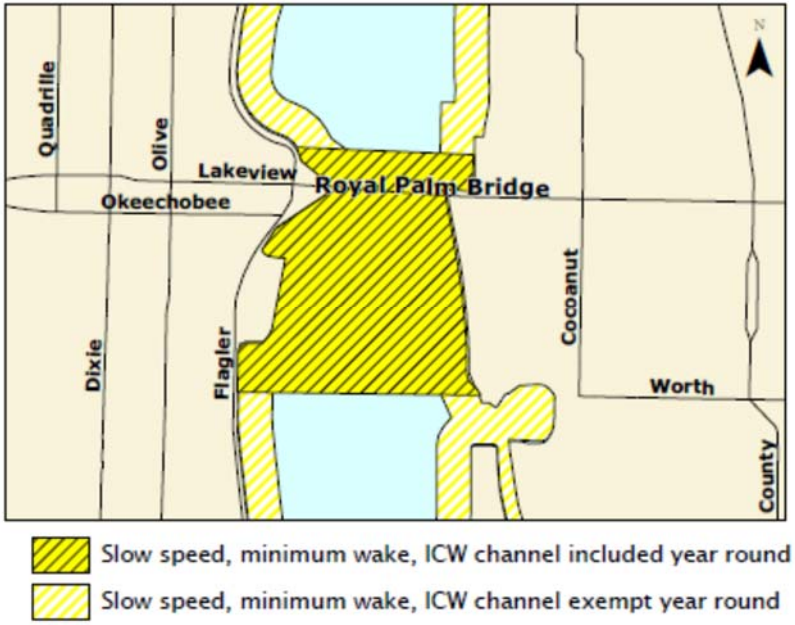

Figure 3.3: Wake Restrictions in vicinity of Town Docks

Palm Beach County (2008) showed that over 78% of Lake Worth Lagoon had a sandy substrate. The Lagoon suffers from localized areas of muck, mostly related to runoff, but the Town Docks are not located close to the larger canals responsible for this runoff.

There is a rock ledge south of the Peruvian Docks, but the extent or depth of rock within the Dock basin is unknown. This will need to be investigated prior to any proposed dredging. The sediment transport rate in this area is also not known. These and other environmental factors, such as potential contamination, will have to be evaluated as part of the final design, engineering and the regulatory process.

4. Basis of Design

This section discusses various elements that affect the development of various alternatives. This includes the market demand for number, size, and type of vessels, type of docks, the required draft and sizing of the docks to facilitate dock use, and end service amenities.

4.1 Market Demand

In 2017, 93% of the Town Dock patrons purchased an annual lease. Thus, if a proposed alternative maintains the present mixture of vessels and a similar rate structure, then similar utilization rates can be expected.

Mooring space demand in southeast Florida is outstripping capacity.

This Master Plan is considering upgrading services and amenities, and expanding the docks. Therefore, a market analysis was performed to determine whether changes to the docks in terms of number of slips, slip mixture, and/or rate structure would positively or negatively affect utilization and revenue. It was determined that there is a demand for a variety of vessels, including larger vessels, and that demand for mooring space is outstripping capacity in southeast Florida. Furthermore, even the largest possible increase in Town Dock space could be rented at market rates. Thus, alternatives should be based on the vision for the Town Docks without concern for whether there is sufficient demand.

4.2 Floating vs Fixed Docks

There was strong preference by dock patrons (81%) for floating docks over fixed docks. This is the trend within the marina industry, and floating docks are recommended for the Town Docks.

It is recommended to install floating docks.

Floating docks provide the following advantages over fixed docks:

- Easier boarding of vessels across a range of tidal conditions, e.g. constant freeboard.
- Easier mooring as slack line is not needed to account for tides.
- Reduces risk of damage to the vessel, because the vessel and dockage system move up and down with the tide in the same relationship and rate.
- Minimizes risk of submerging power cables and pedestals during storm surges.
- Provides better wave attenuation.

Floating docks are recommended as they provide improved safety, easier embarking/disembarking, and a better patron experience.

4.3 Telescoping vs Protruding Piles

Piles are used to hold the floating docks in place. Most docks have piles that protrude through the deck, and the deck has either rollers or bumpers to protect the deck and the pile as the deck rises and falls with the tides.

Telescoping piles consist of two steel pilings. The outer piling is driven into the bed rock and acts as a sleeve for the inner piling, which is fitted in a socket affixed to the dock structure (Figure 4.1). There are several benefits to this system including greater deck space, avoiding any mooring impediments, and improved aesthetics.

Figure 4.1: Dock with a Telescoping Pile (Bellingham)

Telescoping piles can be more expensive than protruding pile designs but should be considered during the engineering and design phase. They could be bid as an alternative if price is a significant concern.

4.4 Maximum Vessel Length and Draft

The vessels currently moored at the Town Docks range in length from 50 feet up to 200 feet. The industry trend is that vessels are increasing in size (length, beam, and draft). Ultimately, the vessels that can moor at the Town Docks will be limited by the navigable draft of the ICW, which is listed as -10 feet MLLW. The Florida Inland Navigation District (FIND) and U.S. Army Corps of Engineers (USACE) periodically dredge the ICW to -12 feet MLLW to maintain navigation but are only required to provide -10 feet MLLW. FIND is currently considering to dredge the ICW to -15 feet MLLW, but this maybe five to seven years away. Rybovich Marina recently obtained approval to dredge their marina to -14.7 feet MLLW.

PIANC (2013) provides guidelines for the design of superyacht facilities. Figure 4.2 provides the relationship between vessel length and draft with the average being the red line and the blue dashed lines providing a 90% population envelope (note this figure is provided in metric units). The current 10-foot limiting water depth suggests that the upper limit of vessel size may be 190 feet. However, the largest vessel currently moored at the Town Docks is 200 feet long and transits to the Town Docks by timing the tide.

If the vessel captains are willing to consider using high tide then vessels up to 230 feet should be able to access the

Town Docks along the ICW at the authorized -10 feet MLLW depth. Maintenance of the ICW to -12 feet MLLW provides additional clearance. There are naturally deeper slips at the western end of the existing docks, which accommodate the larger vessels upon arrival.

Given a 50-year planning horizon, it is recommended that the Town position themselves for potential future dredging of the ICW and use -14.7 feet MLLW as a limiting depth. Deeper dredging at this time may minimize the need for future maintenance dredging, and be more cost effective in the long term. While a dredge depth of -14.7 feet MLLW could accommodate a 340-foot long vessel, this size is not keeping with the vision of the Town Docks; therefore, it is recommended that the Town Docks have slips designed for vessels up to approximately 230 feet in length.

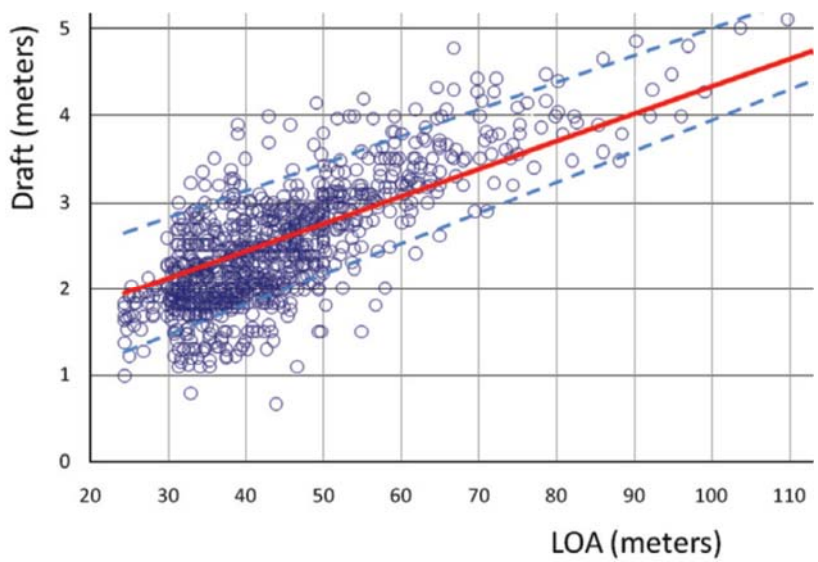

Figure 4.2: PIANC Guidance on Vessel Length vs Draft

The Master Plan assumes a maximum vessel length of approximately 230 feet while considering opportunities for future larger vessels.

The length/draft relationships assumed in the design process are summarized in Table 4.1.

Table 4.1: Vessel Length/Draft Relationship for Design

Length (ft)	Mean Draft (ft)	90% Envelope Draft (ft)
50	<4	4
65	5	6.5
80	6.5	7
110	7.5	10
130	8	10.5
150	8.5	11
160	9	11
200	10	12.5
230	11	13.5
250	12	14.0
300	13.5	15.5

The beam of a 230-foot vessel will typically average 40 feet with the 90% envelope ranging up to 45 feet.

4.5 Fairway Width

The fairway is the distance directly across from the slip and is typically described in relation to the vessel length. The minimum fairway width should be at least 1.5 L, where L is the length of the longest vessel.

4.6 Functional Requirements and Dock Width

The width of the head pier and finger pier were based on the following functional requirements and assumptions:

- Piles would be located within and extend through the floating dock
- A motorized cart should be able to navigate the length of the pier head and finger piers of larger slips
- Major site utility components, e.g. transformers, backflow preventers, dock boxes, would be located along the main pier (included in the concept drawings)

It is suggested that the main piers and MST docks be 16 feet wide while the finger piers be 8 feet wide for vessels less than 100 feet in length and 12 feet wide for vessels greater than 100 feet in length.

4.7 Wave Attenuation

Town Dock patrons have complained that waves rock their vessels while moored at the facility. These waves may be either wind generated or boat wakes. Options to attenuate waves at the Town Docks, include:

- Wave attenuation via floating docks (recommended)
- Non-uniform bulkhead face (recommended)
- Southward relocation of the “no wake” zone
- Construct a spoil island to the south of the docks
- Construct a wave dissipation structure
- Construct a living shoreline or revetment along the bulkhead

It is recommended that concrete pontoons be used throughout the dock system rather than plastic as these provide greater wave attenuation capability. Additional wave attenuation features can be added to the bottom of these.

If/when the bulkhead is replaced, it is recommended to use the “Z” shape of sheet piles to provide a non-uniform face that will interfere with the shape of the reflected waves, thus dissipating wave energy.

It would be beneficial to relocate the “no wake” zone (shown by the red triangle in Figure 4.3) further to the south. This was attempted several years ago but ultimately failed. Boaters objected to the movement of the “no wake” zone so that they could better time the raising of the bridges. Boaters may ignore the “no wake” designation regardless of its location. While a consideration, this option should not be relied upon to address wave attenuation at the Town Docks.

An environmentally friendly solution would be to construct an island to the south of the Town Docks (Figure 4.3). This could also be used to beneficially dispose of some of the material dredged while deepening the facility. The challenge is that the island would be offset from the channel due to navigation safety, which would limit its effectiveness. While the island

would be low, the opinions of the adjacent property owners should be solicited.

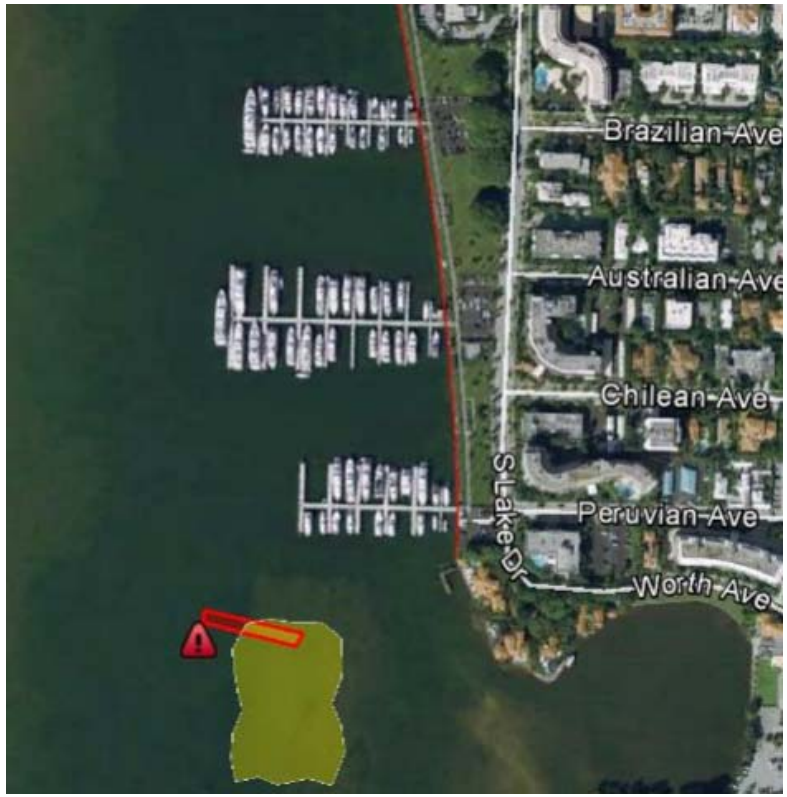

Figure 4.3: Conceptual Island and Wave Attenuation Structure South of the Town Docks

Another alternative is to construct a narrow wave dissipation structure to the south of the docks (red box in Figure 4.3). This could be created from either a series of piles, a timber crib structure, or a narrow rock rubblemound structure. This would be less intrusive than the disposal island concept.

A living shoreline (sloped boulder face planted with mangroves) constructed along the face of the bulkhead could help reduce wave reflection compared to the current smooth vertical bulkhead. The Town constructed a 2,000-foot mangrove planter adjacent to the Par 3 Golf Course, which was highly successful, and this concept could be applied (Figure 4.4).

Figure 4.4: Living Shoreline at the Par 3 Golf Course (PBC, 2018)

While this will increase the longevity of the existing bulkhead, a new bulkhead will ultimately be required due to continued deterioration and loss of backfill. A revetment may not directly solve these issues. Other considerations include the slope of the revetment, which will reduce available mooring space by potentially 20 feet along the length of the bulkhead. The revetment may also attract fisherman and collect trash.

5. Dock Layout Alternatives

5.1 Alternative 1

Alternative 1 is the closest in principle to the existing dock layout. It can be considered as bringing the existing layout to current design standards.

Alternative 1 most closely replicates the existing docks.

Key elements of this design, shown in Figure 5.1, include:

- Designed to mirror the existing dock layout with similar number of slips and slip lengths.
- Five slips added to the Peruvian Dock (four by adding another slip set and one at the bulkhead).
- Some slips were lengthened as existing vessels overhang the existing docks.
- Increased the number of sub-85-foot slips by two compared to the existing conditions (from 46 to 48).
- The docks extend further west to facilitate industry standard with respect to berth and finger pier width.
- Australian and Peruvian Docks shifted slightly north to minimize dredging while maintaining safe navigation fairways.
- MST similar to existing conditions.
- Dredging to provide safer navigation and mooring (33,700 cy).

Table 5.1 summarizes the slip mix, MST, and total length of dock space.

Table 5.1: Alternative 1 Slip Mix

Slip Size	Brazilian Dock	Australian Dock	Peruvian Dock	Total
65	3	4	4	11
80	26		11	37
110			11	11
130		26		26
Slip No.	29	30	26	85
MST	176 ft	276 ft	206 ft	658 ft
Length	2,451 ft	3,916 ft	2,556 ft	8,923 ft

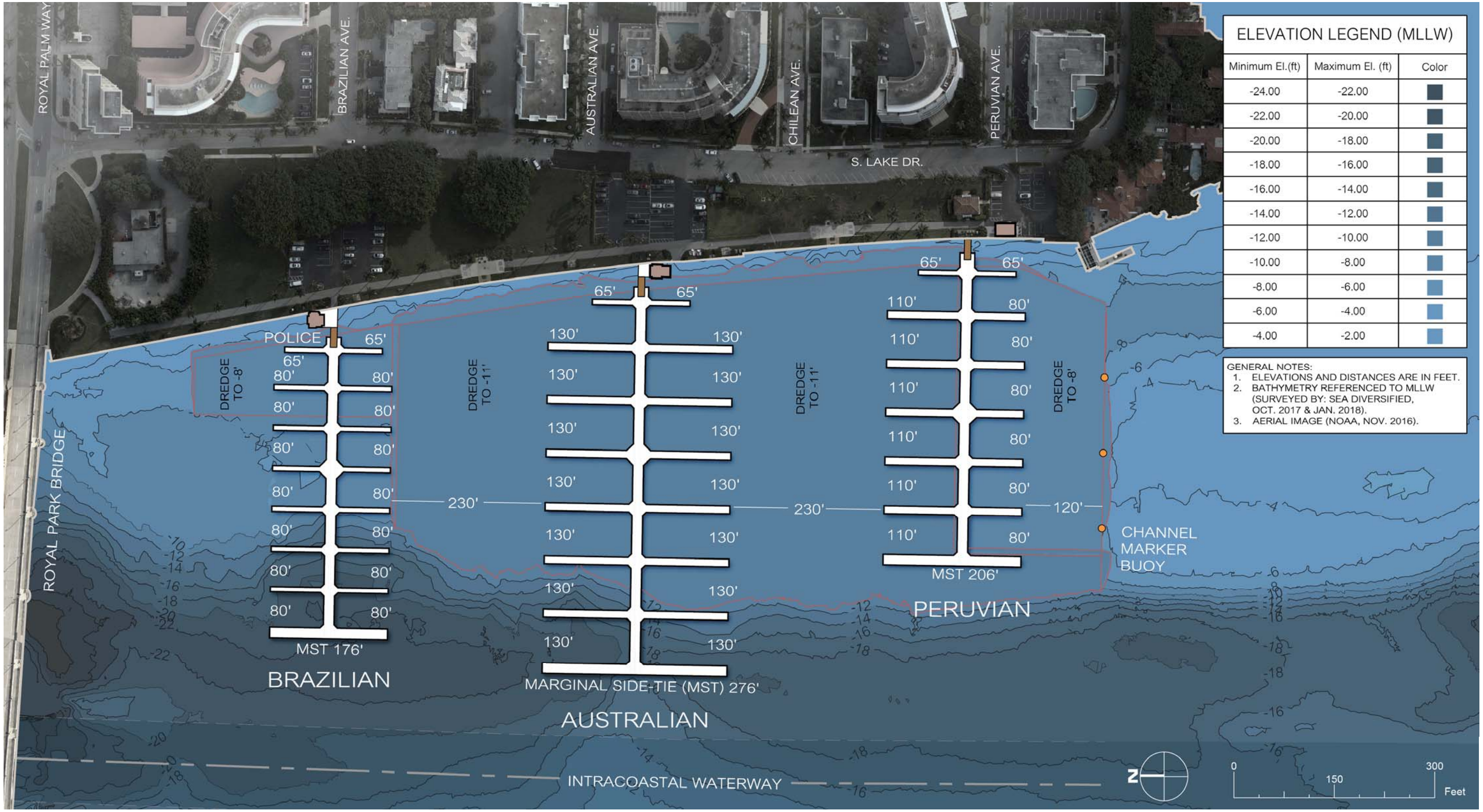

Figure 5.1: Alternative 1

5.2 Alternative 2

Alternative 2 was designed to increase the potential revenue for the Town by increasing slip lengths while decreasing the total number of slips (Table 5.2). The increased dock length still caters to shorter vessels but allows for the industry trend of larger vessels in the future.

Alternative 2 maintains potential revenue while decreasing the number of slips.

Figure 5.2 shows the proposed layout for Alternative 2. The obvious changes are to the Peruvian Dock and the addition of the Palm Way Dock, but other key elements are listed below:

- Adding a dock (temporarily referred to as the Palm Way Dock) north of the Brazilian Dock to increase dock space and flexibility for mooring various size vessels.
- Lengthen the Peruvian Dock to provide greater wave protection.
- Switch the south side of the Peruvian Dock to MST. This increases flexibility for mooring various size vessels and maximizes grant funding opportunities. This decreases the slip count but maintains ability to berth smaller vessels.
- Increase the number of longer slips (130 feet +) to facilitate current and future demand for larger vessels.
- Decrease total number of slips
- The total dockage length has been increased to 10,673 feet
- Dredge to -12 ft MLLW throughout the majority of the marina to provide optimum dockage conditions.
- Dredge the Palm Way Dock area to -14.7 feet MLLW to facilitate future potentially deeper vessels.
- The dredge volume is estimated at 70,600 cy.

Table 5.2: Alternative 2 Slip Mix

Slip Size	Palm Way	Brazilian Dock	Australian Dock	Peruvian Dock	Total
65				1	1
80		16	2	1	19
130		13	13		26
150			13	13	26
Total		29	28	15	72
MST	500 ft	226 ft	296 ft	786 ft	1,308 ft
Length	500 ft	3,196 ft	4,096 ft	2,881 ft	10,673 ft

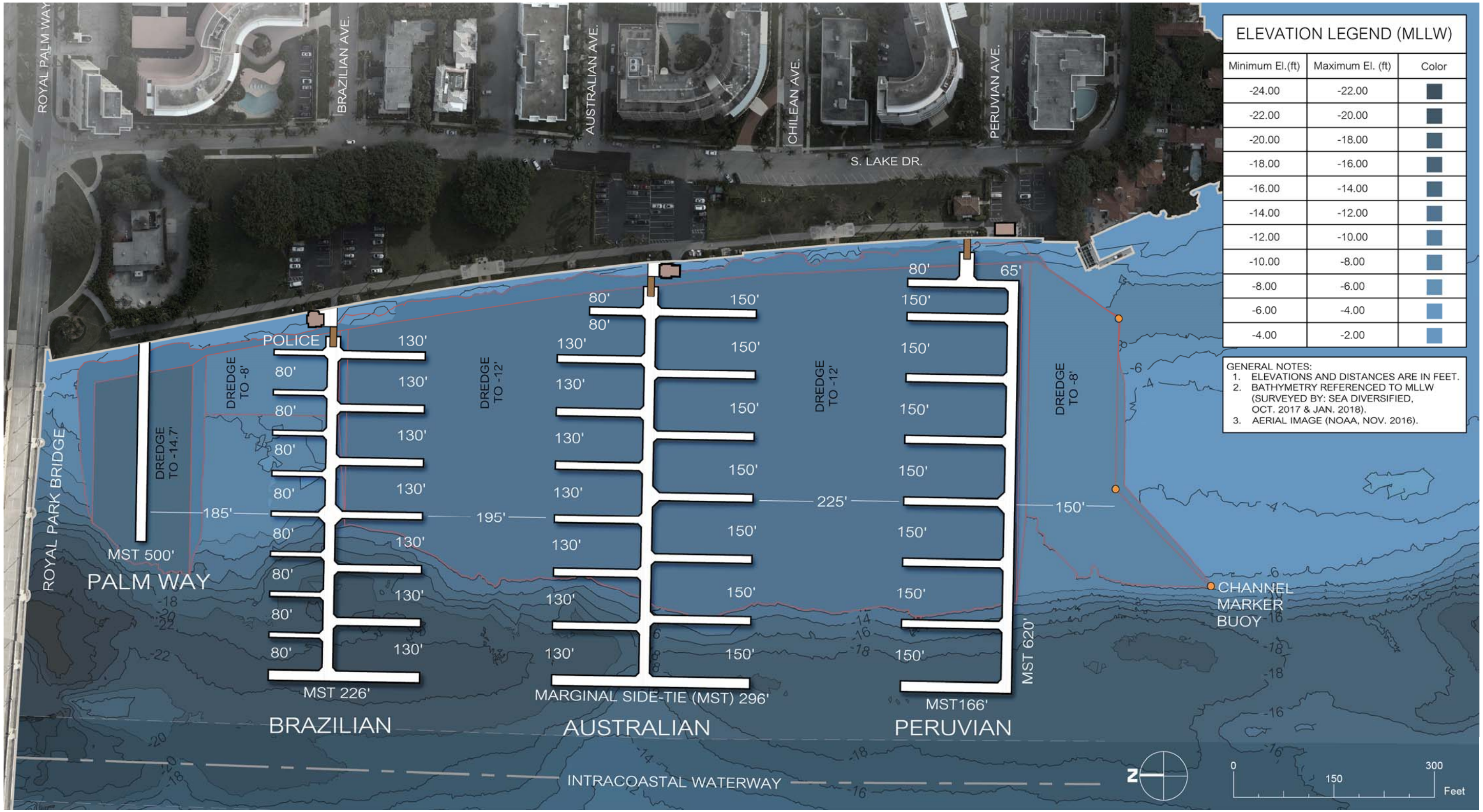

Figure 5.2: Alternative 2

5.3 Alternative 3

Alternative 3 was intended to have the Peruvian Dock provide greater wave protection, maintain a mixture of large and smaller vessels while maximizing the total dock space available.

Alternative 3 provides improved wave sheltering and increases total dock length and number of slips.

Key design elements of Alternative 3 (Figure 5.3) include:

- Add the Palm Way Dock north of the Brazilian Dock to increase dock space and flexibility for mooring various size vessels.
- Maximize the length of the Peruvian Dock to provide greater wave protection to the rest of the marina.
- Maintain a similar number of slips (83 compared to the existing 80) but facilitates additional vessels through MST.
- Maintain a significant number of sub-85-foot slips (38) to maintain the mixture of vessels and “feel” of the Town Docks.
- Increase the number of longer slips.
- Have six slips capable of mooring 200-foot vessels.
- Increase MST, which is useful when applying for grant funding and provides additional flexibility to moor multiple smaller vessels or one larger vessel.
- Increase total dockage length to 10,076 feet.
- Dredge the facility to provide safer navigation and mooring conditions (84,200 cy).
- Some slips are being dredged to -14.7 feet MLLW to prepare for future, potential deepening of the ICW.

Table 5.3: Alternative 3 Slip Mix

Slip Size	Palm Way	Brazilian Dock	Australian Dock	Peruvian Dock	Total
65		1		2	3
75		2			2
80		23	2	8	33
90				1	1
110					11
120		1		11	1
130			13		13
150			13		13
200		2		4	6
Total		29	28	26	83
MST	500 ft	341 ft	296 ft	474 ft	1,111 ft
Length	500 ft	2,811 ft	4,096 ft	3,169 ft	10,076 ft

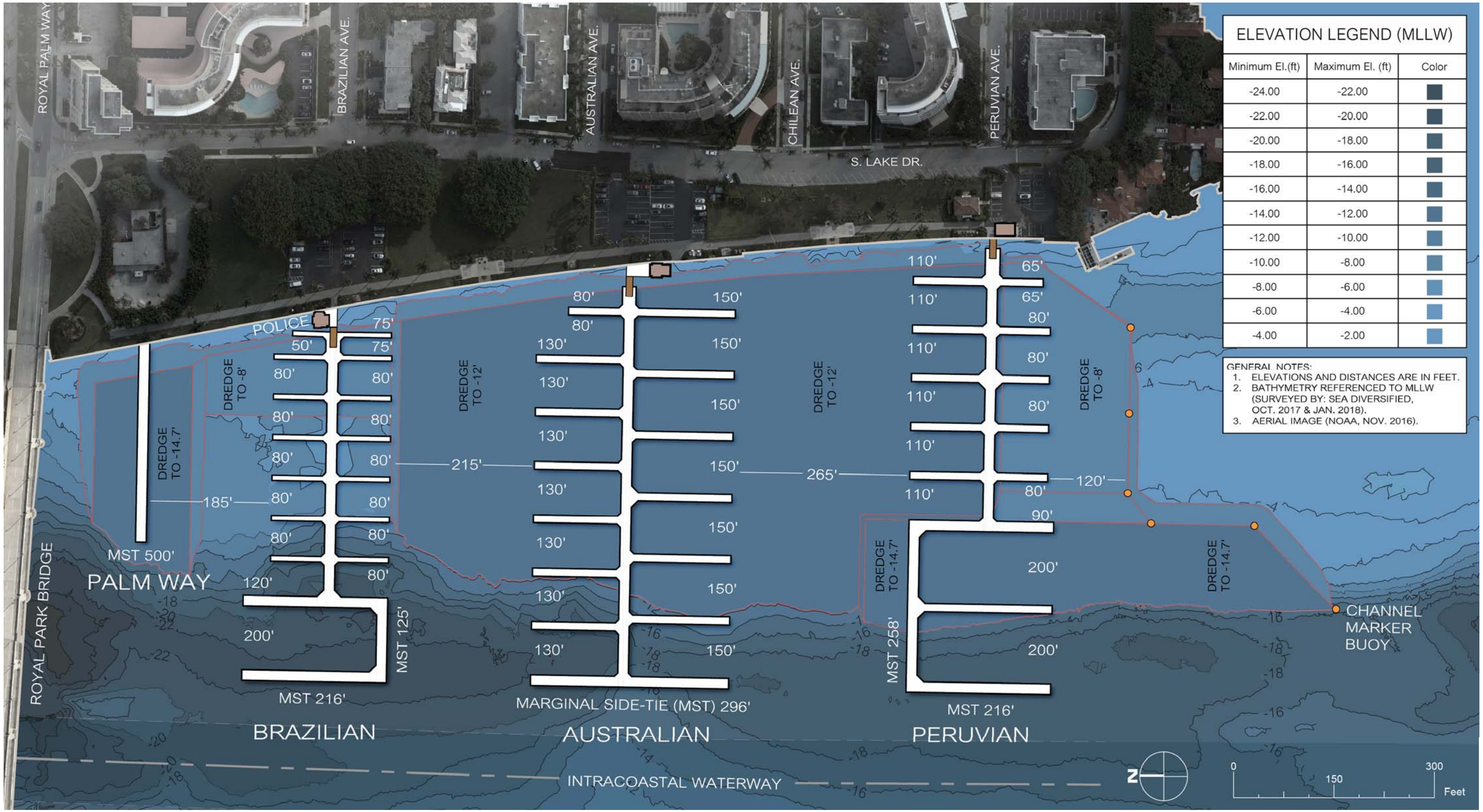

Figure 5.3: Alternative 3

6. Dock Utilities and Amenities

6.1 Electrical Service

Electrical service is a required element in a modern marina. The market trend towards larger vessels inherently increases electrical demand, but even older vessels are being retrofitted with equipment that increases electrical demand. Supplying sufficient land-based power alleviates the need for vessels to supplement their power needs via on-board generators. This reduces noise and odor pollution.

The electrical supply at the Town Docks varies by slip, but the majority of slips have either 50 amp or 100 amp single phase supply. Several of the larger slips have a 100 amp, three phase 480V supply. The largest slip has a twin 200 amp, three phase, 480V supply.

It is recommended that slips up to 65 feet in length have two 50 amp, 240 volt receptacles. For slips larger than 65 ft, a variety of power options should be provided, which includes 480V, 240V, and 208V, three-phase with up to 200 amp.

Each slip will be metered individually and charged based on their electrical usage.

Figure 6.1 shows a typical pedestal that vessels can hook up to that includes electrical, water, and communication connections.

Figure 6.1: Typical Pedestal for Electrical, Water and Internet/Phone connection (Palm Harbor)

6.2 Potable Water Supply

Again, providing potable water is a requirement at a facility such as the Town Docks. Fresh water is supplied to each slip via a hook-up at the utility center. This utility will remain with any revised dock alternative.

6.3 Sanitary

The Town Docks currently provide a self-serve, in-slip waste water pump-out capability. The vessel connects to a pump-out hook-up located near the pedestal and then connects to it with a pump-out cart. A similar system will be installed with new docks.

6.4 Fire Suppression System

Fire suppression systems will be installed and will be in accordance with the Florida Fire Prevention Code. It is anticipated that, similar to the existing fire suppression system, a separate 4-inch fire main will extend along the docks with 2 ½-inch standpipes with fire department connectors. This will be coordinated with the local Fire Chief during design and permitting.

6.5 Security

Security was raised repeatedly during the public meetings, with respect to both the docks themselves, Lake Drive Park, and the surrounding neighborhoods.

Currently, each dock has a gate with an entry keypad (Figure 6.2) to limit public access to the docks. There are security cameras throughout the facility that dock staff can watch in real time as well as review footage. Security guards patrol the area when dock staff are off duty, and Town Police watch the area as part of their regular patrols.

Patrons responded overwhelmingly that there should be roving security personnel at the docks, and that video cameras should be used (93% and 96% respectively). Opinion was more split about the timing of dedicated security personnel with 2/3 of the respondents suggesting night time only and 1/3 suggesting dedicated security staff should be present 24 hours/day. Real-time surveillance of the cameras by security personnel at an additional cost was favored by 39% of the respondents while 61% opposed this concept.

Figure 6.2: Gate and Keypad at Peruvian Dock

The current camera system is linked to the Town's Police monitoring system while still allowing the Dock Master the ability to look at real-time feed and review saved footage. These capabilities should be maintained.

Lift-arm gates to the parking lot will restrict parking by unauthorized vehicles.

6.6 Internet Connectivity

Internet connectivity has become an expected amenity at state-of-the-art marina facilities. This can be provided either through a wired or wireless (Wi-Fi) connection. Both are currently provided at the Town Docks, though 81% of the dock patrons surveyed stated that the Wi-Fi service was

unacceptable. The Town is currently upgrading the Wi-Fi service at the docks.

The Wi-Fi system is unacceptable to patrons but is currently being upgraded.

6.7 Trash Collection

Trash and recycling bins are located within the parking lot at each dock. However, the volume of trash has increased due to an increasing trend towards on-line shopping and associated packaging (Figure 6.3). Feedback from the public and dock patrons is that the trash collection areas are often unsightly. One option is to relocate all trash collection to the Department of Public Works (DPW) area and install a trash compactor to minimize the trash volume. Additional dock staff is recommended to facilitate daily collection and transport of trash to the DPW. This will improve aesthetics and allow existing trash collection areas to be converted to additional parking.

Relocate trash and oil collection to DPW.

Figure 6.3: Trash at Australian Dock Collection Area

6.8 Oil and Oily Water Disposal

The Town Docks currently provide an oil disposal service (Figure 6.4). This is a typical service provided at up-scale marina facilities, and it is recommended that the Town Docks continue to provide this service. However, rather than have the unsightly container at the Australian parking lot, one option is to relocate the oil collection area to the DPW. An additional staff member may be required to collect and transport the oil to the facility. This will improve aesthetics of the Australian Dock parking area. This area could be converted to additional parking.

Figure 6.4: Oil collection area

6.9 Fueling

The Town Docks do not currently provide fueling services. This is prohibited by the Sovereign Submerged Lands Lease. Providing a fueling service, similar to that provided at competing marinas (Figure 6.5), could increase Town revenues. However, this will require an upland fuel bunker, which would reduce parking capacity. It will also create significant fuel truck traffic. While a convenience for vessels at the Town Docks, it only becomes a significant revenue generator with sufficient transient vessels. Given these issues and restrictions, it is not recommended to provide fuel service at the Town Docks.

Figure 6.5: On Deck Fuel service at Riviera Beach Marina

6.10 Dinghy Dock

The existing docks do not have a temporary mooring location for dinghies or small, day visit boaters. This was suggested for inclusion in the Master Plan as a mechanism to drive additional revenue for the Town and increase traffic along Worth Avenue. However, the loss of a slip to accommodate a dinghy/daily dock may decrease revenue, and it's unclear as to which customers would elect to travel to Worth Avenue by a small boat. Therefore, space for this dinghy dock was not included in the Master Plan.

A dinghy dock is currently not included in the Master Plan.

6.11 Kayak Launch

Several public comments were received requesting that a kayak/canoe/paddleboard launch be considered in the Master Plan for the Town Docks. Public access to Lake Worth Lagoon is limited, and the Town Docks provide an opportunity to expand the usage of Town owned property.

Figure 6.6: Floating kayak launch example (Accudock)

The Florida Fish and Wildlife Conservation Commission (FWC) (2010) provides guidelines for kayak launches. The FWC recommends to:

- Choose access site with minimal exposure to winds, current, and motorized boat traffic.
- Choose existing natural sites if available and appropriate.
- Consider carry capacity of launch, parking, and waterway.

Installing a kayak launch at the Town Docks is NOT recommended. The Town should consider an alternate site.

Installing a kayak launch at the Town Docks is NOT recommended for the following reasons:

- Safety. Strong currents can make exiting and returning to the slip challenging, and kayaking around motorized vessels poses a danger to the paddler and the vessels.
- Insufficient parking.
- Lack of storage.
- Security. Promoting kayaking around the docks is a security concern for dock patrons.
- Loss of dockage revenue as the launch will eliminate an available slip unless attached to the bulkhead.
- Limited staff to regulate usage.

Instead it is recommended that the Town consider alternate sites to provide kayak launch facilities.

6.12 Staffing

The Town Dock currently employs a full-time dockmaster and two part-time dock attendants. Comparable marinas will typically have one full-time staff member for every 20-25 slips. Thus, the staffing level at the Town Docks is slightly below this level. While the majority (68%) of the patrons indicated that staffing levels were sufficient in the survey, 32% suggested that more staff would be appropriate.

It is recommended that a full-time Dock Attendant be hired while maintaining two part-time staff. This will allow for an increased level of service, specifically related to the collection and removal of trash to the DPW and transport of oil to the DPW.

Add a full-time position to address additional needs and level of service.

7. Parking

There are 131 parking spots distributed between the three parking lots. The Peruvian and Australian lots have assigned parking spots while Brazilian lot is open.

Parking has been identified as one of the key issues at the Town Docks. Every dock patron that responded to the survey stated that the parking was insufficient.

Parking is insufficient. Recommend reconfiguring the parking lots to add 19 spots while increasing greenspace.

Several suggestions were considered, including:

- Revising the parking lot layout
- Providing a seasonal valet service
- Installing parking barrier gates
- Revising parking alignment along South Lake Drive
- Constructing a parking garage

Revising the parking lot layout was supported by nearly half (48%) of the dock patrons while 30% thought it wasn't worth the cost. The remaining 22% selected "suggest an alternate solution".

There was very limited support for a valet service (11%) and a mixed response for a parking barrier system (50% thinking it's a great idea and 46% stating it isn't worth the cost). The Dock Master is supportive of a gate system as parking enforcement is a constant and time intensive effort. It is recommended to install remote controlled lift-arm gates.

A parking garage would not keep with the character of the area, potentially negatively impact green space, and impact the view of upland property owners. Therefore, it is not recommended to pursue this concept further.

A previous Master Plan for Lake Park Drive (Laquatra Bonci Associates, 2007) suggested:

- Developing an overall comprehensive parking strategy for the entire downtown.
- Converting diagonal parking on the park side of South Lake Drive to parallel parking and move the balance of spaces into the controlled marina lots.

It should be noted here that the scope of the Town Dock Master Plan was limited to consider parking within the footprint of the existing parking lots. Thus, revisions to parking layout along South Lake Drive were not considered. Parking lot layout alternatives were developed while increasing the amount of green space within Lake Drive Park. The proposed layout configurations would provide:

- Brazilian Dock – increase by 15 to 59 spots (Figure 7.1)
- Australian Dock – increase by 4 to 59 spots (Figure 7.2)
- Peruvian Dock – unchanged at 32 spots

Figure 7.1: Proposed Revision to Brazilian Dock Parking Lot

Figure 7.2: Proposed Revision to Australian Dock Parking Lot

8. Dock Infrastructure

Apart from the docks themselves, three buildings and the bulkhead are considered part of the dock infrastructure and they also need rehabilitation and upgrading.

There are three buildings that service the needs of the Town Docks, one at each dock. Office and storage space is severely limited, and bathrooms should be updated to meet ADA codes. The patron survey suggested that only 32% of respondents thought that communal showers were a necessity whereas 71% thought that a communal restroom was a necessity. Thus, it is proposed to maintain the same number of restrooms but reduce the number of showers.

8.1 Brazilian Dock Building

There is currently a one-story building at the Brazilian Dock, which houses two bathrooms (each with its own shower), an office for the TPB Police, an electrical room, and a small lounge area with a few books and a chair. It is 528 sf and sits over the water on a concrete slab supported by piles.

This is the largest building of the three, and it is proposed to demolish the existing structure and replace it with a two-story building within the same slab footprint (Figure 8.1). This provides the best option to increase the available space while not increasing the building footprint and minimizing sight-line obstruction because it is behind the large banyan of trees. The Dockmaster and staff offices would be relocated to this building allowing for a larger reception area. The police office would remain here, and the bathrooms upgraded, though one shower would be removed.

Figure 8.1: Architectural Rendering of the Proposed Brazilian Dock Building

8.2 Australian Dock Building

The Australian Dock building is two stories tall and sits on a 32 ft by 20 ft pile supported concrete slab. The Dockmaster's 96 sf office is located upstairs while two bathrooms (and accompanying showers), the staff office, and an electrical room occupy the 400 sf base floor.

It is proposed to demolish this building and replace it with a single-story building within the 640 sf existing footprint (Figure 8.2). It will have two restrooms (with one shower), an electrical room, and a storage area.

Figure 8.2: Architectural Rendering of the Proposed Australian Dock Building

The concrete slab and piles need to be replaced (Kimley-Horn, 2008).

8.3 Peruvian Dock Building

The Peruvian Dock building is 10 ft wide and 16 ft long and houses an electrical room and a storage room. It is located landward of the bulkhead.

It is proposed to maintain the electrical room and convert the storage room into a restroom within the same building footprint. The covered but outdoor seating area outside the building will remain, but rather than a metal framed awning, converted to a fixed roof cover with two pillars.

Figure 8.3: Architectural Rendering of the Proposed Peruvian Dock Building

The floor plans and additional renderings of the various buildings are shown in Appendix D.

While a metal gate is shown in these renderings, a glass barrier is also being considered.

8.4 Bulkhead

A bulkhead (seawall) extends 1,550 feet along the length of the Town Docks from Royal Palm Bridge to the southern extent of Peruvian Dock parking lot. A bulkhead inspection was performed as part of the Master Plan effort and is included in Appendix A.

The bulkhead is comprised of steel sheet pile, with a vertical concrete face and 11-inch wide concrete cap. The cap elevation is approximately 5.5 feet MLLW. Scour at the base of the seaward side of the bulkhead has exposed the sheet pile.

Figure 8.4: Bulkhead Fronting the Town Docks

There are two areas where backfill is being lost behind the bulkhead, which indicates a crack in the bulkhead. There are also several areas where the bulkhead cap is cracked and spalling. In short, the bulkhead is showing its age (estimated at more than 40 years old). Spot repairs of the bulkhead will be required periodically but likely increasing in frequency over time until the bulkhead must ultimately be replaced.

Figure 8.5: Backfill Loss behind the Bulkhead

Figure 8.6: Cracking in the Bulkhead

It is recommended that the bulkhead be replaced by constructing a steel sheet pile bulkhead less than one foot in front of the existing bulkhead. A concrete cap will be placed on top of the sheet pile, and the system will be tied into the existing bulkhead. It is proposed to raise the elevation of the cap of the new bulkhead by two feet to account for sea level rise and provide additional storm surge protection. This would still be lower than the current outfall section of the bulkhead. It would also be possible to create a continuous seating area along the wall by refinishing and widening the surface of the current wall for a sitting surface and using the new bulkhead as the backrest. A seat wall height is typically 1.5 to 2 feet high.

The existing bulkhead and entrance to the docks is sufficiently high to prevent against nuisance flooding (caused by high astronomical tides) for another 30 years. Thus, there is not an immediate need to raise this section, which would increase the length of the sloped portion of the deck and landside walkway. Instead, it is recommended to provide slotted panel gate features that can be installed when a major tropical storm threatens to provide protection against upland flooding. This would provide one continuous flood protection section from Royal Park Bridge to Peruvian Avenue. The waterfront promenade could be upgraded when the wall extension is integrated.

9. Construction Sequencing and Timeline

The construction sequence is important so that the inconvenience to Dock Patrons can be minimized.

9.1 Construction Sequencing

One of the primary goals when developing a possible construction sequence is to minimize interruption to existing dock patrons. Some of the recommendations are to perform construction during the less busy summer months and always have one dock fully functional.

Schedule construction between April and October and always have one dock fully functional to limit the inconvenience to Dock patrons.

It is preferable to perform the dredge work after removing the existing dock structures but before installing the new structures. The steps involved in replacing the existing docks include:

- Relocating vessels to alternate docks
- Disabling utilities and installing upland utility upgrades
- Removing the existing dock structure
- Dredging within the dock footprint and adjacent fairways
- Installing piles and dock structure
- Installing utilities along dock and connect to upland service
- Relocating vessels to the new dock

The time to complete this is different for each dock due to the size of the existing structure to be demolished and the proposed size of the new dock, which will vary based on the selected alternative.

The following possible construction sequence and timeline is envisioned:

- Brazilian Dock – April to August 2020
- Australian Dock – June to October 2020
- Palm Way Dock (if applicable) – April to June 2020
- Peruvian Dock – May to August 2021
- Buildings – May to October 2020
- Bulkhead (Royal Park Bridge to Australian) – April to September 2020
- Bulkhead (Australian to South end) – May to September 2021
- Brazilian Parking Lot – September 2020

- Australian and Peruvian Parking Lots – September 2021

This potential construction sequence and timeline assumes that the Contractor has sufficient manpower and equipment to perform multiple tasks simultaneously.

An alternate project construction sequence would demolish the Peruvian Dock in September and October of 2020. The footprint of the Peruvian Dock could then be dredged. This would complete all of the dredging work and avoid the high remobilization cost of the dredge for the second summer. The dock would then be installed during the summer of 2021.

The Town may also want to consider continuing construction through the winter of 2021. However, it is anticipated that installation of the Peruvian Dock could take approximately six weeks. This work entails vibrating steel piles into the subsurface, which can be loud. An additional few weeks of work would then be required to install all the appurtenances and utilities along the dock. This work should be less distracting to dock patrons but still occurring during the peak of the winter season.

9.2 Project Timeline

A probable timeline is provided in Figure 9.1.

Following approval of the Master Plan and selection of an alternative, the next phase of the work is to start on the permitting, engineering, and design (PED) phase. Given the estimated construction cost, the Town must issue a Request for Qualifications and select a consultant to perform this work. This will take several months following the Town contracting procedures.

Permitting of the project will also take several months given the expected review times by various State and Federal permitting agencies. A time frame of nine months is not unusual given official review times and requests for additional information. One of the key elements will be a seagrass survey given that dredging is recommended for every alternative. This survey must be performed between June and September.

While the permit is being processed, the engineers will develop construction plans and specifications as part of the construction bid package.

The construction bid package can be prepared prior to finalization of the final design documents, but issuance of a Request for Proposal should wait for final issuance of State and Federal permits, as special permit conditions can affect the cost. Given the complexity of the project, it is also recommended that Contractors be provided at least 45 days to develop bid submissions.

Construction will then proceed as discussed in the Construction sequencing section.

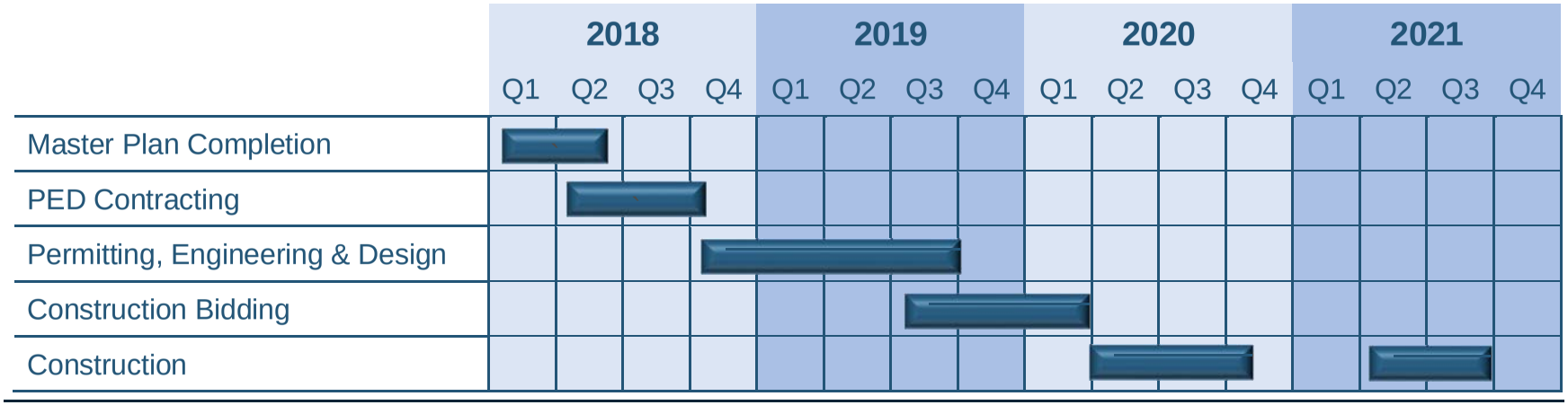

Figure 9.1: Probable Project Timeline

10. Rate and Revenue Structure

The Town Docks provide an important revenue stream for the Town. Rates should be appropriate and competitive.

10.1 Current Revenue

The Town Docks provide an important revenue stream, as shown in Figure 10.1.

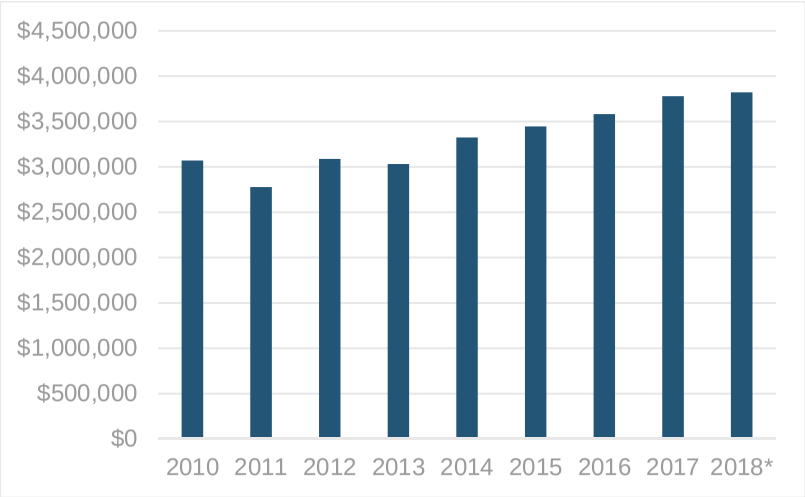

Figure 10.1: Historic Town Dock Revenue

10.2 Town Rates vs Competing Marinas

The Town currently has a rate structure (Appendix E) that varies depending on the length of lease (annual, monthly, and daily), time of year (winter and summer rates), slip size, and electrical need. Utilities are included in the rate up to a 100-amp connection. There is an additional fee for a second connection and any usage over 100 amps. Other marinas exclude utilities from their rates and charge based on usage. This can be significant as the Town incurred utility costs totaling almost $425,000 in 2017.

Each marina will have nuances and differences between their rate structure and their amenities. However, Table 10.1 attempts to provide some comparison between the Town Dock's rates and those of nearby marinas.

Table 10.1: Select Comparison of Annual Rates between the Town Docks and Nearby Marinas

Slip Size	Town Docks	Rybovich	Palm Harbor
<100±'	$1.24	$3.25	$2.15
100±' to 200±'	$1.45	$4.25	$2.40
>200±'	$1.50	$4.75	-

* Rates are per foot per day and weighted by slip size grouping

10.3 Proposed Rates and Potential Revenue

One element of the Master Plan is to determine a rate structure following the upgrades in order to estimate future revenue generation. An analysis was performed to determine fair market rates for the Town to charge dock patrons. This was based on the review of multiple competing marinas in southeast Florida including:

- Palm Harbor Marina
- Sailfish Marina
- Riviera Beach Marina
- Hall of Fame – North
- Hall of Fame – South
- Rybovich
- Bahia Mar
- Pier 66
- Las Olas
- Sunrise Harbor

As has been discussed, the current conditions at the Town Docks are dated compared to several more modern marinas in the immediate vicinity. This has and will continue to limit what the Town can fairly charge dock patrons. Upgrading the Town Docks will address these limitations.

The Town Docks' competitive advantage is its location and the implicit elegance and security of being located in the Town of Palm Beach.

While each of the surrounding marinas is unique and has its own character, the Town of Palm Beach Docks have several elements that truly distinguish it from the competition. First and foremost, is the cache that comes from the docks being located within the Town of Palm Beach. Implicit with that is a stated level of elegance and security. As such, the Town Docks should be able to command a premium rate once a premium facility is provided.

Table 10.2 summarizes the proposed rates for the Town Docks following the proposed rehabilitation and upgrade.

Table 10.2: Proposed Rate Structure

Slip Size (ft)	Daily Rate	Monthly Rate	Annual Rate
<100'	$3.95	$3.35	$3.25
101-200'	$4.95	$4.35	$4.25
>200'	$5.95	$5.50	$5.25

*Rates are per foot per day and exclude utilities

Table 10.3: Projected Revenue by Alternative

Alternative	Expected Annual Revenue
Existing Conditions	$3.8M
Alternative 1	$13.5M
Alternative 2	$16.3M
Alternative 3	$16.4M

11. Grant Assistance Funding Opportunities

The Town can apply for grants to defray the design and construction costs of various elements of the dock rehabilitation through matching grants.

There are two agencies that assist local governments with funding assistance for water access projects, including docks, boat ramps, and some support facilities:

- Florida Inland Navigation District (FIND)
- Florida Fish & Wildlife Conservation Commission (FWC)

The grants are completive in nature, are issued annually, and are open to the public on a first come first serve basis. The grants require a cash match by the applicant.

11.1 Florida Inland Navigation District

FIND is the sponsor of the Atlantic Intracoastal Waterway (ICW). They receive their funding from ad valorem taxes. The district developed the Waterway Assistance Program (WAP), which assists local governments to plan and design projects, construct docks, boat ramps, dredging, and other amenities for the benefit of waterway users. Key elements of the WAP include:

- Funding for the program is based on a percentage of revenue of each of the 12 counties.
- The annual available funding for each application is driven by three elements: the ranking score, the number of projects for that year, and the amounts requested by each applicant.
- Applications for 2018 are due March 31st.

Projects similar to the one proposed by the Town have received up to $1.5M for construction assistance.

The Town is currently applying for a grant to help fund the engineering and design of the selected plan.

The Town Council is in the process of applying for a Tier 1 grant for permitting, engineering, and final design required for rehabilitation of the Town Docks, seawall, and dredging. If approved, the Town should obtain funding by mid-October 2018. Tier 1 funding is reimbursed when the planned activity planned has been contracted.

Once the Town has a design, bid package, and permit, the Town can apply for construction grants on a yearly basis.

11.2 Florida Fish & Wildlife Conservation Commission

The FWC administers two grant assistance programs. Details of these are provided below.

11.2.1 Florida Boating Improvement Program

This program distributes money annually from vessel registration dollars as well as marine fuel tax. This program primarily funds docks and boat ramps, as well as channel markers and other support activities.

- The State Game Trust Fund contributes $1,250,000 to this program annually.
- The Marine Resources Conservation Trust Fund also provides funding from two sources.
  - One dollar from each vessel registration goes to funding for boat ramps.
  - A small percentage of fuel tax coming from marinas.
- Grants for this program are due April 3rd.

Funding from this grant has been unpredictable the last several years due to cutbacks in the agency budget. There is also high demand for available grant funding due to the number of boat ramps and marinas.

11.2.2 Boating Infrastructure Grant Program

This program is part of the Federal US Fish & Wildlife Service (FWS) Sport Fish Restoration program. The State Fish and Wildlife agency reviews the applications, selects the grant winners, and administers the program. The program has the following requirements:

- Provides funding for transient dockage assistance for non-trailerable vessels 26 ft and longer.
- Vessel can only stay 15 days or less.
- Maximum grant amount is $1,500,000.
- The annual grant opens late spring to early summer and are typically awarded in February or March of the following year

These are highly competitive grants that are available to every marina in the country. However, there are generally only 10 projects funded annually.

12. Operating & Construction Costs

12.1 Operating Costs

There are four components of the operating cost:

- Employee salaries, wages, and benefits
- Maintenance
- Utilities and incidentals
- Sovereign Submerged Lands Lease (SSLL) fee

12.1.1 Employee Salaries, Wages, and Benefits

The Town Docks currently operate with one full-time dock master and two part-time assistants. It is recommended that one full-time dock assistant be added to the staff to address increased service needs of trash and oil collection as well as manage an increase in the number of vessels. This cost will be covered by the increase in revenue. Salaries, wages and employee benefit costs are approximately 25% of the current dock operating costs. Total employee costs are anticipated to increase between 20 and 30%.

12.1.2 Maintenance

It is anticipated that above ground maintenance costs will remain similar. While an expanded marina will require additional maintenance, this will be offset by having a new facility. Floating docks should be pressure cleaned each year to remove marine growth at a cost of $10K-$15k/year.

Sediment may shoal within the dock footprint following the proposed dredging. Sediment transport is not well known or documented this far along the Lake Worth Lagoon. Rather than estimate infilling rates, a deeper dredge depth was included in the initial construction. The Town may want to conduct a bathymetric survey five years after construction to monitor sedimentation within the mooring basin.

12.1.3 Utilities and Incidentals

Utilities associated with the dock buildings are expected to remain similar (electrical, water, cable TV, internet, solid waste disposal).

It is anticipated that there will be greater utility demand with an upgraded facility. However, utilities can be metered by individual slip, so that this cost can be accurately passed on to the dock patron.

Meter utilities by slip and pass this cost on to the patron, as is done at other marinas.

Incidentals are also expected to remain relatively unchanged. This includes items such as contracted security, promotional materials, office supplies, marina supplies, computer equipment, etc.

The one incidental cost that is likely to increase is the bank service charge (credit card company fee). This is expected to increase proportionally with revenue.

12.1.4 Sovereign Submerged Lands Lease

The Sovereign Submerged Lands Lease (SSLL) is the third largest individual cost to the Town Docks after electricity and employees. The fee is paid to the State of Florida and is comprised of two parts: a base fee based on the area of the lease and a supplemental payment based on marina revenue. This results in the Town paying a 6% fee on gross revenue minus the utilities costs.

It is anticipated that since gross revenue will increase following rehabilitation of the docks, the SSLL fee will increase. The Town currently qualifies for a 30% discount on these fees, and it is recommended that they continue to adhere to these regulations.

12.2 Opinion of Probable Construction Cost

There are several elements within this Master Plan that can be implemented individually, such that the Town can stage construction to facilitate cash flow and grant funding potential. Thus, opinions of probable construction cost have been separated by each of these elements. Table 12.1 summarizes each of the major elements. All of these costs include a 15% contingency and represent current material pricing.

Table 12.1: Opinion of Probable Construction Cost

Item	Alternative 1	Alternative 2	Alternative 3
Dock Improvement	$17.5M	$20.7M	$21.3M
Dredging	$2.7M	$3.7M	$4.1M
Building Improvement	$1.2M	$1.2M	$1.2M
Bulkhead Replacement	$3.2M	$3.2M	$3.2M
Parking Lot Improvement	$0.3M	$0.3M	$0.3M
Permitting, Engineering, & Design	$1.4M	$1.6M	$1.7M
Total	$26.3M	$30.7M	$31.8M

12.2.1 Dock Improvements

This element includes all aspects related to demolishing the old docks and installing the new docks, including piles, utilities, and all appurtenances required for operation of the new dock.

Demolition costs are based on the number of piles and pile caps to be removed and the anticipated time for this removal. Mobilization and demobilization is included along with a

remobilization cost for the second year of construction. This was assumed to be 5% of the construction cost value given the high total construction value.

Upland disposal of the concrete debris was assumed, though a lower cost option could be Palm Beach County's artificial reef program.

The cost for purchase and installation of the docks is based on a square footage basis. This includes the purchase and installation of piles. It is recommended to install steel piles with sleeves. While steel piles are more expensive than concrete, they can be installed more quickly and thus offset the cost. Sleeves are important for long-term aesthetic and maintenance of the piles.

An additional 10% was added to the cost to allow for telescoping piles. Additional engineering and design details will be required to ensure the efficacy of this concept at the Town Docks, which should be performed during the PED phase.

Utilities (electrical, water, fire suppression, and sanitary) have been based on costs for similar systems at other floating dock marinas.

The cost for the gangway and gangway abutments has been included in the cost.

The Town is currently upgrading the Wi-Fi system at the docks, but a cost has been included as reinstallation may be warranted.

Costs for a video security system have also been included.

The cost for revising the SSLL has been included in the dock. This is dependent on the alternative selected but is estimated to be less than $5,000.

12.2.2 Dredging

As discussed in Section 5, dredging is recommended to facilitate safe navigation and sufficient under keel clearance for the vessels. The cost of dredging is based on the volume of material to be dredged, the type of material being dredged (silt vs sand vs rock), and the distance that the dredged material must be transported for disposal. It has been assumed that the material to be dredged will be sandy and used to fill deeper areas of Lake Worth Lagoon within a two-mile radius of the project area.

The cost for a turbidity screen has been included in the cost. The need for this will depend on the permit conditions.

A major cost to the project will be to remobilize the dredge for the second summer to dredge a relatively small volume of sediment located underneath the Peruvian Dock. The potential savings could be close to $2M. Given the smaller volume remaining, especially if some dredging can be performed between the slips, it may be possible to mobilize less expensive equipment to the site in the second year. These options should be fully vetted in the PED phase.

12.2.3 Building Improvements

The concepts for the various buildings are discussed in Section 8. The cost was based on the square footage of each building and a cost per square foot, which ranged from $150/sf for the Peruvian building to $200/sf for the Brazilian

office. The supporting columns and pads are in poor condition (Kimley-Horn, 2008), so an additional $100/sf has been included to address the base.

12.2.4 Bulkhead Replacement

The bulkhead replacement assumed that a new sheet pile bulkhead with a concrete cap would be constructed in front of the existing bulkhead. See Appendix B for greater detail on the existing bulkhead and proposed rehabilitation. This can be performed separately from the dock replacement. However, there are synergies and costs savings from constructing the bulkhead and dock upgrades simultaneously. The opinion of probable construction cost for the bulkhead presented in this Master Plan are based on the cost for the rehabilitation of similar bulkheads in southeast Florida.

12.2.5 Parking Lot Replacement

The parking lot replacement costs are based on:

- More extensive alterations to the Brazilian Dock parking lot
- Minimal repairs and repaving of the Australian Dock parking lot and conversion of the current trash and oil facility to green space
- Repaving the Peruvian Dock parking lot
- Installation of remote controlled lift-arm gates

12.2.6 Permitting, Engineering, and Design

The next step in the process to upgrade the Town Dock facility is to select an alternative and start PED on the various elements. The cost of this effort has been estimated at 8% of the total construction cost minus the cost expended to date. The opportunity for grants to fund the next steps has begun and will continue throughout the PED phase.

12.2.7 Construction Opportunity Cost

During construction, the Town will not be able to charge patrons for use of the dock. This will almost entirely affect patrons with annual leases. While the majority of vessels are absent during the summer months proposed for construction, the Town should credit patrons for this portion of their annual lease. Approximately 1/3 of the vessels remain at the Town Docks during summer, and these will be accommodated. The opportunity cost of construction for the first year of construction is approximated at $1.2M. The opportunity cost during the second year of construction would be less at approximately $400,000.

The sequence whereby the Peruvian Docks are demolished in 2020 and then reinstalled in 2021 would have an opportunity cost of approximately $1M. This should be weighed against the possible cost of remobilizing a dredge ($2M) and the negative goodwill of the displaced dock patrons.

13. Acknowledgements

Town of Palm Beach Town Council

Mayor Gail. L. Coniglio
President Danielle. H. Moore
President Pro Tem Margaret A. Zeidman
Council Member Julie Araskog
Council Member Lewis S.W. Crampton
Council Member Bobbie Lindsay

Town of Palm Beach Recreation Advisory Commission

Amy D. Bahl
Nicholas Coniglio
Carla Termini Cove
G. Ellen Howe
Matthew Smith
Alexandra Woodfield
Leslie Wytrzes
John C. Hartz, Jr.
Grier Pressly
Kristen Schonwald-Vila

Town of Palm Beach

Town Manager Kirk Blouin
Deputy Town Manager Jay Boodheshwar
Director of Recreation Beth Zickar
Director of Public Works H. Paul Brazil
Dockmaster Michael Horn
Town Engineer Patricia Strayer

Royal Park Homeowners Association

Dock Patrons

W.F. Baird & Associates Design Team

Gordon Thomson
Lars Barber
Rory Agnew
Peter Truax
Emily Deschane
Dennis Kissman (Marina Management Services)
Mary Kuhn (Marina Management Services)
Miguel Ayala (REG Architects)
Ron Ball (SEA Diversified)

JH Sprague Consulting LLC

John Sprague

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Appendix A

Compendium of Public Meeting Comments

A.1 Docks Dated - Upgrades Needed

- Extremely successful as is.
- Vision is for a state-of-the-art facility with wi-fi, power, wave attenuation, probably a floating dock.
- Docks are obsolete.
- Need new docks and upgrade.
- Upgrade dock.
- The docks need to be modernized.
- At point for extensive repairs.
- Docks are old. By industry standard they're not terrible but reflects poorly on Town of Palm Beach.
- General agreement that we need new docks.
- Docks reaching end of life.
- Slip owners want an update.
- This is an opportunity for the Town.
- Don't increase capacity but just upgrade the docks.
- Common theme is to improve aging facility.
- The docks need to be update and renovated. No shops.
- Docks are great the way they are - Not a financial prostitute - Previous iteration wanted a convenience store, parking lot in name of a financial boon - The Town Docks are not a financial savior - Don't expand the docks. Improve enhance but don't enlarge.
- Our amenities don't match up to other facilities. We need to step up our game.
- Depth of slip is adequate.
- Recommend three-year phased renovation.

A.1.1.1 Electrical

- They upgraded their slip to meet their electrical needs. Larger electrical need is an ongoing trend along with larger vessels.
- Lighting is obsolete and electrical fails.
- Increase power – need 480V 200 amp.
- Electricity drawn from boats is huge.
- Lady Kathyryn V paid for the upgrade to the slip they use - Recommend providing sufficient electrical – removes noise and odor - Large boats need more power.
- Electrical needs to be 3-phase. Currently provide 1-phase.
- Definitely have to increase amperage and increase water pressure.

A.1.1.2 Lighting

- Lighting is an issue – no posts or glow to upland residents

A.1.1.3 Sewage

- Sanitary is up to date.
- Sewage pump out/ fire main. Works well here. Potential issue with fire line being dislocated from dock during king tides. This would be addressed through floating docks

- Will the docks provide sewage service or a fuel service?

A.1.1.4 Trash Collection

- Look at green area marinas. Maybe a trash compactor. How loud are they?
- Trash needs to be put somewhere prettier

A.1.1.5 Wi-Fi

- No Wi-fi.
- Wi-Fi and infrastructure is under the dock. Look at Wi-fi and new technology.
- Need to address Wi-fi and parking.
- The dock needs high speed internet, mail delivery from Fed Ex etc.
- High speed Internet plug in and Wi-Fi - cell tower in new Dockmaster building.
- Upgrade it (internet)

A.1.1.6 Buildings

- Office space is totally insufficient Don't need to worry about pump station
- Need improved facilities for Dock Master and Police
- Build a new dock master office. You can restructure it.
- Do we need the building at Mike's current office location? Could we move Mike's office to the Brazilian dock? We should consider tinted glass sloping in.
- Recommend a new/improved Dockmaster building and office. The building should be higher so that the dockmaster can see the entire marina.
- The office could be anywhere? Is there a need to have it at the marina? Maybe locate the office where it is less expensive.
- The last time they torpedoed the lounge.
- "No bread, no butter, no bait" (reference to not having a grocery store or bait shop).
- No convenience store. Don't even bring it up.
- Rumor of a convenience store – don't want to see that.
- Have showers for smaller vessels.
- Attractive - Ok now, but need a new building, expansive planters. Do we need recreational facilities for the crew?

A.1.1.7 Bulkhead/Seawall

- Seawall looks terrible – needs addressing
- Bulkhead/seawall needs to increase in elevation. USACE predicts between 11" and 22" rise in sea level over next 40 years. Need to address this at this time. If we repair or replace the seawall, then do it now.
- Opportunity to raise the seawall/bulkhead to address sea level rise: Raise the height of the seawall; Town should consider doing this everywhere. Phase it in. Good opportunity to start now.
- Water came over the top of the seawall during Hurricane Irma. Consider addressing flooding.

- Reflection off the wall can be a problem.

A.2 Keep Feel of Town Docks

- The marina provides some panache.
- Tranquil, safe, quiet and non-commercial
- Leave it alone, but make it wonderful
- It is identified with the pulse beat of the Town and it should stay that way
- Palm Harbor is the main competitor, but it has a different atmosphere.
- Doesn't see current docks as over bearing
- Lot of density along Lake block; More peaceful and enjoyable; Don't change aesthetic
- Should be equal or lower intensity – no more traffic or trash
- Concentrate on facilities but don't think about a convenience store
- Doesn't want a packet of cigarettes to be sold, or a loaf of bread, or beer.
- HOA stopped 2 to 3 story parking lot and underground building for pump station
- Keep it bike friendly; don't worry about passing cars.
- The previous plan included a convenience store, laundry facility and enlarged parking lot. Stop trying to do something with the grass.
- There was a movement to redo the Town Docks in 2007. The homeowners were not happy. They didn't want "another Disney World" with visitors coming to look at the boats and have a concession stand etc. Avoid repeating that mistake. Don't create a public draw.
- When the previous effort put up a photo of the Fort Lauderdale marina next to the Town of Palm Beach, the residents didn't like it. We are not looking to compete or become a commercial operation.

A.3 Vessel Sizes

- No lack of interest for boaters wanting space
- More slips for smaller boats, add smaller slips
- Like to see a mix of boats
- Keep a mixture of boats
- Great compromise of large and small vessels
- Recommends accommodating multiple size vessels. There is an appeal for a range of vessels at a marina
- Trend is towards larger vessels.
- Can we extend the docks?
- Is the goal to increase revenue? If so, what happens when you change one large vessel. It isn't bad the way it is. Different boats mean different people - Keep same size wise.
- Not sure if the marina should be only for mega-yachts even if it made more money. The business model may not support that anyway. If only mega-yacht, it might not be seen as a service to the residents.
- He's aware of demand for a couple more for that 70m size

- Allow more slips to accommodate 75m vessels. The Town can make more money from larger vessels. The industry is moving towards larger vessels
- Heard rumblings about mega-yachts. Lady Kathyryn V should be the largest vessel. Don't need bigger boats.
- Avoid making it Rybovich
- Doesn't think that superyachts will bring business to the Town. There's a charm to the current size of yachts. Super yachts will bring a different environment. Don't go there as the docks will lose their charm.
- Wants a marina that the very best money can buy based on a solid financial model. However, it doesn't need to be exclusively mega-yachts.
- Larger vessels mean more crew, power draw and utility needs
- Vessels at 160' and up have an unlimited budget. You can get locals that own boats this size. Sailfish Club has only 2 slips that can accommodate this size vessel. There should be room for 70m vessels.
- More crew on bigger vessels, need crew accommodations - lounge; ablution facilities.
- Rybovich has over 300 boats but they want to be over at Town of Palm Beach. At Rybovich, the average stay is 60 days. Rybovich said that the 120' to 180' market is full. They can't accommodate more though there is a demand.
- Keep big boat owners
- Dock more mega-yachts
- Is there a chance for a dry dock? Small boats?
- Some like to sail down for a Lunch Boat Special. Businesses and restaurants would like a courtesy boat.
- Would be beneficial to have space for dinghies.
- Maybe have a platform for a dinghy.

A.4 Docks Should Serve Town Residents

- The marina adds value to the Town.
- There is a benefit to the non-boater.
- Residents use the park area and as such it's a service for the residents.
- Make residents aware that there are bigger slips available.
- Potential for synergies between the community and the docks.
- Have to deal with fishing from the bridge
- Reciprocity with Recreation Department facilities would be good for crew
- The Town Docks are the only public access to the lake
- Are the Town docks a Town service?
- Recreation facilities would be an enhancement. Would draw more.
- Doesn't view the dock as an amenity. Better viewed as the Town is an amenity for the dock.
- It is close enough to the Recreation Center that patrons can use that?
- Is the marina like other amenities? More people use the Recreation Center, tennis and golf facilities.

- The marina does not fulfill a general public need. It's not really used by the general public.
- Wants to see boats, we're on the water.
- Can't have a town like this without boats.
- Brings people in to Town for shopping.
- Serves a public need beyond the boaters.
- The marina add value and is an asset. It's a selling point for the Town. Some residents operate from their yacht.
- The docks are more than an amenity. People want to visit or live in Palm Beach because of Lake Worth, tennis, golf.

A.5 Parking

- Haven't experienced any difficulty with parking
- Parking needs to be addressed.
- Parking is an issue.
- Parking is insufficient.
- Parking lot is an issue – should not be commercial, remain as assigned parking.
- Can't increase capacity without increasing parking.
- When designed, boats didn't have as many crew. The Patrons work it out. Some of the parking issues are unaffiliated with dock patrons. Difficult to ticket people because trying to maintain harmony.
- Parking doesn't work now because angled parking along Australian Avenue sticks out. It needs to be addressed. Eliminating that parking would be the ideal and look at parallel parking would be their ideal.
- Diagonal parking is a problem. Remove it, expand the grass out and put in parallel parking.
- Parking lot: Trees are a battle; Need better enforcement of parking violations; People coming in from outside to fish
- Not much room for parking or amenities
- No increase in parking - Screen the parking lot better
- Remove angled parking
- Can DPW *(ed. Dept of Public Works)* be used to address parking shortfall?
- Removing angled parking would be a significant decrease in parking
- Remove angled parking. Too congested. In the Bonci plan, they moved the grass out 8' full length of park. More green but expand existing parking.
- No less green space but parking is a challenge
- If we could take away the diagonal parking along South lake Drive that would be appreciated. They would prefer parallel parking along South Lake Drive. This was detailed in the 2007 Lake Park Master Plan. (Bonci Plan)
- Can you implement a 10-year old plan? *(ed. Refers to Bonsi Plan.)*
- Change random parking on South Lake Drive
- Change parking times
- Parking lot is unsightly – would prefer it not be asphalt.

- Park should remain “primitive” with green scape. Don’t have crew working in the park.
- How do you show revenue increase? Parking sticker; Gate with clicker
- Stick with an asphalt pavement
- Parking – the little streets need a permit
- Increased parking is needed. Utilize parking in WPB? They have permits for 5 spots but some of their crew parks at the West Palm Beach garage. Maybe use a mesh and allow grass to grow through it.
- For parties, they’ll bring in valet.

A.6 Floating Docks vs. Fixed Docks

- Prefers floating docks
- Floating docks are preferable
- Prefers floating docks with an in-slip pumpout
- Floating docks are preferable with piles on the inside of the dock. This helps to increase slip size - Understand maximum storm surge to avoid the docks rising above the height of the pile
- Need floating docks. Stationary docks are obsolete.
- The North Bridge had pilings that didn’t even touch the bottom.
- Boat patron died many years back because of fixed dock. Had to climb down but fell and drowned. Good reason for floating dock
- Floating docks are the way to go. Have the piles on the inside of the docks. West Palm has their piles on the outside. That is not the way to go.
- Disagree that floating docks are a panacea. There were 8’ seas in Lake Worth. Who pays for replacement?
- Majority of patrons want floating docks
- Sailfish Club is putting in floating docks - this is where the industry is going.
- Install floating docks if that is the state-of-the-art.
- Definitely have to have Floating docks
- Floating docks are essential

A.7 Kayak Launch

- This should be a recreational area for kayaks and canoes. The only current access is through private clubs. Residents should come first and there should be a Town kayak dock.
- Can’t put a kayak next to a bow thruster.
- It is important to address the concept of kayakers within the Master plan whether we facilitate kayakers or not. Kayakers currently use Bingham Island (Southern Blvd Bridge) as a launch point. Kayakers also launch at the Sailfish Club but they need to be members. There is a concern with providing a launch spot for kayaks at the Town Docks due to the boats and the strong currents. There is also limited parking. Could we place storage at the pump station at the north end?
- There is kayaking at Sailfish Club. Avoid making the dock a county-wide launch point for kayaks.

- Request for kayaks: Not an ideal place for kayaks; No launch place except for Sailfish Club; People would love having a kayak launch; Kayak launch would have to be for residents only.
- Put a letter in the Shiny Sheet. It's a small segment, doesn't know how big.
- Lives in southern end and there is a small beach that he uses. Would need storage space. Can't lift 50lb to roof of car. Launching point no good without secure storage.

A.8 Green Space

- Keep green grass.
- Increase the green space
- Keep it open and airy.
- Don't move trees but more green space under trees
- Green space is an important part of the community.
- Repurpose and rebuild the existing structures without affecting the footprint of the green space.
- Trees – is it possible to trim those back? Used to have a view of the docks but it's now blocked.
- Chose to live close to the docks because of the park.
- Will the Master Plan reduce paved width of South Park Drive: Could put in shade trees; Improve lake trail – it's a true gem; Improve sidewalk connections; Examine ADA requirements.
- Keep Lake Park peaceful.
- Preserve and protect Royal Park and neighborhood.
- While the Bonci Plan and Master Plan for Dock may be separate, when complete should complement each other.
- Suggest looking at both projects as one. Residents look at it as one project.
- Bonci Plan was a good one. Town Council authorized and voted on it. Agreed to the long range plan and adopted it.
- For this plan, listen to the people. Both the Bonci Plan and Dock Plan should work hand in glove.
- Scope too limited. Include park and trail. Include landscape architects. Encompass the findings of the Bonci report.

A.9 Resident or Non-Resident Use

- Doesn't necessarily see a difference between resident and non-resident use of the marina.
- Residents should get priority over non-residents. Higher priority is fairness vs difference in cost. Would prefer long term lease to Palm Beach residents vs. shorter term.
- He has been there for a long time and his neighbor has been there for 10 years - Annual leases are advantageous to keep docks utilized.
- We should know the country of vessel registration. Are they US Coast Guard registered?
- Boat owners haven't owned boats for 35 years. The boat owners should be less influential than the upland owners and residents in the town. Larger the boat the

less likely to be town residents. Don't increase the size to try and make money

- Transients are not a priority
- Won't get through this without non-residents: Vet who is coming in; Support having a different rate structure for resident vs non-resident
- Treat residents and non-residents the same with respect to rates. Maybe residents should get preferential treatment when on the waiting list (similar to a restaurant).
- Transient vs long-term – Trust the Recreation Dept, Dock master, and Expert
- Some believe that basing docks on seniority is not fair.

A.10 Financial Comments and Rates

- Rates should reflect highest and best use of facility.
- The rates are below market.
- Consider establishing a day dockage fee.
- Newer facilities, larger slips could provide more money.
- Add more dock space – politically controversial, some will say it's big enough. Larger slips to increase revenue.
- Profitable operation for the Town.
- Docks have been and continue to be a revenue generator.
- New docks should generate bigger revenues.
- Town relies on docks to fund activities (like a football team at universities).
- The dock is an amenity but also a revenue generator.
- The marina is an important revenue generator for the Town, so it is important.
- This is a wonderful town dock, and it shouldn't be a big sprawling marina economic cash driven event.
- Town benefits from staff aboard the vessels.
- Concerned about low bid. There's an immediate need but don't go low bid. Take care on specifications.
- Is financing going to be included in the plan?
- Residents enjoy it but users should pay for it.
- Keep control of marina (don't consign it)
- Doesn't want to see a special assessment

A.11 Security

- Security – want to applaud current security.
- Security is a key element.
- Need to improve the dock and ensure safety and security.
- Security – lights go on and off - Need plenty of bright light.
- Opportunity or space for fishing without entering the docks.
- Have to ensure no fishing violations.
- There is a Town ordinance against fishing at the dock. The docks are also gated.
- The area is safe and secure with parking and ability to walk to dinner on Worth Avenue.

- Nothing escapes Police here. Cameras on the bridge track each car entering.
- Supporting cameras is not difficult - Police Foundation could maybe support cost
- Security concept is fine. There are cameras but maybe need some more if you expand. Maybe consider a swipe lock.
- May want to consider an infra-red motion detector to turn on lights, both on water side and land side.

A.12 Construction

- Do it once, do it right.
- Consider phased construction.
- Fort Pierce rebuilt with floating concrete.

A.13 Other

- Staff does a good job keeping the area.
- Need to implement wake control – center console boats tear through the area.
- How will a fire be put out on a vessel? If there is a fire, do the vessels have insurance that will reimburse the cost for the Town to rebuild the docks?
- Admiralty law will dictate how the Town would recover money in case of a fire. Must look at it.
- Lady Kathyryn V is foreign registered. That has nothing to do with whether the owners are Town residents. The Vecellios own three properties in Town of Palm Beach. The Town requires liability insurance.
- The marina is viewed differently from the recreation center or tennis courts. It is considered a parking lot for yachts while tennis is a service. The golf course was originally a gift. It's also a service and is now starting to contribute financially to the Town.
- Grass cuttings fill up the screener.
- Discharge of phosphates into the water leads to barnacle growth.

Appendix B

Bulkhead Inspection Report

Baird.

Bulkhead Inspection

Town of Palm Beach Docks Master Plan

Prepared for:

Town of Palm Beach
PO Box 2029
340 Seaview Avenue
Palm Beach, FL 33480

Prepared by:

W.F. Baird & Associates Ltd.

For further information, please contact
Gordon Thomson at +1 561 400 7820
gthomson@baird.com
www.baird.com

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Revision	Date	Status	Comments	Prepared	Reviewed	Approved
0	3/13/18	Draft		GGT	KMJ	GGT

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1. Bulkhead Inspection Details

Inspector: Gordon Thomson, PE

Location: Lake Drive Park / Town of Palm Beach Docks

Royal Palm Way to Worth Avenue (Figure 1.1)

Date: Tuesday, November 28, 2017

Time: 10:00 to 14:30

Weather: Sunny, 80°F

Tide: Low tide of 0.72' MLLW at 08:57
High tide of 2.64' MLLW at 15:09

Equipment: GoPro Hero V video camera (plus accompanying lights and mounting system)
iPhone 5S still camera
Tape measure

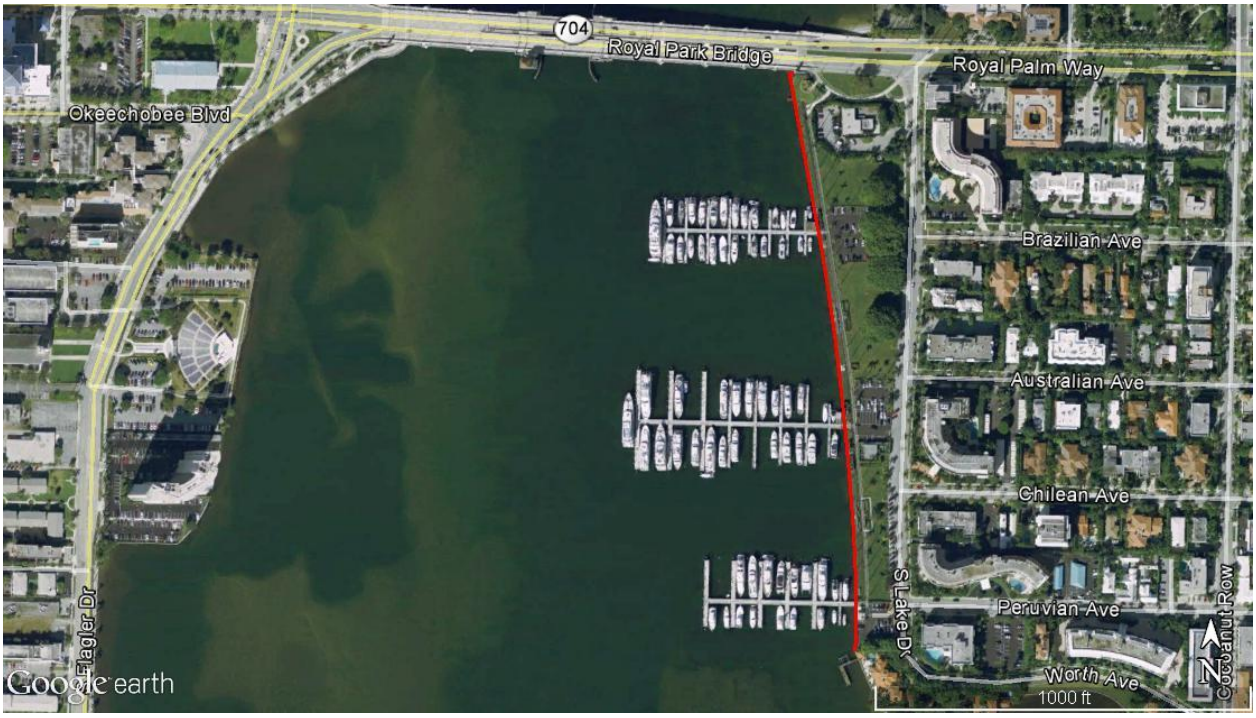

Figure 1.1: Project Location

2. Summary Findings

A continuous bulkhead extends 1,550 feet along the length of the Town Docks from the Royal Park Bridge to the southern extent of the Peruvian Dock parking lot. The bulkhead is in reasonably good shape but is showing its age. Original construction plans are not available, and the age of the bulkhead is unknown. It is estimated that the bulkhead is at least 30 to 40 years old based on lack of availability of records, discussions with Town of Palm Beach staff, and the general condition of the bulkhead.

The bulkhead appears to be a sheet pile with an extended concrete cap and face. The concrete face descends approximately seven feet from the cap. The cap typically stops between three and six inches above grade, though in some areas this is as much as two feet. It is hypothesized that the concrete face would have extended to grade at construction, and the gap between the base of the concrete and grade is due to scour.

The outlines of deadmen on the seaward face of the bulkhead (inferred because of heavy marine growth but approximate in location and size) suggest that deadmen assist in structural support of the wall. This would be expected for a wall of this type and height.

While, there are a few areas where the concrete cap has cracked and spalled, overall, the concrete cap is in good shape though frequently pitted. There were two areas where loss of backfill was evident. It was not clear from video footage of the face of the bulkhead where the backfill was being lost.

Marine growth is prevalent below the high tide mark. While it does not appear that this growth is impacting the structural stability of the bulkhead, its presence may be obscuring sites of damage on the bulkhead. Rust staining is also common in the marine growth, possibly from exposure of rebar.

In summary, the bulkhead appears to be fair condition though in need of spot repairs where the cap is cracked and backfill is being lost. Continued deterioration of the bulkhead is expected over time with repairs being required more frequently. The Town should consider rehabilitating the bulkhead within the next several years.

Figure 2.1: Sta 8+80 looking north. View of seaward face of the bulkhead at high tide.

3. Detailed Report

A continuous bulkhead extends 1,550 feet along the length of the Town Docks from the Royal Park Bridge to the southern extent of the Peruvian Dock parking lot (Figure 1.1). The bulkhead is mostly uniform in construction style, except for the northern return wall that joins into the Royal Park Bridge abutment and the bulkhead south of the Peruvian Dock walkway. Given that the majority of the bulkhead is uniform, this uniform section is described in detail first, and then areas that are different or have areas of concern are described. Stationing starts at the Royal Park Bridge Abutment and extends to the south.

3.1 Generalized Bulkhead Details

The bulkhead from Sta 0+16 to Sta 14+00 is uniform in construction style. It is comprised of an 11-inch wide concrete cap with 1.5-inch chamfers. Overall, the cap is in fair condition though showing its age with pitting and cracking. Backfill extends to the cap in some areas, while in others, there is approximately a six-inch lip between the grass and the seawall (Figure 3.1).

Figure 3.1: Sta 8+00 looking south. View of backfill close to the bulkhead cap elevation.

The cap is uniform in elevation along the entire length, except between Sta 6+27 to Sta 7+17 and Sta 11+45 to Sta 12+35 where the cap elevation raises to accommodate the storm water outfalls. The cap is typically between elevation 3.1 to 3.2 feet, NAVD ’88 (5.5’ MLLW) based on surveys conducted by Sea Diversified. At the storm water outfalls, the cap increases in elevation to 5.5 feet or 5.6 feet NAVD ’88. The bathymetry at the

base of the bulkhead varies from approximately -5 feet, NAVD ’88 (-2.6 feet, MLLW) to -7 feet, NAVD ’88 (-4.6’ MLLW).

A smooth concrete face extends down the seaward face of the bulkhead. The concrete face stops between six inches and 24 inches above the bottom along almost the entire length of the bulkhead. Steel sheet piling (Figure 3.2) with periodic tie backs (Figure 3.3) are visible within this gap. It is unknown whether the concrete was initially poured to grade and then the bottom was eroded or whether it was designed and constructed with this gap intentionally.

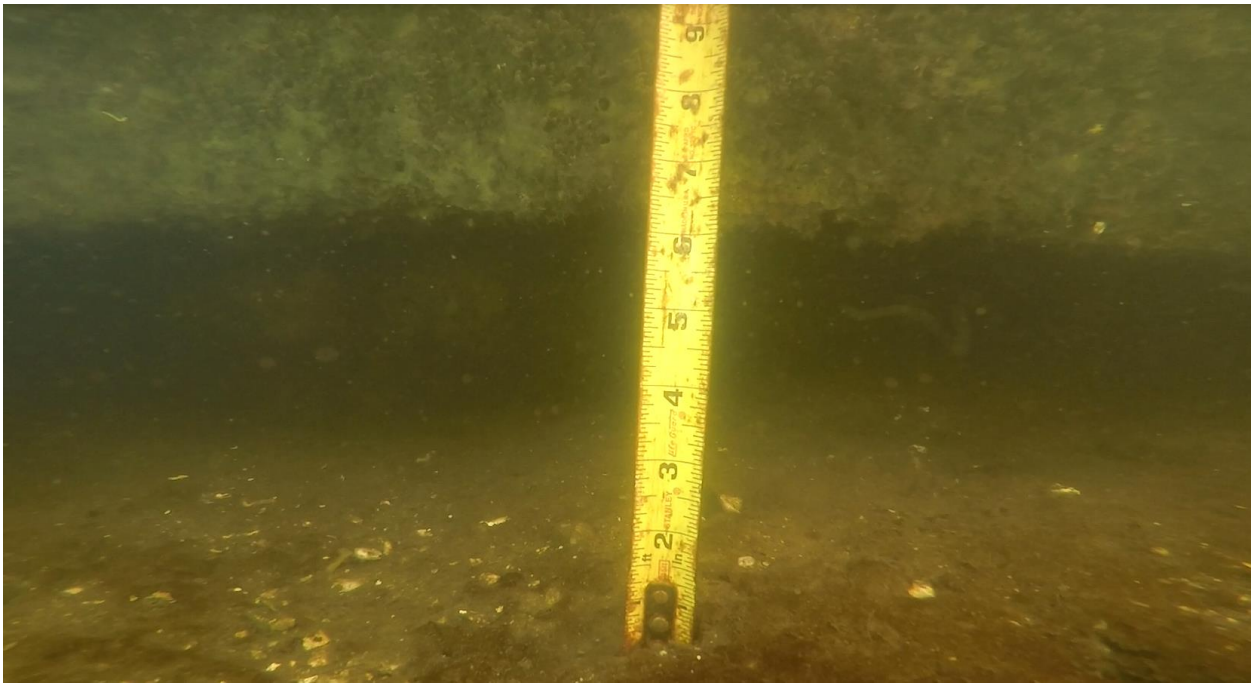

Figure 3.2: Sta 20+00. Gap between concrete face and bottom exposing the sheet pile

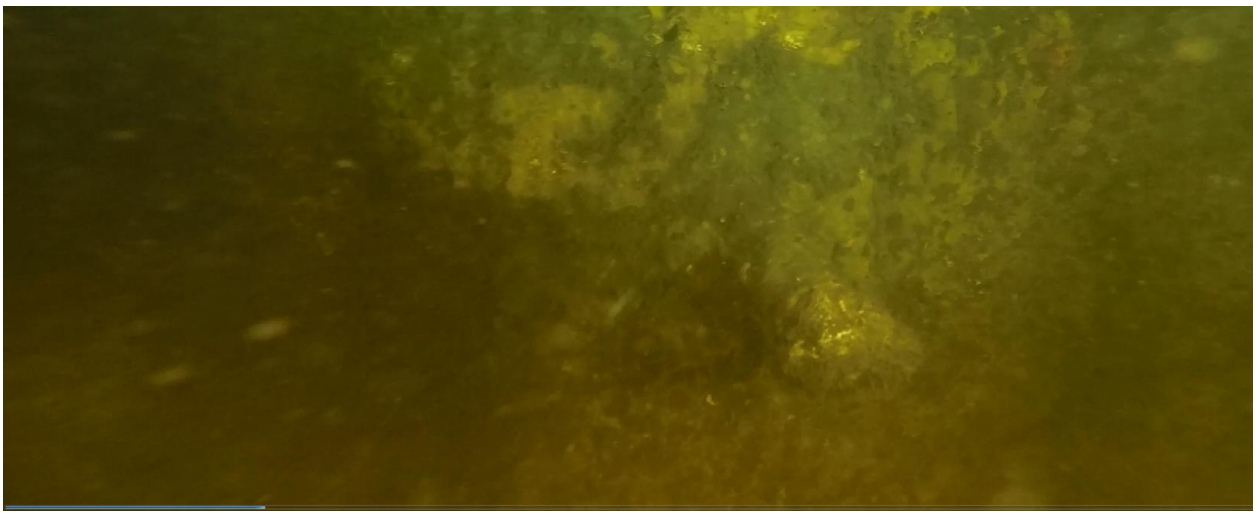

Figure 3.3: Sta 2+90. Apparent end of a tie back.

The concrete face has marine growth starting close to the high water mark (Figure 3.4), though the marine growth is more dense below the mean low water elevation (Figure 3.5). Some rust coloration is visible around some marine growth suggesting that the sheet pile extends into the concrete cap portion of the bulkhead, but it was not possible to determine the top elevation of the sheet piling (Figure 3.6).

Figure 3.4: Sta 2+90. Typical bulkhead face transition from exposed concrete to the concrete covered in marine growth within in the intertidal zone.

Figure 3.5: Typical marine growth on the concrete face of the bulkhead.

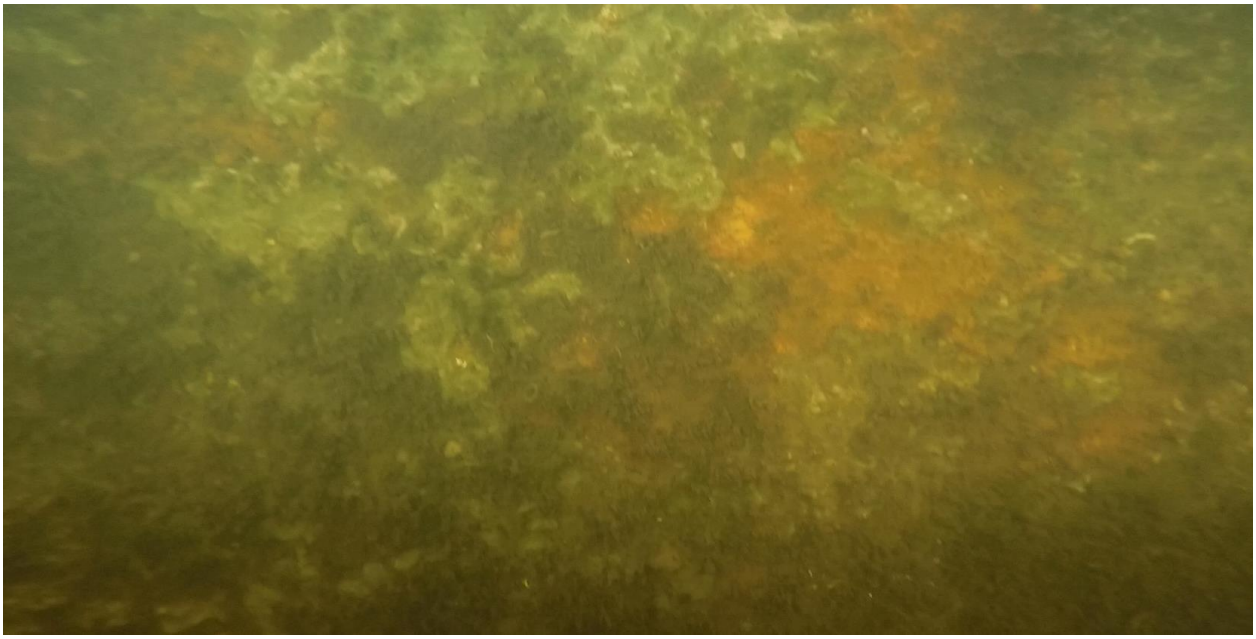

Figure 3.6: Sta 3+30. Infrequent rust coloration of marine growth suggestion corrosion within the bulkhead.

There are expansion joints in the concrete every 20 feet. Filler has been placed in these joints, but in many instances the filler has been degraded, and joint between two adjacent concrete sections extends back to the sheet pile (Figure 3.7).

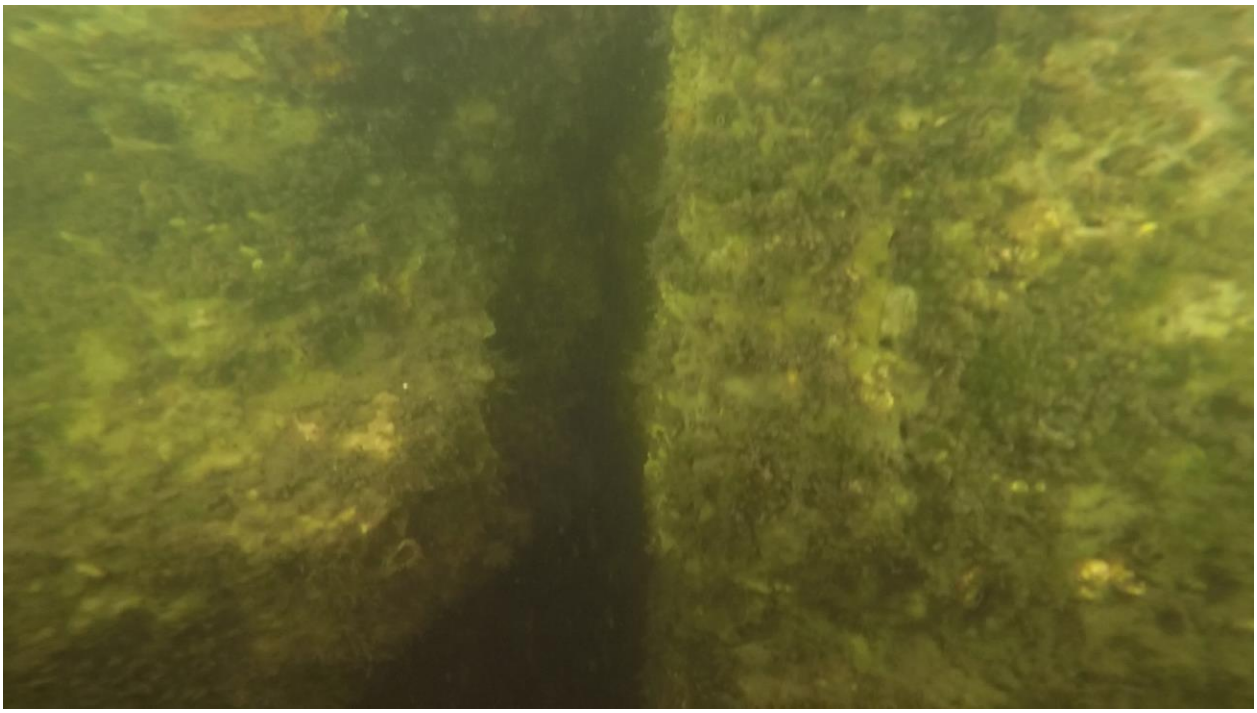

Figure 3.7: Sta 0+70. Crack at an expansion joint in the vertical concrete face.

3.2 Sta 0+00 to Sta 0+15.5 - Northern Return Section

This section of the bulkhead is different in construction style from the majority of the bulkhead fronting Lake Drive Park. This section extends 15.5 feet due west from the Royal Park Bridge abutment to the main north/south section of the bulkhead. It appears that this bulkhead has been repaired multiple times, though none of the repairs appear to be recent. This section of the bulkhead is comprised of a concrete bulkhead with a deep (six-inch wide, six-inch deep) corrugated face (Figure 3.8). There are some remnants of a sheet pile face, though it looks as though this has been removed while leaving concrete fill behind it. There is concrete rubble in front of the vertical face. There is a newer six-inch wide, two-foot high concrete cap that is offset from the lower face of the wall by 1.5-feet.

There are numerous cracks in the lower face of the bulkhead, though there was no apparent loss of backfill to indicate that these cracks extend far enough back to violate the integrity of the bulkhead.

Figure 3.8: Sta 0+02 looking west. Corrugated face and offset cap.

Figure 3.9: Sta 0+03. Horizontal cracks in the concrete bulkhead.

3.3 Sta 14+55 to Sta 15+50 - Peruvian Dock Parking Lot Bulkhead

The bulkhead structure in front of the Peruvian Dock parking lot from Sta 14+55 to Sta 15+50 (Figure 3.10) is different in construction style from the bulkhead fronting Lake Drive Park, though similar to the return wall between Sta 0+00 and Sta 0+16. It is a comprised of sheet pile with concrete back fill that doesn't breach the surface at low tide. A concrete parapet, offset approximately one-foot from the landward edge of the corrugated face, serves as the remainder of the bulkhead. When viewed from above the water line, the change from the bulkhead style extending the majority of Lake Drive Park to this new bulkhead is best approximated by the start of a three-inch wide, horizontally oriented lip that extends from Sta 14+55 to the southern end of the seawall.

The bulkhead ties into the neighbor's wall at the south side of the property, which is higher than the crest of the Town's bulkhead.

Figure 3.10: Sta 15+45 looking north along the bulkhead along the Peruvian Dock Parking Lot.

Figure 3.11 shows the start of the different style of bulkhead. A few elements can be observed in this picture, including that this is a sheet pile face, shown by the rounded edge of the sheet pile and seam. A tie back can also be viewed in this frame and, while less clear, the joint between the extruded bulkhead section and the vertical face of the bulkhead to the north.

Along the southern half of this section, the corrugated section has been undermined, which is a concern for the continued stability of the bulkhead. However, it looks as though this has been the condition of the seawall for a considerable time. It is strange that the sheet pile wasn't extended further into the seabed to avoid this undermining. While unclear due to marine growth, it may be possible that the sheet pile was discontinued or removed.

While not clear, it appears that there is a second wall behind the corrugated section.

There is cracking, spalling, and deterioration underneath the "lip" that extends from Sta 14+55 (Figure 3.13). This is not a critical element of the bulkhead so not in need of imminent repair.

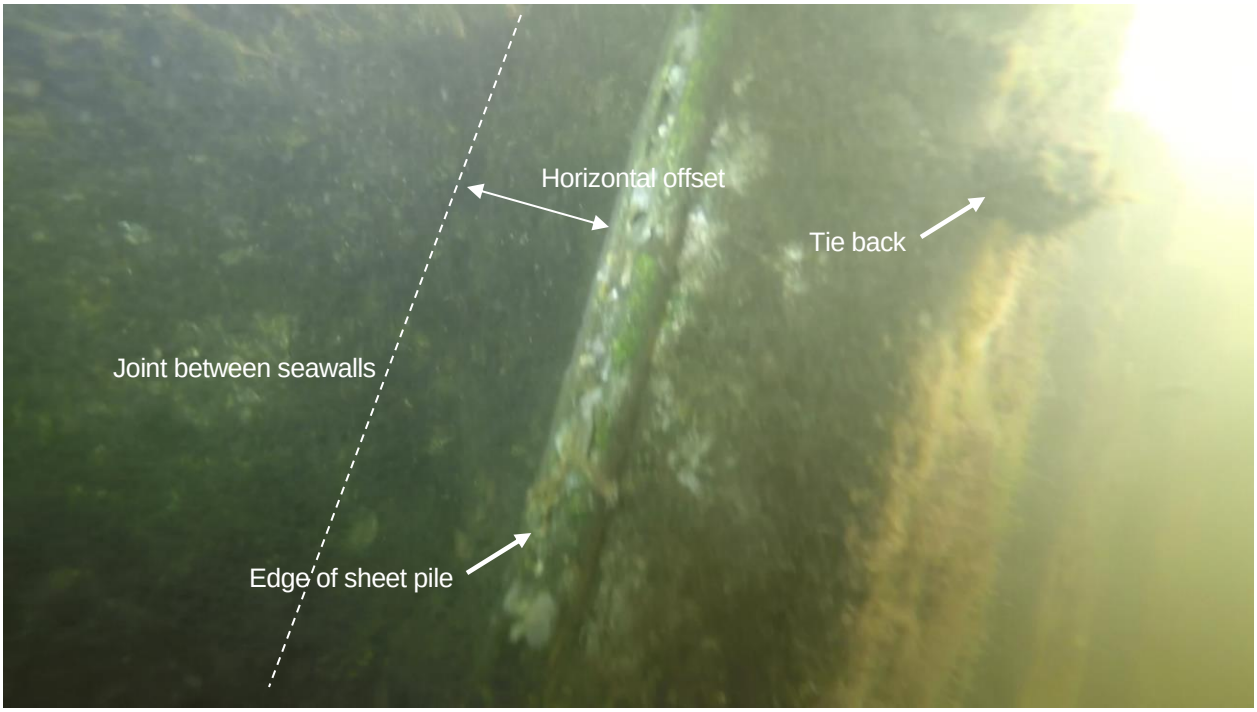

Figure 3.11: Sta 14+55 looking south. This is the start of the different bulkhead style.

Figure 3.12: Sta 15+15. Gap underneath the corrugated section of the bulkhead and vague outline of a secondary sheet pile wall in the background.

Figure 3.13: Sta 15+00. Cracking, spalling and deterioration underneath the lip along the parapet bulkhead section.

3.4 Sta 0+80 to Sta 0+88 - Outfall/ Cable Crossing

There are two outfalls located between Sta 0+80 and Sta 0+88, though these could also be cable crossings as a cable is entering/exiting one of the openings (Figure 3.14). The structure is monolithic concrete, though is covered by a metal plate suggesting that it is hollow in the center. The structure extends 18 feet into Lake Worth Lagoon from the seawall. There is spalling and rebar exposure on the small walkway to the structure (Figure 3.15).

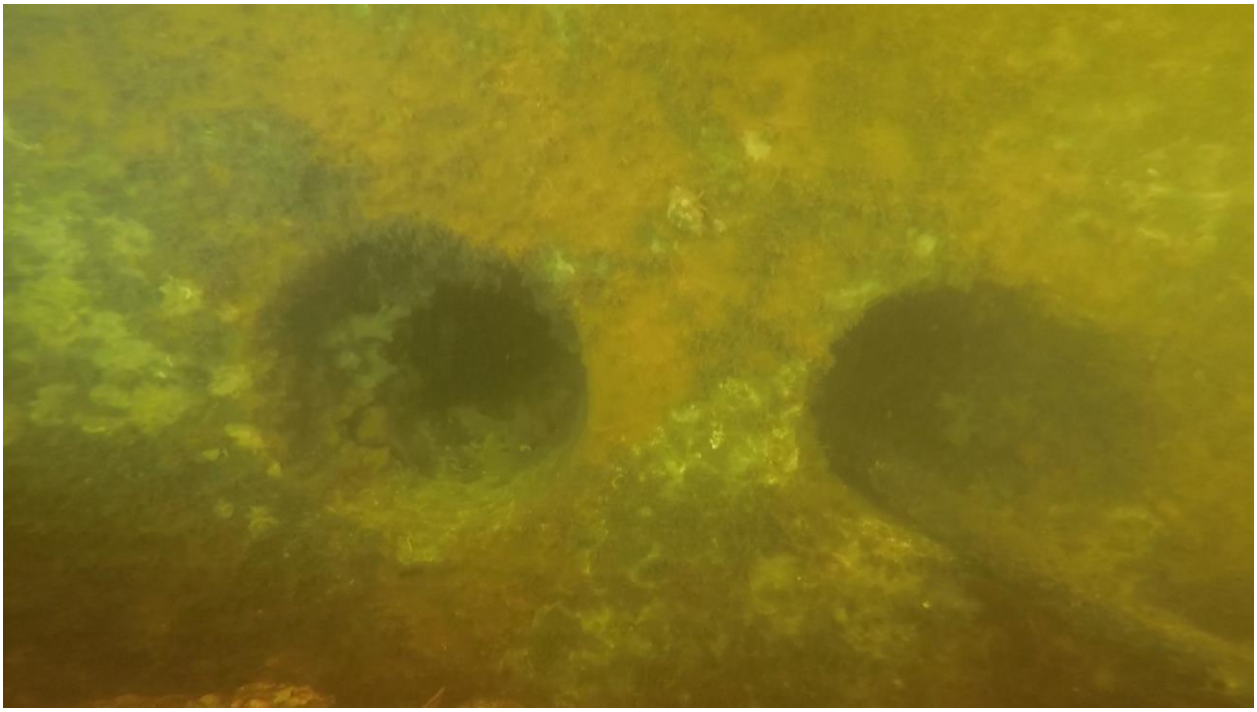

Figure 3.14: Sta 0+84. Western end of outfall structure looking east. Note the cable entering the eastern opening.

Figure 3.15: Sta 0+88 looking north. Spalling and rebar exposure and corrosion of the walkway to the outfall structure.

3.5 Sta 2+10 - Cracked Cap

There is a five-foot long section of cracked and dislocated concrete cap at Sta 2+10. The crack is arched and extends approximately one-foot below the cap, so the bottom of the crack remains above the mean high water line.

Figure 3.16: Sta 2+10. Crack and dislocated concrete cap.

3.6 Sta 10+80 - Backfill Loss

There is an area of backfill loss at Sta 10+80. The Dock Master has marked this area with a cone so that passers-by don't accidentally step in the depression and injure themselves (Figure 3.17). The depression area is approximately six feet across and just less than one foot deep. There were no visible areas of damage either on the landward or seaward side of the bulkhead.

3.7 Sta 9+40 – Backfill Loss

There is a small area of backfill loss immediately in front of the building at the Australian Dock (Figure 3.18). The seaward side of the bulkhead could not be observed with the video equipment because of the building slab blocking access. The area of backfill loss was approximately two feet wide, one-foot long and one-foot deep.

Figure 3.17: Sta 10+80. Area with backfill loss.

Figure 3.18: Sta 9+40. Area of backfill loss in front of Australian Dock office.

4. Repair Options

The existing bulkhead is starting to show its age with cracking and pitting of the concrete and localized corrosion of steel elements, including the sheet piling and concrete reinforcement. The bulkhead is not in immediate need of complete refurbishment, but it is anticipated that repairs to the bulkhead will be needed more frequently and at an increased rate.

Bulkhead structures are inherently difficult to inspect due to the fact that the majority of the structural elements cannot be visually inspected without performing excavation and underwater diving. From Figure 3.3 and Figure 3.11, the bulkhead appears to be tied back using tie rods and presumably a deadman. The condition of the tie rods and deadman are unknown and would require excavation to inspect, which if done, should be done at several random locations to better understand the overall condition. Generally, buried steel corrodes at a decreased rate when compared to steel that is exposed to seawater; however, some soils may have properties that increase the rate of corrosion of buried steel, and understanding the condition of the tie rods and deadman is important as they are primary steel members that provide lateral stability of the bulkhead. Tie rod failures are often dramatic in nature and may result in catastrophic failure of the bulkhead. As discussed below for the repair of backfill loss, it may be prudent to inspect and assess the condition of the tie rods and deadman during this repair.

Evaluating the structural integrity for the as-is condition of the bulkhead cannot be determined without performing a significant field investigation. This would involve excavation behind the bulkhead to expose tie rods and deadman. Underwater diving would also be performed to remove marine growth and measure steel thicknesses and concrete conditions that are currently hidden from view. Performing an as-is structural assessment is exacerbated by the lack of as-built drawings, as member sizes are unknown, as well as geotechnical conditions used when designing the original structure. Some members can be determined from a detailed field investigation, such as sheet pile size and thickness, tie rod sizes, whaler connections, and other exposed structural steel; however, information about rebar within concrete is very difficult to obtain from any field investigation. Thus, even if a detailed field investigation were performed, some assumptions would still need to be made when evaluating the strength of concrete members.

The most cost-efficient method to address all future issues with this bulkhead is to construct a new bulkhead in front of the old one. Sheet piles would be driven approximately one-foot in front of the toe of the old bulkhead and this area backfilled with granular fill or grout. A concrete cap would be poured that would be joined to the existing cap. New tiebacks would be installed and extended through the existing bulkhead.

The gap between the mudline and concrete cap shown in Figure 3.2 means that the concrete is being fully supported in the vertical direction (i.e. in the direction of gravity) by the steel sheet piling. Without existing drawings, it is unknown whether the sheet pile was designed to fully support the concrete cap. It is common practice to support the concrete cap on the sheet pile, but there is no way to confirm this methodology was followed at this time. Either way, the supporting sheet piling is directly exposed to seawater, and there is a potential for increased corrosion beyond what was originally considered in the design. A possible failure mechanism at these locations is the potential for the sheet pile to corrode to the point where it can no longer support the weight of the concrete cap, causing local buckling of the sheet piling and overall vertical displacement and rotation of the concrete cap. Depending on the magnitude of the displacement and rotation, the tie rods will undergo additional stress and may fail. This failure mechanism would likely be triggered by a large rainfall event, which may cause the differential water height between the landside and waterside to increase, thereby exerting additional forces on the bulkhead when compared to its normal operating conditions. Another trigger mechanism would be surcharge loading near the bulkhead, that is, live loads from vehicles, pedestrians, or equipment.

The wider bulkhead base from Sta 14+55 south makes constructing a bulkhead in front of the existing one slightly more challenging. First, the void beneath the existing bulkhead would need to be filled, or that section of the bulkhead should be removed. The former would be easier, though the latter option might be more aesthetically appealing, because it wouldn't protrude out two feet beyond the general alignment of the bulkhead to the north. One advantage of this protrusion is that it could allow the parking lot to be expanded by two feet by removing the existing bulkhead that is above the water line.

The cracked cap at Sta 2+10 should be repaired. This will require removal of the existing cracked concrete. The remaining concrete will be cleaned, with special attention to any exposed rebar. Any exposed rebar with significant section loss would be replaced in kind and doweled into existing concrete. Any new rebar that is doweled into existing concrete should be protected using galvanic anodes due significant potential difference between new and old concrete, which causes rapid corrosion. A concrete form will be erected with dowels extending from the existing concrete into the formed area. New concrete will then be poured.

The two areas currently experiencing backfill loss should be repaired before the bulkhead deteriorates further. This repair will require that the backfill be excavated until the defect in the bulkhead is located. The defect would then be patched from the landward side before backfilling the hole and laying new turf. It is recommended that the tie rods and bulkhead adjacent to the loss of fill location are exposed and inspected during the repair to assess the condition of the tie-back system. This would potentially involve performing additional excavation that is needed for the repair, but the equipment would already be mobilized, and as mentioned, the tie-back system is a critical component to the bulkhead's lateral stability.

For aesthetic purposes, the existing concrete cap could be refaced, though this is not a necessity at this time.

Appendix C

Marina Management Services Market Analysis Report

Baird.

Town of Palm Beach
Town Docks Master Plan
Market Study

PREPARED BY

Marina Management Services, Inc.
102 N.E. Second Street, #268
Boca Raton, Florida 33432
(561) 338-5800 • Fax: (561) 338-5280
www.marinamanagement.com

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Introduction

Marina Management Services, Inc. (MMS) was contracted to conduct a market study of comparable marina facilities that compete for the same market segment as the Palm Beach "Town Docks". MMS has completed an in depth and comprehensive Market Analysis based on information gathered from community stakeholders, city administrators, marina patrons as well as strategically targeted area marinas and yacht captains to provide a comprehensive all-inclusive plan for the revitalization of the "Town Docks" located in Palm Beach, Florida.

Seven area marinas were visited by a member of MMS's staff that met with the management of these facilities and interviewed them at great length.

The strategically targeted area marinas were selected for various reasons. Each marina that was selected has its own personality. Each marina that was selected brings to the table good qualities. And each marina that was selected has its own set of challenges. It is the goal of MMS to share as much available information as possible so the decision makers can make wise choices for the revitalization of the "Town Docks".

MMS included local West Palm Beach marinas as well as specific Ft. Lauderdale marinas that serve the same yachting market segment as the "Town Docks" in an effort to share and explore all options for the revitalization of "Town Docks".

Unlike other municipal marinas in the area MMS wanted to preserve what the "Town Docks" meant to the yacht owners and other water recreation users residing in the town of Palm Beach and balance their needs with those of the community at large. MMS has made every effort to blend the two factions to come up with a plan that addresses all the concerns raised while meeting market demand.

Positioning in the Marketplace

The “Town Docks” enjoys a unique reputation in the boating community similar to that of the Town of Palm Beach. Thus the marina should command dockage rates commensurate with the reputation of the town. With that being said the quality of the facility, level of services provided and competency of the staff has to be a cut above other marina facilities in the area. It is MMS’s position that the “Town Docks” do not compete directly with other marinas in the marketplace but the “Town Docks” management needs to be cognizant of changes taking place in other area marinas. The goal should be that the “Town Docks” sets the standard in the marketplace. Once that level of service is achieved dockage rates and increased profitability will follow.

Recommendations for the Rebuild of the “Town Docks”

During the various meetings with different stakeholders and visiting comparable marinas in the marketplace serving a similar segment of the yachting community as those yachts docked at the “Town Docks” MMS has addressed issues it believes important when decisions are being made as to the rebuilding of the “Town Docks”. The order in which these items are presented below in this report are not conducive as to their relevance as each items stands on its own.

Power Requirements

The “Town Docks” will have a variety of slip sizes and thus attract yachts that will require different shore-side power requirements. The goal in rebuilding the “Town Docks” is to provide as many shore-side power options as possible in the rebuild of the marina thus minimizing the need for yachts to run on board generating equipment. This is much more cost-effective for the yacht owner as well as an environmentally friendly solution. It is also the one preferred by both yacht captains and yacht owners.

MMS is recommending that the “Town Docks” provided a range of power options to its customers. In order to do this it is necessary to balance cost with demand. For slips that can accommodate yachts up to sixty feet each slip should be equipped with power pedestals that can accommodate two 50 amp 240 volt receptacles. Typically these types of pedestals as shown here are placed between slips and one pedestal provides an electrical hookup for two adjoining slips. For the larger yachts MMS recommends power distribution

centers that can provide a variety of power options which includes 480v, 240v and 208v 3 phase with up to 200 amps of service as shown below. The exact configuration will be determined based on final marina design. To reduce the size of wire runs needed from the shore side to these units each unit contains step down transformers to provide the power options mentioned above. This type of installation typically will reduce the overall cost of the electrical infrastructure by as much as eight percent.

These power distribution units contain sub meters which allows the marina to pass through the cost of electricity used by each yacht but the marina is not allowed to mark up the per kilowatt cost to the yacht. The marina owner must look to other means in order to recoup the electrical infrastructure cost. Two ways the marinas typically address this issue is one, they charge a monthly connection fee based on the amperage. The second method is based on a straight monthly administration fee. MMS recommends the connection fee method as it presents the fairest way to charge the yacht.

Both the power pedestals and the power distribution centers contain the sub metering that can be remotely monitored and the information is automatically uploaded into most computerized marina management software systems eliminating the need to have dock attendants physically record each meter reading. This also allows the marina's staff to remotely disconnect the power should the need arise.

Dock System

Marina's are what is considered to be "reactionary" by that it means that marina design does not drive the industry but a marina must react to the types of boats being built and bought in the local market. In the case of the "Town Docks" there is another factor to be considered and that is the primary focus should be on satisfying the needs of the local boating community followed by maximizing the income potential from the seasonal transient boat market. When faced with this challenge the marina's design must be as versatile as possible to accommodate an ever-changing market and avoid becoming obsolete.

To meet this challenge MMS is recommending floating concrete double loaded slips without dolphin pilings and using telescoping piles that can accommodate yachts ranging in length from 65 feet to 150 feet as well as at least two end ties that can accommodate yachts of 200+ feet in length. In the final design of the marina there should be considerations given to locations in the marina where smaller slips in the forty to fifty foot range can be placed without compromising the number of larger slips. Slips in this size range will accommodate local residents that currently keep their boats in surrounding marinas but does not constitute the majority in the primary market. The fairways between docks should be 1.5 times the width of the longest yacht that can be accommodated in a slip on that fairway. This type of construction and configuration will provide the greatest flexibility to accommodate the local market demand as well as attract transient yachts ranging in these sizes.

Yacht owners and captains prefer to moor to floating docks as compared to fixed docks for two reasons. First, once secured to the dock, the dock and yacht become a single unit and rise and fall with the tide eliminating the need to continually adjust fenders and mooring lines to keep the yacht secure to the dock. It has been MMS's experience that because the dock and yacht fluctuate with the tide as a single unit overall maintenance cost of docks is significantly reduced. Second, once boarding steps or ramp is in place no further adjustments have to be made to board or disembark the yacht reducing the risk of personal injury. From the marina owners perspective floating docks will always keep sensitive electrical equipment above the water even in extreme tidal conditions when fixed docks could become submerged. MMS is also recommending the use of telescoping pilings as shown here in conjunction with floating concrete docks.

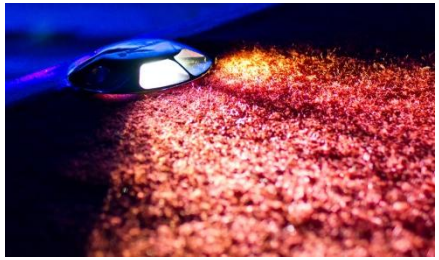
Telescoping piles consist of two steel pilings the outer piling is driven into the bed rock and acts as a sleeve for the inner piling which is fitted in a socket affixed to the dock structure. There are several benefits to this

type of pile system. First, there is not a vertical piling above the dock surface to impede the mooring of a yacht. Notice in the adjoining picture the pilings and the stern of the yacht could swing over the dock and come in contact with a piling causing damage to both the dock as well as the yacht. Second, the usable surface area of the docks is extended providing a safer operating environment and third when no yachts are in the marina the residences have a clear and unobstructed view over the water as compared to the typical floating dock marinas both are pictured here.

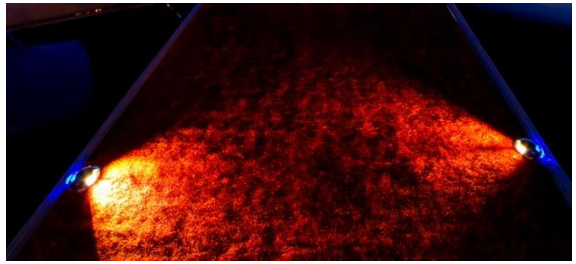
Marina Dock Lighting

A marina's lights serve two main functions. The first and most important function is safety. The second function is that of aesthetics and user comfort. MMS is sensitive to the fact that the "Town Docks" marina patrons and the surrounding neighbors will appreciate a tastefully well-lit facility that is not overstated yet offers safety and a sense of security.

MMS strongly recommends environmentally friendly and energy efficient LED lights for dock lighting of the "Town Docks" similar to the one shown here. The objective is to avoid down lighting or lighting of the water as these types of light can become very obtrusive to the marina customer when on their yacht at night.as well as to the surrounding neighborhood.



The pathway lighting pictured here are two examples of the type of beam the pathway light projects. The light fixture is made from die cast stainless steel designed for a harsh marine environment and casts a flat wide beam of light onto the dock walkway without glare or any upward projection of light. The physical dimensions of the light fixture is less than one inch high and approximately four inches in diameter with no sharp edges minimizing the chance of snagging dock lines or tripping over the fixture. Combinations of light colors can be customized for specific applications. This type of light fixture should also be considered for other applications on the landside walkways and parking areas of the marina.as well. Depending upon the surface the light is projected upon can provide different effects.



Black Water Pump-out System

The marina should be plumbed to be able to receive black water discharged from every yacht berthed in the marina. The plumbing throughout the marina should be passive and in order for a yacht to discharge black water the marina's staff should be contacted and a portable connection should be made. MMS recommends an in-slip centralized pump out system that is comprised of three main components, a land side suction pump shown here on the left and multiple on dock connection points strategically located throughout the marina to minimize the distance from the yachts holding tank discharge connection to the dockside connection point and a transition cart shown here on the right necessary to connect the yacht to the marina's centralized pump-out system. MMS is

recommending the components that should be considered. Design of the system's specific requirements should be a decision left to the engineers and the selected manufacture of pump out equipment.

Under the Clean Vessel Act Grant Program there may be federal monies available to offset the installation cost of this type of system. MMS believes the Town Docks would not qualify since there will not be a general pump out location where any boater may avail themselves to this service. This type of installation is usually in conjunction with a operating fuel dock and imposes a multitude of governmental compliance restrictions. Since the Town Docks will not have a fuel dock nor slips for short term courtesy docking, this is the reason MMS believes the Town Docks will not qualify for grant funding as the system is designed for marina patrons only. MMS does not recommend any change in that policy.

Secure Dock Access

Access to docks in the marina should be limited to yacht owners and crew. All others who request access to the docks should be controlled by the marina's management and security staff. The goal is to create a barrier that is aesthetically pleasing yet highly secure. MMS is recommending a glass barrier as shown here. This type of secured entry does not create a visual barrier between the landside and the waterside yet will keep unauthorized individuals off the docks. MMS is recommending that each entry point have the capability of being remotely controlled from the marina office. Each entry point should be equipped with a video camera, two way voice communications to the marina office, a keyless entry/exit system that has recording capabilities to identify each user and a warning system should the entry gate be left open for any extended length of time.

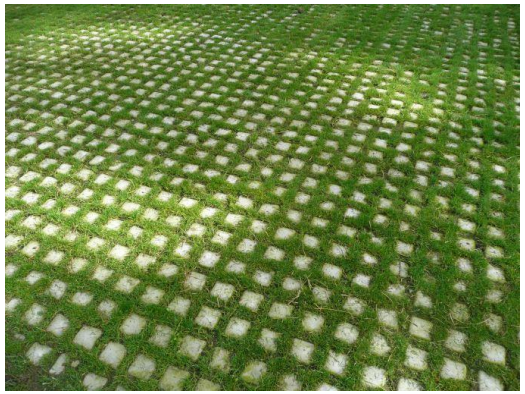
Marina Parking

Parking at the “Town Docks” for marina patrons requires a balance between satisfying the needs of the marina patrons and the aesthetics and inconvenience to local upland residences. This is not unique to the “Town Docks but something almost every marina faces. To satisfy both parties requires compromise and an understanding of the needs of both those parties.

It has been MMS’s experience that the biggest challenge to resolve parking issues is how you accommodate the service provider. Whether it is a service provider called to repair an air conditioner in an upland residence or on a yacht the need to park a service vehicle while the work is being performed is the same. The need for this type of parking is normally during regular business hours. Often time’s equipment is required to be taken on board the yacht therefore dedicated loading and unloading areas be established and restricted to fifteen minute parking. After that the vendor should be required to move his vehicle to either a dedicated marina parking area or street parking the same as any upland vendor.

For those parking lots dedicated to the marina MMS is recommending a parking gate and fob system with remote monitoring to control parking. Each fob should be identifiable as to who it is assigned to and the number of fobs issued for each lot should be one hundred and twenty five percent of the parking spaces available. For example if there are forty dedicated parking spaces in the lot then fifty fobs would be issued. By using this system the marina’s management can monitor the usage and adjust the number of fobs issued for each parking lot based on the utilization of the parking lot. This system will also require setting a limit as to how many fobs each birth holder is entitled to. Over time a pattern will develop and the initial one hundred and twenty five percent rule may be adjusted upward or downward to obtain maximum utilization of the parking spaces dedicated to berths.

Whenever a yacht owner is holding a special party or event for a number of guests on his yacht he should be required to hire a company to provide valet parking for his guests and staged through the loading and unloading areas and not in the gated parking area. This should not be the responsibility of the marina’s management other than to monitor the situation to make sure marina rules are being followed.



Enforcement of any rules regarding parking is the responsibility of the marina's management and must be vigilant at all times because if rules are not consistently enforced uniformly the system will not work.

Lighting in parking areas is important for safety reasons. MMS is suggesting using the same LED puck lights as recommended for dock walkways with limited down lighting preserving the ambiance for the marina patrons and nearby residences.

To keep a park like atmosphere MMS is recommending permeable grass paver parking lots rather than asphalt. Permanent parking spaces can be defined as well as a number of patterns can be imbedded to compliment the application as well as the amount of green grass showing. Using this approach to parking could expand the parking options to accommodate those peak periods without infringing on other public parking. The areas could be sectioned off using a removable bollard and chain approach as shown here to restrict parking to certain areas and only open up those areas as the need arises while keeping the park like atmosphere.

Wi-Fi Service

During interviews with marina customers and stakeholders it became apparent that the current Wi-Fi network for the "Town Docks" is not of the quality or standard expected and needs to be upgraded. Internet access today in a marina is no longer a nice to have, it is a must have. The marina environment requires extra care when planning internet Wi-Fi deployment because each yacht typically has their own Wi-Fi network on board which competes for the same set of reserved radio channels that all Wi-Fi operates on. Additionally, the metal hulls and super-structures of many yachts are not Wi-Fi 'friendly' making the locations of the shore based marina Access Points which provide the internet service to the customers of critical importance. System redundancy, reliability and manageability must be factored into the design and

implementation in order to provide a quality system and thus a quality experience for marina guests. Lastly it must be simple for the guest to use while still providing controls over who has access to the system to prevent unwanted people from using the service. Because of the diversity of yachts that the Town Docks can accommodate the Wi-Fi network should be custom made to address the technical challenges posed by these yachts. Particularly on crewed yachts where the internet may be the only form of entertainment for these crew members the marina must retain control over the bandwidth each user is allowed to use free of charge. MMS recommends the marina impose a charge for excessive use of Wi-Fi bandwidth. A good monitoring system should record the amount of bandwidth each user uses in a twenty-four hour period. If management does not control usage it will be impossible to satisfy the majority of marina customers using the network. MMS recommends using an IT person to design the system who has specific knowledge of system design with a customer base similar to that of the "Town Docks". It has been MMS's experience the system design is based on the individual not a company name.

Trash Collection and Disposal

Trash Collection and Disposal procedures at the "Town Docks" are important to the overall satisfaction of the marina patrons as well as the surrounding upland residences. Convenience and aesthetics play a major role in the success of this process. No matter what procedure is put into place there must be participation and cooperation on the part of the "Town Dock" patrons and marina staff for satisfactory results.

MMS recommends the location of the trash and recycle services are consolidated into a single enclosed area utilizing landscaping to make the area as invisible as possible from the general public and marina customers. This area needs to be secured with access limited to marina employees and yacht owners and or yacht crew. Similar to other gated areas in the marina with restricted access this area should be camera monitored and card access controlled.

Because of the general layout of the property there is not a convenient location for all marina customers to dispose of their own trash or recyclables without creating an issue with parking and adjoining residences therefore MMS is recommending the marina's management implement a program to collect trash dockside and designate an area close to the Public Works property at the north end of the property for the marina's enclosed trash area.

MMS does not recommend placing any kind of permanent trash or recyclable containers on the docks but recommends implementing a policy to pick up these items dockside as they are removed from a yacht and placed on the dock. MMS considers this type of policy as “a value added service” where the marina recoups any additional costs plus recognizes a profit to provide this service. The image the “Town Docks” projects throughout the boating community lends itself to expecting this level of service. MMS is not proposing implementation of any specific policy at this time but it is important to understand how an efficiently designed facility will reduce ongoing operating cost therefore both design and operations should be taken into consideration when planning a new facility.

There are three types of trash that should be accommodated in the designated area, recyclables, general trash and petroleum waste. MMS recommends that the marina’s management contact the Palm Beach Public Works Department and coordinate with them final design to determine accessibility and what receptacles should be used for trash and recyclables to meet the Public Works Department pickup requirements.

Recyclables and General Trash

The marina should implement a program to collect both recyclable waste and general trash to the same degree as the Town of Palm Beach collects such waste. Whatever program is adopted by the marina to collect recyclable waste and general trash should be compliant with the Town of Palm Beach Public Works guidelines. Once the town’s guidelines are understood MMS recommends a program where the marina provides “a value added service” as described above for the handling of both.

Waste Oil Containment

It has been MMS’s experience that regardless of the number of rules or regulations in place for the proper disposal of waste oil in a marina it will become a problem for the marina therefore MMS is recommending providing a secured waste oil disposal area reserved for yachts in the marina. MMS has found that charging a nominal fee to cover the additional labor costs to provide dockside pickup of used oil and other oil contaminated items and maintain the containment area as well as having

the waste oil removed by an approved vendor is not an issue with boaters and should be positioned as part of the marina's environmental policy..

MMS recommends a 500 gallon double-walled steel clamshell design waste oil tank that meets Spill Prevention, Control, and Countermeasure (SPCC) regulations eliminating the need for a secondary containment tank. In addition to disposing of waste oil on a yacht there are oil filters and oily pads that are also discarded. To prevent these items from ending up in the general trash the marina should provide a drum enclosure similar to the one pictured here. This drum enclosure can hold four fifty-five gallon drums and has a sump to hold any spills that can happen when handling used filters and absorbent pads.

MMS also recommends that the waste oil tank and drum enclosure be placed on a concrete pad to keep any spilled waste oil from penetrating the ground. The waste oil containers should be located in the general area along with the trash container.

Marina customers and service providers should not be permitted to dispose of their own waste oil and oil contaminated items to prevent the possibility of spills on docks and other areas of the marina. It is important that marina employees should know what is being placed in the recycle containers to assure proper disposal.

Restrooms/Showers

MMS recommends that the marina's restrooms should be placed at the entrance of each pier and restricted for the use of marina patrons and their guests. Restroom should be secured with access limited to those people with access gate passes to enter the dock. MMS recommends that outside contractors or vendors visiting yachts in the marina do not have unlimited access to the restrooms but must obtain an entry pass

from the yacht they are working on. As with other secured areas in the marina each entry is recorded as part of the security procedure. MMS also feels that showers are not necessary.

Kayak Launching and Docking

During the course of MMS's information gathering process we heard from several local individuals and groups expressing the desire to have a kayak launching and docking facility within the marina redevelopment area. MMS understands the reasons for such a facility and encourages such a facility but it is not a good idea to have it in the proximity of a marina. When a yacht is maneuvering in a marina their ability to alter course is not an option without putting their yacht or other yachts in the marina in harm's way. Similar to driving a vehicle, there is usually a "blind spot" where the driver cannot see the approaching vehicle because of the proximity of the approaching vehicle to your vehicle. This is even more pronounced on a yacht due to the beam of the yacht and height off the water of the pilothouse. A yacht that is backing down usually has no visible line of sight behind the yacht. Therefore MMS recommends that no kayaking be permitted within the marina basin due to the dangers of yachts maneuvering. This rule should apply to everyone even the marina customers who may also own kayaks.

There are a number of launching ramps specifically designed for kayaks. Pictured here is an example of such a floating launch ramp that could be placed in a park like setting where there is minimal current and boat traffic. If space permits a wash down area would be welcomed as well as lockable storage racks that could be constructed and rented eliminating the need for kayakers to have to take home their kayaks when finished. MMS believes that such a facility would be welcomed by the community.

Marinas Surveyed for Market Analysis

The questions asked were carefully crafted based on the driving factors for the revitalization of the "Town Docks" that have been identified by the decision makers and Town Dock patrons.

This Market Analysis will share accurate information on such topics as rates, electrical service, dock systems, parking, landscape, Wi-Fi, security, restrooms/showers and rubbish collection.

The marinas an MMS representative visited were Pier 66, Sunrise Harbor, Hall of Fame Marina, Bahia Mar, and Las Olas Marina in the Fort Lauderdale market and Palm Harbor Marina, and Rybovich in the Palm Beach market. MMS selected these specific marinas to survey as MMS believes these marinas cater to a similar market segment as the Palm Beach "Town Docks".

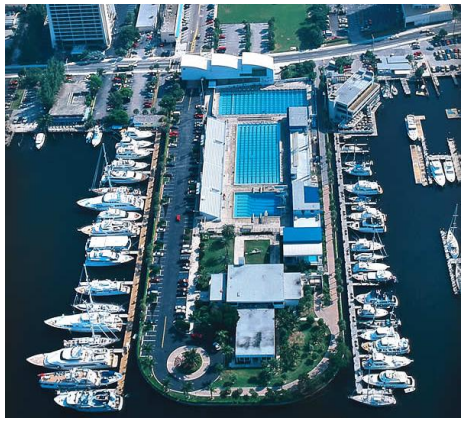
Pier 66 Marina – Ft Lauderdale, FL. – Pier 66 Marina is a full service resort with a 176 slip marina comprised of a combination of fixed and floating concrete docks for yachts up to 350 feet in length...Occupancy averages 48% in summer and 90% in season. The marina promenade and hotel grounds are nicely landscaped providing a private, secluded site within a metropolitan area. Marina customers have access to hotel facilities with designated marina patron paid parking. The marina offers complimentary Wi-Fi, 24 hour security, secured restrooms with showers and laundry, in slip pump-out, dock assistance via golf cart, dockside check in service, tie up assistance for arrivals and departures, provisioning as well as a fuel dock and in slip fuel bunkering is available for marina patrons.

Sunrise Harbor Marina – Ft Lauderdale, FL – Sunrise Harbor Marina is uniquely designed marina with 2,500 linier feet of parallel floating concrete docking that can accommodate various lengths and numbers of yachts up to 200 feet in length. The facility is part of a 352 rental apartment complex that includes 17 guest suites available to marina patrons as well as various retail outlets. Occupancy averages 70% in summer and 100% in season. A pump-out system is plumbed throughout the marina. The marina offers Wi-Fi, on-site security and a water taxi stop which allows marina patrons to visit other parts of Fort Lauderdale including the cultural arts district. Marina patrons enjoy full use of resort amenities including a fitness center, billiard room, tennis courts and club room with catering capabilities as well as concierge service. and complimentary valet parking.

Bahia Mar Yachting Center – Ft Lauderdale, FL – Bahia Mar Yachting Center is a full service Beach Resort with a 242 slip marina comprised of floating concrete docks accommodating yachts up to 300 feet in length along a 3,000 foot parallel dock. Occupancy averages 68% in summer and 85% in season. Patrons enjoy full use of the hotel facilities with designated paid marina parking. The marina offers Wi-Fi, 24 hour on-site security, restrooms, showers, laundry and 3 strategically

located pump-out stations on the headwalls' of B,G and H Docks. The facility offers high speed fueling, a marine store as well as several marine related vendors including such services as fishing and sightseeing charter boats, yacht brokers and a yacht insurance company. Golf cart assistance from the parking lots to the yacht is available on request as well as full concierge services; the "Captains Quarters Clubhouse" is a lounge equipped with billiard tables and is restricted for the enjoyment of yacht captains and crew. The marina is home of the Fort Lauderdale International Boat Show. It should be noted that the entire property s scheduled to be totally renovated within the near future.

Hall of Fame Marina – Ft Lauderdale, FL – Hall of Fame marina has 40 floating wood slips and can accommodate yachts up to 135 feet on the north dock and 70 feet on the south dock. Occupancy averages 83% in summer and 100% in season. The marina has very limited parking available with minimal landscaping as it surrounds the Swimming Hall of Fame. Wi-Fi is available and security is limited to gated access to the slips. The marina provides its patrons restrooms, showers and laundry facilities. The marina does not have a fuel dock but fuel can be delivered to yachts via truck. The marina uses portable pump-out carts. The marina is adjacent to several restaurants, the Fort Lauderdale beach promenade and an abundance of nightlife. Hall of Fame Marina for all its shortcomings as compared to other marinas in the area it prides itself for having a comfortable laidback atmosphere with a real community feel.



Las Olas Marina – Ft Lauderdale, FL – Las Olas Marina is a municipal owned and operated marina. The facility has 61 floating concrete slips that can accommodate yachts up to 129 feet in length. Occupancy averages 25% in summer and 95% in season. The complex features two smaller docks which offer daily boat dockage for boats up to about 30 feet as well as a temporary anchorage area across the inter coastal waterway from the marina. Wi-Fi is available and security is limited to gated access to the slips. The marina

provides its patrons restrooms, showers and laundry facilities. The marina does not sell or allow truck delivery of fuel. There is one pump-out location in the marina and parking is provided in a municipal parking adjacent to the marina.

Rybovich Boatyard and Marina – West Palm Beach, FL – Rybovich Boatyard and Marina is a working-style marina facility as well as a full service boatyard. The marina often acts as a staging area for the patrons of the boatyard. The marina and boatyard can accommodate yachts up to 300+ feet in length. The facility has 57 floating concrete slips. . Occupancy averages 50% in summer and 100% in season. The marina allows fuel truck in slip fueling and provides portable pump out services. Other amenities and services provided include: weekly crew-oriented events, complimentary parking, pool, fitness center, lounge, restrooms, showers, laundry, golf cart service and a complimentary shuttle service to the patron's desired location. Wi-Fi service is available. Roaming security is provided as well as a gate guard at the entrance. Although it should be noted when an MMS representative went to visit a yacht captain of a Palm Beach residences yacht the MMS representative was waved through the gate no questions asked.

Palm Harbor Marina – West Palm Beach, FL – Palm Harbor Marina Located in the heart of West Palm Beach and offers 300 floating concrete docks that can accommodate yachts up to 250 feet in length with 40% occupancy in the summer and 100% occupancy in the winter. The marina has a gated parking lot designated for the marina patrons. Wi-Fi is available

and security is limited to gated access to the slips. The marina offers a private clubroom, fitness center, business center, and game room to marina patrons. Palm Harbor Marina features an upscale deli open to the general public. The marina provides a fulltime concierge service as well as a dockside golf cart pickup and drop off service. The marina provides its patrons restrooms, showers and laundry facilities as well as having a pump-out connection at each slip. Fuel is available at the fuel dock.

Comparable Rate Analysis

MMS has prepared a comparable rate analysis on the following page for the marinas it believes will serve the same segment of the yachting community. No two marinas are exactly alike therefore when preparing a comparable rate analysis it is important to take into account non marina features that have an impact on the rates a marina can charge. A large factor in determining rates is the quality and level of service the marinas' staff provides its customers. MMS assumes that the Town of Palm Beach will demand from its marina's staff the quality and level of service commensurate with the reputation of the Town.

MMS is proposing the following opening in-season rates for the rebuilt marina. These rates may be adjusted upward or downward for preopening construction rate special, seasonality changes, special events, etc. The rates a marina typically charges particularly to larger yachts may seem high to those not familiar with the cost of operating and maintaining the yacht but annual dockage cost is usually less than 5% of the total annual costs of operating and maintaining the yacht.

(Rates are based on per foot per day)	DAILY			MONTHLY			ANNUAL		
TOWN DOCKS	0-100+/-	101--200+/-	201+	0-100+/-	101--200+/-	201+	0-100+/-	101--200+/-	201+
Proposed Rebuilt Opening Rates	**$3.95**	**$4.95**	**$5.95**	**$3.35**	**$4.35**	**$5.50**	**$3.25**	**$4.25**	**$5.25**

(Rates are based on per foot per day)	DAILY			MONTHLY			ANNUAL		
MARINA	0-100+/-	101--200+/-	201+	0-100+/-	101--200+/-	201+	0-100+/-	101--200+/-	201+
Fort Lauderdale Marinas									
PIER 66	$4.55	$7.08	$8.50	$4.04	$6.58	$8.00	$2.48	$3.58	$4.75
BAHIA MAR	$4.83	$7.00	$7.00	$3.92	$6.75	$6.75	$2.58	$4.00	$4.00
HALL OF FAME - NORTH	$3.95	$3.95	$3.95	$3.40	$3.40	$3.40	$2.45	$2.45	$2.45
HALL OF FAME - SOUTH	$2.60	$2.60	$2.60	$2.35	$2.35	$2.35	$1.40	$1.40	$1.40
LAS OLAS	$2.48	$4.15		$2.11	$3.53		$1.37	$2.28	
SUNRISE HARBOR	$4.50	$4.63	$4.75	$4.25	$4.38	$4.50	$4.02	$4.14	$4.25
West Palm Beach Marinas									
PALM HARBOR	$3.30	$3.80	$4.10	$2.28	$2.75		$2.15	$2.40	
RYBOVICH	$4.00	$4.75	$5.75	$3.25	$4.25	$5.25	$3.25	$4.25	$5.25
Average Fort Lauderdale Market	$3.82	$4.90	$5.36	$3.35	$4.50	$5.00	$2.38	$2.97	$3.37
Average West Palm Beach Market	$3.65	$4.28	$4.93	$2.77	$3.50	$5.25	$2.70	$3.33	$5.25
Average Overall Market	$3.78	$4.74	$5.24	$3.20	$4.25	$5.04	$2.46	$3.06	$3.68
TOWN DOCKS									
Current Rates	$3.34	$3.72	$4.02	$2.31	$2.55	$2.78	$1.13	$1.32	$1.47
Comparison to Average Rates									
Fort Lauderdale Market	($0.48)	($1.18)	($1.34)	($1.04)	($1.95)	($2.22)	($1.25)	($1.65)	($1.90)
West Palm Beach Market	($0.31)	($0.56)	($0.91)	($0.46)	($0.95)	($2.47)	($1.57)	($2.01)	($3.78)
Overall Market	($0.44)	($1.02)	($1.22)	($0.89)	($1.70)	($2.26)	($1.33)	($1.74)	($2.21)
Proposed Rebuilt Opening Rates	**$3.95**	**$4.95**	**$5.95**	**$3.35**	**$4.35**	**$5.50**	**$3.25**	**$4.25**	**$5.25**
Percentage Change From Current Rate	18.3%	33.1%	48.0%	45.0%	70.6%	97.8%	187.6%	222.0%	257.1%

It should be noted that current rates charged by the “Town Docks” are below comparable dockage rates for facilities accommodating the same market segment. Although there most likely will be resistance to charging the proposed rates when the marina is rebuilt the Town administrators must take into consideration the investment being made in the new marina and the level of services being provided. MMS believes even though “Town Docks” is a municipally owned and operated marina the marina should be a self sustaining operation similar to any privately owned and operated business and is entitled to a fair return on their investment with any excess funds received out of the operation can then be channeled to other community uses.

Appendix D

REG Architects Architectural Renderings

PROPOSED PALM BEACH DOCKS RENOVATION
AERIAL VIEW

02/26/18
DRAFT

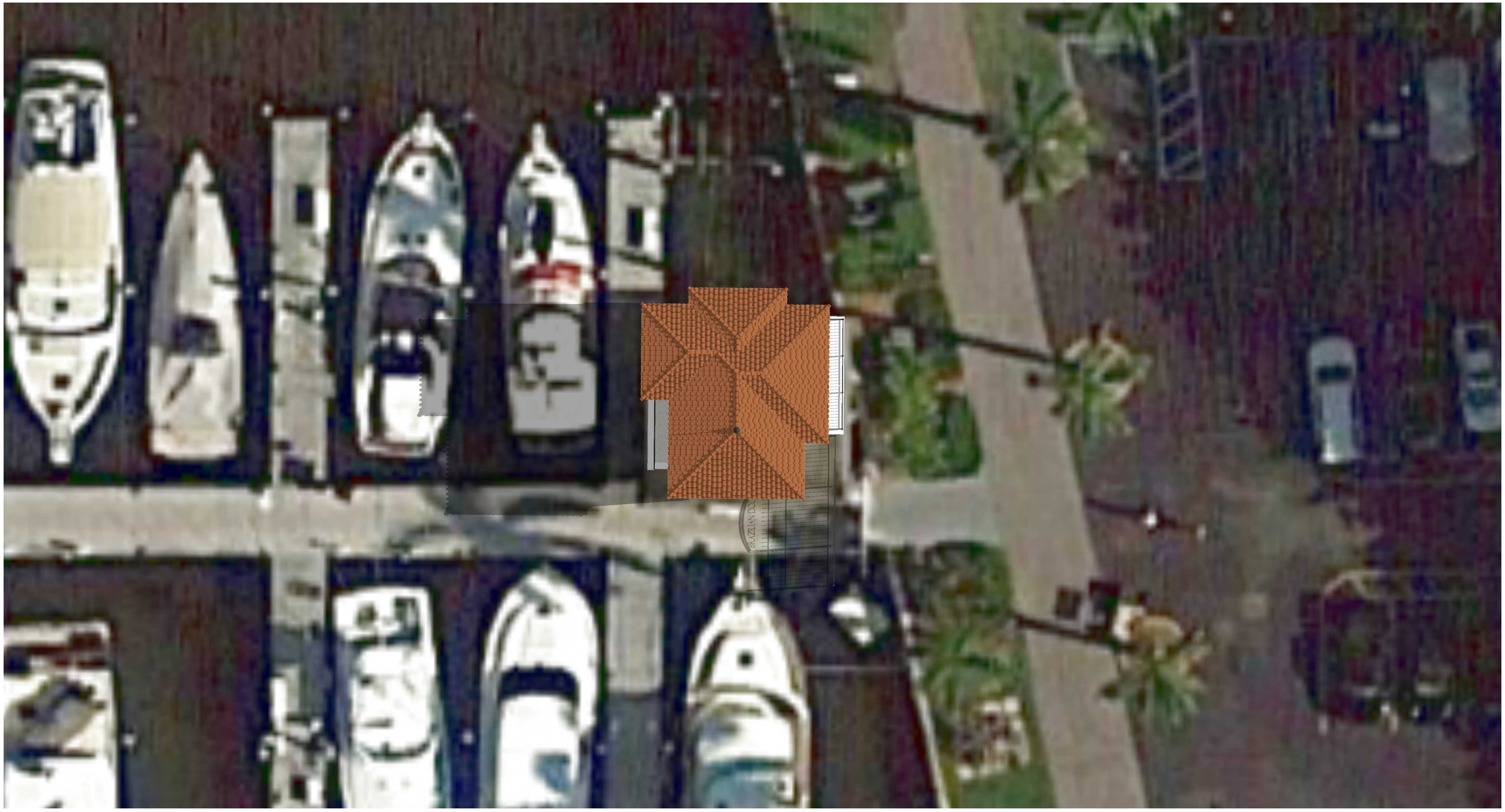
Lic.# AA0002447
REG
Architects
Interiors
Planners
561.659.2383

1

PROPOSED RENOVATION PALM BEACH DOCKS
GENERAL VIEW

02/26/18
DRAFT

Lic.# AA0002447
REG
Architects
Interiors
Planners
561.659.2383



2

PROPOSED BRAZILIAN DOCK
ROOF PLAN

02/26/18
DRAFT

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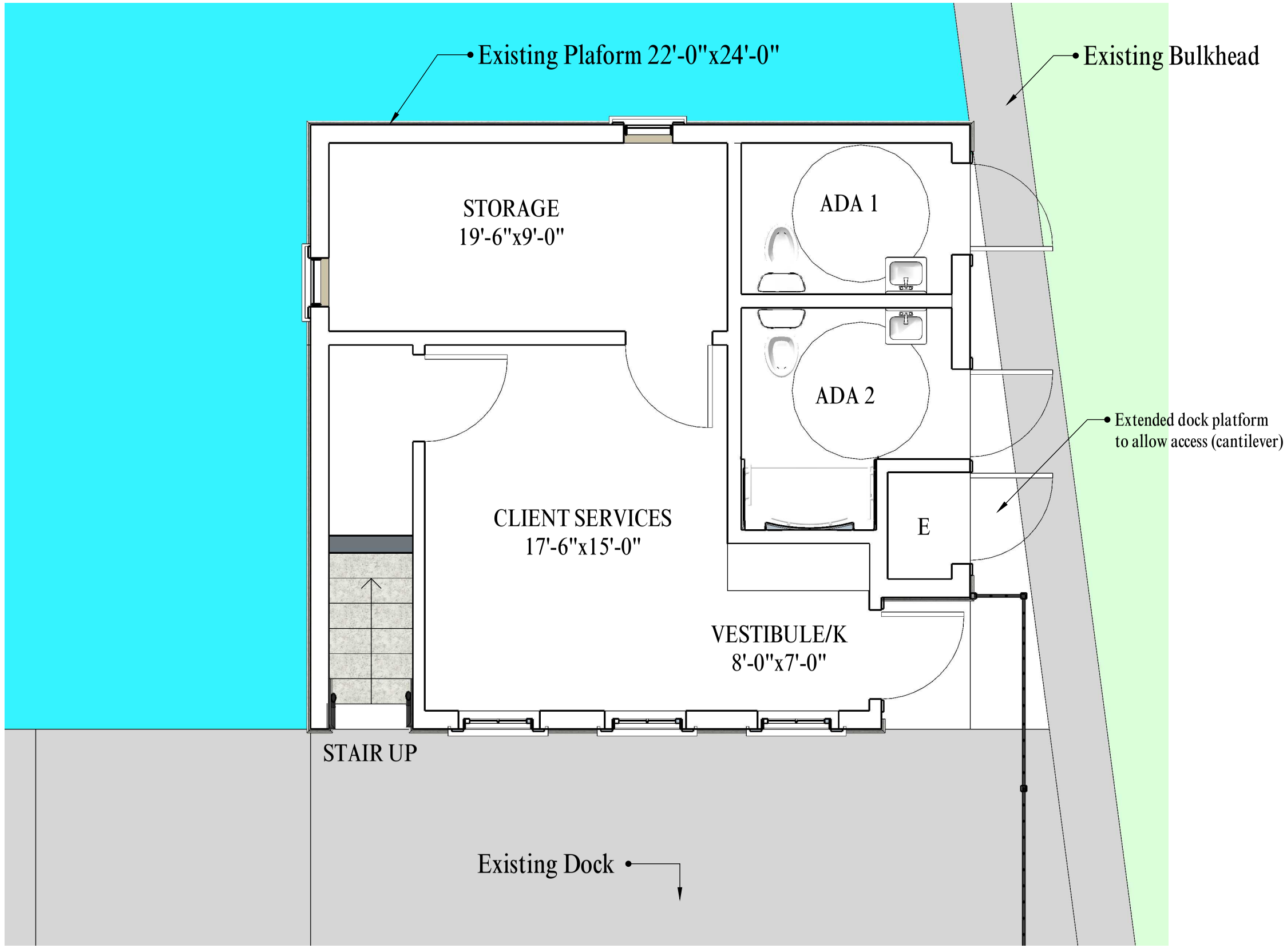
Interiors
Planners
561.659.2383



3

PROPOSED BRAZILIAN DOCK
FIRST FLOOR PLAN 1/4"=1'

02/26/18
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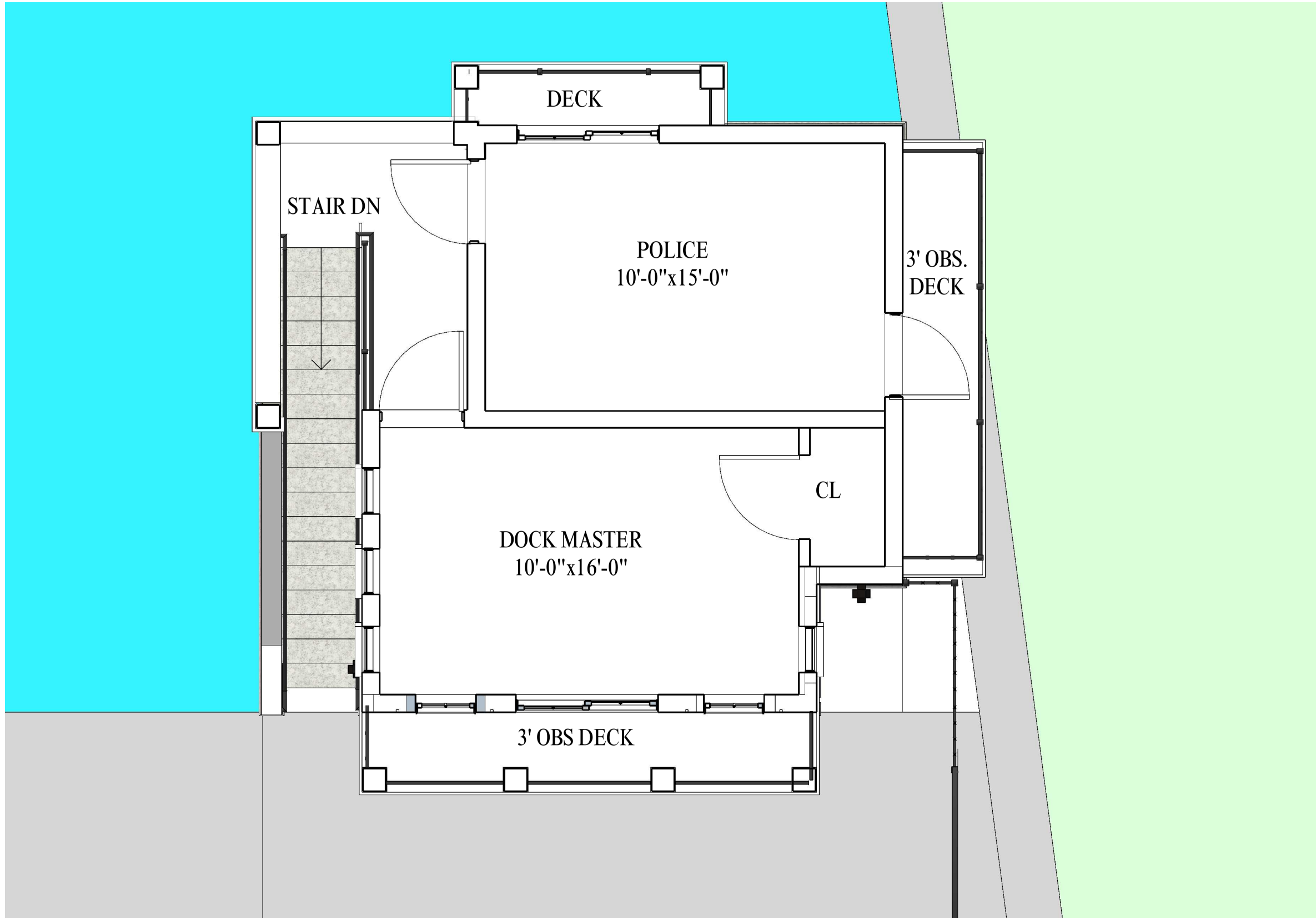

4

PROPOSED BRAZILIAN DOCK
SECOND FLOOR PLAN 1/4"=1'

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5

PROPOSED BRAZILIAN DOCK
SOUTH VIEW

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6

PROPOSED BRAZILIAN DOCK
NORTHWEST VIEW

02/26/18
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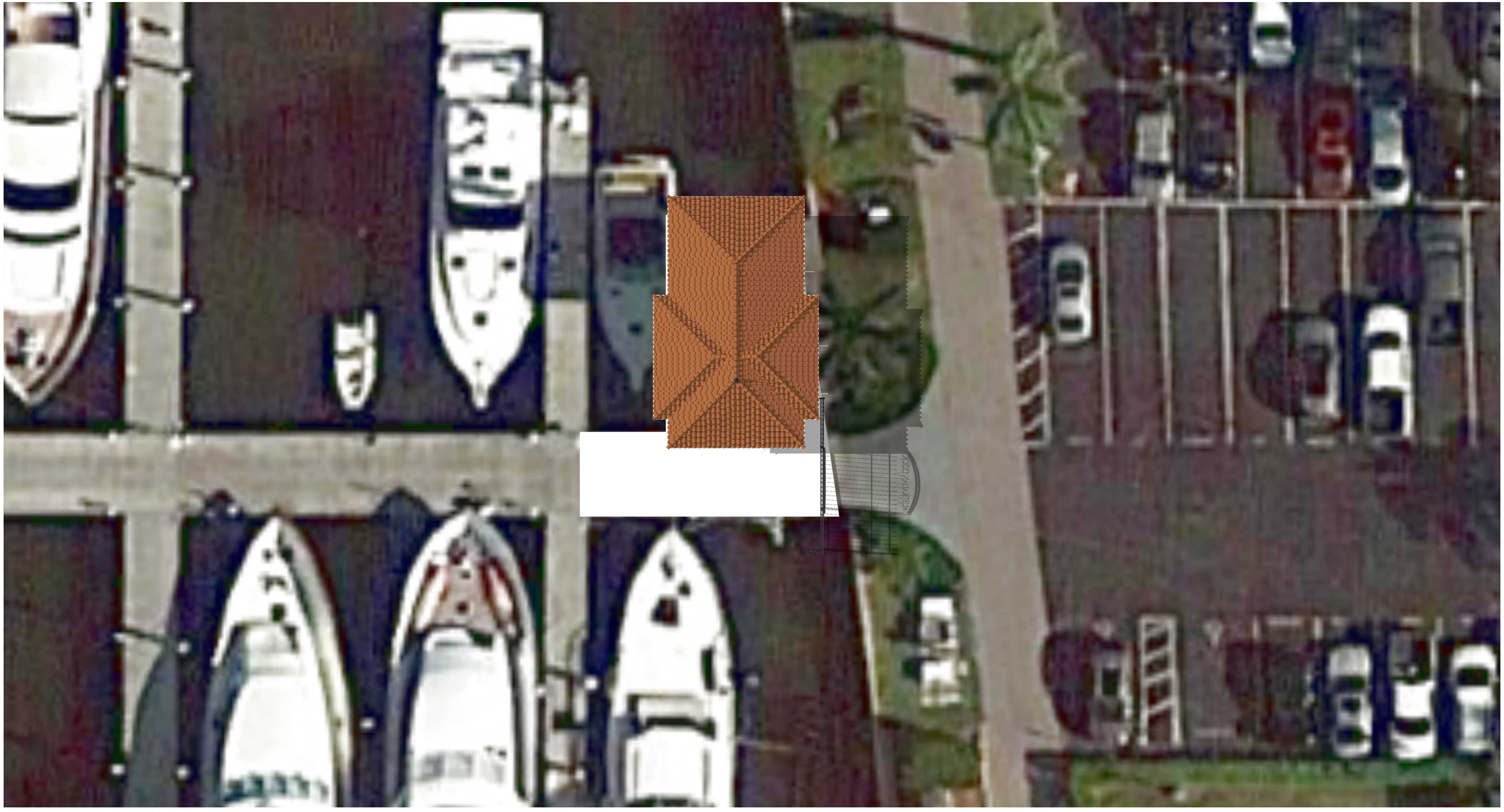
561.659.2383

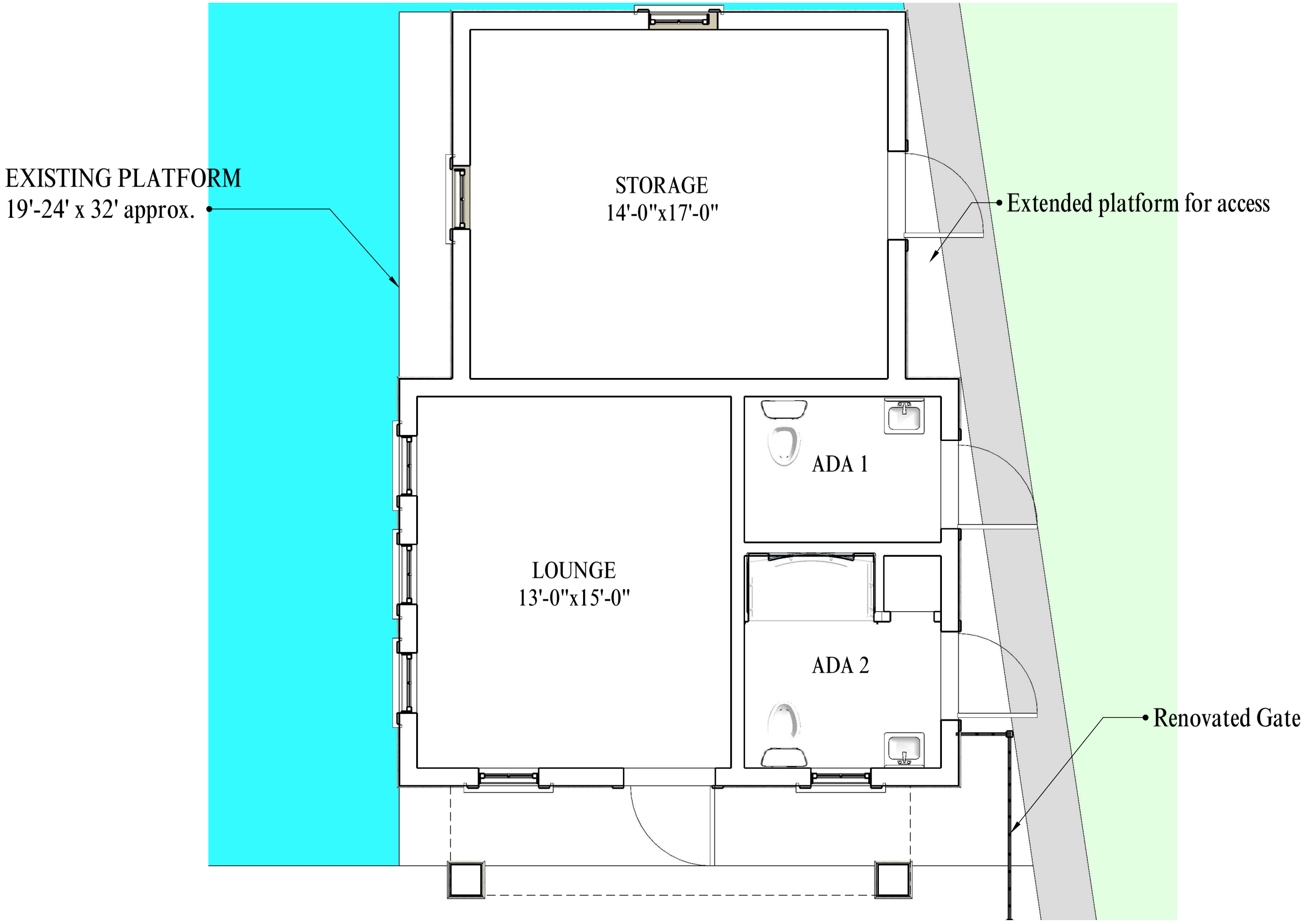


7

PROPOSED AUSTRALIAN DOCK
ROOF PLAN

02/26/18
DRAFT

Lic.# AA0002447
REG
Architects
Interiors
Planners
561.659.2383



8

PROPOSED AUSTRALIAN DOCK
FLOOR PLAN 1/4"=1'

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9

PROPOSED AUSTRALIAN DOCK
SOUTHEAST VIEW

02/26/18
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11

PROPOSED RENOVATION PALM BEACH DOCKS
PERUVIAN DOCK ROOF PLAN

02/26/18
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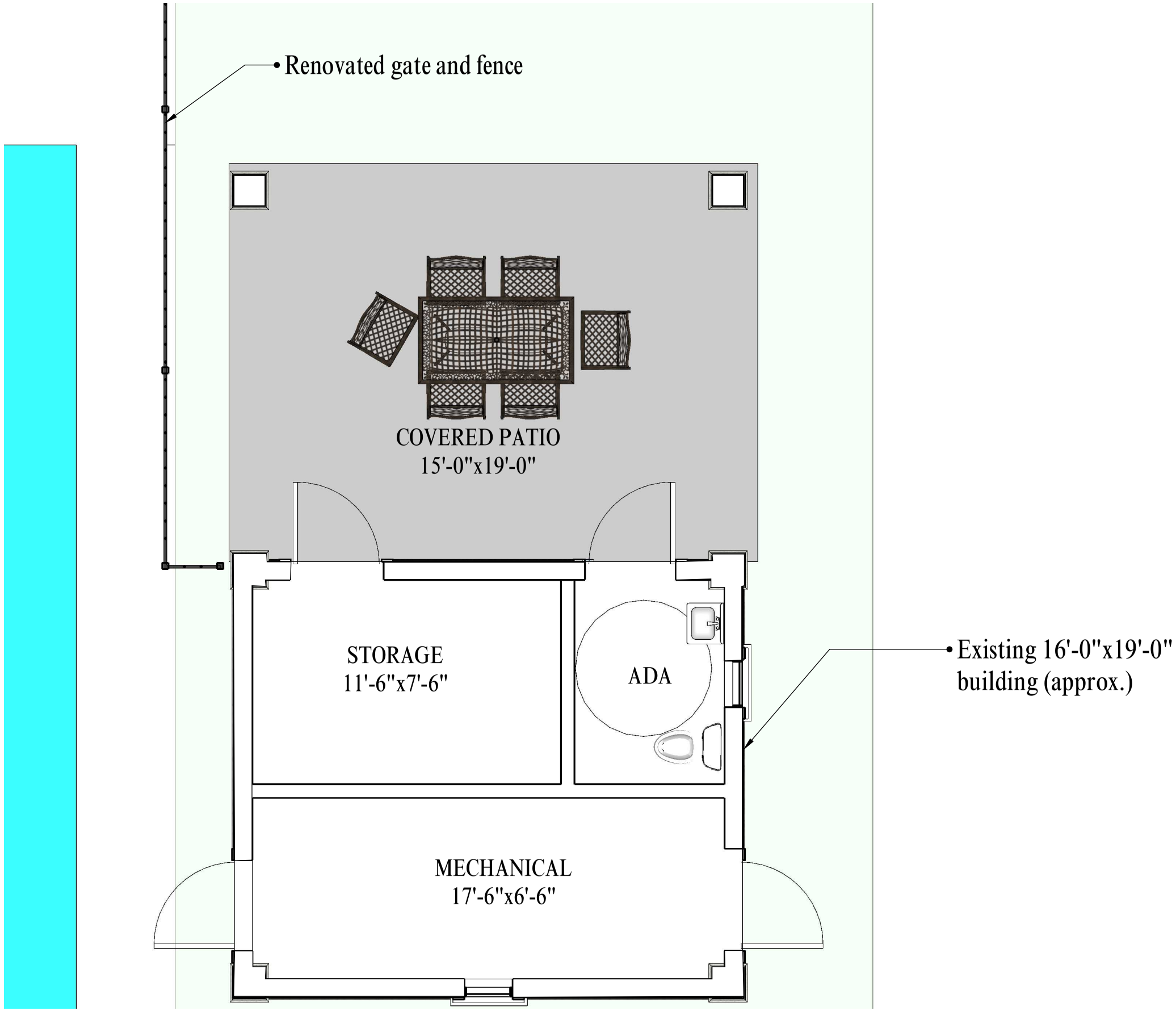
Interiors
Planners
561.659.2383



PROPOSED PERUVIAN DOCK
FLOOR PLAN 1/4"=1'

12

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13

PROPOSED PERUVIAN DOCK
EAST VIEW

02/26/18
DRAFT

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Planners
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14

PROPOSED PERUVIANDOCK
NORTH VIEW

02/26/18
DRAFT

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Appendix E

2018 Town of Palm Beach Docks Fee Schedule

Baird.

Town of Palm Beach Docks
Fee Schedule

Rates include "per foot" and "total fee"

Fees listed do not include sales tax.

Annual Leases

Annual Lease (December 1 - November 30)					
Slip Size	**Per Foot**	**Sub Total**	**Utility Fee**		**Total**
50	$ 1.11	$ 20,257.50	2%	$ 405.15	$ 20,662.65
60	$ 1.11	$ 24,309.00	2%	$ 486.18	$ 24,795.18
80	$ 1.18	$ 34,456.00	2%	$ 689.12	$ 35,145.12
100	$ 1.22	$ 44,530.00	2%	$ 890.60	$ 45,420.60
110	$ 1.22	$ 48,983.00	2%	$ 979.66	$ 49,962.66
120 single phase	$ 1.26	$ 55,188.00	2%	$ 1,103.76	$ 56,291.76
120 three phase	$ 1.35	$ 59,130.00	2%	$ 1,182.60	$ 60,312.60
130 single phase	$ 1.26	$ 59,787.00	2%	$ 1,195.74	$ 60,982.74
130 three phase	$ 1.35	$ 64,057.50	2%	$ 1,281.15	$ 65,338.65
150	$ 1.40	$ 76,650.00	2%	$ 1,533.00	$ 78,183.00
160	$ 1.40	$ 81,760.00	2%	$ 1,635.20	$ 83,395.20
172	$ 1.42	$ 89,147.60	3%	$ 2,674.43	$ 91,822.03
262	$ 1.47	$ 140,576.10	4%	$ 5,623.04	$ 146,199.14

Fees for additional cord for shore power	
100 amp single phase	$.25 per foot/day
100 amp three phase	$.40 per foot/day
200 amp three phase	$.70 per foot/day

Town of Palm Beach Docks
Fee Schedule

Rates include "per foot" and "total fee"

Fees listed do not include sales tax.

Daily Transient Fees

Winter (October 1 - May 31)			Summer (June 1 - September 30)		
Slip Size	Per Foot	Total	Slip Size	Per Foot	Total
50	$ 3.33	$ 166.50	50	$ 1.76	$ 88.00
60	$ 3.33	$ 199.80	60	$ 1.76	$ 105.60
80	$ 3.35	$ 268.00	80	$ 1.91	$ 152.80
100	$ 3.48	$ 348.00	100	$ 1.98	$ 198.00
110	$ 3.48	$ 382.80	110	$ 1.98	$ 217.80
120	$ 3.75	$ 450.00	120	$ 2.12	$ 254.40
130	$ 3.75	$ 487.50	130	$ 2.12	$ 275.60
150	$ 3.83	$ 574.50	150	$ 2.18	$ 327.00
160	$ 3.83	$ 612.80	160	$ 2.18	$ 348.80
172	$ 3.90	$ 670.80	172	$ 2.19	$ 376.68
262	$ 4.02	$ 1,053.24	262	$ 2.26	$ 592.12

Monthly Transient Fees

Winter (October 1 - May 31)			Summer (June 1 - September 30)		
Slip Size	Per Foot	Total	Slip Size	Per Foot	Total
50	$ 2.29	$ 3,435.00	50	$ 1.46	$ 2,190.00
60	$ 2.29	$ 4,122.00	60	$ 1.46	$ 2,628.00
80	$ 2.34	$ 5,616.00	80	$ 1.48	$ 3,552.00
100	$ 2.42	$ 7,260.00	100	$ 1.55	$ 4,650.00
110	$ 2.42	$ 7,986.00	110	$ 1.55	$ 5,115.00
120	$ 2.55	$ 9,180.00	120	$ 1.66	$ 5,976.00
130	$ 2.55	$ 9,945.00	130	$ 1.66	$ 6,474.00
150	$ 2.62	$ 11,790.00	150	$ 1.70	$ 7,650.00
160	$ 2.62	$ 12,576.00	160	$ 1.70	$ 8,160.00
172	$ 2.68	$ 13,828.80	172	$ 1.71	$ 8,823.60
262	$ 2.78	$ 21,850.80	262	$ 1.79	$ 14,069.40

Utility Fees			
50 amp	$10 per day / per cord	100 amp three phase	$50 per day / per cord
100 amp single phase	$20 per day/per cord	200 amp three phase 480V	$150 per day/per cord

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 67-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase to Purchase Order No. 180488 to AppleOne Employment Services, in the Amount of $16,000, Increasing the Amount from $33,224 To $49,224.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Memorandum dated May 8, 2018, from Danielle Olson, Director of Human Resources**
- **Resolution No. 67-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Approval of Increase to Purchase Order #180488
[Resolution No. 67-2018]

Date: May 8, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 67-2018, approving a change order in the amount of $16,000 to Purchase Order 180488 to AppleOne Employment Services for temporary clerical support staff. The change order increases the Purchase Order from $33,224 to a new total of $49,224.

GENERAL INFORMATION

The Human Resources Department is currently understaffed by three and one half (3 ½) positions; one Nurse, one HR Specialist, and half a clerical position. All incumbents either resigned or retired in 2017. In addition, the department is short one HR Analyst who is currently out on medical leave. In order to assist with duties performed by these 3 ½ positions, the Human Resources department has contracted with AppleOne Employment Services for temporary services.

The Human Resources department is asking to fund the existing PO with sufficient funds to keep temporary services through the end of FY18.

FUNDING/FISCAL IMPACT

There are sufficient funds in the Human Resources budget for FY18. Therefore, no additional funds are being requested.

PURCHASING REVIEW

The Purchasing Division has reviewed this item and approves as recommended.

TOWN ATTORNEY REVIEW

The Resolution has been approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Jane Struder, Director of Finance
Dean Mealy, Purchasing Manager

RESOLUTION NO. 67-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN INCREASE TO PURCHASE ORDER NO. 180488 TO APPLEONE EMPLOYMENT SERVICES, IN THE AMOUNT OF $16,000, INCREASING THE AMOUNT FROM $33,224 TO $49,224.

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

Section 1. The Purchasing Division of the Finance Department is hereby authorized to increase purchase order 180488 in the amount of $16,000 to AppleOne, changing the amount from $33,224 to $49,224, for temporary clerical support in the Human Resources Department.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary to effectuate the implementation of these services, including any necessary change order work as recommended by the Human Resources Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of May 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Consent - Other

Agenda Title

Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Two Proposed Projects, in an Amount Not to Exceed $27,000.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- **Memorandum Dated April 24, 2018 from Beth Zickar, Director of Recreation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Clubhouse Maintenance Projects at the Par 3 Golf Course

Date: April 24, 2018

STAFF RECOMMENDATION

Staff recommends Town Council approve the expenditure of funds for the repair of the roof at the clubhouse and to make repairs to improve network connectivity of the new Clubhouse and maintenance building, not to exceed $27,000, from the Recreation Contingency Account to cover the cost of these projects.

GENERAL INFORMATION

Council is being asked to consider the expenditure of funds to cover the cost of two projects at the Par 3 Clubhouse.

In November of 2016, Knopf & Associates Roofing Consultants completed an evaluation of the condition of the roof at the Par 3 Clubhouse. The purpose of this inspection was to evaluate the condition of the existing roofing system, to verify if repairs or replacement was needed. This inspection noted six (6) scattered areas, where the metal panels have been physically indented. This damage has created actual fractures to the metal. In addition, hairline fractures in the stucco gable ends were observed. Poor detailing of four (4) box off flashing points were also noted. In April of 2018, Bid No. 2018-32, Roof Repairs was issued. Three roofing companies provided pricing for this project. The cost for this project will not exceed $16,000.

In 2000 the Town entered into a franchise agreement with Adelphia (now Comcast) which supplied a fiber to Town facilities, including the old Par 3 Pro Shop. Several years later the Town installed a fiber cable to the Par 3 Maintenance building to connect the users to the Town's network. During the construction of the new Club House, the Town installed a fiber cable between the old Pro shop and the new Club House to provide network connectivity. Over the past few years, there has been issues with power and network equipment in the old Pro Shop, which has caused network issues to the Maintenance and Club House buildings. The Office of Information Technology (OIT has obtained a quote from Presidio to terminate the iNet connection to the old Pro Shop and reroute the fiber to the Club House and to install a new fiber

cable to the Maintenance building. The pricing provided by the vendor is based on Florida State contracting pricing. The cost for this project will not exceed $11,000.

FUNDING/FISCAL IMPACT

Funding for this purpose is available in the Par 3 Clubhouse M&I Fund, which has an unaudited balance of $227,521.08.The balance of the Par 3 Clubhouse M&I reserve will be reduced by these additional expenditures, at fiscal yearend.

Funds remaining following the completion of all the approved projects will remain in the Par 3 Clubhouse M&I Fund. Expenditure of these funds will be limited to projects approved by the Town Council.

Cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Dean Mealy, Purchasing Manager
Tony Chateauvert, Golf Manager
Charles Kapachinski, IT Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Consent - Other

Agenda Title

Waiver to Town Code 42-198 and 199 for the D-14 Stormwater Pump Station Improvements.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 16, 2018, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Waiver to Town Code 42-198 and 199 for the D-14 Stormwater Pump Station Improvements

DATE: April 16, 2018

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve the waiver to Town Code 42-198 and 199 for working on Saturdays during the May 1st through November 30th construction season at the D-14 Pump Station.

GENERAL INFORMATION

At the February 13, 2018 Town Council meeting, Town Council approved Resolution No. 19-2018 awarding Murray Logan Construction the D-14 Stormwater Pump Station construction contract. This project is scheduled to be completed in November 2018. Also at the February 13, 2018 Town Council meeting, the second reading of Ordinance 03-2018 was approved. The change in the ordinance prohibits the "operation of certain machinery", as described in Section 42-198 (a), on all Saturdays throughout the year. The D-14 project schedule is aggressive and includes working on Saturdays to be able to complete the project by November 30, 2018. The new ordinance Section 42-198 (b) (1) states, *"It shall be within the discretion of the Town Council when, in its opinion, the operation of any of the prohibited machinery or appliances mentioned in subsection (a) of this section shall not be overly offensive to the residents or inhabitants of the Town, in the vicinity of the equipment's operation, to grant an exception to this section."* The project location is on the northwest corner of the Society of The Four Arts campus. The Four Arts have been coordinated with and have indicated that they have no objection to the work occurring on Saturdays. The resident to the north of the property has been notified and does not oppose the work.

The removal of Saturday work from the contractor's schedule will increase the project contract time; therefore, requiring work to continue beyond the construction season limits. In addition, the delay in completion could increase the cost of the project due to the time extension. Therefore, staff recommends that Town Council approve a waiver to the Town Code of Ordinance 42-198 and 199 allowing the contractor to operate machinery, on Saturdays in order for the project to remain on the original schedule.

FUNDING/FISCAL IMPACT

If approved, there is no funding/fiscal impact related to this item.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This item has been reviewed and approved by the Town Attorney for legal form and sufficiency.

cc: Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Consent - Other

Agenda Title

Lake Trail Signs and Striping.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 2, 2018, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Public Works Committee Meeting on May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Lake Trail Signs and Striping

DATE: April 2, 2018

STAFF RECOMMENDATION

Town staff is requesting permission from Town Council to approve the Public Works Committee recommendation to install a stop bar, stop sign and/or signs designating "No Motorized Vehicles Allowed" at the Lake Trail access point between Reef Road and Esplanade Way on North Lake Way on a trial basis.

GENERAL INFORMATION

At the April 2, 2018 Town Council meeting, members discussed safety along the Lake Trail. Town Council agreed that staff needs to review the existing inventory of striping, delineators, and signs and then provide to the Public Works Committee for review.

Staff have reviewed lake trail access points and during the April 12, 2018 Public Works Committee meeting, a recommendation was made to have the Public Works department temporarily install necessary signage, and stop bars on the access between Reef Road and Esplanade Way on North Lake Way and monitor their effectiveness.

After the monitoring period, staff will bring back to the Public Works Committee their findings and provide further recommendations for additional lake trail access points.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works budget to complete this work.

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Brett Madison, Facilities Maintenance Division Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Consent - Other

Agenda Title

Permission to Close Country Club Road for the Annual Trimming of the Cut.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 17, 2018, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Permission to Close Country Club Road for the Annual Trimming of the Cut

DATE: April 17, 2018

STAFF RECOMMENDATION

Town staff requests that the Town Council approve the road closing of Country Club Road for annual vegetation trimming and that the Town Manager or his designee be authorized to approve this closure in future years.

GENERAL INFORMATION

This operation consists of vegetation maintenance, cutting, trimming and removal of over-grown and hanging plantings through the cut. This work is performed annually between the months of May 1st and November 1st and historically does not exceed an eight (8) hour work day.

Prior to the start of this maintenance, Public Works supplies a memo to the Engineering department to be included in the weekly traffic disruption report notifying the residents of the project and disruption. The vendor installs appropriate maintenance of traffic (MOT) and is providing alternate routes for vehicular travel.

Because this work occurs every year, staff is requesting that the Town Manager or his designee be authorized to approve this closure in the future without the need to return to the Town Council.

Staff requests permission for the annual closing of Country Club Road between May 1st and November 1st to perform the tasks listed above.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works budget to complete this work.

cc: Eric Brown, P.E., Assistant Director of Public Works
Jane La Clainche, Director of Finance
Patricia Strayer, P.E., Town Engineer
Dean Mealy, Purchasing Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Consent - Other

Agenda Title

Angler Avenue Parcel Conveyance from Palm Beach County to the Town of Palm Beach.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 19 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Photo**
- **County Deed**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Angler Avenue Parcel Conveyance from Palm Beach County to the Town of Palm Beach

DATE: April 19, 2018

STAFF RECOMMENDATION

No action is necessary by Town Council regarding the Angler Avenue parcel conveyance.

GENERAL INFORMATION

In 1945, a 0.2-acre parcel on the east side of North Ocean Boulevard was dedicated on a plat to all homeowners within the platted subdivision for access to the beach. After development of the subdivision was completed, the developer discontinued paying taxes. Palm Beach County received a tax deed in 1971. Because the property was acquired by tax foreclosure, the County did not have clear title to sell the property. The County had no practical use for the parcel and the County has not maintained the land.

According to Florida Statute, Section 197.592(3), delinquent tax lands located within the boundaries of an incorporated municipality of the County shall be conveyed to the governing board of the municipality and shall be freely alienable to the municipality without regard to third parties.

On January 17, 2018, Mayor Coniglio requested that the parcel be transferred to the Town to assist with heavy equipment access for the U.S. Army Corps of Engineers' inlet maintenance dredging project. On March 13, 2018, following action by Palm Beach County staff, the Board of County Commissioners adopted a Resolution authorizing the conveyance of the parcel to the Town and approved a County Deed conveying the parcel to the Town. The deed was granted on the condition that the land shall not be sold or conveyed to others by the Town and that the land shall be used for public beach access and support of coastal management.

The property is in need of regular maintenance and the hedges require frequent trimming along North Ocean Boulevard. A decorative wall and concrete patio, which were constructed by a previous owner, presently exists partially within the Town's right-of-way for Angler Avenue.

Residents along Angler Avenue have expressed a desire to improve the parcel. Town staff will return to Town Council with a beach access agreement to consider if the residents request improvements.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Robert Weber, Coastal Program Manager

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April 19, 2018

1:576

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CFN 20180151957

OR BK 29796 PG 1585
RECORDED 04/20/2018 11:24:33
AMT 1.00
Doc Stamp 0.70
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 1585; (1pg)

Prepared By and Return To:
Ross C. Hering, Director
Palm Beach County
Property & Real Estate Management Division
2633 Vista Parkway
West Palm Beach, FL 33411-5605

PCN: 50-43-43-03-03-000-0251
Closing Date: _____
Purchase Price: $0

R2018 0335

COUNTY DEED

This COUNTY DEED, made MAR 1 3 2018, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and the **TOWN OF PALM BEACH**, a Florida municipal corporation, whose legal mailing address is 360 S. County Road, Palm Beach, Florida 33480 "Grantee".

WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 ($10.00) Dollars to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, (its successors / his or her heirs) and assigns forever, the following described land lying and being in Palm Beach County, Florida:

UNNUMBERED TRACT LYING N OF LOT 8-A, OCEAN TERRACE AS IN PB 20 P 64, SEC. 3, TWP. 43S, R 43 E

THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 1235 PART IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 1902, PAGE 1322, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (¾) interest in, and title in and to an undivided three-fourths (¾) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (½) interest in all petroleum that is or may be in, on, or under said land.

This County Deed is granted to the Grantee on the express condition that the land shall not be sold or otherwise conveyed by Grantee and shall be used for public beach access and in furtherance of Grantee's Coastal Management Program. The foregoing shall constitute a restrictive covenant running with the land enforceable by Grantor.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice Mayor of said Board, the day and year aforesaid.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

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

By: _____
Melissa McKinlay, Mayor

(OFFICIAL SEAL)

G:\PREM\MJackson\Town of Palm Beach.Deed3-21-2018.docx

This is a Certified Copy

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda
Board/Commission Annual Report

Agenda Title
Code Enforcement Board Annual Report.

Presenter
Matthew Natale, Chair

ATTACHMENTS:

- **Memorandum dated April 20, 2018 from Ann Marie Taylor, Acting Chief of Police**
- **Code Enforcement Annual Report Fines List**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Ann Marie Taylor, Acting Chief of Police

Re: Annual Report – Code Enforcement Board

Date: April 20, 2018

STAFF RECOMMENDATION

Staff recommends the Town Council hear the presentation of the Annual Report for 2017/2018 by Matthew Natale, Chair of the Code Enforcement Board.

GENERAL INFORMATION

The following information is a summary of the activities of the Code Enforcement Board and staff for the past year. Benjamin Alma, Code Enforcement Manager, is prepared to answer any questions from the Town Council.

The Code Enforcement Board consists of 9 members (7 regular members and 2 alternates). Matthew Natale was elected as Chair at the April 2018 meeting and Jay N. Nisberg was elected as Vice Chair. The remaining regular members are Robert Donnelley, Scotch Peloso, Daniel McDonnell, Rosemary Carpenter and Linda K. Wartow. The alternate member is Steven Meltzer. There is currently one alternate opening on the Board.

From May 2017 through April 2018, the Code Enforcement Board heard 43 new code violation cases, 14 fine consideration cases, 14 requests for fine reductions, 2 foreclosure consideration cases and 5 cases as old business. From May 1, 2017 through April 20, 2018, the Town of Palm Beach collected $361,425.00 in fines ordered by the Code Enforcement Board and $3,600.00 in Code Enforcement administrative fees.

As of April 20, 2018, there are 6 properties with daily running fines which total $1,969,500.00, 12 properties with non-running fines totaling $336,075.00 and 5 non-property owners with non-running fines totaling $1,600.00. Liens in favor of the Town have been filed against property owners where appropriate.

Notice of Code Violation Citations written and collected from May 1, 2017 to April 20, 2018 in which the violator admits to guilt and pays the fine, totaled $ 19,150.00

At the present time, the Code Enforcement staff is comprised of 1 Parking/Code Enforcement Manager, 1 Parking/Code Enforcement Specialist and 2 full time Code Enforcement Officers.

Code enforcement staff handled 1406 complaints from May 1, 2017 through April 20, 2018 of which 577 were self-initiated by the Code Enforcement Officers. There were 2192 inspections completed, 859 code violation written warnings, 655 verbal warnings, 189 notice of violation letters issued, 117 Notice of Violation Citations issued and 77 Board Orders issued. Code Enforcement and Parking Enforcement staff wrote a total of 81 Right of Way Violations.

Attached is a list of all properties with current outstanding code enforcement fines as of April 20, 2018.

Attachment

AMT/ba

Code Enforcement Board Costs and Fines as of 4/23/2018

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Due	Comments	Homestead/Foreclosure Status	Date Lien Recorded or to collections
07-2276	Susan Gibson	226 Pendleton Ave.	9/20/2007	$150.00		$250.00	9/29/2007	3/20/2008	$43,400.00	$150 CEB 9/20/07; $250/day start 9/29/07, end 3/20/08 (sewer)	Homesteaded/Cannot Foreclose	1/31/2008 for $150 and 8/11/10 for $250/day
07-2276	Susan Gibson	226 Pendleton Ave.	9/20/2007			$250.00	10/17/2007	4/20/2018	$959,500.00	$250/day start 10/17/07 (doors and windows)	Homesteaded/Cannot Foreclose	8/11/2010
10-2706	Susan C. Lee	287 Pendleton Ave.	4/15/2010	$150.00		$250.00	4/10/2010	4/20/2018	$733,150.00	$250/day;start 4/10/10	Non-Homesteaded for tax purposes; Main residence as far as we know; so effectively homesteaded. Town would not prevail in Foreclosure action on a effectively homesteaded proeprty	6/2/2010
CE 14-152	Ellis & Nancy Parker	2165 Ibis Isle Rd. #8	3/20/2014	$150.00	$0.00	$250.00	4/15/2014	7/23/2014	$24,900.00	$150 CEB on 3/20/14; $250/day start 4/15/14 per 4/17/14 BO; final permit issued, compliance reached on 7/23/14	Not Homesteaded/Lawsuit with Town pending/no foreclosure proceeding until resolved	5/1/2014
CE 14-1212	160 Royal Palm LLC	160 Royal Palm Way	12/18/2014	$150.00	$0.00	$250.00	1/10/2015	11/17/2016	$19,400.00	$150 CEB on 12/18/14; $250/day fine start 1/10/15 per 1/15/15 BO; temporary fine stop as of 11/17/16; 8/18/17 recevied $50,000 toward fine; 11/20/17 recevied another $50,000 toward fine; 2/15/18 rec. $50,000 toward fine	Commercial property/property in litigation/foreclosure in favor of Town not likley	2/3/2015
CE 15-57	224 Atlantic LLC	224 Atlantic Ave.	3/19/2015	$150.00	$0.00	$250.00	4/11/2015	10/19/2017	$230,650.00	$150 CEB on 3/19/15; $250/day start 4/11/15 per 4/16/15 BO; daily fine stop per BO on 10/19/17 at TC request	Not Homesteaded/Lawsuit with Town pending/no foreclosure proceeding until resolved	4/29/2015
CE 15-780	Steve Demetro & Crown PDR & Collision Center LLC	515 N. Lake Way	8/20/2015	$150.00	$250.00	$0.00	8/20/2015	8/20/2015	$400.00	$150 CEB and $250 fine on 8/20/15	violator not property owner/solicitor at property	6/9/2017 - collections
CE 15-781	Steve Adams & Crown PDR & Collision Center LLC	515 N. Lake Way	8/20/2015	$150.00	$250.00	$0.00	8/20/2015	8/20/2015	$400.00	$150 CEB and $250 fine on 8/20/15	violator not property owner/solicitor at property	6/9/2017 - collections
CE 15-964	Matthew Gabelli	1157 N. Lake Way	11/19/2015	$150.00	$0.00	$0.00	11/19/2015	11/19/2015	$150.00	$150 CEB Admin on 11/19/15, owes alarm fees	Not Homesteaded/cost of foreclosure more than fine	2/25/2016
CE 15-1068	Sheldon Kramer & Savecard Advertising	302 S. County Rd.	12/17/2015		$250.00	$0.00	12/17/2015	12/17/2015	$250.00	$150 CEB admin and $250 CEB fine on 12/17/15; called to advise he would just pay, admition of guilt.	violator not property owner/solicitor at property	6/9/2017 - collections
CE 16-7	The Sweet Spot Inc.	100 Blk. Chilean Ave.	1/21/2016	$150.00	$125.00	$0.00	1/21/2016	1/21/2016	$275.00	$150 CEB adimin costs and $125 fine on 1/21/16	violator not property owner/occurred on town property	6/9/2017- collections
CE 16-406	Yoel Concepcion	2145 S. Ocean Blvd.	6/16/2016	$150.00	$125.00	$0.00	6/16/2016	6/16/2016	$275.00	$150 CEB and $125 Fine on 6/16/16	violator not property owner/beverage violation	6/9/2017 - collections
CE 16-1147	Brazilian Court Hotel	301 Australian Ave.	4/20/2017	$150.00	$0.00	$250.00	4/18/2017	4/20/2018	$91,750.00	$150 CEB on 3/16/17, paid; $250 day fine imposed on 6/13/17 retro to 4/18/17	Commercial Property	6/27/2017

Code Enforcement Board Costs and Fines as of 4/23/2018

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Due	Comments	Homestead/Foreclosure Status	Date Lien Recorded or to collections
CE 16-1[illegible]6	Susan C. Gibson	226 Pendleton Ave.	3/16/2017 & 4/20/17	$150.00	$0.00	$100.00	4/18/2017	4/20/2018	$36,850.00	$150 CEB on 3/16/17; $100/day fine imposed on 4/20/17 retro to 4/18/17	Homesteaded/Cannot Foreclose	5/2/2017
CE 17-1[illegible]2	Costa Palm Beach & Wilson 150 Worth LLC	150 Worth Ave. #234	7/20/2017	$0.00	$0.00	$250.00	6/24/2017	4/20/2018	$75,000.00	$250/day fine start 6/24/17 per BO dated 7/20/17	Commercial Propety	7/28/2017
CE 17-2[illegible]	Le Macaron Palm Beach LLC & Milton Partnership LTD	302 S. County Rd. AKA 296 S. County Rd.	5/18/2017	$150.00	$0.00	$25.00	5/17/2017	3/20/2018	$7,675.00	$150 CEB on 6/15/17, paid; $25 day fine imposed on 6/16/17 retro to 5/17/17; compliance on 3/20/18	Commercial Property	6/27/2017
CE 17-776	Bracxa Palm Beach Trust	301 Polmer Park Rd.	11/16/2017	$150.00	$0.00	$250.00	11/15/2017	12/11/2017	$6,500.00	$150 CEB on 10/19/17 - paid; $250/day fine start 11/15/17 per BO dated 11/16/17; compliance on 12/11/17	Homesteaded/Cannot Foreclose	12/12/2017
CE 17-1210	215 Arabian LLC	215 Arabian Rd.	12/21/2017	$150.00	$0.00	$250.00	11/23/2017	4/20/2018	$37,000.00	$150 CEB paid; $250/day start 11/23/17 per BO dated 12/21/17	Not Homesteaded	1/9/2018
CE 17-1221	Reid & Michelle Boren	223 Orange Grove Rd.	1/18/2018	$150.00	$0.00	$100.00	1/18/2018	2/15/2018	$2,800.00	$150 CEB on 12/21/17- paid; $100/day fine on 1/18/18 per 1/18/18 BO; compliance 2/15/18	Homesteaded	2/5/2018
CE 17-1281	215 Arabian LLC	215 Arabian Rd.	12/21/2017	$150.00	$0.00	$250.00	12/13/2017	4/20/2018	$32,150.00	$150 CEB on 12/21/17; $250 day start 12/13/17 per 1/18/18 BO	Not Homesteaded	2/5/2018
CE 17-1292	Thirty Sixty South Ocean Inc.	316 S. County Rd.	4/19/2018	$150.00	$0.00	$0.00	4/19/2018	4/19/2018	$150.00	$150 CEB Admin on 4/19/18	Commercial property	new case only owes admin fee at this time
CE 17-1432	C. Orrico & 336 Partners Inc.	336 S. County Rd.	4/19/2018	$150.00	$0.00	$0.00	4/19/2018	4/19/2018	$150.00	$150 CEB Admin on 4/19/18	Commercial property	new case only owes admin fee at this time
CE 17-1480	Irwin B. Ackerman	107 Dolphin Rd.	4/19/2018	$150.00	$0.00	$0.00	4/19/2018	4/19/2018	$150.00	$150 CEB Admin on 4/19/18	Homesteaded	new case only owes admin fee at this time
CE 17-1482	Klaus G. Mistelbauer	1 Via Los Incas	2/15/2018	$150.00	$0.00	$100.00	3/10/2018	4/20/2018	$4,100.00	$150 CEB on 2/15/18; Admin costs paid on 3/2/18; $100/day start 3/10/18 per 4/19/18 BO	Not Homesteaded	will be sent for filing
CE 18-48	Herbert & Jeanne Siegel	200 Via Palma	4/19/2018	$150.00	$0.00	$0.00	4/19/2018	4/19/2018	$150.00	$150 CEB Admin on 4/19/18	Not Homesteaded	new case only owes admin fee at this time
									$2,307,175.00			

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda
Board/Commission Annual Report

Agenda Title
Planning and Zoning Commission Annual Report.

Presenter
Martin I. Klein, Chair

ATTACHMENTS:

- **Memorandum Dated April 26, 2018 From Paul Castro**
- **P&Z Annual Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Acting Director, Planning, Zoning & Building

Re: Annual Report - Planning and Zoning Commission

Date: April 26, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council hear and accept the Planning and Zoning Commission Annual Report for 2017-2018.

GENERAL INFORMATION

Attached Exhibit A is a summary of the activities of the Planning and Zoning Commission for the past year. 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. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

cc: Planning and Zoning Commissioners
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
John Lindgren, AICP, Planning Administrator
zf

EXHIBIT A
PLANNING AND ZONING COMMISSION ACTIVITIES

- Studied Code provisions to allow outdoor seating in the C-PC Commercial Zoning District.
  Adopted Commission recommendation by Ordinance #1-2017.

- Studied a Comprehensive Plan Text Amendment changing the Town-serving threshold in in the Commercial Future Land Use Category for the C-PC Commercial Zoning District from 2,000 to 3,000 square feet gross leasable area.
  Adopted Commission recommendation by Ordinance #2-2017.

- Studied Code revisions to increase the Town-serving threshold in the C-PC Commercial Zoning District from 2,000 to 3,000 square feet gross leasable area.
  Adopted Commission recommendation by Ordinance #3-2017.

- Studied Zoning Code provisions conditionally allowing storage facilities related to a permitted or special exception use in the C-WA, C-TS, C-OPI and C-B Commercial Zoning Districts.
  Adopted Commission recommendation by Ordinance #8-2017.

- Completed the evaluation and appraisal process of the Town's Comprehensive Plan.
  Adopted Commission recommendation with modifications by Ordinance #9-2017.

- Studied the existing schedule of off-street parking requirements for various land use types to determine if adjustments should be made to the minimum number of required spaces
  Commission recommended not conducting a formal study of this topic.

- Studied how routine landscape maintenance should be addressed in the Conservation Zoning District, which did not allow any improvements to be made.
  Adopted Commission recommendation by Ordinance #12-2017.

- Studied proposed changes to zoning regulations related to the minimum flood elevation requirements for the point of measurement for building height, building overall height, building height plane and maximum building cubic content ratio (where applicable) in all residential and commercial zoning districts in the Town of Palm Beach
  Adopted Commission recommendation by Ordinance #15-2017.

- Studied allowing "Outdoor Greenspace Activities" in the commercial Zoning Districts within the Town of Palm Beach
  Adopted Commission recommendation by Ordinance #30-2017.

- Studied allowing monument property identification signs in the commercial Zoning Districts within the Town of Palm Beach
  Adopted Commission recommendation by Ordinance #30-2017.

- Studied increasing fees for additional variances and/or special exceptions and create fees for other administrative development reviews.
  Adopted Commission recommendation by Ordinance #04-2018

- Studied adding initial Town Council review in the submission of privately initiated zoning

text amendments and clarified existing language in the Code relative to such amendments.
Adopted Commission recommendation by Ordinance #04-2018

- Studied changing the administrative appeal process to clarify when the clock starts for the appeal period and to update the required information for an appeal package.
Adopted Commission recommendation by Ordinance #04-2018

- Studied a code change to Section 134-1698 to allow essential services, such as a municipal pump station, to be built on the west side of Lake Trail.
Adopted Commission recommendation by Ordinance #04-2018

- Studied creating a Code provision, which would allow for Island related construction parking at the private clubs located in Residential Zoning Districts in the Town.
Adopted Commission recommendation by Ordinance #04-2018

- Studied implementing provisions in the Zoning Ordinance to regulate tow-away signs on private property
Adopted Commission recommendation by Ordinance #04-2018

- Studied correcting a reference in Section 134-2373(13), to identify the correct Section of the Code.
Adopted Commission recommendation by Ordinance #04-2018

- Studied correcting a hotel density error in Section 134-1304, Special Exception uses, from twenty-six hotel units per acre to twenty-two hotel units per acre.
Adopted Commission recommendation by Ordinance #04-2018

- Studied clarifying Code language in Section 134-1759 related to tennis court regulations.
Adopted Commission recommendation by Ordinance #04-2018

- Studied changing Section 134-893 to allow a 5% cubic content credit for unenclosed patios, loggias, balconies, porches and terraces located on the first floor of a structure rather than allowing an exception for said structures that do not exceed 5% of the maximum cubic content allowed.
Adopted Commission recommendation by Ordinance #04-2018

- Studied a modification to Section 134-1757 to allow a swimming pool structure, or portions thereof, to be built at a height higher than six inches above the finished ground level.
Adopted Commission recommendation by Ordinance #04-2018

- Studied modifying Section 134-895(3) to clarify the existing three percent lot coverage exception for one-story awnings and/or trellises will not count in the calculation for cubic content ratio in the R-B Zoning District
Adopted Commission recommendation by Ordinance #04-2018

- Studied modifying the demolition threshold governing nonconforming buildings and current zoning code provisions
Modified Commission recommendation and adopted by Ordinance #04-2018

- Studied the Special exceptions to height limitations in the R-AA, R-A, and R-B residential Zoning Districts.

Adopted Commission recommendation by Ordinance #04-2018

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda
Committee Reports

Agenda Title
Report of the Administrative and Personnel Committee Meeting Held on March 15 and March 19, 2018.
TIME CERTAIN: 11:00 A.M.

Time Certain
11:00 A.M.

Presenter
Lew Crampton, Chair

ATTACHMENTS:

- **Report of the Administrative and Personnel Committee Hearing on March 15 and 19, 2018.**

TOWN OF PALM BEACH

TOWN CLERK'S OFFICE

MINUTES OF THE ADMINISTRATIVE & PERSONNEL COMMITTEE MEETING HELD ON THURSDAY, MARCH 15, 2018 AND MONDAY, MARCH 19, 2018

I. CALL TO ORDER AND ROLL CALL

The meeting of the Administrative and Personnel Committee was called to order at 8:00 a.m. on Thursday, March 15, 2018, in the Town Council Chambers. On roll call, Chair Richard M. Kleid and Committee Member Julie Araskog were present.

Attorney Isidro M. Garcia represented Mr. Allen Powery; Attorney Brett Schneider represented the Administrative and Personnel Committee; Attorney Margaret Cooper represented the Town of Palm Beach.

II. APPROVAL OF AGENDA

It was the consensus of the Administrative and Personnel Committee to approve the Agenda, as printed.

III. OPENING STATEMENTS

Attorney Schneider addressed some housekeeping matters as they related to the schedule of certain witness testimonies and the late submittal of exhibits by the grievant's attorney.

Town Attorney Cooper presented her opening statement.

Attorney Garcia provided his opening statement.

IV. PRESENTATION OF TOWN'S CASE [MARGARET COOPER, ATTORNEY]

Town Attorney Cooper presented her exhibits and called her witnesses. All the witnesses were sequestered during the meeting and ordered not to discuss the case or any matters related to the case while outside of the hearing.

Chair Kleid administered the oath to those providing testimony. The following witnesses were called and cross-examined:

- H. Paul Brazil, P.E., Director of Public Works
- Patricia Strayer, Town Engineer

Attorney Garcia was able to cross-examine each witness as they took the stand.

The Administrative and Personnel Committee Meeting recessed at 1:30 p.m. for lunch.

V. PRESENTATION OF ALLEN POWERY's CASE [ISIDIRO GARCIA, ATTORNEY]

Attorney Garcia presented his exhibits and called his witnesses.

Town Clerk Dominguez administered the oath to those providing testimony:

The following witnesses were called and cross-examined:

- Mike Roach, Project Engineer
- Jeff Sanon, Project Engineer
- Chuck Langley
- Debbie Payne
- Allen Powery
- Jeffrey Sanon

VI. REBUTTAL BY TOWN [H. PAUL BRAZIL, P.E., DIRECTOR OF PUBLIC WORKS]

Attorney Cooper provided the Town's rebuttal.

VII. REBUTTAL BY ALLEN POWERY [ALLEN POWERY]

Attorney Garcia provided Mr. Powery's rebuttal.

VIII. CLOSING STATEMENT

Attorney Cooper provided her closing statement.

Attorney Garcia provided his closing statement.

The Administrative and Personnel Committee Meeting recessed at 8:30 p.m. on Thursday, March 15, 2018, until 9:00 a.m. on Monday, March 19, 2018.

IX. DELIBERATION AND DECISION BY THE ADMINISTRATIVE AND PERSONNEL COMMITTEE

CALL TO ORDER AND ROLL CALL

The meeting of the Administrative and Personnel Committee was reconvened and called to order at 9:35 a.m. on Monday, March 19, 2018, in the Town Council Chambers. On roll call, Chair Richard M. Kleid and Committee Member Julie Araskog were present.

Chair Kleid announced that this is a continuation of the hearing which began on Thursday, March 15, 2018 and that the committee is now in the deliberation and decision stage.

Attorney Schneider reminded the members of the applicable rules of the Administrative and Personnel Committee related to the Roles and Findings of the Committee.

Committee Member Araskog read aloud her findings and determined that the allegations brought forth at the hearing do not support the disciplinary action that was taken against the Employee and recommended to sustain the appeal in its entirety.

Chair Kleid read aloud his findings and determined that the allegations brought forth at the hearing support the disciplinary action that was taken against the Employee and recommended to sustain the termination.

Attorney Schneider stated that he will prepare and provide a written order of findings and recommendations pertaining to the grievance for Chair Kleid's signature that will be brought forth to the Town Council for a final determination at their next regularly scheduled meeting on Tuesday, March 20, 2018.

II. ADJOURNMENT

Being there was no further business, the Administrative and Personnel Committee Meetings of March 15 and 19, 2018, concluded at 10:30 a.m.

APPROVED:

_____

Richard M. Kleid, Chair

ATTEST:

_____

Kathleen Dominguez, Town Clerk

_____

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda
Committee Reports

Agenda Title
Report of the Public Works Committee Meeting Held on April 12, 2018.

Presenter
Bobbie Lindsay, Chair

ATTACHMENTS:

- **Minutes of the Public Works Committee Meeting Held on April 12, 2018**

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON THURSDAY, APRIL 12, 2018

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee Meeting was called to order on Thursday, April 12, 2018 at 1:00 p.m. in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Lindsay led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Committee Member Moore and was seconded by Committee Chair Lindsay to approve the agenda. On roll call the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Avenue reported that speed limit signs were posted on S. County Road; requested an update on the missing plaque from the Worth Avenue clock tower. He then spoke about landscaping at the Australian employee parking lot, street sweeping, lake trail underpass at the Flagler Bridge, and the list of crosswalks to be painted during the summer.

V. REGULATING TRUCK TRAFFIC ON TOWN STREETS

Eric Brown, Assistant Director of Public Works gave an update of the meeting staff (PW, TM, CE, PD) had regarding this item. He explained that their main focus was figuring out where large trucks were delivering on the island and how they would regulate building and Right of Way permits. He suggested amending the existing application process to include time, date and location of deliveries; size of vehicles; options to deliver in smaller quantities or in smaller trucks; route to be taken; whether escort or flagging vehicles would need to be used and fines/penalties for non-compliance or damage to property. He explained that enforcement would need to be carried out regarding the new rules.

Paul Brazil, Director of Public Works, explained that staff will only know about large trucks/deliveries being done if a permit is pulled so this will not completely solve the problem.

Committee Member Moore spoke regarding making adjustments to the permit application and compliance issues.

Chair Lindsay commented on large trucks getting stuck on certain streets as the drivers have no idea regarding height requirements.

Assistant Director Brown suggested posting on-island conditions/requirements on the Town's website for the public. Committee Member Moore suggested using certain software such as iMaps to assist drivers to the island. Director Brazil informed her that there is software available to be used as a tool for that information.

VI. LAKE TRAIL SIGNS AND STRIPING

Patricia Strayer, Town Engineer, explained that the Town Council had requested that staff look into the safety of entrances on Lake Trail that intersect with North Lake Way. She then introduced Brett Madison, Facilities Manager, who had developed criteria regarding the request. Mr. Madison showed photos of various areas and explained the criteria that he used for the sign placement. He explained the use of he stop sign and delineator and explained that the Police like the delineator and it moves so they could drive over it and it would pop back up. Chair Lindsay spoke about some hedges that seemed exceedingly high. Director Brazil explained that hedges have to adhere to right-of-way requirements.

VII. ACIP PROGRAM UPDATE

Patricia Strayer, Town Engineer, provided an update of the ACIP (Phase 2) Program. Phase 2 started in 2013 and all funds have to be expended by December, 2019. Last year during the budget process $3M was moved from the Coastal Fund to ACIP.

The following projects will be handled in 2018:

- Mast Arms
- Pump Stations
- Mid-town Beach Bathrooms

In 2019, the main project will be the 400 block of Worth Avenue which will cost about $1.2M. Will try to get done before undergrounding reaches that area.

Responding to Committee member Moore, Ms. Strayer confirmed that all the bond money will be spent by the end of the project period.

Chair Lindsay inquired if these projects were a higher priority than the drainage problem at N. Ocean Way and Osceola. Ms. Strayer responded that they were working to include that drainage project into the undergrounding project. Director Brazil confirmed that the drainage problem will be handled as stated by Ms. Strayer.

VIII. TOPICS FOR FUTURE MEETINGS (Already Approved by Town Council)

a. ECR Issues
b. Town-wide Paving Program
c. Update of On-Going Public Works Construction Projects

Director Brazil gave an overview of the above topics for future meetings. Chair Lindsay requested adding the PAYGO projects to the list.

IX. ANY OTHER MATTERS

John David Corey, 426 Australian Avenue, questioned the removal of the lang lang trees from the 400 block of Peruvian Avenue. Director Brazil informed him that area was an assessment project by the residents. Brett Madison, Facilities Manager, stated that this is an assessment project and the residents requested the removal of the trees.

X. ADJOURNMENT

The Public Works Committee meeting was adjourned at 1:55 p.m.

APPROVED:

_____
Bobbie Lindsay, Chair

ATTEST:

_____
Kathleen Dominguez
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 68-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Designating Three New Historic/Specimen Trees Located at 1255 South Ocean Boulevard and Four Arts Plaza – Four Arts Garden, Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 18, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 68-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Historic or Specimen Tree Designation at Three Locations
Resolution No. 68-2018

DATE: April 18, 2018

STAFF RECOMMENDATION

Town staff requests that Town Council approve Resolution No. 68-2018 and the designation assignment of Historic/Specimen (H/S) trees as described below.

GENERAL INFORMATION

Town staff administers the H/S Trees Program on behalf of the Garden Club of Palm Beach. One hundred and one (101) trees on the island are designated as H/S trees. The Town arborist inspects these trees annually. During the inspection, the trees are evaluated to determine if they are of suitable quality and condition to remain as a H/S tree and an inspection report is provided to the owner.

The Town ordinance allows for the addition of trees that are deemed to be of H/S quality. The Town arborist has identified the following trees as candidates for the H/S list and the respective owners, or their representatives, have agreed to allow the trees to be designated.

1255 South Ocean Boulevard

Common Name	Scientific Name
Weeping Bottlebrush Tree	Callistemon Viminalis
Weeping Eucalyptus	Eucalyptus Lacrimans

Four Arts Garden

Common Name	Scientific Name
Dwarf Sugar Palm	Arenga Engleri

The Garden Club feels that these trees would be a welcomed addition to the H/S list and the new total of historic or specimen trees would be one hundred and four (104).

FUNDING/FISCAL IMPACT:

There would be no impact to the budget unless the property owners participate in the voluntary maintenance program and fee as described in the Town Ordinance.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this Resolution and approved it for legal form and sufficiency.

cc: Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Brett Madison, Facilities Maintenance Division Manager
Elisabeth Thebault, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

RESOLUTION NO. 68-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DESIGNATING THREE NEW HISTORIC/SPECIMEN TREES LOCATED AT 1255 SOUTH OCEAN BOULEVARD AND FOUR ARTS PLAZA – FOUR ARTS GARDEN, PROVIDING AN EFFECTIVE DATE.

* * * * *

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

Section 1. The following trees located on the properties listed below are hereby designated as historic or specimen trees pursuant to Section 126-57 and Section 126-59 of the Town Code of Ordinances.

A. 1255 South Ocean Blvd (PCN/Legal: 50-43-44-02-10-000-007)

Count	Common Name	Botanical Name
1	Weeping Bottlebrush	Callistemon Viminalis
1	Weeping Eucalyptus	Eucalyptus Lacrimans

B. Four Arts Plaza – Four Arts Garden (PCN/Legal:50-43-43-23-05-021-0010)

Count	Common Name	Botanical Name
1	Dwarf Sugar Palm	Arenga Engleri

Section 2. The above-referenced designated trees shall be recorded with the Palm Beach County Clerk as historic or specimen trees.

Section 3. This Resolution shall become effective upon its adoption as provided by law.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of May 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S. W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Comprehensive Review of Town Operations (CROTO) Update

a. Employee Compensation and Benefits.

Danielle Olson, Director of Human Resources

b. Expansion of the Paid Parking Program.

Jay Boodheshwar, Deputy Town Manager

c. Solicit Corporate Sponsorships for Recreation Programs.

Beth Zickar, Director of Recreation

d. PZB Department Fees.

Paul Castro, Acting Director of Planning, Zoning & Building

e. Palm Beach Island Cats Funding.

Jane Le Clainche, Director of Finance

Presenter

ATTACHMENTS:

- **Memorandum dated April 27, 2018 from Jane Le Clainche, Director of Finance**
- **a. Memorandum dated April 27, 2018 from Danielle Olson, Director of Human Resources**
- **a.1. Exhibit I Market Benefits**
- **a.2. Exhibit II Timeline**
- **a.3. Exhibit III Merit Pay Models**

b. Memorandum dated May 1, 2018 from Jay Boodheshwarr, Deputy

- **Town Manager**
- **b.1. Map**
- **b.2 Parking Revenue Assessment**
- **b.3 Parking Articles**
- **c. Memorandum dated April 24, 2108 from Beth Zickar, Director of Recreation**
- **d. Memorandum dated April 27, 2018 from Paul Castro, Acting Planning, Zoning and Building Director**
- **e. Memorandum dated April 27, 2018 from Jane Le Clainche, Director of Finance**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Comprehensive Review of Town Operations (CROTO) Update

Date: April 27, 2018

STAFF RECOMMENDATION

Staff seeks Town Council direction regarding the follow-up items presented.

GENERAL INFORMATION

A special Town Council meeting was held on March 5, 2018 to review and discuss the Comprehensive Review of Town Operations (CROTO). The Town Council approved a total of $2,569,320 in expenditure cuts and additional revenues estimated at $191,505. The cuts will be included in the FY19 budget and many have already been implemented with the savings to be realized in FY18. Resolutions or Ordinances, if applicable, will be presented at a future Town Council meeting to approve the additional revenues.

There were several items that required additional information and review by the Town Council. These items will be presented at the May 8, 2018 Town Council meeting and include:

A. Further discussion and additional information on Employee Compensation and Benefits
B. Expansion of the Paid Parking Program
C. Additional information on corporate sponsorships for Recreation Programs
D. Additional information requested for Planning, Zoning and Building Department fees

In addition, former Mayor Jack McDonald requested that the Town Council include funds in the FY19 budget for Palm Beach Island Cats. The Town Council requested that this item be placed as a follow-up item on the May 8th agenda.

The supplemental information for all of the above items is included in the May 8, 2018, Town Council meeting backup for Town Council review.

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: **Post-CRTO Items Related to Employee Compensation and Benefits**

Date: April 27, 2018

STAFF RECOMMENDATION

Staff is providing follow up information subsequent to the Comprehensive Review of Town Operations relative to employment compensation and benefits. Following a review by Town Council, staff recommends consideration be given to issuing a Request for Proposal for a Town wide compensation and benefits study to be performed by an external consultant. An external compensation consultant would review the Town's existing pay and benefit programs, evaluate market competitiveness, and recommend best practice solutions and/or changes that meet the organizational objectives. Depending on responses received for services to be rendered, partial budget funds are available within the existing Human Resources department budget to cover the cost of this analysis; however, additional funding from General Fund Contingency will be required.

GENERAL INFORMATION

During the Comprehensive Review of Town Operations (CRTO) presented to Town Council on March 5, 2018, there was a request for several items relating to employee compensation and benefits to be compiled and brought back to Town Council for further review.

- **Exhibit I - Compilation of Employee Compensation and Benefit Data with Benchmarks**: During the CRTO several elements of employee compensation and benefits were presented to include but not limited to pay, incentives, leave benefits, insurance, and retirement benefits. Originally, the data was distributed across four different reports during CRTO. The original data presented in March 2018, has been reorganized and compiled into one document to include benchmark agency data obtained.

- **Exhibit II - Timeline of Compensation and Benefit Changes (2004 to 2018)**: A timeline of actionable items and significant decision points relating to employee compensation and benefits considered over approximately the last 15 years.

- **Exhibit III – Variable Merit Pay Models (MPM) for Consideration**: During the CRTO on March 5, 2018, several models were presented to amend the Town's existing MPM. Staff was

asked to return to Town Council with amendments to the models, in addition to an estimate on the proposed lump sum payment policy.

As a reminder, the original proposal included reducing the current 3% to 7.5% MPM system to 1% to 6%, replacing the annual budget approved pay range adjustments with a lump sum policy, and implementing a cyclical evaluation of all position classifications to ensure each position would be organizationally and market evaluated (and adjusted if necessary) once every five years.

The proposed lump sum policy would be applied in lieu of annual pay range changes. The estimated FY17 flat cost of the lump sum payments ($345,150) may be more than the cost of the FY17 pay range adjustment ($123,561). However, savings would be realized due to the non-compounding of base salaries and non-pensionable earnings assigned to the lump sum payments.

As described during CRTO, the lump sum policy if implemented would be applicable when an employee cannot receive the full amount of their eligible pay increase due to being at or near the maximum of their assigned pay range. The remaining balance of the employee's eligible MTM pay increase would be paid as a lump sum. Lump sum payments would be non-pensionable income; however, it would not applied to base salary, nor would it be cumulative to future pay increases.

Exhibit III provides the following five different MPM Models:

1. **Current MPM** of 3% to 7.5%
2. **Model A**: Maintain MPM maximum of 7.5%; however, the minimum percentage increase provided would be tied to the rolling 5-year average Consumer Price Index for our geographical area (currently 2.2%).
3. **Model B**: Range of the MPM is reduced from the current 3% - 7.5% to 1% - 6%
4. **Model C**: Range of the MPM is reduced from the current 3% - 7.5% to 2.5% - 7%
5. **Model D**: Reduce the maximum range of the MPM to 7%; in addition, the minimum percentage increase provided would be tied to the rolling 5-year average Consumer Price Index for our geographical area (currently 2.2%).

Exhibit III also includes the cost of implementing the lump sum policy for each model (estimated costs for providing either the full amount or half of the eligible amount to employees). In addition, the difference between the lump sum payment and the cost of the FY17 pay range adjustment is also shown.

FUNDING/FISCAL IMPACT

Due to the complexity of employee compensation and benefits, staff recommends hiring an external consultant to conduct a Townwide evaluation of employee compensation and benefits. Depending on the proposed costs provided by respondents to a request for proposal, the expense of this analysis would be funded partially by existing budget funds available in Human Resources and general fund contingency funds.

DO

Comprehensive Review of Town Operations

EXHIBIT I: COMPILATION OF EMPLOYEE COMPENSATION AND BENEFIT DATA WITH BENCHMARKS

TOWN COUNCIL MEETING, MAY 8, 2018

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Benchmark Compensation Structures

The following table provides the various types of annual step, across the board, and/or performance based compensation structures employed among our peer organizations.

	Town of Palm Beach	West Palm Beach	Boca Raton	Jupiter	Palm Beach Gardens	Delray Beach
FY18 Merit	3% -7.5%	N/A	N/A	0% - 6%	N/A	0% to 5%
FY18 Step	N/A	Varies, IAFF & PBA (5% avg)*	N/A	N/A	N/A	Varies, IAFF (4.5% avg)
FY18 Across-the-Board (also referred to as COLA)	N/A	4%	4%	N/A	3% Non-Union & SEIU; 6% PBA; 2.5% IAFF*	N/A
Over Max Lump Sum Policy	No	Yes	No	Yes	Yes	Yes

Benchmark Leave Benefits

The Town offers a variety of leave benefits that are common in the market, as follows: Vacation Leave, Sick Leave, Personal Leave, Exempt Leave, Bereavement Leave, and Holidays. These benefits were compared to the peer market benefits and included below. In 2006, the Town reduced the maximum accrual of vacation leave earned by employees; however, peers did not follow this practice and their benefits with respect to vacation leave accrual exceed the Town's benefit. However, the Town does offer other leave benefits such as 12 (versus 11) holidays, and personal leave (slightly greater than peers) that helps to balance the overall leave benefit package. While there are some variations among peer leave benefits, the Town's position overall is competitive with the market and any reductions would cause a misalignment with the market.

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	PBG	Delray
Vacation Leave						
Maximum Accrual *(_x number of hours accrued/yr)*	1x	2x	2x	360 hours	PTO Policy	- 288 hours - 432 Fire Rescue shift
General Employees Hours Per Year (Years of Service)	80 (0-4) 120 (5-9) 136 (10-14) 160 (15+)	80 (0-5) 104 (6-10) 120 (11-15) 144 (16-20) 160 (21+)	96 (0-4) 120 (5-9) 128 (10) 136 (11) 144 (12)	96 (0-5) 120 (5-10) 144 (10-15) 168 (15+)	192 hrs/yr PTO includes vacation, sick, and personal time	96 (1-3) 112 (3-7) 128 (7-11) 144 (11+)

			152 (13) 160 (14+)			
FR Shift Hours Per Year (Years of Service)	256 (0-4) 280 (5-9) 304 (10-14) 352(15+)	144 (0 – 4) 157 (5 -9) 181 (10 – 14) 216 (15 – 19) 242 (20+)	n/a		184.8 hrs/yr PTO includes vacation, sick, and personal time	144 (1-3) 168 (3-7) 192 (7-11) 216 (11+)
Police Shift: Hours Per Year (Years of Service)	176 (0-4) 216 (5-9) 232 (10-14) 256 (15+)	104 (0-4) 136 (5-9) 160 (10-14) 168 (15-19) 176 (20+)	96 (0-4) 120 (5-9) 128 (10) 136 (11) 144 (12) 152 (13) 160 (14+)		192 hrs/yr PTO includes vacation, sick, and personal time	96 (1-3) 112 (3-7) 128 (7-11) 144 (11+)
Sick Leave						
Sick Leave Accrual	96 hrs/yr	96 hrs/yr (hired prior to 12/31/2012) 80 hrs/yr (hired on or after 1/1/2013)	96 hrs/yr	96 hrs/yr	192 hrs/yr PTO includes vacation, sick, and personal time	96 hrs/yr
Maximum Accrual	Hired prior to 4/9/2008: 1,600 hrs full-time 800 hrs part-time Hired after 4/9/2008: 1,040 hrs full-time 500 hrs part-time	Prior to December 31, 2012 Max 960 hours January 1, 2013 (Present) max 416 hours	No Maximum	960 hours > 960 are paid off annually at 50%		Maximum 1,120 hrs
Other Leave						
Personal Leave	24 hrs (36 hrs Fire Shift) Does not accrue or carry-over.	At the end of the last pay period of each payroll calendar year, an employee shall be provided a credit of personal leave for	8 hrs/fiscal year Does not accrue or carry-over.		192 hrs/yr PTO includes vacation, sick, and personal time	N/A

		every three hours of sick leave over the maximum.				
Exempt Leave	Exempt employees are awarded 32 hrs (48 hrs for Fire) per calendar year, granted upon request and approval by supervisor or dept. head. Does not accrue or carry over.	No	Maximum accrual is 60 hours; carries no cash value for payouts		Exempt employees are awarded 5 Administrative Days (40 hrs) per calendar year, granted upon request and approval by supervisor or dept. head. Does not accrue or carry over.	16-40 hours dependent upon position
Bereavement Leave	24 hrs for in-state, 40 hrs outside FL	3 days	3 days in state, 5 days out of state	3 days in state, 5 days out of state	Up to 3 days in state, 5 days out of state	3 days 5 days out of state
Holidays/Calendar Year: **Holidays Include:**	12 • New Year's Day • Martin Luther King Day • President's Day • Memorial Day • Independence Day • Labor Day • Veteran's Day • Thanksgiving Day • Day after Thanksgiving • Christmas Eve • Christmas Day • New Year's Eve	11 • New Year's Day • Martin Luther King Day • President's Day • Memorial Day • Independence Day • Labor Day • Columbus Day • Veteran's Day • Thanksgiving Day • Day after Thanksgiving • Christmas Day	10 • New Year's Day • Martin Luther King Day • President's Day • Memorial Day • Independence Day • Labor Day • Veteran's Day • Thanksgiving Day • Christmas Eve • Christmas Day	10 • New Year's Day • Martin Luther King Day • President's Day • Memorial Day • Independence Day • Labor Day • Columbus Day • Veteran's Day • Thanksgiving Day • Christmas Day	11 • New Year's Day • Martin Luther King Day • President's Day • Good Friday • Memorial Day • Independence Day • Labor Day • Veteran's Day • Thanksgiving Day • Day after Thanksgiving • Christmas Day	11 • New Year's Day • Martin Luther King Day • President's Day • Memorial Day • Independence Day • Labor Day • Veteran's Day • Thanksgiving Day • Day after Thanksgiving • Christmas Eve • Christmas Day
Floating Holidays:	1	0	1 (Day after Thanksgiving)	3	1	1
Jury Duty Leave	Paid for every day of service.	Paid for every day of service.	Paid for every day of service.		Paid for every day of service	Paid for every day of service
Describe any policy relative to receipt of jury duty leave:	Proof of service required.	Proof of service required			Proof of service required	Proof of service required

Benchmark Tuition Reimbursement

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	PBG	Delray
Tuition Reimbursement	100% for A or B, 75% for C *(no reimbursement for graduate degree of C or lesser)*	100% for C or better	100% for A or B, 75% for C	100% if grade is consistent with the degree requirements	N/A	100% for C or better in AA/BA program. 100% for B or better in graduate program
Ancillary Costs (Fees, books, etc.)	Yes, covered per degree earned	Yes, up to $250 for books and fees	No, only credits		N/A	Yes. 100% for books, supplies, and lab fees
Capitation and/or Limit per Year or other	None	6 credits per semester up to a max of 12 credits per year	5 courses per fiscal year, up to $5,550		N/A	12 credits per fiscal year
Rate Tuition is Reimbursed	PBSC and FAU	FAU Rate	AA =$101 per credit BA = $201.29 per credit MA = $369.82 per credit	State Rate		State Rate
Repayment Service Obligation	Less than 1 year: 100%	Less than 1 year: 100% More than 1 year but less than 2 years: 50%	Leaving 0-1 Years: AA/BA/MA = 100% Leaving 1-2 Years: AA/BA/MA = 75% Leaving 2-3 Years: BA/MA = 50% Leaving 3-4 Years: MA = 25%	Less than 1 year: 100%	NA	Less than 1 year: 100%
Specified Exclusions	None	Grants or funding that the employee does not have to repay is not reimbursed, only reimburse for actual expenses incurred.	Grants or funding that the employee does not have to repay is not reimbursed, only reimburse for actual expenses incurred.		NA	Grants or funding that the employee does not have to repay is not reimbursed, only reimburse for actual expenses incurred.

Benchmark Incentive Payments

Incentives provide compensation to certain job classifications based on the duties performed.

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	PBG	Delray
Cell Phone Basic (no data) Basic + Data	$600.28 $1,200.55	$300/year $600/year	$300/year $1020/year Based on business needs			$300/year stipend voice $540/year stipend voice/data
Construction/Inspector Certifications	$750/cert Max: $4,500	No	$250/cert Max: $750 in each position held			
Call Back Pay	Min 4 hours		Min 2 hours			Minimum 2 hours
Clothing Allowance	$250-$500 Select positions	Police: $650 cleaning allowance Fire: $950 uniform cleaning allowance	$500 annual cleaning allowing for Chief, Deputy Chief, Captains, Majors, Sergeants, Police Officers All other uniforms purchased by Town Boot allowance of $150 for Service Workers (Parks and Public Works)			N/A
Tool Allowance (for Mechanics)	$500	$300.00 Fleet Mechanic, Emergency Vehicle Mechanic, HVAC Mechanic, Street Lighting Technician, Fleet Preventive Maintenance Technician, Tire Repair Worker, Facility Maintenance	$250 for mechanics			N/A
Fire Rescue:						
Community Education Officer	$1,200				n/a, part of life safety fire inspector duties	

Field Training Officer	$2,000				n/a performed as special project appointed by Chief	Step Trainer 2hrOT/24hr
Public Information Officer	$1,200				n/a performed by one of the Deputy Fire Chiefs	EMS Supv. $1/hour
Self Cont. Breathing App	$1,200				n/a performed as special project appointed by Chief	40hour shift $1/hour
Station Commander	$2,400				n/a Captain serves as Station Commander	
Boots	$100				Part of uniforms, IAFF CBA Article 21	
EMT/Medic (Ocean Rescue)	$1,800				n/a	$1/hr EMT – OR Lifeguard
AS Degree	$600 state reimbursed				State Program Amount	
BS Degree	$1,320 state reimbursed	$600 state reimburse			State Program Amount 1,320	
Fire - Other						
Police						
BA/BS Degree	$720 state reimbursed		$720 state reimbursed		State Program Amount	$2 per hour
AA/AS Degree	$360 state reimbursed		$360 state reimbursed		State Program Amount	$1 per hour
Max for Degrees	$1,560 state reimbursed		$1,560 state reimbursed		State Program Amount	
Motorcycle	$2,200				5% assignment pay calculated on base salary	
FTO - Sworn	$5,000				3% assignment pay calculated on base salary	
FTO - Sergeant	$3,000				5% assignment pay calculated on base salary	
Shoe Allowances	$100	$80			$125 per year	
Police – Other:					See PBA CBA Articles 3, 25, 32 (5), 42, 43,	Career Officer program: $.50 per hour each step Shift diff: $.75 per hour for shifts after 5pm Language incentive: $.43 per hour.

Benchmark Executive Benefits

Incentives and allowances provided in annual amounts to select executive positions.

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	PBG	Delray
Insurance	• Health: 100% of HMO premium rate for ee and dependents • Dental: 100% of premium for ee and dependents • Stipend provided to Department Directors, Assistant Director, Division Manager, Police Captain (and above), Fire Battalion Chief (and above) level positions to cover this expense.	Health: 100% paid for employee and eligible dependents Dental: 100% paid for employee and eligible dependents			N/A	N/A
Car Allowance	$5,400/year for Department Directors (excluding public safety with take home cars)	$6,000 to City Administrator, Deputy City Administrator, Assistant City Administrator and City Attorney			N/A	$220 or $110 depending on position
Adjusted Leave Banks 0-4 Years 5-9 Years 10-14 Years 15+ Years	Hrs/Yr Max 120 216 136 248 160 296 200 376	No			N/A	N/A
Other	No	No		Yes, enhanced retirement plan	No	

Benchmark Longevity and/or Bonus Compensation

As part of the historical cost saving efforts made in the Town, the Longevity Compensation program was closed to new hires as of October 1, 2004, and any employees hired prior to that date were grandfathered and continue to receive the benefit. In the market, this is no longer a benefit offered to new hires. Following the Town's action in 2004, peers acted in a similar manner and either froze or grandfathered employees into this benefit.

The Town implemented a bonus program in place of longevity for new hires, eligible after a five-year waiting period, in order to remain competitive in the market since peers did not take the same action to eliminate longevity at that time. The original bonus program was based on years of service and performance. In 2011, a Florida State Statute was enacted that required any bonus program, if offered, in a municipality to based exclusively on

performance. In order to maintain compliance with state statute, the Town's program was changed eliminating the years of service incremental component and based the program on performance. Additionally, existing collective bargaining agreements with police and fire also amended the benefit to those members eliminating the longevity and providing the performance bonus program to all members, regardless of hire date. The current program complies with state statue and is available to new hires after a five-year waiting period.

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	PBG	Delray
Longevity Frozen Benefit	None	None	Still uses longevity	Still uses longevity	PBA & IAFF 10/1/12, and 9/30/11 for SEIU and Non-Union.	
Longevity Grandfathered	Effective 10/1/04 *(excluding positions covered currently or prior by collective bargaining agreement)*	Effective 09/30/09				
Bonus Program	Yes	No	No	No	No	No

BENCHMARK INSURANCE BENEFITS

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
Insurance Lives Covered: *(includes dependents)*						
• **Active Employees**	719 (279 EEs, 440 Dep)	Non Responsive	814 (343 EEs, 471 dep)	Non Responsive	Active lives 1,155	2385 (778 EEs, 1,607 Dep)
• **Retirees**	238 (157 retirees, 81 dep)		17 (14 retirees, 3 dep)		Retirees lives 83	174 (74 Retirees, 100 dep)
Who is your insurance broker?	Willis of Florida	Gehring Group	Gehring Group; currently out to bid for March 1 2018 contract date	Non Responsive	Gallagher Benefit Services, Inc	Non Responsive
HEALTH AND DENTAL BENEFITS						
What types of Health plans do you offer?	HMO (Open Access), POS, PPO	Base OAPIN High Deductible Health Plan (HDHP) and Buy-	HMO and HSA	Non Responsive	HMO, PPO and HDHP	Two Open Access HMO Plan

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
		Up OAPIN High Deductible Health Plan (HDHP)				High Deductible PPO with a City Funded HRA
What is the total monthly premium for the lowest Health insurance benefit offered, single/employee coverage?	$418.31 for HMO Plan	$543.10	$649.50 for employee only HSA Plan	Non Responsive	$491.47 for HMO Employee coverage	$401.84
What health insurance carrier do you use?	Florida Blue	Cigna	Cigna	Non Responsive	Florida Blue	United Healthcare
Is your insurance program fully-insured or self-funded?	Self-Insured	Self-insured	Partially self-insured; catastrophic coverage for claims over $100k	Non Responsive	Self-Insured	**Self-Insured**
If self-funded what is your fixed per employee TPA cost?	$49.97	Non Responsive	$66.17	Non Responsive	$45.32	Non responsive
Do you offer a wellness benefit? If so, describe.	Employee has the option to participate in a 3-step program that includes a biometric screening, completion of a personal health assessment and tobacco-free affidavit. Upon completion, employees receive a 12% discount on their premiums.	Non Responsive	Wellness program with wellness initiatives and challenges; No defined wellness benefit but opportunities to win prizes	Non Responsive	Various voluntary wellness incentives. Looking into additional options now.	2- Step program that includes a biometric screening, completion of a personal health assessment. Upon completion, employees receive discounted premiums.
Do you offer Telemedicine Services? If yes,	Teladoc	No	No	Non Responsive	Yes Carehere Services	Yes

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
answer the questions below:						
What is the per employee cost?	$2/employee	N/A	N/A	Non Responsive	$0	Included in United Healtcare
Are dependents included?	Yes	N/A	N/A	Non Responsive	Yes	Yes
What is the copay?	$0	N/A	N/A	Non Responsive	Not provided	$40 in HMO Coinsurance in PPO
What types of Dental plans do you offer	PPO	DHMO and PPO	DHMO and PPO	Non Responsive	PPO	DHMO and PPO
What dental insurance carrier do you use?	Humana	Cigna	Cigna	Non Responsive	Ameritas	MetLife
What is the total monthly premium for the lowest Dental insurance offered, single/employee coverage?	$41.74	$11.21	$15.38 for employee only DHMO	Non Responsive	$23.16	$10.42
Is your dental insurance fully-insured or self-funded?	Self-funded	Non-Responsive	Fully-insured	Non Responsive	Self-insured	Fully Insured
If self-funded what is your fixed per person TPA cost?	$4.00/employee	Non-Responsive	N/A	Non Responsive	Non Responsive	N/A
Percentage of the health and dental insurance premium paid by Employer:						
Employee/Single Health coverage	HMO = 100% Employee pays difference to buy up to POS or PPO	95%	HMO – 71% HAS – 80%	Non Responsive	HMO, PPO, HDHP 100% covered by Employer	Funded by HRA
Dependents Health Coverage	HMO = 75% Employee pays difference to buy up to POS or PPO	75%		Non Responsive	HMO = 90% PPO = 85% HDHP = 95%	Funded by HRA
Employee/Single Dental	100%	100%		Non Responsive	100%	Non Responsive

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
Dependent Dental Coverage	0%	70%		Non Responsive	100%	Non Responsive
ANCILLARY BENEFITS						
LTD	66 2/3% of the monthly salary, up to $9,000 per month; 180 calendar day benefit waiting period Benefit provided at no cost to employee	60% of basic monthly Earnings up to $5,000 per month; 90 calendar day benefit waiting period Benefit provided at no cost to employee	60% of base salary up to $10,000 per month; 180 day waiting period Benefit provided at no cost to employee	Non Responsive	General and SEIU/FPSU Employees 60% of monthly earnings to a maximum of $5,000/month; 180 calendar day benefit waiting period ; This benefit is paid for by the City Law Enforcement and Firefighters 60% of monthly earnings to a maximum of $1,500/month; Voluntary benefit paid for by the employee	60% of salary paid for duration of disability; two-year maximum benefit for mental illness, alcoholism and drug abuse; 60 calendar day benefit waiting period Benefit provided at no cost to employee
Short Term Disability	66 2/3% of weekly earnings, up to a maximum of $1,000; Benefit waiting period is 14 days. Employee Paid	Not offered	AFLAC and ALLSTATE available to employee as supplemental insurance. Employee paid	Non Responsive	60% of employee's salary; Benefit waiting period is 7 days for General and SEIU/FPSU employees/14 days for Police PBA and Fire IAFF Benefit provided at no cost to employee	60% of employee's salary; Benefit waiting period is 7 days; maximum benefit period of 8 weeks.

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
Basic Life with AD&D	1 times Annual earnings, rounded to the next highest $1,000, minimum of $20,000 and a maximum of $100,000. Provided at no cost to employee	Police, Fire and Full time non-union employees: 1 times annual earnings, rounded to the next higher $1,000, to a maximum of $100,000 Full Time union employees: 1 times annual earnings plus $25,000, rounded to the next higher $1,000, to a maximum of $100,000 Management in Class 1: 1 times annual earnings plus $100,000, rounded to the next higher $1,000, to a maximum of $250,000 Management in Class 2: 1 times annual earnings plus $50,000, rounded to the next higher $1,000, to a maximum of $250,000	2 times annual salary up to a maximum benefit of $100,000. Provided at no cost to employee $200k for Town Manager	2 times annual salary up to a maximum benefit of $100,000. Provided at no cost to employee	Two times annual earnings up to a maximum of $100,000. Provided at no cost to employee	Assistant City Attorneys, Police Legal Advisors, Assistant Department Heads, Division Heads, Battalion Chiefs, and Police Lieutenants earning $75,000 or more annually - $100,000; Assistant City Attorneys, Police Legal Advisors, Assistant Department Heads, Division Heads, Battalion Chiefs, and Police Lieutenants earning less than $75,000 - $75,000; All other active employees earning $60,000 or more annually - $75,000; All other employees earning $40,000 but less than $60,000 - $60,000; All other employees earning less than $40,000 annually - $50,000 Benefit provided at no cost to employee

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
		Benefit provided at no cost to employee				
Accidental Death & Dismemberment (AD&D)	Pays in addition to, and in an amount equal to, the Basic Term Life Insurance benefit when death occurs as a result of an accident	Pays in addition to, and in an amount equal to, the Basic Term Life Insurance benefit when death occurs as a result of an accident	Pays in addition to, and in an amount equal to, the Basic Term Life Insurance benefit when death occurs as a result of an accident	Pays in addition to, and in an amount equal to, the Basic Term Life Insurance benefit when death occurs as a result of an accident	Pays in addition to, and in an amount equal to, the Basic Term Life Insurance benefit when death occurs as a result of an accident	Paid in addition to, and in an amount equal to, the Basic Term Life Insurance benefit when death occurs as a result of an accident
Employee Supplemental Life Insurance	$10,000 increments, up to $300,000; Guaranteed amount for New Hires up to $100,000; Employee paid; Age banded.	Non Responsive	Increments of $10,000 not to exceed the lesser of 5x EE's annual salary, max of $500,000; Employee paid and age banded	Non Responsive	2x salary up to $100,000	May elect 1 to 5 times their annual salary; Employee paid Age banded
Employee Supplemental Life Insurance	$5,000 increments, up to $150,000; Coverage may not to exceed 100% of employee's basic and supplemental total coverage; Guaranteed amount for New Hires up to $25,000; Employee paid; Age banded.	Non Responsive	Increments of $5,000 to a max of $100,000; Employee paid and age banded	Non Responsive	$5,000 on spouse 100% Employer paid	May elect $5,000 to $250,000 100% employee paid Age banded
Child Supplemental Life Insurance	$10,000 per child; Children age 14 days to 6 months receive $1,000; Employee paid.	Non Responsive	$10,000 per child; Employee paid $1.31 per month – premium covers all children	Non Responsive	$5,000 per child 100% Employer paid	$10,000 per child Employee paid $1.80 per month
Vision	National Vision Administrators 100% Employee Paid	EyeMed 100% Employer Paid	Cigna 100% employee paid	Non Responsive	Superior 100% employee paid	EyeMed 100% employee paid

	Town of Palm Beach	West Palm Beach	Jupiter	Boca	Palm Beach Gardens	Delray
Flexible Spending	Healthcare FSA with $2,600 maximum Dependent Care FSA with 5,000 maximum	Healthcare FSA with $2,600 maximum Dependent Care FSA with $5,000 maximum	Available benefit. Details not provided in the benefits summary	Healthcare FSA with $2,650 maximum Dependent Care FSA with 5,000 maximum	Healthcare FSA with $2,600 maximum Dependent Care FSA with 5,000 maximum	Healthcare FSA with $2,600 maximum Dependent Care FSA with $5,000 maximum
Supplemental Accident/Injury (e.g AFLAC or similar)	None	Non Responsive	AFLAC and Allstate	Non Responsive	AFLAC	-Allstate = Group Accident and Supplemental Health -Trustmark = Disability, Critical Illness, Universal Life
Retirement Health Savings	Employee hired after 10/1/2009 contribute as follows: 1-9 YOS is 1% 10+ YOS is 2% Upon separation, 50% of accrued eligible sick leave is contributed to RHSP account	Non Responsive	Not offered	Non Responsive	Not offered	Not offered

Benchmark Retirement Plans

General Employee Retirement Benefits Market Comparison

	Palm Beach	West Palm Beach	Boca Raton	Jupiter	Palm Beach Gardens	Delray Beach	FRS DB Plan	FRS DC Plan
Union Group	No	Yes	Yes		Yes - SEIU & NonUnion	SEIU, OBA		
FY18 #FTE Benefit Group	215		540 as of 09/30/15				N/A	N/A
Defined Benefit Plans:								
Funding Ratio as of:__	73.5% as of 09/30/15	N/A	90.64% as of 09/30/15	See FRS	See FRS	98.1% As of 09/30/15	84.3% as of 01/01/17	
Return Assumption	7.4% dropping by .1% to 7%	N/A		See FRS	See FRS	7.25%	7.6%	
Wage Assumption	3.25% dropping by .25% to 2.75%	N/A		See FRS	See FRS	4.4%-7.2%	3.25%	
Vesting Period	10 Years	N/A	10 Years	See FRS	See FRS	50% after 5 years plus 10% each additional year	8 years	
Age Benefit Eligible	62 and 10 years	N/A	Age 65; or Age 55 w/ 20 yrs; or Age 53 w/ 30 yrs; or Rule of 68 – age & service = 68, min 50 age /15 yrs	See FRS	See FRS	Hired on/before 10/05/10: Age 62 and 10 years, or 30 years regardless of age. Hired after 10/05/10: Age 65 and 10 years	Age 65 with at least 8 years of service or have 33 years of service regardless of age	
DB Multiplier	1.7%	N/A	1.75%; or 1.5% under Rule of 68	See FRS	See FRS	2.5% with max of 75% or option of 3% with maximum benefit of 90%. Employees have to pay an additional 3.45% for this benefit..	•Age 65 or up to 33 yrs svc: 1.60% •Age 66 or with 34 yrs svc: 1.63% •Age 67 or with 35 yrs svc: 1.65% •Age 68 or with 36+ yrs svc: 1.68%	

DB Employee Contribution	3.5%	N/A	6%	See FRS	See FRS	3.05% unless employee chooses higher benefit then 6.5%	3%	
COLA	No	N/A	Yes, each odd number year	See FRS	See FRS		Each July 1 after retirement, Pension Plan members will earn a 3% COLA for all service prior to July 1, 2011. Any retirement service earned on or after July 1, 2011 will not be subject to a COLA	
Pension Obligation Bonds	No	N/A		See FRS	See FRS			
Defined Contribution Plans:								
DC Employee Contribution	3.0% Mand.; Up to 2% Optional	7.5%	N/A	See FRS	See FRS	Optional		3%
DC Employer Contribution	3.0% Mand.; Up to 2% Match	6.5%, increasing to 7.5% as of the 6th year of service	N/A	See FRS	See FRS	Up to 3% match for key employees		3.3%
Vesting Period	10 Years	None	N/A	See FRS	See FRS	N/A		1 year
Age Benefit Eligible	Per IRS (59 ½)	Per IRS	N/A	See FRS	See FRS	Per IRS		Per IRS

POLICE OFFICER RETIREMENT BENEFITS MARKET COMPARISON

	Palm Beach	West Palm Beach	Boca Raton	Jupiter	Palm Beach Gardens	Delray Beach	FRS DB Plan	FRS DC Plan
Union Group?	No	Yes	Yes	Yes	Yes	Yes		
FY18 #FTE Benefit Group	70	221	No response	100	78		N/A	N/A
Retirees as of FY16 CAFR		248		64	75	246 (police and Fire)		
Defined Benefit Plans:								
Funding Ratio as of:__	68.6% as of 09/30/16	81%	74.58% As of 10/1/16	85% fiduciary net position	75.71% fiduciary net position	63.89% As of 10/1/15	84.3% as of 01/01/17	
Return Assumption	7.4% dropping by .1% to 7%	8%	7.95%	7.5%	6.9% Lowering it by .1% until 6.5%	7.65%	7.6%	
Wage Assumption	3.25% dropping by .25% to 2.75%	5%	2.92% for UAAL; 4.0% for city funding requirements	5-12.27%	3-4.5%	0-3.7%	3.25%	
Vesting Period	10 years	10 years	10 years	10 years	10 years	10 years	8 years	
Age Benefit Eligible	56	25 or more years' service; age 50 and 20 years; or age 55 and 10 years	20 yrs svc; or Age 55 & 10 yrs.	55 with 10 years of service or 25 years	59 with 10 years of service	55 and 10 years of service of 25 years regardless of age.	• Age 60 or older and 1 or more years of combined Pension Plan and Investment Plan service; or • Age 57 or older and 30 or more years of Special Risk and military service; or • Any age and 30 or more years of Special Risk service	
DB Multiplier	2.75%	2.68% service after 09/30/2011;	3.5%	2.75% plus supplemental benefit of the lesser of	2.75 to max of 75% plus monthly supplemental benefit of $12.50	2.5% up to 20 years then 3% in excess of 20 years to max of	3% Special Risk Class	

		3.0% service between 03/31/1987-09/30/2011		$150 per month or the greater of $30 or $5 times credited service	per year of service.	$108,000. Optional 3.5% to max of 87.5% for additional 3% contribution.		
DB Employee Contribution	8-12%; Current 10.09%	11%	10.2%	10%	8.6%	9%	3%	
COLA	No	3% annually after age 65		3%	None	1% per year	Each July 1 after retirement, Pension Plan members will earn a 3% COLA for all service prior to July 1, 2011. Any retirement service earned on or after July 1, 2011 will not be subject to a COLA	
Pension Obligation Bonds	No	Yes $50 Million in 2016	No	No	No	No	No	
Defined Contribution Plans:								
DC Employee Contribution		N/A	N/A	N/A	N/A	N/A		3%
DC Employer Contribution		N/A	N/A	N/A	N/A	N/A		11%
Vesting Period		N/A	N/A	N/A	N/A	N/A		1 year

Firefighter Retirement Benefits Market Comparison

	Palm Beach	West Palm Beach	Boca Raton	Jupiter	Palm Beach Gardens	Delray Beach	FRS DB Plan	FRS DC Plan
Union Group?	Yes	No	Yes	N/A – County Fire				
FY18 #FTE Benefit Group	70	190			96		N/A	N/A
Retirees as of FY16 CAFR		194			38	246		
Defined Benefit Plans:								
Funding Ratio as of: September 30, 2016	62.6% as of 09/30/15	71%	78.97% as of 10/1/16		78.41% Fiduciary net position		84.3% as of 01/01/17	
Return Assumption	7.4% dropping by .1% to 7%	8%	7.95%		7.45%	8%	7.6%	
Wage Assumption	3.25% dropping by .25% to 2.75%	5.0% to 5.5% including inflation	2.92% for UAAL; 4.0% for city funding requirements		2.5%	5%-6.25%	3.25%	
Vesting Period	10 years	10 years	10 years		10 years	10 years	8 years	
Age Benefit Eligible	56	Age 50 and 15 years; or age 55 and 10 years; or 26 years regardless of age	20 yrs svc; or Age 55 & 10 yrs.		52 with 10 years of service or 25 years of service regardless of age	55 and 10 years of service of 20 years regardless of age.	• Age 60 or older and 1 or more years of combined Pension Plan and Investment Plan service; or • Age 57 or older and 30 or more years of Special Risk and military service; or Any age and 30 or more years of Special Risk service	
DB Multiplier	2.75%	3% on and after 05/13/12; 4% for service	3.4%		3% to max of 75%	3% max benefit $100k increased at 2% per year.	3% Special Risk Class	

		prior to 05/13/12						
DB Employee Contribution	8-12%; Currently 10.__%	13.1%	10.2%		6%	9%	3%	
COLA	No	1.17% per year if aggregate gains from all sources do not limit it.	Yes		1% at ag 53, 2% at age 54 and 3% for age 55 or greater	1% Per year	Each July 1 after retirement, Pension Plan members will earn a 3% COLA for all service prior to July 1, 2011. Any retirement service earned on or after July 1, 2011 will not be subject to a COLA	
Pension Obligation Bonds	No		No		No	NO	No	
Defined Contribution Plans:								
DC Employee Contribution								3%
DC Employer Contribution								11%
Vesting Period								1 year

EXECUTIVE RETIREMENT BENEFITS MARKET COMPARISON

	Palm Beach	West Palm Beach	Boca Raton	Jupiter	Palm Beach Gardens	Delray Beach	FRS DB Plan	FRS DC Plan
Union Group?	N/A						N/A	N/A
FY18 #FTE Benefit Group	N/A				FRS		N/A	N/A
Defined Benefit Plans:								
Funding Ratio as of:__	N/A	N/A	73.83 as of 10/1/15	N/A	N/A	N/A		N/A
Return Assumption	N/A	N/A	7.5% as of 10/1/15	N/A	N/A	N/A		N/A
Wage Assumption	N/A	N/A		N/A	N/A	N/A		N/A
Vesting Period	N/A	N/A	6 years	N/A	N/A	N/A		N/A
Age Benefit Eligible	N/A	N/A	65 and 6; or 55 and 10	N/A	N/A	N/A		N/A
DB Multiplier	N/A	N/A	See Below	N/A	N/A	N/A		N/A
DB Employee Contribution	N/A	N/A	11%	N/A	N/A	N/A	3%	N/A
COLA	N/A	N/A	Yes	N/A	N/A	N/A		N/A
Pension Obligation Bonds	N/A	N/A	No	N/A	N/A	N/A		N/A
Defined Contribution Plans:								
DC Employee Contribution	N/A	7.5%	N/A	N/A	N/A	N/A		3%
DC Employer Contribution	N/A	6.5% increasing to 7.5% after six year	N/A	N/A	N/A	N/A		4.67%
Vesting Period	N/A	None	N/A	N/A	N/A	N/A		1 year

Boca/Executive: "Accrued benefit" shall mean a monthly annuity benefit equal to the percentage of average final compensation corresponding to the division as provided herein, multiplied by benefit service, payable in the standard benefit form beginning at the normal retirement date. "Average final compensation" shall mean one-twelfth (1/12) of the arithmetic average of annual compensation paid for the highest 130 pay periods within the last 260 pay periods of vesting service which yield the highest average, or such shorter period if less than 130 pay periods, so that compensation may be counted up to the actual date of termination. Notwithstanding the foregoing, for a division 4 member, "average final compensation" shall mean one-twelfth (1/12) of the arithmetic average of annual compensation paid for the highest 52 pay periods within the last 260 pay periods of vesting service which yield the highest average, or such shorter period if vesting service is less than 52 pay periods, so that compensation may be counted up to the actual date of terminatio

Comprehensive Review of Town Operations

EXHIBIT II: TIMELINE OF COMPENSATION AND BENEFIT CHANGES 2004 - 2018

TOWN COUNCIL MEETING, MAY 8, 2018

2004 - 2007

10/2004

Longevity compensation program closed

06/2005

Townwide Compensation Study and resulting pay range adjustments.

8/2006

Adoption of Ordinance amending Public Safety multiplier from 3.25% to 3.5% retrospectively

10/2006

Vacation leave accruals reduced for new hires

10/2007

Budget approved merit for General, 4% step for Police and Fire, 3% COLA for all employees.

Benefits Compensation Retirement

2008

01/2008

Town Council reviews CROTO. Retirement Boards to present recommendations to Town Council

04/2008

Retirement Boards unanimously advise Town Council to retain status quo for retirement benefits.

4/2008

Sick leave maximum accruals reduced for new hires.

10/2008

Budget approved merit for General, 4% step for Police and Fire, 3% COLA for all employees.

NOTE: Last time COLA provided, eliminated FY10 to date.

10/2008

Finance & Tax Committee begins study of Future Funding of Town Pension Plans

12/2008

Finance & Tax Committee reviews: funding, investment and other actuarial assumption options, DROP benefit impacts, combining the Police and Fire retirement boards, and the benefits and disadvantages of both defined benefit and defined contribution plans.

Benefits Compensation Retirement

2009 (January – April)

01/2009

Health insurance plan modifications increasing copays and deductibles.

01/2009

Conversion from fully insured to self insured dental insurance.

01/2009

Extraordinary longevity eliminated as a result of CRTO.

3/2009

Finance & Tax Committee assigns special advisor (Parven) to study and report on Town's retirement plan.

4/2009

Special advisor reports retirement plan recommendations to Finance & Tax Committee. External consultant sought.

Benefits Compensation Retirement

2009 (May - December)

7/2009

Cavanaugh Macdonald Consulting, LLC, to provide expert advice and assistance in studying the retirement plan.

10/2009

Implemented Retirement Health Savings plan, fully funded by employee contributions toward post-employment health care expenses and increases the employee's role and responsibility in retirement health care costs.

10/2009

Hiring Freeze. No merit, COLA, range adjustments, or pay increases provided to employees.

10/2009

Conducted dependent insurance eligibility audit.

12/2009

The Mayor and Town Council reviewed the Cavanaugh Macdonald report and received public input at a special Town Council meeting. Town Manager Elwell was assigned to make specific recommendations for Town Council consideration.

Benefits Compensation Retirement

2010

01/2010

Health insurance cost sharing amended. Town maximum provided to employees at HMO premium level; employees buy up for increased coverage. (Est. savings $386,000)

01/2010

Amended the cost sharing of medical premiums for retirees. Future retiree contributions toward premiums for employee hired on or after October 1, 2009 was established at the maximum allowed per Florida state statute.

01/2010

Implemented a health insurance opt out incentive, encouraging employees who have insurance coverage from another provider to opt out of coverage with the Town. (Est. savings since 2010 502,012)

04/2010

Town Manager issues report and recommendations for Pension plan to Town Council. Reduction in benefits ordered, subject to collective bargaining.

6/2010

The Palm Beach County Property Appraiser imposed a 12.4% decrease in property values, which resulted in a $5 million decrease in property tax revenue. The Town Council ordered additional cost-cutting measures. Retirement plan benefits were further reduced. Union negotiations reflected this change.

10/2010

Hiring freeze. No merit, COLA, range adjustment, or pay increases provided.

Benefits Compensation Retirement

2011

01/2011

Change in dental carriers, reducing service fees by 33%, and claim expenses by 17.5%.

04/2011

Impasse hearing with IAFF, resulting in imposition of retirement plan changes to hybrid plan, elimination of Kelly day, and other changes.

09/2011

All Fire-Rescue Bargaining Unit Supervisory and Non-Supervisory employees will be provided with a performance bonus due to collective bargaining agreement.

10/2011

Budget approved merit increases to non-union employees. No pay increases for Police an Fire subject to union negotiations. No COLA or range adjustments provided to any employees.

Benefits Compensation Retirement

2012

01/2012

Impasse hearing with the Fraternal Order of Police, resulting in imposition of retirement plan changes to the hybrid plan (among other changes).

05/2012

Second reading of Town Ordinance adopting changes to retirement plan benefits for all employees, providing for a hybrid retirement plan in lieu of only defined benefit program.

10/2012

All sworn Police Officer and Sergeants will be provided with a performance bonus regardless of hire date due to collective bargaining agreement.

10/2012

Budget approved merit for General and Police (following decertification from union), no pay increases for union Fire subject to negotiations. No COLA for any employee. Pay range maximums increased by 3% for non-union employees.

Benefits Compensation Retirement

2013 & 2014

08/2013

Retirement Board of Trustees approves removal of 2% reduction applied to non-grandfathered General Employees choosing DROP participation as it was no longer actuarially valid to ensure cost neutrality of the plan.

10/2013

Budget approved merit for General, Police, and non-union Fire (following decertification from union), no pay increases for union Fire subject to union negotiations. No COLA for any employee. Pay ranges were not changed.

01/2014

Amend health insurance plan design, replacing PPO plan with POS plan option, taking action to avoid the federally mandated "Cadillac Tax".

[Special note: In December 2015, Congress delayed implementation of the Cadillac tax, currently scheduled to be implemented in 2020 pending any changes to the federal health care plan mandates.]

10/2014

Budget approved merit for General, Police, and non-union Fire (following decertification from union), no pay increases for union Fire subject to union negotiations. No COLA for any employee. Pay ranges adjusted by 3%.

Benefits Compensation Retirement

2015 & 2016

02/2015

Retirement Board of Trustees reviews Experience Study that requires several demographic assumption changes.

10/2015

Budget approved merit approved for General, Police, and non-union Fire (following decertification from union), no pay increases for union Fire subject to union negotiations. No COLA for any employee. Pay ranges adjusted by 2%.

03/2016

Police and Fire Compensation and Benefits Survey, requested by Palm Beach Civic Association and Palm Beach Police Foundation and conducted by Mercer, issued to the Finance and Tax Committee

04/2016

Town Council orders changes to the investment earnings assumption for the retirement plan, decreasing from 7.5% to 7.4% and will further decrease by 10 basis points each year until the assumed rate of investment reaches 7.0% effective with the September 30, 2010 annual valuation.

04/2016

Second reading of Ordinance adopting changes to retirement plan benefits for Police Officers and non-union Firefighters eliminating the hybrid plan and implementing a defined benefit plan, effective October 1, 2016.

05/2016

Retirement plan assumption changes due to mortality tables implemented.

10/2016

Budget approved merit for General, Police, and non-union Fire (following decertification from union), no pay increases for union Fire subject to union negotiations. No COLA for any employee. Pay ranges maximum adjusted by 2%.

Benefits Compensation Retirement

2017 to date

01/2017

Introduced telemedicine services providing 24/7/365 access to medical care through phone and video consults.

05/2017

Ordinance adopting changes to retirement plan benefits for General employees, retaining and amending the existing provisions of the hybrid plan.

08/2017

Ordinance amending the retirement benefits provided to union Firefighters pursuant to the collective bargaining agreement between the Town and the IAFF, eliminating the hybrid plan and implementing a defined benefit plan,

10/2017

Budget approved merit for General, Police, and non-union Fire (following decertification from union). Union Fire negotiated pay increase, retroactive rate calculations from FY15, but not retroactive pay.

No COLA for any employee. Pay ranges adjusted by 2.5%.

01/2018

Hiring freeze.

Benefits Compensation Retirement

Comprehensive Review of Town Operations

EXHIBIT III: VARIABLE MERIT PAY MODELS (MPM) FOR CONSIDERATION

TOWN COUNCIL MEETING, MAY 8, 2018

Exhibit III: variable Merit pay models (MPM) for consideration

	Current%	A	B	C	D	%Population
100th	7.5%	7.5%	6.0%	7.0%	7.0%	17%
90th	7.0%	7.0%	5.0%	6.5%	6.5%	13%
80th	6.5%	6.5%	4.5%	6.0%	6.0%	15%
70th	6.0%	6.0%	4.0%	5.5%	5.5%	11%
60th	5.5%	5.5%	3.5%	5.0%	5.0%	10%
50th	5.0%	5.0%	3.0%	4.5%	4.5%	7%
40th	4.5%	4.5%	2.5%	4.0%	4.0%	5%
30th	4.0%	4.0%	2.0%	3.5%	3.5%	6%
20th	3.5%	3.5%	1.5%	3.0%	3.0%	4%
10th	3.0%	2.2%	1.0%	2.5%	2.2%	10%
*Score of 3.0 or less	0.0%	0.0%	0.0%	0.0%	0.0%	2.3%
Avg Eligible %	5.8%	5.7%	3.8%	5.3%	5.2%	
Actual Avg. %	4.4%	4.4%	3.2%	4.1%	4.1%	
Reduction in Average Increase	n/a	-0.1%	-1.3%	-0.3%	-0.3%	
Sum of Salary Increase	$ 907,309	$ 897,450	$ 684,875	$ 851,919	$ 847,570	
Diff from Current	n/a	$ (9,859)	$ (222,433)	$ (55,390)	$ (59,738)	

Lump Sum Policy Estimates

Full Lump Sum	$ 345,150	$ 344,266	$ 180,402	$ 297,347	$ 297,347
Avg Payment	$ 3,028	$ 3,101	$ 1,940	$ 2,679	$ 2,728
Half Lump Sum	$ 172,575	$ 172,133	$ 90,201	$ 148,673	$ 148,673
Avg Payment	$ 1,514	$ 1,551	$ 970	$ 1,339	$ 1,364

Difference between 2.5% Range Adjustment in FY17 (123,561) to Full and Half Lump Sum

Full Lump Sum vs. Range Adjustment	$ 221,589	$ 220,705	$ 56,842	$ 173,786	$ 173,786
Half Lump Sum vs. Range Adjustment	$ 49,014	$ 48,572	$ (33,360)	$ 25,112	$ 25,112

5 Year Rolling Average CPI Miami-Ft Lauderdale - West Palm Beach - February 2014-2018

May 8, 2018

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Options to Expand Paid Parking Program

Date: May 1, 2018

STAFF RECOMMENDATION

Staff recommends Town Council review the following report, relative to the current paid parking program, consider options for expanding said program and provide direction to staff.

GENERAL INFORMATION

Current Paid Parking Program

The Town's current paid parking program consists of "metered" parking, parking placards and residential permits. This report will focus on the "metered" parking program as well as the placard parking program.

Metered parking at the rate of $2/hr or $5/hr is available on various streets and municipal parking lots throughout the Town on a first come, first serve basis, including the following locations:

- Bradley Place (100 Block) - $2/hour (Mon-Sat)
- Royal Palm Way/Recreation Center Lot - $2/hour (Mon-Sat)
- Royal Palm Way (100 Block) - $2/hour (Mon-Sun)
- Lake Drive South (300 Block) - $2/hour (Mon-Sat)
- Peruvian (200/300 Blocks) - $2/hour (Mon-Sat)
- South Ocean Blvd (Mid-Town Beach) - $5/hour (Mon-Sun)
- Phipps Ocean Park (North/South Lots) - $5/hour (Mon-Sun)

In each of the areas above parkers have the option of paying by credit card at a multi-space kiosk or via Parkmobile (using the smartphone app or calling the 1-800 number posted on the parking signs). Cash is not accepted.

The placard parking permit program allows for unlimited parking in designated areas. Placards can be purchased for the following timeframes:

- $95 for 1 month
- $320 for 4 months
- $450 for 6 months
- $840 for 12 months

The placard permit, which is either placed on the dashboard or hung from the rearview mirror, does not guarantee a parking space. However, the placard parking permit allows the vehicle to park for an unlimited period, but the placard parking permit is only valid for the parking permit area purchased. Employers, employees of area businesses, residents, visitors, guests of residents, can purchase and utilize the placard permit. However, the placard parking program is operated on a first-come, first-served basis and is good only for the defined area for which it is purchased. There are a limited number of placards that can be issued at one time, but interested individuals can be placed on a waiting list.

There are eight defined areas in Town where parking placards can be purchased. The locations are the west side of South Ocean Blvd. between Hammon Ave. and Royal Palm Way (53 spaces); South Lake Dr. (62 spaces); South Bradley Area (26 spaces); Royal Palm Way 100 Blk. (17 spaces); Hibiscus Ave. (2 spaces); Peruvian Ave. 200 blk (10 spaces); Peruvian Ave. 300 blk. (12 spaces); Hammon Ave. (2 spaces); and Phipps Ocean Park (98 spaces). This amounts to 282 parking spaces.

Metered and Placard Parking Revenue History

Below are actual annual revenue totals from FY2008 to Present. The 23.4% increase in revenue in FY2011 can be mostly attributed to the increase in hourly rates to $5 on S. Ocean Blvd and Phipps Ocean Park.

The projected revenue total for FY2018 is $1,144,777, assuming 0% monthly growth for the remainder of the fiscal year. This would equate to a growth in paid parking revenue of 10% from FY2017 and a cumulative total of 104% since FY2008.

FISCAL YEAR	TOTAL REVENUE	ANNUAL VARIANCE
FY2018 (Through April)	$702,617	17% YTD
FY2017	$1,041,989	-3.3%
FY2016	$1,077,732	6.1%
FY2015	$1,015,373	6.0%
FY2014	$958,231	15.4%
FY2013	$830,227	6.3%
FY2012	$780,917	0.1%
FY2011	$780,484	23.4%
FY2010	$632,425	9.2%
FY2009	$579,292	3.3%
FY2008	$561,040	

Proposed "Metered" Parking Expansion Areas

The attached map highlights the current metered parking areas in green and potential expansion areas in yellow. The areas identified for potential expansion would be converted from either 1-hour or 2-hour free parking. To manage the new areas the Town could deploy additional kiosks,

which would cost us approximately $1,350 per year for five years through the current "lease to own" contract we have with Cale. We would also implement Parkmobile in these areas. Alternatively, the Town could choose to use Parkmobile only or use a combination of approaches depending on the circumstances of each area identified for expansion.

New Revenue Potential with Program Expansion
The attached spreadsheet lists the current metered parking locations and the total revenue collected (by location) for FY2017. Also included in the spreadsheet is a list of the potential streets in which the current parking regulation could be converted from 1-hour or 2-hour to metered parking.

The methodology used in estimating new revenue includes certain hourly rates based on location, days of the week that payment is required, 8 hours per day of enforcement, and the number of available spaces. It also assumes various occupancy rates to calculate new projected revenue, totaling approximately $840,000. The maximum potential revenue for each location is also shown as a reference point if all spaces were 100% occupied at all times.

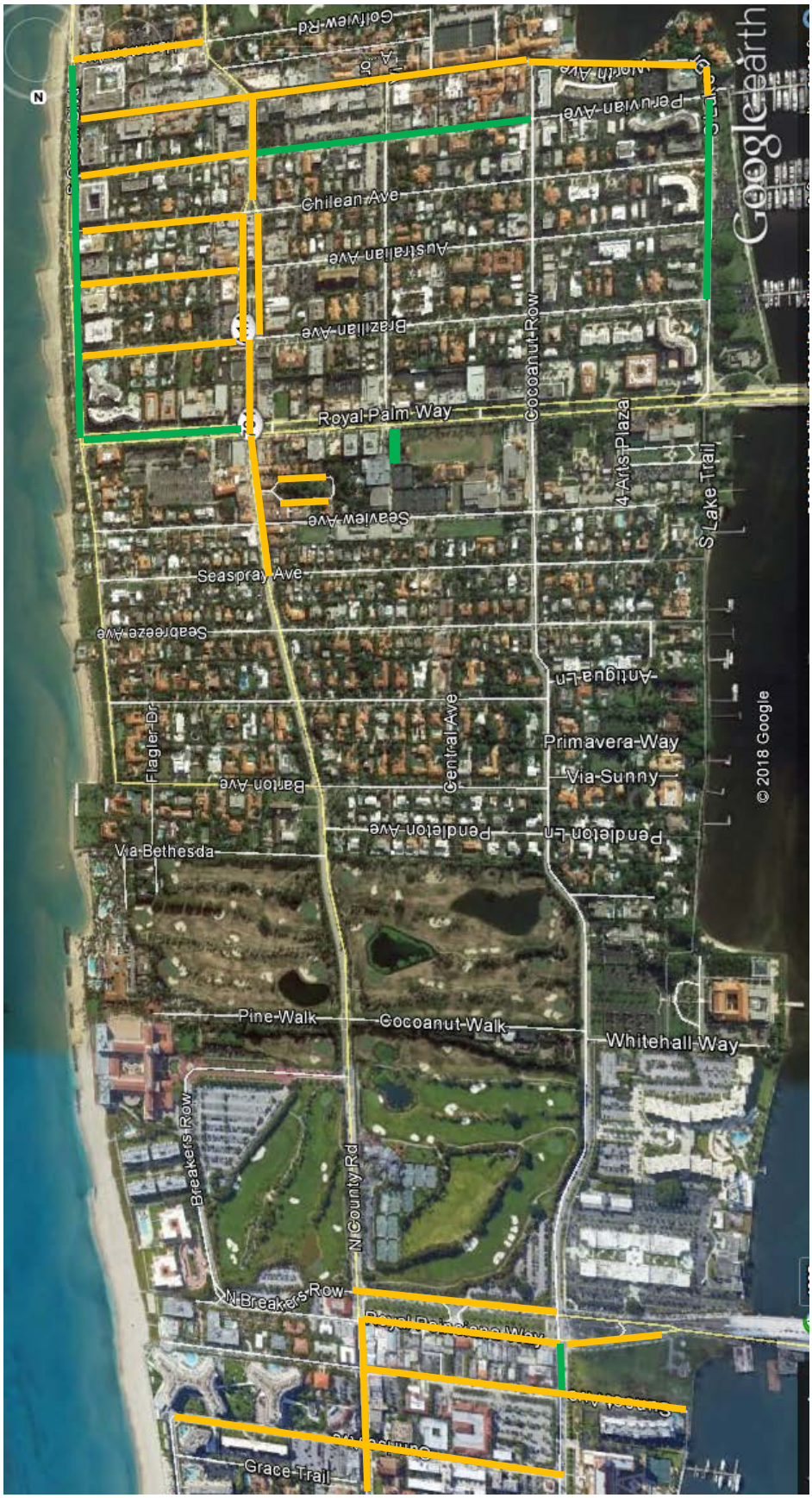
Paid Parking Expansion Concerns
Since the concept of expanded the paid parking program was public introduced earlier this year, staff has received some feedback from the business community. Some of the input was supportive and some expressed concern. The specific issues include concern about adding physical kiosks to areas like Worth Avenue, the inability to efficiently use kiosks and Parkmobile by elderly individuals and the worry that customer visits may diminish if they had to pay for parking in areas where it is now free, thus hurting businesses.

Paid Parking Expansion Benefits
The concerns expressed about adverse impact to businesses are normal but there is evidence to indicate otherwise. See the attached articles. Frequent turnover of on-street parking spaces is critical in commercial areas. Ideally, one in every eight spaces should be available at all times, which is a metric that confirms that rates are priced correctly to meet demand. Space availability created by turnover not only makes it easier for customers to access parking, it also reduces traffic congestion caused by motorist "circling" to find an open space.

To address the concerns about usability of kiosks or Parkmobile, the implementation of centralized valet operations in commercial areas could be explored as an option to self-parking and as a supplement to business specific valet operations that exist today.

Attachments

cc: Department Directors
Parking Committee



Current Paid Parking Locations

Proposed Paid Parking Expansion Areas

PAID PARKING PROGRAM (CURRENT AND PROPOSED DATA)

STREET_NAME	BLOCK	STREET_SIDE	PARKINGREG (CURRENT)	SPACES	FY2017 REVENUE	OCCUPANCY	MAX POTENTIAL
Bradley Pl	100	East	Metered Parking ($2/hr, 317 days)	7	**$5,522**	25.0%	$35,504
Peruvian Ave	200, 300	North/South	Metered Parking ($2/hr, 317 days)	73	**$99,070**	26.8%	$370,256
Phipps Park N&S		Parking Lot	Metered Parking ($5/hr, 365 days)	245	**$148,080**	4.1%	$3,577,000
Royal Palm Way	100	North/South	Metered Parking ($5/hr, 365 days)	38	**$46,384**	8.3%	$554,800
RPW Municipal Lot	300	Parking Lot	Metered Parking ($2/hr, 317 days)	31	**$8,360**	5.3%	$157,232
S Lake Dr	300	West	Metered Parking ($2/hr, 317 days)	61	**$46,820**	15.1%	$309,392
S Ocean Blvd (Mid-Town)	200	East/West	Metered Parking ($5/hr, 365 days)	146	**$518,370**	24.3%	$2,131,600
Multiple Locations			Placard Parking		**$169,382**		
				601	**$1,041,988**		**$7,135,784**

STREET_NAME	BLOCK	STREET_SIDE	PARKINGREG (PROPOSED CHANGE)	SPACES	PROJECTED REVENUE	OCCUPANCY	MAX POTENTIAL
Australian Ave	100	South	1 Hour Parking ($5/hr, 365 days)	11	**$24,090**	10.0%	$160,600
Bradley Pl	100	East	2 Hour Parking ($2/hr, 317 days)	23	**$29,164**	25.0%	$116,656
Bradley Pl	100	West	2 Hour Parking ($2/hr, 317 days)	5	**$6,340**	25.0%	$25,360
Brazilian Ave	100	North	1 Hour Parking ($5/hr, 365 days)	7	**$15,330**	10.0%	$102,200
Brazilian Ave	100	South	1 Hour Parking ($5/hr, 365 days)	7	**$15,330**	10.0%	$102,200
Brazilian Ave	100	North	2 Hour Parking ($5/hr, 365 days)	3	**$4,380**	10.0%	$43,800
Brazilian Ave	100	South	2 Hour Parking ($5/hr, 365 days)	5	**$7,300**	10.0%	$73,000
Chilean Ave	100	North	1 Hour Parking ($5/hr, 365 days)	14	**$30,660**	10.0%	$204,400
Chilean Ave	100	South	1 Hour Parking ($5/hr, 365 days)	2	**$4,380**	10.0%	$29,200
Hammon Ave	100	North	2 Hour Parking ($5/hr, 365 days)	22	**$32,120**	10.0%	$321,200
Hammon Ave	100	South	2 Hour Parking ($5/hr, 365 days)	12	**$17,520**	10.0%	$175,200
N County Rd	100	East	1 Hour Parking ($2/hr, 317 days)	21	**$15,977**	15.0%	$106,512
N County Rd	100	West	1 Hour Parking ($2/hr, 317 days)	6	**$4,565**	15.0%	$30,432
N County Rd	100	East	2 Hour Parking ($2/hr, 317 days)	10	**$7,608**	15.0%	$50,720
Peruvian Ave	100	North	1 Hour Parking ($5/hr, 365 days)	2	**$4,380**	15.0%	$29,200
Peruvian Ave	100	South	1 Hour Parking ($5/hr, 365 days)	10	**$21,900**	15.0%	$146,000
Phipps Plaza		North	2 Hour Parking ($2/hr, 317 days)	10	**$7,608**	15.0%	$50,720
Phipps Plaza		South	2 Hour Parking ($2/hr, 317 days)	4	**$3,043**	15.0%	$20,288
Royal Poinciana Way	200	North	1 Hour Parking ($2/hr, 317 days)	18	**$22,824**	30.0%	$91,296
Royal Poinciana Way	200	South	1 Hour Parking ($2/hr, 317 days)	34	**$43,112**	30.0%	$172,448

PAID PARKING PROGRAM (CURRENT AND PROPOSED DATA)

Royal Poinciana Way	200	North	2 Hour Parking ($2/hr, 317 days)	38	**$48,184**	25.0%	$192,736
Royal Poinciana Way	200	South	2 Hour Parking ($2/hr, 317 days)	37	**$46,916**	20.0%	$187,664
Royal Poinciana Way	300	North	2 Hour Parking ($2/hr, 317 days)	18	**$13,694**	15.0%	$91,296
S County Rd	200	East	1 Hour Parking ($2/hr, 317 days)	16	**$12,173**	15.0%	$81,152
S County Rd	200	West	1 Hour Parking ($2/hr, 317 days)	21	**$15,977**	15.0%	$106,512
S County Rd	300	East	1 Hour Parking ($2/hr, 317 days)	17	**$12,934**	15.0%	$86,224
S County Rd	300	West	1 Hour Parking ($2/hr, 317 days)	12	**$9,130**	15.0%	$60,864
S County Rd	400	East	1 Hour Parking ($2/hr, 317 days)	5	**$3,804**	15.0%	$25,360
S County Rd	200	East	2 Hour Parking ($2/hr, 317 days)	18	**$13,694**	15.0%	$91,296
S County Rd	200	West	2 Hour Parking ($2/hr, 317 days)	4	**$3,043**	15.0%	$20,288
Sunrise Ave	100	North	1 Hour Parking ($2/hr, 317 days)	25	**$19,020**	10.0%	$126,800
Sunrise Ave	100	South	1 Hour Parking ($2/hr, 317 days)	28	**$21,302**	10.0%	$142,016
Sunrise Ave	200	North	1 Hour Parking ($2/hr, 317 days)	30	**$22,824**	15.0%	$152,160
Sunrise Ave	200	South	1 Hour Parking ($2/hr, 317 days)	24	**$18,259**	15.0%	$121,728
Sunset Ave	200	North	1 Hour Parking ($2/hr, 317 days)	20	**$15,216**	15.0%	$101,440
Sunset Ave	200	South	1 Hour Parking ($2/hr, 317 days)	18	**$13,694**	15.0%	$91,296
Sunset Ave	300	North	2 Hour Parking ($2/hr, 317 days)	9	**$6,847**	10.0%	$45,648
Sunset Ave	300	South	2 Hour Parking ($2/hr, 317 days)	10	**$7,608**	10.0%	$50,720
Worth Ave	100	North	2 Hour Parking ($2/hr, 317 days)	18	**$27,389**	45.0%	$91,296
Worth Ave	100	South	2 Hour Parking ($2/hr, 317 days)	27	**$41,083**	45.0%	$136,944
Worth Ave	200	North	2 Hour Parking ($2/hr, 317 days)	23	**$34,997**	35.0%	$116,656
Worth Ave	200	South	2 Hour Parking ($2/hr, 317 days)	22	**$33,475**	35.0%	$111,584
Worth Ave	300	North	2 Hour Parking ($2/hr, 317 days)	24	**$36,518**	30.0%	$121,728
Worth Ave	300	South	2 Hour Parking ($2/hr, 317 days)	18	**$27,389**	30.0%	$91,296
Worth Ave	400	North	2 Hour Parking ($2/hr, 317 days)	8	**$12,173**	15.0%	$40,576
Worth Ave	500	East	2 Hour Parking ($2/hr, 317 days)	3	**$4,565**	10.0%	$15,216
				719	**$839,540**		**$4,551,928**

UCLA Newsroom

OPINION + VOICES

Free parking isn't such a good deal

UCLA parking guru: When a city temporarily suspends parking meters it often backfir for the businesses it was meant to help

Donald Shoup | June 19, 2014

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*Donald Shoup is a nationally renowned expert on parking and the author of "The High Cost of Free Parking." He is a distinguished professor of urban planning at UCLA's Luskin School of Public Affairs. This **article** originally appeared in the Spring 2014 issues of Access, the magazine of the **University of California Transportation Center**. **Subscribe for free**.*

In December 2010, the City Council of Berkeley, California, voted to give what they thought was a generous Christmas gift to the city's merchants: free parking at all parking meters in the city. "There are a couple of messages going out here," said councilmember Laurie Capitelli. "One is that we are inviting customers to our commercial districts. Two, we're sending a message to our small businesses, saying 'we are hearing your concerns, and we do want to respond to them.'"

The Downtown Berkeley Association cheerfully informed its members, "There will be no pay and no time limits! And, remember that this is a gift to our customers. Please tell your employees to leave this space available for customers." Berkeley's city manager estimated that the city would lose between $20,000 and $50,000 in meter and ticket revenue for each day of the meter holiday.

Merchants may thank elected officials for free parking at the time of peak demand, but open spaces will become even harder to find. Drivers congest traffic and pollute the air while searching for curb spaces, and the lucky ones who find a space will occupy it longer than if they were paying to park. Parking holidays are well-intended, but the gift is more like a lump of coal for businesses that depend on parking turnover.

Creating a Commons Problem at Christmas

Free curb parking creates a classic commons problem — no one owns it, and everyone can use it. In his famous essay, "The Tragedy of the Commons," Garrett Hardin used free curb parking at Christmas to illustrate the problem:

> During the Christmas shopping season the parking meters downtown were covered with plastic bags that bore tags reading: "Do not open until after Christmas. Free parking courtesy of the mayor and city council." In other words, facing the prospect of an increased demand for already scarce space, the city fathers reinstituted the system of the commons.

Hardin also used parking meters as an example of social arrangements that encourage responsible behavior:

> To keep downtown shoppers temperate in their use of parking space we introduce parking meters for short periods, and traffic fines for longer ones. We need not actually forbid a citizen to park as long as he wants to; we need merely make it increasingly expensive for him to do so. Not prohibition, but carefully biased options are what we offer him.

Despite the need to manage parking demand during the peak shopping season, many cities continue to wrap their parking meters in December, giving motorists a commons problem for Christmas. Consider the program in Bellingham, Washington:

> This year, for the two weeks before Christmas the city will offer all-day free parking. ... To help shoppers park close to businesses and keep spaces available, the city is asking that people still observe the time limits at meters. Shoppers planning to be downtown for more than a couple of hours are encouraged to park on the ground floor of the Parkade.

Free curb parking will not “keep spaces available,” and few motorists will comply with the request to “still observe the time limits at meters.” Meter holidays invite commuters to park free all day in metered spaces, leaving less parking for customers.

Although well-meant, meter holidays create a shortage of curb parking at the busiest time of year, making it more difficult for shoppers to find a curb space and exacerbating traffic congestion. Consider this report of what happened when Durango, Colorado, bagged its parking meters at Christmas time:

> As sleigh bells ring and the countdown to Christmas comes to a close, the city has been promoting free downtown parking for holiday shoppers. ... But there is just one small problem: There’s nowhere left to park. ... Cuenca said he has noticed some motorists driving dangerously, pulling aggressive maneuvers to secure their spot before spreading commerce and holiday cheer. “It’s created a frantic frenzy just to find a spot.”

Harnessing the Seasonal Urge to Help Mankind

Rather than provide free parking, cities could instead post signs during the Christmas season saying, “The city will donate all parking meter revenue in December to pay for food and shelter for the city’s homeless population.” Shoppers might like this more than a parking holiday that makes it harder to find a curb space. They might also feel better about paying to park downtown if they know their money is going to help the homeless. Parking charity rather than meter holidays will help those in greatest need, prevent parking shortages, and aid businesses that depend on curb parking. Wanting free parking for Christmas will begin to look quite greedy.

Parking charity can extend beyond the Christmas season. Many stores and malls reserve the most convenient parking spaces for disabled access, but able-bodied drivers sometimes park in them. To deal with this problem, and to provide spaces for all drivers who want quick access, a store can install parking meters in a few spaces adjacent to the disabled spaces, while keeping all other spaces in the lot free. To justify this policy, the store can place a sign on every meter saying that all the revenue will be donated to charity.

The prices for the charity meters can be set at a level that will keep one or two spaces open, allowing able-bodied drivers to park in convenient spots without harming disabled shoppers. Able-bodied drivers who do park in disabled spaces will look even more contemptible if they can instead donate to charity at a nearby meter.

Some drivers may be happy to pay for convenient parking when they really want it. Suppose the charity meters charge $1 an hour. A driver who is in a hurry to make a quick purchase and who parks for only 15 minutes might not mind donating 25 cents to charity to park near the front door, while a driver who parks for four hours can park farther away and save $4. A higher turnover of cars in the charity spaces will also benefit the store because customers who park in them will probably spend more per minute while they are in the store. And customers who walk past the charity meters might applaud the store's altruistic parking policy.

If cities donate their meter money to charity during the Christmas season, and if stores place a few charity meters in their most convenient spots, drivers will begin to see that charging for parking can do some good for the world. Only a Grinch would demand free parking for Christmas.

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Parking fee changes boost Santa Fe revenue

Feb 15, 2018 | Industry News |

SANTA FE – Adjustments to the parking rates in Santa Fe were overdue and necessary, resulting in a projected $900,000 annual increase in parking revenue, according to a memo from the director of the city's parking division.

The memo from Noel Correia dated Monday concludes the city achieved what it set out to do when street parking meter rates were increased and off-street parking rates were lowered in 2016. It was included in the packet for Monday night's Public Works Committee, but the informational item was postponed by the committee in the interest of time because three of its members – Peter Ives, Joseph Maestas and Ron Trujillo – were scheduled to attended a mayoral candidate forum later that night.

Many residents and downtown business owners complained when rates at parking meters went up from $1 to $2 for the first hour of parking, saying the higher rates would discourage potential customers from coming downtown to shop.

"Although not too popular, a parking meter rate adjustment was not only way overdue but an absolute necessity to correct the parking imbalance which was caused by the long-standing and inappropriate parking rate structure," Correia wrote.

But the adjustment has been successful in creating 15 percent parking space availability for metered parking, an industry standard followed by most cities, according to Correia. That means there's enough turnover in parking spots for people to more easily find an open parking spot. The result of that is more than 200,000 vehicles using on-street parking spots and for shorter periods of time when compared to before the increase went into effect.

According to the parking division's analysis, the average time a vehicle is parked at a meter dropped by more than an hour – from 2 hours, 42 minutes to 1 hour, 37 minutes.

Basing parking revenues on midyear figures, Correia wrote the city is on pace to generate about $2.33 million from metered parking this fiscal year, compared with $1.41 million before the

increase.

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Use of the city's parking garages has increased as a result of the rate adjustment because people have more incentive to use off-street parking, the report says.

The first hour of parking in a garage was reduced from $2 to $1. In addition, a new monthly rate of $35 that's available only to people making $15 per hour or less, or $31,200 per year, has had "phenomenal" success. So much so that the number of spots allocated for monthly parking spots at the Sandoval Street garage and the Water Street lot are maxed out.

Correia is scheduled to present the report to the Public Works Committee at its next meeting on Feb. 26.

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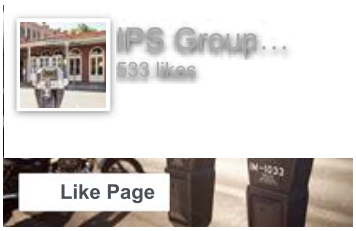

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Vox

Why free parking is bad for everyone

By Joseph Stromberg | Jun 27, 2014, 11:40am EDT

Vladimer Shioshvili

America is built around cars. And most of us expect that we'll be able to park our cars for free, pretty much anywhere we go.

But economist Donald Shoup of UCLA has made a name for himself by advocating an alternative scheme: charging for street parking anywhere there are more people with cars than spaces to park.

Shoup's 2005 book, ***The High Cost of Free Parking***, articulated why exactly he thinks free parking is such a bad idea. His ideas have started to influence policy: several cities, **including San Francisco**, have recently begun experimenting with the variable, market-set pricing scheme he thinks makes the most sense. And recent studies have confirmed that it cuts down on cruising time and traffic congestion.

Shoup recently spoke with me to explain his argument in detail.

Parking isn't a public good — and isn't used by everyone

Photo by David McNew/Getty Images

Over the past century, we've come to regard parking as a basic public good that should be freely shared — partly because of the sheer historical accident that parking meters **didn't come along until the 1930s**, a few decades after the car.

"By then, the custom of free parking was well-established," Shoup says. "It's hard to start charging people for something that the government owns and had been free." Consequently, parking is still free, he calculates, **for 99 percent** of all car trips made in the country.

But a parking spot, **unlike things we normally consider to be public goods**, is finite. It can only be used by a one car at a time. So if we let the market set the price, in cities, it'd certainly go above zero — and there's not really any compelling reason why it alone should be kept free. "We pay for everything else about our cars — the car itself, the gas, the tires, the insurance," Shoup says. "Why is it that parking should be different?"

WHEN WE FIND AN OPEN SPOT ON THE STREET, IT SEEMS FREE — BUT IS THE RESULT OF GOVERNMENT SPENDING

One counterexample you might point to are roads, which are ostensibly free public goods. But there are mechanisms in place, such as **the gas tax**, that try to ensure roads are largely paid for by automobile users, in proportion to their use of it. **The gas tax system may be broken**, but it still reflects the idea that car drivers should pay for the roads.

When we find an open spot on the street, and there's no meter, it *seems* free — but it too is the result of government spending. The cost of the land, pavement, street cleaning, and other services related to free parking spots come directly out of tax dollars (usually **municipal or state funding sources**). Each on-street parking space **is estimated** to cost around $1,750 to build and $400 to maintain annually.

"That parking doesn't just come out of thin air," Shoup says. "So this means people who don't own cars pay for other peoples' parking. Every time you walk somewhere, or ride a bike, or take a bus, you're getting shafted."

All our free street parking also leads to secondary problem: most city governments (with the exception of New York, San Francisco, and a few other dense cities) require all new buildings to include specified large numbers of added parking spaces — partly because otherwise, **the free street parking would be swamped** by new residents. "In most of the country, you can't build a new apartment building without two parking spaces per unit," Shoup says.

This too costs money. In Washington DC, the underground spots many developers build to comply with these minimum requirements **cost between $30,000 and $50,000 each**. Whether they're constructed along with apartment buildings or shopping complexes, this cost ultimately gets passed along to consumers, in the form of rent or the price of goods.

"Wherever you go — a grocery store, say — a little bit of the money you pay for products is siphoned away to pay for parking," Shoup says. "My idea is simple: if somebody doesn't have a car, they shouldn't have to pay for parking."

If just the way we paid for free parking were unfair, it might not be all that big of a deal. But there are a few totally unrelated and negative consequences of keeping parking free.

Free parking forces people to cruise for spots, subsidizes driving, and is bad way to allocate land

JaseMan

In many urban areas with high parking demand, when we subsidize its cost and freeze its apparent price at zero, there are many more people who want it than spots available. Without meters to stimulate turnover, people tend to take spots and hold on to them all day. As a result, we waste our time cruising, looking for scarce open space.

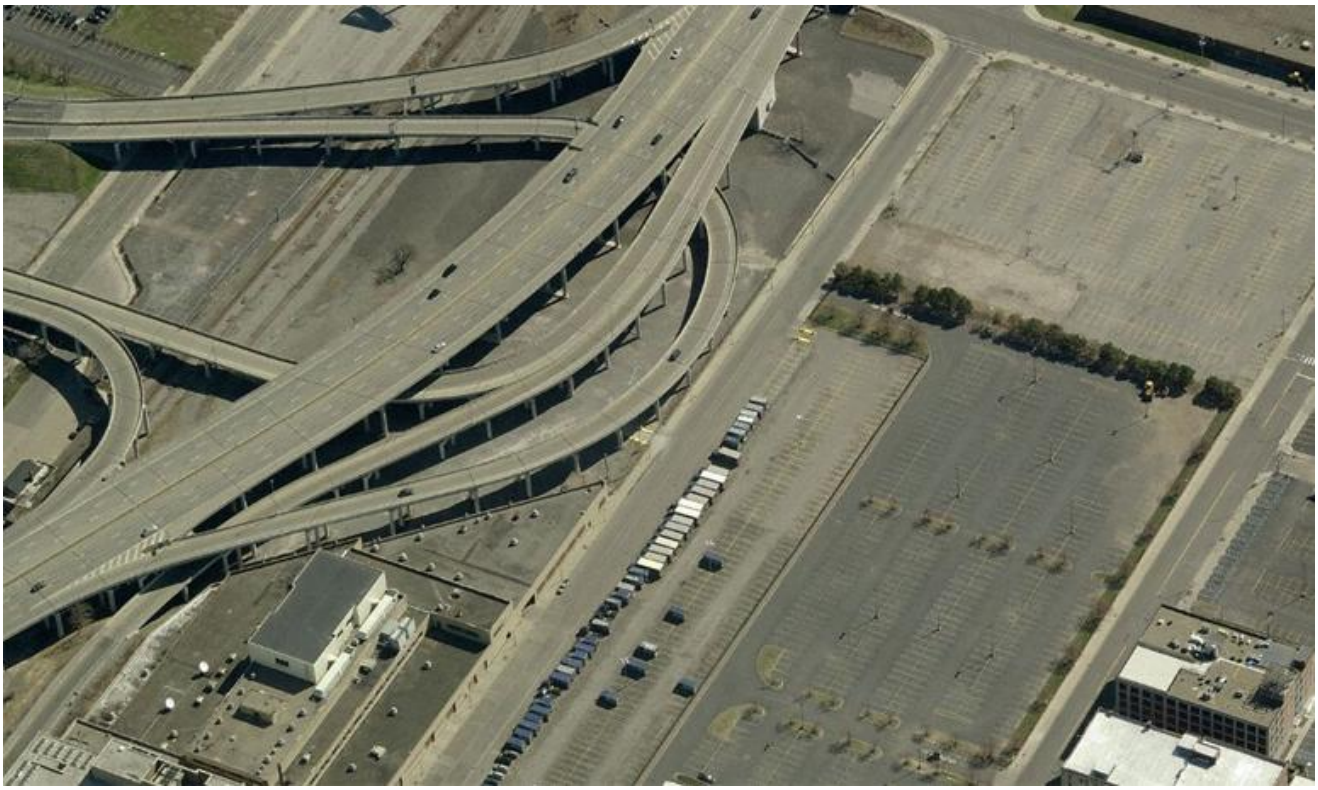
WHEN YOU HAVE PEOPLE DRIVING AROUND LOOKING FOR PARKING, IT ADDS TO TRAFFIC CONGESTION AND CARBON EMISSIONS

"When you have people driving around looking for parking, this adds to traffic congestion and carbon emissions," Shoup says. This effect isn't trivial: **Shoup has estimated** that in a 15-block area in Los Angeles' Westwood Village alone, cars travel about 950,000 miles annually just cruising for parking, burning 47,000 gallons of gasoline and emitting 730 tons of carbon dioxide.

There's also evidence that the free parking subsidy **increases the demand** for parking and the total number of miles driven — not just those driven while people cruise. A **recent study** found that people who

live in residences in Brooklyn, Queens, and the Bronx that have minimum parking requirements are significantly more likely to drive to work in Manhattan (compared to others who live and work in the same areas). **Another study** found that among dense American cities, public transit use is significantly higher where parking is more expensive.

In total, Shoup has estimated the annual free parking subsidy to cars to be **as much as $127 billion** nationally. For daily commuters that park free, this subsidy **can be worth more** than the cost of driving, on a per-mile basis. And by driving down the price of parking this heavily, we're giving everyone lots of incentive to rely on cars as often as possible, packing them in to crowded city areas and making it harder for everyone to drive and park.



Downtown Buffalo, New York, a city that's recently **eliminated minimum parking requirements** due to excess parking. **CityLab**

Finally, by mandating that developers build many spots of free parking to accompany all new developments — instead of letting demand determine how much parking is necessary — parking minimum requirements often end up wasting space on unnecessary empty lots and garages.

This hurts cities as a whole: in using space for parking instead of tax-paying business, a **recent study found**, the city of Hartford gives up about $1,200 in tax revenue per parking spot annually, for a total loss of $50 million. In some cities, **huge percentages of increasingly empty downtowns** have been given over to surface lots in order to comply with these requirements.

Free parking stimulates car-based development that hurts the poor

RJ Sangosti/The Denver Post via Getty Images

The main argument for free parking is that charging for it is **effectively a regressive tax**, because it disproportionately affects people with lower incomes. Spending on parking represents a larger percentage of their budget — and because having to pay for parking **might price some lower income people out of their cars**.

But currently, **people who don't own cars are disproportionately lower income**. Every tax dollar they spend that goes towards parking infrastructure is a more direct and regressive tax than what would be levied on car-owning people if they always had to pay for parking.

'THE WORST THING THAT MANY AMERICAN CITIES HAVE DONE, FOR LOW-INCOME PEOPLE, IS TO CREATE A WORLD IN WHICH YOU NEED A CAR'

Additionally, having an abundance of free parking — and requiring it to be built along with all new developments — spurs the design of cities that depend wholly on cars, making it more difficult for people who can't afford cars to get around.

"The worst thing that many American cities have done, for low-income people, is create a world in which you *need* a car," Shoup says. "Parking pushes everything farther apart, and even if you're too poor to own a car, you have to pay for all the free parking you don't use."

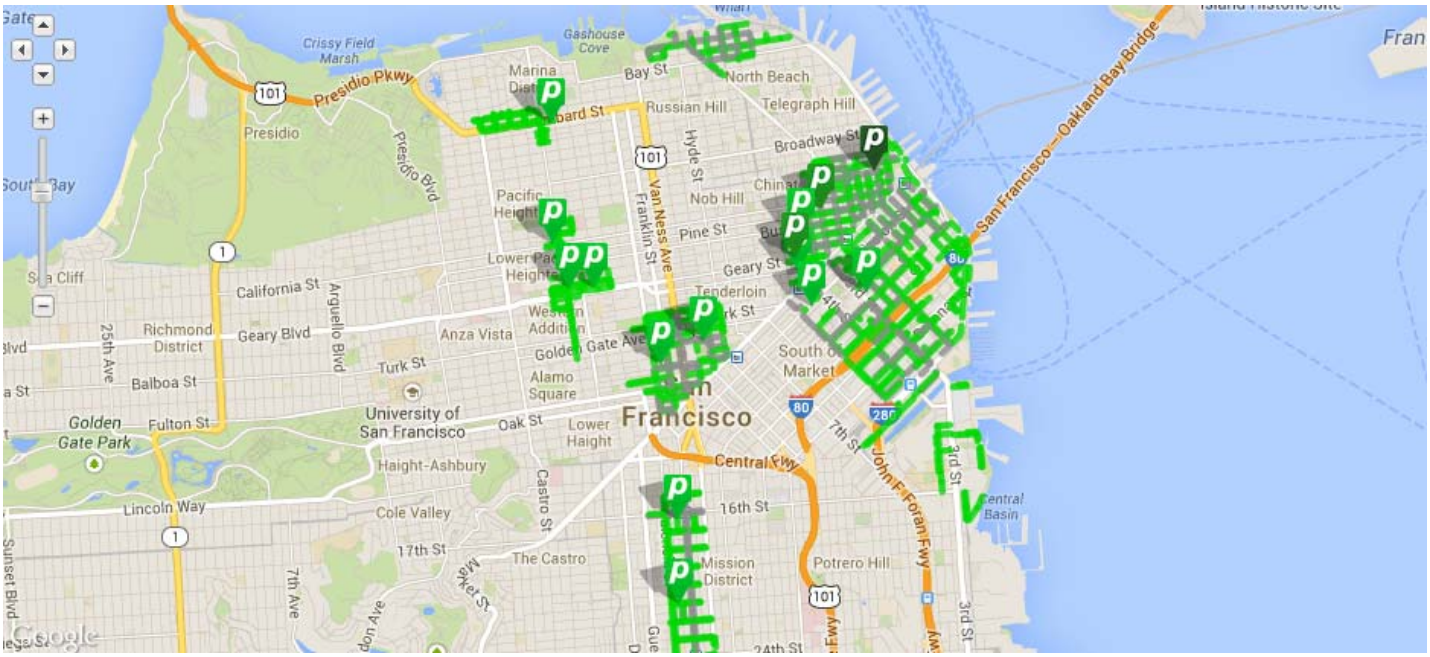
Shoup contrasts Los Angeles' Walt Disney Concert Hall, which was required to be built with **fifty times more parking spots** than San Francisco's Louise Davies Hall. "Those kinds of decisions, made enough times, make the two cities look very different," he says.

Obviously, some people might prefer the car-friendly landscape of Los Angeles to the dense downtown of San Francisco, and there'd be nothing wrong with that. But currently, municipal parking requirements aren't even letting people make the choice: they're forcing it upon them, by requiring developers to surround every new building with seas of parking, whether at the surface level or underground.

So what's a better option for parking?

To cities where he serves as a parking consultant, Shoup's recommendation is simple. "Charge the right price for on-street parking," he says. "I see this as the lowest price you can charge and still have one or two open spaces per block." This means the market sets the price — and people are paying as little as possible for parking without creating the cruising problem.

Modern technology makes this easier than you might imagine. Three years ago, the city of San Francisco installed sensors in the pavement of 256 blocks' parking spaces, in order to calculate the spots' occupancy rates and vary the pricing based on it.

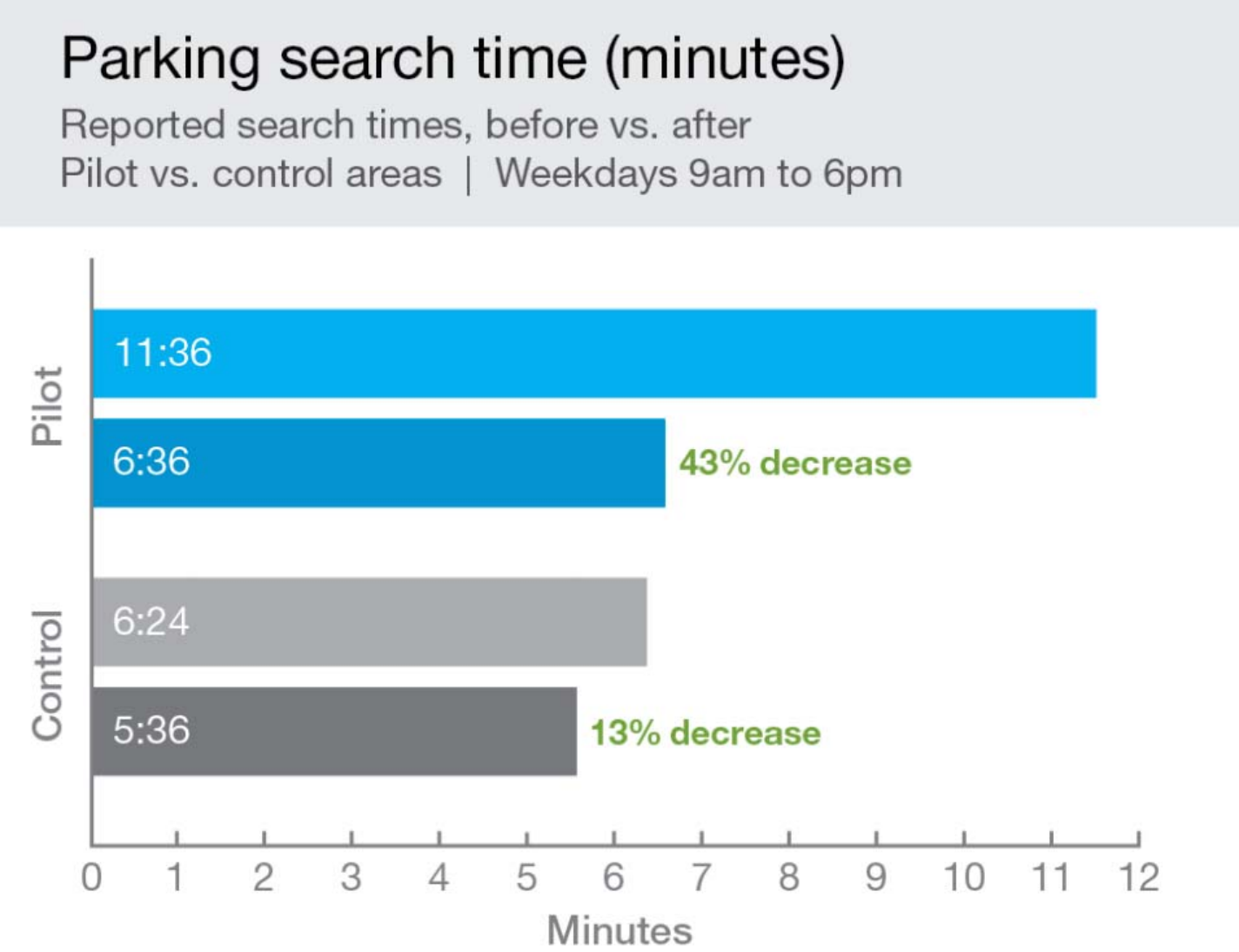


A real time map of parking costs in specific blocks is available online. **SFPark**

Every six months, **they've adjusted the price** of spots on each block, using wifi-connected meters. If more than 80 percent of the spots on a block are occupied in a given time slot, per hour parking prices go up 25 cents, and if less than 60 percent are, it goes down by 25 cents.

A **study published in March** (with which Shoup wasn't involved) found that the new scheme cut cruising in half, compared to a 55-block control area with fixed meter prices. A **city study found** that the total amount of driving in these areas fell by 30 percent — as people spent less time circling for spots — and that parking

citations and double parking also fell. The effect is also visible when you compare the parking availability on these blocks before and after 6 pm, when the variable meters are turned off — and **cruising goes up dramatically**.



SFPark

"It's made parking easier," says Shoup. "Wherever you go, you see one or two open spaces on the block where you're headed. It made it quicker, in the sense that you didn't have to drive around looking for parking. And this reduced traffic congestion and carbon emissions."

'PEOPLE CAN SEE THE METER MONEY AT WORK LOCALLY, AND KNOW IT'S DOING GOOD FOR THEM'

He also suggests doing away with both minimum and **maximum numbers** of off street parking for new buildings. "I'm pro-choice," he says. "Let the developers build however many parking spots they want." This

will let demand determine the area of a city given over to lots and garages. For drivers, it'll also make paying for street parking more palatable, as they won't already be paying for parking in their rent and in the price of goods.

Finally, he recommends that cities not just put new parking revenues into their general funds. "We should use the revenue in a very visible, flamboyant way — so people can see the meter money at work locally, and know that it's doing good for them," he says.

In Ventura, for example, **parking revenue has been used** to pay for public wifi and new street lighting. Pasadena has used it for **all sorts of infrastructure improvements** that Shoup credits with revitalizing its downtown shopping area. "In Pasadena, this has led people on a lot of streets to come out and say, 'we want meters,'" Shoup says.

Further reading:

- "**Free Parking Comes At a Price**": Tyler Cowen's New York Times column on this idea
- Shoup's 1997 article, "**The High Cost of Free Parking**," which inspired his book
- **A trailer for the documentary "Parking Craters"**
- **Aerial photos of Buffalo then and now** — pre (1902) and post (2011) takeover by parking lots

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Why Oakland's Free Holiday Parking Is Hurting Businesses

The city says it is helping merchants by offering free parking — but experts, including Oakland's own transportation policy director, say the plan will likely have the opposite effect.

By *Sam Levin* *@SamTLevin*

BERT JOHNSON

Experts said Oakland's free holiday parking will only make it harder for shoppers to find spots.

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In a stated effort to support independent merchants this holiday season, the City of Oakland is offering free street parking every Saturday through the end of the year. In a recent press release announcing the free meters, which began on Friday and Saturday of Thanksgiving week, the city wrote: "The free parking encourages shoppers to get out and explore the plethora of local shopping options."

But while free parking may initially sound like a pro-business move, transportation policy experts and cities across the country have repeatedly demonstrated that, in reality, free meters end up hurting businesses. That's because, when there's free parking on high-demand retail corridors, motorists and employees of area businesses hog spaces for hours at a time, resulting in low turnover and no available spaces for short-term shoppers. As a result, customers are forced to drive in circles looking for a spot, and when they can't find one, they often decide not to stop at all — and instead spend their money in a different neighborhood or suburban mall where it's easier to find parking.

Experts say the best parking strategy to boost business and encourage shopping in a busy urban center is to set meter prices based on supply and demand. In this model, known as "demand-responsive parking," cities increase fees for popular streets with high demand for parking, thereby creating steady turnover and ensuring that there are

consistently one or two spots open per block. That means people who want highly coveted spots in front of restaurants and shops have to pay a bit extra — and with the right prices and time limits, they won't occupy these spaces for too long. On less-crowded peripheral streets or in city garages that tend to have high vacancy rates, cities should set lower fees to incentivize drivers to take advantage of the underutilized parking supply. If the prices match demand and if clear signage directs people to cheaper spots, motorists won't have to drive in circles anymore, which means businesses can get more customers and cities can significantly reduce greenhouse gas emissions.

Oakland officials are well aware of the benefits of this kind of progressive approach, which has proven successful in Berkeley, San Francisco, New York City, and elsewhere. As I reported in October (see "Oakland's Sweeping Plan for Parking," 10/28), Mayor Libby Schaaf is hoping to bring demand-responsive parking to business districts throughout the city, with the understanding that higher meter prices on busy streets in downtown, Temescal, Grand Lake, and other commercial districts will encourage turnover and help restaurants and shops better attract patrons.

Why, then, is the city rolling out a holiday parking plan that contradicts its own long-term goals? Matt Nichols, Schaaf's transportation and infrastructure policy director — who is spearheading Oakland's long-term parking plan and is an expert in demand-responsive pricing — did not have much of an explanation. "It could have the wrong effect," he admitted during a phone interview after the city sent out a news release claiming that the free parking would help businesses. "You could have employees parking ... for free and actually making things worse for customers. That could be counterproductive for both parking and economic development."

The move is particularly surprising considering that in 2014, then-Councilmember Schaaf piloted the city's first-ever demand-responsive parking effort in Montclair Village. Nichols also successfully brought this parking strategy to Berkeley, where he formerly worked as a principal transportation planner. What's more, Nichols also previously studied with UCLA urban planning professor Donald Shoup, the preeminent expert on this pricing model and the author of *The High Cost of Free Parking*, a book outlining the many negative consequences that arise from the conventional — and incorrect — idea that free parking equals better business. In fact, Shoup has specifically criticized free holiday parking, writing in an article last year: "Parking holidays are

well-intended, but the gift is more like a lump of coal for businesses that depend on parking turnover."

Oakland's free parking, available last Friday and on five consecutive Saturdays this season, extends to all metered spots as well as eight city-owned garages and lots in downtown, North Oakland, Grand Lake, and Montclair. The usual time limits, which range from thirty minutes to five hours, remain in place, meaning that people who want to park all day would have to move their cars. Oakland Grown — a program that supports local independent businesses (and which the *Express* co-sponsors) — is also promoting the free parking.

click to enlarge

Bert Johnson

Matt Nichols, Oakland transportation policy director, said free parking can hurt businesses.

Nichols noted that Oakland has done this kind of free weekend parking in December for years. He said that because the city is in the early stages of researching and expanding demand-based pricing, officials did not get around to rethinking the holiday parking strategy this season. Next year, he said, Oakland will likely adopt a more thoughtful approach. But experts noted that if Oakland at the very least maintained its year-round, on-street parking fees — typically two dollars per hour with a two-hour time limit — it'd be much better for holiday business this year than free parking across the board.

"People think free parking will encourage a lot of business, but, in fact, it undermines people's access to that location," explained Valerie Knepper, regional parking initiative manager for the Metropolitan Transportation Commission, the Bay Area transit agency. Free parking can result in cities not only losing meter revenue but also potentially losing sales tax revenue.

Although free parking is seen as a nice holiday gesture by a city, there are other creative ways municipalities can give back without eliminating the vital role that meters play in creating turnover and thus spurring economic development. Knepper, for example, noted that if Oakland is willing to forgo meter revenue during the holidays, it could instead donate meter fees to charities. The City of Santa Cruz chose this method as an alternative to free holiday parking after merchants complained that free meters hurt business because they result in no available parking.

Transportation experts note that another downside to free parking is that Oakland is incentivizing people to drive when officials should instead be promoting alternative modes of transportation — particularly in shopping districts that are easily accessible by public transportation, walking, and bicycling. Knepper suggested that if Oakland wanted to seriously invest in supporting holiday commerce, it could sponsor special holiday shuttles, which would help promote shopping and would be more environmentally friendly.

In San Francisco, businesses have generally supported the demand-responsive parking, which the city has expanded to roughly 25 percent of all metered spots over the last several years, according to Andy Thornley, San Francisco Municipal Transportation Agency senior administrative analyst. San Francisco has no holiday parking deals. "The better management of parking had a direct benefit on the businesses," Thornley said, noting that the average time motorists spend searching for parking has decreased by 43 percent since the city instituted demand-based pricing. "Businesses ... are not interested in having customers circle the block for 45 minutes. They're interested in a customer pulling over, getting her wallet out, and spending money in their shop."

Berkeley stopped offering free holiday parking a number of years ago when the city and small businesses realized it mostly made it harder for people to find a spot, recalled John Caner, CEO of the Downtown Berkeley Association. "There wasn't much of an upside to it. ... In general, there was consensus that the cost outweighed the benefits."

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« Salmon RIP? A Missed Opportunity »

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Solicitation of Corporate Sponsorships for Recreation Programs

Date: April 24, 2018

STAFF RECOMMENDATION

Staff recommends Town Council review the following information regarding the development of a Town focused program to create limited sponsorship opportunities for Island based businesses and organizations, and provide direction and approval as necessary.

GENERAL INFORMATION

The Town of Palm Beach has traditionally avoided solicitation of program sponsors to offset recreation program costs, with the exception of youth soccer jersey sponsorship and miscellaneous in-kind donations for children's events.

During the evaluation of the Comprehensive Review of Town Operations (CROTO), Town Council was presented with a potential revenue enhancement of the solicitation of corporate sponsorship for Recreation Department programs and activities. The use of select local business sponsorships for programs and events would assist in increasing the cost recovery goals within each of the Recreation Department program areas. Policies would be established to set parameters, providing staff with clear guidelines. The sponsorship agreements would be crafted in a manner that accurately reflect the Town's values and result in an optimal balance of overall benefits to the Town and the community.

Sponsorships would be compatible with the Town's projects, programs and events. Examples of potential sponsorship relationships could include the following opportunities:

- Halloween Happenings
- Spring Celebration
- Captain's Party at the Town Docks
- Coffee with the Crew at the Town Docks
- Tuesday Night Mixers at Seaview Tennis Center
- Golf Tournaments

These relationships would be formalized through the development of internal guidelines that would be developed for administration of the program.

FUNDING/FISCAL IMPACT

Programs and activities within the Recreation program areas rely upon user fees to cover operating costs. The collection of funds through a sponsorship program can assist in improving the cost recovery within each of the Recreation program areas.

Cc: Jay Boodheshwar, Deputy Town Manager
Jane Struder, Director of Finance
Rod Gardiner, Assistant Director of Recreation
Tony Chateauvert, Golf Manager
Mike Horn, Dock Master

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Acting Director of Planning, Zoning and Building

Re: Proposed Fee Changes for Land Development Applications

Date: April 27, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council review the proposed modifications to the land development fee schedule and consider increasing the fees identified in Exhibit A (attached).

GENERAL INFORMATION

The last time development fees were comprehensively changed was in 2008. At that time, fees had not been increased since 2003 and were increased to recoup the cost of processing development applications. Architectural Commission fees have not changed since 2007. The proposed fee changes this year are intended to update fees to bring them in line with the actual cost to the Town to process land development and Architectural Commission applications. The fees should cover all costs associated with overhead, advertising and Town staff administrative, technical and professional review time for the processing of an application. This includes review by the town manager's office, town attorney, fire-rescue, public works, police and planning, zoning and building departments. This does not include additional fees necessary to recover other professional review services such as transportation engineering or additional planning services.

Staff also conducted a survey of other communities that have similar types of development activity (Exhibit B and C). This is provided to the Town Council as a comparison of land development and architectural review fees of other similar communities.

Staff recommends revising development fees as identified in Exhibit A. That exhibit identifies the existing and proposed fees necessary to recoup the Town's cost to process these applications. Staff is not recommending changes to some development fees that have been recently revised. Staff is also not recommending changes in the fees for Landmark Commission Certificates of Appropriateness as those fees changed in October 2017. If authorized, Staff will draft a resolution to adopt the revised fees and an ordinance eliminating those fees in Chapter 134 as they are already included in the master fee schedule. Both items would be presented at a future meeting as companion pieces.

cc: Jay Boodheshwar, Deputy Town Manager
Jane Struder, Director of Finance
zf

EXHIBIT A
Staff Recommended Fee Schedule Changes

Fee Description	Existing Fee	Proposed fee
Fee for application for a special exception use, or a modification or expansion thereof	$1,500	$2,000
Fee for application for a special exception use, or a modification or expansion thereof of a multi-family dwelling and commercial uses	$2,000	$2,500
Plus, for each additional special exception request	$500	$1000
Added requests for zoning variances contained within a special exception or site plan review request	$500	$1,000
Plus, for each addition variance request contained within a special exception or site plan review request	$400	$1,000
Fee for zoning variance requests involving uses or structures	$1,500	$2,000
Fee for zoning variance requests involving multi-family dwellings and commercial uses	$1,500	$2,500
Fee for zoning variance requests involving signs, awning, fences, gateposts and similar incidental accessory items	$800	$1,000
Additional fee for each added item of a multiple point variance request within one zoning request application	$600	$1,000
Fee for filing of an application for site plan review pursuant to article III of this chapter for PUD, multi-family dwelling or commercial building or site additions or modifications involving more than two hundred (200) square feet	$3,000	$4,000
Fee for filing for all other site plan review applications, including single-family dwelling and PUD, multi-family and commercial buildings or site additions or modifications of 200 square feet or less which require town council action	$1,000	$1,500
Administrative site plan review applications	$500	$1,500

Fee for comprehensive plan text amendment	$2,500	$3,000
Future land use map	$2,500	$4,000
Zoning change	$3,000	$4,000
Resubmittal of revised plans	$800	$1,000
Lot Split	$2,000	$2,500
Zoning Waiver	$1,500	$2,000
ARCOM Major Project fee	$750	$2,000
ARCOM Minor fee	$250	$500
ARCOM staff review	$150	$200
ARCOM applicant requested deferral	N/A	Major: $250 Minor: $100

Note: The fees above do not include any additional fees required for all cost associated with the consultant and legal fees for analysis, study and report on any application determined by the Director of Planning, Zoning, and Building or designee requires such review.

EXHIBIT B

Zoning Fee Schedule Analysis

	Palm Beach[1]	WPB[2]	PBC[3]	Miami[4]	Boca Raton[5]	Jupiter[6]	PBG[7]	Delray[8]
Variance	$1,500	$3000 + $600 per waiver	$380 – minor variances $1,272 - major	$.55 per SF, minimum of $275 and maximum of $3,000	$1,530	Residential - $630 Other - $870	SFR - $440 Other - $1,100	$500 – admin. $1,000
Site Plan Review	$500 – admin. $1,000 – SFR/<200 SF $3,000 – other/>200 SF	$1,000 – level 1 $1,500 - level 2 $4,064 – level 3	$200 – admin.	SFR- $.20 per SF, min. $100 Other- $.016 per SF, min. $200	$1,800 – level 1 $2,375 – level 2 $3,000 – level 3	Res. - $1,200 + $15 per unit Other - $2,000-$6,000	$2,000 – major $1,650 - minor	$500-$5,000 with 5 different levels
Special Exception	$1,500	$3000 + $600 per waiver	$4,902	$.55 per square foot, minimum of $275 and maximum of $3,000	$2,040 – level 1 $2,550 – level 2 $3,075 – level 3 $3,500 – level 4	$2,000 – level 1 $2,500 – level 2 $4,000 – level 3 $5,000 – level 4	$550 – minor $1,650 - major	$3,000
Code Amendment	$100 – initial study $4,000	$3,000 + $1,616 advertisement fee	$1,666 – Initiation $4,198 - processing	No private initiated code amendments	$1,500 – minor $3,610 - major	$2,500	$1,650	$5,000
Comprehensive Plan Amendment	$3,000 – small scale $4,000 – large scale	$3,000	$2,474 – pre-initiation $8,108 - Processing	$5,000	$3,610	$2,500	$2,500	$5,000

[1] https://www.townofpalmbeach.com/DocumentCenter/View/7
[2] http://wpb.org/getmedia/9a2b7940-cdce-4af4-ac94-ce04eb04354e/2018-Development-Application-Revised-2018-01-02;?disposition=attachment
[3] http://discover.pbcgov.org/pzb/PDF/Fees.pdf
[4] http://www.miamigov.com/planning/zoningfees.html
[5] https://www.myboca.us/DocumentCenter/View/6645
[6] https://www.jupiter.fl.us/DocumentCenter/View/147
[7] http://pbgfl.com/DocumentCenter/View/27
[8] http://www.mydelraybeach.com/Planning%20Zoning/Fees.pdf

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EXHIBIT C

Fee Comparison With Other Historic Communities In Florida

X	Non-Historic Architectural Review (ARCOM)	Historic Review (LPC COA)	Designation (LPC Landmarks Designation)
Coral Gables	$525	No charge w/o variances	No charge
Miami Beach	$0.50 per square-foot of new construction	$2,500 + $0.50 per square-foot of new construction	$100
Fernandina Beach	N/A	$200 – $500	No charge
St. Augustine	$230	$130 – $180	No charge
Pensacola	$50 – $250	$50 – $250	No charge
Key West	$2,000 – $3,500	$400 + ($100 – $300 depending on what is proposed)	$150
Boca Raton	$150 (plus $100 preliminary meeting)	$45-$125	$510
Delray Beach	$500, $750, $1,500, $3,000 or $5,000 (staff approval to large development)	$1,000 (major) $500 (minor) $1,500 (major demo > 25%) $750 (minor demo < 25%)	$250
St. Petersburg Beach	$500 (lots < 5,000 sf) $1,000 (lots > 5,000 sf), plus $100 for every 5,000 sf of additional lot or portion thereof	$50	No charge

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Palm Beach Island Cats

Date: April 27, 2018

STAFF RECOMMENDATION

Staff seeks Town Council direction regarding the possibility of a financial commitment to Palm Beach Island Cats.

GENERAL INFORMATION

At the March 20, 2018, Town Council meeting Mr. David Leavitt spoke to the Town Council about Palm Beach Island Cats and their financial status. At the April 9, 2018 special Town Council meeting, former Mayor Jack McDonald requested that the Town Council include funds in the FY19 budget for Palm Beach Island Cats. The Town Council requested that this item be placed as a follow-up item on the May 8, 2018 Town Council meeting agenda.

Over the years, the Town has contributed to feral cat organizations to assist in the care and control of the feral cat population on the island. The following table is provided as information for the Town Council to show the history of the Town's contributions.

Fiscal Year	Donation Amount	Organization
2018	$100	Palm Beach Island Cats
2017	$100	Palm Beach Island Cats
2016	$100	Palm Beach Island Cats
2011	$27,000	Palm Beach Island Cats
2010	$25,000	Palm Beach Island Cats
2009	$75,000	Palm Beach Cats, Inc
2008	$75,000	Palm Beach Cats, Inc
2007	$125,000	Palm Beach Cats, Inc
2006	$120,055	Palm Beach Cats and Island Animal Hospital
2005	$80,000	Palm Beach Cats, Inc.

FUNDING/FISCAL IMPACT

The current funding in the FY18 budget is $100 and the expected funding in the FY19 budget is currently $100.

cc: Jay Boodheshwar, Deputy Town Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Review and Approval of Extended Construction Hours for Testa Concrete Pours.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 30, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Frisbie Group Cover Letter**
- **Photos**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Review and Approval of Extended Construction Hours for Testa Concrete Pours

DATE: April 30, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve extended hours for four (4) concrete pours between June 5th and August 30th in accordance with the requirements outlined in the approved Construction Management Agreement for Testa's Project. If Council approves this request, Public Works will issue a right-of-way permit with appropriate limitations and will coordinate this work with other work in the area.

GENERAL INFORMATION

The Frisbie Group submitted a proposal for rerouting traffic for four (4) significant concrete pours for the Royal Poinciana Palm Beach project on April 19th. Subsequent to that submittal, the Frisbie Group along with their consultants met with staff to discuss the safest way to accomplish these pours with the least amount of impact to the businesses and residents of the Town of Palm Beach. The proposed pours are significant enough to require significant lane closures on both Sunset Avenue and Royal Poinciana Way. The pours are as follows:

- Pour 1 – Foundation Slab 1 to occur between June 5th and June 14th
- Pour 2 – Transfer Slab 1 to occur between July 13th and July 23rd
- Pour 3 – Foundation Slab 2 to occur between July 20th and July 30th
- Pour 4 – Transfer Slab 2 to occur between August 17th and August 27th

The Frisbie Group has provided a window for each pour in anticipation to allow coordination with staff to limit impacts from other construction projects ongoing in tha area and to allow for potential weather delays. The scheduling of these pours in this sequience minimizes the impacts to the community and expedites the overall construction schedule.

Attached is the Frisbie Group's letter requesting consideration of these pours along with the proposed maintenance of traffic plans for each pour. The Frisbie Group has also met with the Town Police and Fire Departments' staff to discuss and coordinate the requested closures. The Frisbie Group will be in attendance at the May 8th Town Council meeting to present and discuss the requested extended construction hours and traffic impacts.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Patricia Strayer, P.E., Town Engineer
Paul Castro, Planning & Zoning, Zoning Administrator
Bill Bucklew, Planning & Zoning, Building Official
Craig Hauschild, Planning & Zoning, Civil Engineer

FRISBIE GROUP
203 ROYAL POINCIANA WAY
PALM BEACH, FL 33480

PAUL BRAZIL
DIRECTOR OF PUBLIC WORKS
951 OKEECHOBEE ROAD #A
WEST PALM BEACH, FL 33401

Mr. Paul Brazil,

Attached to this Cover Letter are three engineered "Maintenance of Traffic" (MOT) plans corresponding to the four significant concrete pours for the Royal Poinciana Palm Beach project. Each of these concrete pours will occur overnight between 9pm and 9am, unlike the 6 daylight hour pours contemplated in the approved Construction Management Agreement (CMA). Per the executed CMA, these MOT plans are hereby formally submitted for your review and presentation to Town Council for approval.

The proposed MOT plans were strategically developed to prioritize and ensure public safety, minimize impact to the Community and expedite the overall schedule of the project. Pouring the large slabs in the manner proposed will generate a dramatic reduction in the construction timeline. To date, and in an effort to reduce the construction duration and spare the Community from further construction fatigue, the Frisbie Group has invested in excess of $1 million in efficiency driven construction alternatives.

These pours will take place between the dates of June 1, 2018 and August 30, 2018; below is a breakdown of the anticipated date ranges for each pour. Due to possible extenuating circumstances common in commercial construction (i.e. weather, road closures, etc.), we are proposing these date ranges to ensure that the public is not confused should a specified date not materialize. As these windows are approaching and the dates for each are solidified, we will inform all parties of the final date with as much notice as possible:

Pour #1 – Foundation Slab 1: June 5-June 14
Pour #2 – Transfer Slab 1: July 13-July 23
Pour #3 – Foundation Slab 2: July 20-July 30
Pour #4 – Transfer Slab 2: August 17-August 27

Firmly committed to the revitalization of Royal Poinciana Way, our team continues to make every effort to complete this project with minimal disruption and maximum efficiency.

Please contact me should you have any further questions.

CODY CROWELL
MANAGING DIRECTOR
(508) 292-3543

FDOT

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Has Completed a Florida Department of Transportation Approved Temporary Traffic Control (TTC) Advanced (Refresher) Course.

Date Expires: 02/12/2022 Certificate # 36715
Instructor: Juan Morales FDOT Provider # 37

ATSSA
Phone: 540-368-1701
15 Riverside Parkway Ste.100
Fredericksburg, VA,
www.atssa.com
donna.clark@atssa.com

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MOT SHALL COMPLY WITH THE FDOT DESIGN STANDARDS AND THE MUTCD

OVERVIEW

PLACE VM'S 7 DAY IN ADVANCE NORTH & SOUTH ON N COUNTY RD

ACME BARRICADES

SUNSET AVE
WEST PALM BEACH, FL

Coastal

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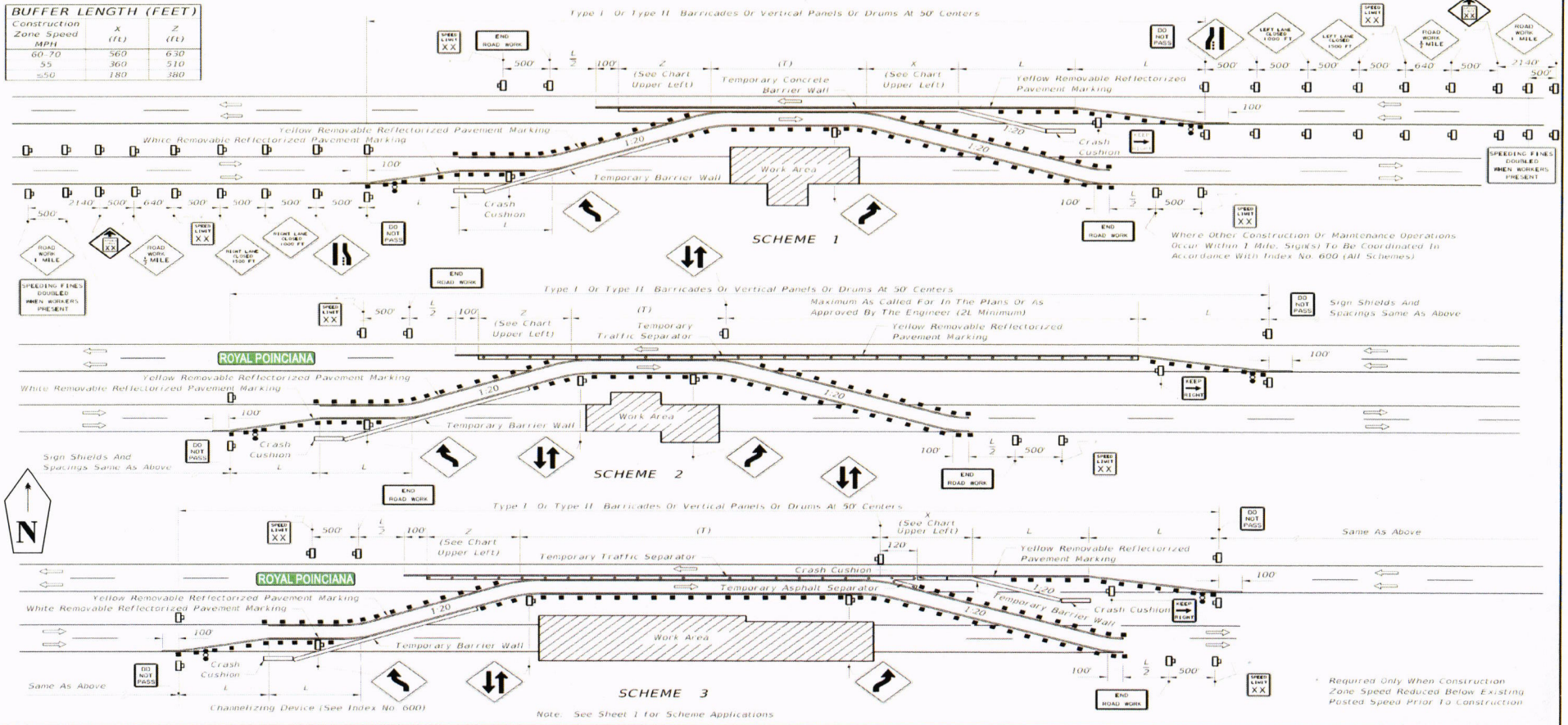
BUFFER LENGTH (FEET)		
Construction Zone Speed MPH	X (ft)	Z (ft)
60-70	560	630
55	360	510
≤50	180	380



LAST REVISION	REVISION	DESCRIPTION.			INDEX NO.	SHEET NO.
07/01/15			FDOT 2016 DESIGN STANDARDS	MULTILANE, DIVIDED TEMPORARY DIVERSION CONNECTION	620	2 of 2

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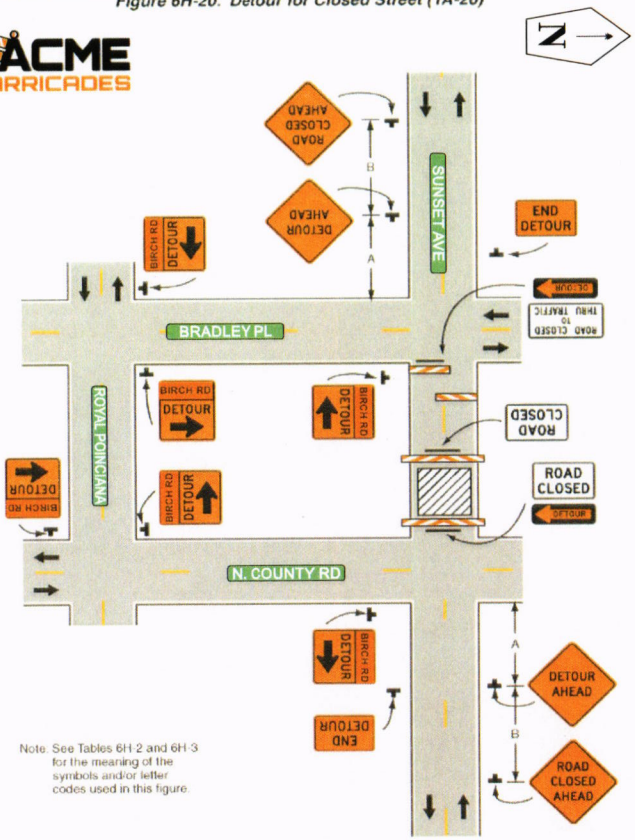
OVERVIEW

ACME BARRICADES

SUNSET AVE
WEST PALM BEACH, FL

Coastal

Figure 6H-20. Detour for Closed Street (TA-20)



Typical Application 20

Figure 6H-20. Detour for Closed Street (TA-20)

Typical Application 20

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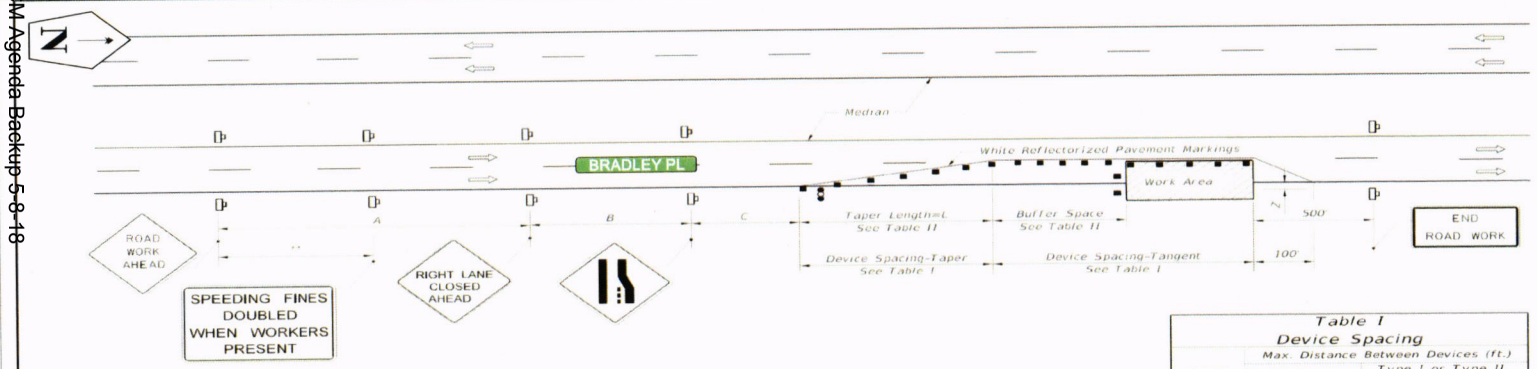
SUNSET AVE
WEST PALM BEACH, FL



DISTANCE BETWEEN SIGNS

Speed	Spacing (ft.) A	B	C
40 mph or less	200	200	200
45 mph	350	350	350
50 mph	500	500	500
*55 mph or greater	2640	1640	1000

* The ROAD WORK 1 MILE sign may be used as an alternate to the ROAD WORK AHEAD sign and the RIGHT LANE CLOSED ½ MILE sign may be used as an alternate to the RIGHT LANE CLOSED AHEAD sign.

** 500' beyond the ROAD WORK AHEAD sign or midway between signs whichever is less.

SYMBOLS

- Work Area
- Channelizing Device (See Index No. 600)
- Work Zone Sign
- Advance Warning Arrow Board

GENERAL NOTES

1. Work operations shall be confined to one traffic lane, leaving the adjacent lane open to traffic.
2. On undivided highways the median signs as shown are to be omitted.
3. When work is performed in the median lane on divided highways, the channelizing device plan is inverted and left lane closed and lane ends signs substituted for the right lane closed and lane end signs.

   The same applies to undivided highways with the following exceptions:
   a. Work shall be confined within one median lane.
   b. Additional barricades, cones, or drums shall be placed along the centerline abutting the work area and across the trailing end of the work area.

   When work on undivided highways occurs across the centerline so as to encroach on both median lanes, the inverted plan is applied to the approach of both roadways.
4. Signs and traffic control devices are to be modified in accordance with INTERMITTENT WORK STOPPAGE details (sheet 2 of 2) when no work is being performed and the highway is open to traffic.
5. The two channelizing devices directly in front of the work area may be omitted provided vehicles in the work area have high-intensity, rotating, flashing, oscillating, or strobe lights operating.
6. When paved shoulders having a width of 8 ft. or more are closed, channelizing devices shall be used to close the shoulder in advance of the merging taper to direct vehicular traffic to remain within the travel way. See Index No. 612 for shoulder taper formulas.
7. When a side road intersects the highway within the TTC zone, additional TTC devices shall be placed in accordance with other applicable TCZ Indexes.
8. This TCZ plan does not apply when work is being performed in the middle lane(s) of a six or more lane highway. See Index No. 614.
9. For general TCZ requirements and additional information, refer to Index No. 600.

Table I
Device Spacing

Speed (mph)	Max. Distance Between Devices (ft.) Cones or Tubular Markers Taper	Tangent	Type I or Type II Barricades or Vertical Panels or Drums Taper	Tangent
25	25	50	25	50
30 to 45	25	50	30	50
50 to 70	25	50	50	100

Table II
Buffer Space and Taper Length

Speed (mph)	Buffer Space Dist. (ft.)	Taper Length (12' Lateral Transition) L (ft.)	Notes (Merge)
25	155	125	
30	200	180	L = WS²/60
35	250	245	
40	305	320	
45	360	540	
50	425	600	
55	495	660	L = WS
60	570	720	
65	645	780	
70	730	840	

When Buffer Space cannot be attained due to geometric constraints, the greatest attainable length shall be used, but not less than 200 ft.

For lateral transitions other than 12', use formula for L shown in notes column.
Where:

L = Length of taper in feet
W = Width of lateral transition in feet
S = Posted speed limit (mph)

DURATION NOTES

1. Temporary white edgeline may be omitted for work operations less than 3 consecutive calendar days.
2. For work operations up to approximately 15 minutes, signs, channelizing devices, arrow board, and buffer space may be omitted if all of the following conditions are met:
   a. Speed limit is 45 mph or less.
   b. No sight obstructions to vehicles approaching the work area for a distance equal to the buffer space and the taper length combined.
   c. Volume and complexity of the roadway has been considered.
   d. The closed lane is occupied by a class 5 or larger, medium duty truck(s) with a minimum gross weight vehicle rating (GWVR) of 16,001 lb with high-intensity, rotating, flashing, oscillating, or strobe lights mounted above the cab height and operating.
3. For work operations up to 60 minutes, arrow board and buffer space may be omitted if conditions a, b, and c in DURATION NOTE 2 are met, and vehicles in the work area have high-intensity, rotating, flashing, oscillating, or strobe lights operating.

CONDITIONS

WHERE ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES ENCROACH ON THE LANE ADJACENT TO EITHER SHOULDER AND THE AREA 2' OUTSIDE THE EDGE OF TRAVEL WAY.

LAST REVISION	REVISION	DESCRIPTION:	FDOT FY 2017-18 DESIGN STANDARDS	MULTILANE, WORK WITHIN TRAVEL WAY MEDIAN OR OUTSIDE LANE	INDEX NO.	SHEET NO.
01/01/16					613	1 of 2

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OVERVIEW

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Royal Poinciana Palm Beach

Road Closure Plan for Concrete Placement

NORTH SIDE MOT

This plan applies to Mat Foundation Pour #2 (north side), and Elevated Deck Pour #2 (north side)

Road closed to traffic to thru-traffic. Concrete truck exit only.

No parking along street

Road closed to traffic thru-traffic. Concrete trucks entrance only.

No parking along street.

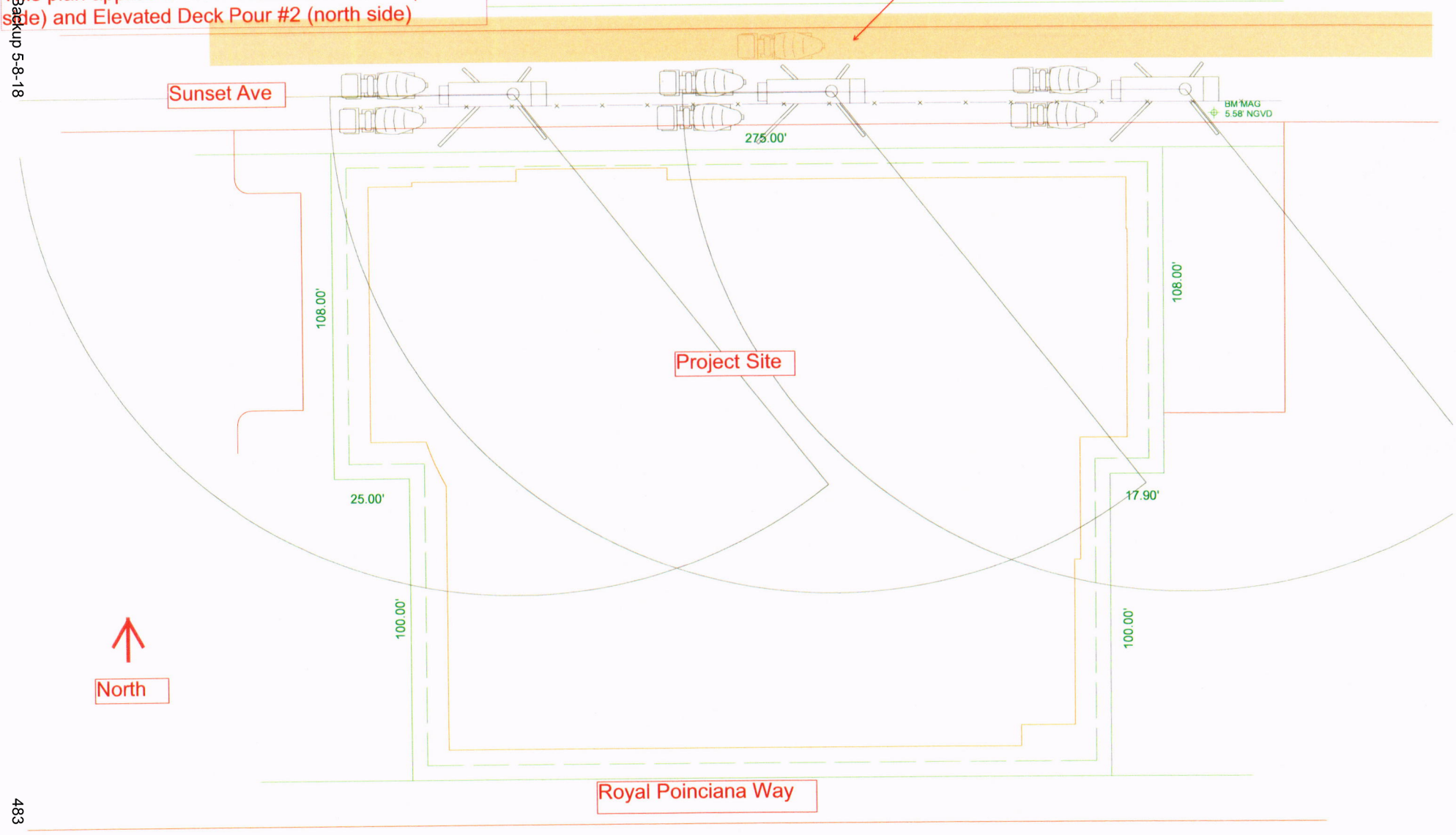
All lanes Royal Poinciana remain open.

Royal Poinciana Palm Beach

Concrete Pump Detail Plan

Date Prepared: 4/18/18

This plan applies to Mat Foundation Pour #2 (north side) and Elevated Deck Pour #2 (north side)



Royal Poinciana Palm Beach

Concrete Truck Routing Plan for Concrete Placement

Date Prepared: 4/18/18

This plan applies to Mat Foundation Pour #2 (north side), and Elevated Deck Pour #2 (north side)

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

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

Steven Stern, Project Manager

b. Appeal to Reduce Undergrounding Assessment for the below parcels within "the Residences at Sloan's Curve."

Attorney John O'Neill for:

i. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
ii. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
iii. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
iv. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
v. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
vi. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
vii. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
viii. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

TIME CERTAIN: 2:00 PM

Time Certain

2:00 PM

Presenter

ATTACHMENTS:

- **Project Dashboard**
- **Memorandum Dated April 26, 2018, from Steven Stern, Project Manager**
- **Letter Dated August 1, 2017, from John D. O'Neill**
- **Town-wide Underground Project Assessment Appeal Form**
- **Letter Dated October 12, 2017, from Steven Stern**

- **Letter Dated October 27, 2017, from John D. O'Neill**
- **Letter Dated November 28, 2017, Thomas G. Bradford**
- **E-mail Dated December 21, 2017, from Steven Stern**
  Memorandum Dated May 3, 2018, from John D. O'Neill

TOWN OF PALM BEACH

Information for Town Council on: May 08, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Steven Stern, Project Manager

RE: Project Status Update

DATE: April 27, 2018

---

1. Progress Report & Dashboard:

The updated dashboard includes additional enhancements to the Project Financial Summary. The report provides improved at a glance comparisons of the project budget summary and each phase's project cost detail alongside Kimley Horn's original Opinion of Cost & updated Opinion of Cost.

Phase 1 construction schedule has been flagged to "Not on Task" this month.

- Phase 1 North: Burkhardt planned start of ATT task ID #19 "ATT Rod Conduit, Pull Wire, Set Pedestals," has not commenced pending the Town finalizing the Special Construction Agreement. (Task start 2/27/18 – finish 8/30/18).

- Phase 1 South: Whiting Turner ATT scope of work was scheduled to begin mid-April. AT&T scope of work is delayed (pulling wire, etc.) pending the Town finalizing the Special Construction Agreement.

2. Additional FPL Credits

The Mayor, Town Manager and Staff met with FPL senior management on April 25. We discussed the status of additional CIAC credits the Town will realize as a result of the January Tariff approval and filing.

- FPL confirmed the Town will receive the additional CIAC credit calculations for the comprehensive undergrounding program by end of May. The Project Financial Summary will then be updated to reflect the revised Total Project Budget.

Underground Utility Task Force Monthly Progress Report May 2018

Table of Contents

Dashboard – Phase 1 Construction and Phase 2 & 3 Design

1. Kimley-Horn Progress Report Phase 2
2. Kimley Horn Progress Report Phase 3
3. Master Plan Gantt Chart
4. Phase 2 Design Gantt Chart
5. Phase 3 Design Gantt Chart
6. Phase 1 North Construction Schedule
7. Burkhardt Executive Project Summaries
8. Phase 1 South Construction Schedule
9. Whiting Turner Executive Summary
10. Project Financial Report
11. Interest Rate Forecast as of April 20, 2018

The following reports will be provided when applicable in future reporting:

- tbd

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of $105.3 million.

Prepared by the Finance Department & TMO
April 26, 2018

Town of Palm Beach - Underground Utility Project Dashboard - April '18

SAVES AND RAVES: Phase 2 Easement Aquisition is progressing as expected.

ISSUES AND CHALLENGES: Phase 1 construction schedule flagged "Not on Task" pending negotiation of ATT Special Construction Agreement.

Town-Wide Undergrounding - Phase 2 Design
KHA Project #044063202
April 2018 Progress Report
Period: March 26 to April 25, 2018

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below.
  - Phase 2 North Design is 63% complete
  - Phase 2 South Design is 51% complete
- Budget: Project is on budget as of April 15, 2018
  - Phase 2 North Design is at 47% of total task budget
  - Phase 2 South Design at 47% of total task budget
- Easement Status
  - Phase 2 North: 25% of easements approved
  - Phase 2 South: 8% of easements approved

B. Detailed Design Phase
- Subconsultant/utility owner coordination related to Phase 2 Design
- Continued field review of proposed equipment locations with photographs to determine existing field constraints and modify construction plans based on easement acquisition process
- Review of soft dig information received from subconsultant
- Coordination with FPL for significant concept design revision requests.
- Coordination with Mock-Roos for equipment locations in Phase 2 South. Submittal of Phase 2 South Equipment Location Plans to illustrate service lines, equipment and easement locations
- Review of schematic conduit plan provided by FPL for Phase 2 South.
- Continued resident meetings for easement acquisition in Phase 2 North and Phase 2 South.
- Submitted updated Phase 2 North equipment location plans to AT&T and Comcast.
- Submitted Phase 2 South equipment location plan to AT&T and Comcast to begin their design.
- Submitted the formal design revision requests for Phase 2 North and South to FPL and request development of the Binding Cost Estimate.
- Review of Comcast Preliminary Design for Phase 2 North
- Continued research of existing private road easements and private plats for utility easement language.
- Reviewed and provided comments on preliminary conduit routing from FPL for Phase 2 North.
- Review Sanitation Sewer Map and Report provided by Town. Transferred lateral information to utility base map.
- Progress on Phase 2 Technical Specifications.
- Attendance at Progress Meeting with Town and Utilities.

- Attendance at Easement Review Meeting
- Attendance at FPU Coordination Meeting
- Attendance at Budget Review Meeting with Town Staff
- Continued Preparation of Easement Exhibits for Phase 2 North and South equipment. Modify exhibits based on results of field meetings.
- Attended multiple meetings with residents to describe easement requests.
- Prepare and submit legal sketches and descriptions for approved easements.

II. Upcoming Activities (April 26, 2018 – May 25, 2018)

A. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design.
- Conduct field review of proposed equipment locations in Phase 2 South, develop/revise easement exhibits, submit to Town.
- Continue resident meetings in Phase 2 North and Phase 2 South.
- Receive Equipment Location Plans from AT&T in Phase 2 North and AT&T and Comcast for Phase 2 South.
- Progress on Development of Conduit plans in preparation for June Bid Phase.
- Coordination with AT&T and Comcast related to their network designs
- Progress Meeting Attendance
- Coordination with Secret Service regarding anticipated undergrounding field activities around Mar-a-Lago
- Progress meeting attendance

Kimley»Horn

Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
April 2018 Progress Report
Period: March 26, 2018 to April 25, 2018

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below.
  - Phase 3 North Design is 17% complete
  - Phase 3 South Design is 15% complete
- Budget: Project is on budget as of April 15, 2017
  - Phase 3 North Design is at 9% of total task budget
  - Phase 3 South Design at 9% of total task budget
- Easement Status
  - Phase 3: N/A, will provide status when this work begins

B. Detailed Design Phase
- Subconsultant/utility owner coordination
- Review of meter location documents and conducted field review of meter locations in the phase 3 areas.
- Coordination with surveyor to receive plat information.
- Coordination with utility owners to receive utility record information.
- Coordination with geotechnical subconsultant for field work and report development.
- Progress towards completion of field surveying of the south areas.
- Received draft survey for the north area. Progress on preliminary review of this survey.
- Progress on development of the utility base map for the Phase 3 north area.

II. Upcoming Activities (April 26, 2018 – May 25, 2018)

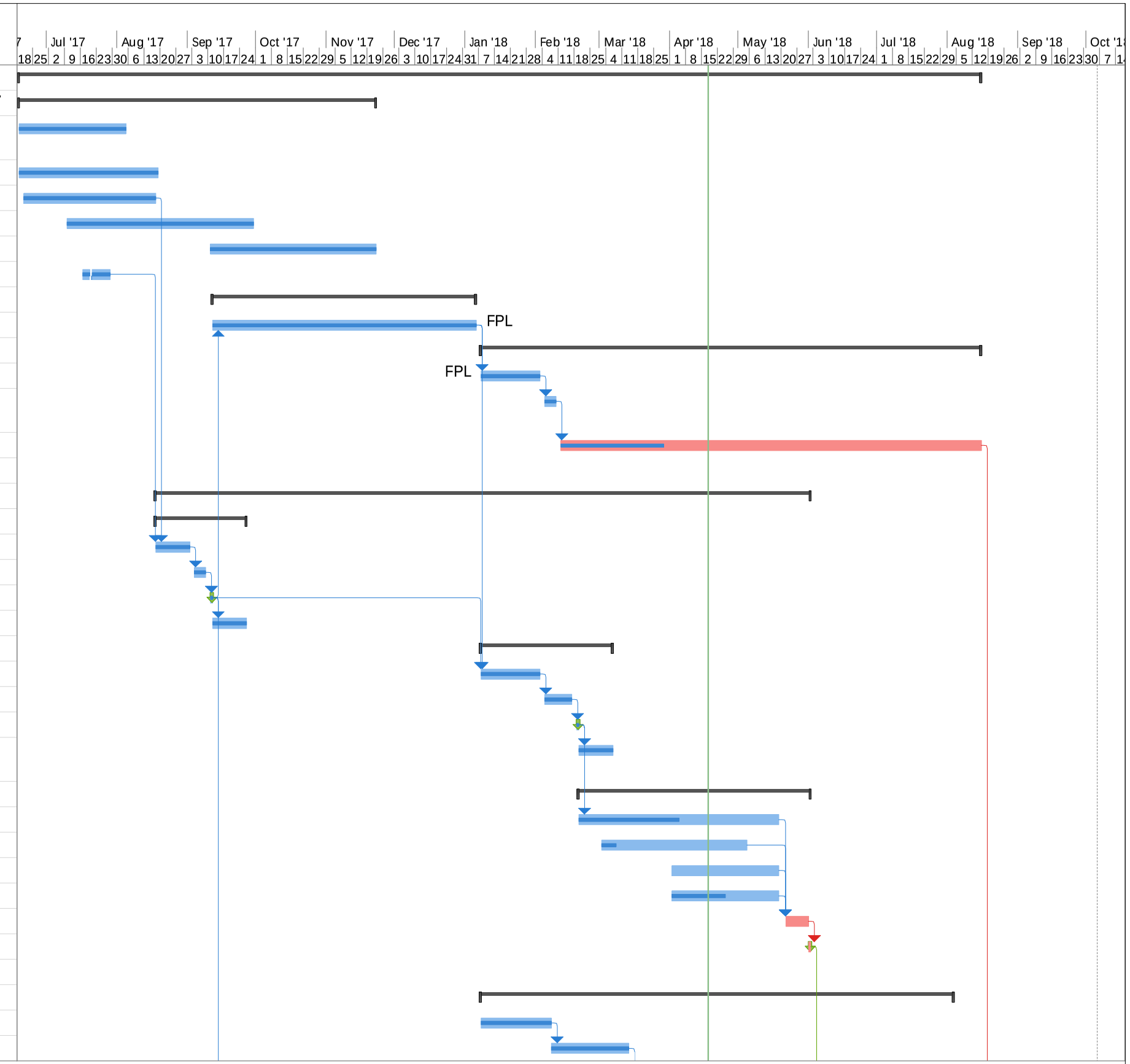
A. Detailed Design Phase
- Subconsultant/utility owner coordination
- Continued coordination with utility owners to receive utility record information.
- Finalize geotechnical investigation
- Finalize field surveying in the south area.
- Finalize and submit the Phase 3 North utility base file to the Town and FPL.
- Progress towards development of the Phase 3 South utility base file.

III. Saves and Raves

A. *Saves:* Reduction of soft dig needs and anticipated reduction of meetings in the long term will save nearly $50K in design costs.

B. *Raves:* The Town's new Google Earth utility atlas tool. This is proving to be a very helpful tool for design and will help the contractors more quickly identify the private sewer lateral locations in the field so they can be better avoided during boring.

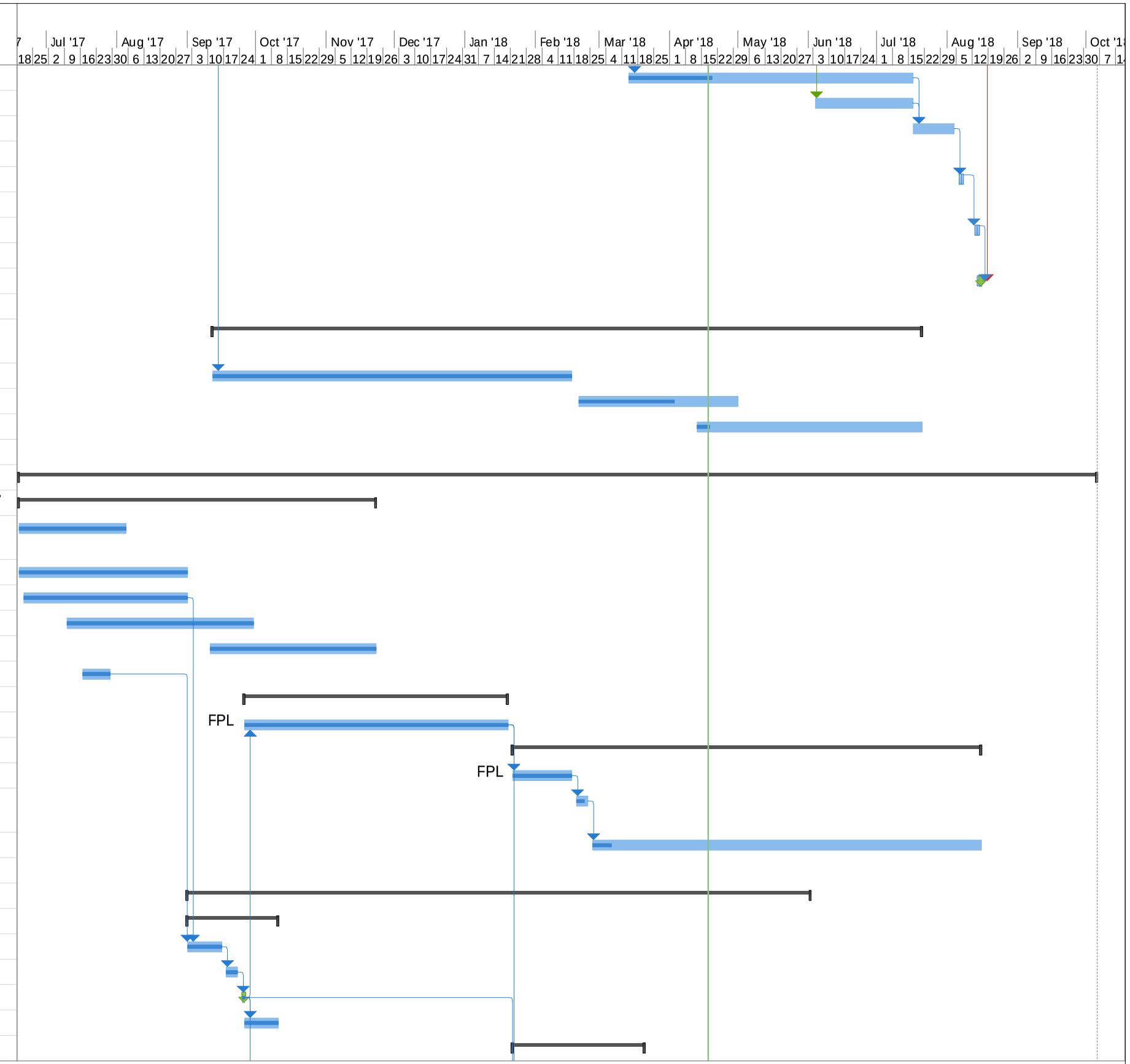
ID	Task Name	Start	Finish
1	**Detailed Design North End (Phase 2 North)**	Mon 6/19/17	Wed 8/15/18
2	**Data Collection**	Mon 6/19/17	Wed 11/22/17
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17
5	Site Survey	Wed 6/21/17	Thu 8/17/17
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
9	**Utility Preliminary Design**	Tue 9/12/17	Fri 1/5/18
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18
11	**Easement Coordination**	Mon 1/8/18	Wed 8/15/18
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18
15			
16	**Construction Documents**	Fri 8/18/17	Fri 6/1/18
17	**Utility Base Mapping**	Fri 8/18/17	Tue 9/26/17
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17
22	**Equipment Location Plan Development**	Mon 1/8/18	Tue 3/6/18
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18
27	**Conduit Routing Plan Development**	Tue 2/20/18	Fri 6/1/18
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
34			
35	**Bid Phase - Phase 2 North**	Mon 1/8/18	Fri 8/3/18
36	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
37	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18



Project: TOPB UG Ph 2 Designr
Date: Wed 4/18/18

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Critical | Critical Split | Progress | Manual Progress

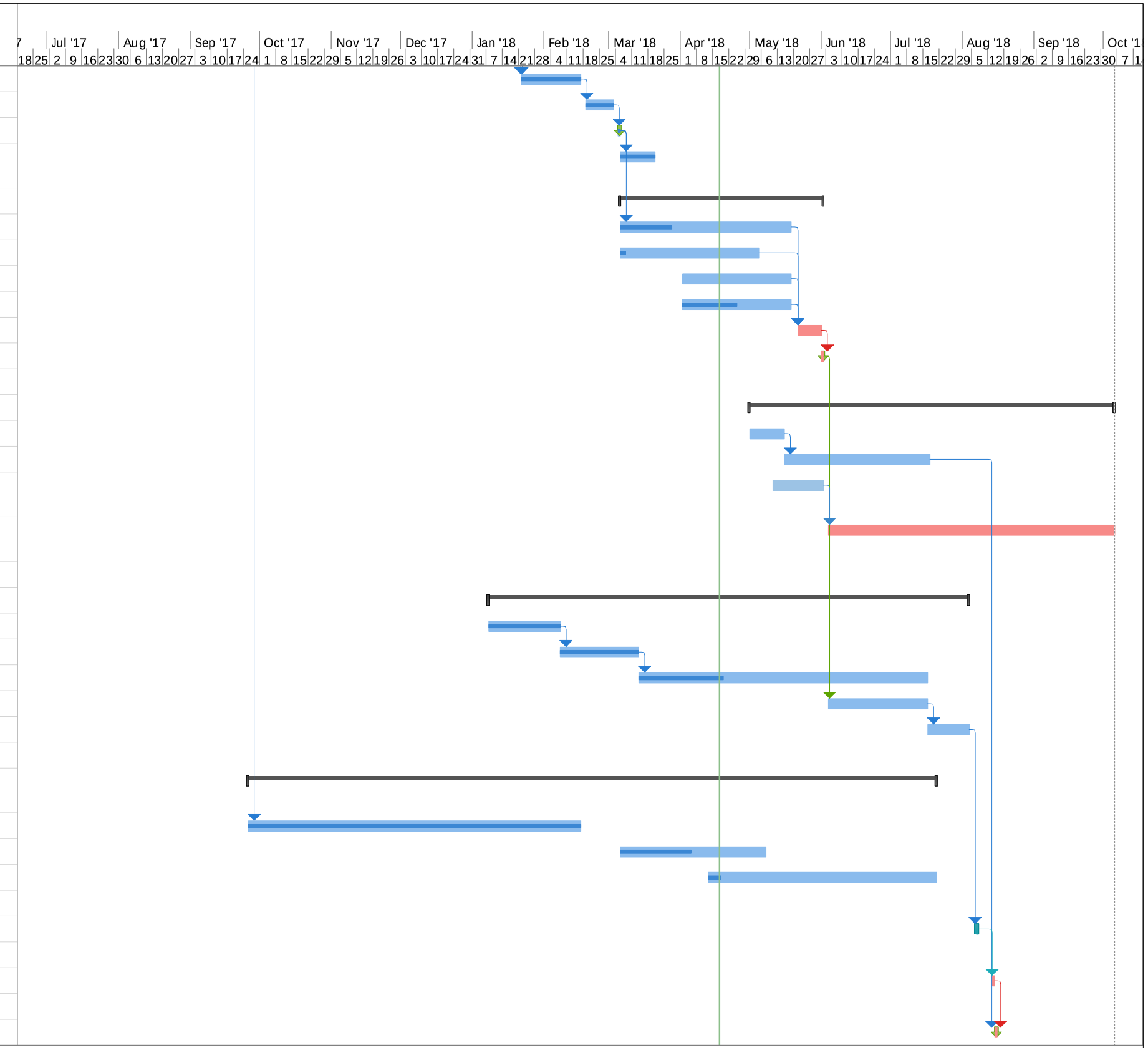
ID	Task Name	Start	Finish
38	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
39	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
40	GMP review and Negotiation	Tue 7/17/18	Fri 8/3/18
41			
42	**UUTF Bid Award Review (Phase 2 North)**	Tue 8/7/18	Tue 8/7/18
43			
44	**Town Council Award (Phase 2 North)**	Tue 8/14/18	Tue 8/14/18
45			
46	**Start Construction (Phase 2 North)**	Wed 8/15/18	Wed 8/15/18
47	~~<New Task>~~		
48	**Utility Design and BCE Development - Phase 2 North**	Tue 9/12/17	Fri 7/20/18
49	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18
50	AT&T and Comcast Design	Tue 2/20/18	Mon 4/30/18
51	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
52			
53	**Detailed Design South End (Phase 2 South)**	Mon 6/19/17	Fri 10/5/18
54	**Data Collection**	Mon 6/19/17	Wed 11/22/17
55	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
56	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17
57	Site Survey	Wed 6/21/17	Thu 8/31/17
58	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
59	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
60	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
61	**Utility Preliminary Design**	Tue 9/26/17	Fri 1/19/18
62	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17	Fri 1/19/18
63	**Easement Coordination**	Mon 1/22/18	Wed 8/15/18
64	Determine Easement Needs and Locations	Mon 1/22/18	Fri 2/16/18
65	Send Easement Request Letters to Property Owners	Mon 2/19/18	Fri 2/23/18
66	Procure Easements and Follow up	Mon 2/26/18	Wed 8/15/18
67			
68	**Construction Documents**	Fri 9/1/17	Fri 6/1/18
69	**Utility Base Mapping**	Fri 9/1/17	Tue 10/10/17
70	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17
71	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17
72	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17
73	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17
74	**Equipment Location Plan Development**	Mon 1/22/18	Tue 3/20/18



Project: TOPB UG Ph 2 Designr
Date: Wed 4/18/18

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Critical | Critical Split | Progress | Manual Progress

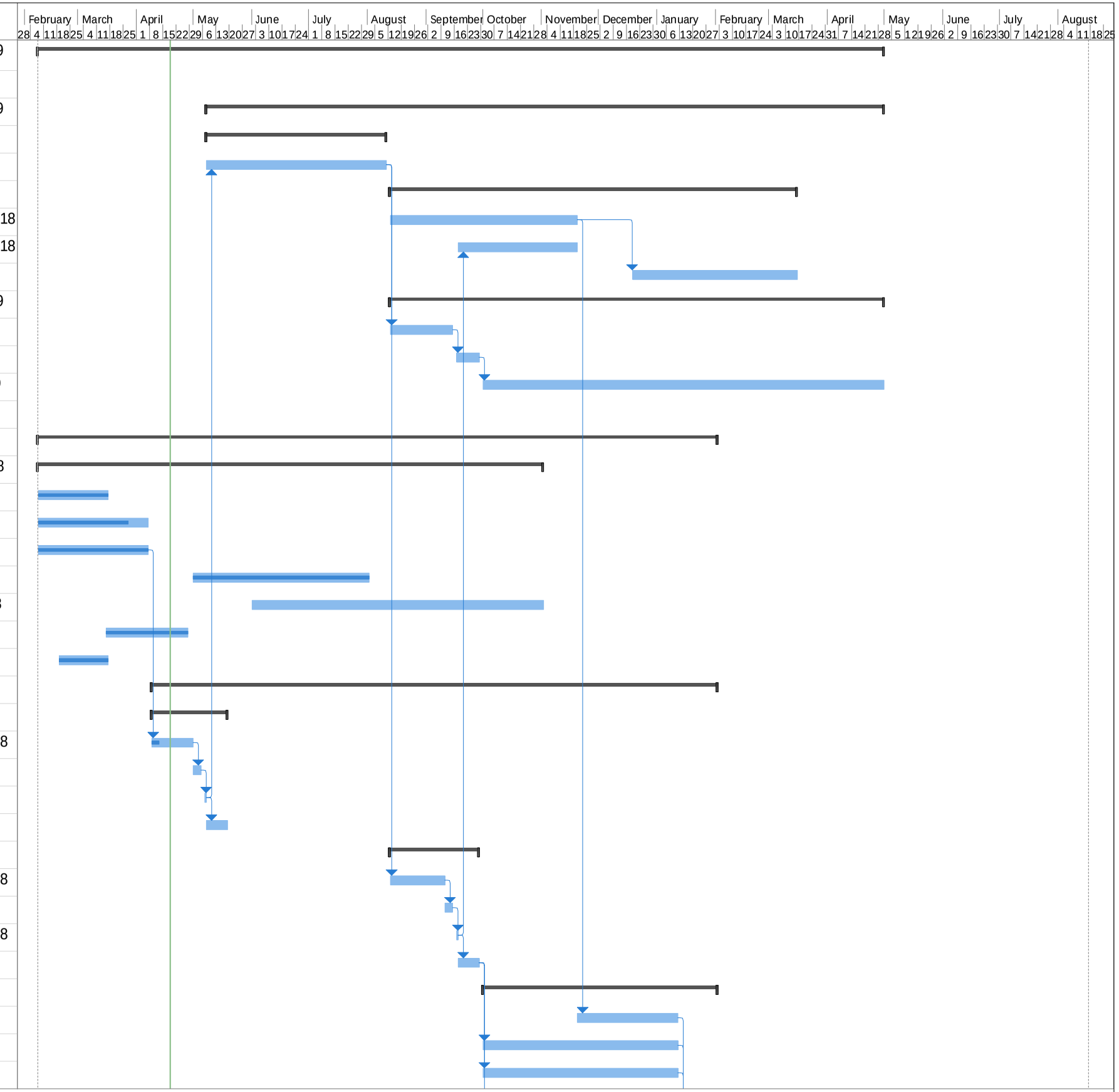
ID	Task Name	Start	Finish
75	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18
76	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18
77	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18
78	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18
79	**Conduit Routing Plan Development**	Tue 3/6/18	Fri 6/1/18
80	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18
81	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18
82	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
83	Technical Specifications	Mon 4/2/18	Fri 5/18/18
84	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
85	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
86			
87	**Permitting Assistance - Phase 2 South**	Tue 5/1/18	Fri 10/5/18
88	FDOT Utility Permit application	Tue 5/1/18	Tue 5/15/18
89	FDOT Permit Application Review Process	Wed 5/16/18	Tue 7/17/18
90	FDOT Landscape Permit and Construction Agreement/MMOA	Fri 5/11/18	Fri 6/1/18
91	FDOT Landscape Permit and Construction Agreement/MMOA Review Process	Mon 6/4/18	Fri 10/5/18
92			
93	**Bid Phase - Phase 2 South**	Mon 1/8/18	Fri 8/3/18
94	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
95	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
96	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
97	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
98	GMP review and Negotiation	Tue 7/17/18	Fri 8/3/18
99	~~<New Task>~~		
100	**Utility Design and BCE Development - Phase 2 South**	Tue 9/26/17	Fri 7/20/18
101	FPL Design and Preliminary Conduit Routing	Tue 9/26/17	Fri 2/16/18
102	AT&T and Comcast Design	Tue 3/6/18	Mon 5/7/18
103	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
104			
105	**UUTF Bid Award Review (Phase 2 South)**	Tue 8/7/18	Tue 8/7/18
106			
107	**Town Council Award (Phase 2 South)**	Tue 8/14/18	Tue 8/14/18
108			
109	**Start Construction (Phase 2 South)**	Wed 8/15/18	Wed 8/15/18



Project: TOPB UG Ph 2 Designr
Date: Wed 4/18/18

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Critical | Critical Split | Progress | Manual Progress

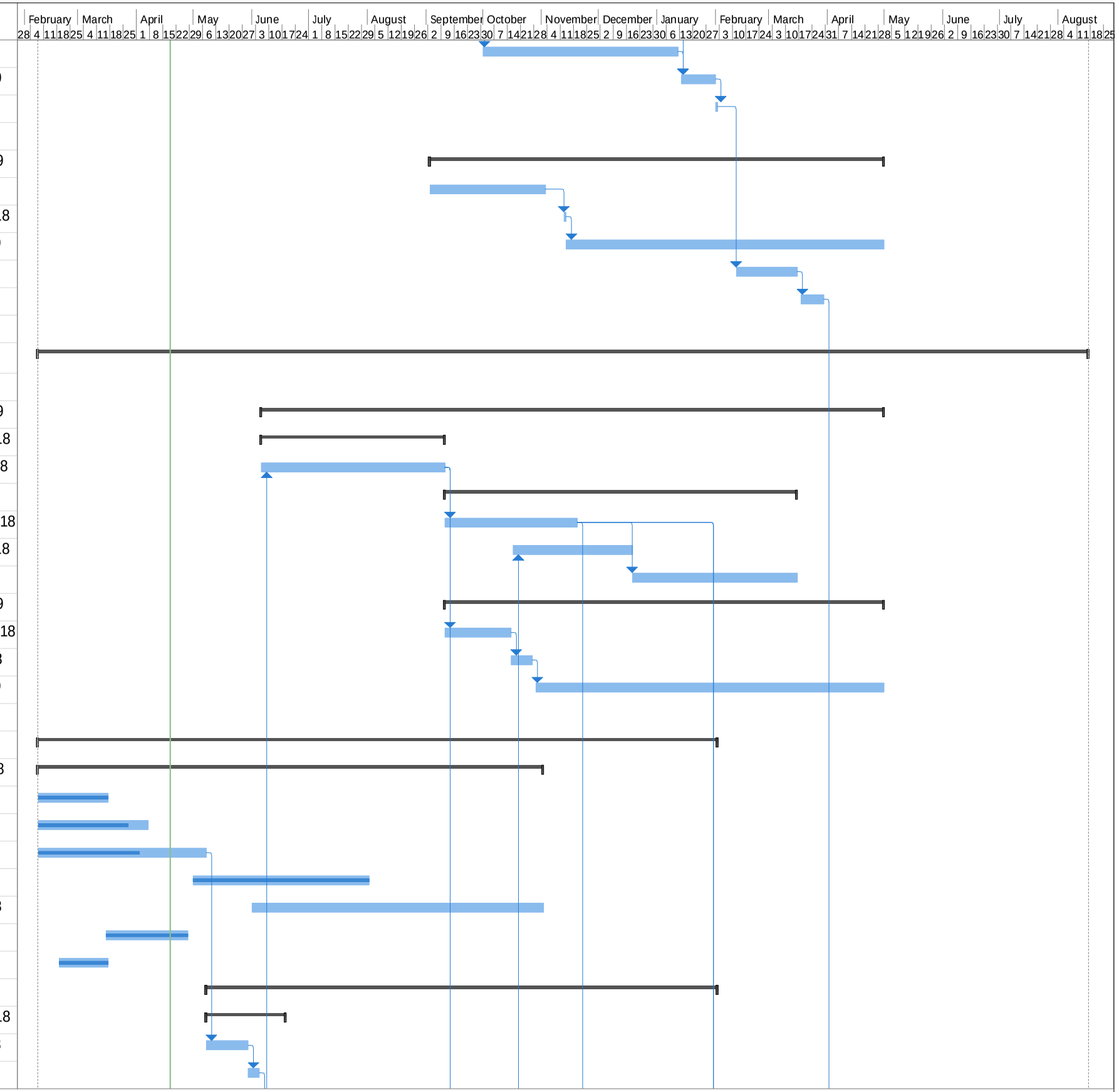
ID	Task Name	Duration	Start	Finish
1	Detailed Design - Phase 3 North	319 days?	Thu 2/8/18	Tue 4/30/19
2				
3	Design Activities - Outside Resources	256 days?	Tue 5/8/18	Tue 4/30/19
4	Utility Preliminary Design	69 days?	Tue 5/8/18	Fri 8/10/18
5	*FPL Provision of Preliminary Equipment Locations*	69 days?	Tue 5/8/18	Fri 8/10/18
6	Utility Design and BCE Development	155 days?	Mon 8/13/18	Fri 3/15/19
7	*FPL Design and Preliminary Conduit Routing*	71 days?	Mon 8/13/18	Mon 11/19/18
8	*AT&T and Comcast Design*	45 days?	Tue 9/18/18	Mon 11/19/18
9	*Utility Agreement, BCE Development and Final FPL Design*	63 days?	Wed 12/19/18	Fri 3/15/19
10	Easement Coordination	187 days?	Mon 8/13/18	Tue 4/30/19
11	*Determine Easement Needs and Locations*	25 days?	Mon 8/13/18	Fri 9/14/18
12	*Send Easement Request Letters to Property Owners*	10 days?	Mon 9/17/18	Fri 9/28/18
13	*Procure Easements and Follow up*	152 days?	Mon 10/1/18	Tue 4/30/19
14				
15	Design Activities - Kimley-Horn Resources	257 days?	Thu 2/8/18	Fri 2/1/19
16	Data Collection	191 days?	Thu 2/8/18	Thu 11/1/18
17	*Sunshine One-Call, Utility Coordination and Letter Request*	27 days?	Thu 2/8/18	Fri 3/16/18
18	*Collect/Analyze Record Information*	42 days?	Thu 2/8/18	Fri 4/6/18
19	*Site Survey*	42 days?	Thu 2/8/18	Fri 4/6/18
20	*Geotechnical Investigation*	67 days?	Tue 5/1/18	Wed 8/1/18
21	*Soft Dig Utility Locates*	110 days?	Fri 6/1/18	Thu 11/1/18
22	*Site Visit / Determine Meter Locations*	31 days?	Fri 3/16/18	Fri 4/27/18
23	*Existing Easement Research*	20 days?	Mon 2/19/18	Fri 3/16/18
24	Construction Documents	215 days?	Mon 4/9/18	Fri 2/1/19
25	*Utility Base Mapping*	30 days?	Mon 4/9/18	Fri 5/18/18
26	*Utility Base Map Development*	16 days?	Mon 4/9/18	Mon 4/30/18
27	*Utility Base Map Internal QC*	4 days?	Tue 5/1/18	Fri 5/4/18
28	*Utility Base Map Town/Utility Owner Submittal*	1 day?	Mon 5/7/18	Mon 5/7/18
29	*Utility Base Map Town Review and Comment*	9 days?	Tue 5/8/18	Fri 5/18/18
30	*Equipment Location Plan Development*	35 days?	Mon 8/13/18	Fri 9/28/18
31	*Equipment Location Plan Development*	21 days?	Mon 8/13/18	Mon 9/10/18
32	*Equipment Location Plan Plan Internal QC*	4 days?	Tue 9/11/18	Fri 9/14/18
33	*Equipment Location Plan Town Submittal*	1 day?	Mon 9/17/18	Mon 9/17/18
34	*Equipment Location Plan Town Review and Comment*	9 days?	Tue 9/18/18	Fri 9/28/18
35	Conduit Routing Plan Development	90 days?	Mon 10/1/18	Fri 2/1/19
36	*Conduit Routing Plan Development*	39 days?	Tue 11/20/18	Fri 1/11/19
37	*Commercial/Customer Owned Service Design*	75 days?	Mon 10/1/18	Fri 1/11/19
38	*Landscaping Plans*	75 days?	Mon 10/1/18	Fri 1/11/19



Project: Phase 3 Detailed Desig
Date: Thu 4/19/18

Task | Split | Milestone | Summary | Project Summary | Inactive Task | Inactive Milestone | Inactive Summary | Manual Task | Duration-only | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | External Tasks | External Milestone | Deadline | Progress | Manual Progress

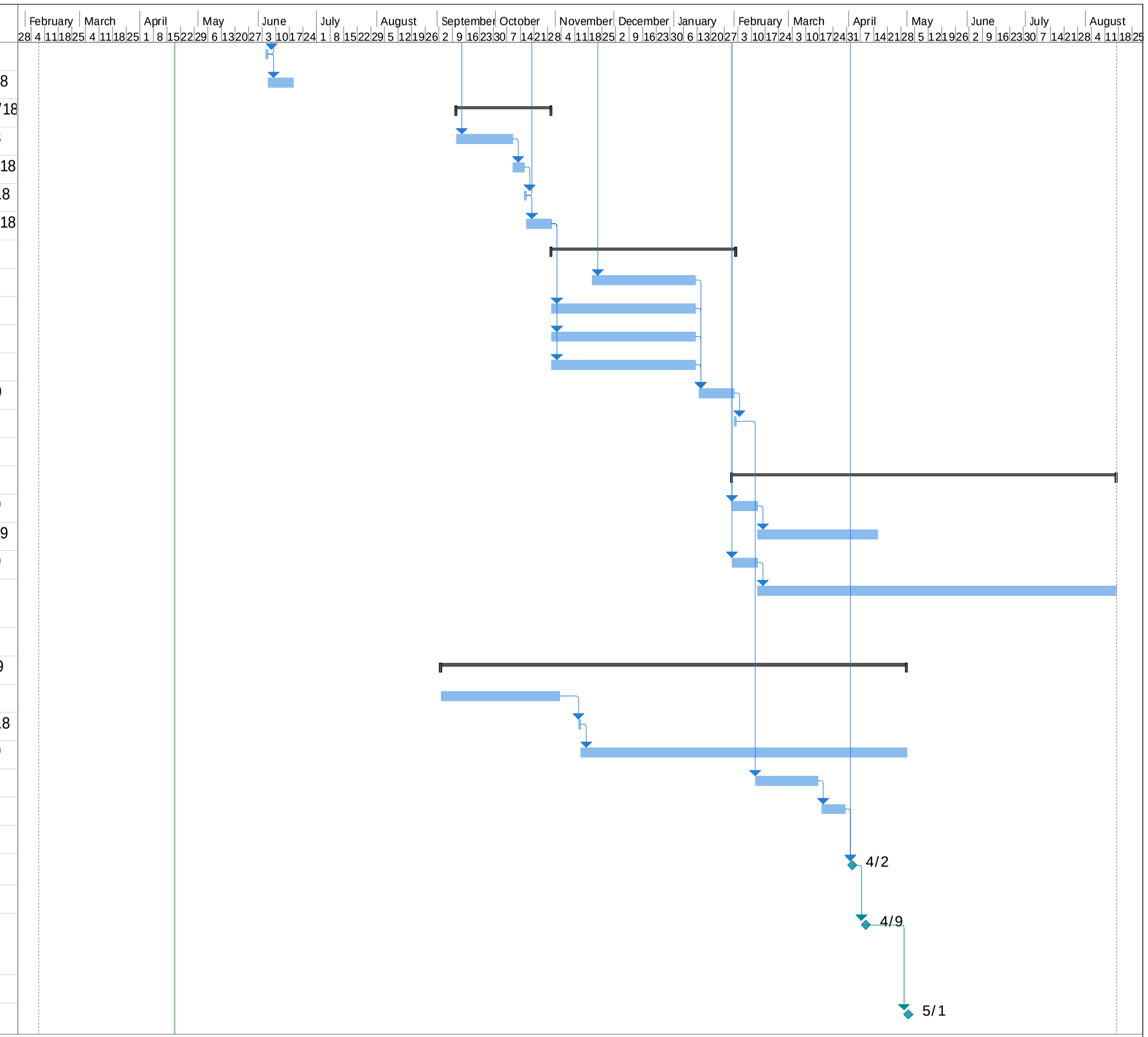
ID	Task Name	Duration	Start	Finish
39	*Technical Specifications*	75 days?	Mon 10/1/18	Fri 1/11/19
40	*Conduit Routing Plan Internal QC*	14 days?	Mon 1/14/19	Thu 1/31/19
41	*Conduit Routing Plan Town/CMAR Submittal*	1 day?	Fri 2/1/19	Fri 2/1/19
42				
43	Bid Phase - Phase 3 North	172 days?	Mon 9/3/18	Tue 4/30/19
44	CMAR Procurement	45 days?	Mon 9/3/18	Fri 11/2/18
45	CMAR Recommendation and Award	1 day?	Tue 11/13/18	Tue 11/13/18
46	Pre-Construction Services	120 days?	Wed 11/14/18	Tue 4/30/19
47	Bidding/GMP Development	24 days?	Tue 2/12/19	Fri 3/15/19
48	GMP Review/Negotiation	10 days?	Mon 3/18/19	Fri 3/29/19
49				
50	Detailed Design - Phase 3 South	397 days?	Thu 2/8/18	Fri 8/16/19
51				
52	Design Activities - Outside Resources	235 days	Wed 6/6/18	Tue 4/30/19
53	Utility Preliminary Design	69 days	Wed 6/6/18	Mon 9/10/18
54	*FPL Provision of Preliminary Equipment Locations*	69 days	Wed 6/6/18	Mon 9/10/18
55	Utility Design and BCE Development	134 days	Tue 9/11/18	Fri 3/15/19
56	*FPL Design and Preliminary Conduit Routing*	50 days	Tue 9/11/18	Mon 11/19/18
57	*AT&T and Comcast Design*	45 days	Wed 10/17/18	Tue 12/18/18
58	*Utility Agreement, BCE Development and Final FPL Design*	63 days	Wed 12/19/18	Fri 3/15/19
59	Easement Coordination	166 days	Tue 9/11/18	Tue 4/30/19
60	*Determine Easement Needs and Locations*	25 days	Tue 9/11/18	Mon 10/15/18
61	*Send Easement Request Letters to Property Owners*	9 days	Tue 10/16/18	Fri 10/26/18
62	*Procure Easements and Follow up*	132 days	Mon 10/29/18	Tue 4/30/19
63				
64	Design Activities - Kimley-Horn Resources	257 days?	Thu 2/8/18	Fri 2/1/19
65	Data Collection	191 days	Thu 2/8/18	Thu 11/1/18
66	*Sunshine One-Call, Utility Coordination and Letter Request*	27 days	Thu 2/8/18	Fri 3/16/18
67	*Collect/Analyze Record Information*	42 days	Thu 2/8/18	Fri 4/6/18
68	*Site Survey*	63 days	Thu 2/8/18	Mon 5/7/18
69	*Geotechnical Investigation*	67 days	Tue 5/1/18	Wed 8/1/18
70	*Soft Dig Utility Locates*	110 days	Fri 6/1/18	Thu 11/1/18
71	*Site Visit / Determine Meter Locations*	31 days	Fri 3/16/18	Fri 4/27/18
72	*Existing Easement Research*	20 days	Mon 2/19/18	Fri 3/16/18
73	Construction Documents	194 days?	Tue 5/8/18	Fri 2/1/19
74	*Utility Base Mapping*	30 days	Tue 5/8/18	Mon 6/18/18
75	*Utility Base Map Development*	16 days	Tue 5/8/18	Tue 5/29/18
76	*Utility Base Map Internal QC*	4 days	Wed 5/30/18	Mon 6/4/18



Project: Phase 3 Detailed Desig
Date: Thu 4/19/18

Task | Split | Milestone | Summary | Project Summary | Inactive Task | Inactive Milestone | Inactive Summary | Manual Task | Duration-only | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | External Tasks | External Milestone | Deadline | Progress | Manual Progress

ID	Task Name	Duration	Start	Finish
77	*Utility Base Map Town/Utility Owner Submittal*	1 day	Tue 6/5/18	Tue 6/5/18
78	*Utility Base Map Town Review and Comment*	9 days	Wed 6/6/18	Mon 6/18/18
79	*Equipment Location Plan Development*	35 days?	Tue 9/11/18	Mon 10/29/18
80	*Equipment Location Plan Development*	21 days	Tue 9/11/18	Tue 10/9/18
81	*Equipment Location Plan Plan Internal QC*	4 days	Wed 10/10/18	Mon 10/15/18
82	*Equipment Location Plan Town Submittal*	1 day	Tue 10/16/18	Tue 10/16/18
83	*Equipment Location Plan Town Review and Comment*	9 days?	Wed 10/17/18	Mon 10/29/18
84	Conduit Routing Plan Development	69 days	Tue 10/30/18	Fri 2/1/19
85	*Conduit Routing Plan Development*	39 days	Tue 11/20/18	Fri 1/11/19
86	*Commercial/Customer Owned Service Design*	54 days	Tue 10/30/18	Fri 1/11/19
87	*Landscaping Plans*	54 days	Tue 10/30/18	Fri 1/11/19
88	*Technical Specifications*	54 days	Tue 10/30/18	Fri 1/11/19
89	*Conduit Routing Plan Internal QC*	14 days	Mon 1/14/19	Thu 1/31/19
90	*Conduit Routing Plan Town Submittal*	1 day	Fri 2/1/19	Fri 2/1/19
91				
92	Permitting Activities - Phase 3 South	142 days?	Thu 1/31/19	Fri 8/16/19
93	*FDOT Utility permit Application*	9 days?	Thu 1/31/19	Tue 2/12/19
94	*FDOT Utility permit Application Review Process*	44 days?	Wed 2/13/19	Mon 4/15/19
95	*FDOT Landscaping Permit Application*	9 days?	Thu 1/31/19	Tue 2/12/19
96	*FDOT Landscaping Permit Application Review and MMOA Execution Process*	133 days?	Wed 2/13/19	Fri 8/16/19
97				
98	Bid Phase - Phase 3 South	172 days?	Mon 9/3/18	Tue 4/30/19
99	*CMAR Procurement*	45 days?	Mon 9/3/18	Fri 11/2/18
100	*CMAR Recommendation and Award*	1 day?	Tue 11/13/18	Tue 11/13/18
101	*Pre-Construction Services*	120 days?	Wed 11/14/18	Tue 4/30/19
102	*Bidding/GMP Development*	24 days?	Tue 2/12/19	Fri 3/15/19
103	*GMP Review/Negotiation*	10 days?	Mon 3/18/19	Fri 3/29/19
104				
105	UUTF GMP Review (Phases 3 North and South)	1 day	Tue 4/2/19	Tue 4/2/19
106				
107	Town Council GMP Review and Award (Phases 3 North and South)	1 day	Tue 4/9/19	Tue 4/9/19
108				
109	Start Construction (Phases 3 North and South)	1 day	Wed 5/1/19	Wed 5/1/19



Project: Phase 3 Detailed Desig
Date: Thu 4/19/18

Task | Split | Milestone | Summary | Project Summary | Inactive Task | Inactive Milestone | Inactive Summary | Manual Task | Duration-only | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | External Tasks | External Milestone | Deadline | Progress | Manual Progress

Vincent G. Burkhardt
President

Executive Summary

140 Okeechobee Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402

BURKHARDT
CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
For
March 2018

Project Description
Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

During the month of March the crews continued with the installation of the main line underground conduits on the west side of the project along North Lake Way. The remaining conduits were installed from Onondaga heading north up to Mediterranean Road.

One crew began the final roadway restoration in the vicinity of the south end of North Ocean Blvd., Onondaga, and Laurie Lane.

The service line crew continued with tie ins to transformer areas, setting transformer pads, and running service line to the individual property sites throughout the project area.

The project continues to remain within budget and is on schedule.

140 Alabama Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402

BURKHARDT
CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
For
March 2018

Project Description

Townwide Utility Undergrounding
Onondaga Avenue & Laurie Lane Improvements
Phase 1 North
P.O. # 171308

Project Status:

The crews returned back to the site after all clearances were obtained and connected the new water service lines and fire hydrants to the new water main. Once the switch over operation was completed the crew then grouted the old water main and made the necessary landscaping repairs. For the most part the new water main work has been completed. A small section of the trench line along the south side of the south leg of East Inlet will have the final lift of asphalt installed when the paving occurs along Onondaga.

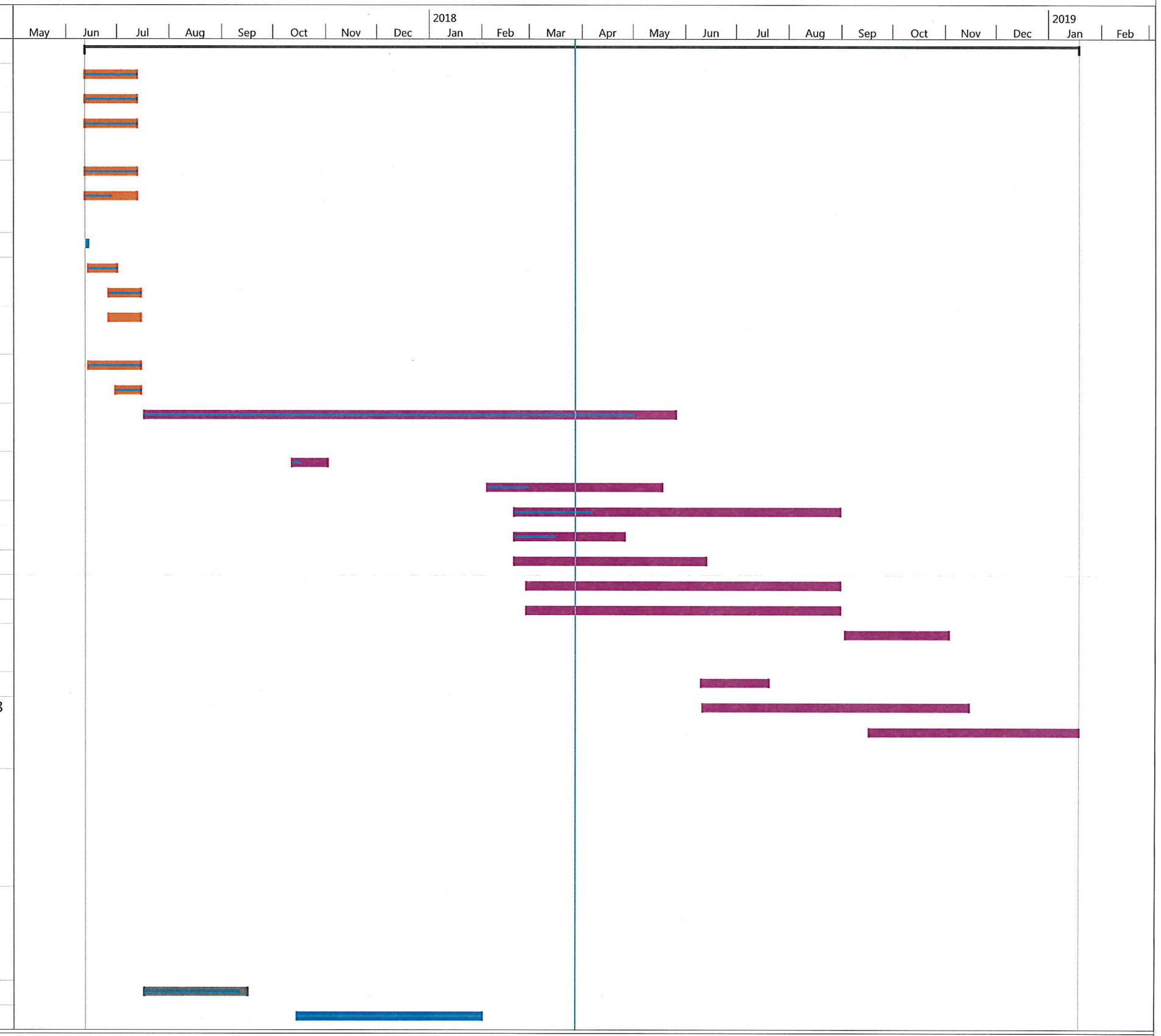
The final work on Onondaga and Laurie Lane will begin the first week in May for the installation of curbs and asphalt paving.

The project continues to stay within budget.

1400 Alabama Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

	Task Name	% Complete	Duration	Start	Finish
1	**Phase I - NORTH**	**39%**	**420 days?**	**Mon 6/12/17**	**Fri 1/18/19**
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17	Wed 7/12/17
3	Copy Of Executed Easements	100%	23 days	Mon 6/12/17	Wed 7/12/17
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17
6	Fully Executed Agreement With COMCAST / AT & T	50%	23 days	Mon 6/12/17	Wed 7/12/17
7	Town Council Approval	100%	1 day	Tue 6/13/17	Tue 6/13/17
8	Award Prime Contract	100%	13 days	Wed 6/14/17	Fri 6/30/17
9	Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17
10	Customer Owned Service Connection Permitting	0%	15 days	Mon 6/26/17	Fri 7/14/17
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17	Fri 7/14/17
12	Material Procurement	100%	11 days	Fri 6/30/17	Fri 7/14/17
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	92%	225 days	Mon 7/17/17	Fri 5/25/18
14	Feeder Splice Box Installation	20%	15 days	Thu 10/12/17	Wed 11/1/17
15	Set Transformers / Switch Cabinets (FPL)	25%	75 days	Sun 2/4/18	Thu 5/17/18
16	Secondary Services / Wire	25%	138 days	Tue 2/20/18	Thu 8/30/18
17	As-Built Submission / Review (FPL)	40%	47 days	Tue 2/20/18	Wed 4/25/18
18	Pull Wire / Terminations Primary (FPL)	0%	81 days	Tue 2/20/18	Tue 6/12/18
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	133 days	Tue 2/27/18	Thu 8/30/18
20	*Comcast Pull Wire, Set Pedestals	0%	133 days	Tue 2/27/18	Thu 8/30/18
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18	Fri 11/2/18
22	Energize Underground (FPL)	0%	30 days	Sun 6/10/18	Thu 7/19/18
23	Secondary Service Switch Over (FPL)	0%	113 days	Mon 6/11/18	Wed 11/14/18
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	90 days	Mon 9/17/18	Fri 1/18/19
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
27	Storm Drainage	90%	45 days	Mon 7/17/17	Fri 9/15/17
28	Water Main	99%	79 days	Sun 10/15/17	Wed 1/31/18



DATED 03/28/18
CURRENT PERCENT COMPLETED 39%

BURKHARDT CONSTRUCTION, INC.

April 2018 MONTHLY REPORT

TOWN UNDERGROUNDING PHASE 1—SOUTH—Whiting-Turner Project Updates

SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- 0 lost time incidents to date
- 1 recordable incidents to date

CONSTRUCTION

- S. Ocean Blvd (Electrical Undergrounding Crew) - Current location just south of Sloan's Curve. Undergrounding Crews are continuing to conduct exploratory work, to minimize the potential impact of any unforeseen conditions. Approx. 97% of feeder & primary conduit is completed on S. Ocean Blvd. Approx. 95% of concrete vaults and pads for transformers and switches have been installed. Pulling of feeder and primary cable started. Approximately 60% of cable pulled to date.
- Ibis Isle Undergrounding Crew has completed FPL primary, Comcast, and AT&T conduit and cable installation along Ibis Isle Road East and West. Transformer pads and splice boxes along Ibis Isle Road East and West completed. Conduit installation along Ibis Way per the FDEP permit for the subaqueous bridge crossing completed. AT&T and Comcast service conduit to each home from the ROW on Ibis Isle is being added to WT's scope of work. This scope has been approved by Town Council approval.
- Street Lighting crew has mobilize to begin installation.

DOCUMENTATION:

RFIs:

A. 17 RFIs issued to date
B. 2 Outstanding RFI

SUBMITTALS:

A. 42+ Individual Submittals Processed
B. 0 Submittal Package Currently Under Review
C. 0 Submittal Packages Pending Submission to A/E

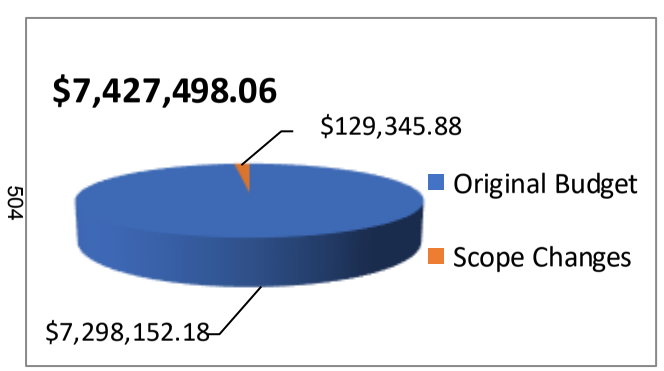
DRAWINGS: Added Scopes of Work

A. Post GMP Phipps Ocean Park Restroom Building received January 18th from TOPB.
B. Post GMP Phipps Ocean Park (North) Lighting—Undergrounding of electrical.
C. Post GMP A-41 Wastewater Pump Station received January 12th from TOPB
D. Post GMP Ibis Bridge Watermain Crossing received December 12, 2017 from KHA.
E. Phase 2 Undergrounding North received February 14, 2018 from KHA.

RELEVANT POTENTIAL CHANGES:

A. FPL Line Drawing Changes to Ibis Isle Scope of Work
B. Reduction in S. Ocean Boulevard Street Lighting Scope of Work
C. Additional AT&T and Comcast Fiber Conduits at Ibis Isle per the Town's request

FINANCIALS—BUDGET VS. COSTS



Current GMP Amount	—	$7,427,498.06
Approved Owner Initiated Scope Changes	—	$129,345.88
Gross Billings to Date ($)	—	$3,149,506.65
Gross Billings to Date (%)	—	43%
Schedule % Completed	—	45%

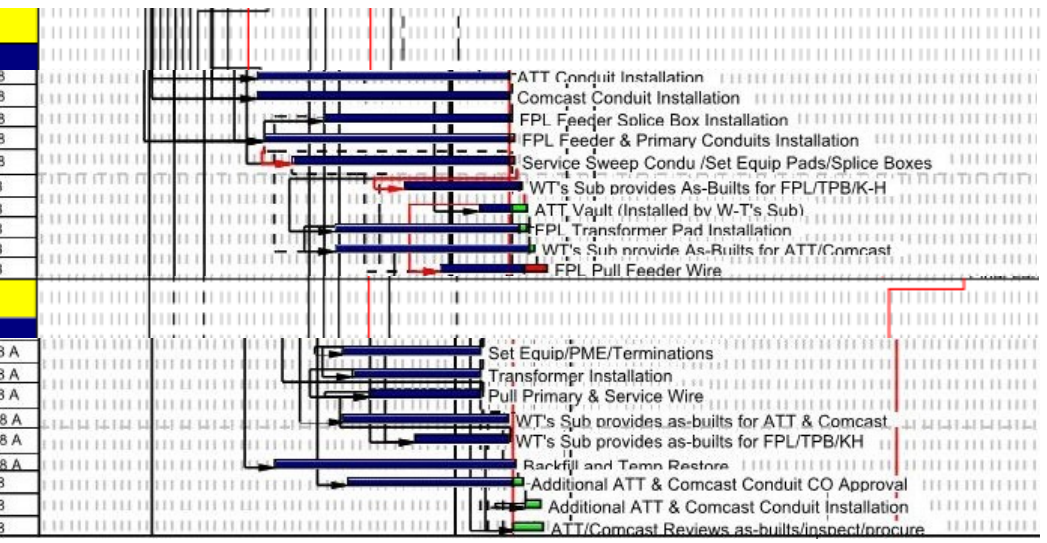
SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

1500	ATT Conduit Installation	10	2	29AUG17 A	27MAR18
1505	Comcast Conduit Installation	10	2	29AUG17 A	27MAR18
1512	FPL Feeder Splice Box Installation	20	4	23OCT17 A	29MAR18
1543	FPL Feeder & Primary Conduits Installation	75	5	04SEP17 A	30MAR18
1545	Service Sweep Condu /Set Equip Pads/Splice Boxes	75	5	27SEP17 A	30MAR18
1547	WT's Sub provides As-Builts for FPL/TPB/K-H	5	4	29DEC17 A	05APR18
1507	ATT Vault (Installed by W-T's Sub)	15	10	01MAR18 A	10APR18
1550	FPL Transformer Pad Installation	20	7	01NOV17 A	10APR18
1509	WT's Sub provide As-Builts for ATT/Comcast	5	4	01NOV17 A	16APR18
1553	FPL Pull Feeder Wire	40	15	27JAN18 A	26APR18

Ibis Isle

3045	Set Equip/PME/Terminations	30	0	06NOV17 A	28FEB18 A
3047	Transformer Installation	30	0	13NOV17 A	28FEB18 A
3049	Pull Primary & Service Wire	30	0	27NOV17 A	28FEB18 A
3020	WT's Sub provides as-builts for ATT & Comcast	5	0	06NOV17 A	23MAR18 A
3055	WT's Sub provides as-builts for FPL/TPB/KH	5	0	03JAN18 A	23MAR18 A
3010	Backfill and Temp Restore	30	0	11SEP17 A	28MAR18 A
IMP 3011	Additional ATT & Comcast Conduit CO Approval	10	8	10NOV17 A	04APR18
IMP 3012	Additional ATT & Comcast Conduit Installation	10	10	05APR18	18APR18
3035	ATT/Comcast Reviews as-builts/inspect/procure	20	20	26MAR18	20APR18



SCHEDULE NOTES / IMPACTS:

- **Street Lighting materials from FPL received. Street Lighting scope has begun and is ongoing.**
- **Additional AT&T/Comcast Fiber Conduit at Ibis Isle requested by the Town has been approved. Scope of work to begin mid April. This has delayed AT&T and Comcast from beginning their scope of work (pulling wire etc) but will not impact the overall project completion date.**
- **Scope of work associated with Ibis Isle Bridge Watermain Crossing to be completed. Scope to begin once WT receives approval from Town Council.**

Underground Utility Project Budget
Project Financial Summary
April 30, 2018

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	**$ 12,620,000**	**$ 12,900,000**	$ 12,642,040	$ 7,992,719	**63.2%**
Phase 2	**$ 9,170,000**	**$ 9,710,000**	$ 1,108,354	$ 448,394	**40.5%**
Phase 3	**$ 10,910,000**	**$ 11,360,000**	$ 1,192,094	$ 467,463	**39.2%**
Phase 4	**$ 10,370,000**	**$ 10,910,000**	$ 1,306,043	$ -	**0.0%**
Phase 5	**$ 14,090,000**	**$ 14,850,000**	$ 81,087	$ -	**0.0%**
Phase 6	**$ 16,820,000**	**$ 17,690,000**	$ -	$ -	
Phase 7	**$ 11,730,000**	**$ 12,220,000**	$ -	$ -	
Phase 8	**$ 12,300,000**	**$ 12,890,000**	$ -	$ -	
Other	**$ 570,000**	**$ 980,414**	$ 980,414	$ 1,136,614	**115.9%**
Total Project Costs To Date*	**$ 98,580,000**	**$ 103,510,414**	**$ 17,310,031**	**$ 10,045,189**	**58.0%**
* Updated OPC includes estimated AT&T credit					
Total Other Costs Outside Underground Budget			**$ 794,169**	**$ 926,327**	**116.6%**
Total Underground Project Costs			**$ 18,104,200**	**$ 10,971,516**	**60.6%**
Opinion of Cost - Master Plan			**98,600,000**		
AT&T and Comcast Additional Project Costs			6,700,000		
AT&T Credit - TBD			?		
FPL Credit - TBD			?		
Total Project Budget			**$ 105,300,000**		
% Budgeted/Encumbered To Date Project Costs			**16.44%**		
% Spent to Date - Project Costs			**9.54%**		

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments Reserved		$ 11,370,048	0.0%
Assessment Revenue Reserved	$ 5,080,000	$ 4,100,904	80.7%
Commercial Paper	$ 22,155,000	$ 12,511,000	56.5%
Town Owned Property Prepaid Assessments	$ 2,797,291	$ 2,797,291	100.0%
Interest	$ 12,000	$ 68,417	570.1%
1 Cent Sales Tax	$ 2,500,000	$ 564,999	22.6%
Other			
Donations - Civic Association	$ 49,250	$ 49,250	100.0%
Transfer from (307) Fund CIP	$ 760,200	$ 760,200	100.0%
Total Project Revenues	**$ 33,353,741**	**$ 32,222,109**	**96.6%**

Underground Utility Project Budget
Phase 1 Project Costs
April 30, 2018

	Original OPC	Updated 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%
Legal Sketch and Description - Easements			34,000	25,315	74.5%
Subtotal Design Phase	***$ 1,330,000***	***$ 1,400,000***	***$ 1,310,829***	***$ 1,302,128***	**99.3%**
Construction Costs					
Phase 1 North Construction					
Preconstruction			**$ 19,720**	**19,720**	**100.0%**
Burkhardt Construction			**$ 3,598,144**	**1,850,859**	**51.4%**
Street Light Conversion			**$ 26,273**	**26,273**	**100.0%**
Change Order for AT&T and Comcast Conduit			**$ 371,201**	**-**	**0.0%**
Utlity Design Costs			**$ 15,595**	**15,595**	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 476,776**	**187,499**	**39.3%**
Construction Engineering (KH)			**$ 230,532**	**95,227**	**41.3%**
	$ 4,210,000	**$ 4,390,000**	**$ 4,738,241**	**$ 2,195,173**	**46.3%**
Phase 1 South Construction					
Preconstruction			**$ 22,200**	**22,200**	**100.0%**
Whiting Turner Construction			**$ 4,450,977**	**2,813,042**	**63.2%**
Change Order for AT&T and Comcast Conduit			**$ 125,147**	**-**	**0.0%**
Other Approved Change Orders - Additional soil borings at Ibis Isle			**$ 2,200**	**2,200**	**100.0%**
Utlity Design Costs			**$ 33,013**	**33,013**	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 1,374,193**	**1,184,090**	**86.2%**
Construction Engineering (KH)			**$ 283,880**	**139,364**	**49.1%**
	$ 6,800,000	**$ 6,830,000**	**$ 6,291,610**	**$ 4,193,909**	**66.7%**
Legal Costs/Easement Acquisition - Jones Foster	**$ 280,000**	**$ 280,000**	**$ 301,359**	**$ 301,509**	**100.0%**
Total Phase 1 Costs	**$ 12,620,000**	**$ 12,900,000**	**$ 12,642,040**	**$ 7,992,719**	**63.2%**

Underground Utility Project Budget
Phase 2 Project Costs
April 30, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000	360,000	$ 281,304	$ 168,782	60.0%
Task 1.2 Phase 2 South Design	400,000	420,000	$ 335,353	$ 201,212	60.0%
Task 1.3 Permitting Assistance North and South			$ 12,674	$ -	0.0%
Task 1.4 Bid Phase Assistance North and South			$ 40,565	$ -	0.0%
Task 1.6 Meetings North and South			$ 136,617	$ 30,333	22.2%
Total Phase 2 Design	**$ 735,000**	**$ 780,000**	**$ 806,513**	**$ 400,328**	**49.6%**
Construction Costs					
Phase 2 North Construction					
Preconstruction			**$ 35,000**	-	
Burkhardt Construction					
Approved Change Orders			**$ -**		
FPL Design Cost			**$ 11,759**		
ATT Design Cost			**$ 5,000**		
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 2 North Construction	**3,800,000**	**4,000,000**	**$ 51,759**	**$ -**	**0.0%**
Phase 2 South Construction	**-**				
Preconstruction			**$ 35,000**	-	
Whiting Turner Construction					
Approved Change Orders			**$ -**		
FPL Design Cost			**$ 13,330**		
ATT Design Cost			**$ 5,000**		
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)	-				
Total Phase 2 South Construction	**4,435,000**	**4,730,000**	**$ 53,330**	**$ -**	**0.0%**
Easement Acquisition	**200,000**	**200,000**			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			$ 64,936	$ 37,387	57.6%
Task 1.5 Easement Assistance South			$ 77,466	$ 7,521	9.7%
Surveys					
Task 1.7 Legal Sketch North			$ 14,020	$ 3,159	22.5%
Task 1.7 Legal Sketch South			$ 16,725	$ -	0.0%
Jones Foster - Legal			**$ -**		
American Acquisition Group			**$ -**		
Temp Services			**$ 20,000**		
Recording Costs			**$ 3,605**		
Total Easement Acquisition Costs	**200,000**	**200,000**	**$ 196,752**	**$ 48,066**	**24.4%**
Total Phase 2 Costs	**$9,170,000**	**$9,710,000**	**$ 1,108,354**	**$ 448,394**	**40.5%**

Underground Utility Project Budget
Phase 3 Project Costs
April 30, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	$ 325,000	$ 350,000	$ 288,851	$ 43,328	15.0%
Task 1.2 Phase 3 South Design	$ 535,000	$ 580,000	$ 503,260	$ 65,424	13.0%
Task 1.3 Permitting Assistance			$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			$ 36,834		0.0%
Task 1.5 Meetings			$ 101,652		0.0%
Deductive Change Order (Scope Change)			$ (49,840)		0.0%
Total Phase 3 Design	**$ 860,000**	**$ 930,000**	**$ 894,496**	**$ 108,751**	12.2%
Construction Costs					
Phase 3 North Construction	**$ 3,700,000**	**$ 3,850,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 12,850**		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Daniella Construction - Nightingale/LaPuerta - Townwide portion				$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion				$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion				$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion				$ 30,555	
Total Phase 3 North Construction	**$ 3,700,000**	**$ 3,850,000**	**$ 12,850**	**$ 357,810**	0.0%
Phase 3 South Construction	**$ 6,090,000**	**$ 6,320,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 11,359**		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Total Phase 3 South Construction	**$ 6,090,000**	**$ 6,320,000**	**$ 11,359**	**$ -**	0.0%
Easement Acquisition	**$ 260,000**	**$ 260,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			$ 235,953	$ 901	0.4%
Surveys					
Task Legal Sketch South			$ 37,436		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs					
Total Easement Acquisition Costs	**$ 260,000**	**$ 260,000**	**$ 273,389**	**$ 901**	**0.3%**
Total Phase 3 Costs	**$ 10,910,000**	**$ 11,360,000**	**$ 1,192,094**	**$ 467,463**	**39.2%**

Underground Utility Project Budget
Phase 4 Project Costs
April 30, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	$ 402,000	$ 435,000	$ 312,317		0.0%
Task 1.2 Phase 4 South Design	$ 413,000	$ 435,000	$ 451,284		0.0%
Task 1.3 Permitting Assistance			$ 14,468		0.0%
Task 1.4 Bid Phase Assistance			$ 37,899		0.0%
Task 1.6 Meetings			$ 77,911		0.0%
Total Phase 4 Design	**$ 815,000**	**$ 870,000**	**$ 893,879**	**$ -**	0.0%
Construction Costs					
Phase 4 North Construction	**4,605,000**	**4,820,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 12,757**		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	**$ 4,605,000**	**$ 4,820,000**	**$ 12,757**	**$ -**	0.0%
Phase 4 South Construction	**4,710,000**	**4,980,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 13,160**		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	**$ 4,710,000**	**$ 4,980,000**	**$ 13,160**	**$ -**	0.0%
Easement Acquisition	**$ 240,000**	**$ 240,000**			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			**$ 280,270**		
Easement Assistance (KH) -- Switches			**$ 62,780**		
Surveys					
Legal Sketch			**$ 38,230**		
Legal Sketch - Switches			**$ 4,967**		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs					
Total Easement Acquisition Costs	**$ 240,000**	**$ 240,000**	**$ 386,247**	**$ -**	**0.0%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 10,910,000**	**$ 1,306,043**	**$ -**	**0.0%**

Underground Utility Project Budget
Phase 5 Project Costs
April 30, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	$ 520,000	$ 560,000			0.0%
Task 1.2 Phase 5 South Design	$ 600,000	$ 640,000			0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South					0.0%
Task 1.4 Bid Phase Assistance North					0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North					0.0%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	**$ 1,120,000**	**$ 1,200,000**	**$ -**	**$ -**	0.0%
Construction Costs					
Phase 5 North Construction	**$ 5,890,000**	**$ 6,200,000**			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 North Construction	**$ 5,890,000**	**$ 6,200,000**	**$ -**	**$ -**	0.0%
Phase 5 South Construction	**$ 6,750,000**	**$ 7,120,000**			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 South Construction	**$ 6,750,000**	**$ 7,120,000**	**$ -**	**$ -**	**0.0%**
Easement Acquisition	**$ 330,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Easement Assistance			$ 75,696		
Surveys					
Legal Sketch			$ 5,391		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs					
Total Easement Acquisition Costs	**$ 330,000**	**$ 330,000**	**$ 81,087**	**$ -**	**0.0%**
Total Phase 5 Costs	**$14,090,000**	**$14,850,000**	**$ 81,087**	**$ -**	**0.0%**

Underground Utility Project Budget
Other Project Costs
April 30, 2018

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	$ 23,511	$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	$ 161,756	$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	$ 31,244	$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	$ 77,660	$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	$ 17,448	$ 17,448	100.0%
Task 1.6 - Master Plan Document	$ 45,053	$ 42,800	95.0%
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***	**$ 595,630**	99.6%
Comcast Preplanning - Master Plan		$ 12,015	
Community Outreach	**$ 282,519**	$ 197,551	69.9%
Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)	**$ 100,000**	$ 100,000	100.0%
Commercial Paper Issuance Cost		$ 195,498	
Commercial Paper Fees		$ 1,609	
Commercial Paper Interest		$ 34,311	
Total Other Project Costs	**$ 980,414**	**$ 1,136,614**	**115.9%**

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**	$ 182,872	52.1%
Project Construction Engineering	**$ 11,607**	$ 5,804	50.0%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 2,362	70.9%
Total Lake Worth Section	**$ 525,586**	$ 342,999	65.3%
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		$ 139,501	
PBT Real Estate v TPB		$ 29,558	
Gardner, Bist Bowden, Bush (Shef Wright)		$ 7,148	
Project Manager -Pay and benefits	**$ 130,000**	$ 101,891	78.4%
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	**$ 794,169**	**$ 926,327**	**116.6%**

U.S. Rate Forecasts

10-Year Treasury Yield Forecast

Citi forecasts a muted interest rate environment as we progress through the first half of 2018, while the street's is elevated

Rate Forecasts

5-Year Treasury	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	2.80%	2.40%	2.60%	2.60%	2.60%	2.65%	2.70%

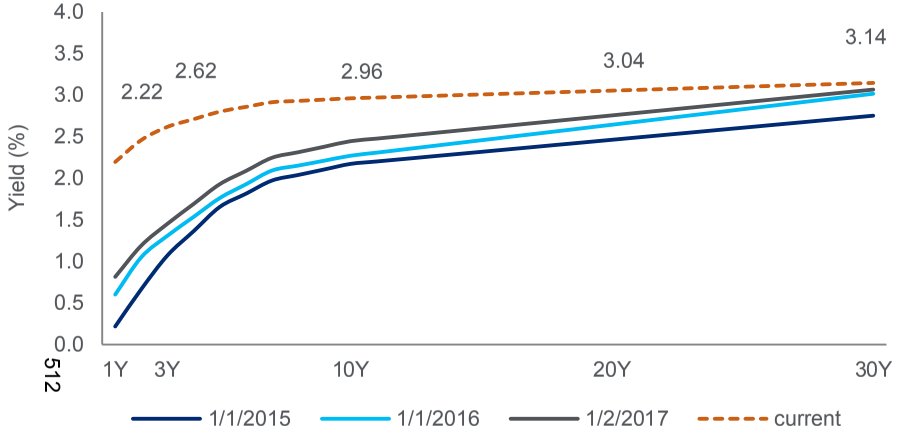
10-Year Treasury	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	2.96%	2.60%	2.65%	2.65%	2.65%	2.75%	2.80%
Economists' Consensus		2.93%	3.02%	3.15%	3.25%	3.30%	3.43%

30-Year Treasury	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	3.14%	2.95%	2.90%	2.90%	2.95%	3.10%	2.15%
Economists' Consensus		3.21%	3.31%	3.40%	3.50%	3.57%	3.70%

Fed Funds	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	1.75%	2.00%	2.25%	2.25%	2.50%	2.75%	3.00%
Economists' Consensus		2.00%	2.25%	2.50%	2.50%	2.75%	2.88%

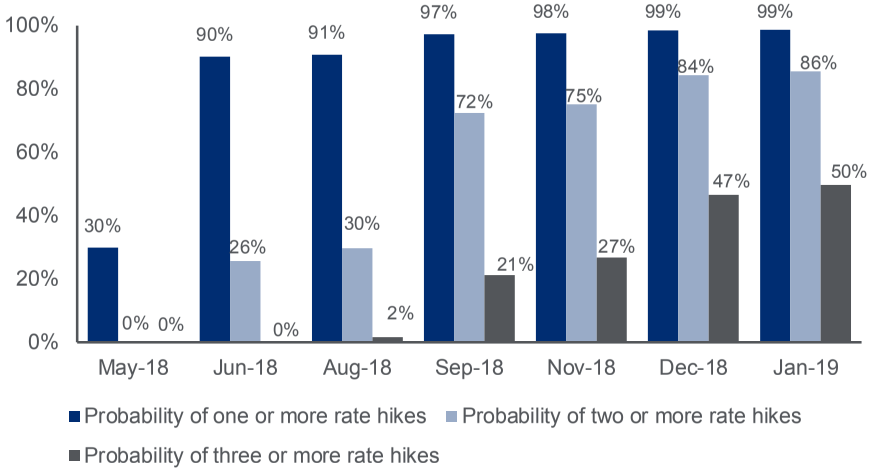
US Treasury Yield Curve

Over the past week, treasuries weakened on continued political turmoil and concerns over the effect of a potential trade war on continued global growth



Expectations of Next Fed Increase in Rates

The market currently anticipates 2 – 3 more rate hikes in 2018, with the next hike likely to come in June



Source: Current rates and expectation of Fed hike as of April 20, 2018; Citi forecasts as of April 18, 2018; Bloomberg forecasts as of April 20, 2018.

TCM Agenda Backup 5-8-18
512

TOWN OF PALM BEACH
Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Steven Stern, Project Manager

Re: Town Council Appeal to Reduce the Special Assessment, Attorney John O'Neill for 8 Residences of Sloan's Curve

Date: April 26, 2018

TIMELINE AND GENERAL INFORMATION

Attorney John O'Neill represents eight (8) property owners at Sloan's Curve who have challenged the calculation of the Non Ad Valorem Assessment for Palm Beach Underground Utilities.

August 1, 2017:

Attorney John O'Neill filed an assessment appeal on behalf of the below eight (8) property owners in the Town of Palm Beach challenging the calculation of the undergrounding assessment:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Attachment 1:

John O'Neill to Town Council RE: Town of Palm Beach Equalization Board Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

October 12, 2017:

The appeal was reviewed and denied by Tom Bradford, Town Manager who directed Steven Stern, Project Manager to inform Mr. O'Neill. Reason for denial was the Residences at Sloan's Curve do not qualify as Non-Assessable or special consideration since the community is not listed within the approved methodology as a special case, exception or as a Non-Assessable Obligation. The assessments were determined as appropriately applied per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017.

Attachment 2:
Assessment Appeal Form indicating decision of the Town Manager

Attachment 3:
Communication from Steven Stern Project Manager on behalf of the Town Manager.

October 27, 2018:

Mr. O'Neill wrote to the Town Clerk stating: "All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the town manager ... In the event the town manager ... fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property, the petitioner may ... file in writing with the town clerk a notice of appeal...."

Attachment 4:
John O'Neill to Town Clerk: RE: Town of Palm Beach Underground Utilities Project Notice of Appeal of Complaint to Reduce Special Assessment levied per Resolution No. t00-2017

November 28, 2017:

Mr. O'Neill's requests for appellate review by the Town Council were denied by the Town Manager stating the following:

- The original assessment appeal was denied by the Town Manager. The letter informing you of my decision was sent by staff, namely Steven Stern, Underground Utilities Project Manager.

- The above properties do not qualify as Non-Assessable since none are specified in the approved assessment methodology (assessment apportionment method) section 4.4 Special Cases and Exemptions.

- There is no alleged error in the Town Manager's application of the assessment apportionment method. Note that parcel numbers 1, 2 and 7 have already been proactively adjusted by the Town to apply the undergrounding assessment discount. The other listed parcels do not qualify for the discount pursuant to the approved assessment apportionment method.

- An appeal to the Town Council objecting to any aspect of the assessment apportionment methodology is an invalid appeal pursuant to the Town Code and cannot be allowed to proceed via the appeals process.

Attachment 5:
Letter from Tom Bradford, Town Manager denying appellate review.

December 21, 2017:

Mr. O'Neill contacted Steven Stern, Project Manager requesting clarification why his request for appellate review was denied. He was informed the Town Manager referenced the Town Code section Sec. 90-49. - Correction of errors and omissions (c), describing that the escalation request to the Town Council was invalid since there was no error made in the application of the assessment methodology.

Attachment 6:
Email from Steven Stern, Project Manager to John O'Neill.

February 23, 2018:

John O'Neill contacted the Project Manager again requesting appellate review by the Town Council. Project Manager discussed the request with Kirk Blouin, Town Manager and the Town Attorney who instructed Staff to schedule Mr. O'Neill's appeal.

STAFF RECOMMENDATION

After reviewing the original complaint and all related correspondence between the Town and Mr. O'Neill, Staff recommends the Town Council uphold the previous and current Town Manager's decision to deny the assessment appeal for the following reasons:

- The properties at Sloan's Curve do not qualify as Non-Assessable. The neighborhood, subdivision or properties are not specified in the approved assessment methodology section 4.4 Special Cases and Exemptions.
- There is no error in the Town Manager's application of the assessment apportionment method.
- Parcels Townwide and within Sloan's Curve which are non-adjacent to overhead utilities qualify and received the Undergrounding Safety and Aesthetic assessment discount. The discount was applied to parcel numbers 1, 2 and 7 (5, 11 and 22 Sloans's

Curve). Parcels 3, 4, 5, 6 and 8 (16, 17, 19, 20 and 23 Sloan's Curve) do not qualify for the discount pursuant to the approved assessment apportionment method. See Figure 1.

- Granting this appeal would be inconsistent with the Town's approved methodology, which has been applied uniformly throughout the Town's assessment area.

Figure 1: Residences at Sloan's Curve

LAW OFFICES OF
JOHN D. O'NEILL
ATTORNEY AT LAW AND COUNSELOR

TELEPHONE
561-366-1212

FACSIMILE
561-366-1236

August 1, 2017

Members of the Town Council
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: Town of Palm Beach Equalization Board
Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

Dear Members of the Town Council:

This firm represents the following property owners who own the corresponding real property in the Town of Palm Beach as set forth below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

The above-reference properties are all part of the homeowner's association known as "The Residences at Sloan's Curve."

Pursuant to the Town Council's approval of the Initial Assessment Resolution No. 90-2017, the Town held a meeting on July 12, 2017 to authorize the imposition of non-ad valorem special assessments against Town of Palm Beach properties for an annual special assessment for the design, acquisition, construction and installation of the Underground Utility Improvement Area for the fiscal year of October 1, 2017 to September 30, 2018 and future years.

In order to allocate the special assessment to the properties in the Town of Palm Beach, the Town adopted a cost assessment methodology prepared by Raftelis Financial Consultants, Inc. The Raftelis Report was initially prepared on June 2, 2017 and subsequently amended on June 12, 2017. The Raftelis Report assigned equivalent benefit units ("EBUs") to three categories: safety, reliability and aesthetics. EBUs were then allocated based on the property size, occupant density, location to existing facilities, etc.

On July 12, 2017, the Town Council of the Town of Palm Beach approved Resolution No. 100-2017 which levied a special assessment against Assessed Parcels in the Town of Palm Beach. The July 12, 2017 vote by the Town Council was a final vote.

44 COCOANUT ROW, SUITE M209 PALM BEACH, FLORIDA 33480

Property owners have twenty (20) days from July 12, 2017, the date Resolution No. 100-2017 was decided, to submit any and all complaints as to the special assessment. Pursuant to Section 170.08, Florida Statutes, the Town Council shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right.

In this regard, the undersigned counsel hereby petitions and complains as to the special assessments for the above-referenced property and states that the special assessment should be reduced below the minimum EBUs for the following reasons:

The above properties at The Residences of Sloan's Curve have their utilities undergrounded. The Termination Points, as defined in Resolution 90-2017, were completed prior to the Town's program for Excluded Neighborhoods, as the developer was ahead of its time when it undergrounded the distribution lines and lateral lines many years ago. This undergrounding project was completed for The Residences of Sloan's Curve properties in much the same way as the Excluded Neighborhoods conducted their Underground Utility Improvements. Similarly to the Excluded Neighborhoods, the above properties are being serviced by metal transformer boxes connected by underground conduits along the neighborhood's electrical grid. Therefore, there is no additional costs to the Town-Wide Undergrounding Project for equipment purchase and installation, trenching and burial of the conduit, traffic management costs, pole removal, and all of the design, engineering and project management that are related to these services.

It is important to distinguish the above property at The Residences of Sloan's Curve from other individual properties that have only buried the lateral utility lines. In fact, a quick review of the properties makes it clear that there are no utility poles or wires anywhere around each of these properties located on the east side of South Ocean Blvd. Instead, the only poles or wires visible are on the west side of South Ocean Blvd.

Based on the extent of underground services currently in place, there are less services and consequently less costs associated with the design, acquisition, construction and installation of the Underground Utility Improvement Area. As a result, the safety, reliability and aesthetics EBUs for each of the above properties must take into consideration these circumstances in reducing the EBUs. There is certainly a very good case, based on these circumstances to even request that the safety, reliability and aesthetic EBUs be reduced below the minimum amounts as these properties appear to fall somewhere between Excluded Neighborhoods and the minimum threshold to be considered Assessed Parcels for purposes of the Project.

As if the discussion above is not compelling enough, a reduction of the EBUs should occur because at the time the property owners initially purchased their respective property from the developer, they paid a premium to the developer of The Residences at Sloan's Curve to install underground utility services for their respective residences and appurtenances. Consequently, they have already paid once for the undergrounding of their utility services, therefore, justice and equity dictates that the above-property owners should receive a reduction of their special assessment as consideration for the prior expenses paid to underground their utility services.

The Raftelis Report uses a "minimum of _x_ EBU" for various assessment subcategories however, nowhere in the Raftelis Report is there any evidence or benefit analysis for the implementation of "minimum" assessments for safety, reliability and aesthetics of the Town-Wide Underground Utilities Project. Moreover, the Raftelis Report is devoid of any underlying rationale supporting a minimum floor for any of these properties' EBUs. Therefore, if there is no supporting rationale, evidence or benefit analysis in the methodology report, the special assessments for these properties based on minimum EBUs are in the nature of an illegal ad valorem tax because there is no corresponding special benefit that exceeds the minimum assessment amounts. *See* Indian Creek Country Club, Inc. v. Indian Creek Village, 211 So.3d 230, 234 (Fla. 3rd DCA 2017). Furthermore, if there is no basis for supporting a minimum level, then each of the properties herein assessed at that level are being assessed at an arbitrary and capricious amount with no logical connection to the special benefit, if any, that these properties receive from the Town-Wide Underground Utilities Project.

And finally, it is important to note that in the Executive Summary of the Raftelis Report, the Town consultants considered the exact issues raised by the above property owners when it identified the only exception upon which its calculations may be reduced:

> Prior to debt financing, *property owners whom have undergrounding* portions of overhead facilities adjacent to their property *may request an adjustment to their equivalent benefit allocation to reflect the appropriate proportionate benefit* received by the assessment program.

In light of the foregoing, there are very compelling reasons, based both on the current underground electrical grid in place for the above properties and also on the fairness and justice for an already paid special assessment, for the Equalization Board to reduce the EBUs to a level below the minimum threshold that reflects the properties' actual EBU. My clients additionally incorporate herein the testimony and written materials provided to the Town Council at the July 12, 2017 hearing. Samples of some of the incorporated written materials are attached. All rights are hereby reserved to supplement these arguments verbally or in writing or in any subsequent administrative or court proceeding, should the need arise.

Should you have any question, please do not hesitate to call upon me.

Sincerely yours,

John D. O'Neill

JDO/tj
Enclosures
cc: Clients

Date: July 11, 2017

Via Hand-Delivery to:

Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480.

Re: Town of Palm Beach (the "**Town**") proposed Non-Ad Valorem Special Assessments for the design, acquisition, construction, and installation of the Underground Utility Improvements for the fiscal year October 1, 2017 – September 30, 2018 and future fiscal years and Resolutions Nos. 090-2017 and 100-2017 (collectively, the "**Special Assessment**").

Public Hearing Date: July 12, 2017
Date of Notice of Hearing: June 21, 2017

KOSBERG'S OBJECTION TO SPECIAL ASSESSMENT

Carol Kosberg and Carol Kosberg, Trustee U/T/D 2-23-90 (collectively, "**Kosberg**"), through undersigned counsel, object to the Special Assessment on the following grounds:

1. Kosberg is the owner of the property located at 3400 South Ocean Boulevard, Apartment 2H2, Palm Beach, Florida, 33480, more particularly described as Condominium Apartment Number II-H-2 in the ATRIUMS OF PALM BEACH CONDOMINIUM APARTMENTS, a Condominium according to the Declaration of Condominium thereof, OR Book 3012, Page 994, of the Public Records of Palm Beach County, FL, as amended ("**Kosberg's Property**").

2. The Special Assessment is invalid as to Kosberg's Property and all other property within the Town subject to the Special Assessment (Kosberg's Property and all other property within the Town subject to the Special Assessment being collectively referred to as the "**Assessed Property**") for the reasons set forth herein and for all of the reasons stated in the materials contained in the Appendix to this Objection, incorporated herein by reference, which the Town

Council has failed to consider, thereby making the Special Assessment arbitrary. Kosberg also adopts and incorporates by reference all objections to the Special Assessment filed or otherwise submitted by any other property owner.

3. The Special Assessment does not satisfy the two-prong test and other standards set forth in *Morris v. City of Cape Coral*, 163 So.3d 1174 (Fla. 2015) and similar cases that require that (1) the property burdened by the assessment must derive a special benefit from the service provided by the assessment, and (2) the assessment for the services must be properly apportioned.

4. There does not exist a logical relationship between the Undergrounding Project which is the subject of the Special Assessment and the benefit to the Assessed Property.

5. The undergrounding of above-ground utility lines is a general sovereign function and by law does not provide a special benefit for the Assessed Property.

6. The Town Council's legislative determinations are unsupported by the record and are arbitrary.

7. The Town Council's legislative determinations are not supported by competent substantial evidence.

8. The Special Assessment is not directly proportionate to the benefits to the Assessed Property. The Town has not demonstrated that the amounts of the assessments are proportional to, and no greater than, the benefits conferred on the Assessed Property. This is particularly true given that such properties are required to pay for special benefits conferred upon certain parcels and neighborhoods that, under the Town's methodology, will be benefitted by the Undergrounding Project, but which were nevertheless excluded from or favorably treated by the assessment.

9. The Special Assessment is in excess of the proportional benefits to the Assessed Property.

10. The Town Council has not quantified the benefit to the Assessed Property and therefore there is no basis for determining that the amount of the assessments are not greater than the benefit to the Assessed Property.

11. The Town is on a barrier island subject to storm surge, with portions below sea level and in a flood zone, including the Assessed Property, making the underground lines, above-ground switch boxes and underground vaults on the Assessed Property more vulnerable to damage and to disruption in service than hardened utility poles and above-ground lines, particularly hardened poles and lines. As a result, there is no safety or reliability benefit to undergrounding.

12. The FPL Reliability Reports relied upon by the Town Council do not address undergrounding on a barrier island, with portions below sea level and in a flood zone, and therefore cannot be the basis to justify the determination that there are benefits for safety and reliability resulting from undergrounding. FPL's comments favorable to undergrounding are in general and are inapplicable to the Town because of these factors.

13. There is no safety or reliability benefit to undergrounding the Assessed Property.

14. Undergrounding will require that owners on whose property switch boxes and underground vaults will have to be installed must give easements to service these. The Town Council did not consider the negative effects of the easements and the decrease in property value to the Assessed Property resulting from the installation of the switch boxes and vaults and the granting of the easements.

15. The assignment of safety equipment benefit units ("EBUs") should be based on average density. Instead, the Town Council is assigning safety EBUs based on property frontage, which works against condominium unit owners, including the Assessed Property. The Town Council has assigned reliability EBUs based on density and should do the same as to safety EBUs.

16. The assignment of EBUs to the golf courses and the Breakers is arbitrary and inconsistent with the assignment of EBUs to other properties. This assignment was based on the false assumption that "parcels that make up the golf courses and the Breakers benefit to a lesser degree due to diminished return of benefit as the parcel's total acreage increases." In fact, overhead facilities are primarily visible when people are outside. When on a residential property, a large percentage of time is also spent indoors. When on a golf course, a large percentage of time is also spent outdoors. If time spent looking at overhead facilities is related to aesthetic benefit, golf courses and the Breakers have a per-acre benefit that is greater than residential properties.

17. The method of assignment of EBUs to "excluded parcels" is arbitrary and inconsistent with the assignment of EBUs to other parcels. The "excluded parcels" should be assigned EBUs in the same manner as the other parcels which are subject to the assessment.

18. The method of assignment of EBUs to "excluded neighborhoods" is arbitrary and inconsistent with the assignment of EBUs to other parcels. The "excluded neighborhoods" should be assigned EBU's in the same manner as the other parcels which are subject to the assessment.

19. In addition or alternatively, the "excluded neighborhoods" should be assigned a safety and/or aesthetic EBUs. The safety EBU includes increased access. The "excluded neighborhoods" will have increased access as a result of surrounding parcels and other parts of the Town having increased access, if any, resulting from the undergrounding. The "excluded parcels" will also benefit from the aesthetic benefit, if any, to surrounding parcels and other parts of the Town resulting for the undergrounding.

20. The assignment of aesthetic EBUs is not objective or quantifiable and there is no basis to determine that the aesthetic benefit of undergrounding will increase property values.

21. The undergrounding will be installed in phases, yet the assessment will be imposed on all Assessed Property at the same time. It is arbitrary to levy an assessment on a parcel that will not receive a benefit immediately or within a reasonable time, such as the same tax year.

22. Kosberg and all other owners of Assessed Property will be denied due process of law. Kosberg's property will not receive any actual, physical, material and quantifiable special benefit from undergrounding. Therefore, the Special Assessment is an improper effort to take Kosberg's Property and other owners of Assessed Property without due process of law. *See Carson v. City of Fort Lauderdale*, 155 So. 2d 620 (Fla. 2d DCA 1963).

23. FPL is mandated by the State of Florida to harden utility poles by replacing wood utility poles with those made of concrete or steel that can withstand winds of 145 mph. Significantly. FPL's replacement of electric poles is at no cost to the Town. FPL's hardening program is expected to render the electric poles safe. There is, thus, no "safety" benefit from undergrounding.

24. The Raftelis Report is fatally flawed in that it assumes – without supporting evidence or analysis – that undergrounding of utilities will benefit each parcel with the Assessed Property and contains no analysis (other than through arbitrary assignment of EBU values based on improved safety, improved reliability and improved aesthetics) to show how the Assessed Property will actually receive a "special benefit" from the proposed undergrounding (*i.e.*, that any increase in value of the properties being assessed resulting from the proposed construction will be greater than the assessments to be levied against such properties).

25. Even if a benefit is conferred upon particular parcels of property, if the benefit is the same or similar to that which is conferred upon the community at large, the individual homeowner may not be assessed for a *pro rata* cost of the improvement, and a special benefit may

never be inferred on the theory that all similarly-situated parcels were benefited in the ratio that such parcels relate to the total value of all improved parcels. *Hanna v. City of Palm Bay*, 579 So. 2d 320, 322 (Fla. 5th DCA 1991).

CONCLUSION

26. Based on the foregoing and the materials contained in the Appendix, the Special Assessment is invalid.

WEISS, HANDLER & CORNWELL, P.A.
Counsel for Carol Kosberg
One Boca Place, Suite 218-A
2255 Glades Road
Boca Raton, FL 33431
Telephone: (561) 997-9995
Facsimile: (561) 423-0458

By: _____
HENRY B. HANDLER, ESQ.
Florida Bar No. 259284
hbh@whcfla.com
jn@whcfla.com
WILLIAM J. BERGER, ESQ.
Florida Bar No. 197701
wjb@whcfla.com
tc@whcfla.com
DAVID K. FRIEDMAN, ESQ.
Florida Bar No. 307378
dkf@whcfla.com
gg@whcfla.com
filings@whcfla.com

COHEN NORRIS WOLMER
RAY TELEPMAN COHEN

ATTORNEYS AT LAW

FRED C. COHEN, P.A.
DAVID B. NORRIS, P.A.
BRENT G. WOLMER, P.A.
PETER R. RAY, P.A.
JAMES S. TELEPMAN, P.A.***
GREGORY R. COHEN, P.A.**
JONATHAN A. BERKOWITZ, P.A.

NEIL P. CHERUBIN
GARY J. COHAN*
BERNARD A. CONKO[*][**]
GARY A. ISAACS, P.A.*
DOUGLAS P. LAMBERT*
ALISON M. MEYER
ALFRED G. MORICI, P.A.*
TIMOTHY P. O'NEILL
M. RICHARD SAPIR
KYLE A. SILVERMAN*

*Of Counsel
**Board Certified Real Estate
***Board Certified Business Litigation

July 11, 2017

TOWN OF PALM BEACH
JUL 11 2017
Town Manager's Office

TOWN OF PALM BEACH
JUL 11 2017
Town Manager's Office

Via Hand Delivery

Palm Beach Town Council
c/o Town Manager
360 South County Road
Palm Beach, FL 33480

Re: Written Objections to Proposed Resolution Number 090-2017[1]

Ladies and Gentlemen:

This office represents Robert Davidow, a Palm Beach resident and taxpayer, whose homestead is located at 2100 S. Ocean Boulevard, #401N, Palm Beach, Florida 33480. The purpose of this letter is to advise you of our client's objection to the passage of the above-referenced resolution ("the Resolution"), for the reasons stated below. These written objections are provided within the twenty (20) day time restriction contained in the notice of the meeting to consider the Resolution, scheduled for tomorrow evening at 5:01 pm.

Generally speaking, the Resolution proposes the imposition of a non-ad valorem special assessment on Palm Beach taxpayers to pay for the "undergrounding" of overhead utility lines throughout the Town, a project expected to take up to ten years to complete, at a cost of at least $120 million, although this number can be expected to increase over the life of this major undertaking. As the Council is no doubt aware, most municipal functions are expected to be paid through the collection of ad valorem taxes; however, special assessments may be levied in circumstances where it can be established that: (1) the property assessed will derive a "special benefit" from the service provided; and (2) the assessment is fairly and reasonably apportioned according to the benefits received.[2]

[1] Different documents have referenced this as Resolution Number 100-2017. The language appears to be identical, and the latest version of the Town Council Agenda references this resolution number.

[2] *Indian Creek Country Club, Inc. v. Indian Creek Village*, 211 So.3d 230, 234 (Fla. 3rd DCA 2017) (citations omitted).

These objections challenge the existence of *any* benefit from the proposed project, and thus, it is asserted that the imposition of the proposed special assessment would be contrary to well-established law on the subject.

The Resolution, beginning with Section 1.03(E), proposes findings which suggest the following perceived "special benefits" should the proposed underground utility improvements be put in place. The argument against the perceived benefit will be presented concurrently.

1. Enhanced property safety by reducing occurrences of downed poles, fires, and related incidents.

   As explained in the attached narrative of J. Bradley Shepherd, P.E., the contents of which are incorporated herein in their entirety, any perceived "safety" advantages are more illusory than real. There is no data to suggest that the overhead lines that have been in place in Palm Beach for decades present any perceptible hazard to the public in their current state, making any perception of enhanced safety through their removal more theoretical than real. Moreover, buried utility lines present their own theoretical hazards, through digging, unauthorized entry into pad-mounted ground level equipment, or vehicular contact with said equipment, for example. Ultimately, both types of installation depend upon the implementation of utility based safeguards, combined with common sense, to avoid most anticipated potential hazards. The notion that burying cables eliminates hazards is simply incorrect and misleading, as is the suggestion that underground utilities are *ipso facto* more "safe" than overhead utilities.

2. Reliability of service will be enhanced by burying utility cables, by reducing the frequency of utility outages, and through the installation of new, upgraded utility infrastructure.

   The point needs to be made that, as reflected in the 2015 FP&L Distribution Reliability Report, despite the challenges provided statewide relative to the delivery of electrical service to FP&L's 4.9 million customers, failures and interruptions are rare. For all of 2015, there were only slightly in excess of 100,000 outages

for the year, throughout the entire customer base, with each outage lasting just under one hour, on average, with each customer having suffered one outage a year, on average. Moreover, a March 23, 2017 news release (attached) reveals that FP&L had its "best-ever service reliability" year in 2016. Improvements cited as contributing to this success included "hardening" of power lines, clearing of vegetation, and the widespread use of smart meters and other intelligent devices. Undergrounding was not cited in the news release. So while the numbers referenced in Section 1.03(F) of the Resolution are of interest, they suggest that, by spending (at least) $120,000,000.00 over ten years, and putting residents and visitors through ten years of significant disruption in terms of construction, traffic, and related inconveniences, the average property owner in Palm Beach can expect to experience about an hour or so less of lost electrical service per year then is currently the case. That averages out to just 5 minutes per month of "benefit" to the average user. To suggest this as a benefit commensurate with the anticipated expense is nonsensical. Moreover, as Engineer Shepherd references in his report, while the frequency of outages with an underground system might be expected to decrease as compared to an above ground system, the duration of outages, due to the relative difficulty in locating, and then repairing, the trouble spot, is just as likely to increase with the underground system. In all, any perceived advantage in terms of reliability is minimal at best, and certainly not anything which might justify the expense and inconveniences referenced above.

3. Improved aesthetics through burying cables and removing power poles.

As suggested in Engineer Shepherd's narrative, beauty is certainly in the eyes of the beholder, and for every person who walks down the street staring at power poles and believing them to be unsightly eyesores, there are just as many, if not more, who do not even notice their existence, whether because they have been a part of the landscape for everyone's lifetime, or because they are shielded from view in some form or fashion. Moreover, there are likely to be just as many people bothered by the scattered ground-level

electrical equipment that is part of the proposed project as are bothered by the current overhead configuration. The point is, aesthetics is subjective, and there is no objective data which suggests that one system is more or less "attractive" than the next, particularly when taking into account the cost and inconvenience that this proposed project anticipates. Also, when repairs on an underground system are required (and certainly no one is suggesting that an underground system will not require maintenance), the equipment required and resultant traffic delays, not to mention whatever property disturbance will be necessitated, will hardly contribute to the aesthetics of the area in question while the maintenance is ongoing. Finally, the undersigned is not aware of any data to suggest that the burying of utility cables will have a significant impact on the value of the real estate affected thereby; certainly, while work is ongoing in the vicinity of a given property, common sense suggests that the effect on value will be adverse.

In conclusion, this is not a project which proposes to deliver utility service to the taxpayers of the Town of Palm Beach; rather, this is a proposal to change only the manner of delivery of utilities to those taxpayers, which in no way enhances the value or reliability of the service itself. There is no measurable safety enhancement. There is no measurable reliability enhancement. There is no measureable aesthetics enhancement. There is no measurable value enhancement. And for all of this, the Town proposes to specially assess its taxpayers above and beyond their already substantial ad valorem burdens, to the tune of (at least) $120,000,000.00, for a project that will take approximately 10 years to complete. The burden of this project is in no way commensurate with any perceived benefit to be provided by same, in the long run. It is requested that the Council reject the Resolution.

It is understood that other residents will be lodging opposition to the Resolution, both verbally and in writing. Their arguments are adopted and incorporated herein. Moreover, our client reserves the right to supplement these objections at the July 12 hearing and in any subsequent court proceeding, should the need arise.

Very truly yours,

James S. Telepman

In the Matter of
Resolution No. 090-2017/100-2017
Town of Palm Beach, Florida

Public Hearing July 12, 2017

Introduction:

Mr. Shepherd is an Electrical Engineering graduate of the University of Florida with a Masters degree in Business Administration from the Crummer School of Business of Rollins College, Winter Park, Florida.

He has been continuously employed in the electrical industry since 1955, including thirty years in the employment of a Florida investor owned electrical utility, retiring from Florida Power Corporation in 1994. After retirement he formed J. B. Shepherd & Co., and currently serves as its Chairman.

Mr. Shepherd has worked on committees of the Edison Electric Institute, The Institute of Electrical and Electronics Engineers, the Southeastern Electric Exchange and directly with cable and equipment manufacturers in the evolution of the underground electrical utility system including participation in the design of high voltage cables, and pad mounted transformers and switches.

Mr. Shepherd has authored reports on the costs differences of overhead and underground electrical distribution and has testified before the Florida Public Service Commission on the life cycle values, considering application of the present value of future maintenance costs to the first cost of construction of both overhead and underground installations.

J. B. Shepherd & Company, Inc. is an Electrical and Forensic Engineering firm offering full coverage of the electrical consulting spectrum providing expert opinions and strategic advice in support of litigation and legislation involving technical issues; primary focus is on accident investigation, electrical safety, electrocution, injury and/or property damage. Overhead and underground electric utility power lines are an area of specialty.

Testimony:

If time was not an issue, Mr. Shepherd would focus the Town Council's attention on Section 1.03 (E) of the Resolution, which summarizes the benefits expected to be realized in the areas of (1) Safety, (2) Reliability and (3) Aesthetics.

Following are Mr. Shepherd's opinions and their basis:

Safety:

(1) There will be no difference in the **safety** of the Florida Power & Light distribution facilities after completion of the placement of the current overhead lines and appurtenances into a comparable underground and above ground arrangement.

Basis:

The safety of all electrical utility installations is governed by the National Electrical Safety Code, which has been adopted as legislative law by the Florida Public Service Commission and is ordered and regulated as directed in the rules and regulations section of the approved Tariff of all Florida electrical utilities, including Florida Power & Light Co. (FPL).

The natural dangers associated with overhead and underground facilities are different and the different safety measures employed to protect the public are appropriately applied. Overhead lines are bare wires insulated by separation (height) and barrier; underground lines are insulated cables further protected by their depth of bury. Overhead transformers and switches are mounted on poles out of public reach. Underground system transformers and switches are mounted on above ground pads in metal containers secured by padlocking devices.

Accidents on the overhead system most commonly occur when someone approaches too close or inserts a conductive device into

the energized wires. Fruit picking, tree trimming and elevated construction are some common activities that can result in injury if the published codes such as the U. S. Occupational Safety and Health Administration (OSHA) and the advertised admonitions of FPL are not followed.

Accidents on the underground system most commonly occur when someone digs into the buried cable or breaks into the pad-mounted equipment. Construction excavation and attempted theft of copper wire or pirating of electricity are some common activities that can result in injury if the published codes and the advertised admonitions of FPL are not followed.

Overhead wires can be exposed to public contact when poles are blown over in a weather event or knocked down by errant vehicles. Underground system conductors can be exposed to public contact by vehicles knocking over pad-mounted devices or raging waters forcing them off their pads. In both cases, the National Electrical Safety Code requires that wires exposed to earth (and public) contact be de-energized by automatic means immediately. Although fallen wires should certainly be avoided, they are not as dangerous as they once were because of these codes and improved technology.

Therefore, although the hazards are different, there will be no difference in the accident statistics (safety) as long as the well-known and advertised precautions and common sense is followed.

Reliability:

(2) There will be no definable difference in **reliability** of the Florida Power & Light distribution facilities after completion of the placement of the current overhead lines and appurtenances into a comparable underground surface arrangement.

Basis:

The statistics referenced in the Resolution are based on historical data that is not a reliable predictor of future performance. Many of the quoted statistics are from the FPL Preparedness Report and are unique to storm conditions.

The Resolution calls for the conversion of the present FPL overhead distribution facilities to underground. In fact, that will not be the case. FPL will put the overhead wires underground but the overhead switches and transformers will be placed on the ground, not under the ground.

There are no historical statistics that mirror the system that will exist in Palm Beach after completion of the work ordered by the Resolution.

Palm Beach is different from the rest of the FPL customer base. Once the conversion from overhead to underground (and on-the-ground) is complete it will be further unique to the rest of the state.

Reliability is commonly measured by either the number of times power has been out or the length of time power has been out, or both.

With an overhead system, the number of outages would be expected to be greater because of the greater exposure to damage that overhead poles and wires are subjected to. Similarly, the length of an outage on the underground system would be expected to be greater because of the difficulty and time required to locate and repair an underground cable.

In actuality, the systems are not comparable. Overhead systems are radial where underground systems are circular, or looped. When an overhead line fails, every customer beyond the point of failure is out until repairs can be made. A typical repair on an overhead system consists of a bare wire splice that can be made in a matter of minutes. Repair of a failed underground cable typically takes hours or days to locate the point of failure, excavate and splice it back together with an insulated underground splice. Even though the underground

served customers can be switched back on, the time required to restore the underground system to its normal state of usefulness exceeds the statistical outage duration. Therefore statistics based solely on outage times or duration are misleading.

Exposure to the elements and vehicular damage is not limited to the poles that support the overhead. Every device currently located on a pole, must be re-located to the ground when the poles are eliminated. In the relatively congested area of Palm Beach, this means that either a pad-mounted transformer or a pad-mounted switch may be placed on the ground within the right-of-way as often as the current poles are spaced, or about every 100-200 feet. Poles that can be struck by vehicles are eliminated but the number of pad-mounted devices that can be struck by vehicles is increased significantly. There are no historical statistics that can accurately predict the performance of this proposed unique Palm Beach on-the-ground system.

The best predictor of reliability between overhead and underground remains the common sense analysis: overhead goes out more often but is restored quickly while underground outages are infrequent but take longer to repair.

There is no doubt that the comparable reliability is different, but whether or not there is an improvement in reliability after an overhead to underground conversion is a matter of definition.

Aesthetics:

(3) Plato said, "Beauty is in the Eye of the Beholder". It is as true now as it was in ancient Greece. After completion of the undergrounding project, some will say the beauty of Palm Beach has been enhanced, most will not notice. No improvement in **aesthetics** is assured,

Basis:

Palm Beach is uniquely beautiful among South Florida municipalities. The palm lined avenues, hedges and attractive buildings set it apart as no other improvements could.

The existing overhead power poles were placed by FPL to be as inconspicuous as possible. They do not "stand out" as an eyesore that materially detracts from the glorious approaches into the City. The beautiful palm trees dim the eye of most beholders such that the poles are not noticed at all.

The so-called "Undergrounding" project is actually, as stated previously, an "Under and On the Ground" project. Only the wires will be placed underground. All of the associated electrical equipment will be placed in plain view on the surface above ground. The equipment that is currently out of sight 30 to 50 feet high will have to be lowered to the ground when the poles are removed. Although most of the poles are required to support the wires, many poles are placed by FPL specifically to raise the equipment above the street. That equipment will additionally have to be placed at street level and made accessible.

The town center appears to be pole-free today. It appears to be so because much of the FPL overhead is in the rear of the buildings or concealed by vegetation.

The most expensive part of the proposed overhead to underground conversion will be those inconspicuous rear lot facilities. FPL will not install rear lot underground because of required accessibility to pad mounted transformers and switches. Poles can be climbed but maintenance of surface mounted equipment requires truck access. Where poles and wires are now located behind a natural screen, the new pad mounted devices will all be located on the street. In many areas, the street is too narrow to accommodate additional street level equipment so removal or sever modifications will have to be made to walls and hedges.

Along the avenues, the pole mounted transformers and switches are high above the treetops and essentially invisible to the casual observer. After conversion, all this pole-mounted equipment will be located at eye level on the street. Safe approach for FPL employees to operate the switches and transformers requires a clear zone around them of up to ten feet; therefore their placement will require more space than just the footprint of the equipment. A casual observer looking out a car window today sees only the trunks of the palm trees interspersed with an occasional "trunk" of a power pole. After the undergrounding project the same observer will see multiple eye level boxes posted with large high voltage warnings distracting from the view of shops and businesses.

Pole mounted equipment can be maintained by FPL from high reaching "bucket" trucks. Surface level switches, splice boxes and transformers require large work trucks and a crane or derrick truck whenever the pad-mounted equipment must be replaced.

The impact on aesthetics of the "undergrounding" project includes not only the removal of the poles and wires, nor just the appearance of the new street level above ground equipment, but must include both the visual and the practical impact of the installation and maintenance of the pad mounted equipment. The installation process of the conversion will require disruption of traffic and the distraction of multiple street-side trucks and heavy equipment. The installation is predicted to takes as long as ten years; the additional disruption due to maintenance is ongoing forever.

The improvement of beautiful Palm Beach, if any, will remain truly in the eye of the beholder. Some will appreciate the removal of the poles. Many will see the additional pieces of new equipment along the streets and in or along the sidewalks as having a negative impact on aesthetics.

Conclusions:

1. Safety: No predictable net gain

2. **Reliability:** **No definable net gain**

3. **Aesthetics:** **Negative impact**

Recommendations

1. **Revise the resolution or create a new one to be a utility beautification project, working with FPL to address the areas of most positive impact. FPL has experience in this area as they have worked with other municipalities and communities in a similar manner.**

2. **Declare and resolve that the Town of Palm Beach is an underground only area for future expansion and normal replacement of overhead facilities at end-of-life. Within the ten years set aside for wholesale conversion, a more positive and significantly less expensive gain in aesthetics may be expected.**

3. **Support FPL and the Florida Public Service Commission in the ongoing storm hardening initiative. The resulting stronger poles will not be noticed and a significant gain in reliability can be expected at no noticeable cost to the residents of Palm Beach.**

4. **Join FPL in their ongoing efforts to inform the public about the hazards of working around high voltage equipment, whether overhead or underground or surface mounted. It is all safe as long as a few simple rules of approach are followed.**

In the above manner the resolved goals of improved safety, reliability and aesthetics may be reached in the same time frame at little or no cost to the Town of Palm Beach

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4002
E-Mail: jeubanks@blesmlaw.com

605 North Olive Ave., 2nd Flr.
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

July 10, 2017

Via E-mail
Honorable Gail Coniglio, Mayor, and
Town Council of Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

Re: Objection to Underground Assessment

Dear Mayor and Town Council:

Our office represents Thomas O. McCarthy, the owner of that real property located on 140 Brazilian Avenue ("Property"). In that capacity we are in receipt of that notice ("Notice") from the Town Council of the Town of Palm Beach ("Town") for "an annual assessment for the design, acquisition, construction, and installation of the Underground Utility Improvement Area for the fiscal year of October 1, 2017 to September 30, 2018 and future fiscal years." ("Assessment")

Please be advised that our client objects to the manner outlined in the Notice in which the Assessment is being made and collected, which is not in accordance with the representations made and information provided by the Town in its efforts to garner support for the referendum on the issue. Apparently, due to the two (2) pending lawsuits, the Town is unable to issue General Obligation Bonds for the purpose of undergrounding. As a result, the Town has chosen instead to utilize a combination of higher cost short term and long term debt to finance the "Underground Utility Improvements Project" ("Project"), a Project that many believe was ill conceived from the beginning and will continue to cause financial and logistical headaches in the future. At the same time, the residents clearly voted to use General Obligation Bonds and assessments to pay for the Project. This new method is different and therefore was not approved.

More importantly, and regardless of the method of payment, the underlying basis for the Project is flawed in that: a) there is no special benefit to Mr. McCarthy (or any other property owners) in that undergrounding is more susceptible to flooding and takes longer to repair after a storm than the alternative hardened wires (which would be provided at no cost), which makes the Project a poor choice on an island on which 75% of the property is in a Special Flood Hazard area; b) the special assessment is not "necessary" from a legal basis; c) undergrounding is not a "public project" as it is really being done not by the Town but by FPL, which does not have the right to use the Town's bonding or borrowing abilities by proxy; d) the assessment methodology proposed is flawed; and e) as noted, the residents voted (by the slimmest of margins which would not be duplicated today) to use General Obligation Bonds and assessment to pay them back, not short term and long term debt.

In light of the above, Mr. McCarthy would urge the Town not to move forward or make a final decision at the upcoming public hearing scheduled for July 12, 2017 at 5:01 p.m., but to instead listen to the Town's residents who no longer want this Project and did not agree to it proceeding in the manner proposed by the Town.

Very truly yours,

John R. Eubanks, Jr.

cc: Thomas O McCarthy
John Page, Director of Planning, Zoning and Building
Thomas Bradford, Town Manager
Paul Castro, Zoning Administrator
John C. "Skip" Randolph, Esq.
Town Clerk, Town of Palm Beach

SCOTT
HARRIS

ATTORNEYS AT LAW

SCOTT, HARRIS, BRYAN, BARRA & JORGENSEN, P.A.

July 10, 2017

Via Hand Delivery and Email: townmanager@townofpalmbeach.com

Thomas Bradford
Town Manager, Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

RE: Ira and Sydell Smith
3170 South Ocean Boulevard, Apt. N705, Palm Beach, Florida 33480
Tax Parcel #: 50-43-44-26-08-001-7050
Legal Description: The Enclave of Palm Beach Condunit N-705

Dear Mr. Bradford:

I represent Ira and Sydell Smith. Please accept this letter as their objection to Resolution No. 119-2017, for the issuance of commercial paper revenue notes not to exceed $22,650,000.00 for the Underground Utility Project, Resolution No. 120-2017 authorizing the approval of a note to exceed $90,000,000.00 relative to financing the initial phase of the Underground Utility Project, and the proposed adoption of the Final Assessment Resolution for the undergrounding of utilities. My clients object to the two resolutions and proposed Final Assessment Resolution generally, as it applies to the entire Town, and specifically, as it applies to their property in Palm Beach.

The reasons for my clients' objections to the resolutions are numerous. They are set forth below:

1. The issuance of commercial paper not to exceed $22,650,000.00 as interim financing to commence the project is in violation of the contract entered into between the Town and its residents. The contract was formed when a majority of the residents voted in favor of undergrounding utilities to be paid only by general obligation bonds payable from the Town's full faith and credit, ad valorem taxation and special assessments. The ballot question posed to the voters did not seek approval of other means of financing such as the issuance of $22,500,000.00 in commercial paper. A similar issue was addressed by the

ROBERT SCOTT (1925-1982) • RICHARD K. BARRA • JOHN L. BRYAN, JR. • S. BRIAN BULL+
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+BOARD CERTIFIED BUSINESS LITIGATION LAWYER ‡BOARD CERTIFIED REAL ESTATE LAWYER

4400 PGA Boulevard, Suite 603 • Palm Beach Gardens, Florida 33410-6561
(561) 624-3900 • Fax (561) 624-3533 • www.scott-harris.com

Florida Supreme Court in *City of Fort Lauderdale v. Kraft*, 21 So.2d 461 (Fla. 1945). The method of payment of a sewage system through payment by revenue bonds had been approved by vote of the electorate. The Supreme Court held the plan for financing approved by the voters was a contract between the municipality and taxpayers and a change to pay for the system through special assessments was void as an unconstitutional impairment of the contract.

If the Town proceeds with interim financing, then it is breaching its contract with the residents and embarking on different and additional financing that was not approved by the voters. In the public campaign waged by the Town leading up to the bond referendum, the Town stated that the only financing would be through special assessments. Thereafter, the Town stated it the ballot that the undergrounding of utilities would be paid by the full faith and credit of the Town, ad valorem taxes and special assessments. Now, the Town is adding interim financing through the issuance of commercial paper. The Town is breaching its contract with the residents in a bum's rush to commence the project.

2. The methodology for determining the "special" benefit for individual properties town-wide is flawed. The calculations of safety EBUs, reliability EBUs and aesthetic EBUs is artificial, arbitrary and capricious. It is a game played with statistics in order to justify imposition of special assessments rather than ad valorem taxation. The electrical grid in Palm Beach benefits the entire Town. There is no special benefit to individual properties. If indeed there are benefits of safety, reliability, and aesthetics, those benefits are shared town-wide and the only appropriate manner in which to finance the undergrounding of the utilities would be through ad valorem taxation. Clearly, the Town should pay for the project through ad valorem taxation since the provision of utilities is a basic government function properly payable by taxation. If there is a shared benefit in undergrounding, then everyone should pay through ad valorem taxation based on property values. The Town should not use complicated formulas for computing special benefits to individual properties in order to redistribute the cost of the project unevenly, at the expense of property owners in the south end of Palm Beach.

   Equally flawed is the calculation of safety, reliability and aesthetic EBUs for my clients' condominium unit. Since the EBU methodology is artificial, arbitrary and capricious, when it is applied to individual properties, it results in an erroneous special benefit calculation.

3. Underground utilities are not safer and are not more reliable then pole hardened utilities. Thus, there is no need for the project at all. Numerous experts have spoken on this issue and pole hardening is just as effective as undergrounding, and even more so on a barrier island where water intrusion will damage underground wires. Since the safety and reliability factors

are based on false premises, then the special benefit methodology used on the individual properties through safety and reliability EBUs is flawed.

4. In order for a special assessment to be valid, it must be determined whether the services or capital improvements at issue provide a special benefit to the assessed property and whether the assessment is properly apportioned among all the properties that receive the special benefit. If undergrounding were actually needed, the only fair apportionment method would be by ad valorem taxation. Taxes based on property value are clearly defined and understood. Taxes based on property value are the accepted and traditional method of raising revenue for municipal services such as utilities. Use of reliability, safety and aesthetics EBUs results in imposition of special assessments skewed in favor of more valuable properties, which is the exact opposite of ad valorem taxation.

5. There is simply no need for the project, except for perhaps aesthetic reasons and it is not worth over $90,000,000.00 to remove power poles from the island for aesthetics alone.

6. The installation of the many large high voltage boxes necessary for the undergrounding project is both hazardous and unsightly.

7. Of course, the project will end up costing substantially more than $90,000,000.00.

8. Some of the neighborhoods in the Town already have undergrounding and have paid or are paying through the imposition of special assessments within their neighborhoods. Yet, these neighborhoods, at least according to the Town, will benefit from the enhanced safety and reliability of a town-wide electrical grid. This results in an unfair apportionment among properties.

9. Because of anticipated cost overruns and the issuance of commercial paper, special assessments will not pay the entire cost of the project. This may very well result in an increase in ad valorem taxation to cover additional costs. Thus, property owners will be saddled both with special assessments and higher ad valorem taxes to pay for an unneeded project.

10. There will be continuing disruption and annoyance created by the undergrounding construction project which isn't scheduled to be completed until 2026

11. The Town itself has changed the special assessment methodology recommended by its own experts for political reasons and to make it more palatable to residents in the south end of Town. By tinkering with the methodology, the Town has made the special benefit analysis

even more flawed.

12. There are many different types of properties and homes in the Town of Palm Beach. Trying to assign safety, reliability and aesthetic EBUs to individual properties is an exercise in futility and further demonstrates the flaws in the special assessment methodology.

13. In order to meet the safety and reliability goals of undergrounding espoused by the Town, the project must be completed. Therefore, it is incumbent on the Town to have a completion bond to assure that this occurs.

14. The undergrounding project, including the installation of the high voltage boxes in a flood plain is in violation of the Department of Transportation permit as well as FEMA standards.

15. Undergrounding of utilities is far more appropriate for individual neighborhoods where neighbors decide amongst themselves whether to incur the cost and disruption of undergrounding. Further, special assessments are meant for specific geographic areas in need of capital improvements or services. Special assessments are not suited for town-wide projects more appropriately paid by ad valorem taxation.

16. As to my clients' individual property, his condominium receives little if any benefit from undergrounding whether through reliability, safety or aesthetics. All of the reasons against undergrounding cited above also apply and are reiterated for my clients' individual property.

Sincerely,

John M. Jorgensen

JMJ:kcf

cc: Gail Coniglio, Mayor
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog, Council Member
Bobbie Lindsay, Council Member
Margaret Zeidman, Council Member

Townwide Underground Project Assessment
Appeal Form

Date of Appeal: Aug 1 2017

Name of Property Owner: Multiple represented by Attorney Oneill

Address of Property: Residences of Sloans Curve

PCN#: Multiple

Contact Information: John Oneill 44 Cocoanut Row M209 Palm Beach, FL 33480

Dropbox File Name:

				Yes/No	Safety	Reliability	Aesthetics
	Acres	Land Use	Sq Ft	Overhead	EBU	EBU	EBU
Current Assessment Calculation	various	various		YES	Various	Various	Various
Proposed Assessment Calculation							

Description of Appeal: Believes parcels should be considered as a special case due to being underground within the community.

Staff Recommendation Approve ☐ Deny ☑

Reason for Recommendation: No parcels are a special case. None are exempt.

Steven Stern
Name

Steven Stern Digitally signed by Steven Stern Date: 2017.09.04 13:13:54 -04'00'
Signature

Town Manager Recommendation Approve ☐ Deny ☑

Reason for Recommendation:

Thomas G. Bradford, Town Manager
Name

Thomas G. Bradford
Signature

TOWN OF PALM BEACH

Town Manager's Office

October 12, 2017

Law Offices of John O'Neill
44 Cocoanut Row
Suite M209
Palm Beach, FL 33480

RE: Calculation of Non-Ad Valorem Assessment Regarding Underground Utilities Improvements for Multiple Parcels listed below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Dear Mr. O'Neill,

This is in response to your appeal regarding the calculation of the Non-Ad Valorem assessment for the design, acquisition, construction, and installation of the Underground Utility Improvements for the fiscal year October 1, 2017 - September 30, 2018 and future fiscal years. Please note the Town did not, and does not, use Chapter 170 for implementation of its special assessment programs. The Town is proceeding under its home rule authority and in accordance with Chapter 197, F.S.

Upon review, it was determined by the Town Manager's Office the Residences at Sloan's Curve do not qualify as Non-Assessable or special consideration since the community is not listed within the approved methodology as a special case, exception or as a Non-Assessable Obligation. Therefore, the assessments are appropriately applied per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017.

In light of the fact that your request has been denied, you are advised of your right to file a timely appeal in writing to the Town Council. If you choose to appeal, you should include a statement as to why your appeal should be granted and enclose a copy of this letter.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

Additional queries pertaining to this matter can be directed in writing to myself or to Thomas G. Bradford, Town Manager to the postal or email address shown in the footer below.

Sincerely,

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307
www.townofpalmbeach.com

cc:

Thomas Bradford, Town Manager
Jane Struder, Director of Finance
Amy Wood, Accounting Supervisor

LAW OFFICES OF
JOHN D. O'NEILL
ATTORNEY AT LAW AND COUNSELOR

TELEPHONE
561-366-1212

FACSIMILE
561-366-1236

October 27, 2017

Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

VIA FACSIMILE AND EMAIL

RE: Town of Palm Beach Underground Utilities Project
Notice of Appeal of Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

Dear Town Clerk:

This firm represents the following property owners who own the corresponding real property in the Town of Palm Beach as set forth below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Under date of August 1, 2017, the undersigned filed a written complaint to reduce the special assessments levied against the above property owners, a copy of which is attached and incorporated as if fully set forth herein.

Section 90-49(c), Town of Palm Beach Code of Ordinances, states in relevant part:

> All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the **town manager** ... In the event the **town manager** ... fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property, the petitioner may ... file in writing with the town clerk a notice of appeal...." [Emphasis added].

To date, the undersigned has received no written decision from the Town of Palm Beach Town Manager, Thomas Bradford, as required in Section 90-49(c), Town of Palm Beach Code of Ordinances. The special assessment to be assessed for each of the above properties has already been sent by the Town for payment without any notice to the undersigned from the Town Manager of any change, modification or correction of the erroneous assessments.

Rather, a town employee, Steven N. Stern, who is not the Town Manager, mailed to the undersigned a letter claiming that the August, 1, 2017 letter complaint was denied, a copy of said letter is attached.

Since Mr. Stern is not the Town Manager his letter does not trigger the appeals process under Section 90-49(c); however in an abundance of caution my clients again seek the Town Manager's response and further submit this notice of appeal of the Town's failure to correct the Town's error in applying the assessment apportionment method to the above properties. The reasons for the appeal are set forth in the enclosed August 1, 2017 letter.

In light of the foregoing, All rights are hereby reserved to supplement these arguments verbally or in writing or in any subsequent administrative or court proceeding, should the need arise.

44 COCOANUT ROW, SUITE M209 PALM BEACH, FLORIDA 33480

Should you have any question, please do not hesitate to call upon me.

Sincerely yours,

John D. O'Neill

JDO/tj
Enclosures

cc: Clients
Members of the Town Council (Via US Mail)
Thomas Bradford, Town Manager (via US Mail)

LAW OFFICES OF
JOHN D. O'NEILL
ATTORNEY AT LAW AND COUNSELOR

TELEPHONE
561-366-1212

FACSIMILE
561-366-1236

August 1, 2017

Members of the Town Council
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: Town of Palm Beach Equalization Board
Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

Dear Members of the Town Council:

This firm represents the following property owners who own the corresponding real property in the Town of Palm Beach as set forth below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

The above-reference properties are all part of the homeowner's association known as "The Residences at Sloan's Curve."

Pursuant to the Town Council's approval of the Initial Assessment Resolution No. 90-2017, the Town held a meeting on July 12, 2017 to authorize the imposition of non-ad valorem special assessments against Town of Palm Beach properties for an annual special assessment for the design, acquisition, construction and installation of the Underground Utility Improvement Area for the fiscal year of October 1, 2017 to September 30, 2018 and future years.

In order to allocate the special assessment to the properties in the Town of Palm Beach, the Town adopted a cost assessment methodology prepared by Raftelis Financial Consultants, Inc. The Raftelis Report was initially prepared on June 2, 2017 and subsequently amended on June 12, 2017. The Raftelis Report assigned equivalent benefit units ("EBUs") to three categories: safety, reliability and aesthetics. EBUs were then allocated based on the property size, occupant density, location to existing facilities, etc.

On July 12, 2017, the Town Council of the Town of Palm Beach approved Resolution No. 100-2017 which levied a special assessment against Assessed Parcels in the Town of Palm Beach. The July 12, 2017 vote by the Town Council was a final vote.

44 COCOANUT ROW, SUITE M209 PALM BEACH, FLORIDA 33480

Property owners have twenty (20) days from July 12, 2017, the date Resolution No. 100-2017 was decided, to submit any and all complaints as to the special assessment. Pursuant to Section 170.08, Florida Statutes, the Town Council shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right.

In this regard, the undersigned counsel hereby petitions and complains as to the special assessments for the above-referenced property and states that the special assessment should be reduced below the minimum EBUs for the following reasons:

The above properties at The Residences of Sloan's Curve have their utilities undergrounded. The Termination Points, as defined in Resolution 90-2017, were completed prior to the Town's program for Excluded Neighborhoods, as the developer was ahead of its time when it undergrounded the distribution lines and lateral lines many years ago. This undergrounding project was completed for The Residences of Sloan's Curve properties in much the same way as the Excluded Neighborhoods conducted their Underground Utility Improvements. Similarly to the Excluded Neighborhoods, the above properties are being serviced by metal transformer boxes connected by underground conduits along the neighborhood's electrical grid. Therefore, there is no additional costs to the Town-Wide Undergrounding Project for equipment purchase and installation, trenching and burial of the conduit, traffic management costs, pole removal, and all of the design, engineering and project management that are related to these services.

It is important to distinguish the above property at The Residences of Sloan's Curve from other individual properties that have only buried the lateral utility lines. In fact, a quick review of the properties makes it clear that there are no utility poles or wires anywhere around each of these properties located on the east side of South Ocean Blvd. Instead, the only poles or wires visible are on the west side of South Ocean Blvd.

Based on the extent of underground services currently in place, there are less services and consequently less costs associated with the design, acquisition, construction and installation of the Underground Utility Improvement Area. As a result, the safety, reliability and aesthetics EBUs for each of the above properties must take into consideration these circumstances in reducing the EBUs. There is certainly a very good case, based on these circumstances to even request that the safety, reliability and aesthetic EBUs be reduced below the minimum amounts as these properties appear to fall somewhere between Excluded Neighborhoods and the minimum threshold to be considered Assessed Parcels for purposes of the Project.

As if the discussion above is not compelling enough, a reduction of the EBUs should occur because at the time the property owners initially purchased their respective property from the developer, they paid a premium to the developer of The Residences at Sloan's Curve to install underground utility services for their respective residences and appurtenances. Consequently, they have already paid once for the undergrounding of their utility services, therefore, justice and equity dictates that the above-property owners should receive a reduction of their special assessment as consideration for the prior expenses paid to underground their utility services.

The Raftelis Report uses a "minimum of _x_ EBU" for various assessment subcategories however, nowhere in the Raftelis Report is there any evidence or benefit analysis for the implementation of "minimum" assessments for safety, reliability and aesthetics of the Town-Wide Underground Utilities Project. Moreover, the Raftelis Report is devoid of any underlying rationale supporting a minimum floor for any of these properties' EBUs. Therefore, if there is no supporting rationale, evidence or benefit analysis in the methodology report, the special assessments for these properties based on minimum EBUs are in the nature of an illegal ad valorem tax because there is no corresponding special benefit that exceeds the minimum assessment amounts. *See* Indian Creek Country Club, Inc. v. Indian Creek Village, 211 So.3d 230, 234 (Fla. 3rd DCA 2017). Furthermore, if there is no basis for supporting a minimum level, then each of the properties herein assessed at that level are being assessed at an arbitrary and capricious amount with no logical connection to the special benefit, if any, that these properties receive from the Town-Wide Underground Utilities Project.

And finally, it is important to note that in the Executive Summary of the Raftelis Report, the Town consultants considered the exact issues raised by the above property owners when it identified the only exception upon which its calculations may be reduced:

> Prior to debt financing, *property owners whom have undergrounding* portions of overhead facilities adjacent to their property *may request an adjustment to their equivalent benefit allocation to reflect the appropriate proportionate benefit* received by the assessment program.

In light of the foregoing, there are very compelling reasons, based both on the current underground electrical grid in place for the above properties and also on the fairness and justice for an already paid special assessment, for the Equalization Board to reduce the EBUs to a level below the minimum threshold that reflects the properties' actual EBU. My clients additionally incorporate herein the testimony and written materials provided to the Town Council at the July 12, 2017 hearing. Samples of some of the incorporated written materials are attached. All rights are hereby reserved to supplement these arguments verbally or in writing or in any subsequent administrative or court proceeding, should the need arise.

Should you have any question, please do not hesitate to call upon me.

Sincerely yours,

John D. O'Neill

JDO/tj
Enclosures
cc: Clients

Date: July 11, 2017

Via Hand-Delivery to:

Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480.

Re: Town of Palm Beach (the "**Town**") proposed Non-Ad Valorem Special Assessments for the design, acquisition, construction, and installation of the Underground Utility Improvements for the fiscal year October 1, 2017 – September 30, 2018 and future fiscal years and Resolutions Nos. 090-2017 and 100-2017 (collectively, the "**Special Assessment**").

Public Hearing Date: July 12, 2017
Date of Notice of Hearing: June 21, 2017

KOSBERG'S OBJECTION TO SPECIAL ASSESSMENT

Carol Kosberg and Carol Kosberg, Trustee U/T/D 2-23-90 (collectively, "**Kosberg**"), through undersigned counsel, object to the Special Assessment on the following grounds:

1. Kosberg is the owner of the property located at 3400 South Ocean Boulevard, Apartment 2H2, Palm Beach, Florida, 33480, more particularly described as Condominium Apartment Number II-H-2 in the ATRIUMS OF PALM BEACH CONDOMINIUM APARTMENTS, a Condominium according to the Declaration of Condominium thereof, OR Book 3012, Page 994, of the Public Records of Palm Beach County, FL, as amended ("**Kosberg's Property**").

2. The Special Assessment is invalid as to Kosberg's Property and all other property within the Town subject to the Special Assessment (Kosberg's Property and all other property within the Town subject to the Special Assessment being collectively referred to as the "**Assessed Property**") for the reasons set forth herein and for all of the reasons stated in the materials contained in the Appendix to this Objection, incorporated herein by reference, which the Town

Council has failed to consider, thereby making the Special Assessment arbitrary. Kosberg also adopts and incorporates by reference all objections to the Special Assessment filed or otherwise submitted by any other property owner.

3. The Special Assessment does not satisfy the two-prong test and other standards set forth in *Morris v. City of Cape Coral*, 163 So.3d 1174 (Fla. 2015) and similar cases that require that (1) the property burdened by the assessment must derive a special benefit from the service provided by the assessment, and (2) the assessment for the services must be properly apportioned.

4. There does not exist a logical relationship between the Undergrounding Project which is the subject of the Special Assessment and the benefit to the Assessed Property.

5. The undergrounding of above-ground utility lines is a general sovereign function and by law does not provide a special benefit for the Assessed Property.

6. The Town Council's legislative determinations are unsupported by the record and are arbitrary.

7. The Town Council's legislative determinations are not supported by competent substantial evidence.

8. The Special Assessment is not directly proportionate to the benefits to the Assessed Property. The Town has not demonstrated that the amounts of the assessments are proportional to, and no greater than, the benefits conferred on the Assessed Property. This is particularly true given that such properties are required to pay for special benefits conferred upon certain parcels and neighborhoods that, under the Town's methodology, will be benefitted by the Undergrounding Project, but which were nevertheless excluded from or favorably treated by the assessment.

9. The Special Assessment is in excess of the proportional benefits to the Assessed Property.

10. The Town Council has not quantified the benefit to the Assessed Property and therefore there is no basis for determining that the amount of the assessments are not greater than the benefit to the Assessed Property.

11. The Town is on a barrier island subject to storm surge, with portions below sea level and in a flood zone, including the Assessed Property, making the underground lines, above-ground switch boxes and underground vaults on the Assessed Property more vulnerable to damage and to disruption in service than hardened utility poles and above-ground lines, particularly hardened poles and lines. As a result, there is no safety or reliability benefit to undergrounding.

12. The FPL Reliability Reports relied upon by the Town Council do not address undergrounding on a barrier island, with portions below sea level and in a flood zone, and therefore cannot be the basis to justify the determination that there are benefits for safety and reliability resulting from undergrounding. FPL's comments favorable to undergrounding are in general and are inapplicable to the Town because of these factors.

13. There is no safety or reliability benefit to undergrounding the Assessed Property.

14. Undergrounding will require that owners on whose property switch boxes and underground vaults will have to be installed must give easements to service these. The Town Council did not consider the negative effects of the easements and the decrease in property value to the Assessed Property resulting from the installation of the switch boxes and vaults and the granting of the easements.

15. The assignment of safety equipment benefit units ("EBUs") should be based on average density. Instead, the Town Council is assigning safety EBUs based on property frontage, which works against condominium unit owners, including the Assessed Property. The Town Council has assigned reliability EBUs based on density and should do the same as to safety EBUs.

16. The assignment of EBUs to the golf courses and the Breakers is arbitrary and inconsistent with the assignment of EBUs to other properties. This assignment was based on the false assumption that "parcels that make up the golf courses and the Breakers benefit to a lesser degree due to diminished return of benefit as the parcel's total acreage increases." In fact, overhead facilities are primarily visible when people are outside. When on a residential property, a large percentage of time is also spent indoors. When on a golf course, a large percentage of time is also spent outdoors. If time spent looking at overhead facilities is related to aesthetic benefit, golf courses and the Breakers have a per-acre benefit that is greater than residential properties.

17. The method of assignment of EBUs to "excluded parcels" is arbitrary and inconsistent with the assignment of EBUs to other parcels. The "excluded parcels" should be assigned EBUs in the same manner as the other parcels which are subject to the assessment.

18. The method of assignment of EBUs to "excluded neighborhoods" is arbitrary and inconsistent with the assignment of EBUs to other parcels. The "excluded neighborhoods" should be assigned EBU's in the same manner as the other parcels which are subject to the assessment.

19. In addition or alternatively, the "excluded neighborhoods" should be assigned a safety and/or aesthetic EBUs. The safety EBU includes increased access. The "excluded neighborhoods" will have increased access as a result of surrounding parcels and other parts of the Town having increased access, if any, resulting from the undergrounding. The "excluded parcels" will also benefit from the aesthetic benefit, if any, to surrounding parcels and other parts of the Town resulting for the undergrounding.

20. The assignment of aesthetic EBUs is not objective or quantifiable and there is no basis to determine that the aesthetic benefit of undergrounding will increase property values.

21. The undergrounding will be installed in phases, yet the assessment will be imposed on all Assessed Property at the same time. It is arbitrary to levy an assessment on a parcel that will not receive a benefit immediately or within a reasonable time, such as the same tax year.

22. Kosberg and all other owners of Assessed Property will be denied due process of law. Kosberg's property will not receive any actual, physical, material and quantifiable special benefit from undergrounding. Therefore, the Special Assessment is an improper effort to take Kosberg's Property and other owners of Assessed Property without due process of law. *See Carson v. City of Fort Lauderdale*, 155 So. 2d 620 (Fla. 2d DCA 1963).

23. FPL is mandated by the State of Florida to harden utility poles by replacing wood utility poles with those made of concrete or steel that can withstand winds of 145 mph. Significantly. FPL's replacement of electric poles is at no cost to the Town. FPL's hardening program is expected to render the electric poles safe. There is, thus, no "safety" benefit from undergrounding.

24. The Raftelis Report is fatally flawed in that it assumes – without supporting evidence or analysis – that undergrounding of utilities will benefit each parcel with the Assessed Property and contains no analysis (other than through arbitrary assignment of EBU values based on improved safety, improved reliability and improved aesthetics) to show how the Assessed Property will actually receive a "special benefit" from the proposed undergrounding (*i.e.*, that any increase in value of the properties being assessed resulting from the proposed construction will be greater than the assessments to be levied against such properties).

25. Even if a benefit is conferred upon particular parcels of property, if the benefit is the same or similar to that which is conferred upon the community at large, the individual homeowner may not be assessed for a *pro rata* cost of the improvement, and a special benefit may

never be inferred on the theory that all similarly-situated parcels were benefited in the ratio that such parcels relate to the total value of all improved parcels. *Hanna v. City of Palm Bay*, 579 So. 2d 320, 322 (Fla. 5th DCA 1991).

CONCLUSION

26. Based on the foregoing and the materials contained in the Appendix, the Special Assessment is invalid.

WEISS, HANDLER & CORNWELL, P.A.
Counsel for Carol Kosberg
One Boca Place, Suite 218-A
2255 Glades Road
Boca Raton, FL 33431
Telephone: (561) 997-9995
Facsimile: (561) 423-0458

By: _____
HENRY B. HANDLER, ESQ.
Florida Bar No. 259284
hbh@whcfla.com
jn@whcfla.com
WILLIAM J. BERGER, ESQ.
Florida Bar No. 197701
wjb@whcfla.com
tc@whcfla.com
DAVID K. FRIEDMAN, ESQ.
Florida Bar No. 307378
dkf@whcfla.com
gg@whcfla.com
filings@whcfla.com

COHEN NORRIS WOLMER
RAY TELEPMAN COHEN

ATTORNEYS AT LAW

FRED C. COHEN, P.A.
DAVID B. NORRIS, P.A.
BRENT G. WOLMER, P.A.
PETER R. RAY, P.A.
JAMES S. TELEPMAN, P.A.***
GREGORY R. COHEN, P.A.**
JONATHAN A. BERKOWITZ, P.A.

NEIL P. CHERUBIN
GARY J. COHAN*
BERNARD A. CONKO[*][**]
GARY A. ISAACS, P.A.*
DOUGLAS P. LAMBERT*
ALISON M. MEYER
ALFRED G. MORICI, P.A.*
TIMOTHY P. O'NEILL
M. RICHARD SAPIR
KYLE A. SILVERMAN*

*Of Counsel
**Board Certified Real Estate
***Board Certified Business Litigation

July 11, 2017

TOWN OF PALM BEACH
JUL 11 2017
Town Manager's Office

TOWN OF PALM BEACH
JUL 11 2017
Town Manager's Office

Via Hand Delivery

Palm Beach Town Council
c/o Town Manager
360 South County Road
Palm Beach, FL 33480

Re: Written Objections to Proposed Resolution Number 090-2017[1]

Ladies and Gentlemen:

This office represents Robert Davidow, a Palm Beach resident and taxpayer, whose homestead is located at 2100 S. Ocean Boulevard, #401N, Palm Beach, Florida 33480. The purpose of this letter is to advise you of our client's objection to the passage of the above-referenced resolution ("the Resolution"), for the reasons stated below. These written objections are provided within the twenty (20) day time restriction contained in the notice of the meeting to consider the Resolution, scheduled for tomorrow evening at 5:01 pm.

Generally speaking, the Resolution proposes the imposition of a non-ad valorem special assessment on Palm Beach taxpayers to pay for the "undergrounding" of overhead utility lines throughout the Town, a project expected to take up to ten years to complete, at a cost of at least $120 million, although this number can be expected to increase over the life of this major undertaking. As the Council is no doubt aware, most municipal functions are expected to be paid through the collection of ad valorem taxes; however, special assessments may be levied in circumstances where it can be established that: (1) the property assessed will derive a "special benefit" from the service provided; and (2) the assessment is fairly and reasonably apportioned according to the benefits received.[2]

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[1] Different documents have referenced this as Resolution Number 100-2017. The language appears to be identical, and the latest version of the Town Council Agenda references this resolution number.

[2] *Indian Creek Country Club, Inc. v. Indian Creek Village*, 211 So.3d 230, 234 (Fla. 3rd DCA 2017) (citations omitted).

These objections challenge the existence of *any* benefit from the proposed project, and thus, it is asserted that the imposition of the proposed special assessment would be contrary to well-established law on the subject.

The Resolution, beginning with Section 1.03(E), proposes findings which suggest the following perceived "special benefits" should the proposed underground utility improvements be put in place. The argument against the perceived benefit will be presented concurrently.

1. Enhanced property safety by reducing occurrences of downed poles, fires, and related incidents.

   As explained in the attached narrative of J. Bradley Shepherd, P.E., the contents of which are incorporated herein in their entirety, any perceived "safety" advantages are more illusory than real. There is no data to suggest that the overhead lines that have been in place in Palm Beach for decades present any perceptible hazard to the public in their current state, making any perception of enhanced safety through their removal more theoretical than real. Moreover, buried utility lines present their own theoretical hazards, through digging, unauthorized entry into pad-mounted ground level equipment, or vehicular contact with said equipment, for example. Ultimately, both types of installation depend upon the implementation of utility based safeguards, combined with common sense, to avoid most anticipated potential hazards. The notion that burying cables eliminates hazards is simply incorrect and misleading, as is the suggestion that underground utilities are *ipso facto* more "safe" than overhead utilities.

2. Reliability of service will be enhanced by burying utility cables, by reducing the frequency of utility outages, and through the installation of new, upgraded utility infrastructure.

   The point needs to be made that, as reflected in the 2015 FP&L Distribution Reliability Report, despite the challenges provided statewide relative to the delivery of electrical service to FP&L's 4.9 million customers, failures and interruptions are rare. For all of 2015, there were only slightly in excess of 100,000 outages

for the year, throughout the entire customer base, with each outage lasting just under one hour, on average, with each customer having suffered one outage a year, on average. Moreover, a March 23, 2017 news release (attached) reveals that FP&L had its "best-ever service reliability" year in 2016. Improvements cited as contributing to this success included "hardening" of power lines, clearing of vegetation, and the widespread use of smart meters and other intelligent devices. Undergrounding was not cited in the news release. So while the numbers referenced in Section 1.03(F) of the Resolution are of interest, they suggest that, by spending (at least) $120,000,000.00 over ten years, and putting residents and visitors through ten years of significant disruption in terms of construction, traffic, and related inconveniences, the average property owner in Palm Beach can expect to experience about an hour or so less of lost electrical service per year then is currently the case. That averages out to just 5 minutes per month of "benefit" to the average user. To suggest this as a benefit commensurate with the anticipated expense is nonsensical. Moreover, as Engineer Shepherd references in his report, while the frequency of outages with an underground system might be expected to decrease as compared to an above ground system, the duration of outages, due to the relative difficulty in locating, and then repairing, the trouble spot, is just as likely to increase with the underground system. In all, any perceived advantage in terms of reliability is minimal at best, and certainly not anything which might justify the expense and inconveniences referenced above.

3. Improved aesthetics through burying cables and removing power poles.

   As suggested in Engineer Shepherd's narrative, beauty is certainly in the eyes of the beholder, and for every person who walks down the street staring at power poles and believing them to be unsightly eyesores, there are just as many, if not more, who do not even notice their existence, whether because they have been a part of the landscape for everyone's lifetime, or because they are shielded from view in some form or fashion. Moreover, there are likely to be just as many people bothered by the scattered ground-level

electrical equipment that is part of the proposed project as are bothered by the current overhead configuration. The point is, aesthetics is subjective, and there is no objective data which suggests that one system is more or less "attractive" than the next, particularly when taking into account the cost and inconvenience that this proposed project anticipates. Also, when repairs on an underground system are required (and certainly no one is suggesting that an underground system will not require maintenance), the equipment required and resultant traffic delays, not to mention whatever property disturbance will be necessitated, will hardly contribute to the aesthetics of the area in question while the maintenance is ongoing. Finally, the undersigned is not aware of any data to suggest that the burying of utility cables will have a significant impact on the value of the real estate affected thereby; certainly, while work is ongoing in the vicinity of a given property, common sense suggests that the effect on value will be adverse.

In conclusion, this is not a project which proposes to deliver utility service to the taxpayers of the Town of Palm Beach; rather, this is a proposal to change only the manner of delivery of utilities to those taxpayers, which in no way enhances the value or reliability of the service itself. There is no measurable safety enhancement. There is no measurable reliability enhancement. There is no measureable aesthetics enhancement. There is no measurable value enhancement. And for all of this, the Town proposes to specially assess its taxpayers above and beyond their already substantial ad valorem burdens, to the tune of (at least) $120,000,000.00, for a project that will take approximately 10 years to complete. The burden of this project is in no way commensurate with any perceived benefit to be provided by same, in the long run. It is requested that the Council reject the Resolution.

It is understood that other residents will be lodging opposition to the Resolution, both verbally and in writing. Their arguments are adopted and incorporated herein. Moreover, our client reserves the right to supplement these objections at the July 12 hearing and in any subsequent court proceeding, should the need arise.

Very truly yours,

James S. Telepman

In the Matter of
Resolution No. 090-2017/100-2017
Town of Palm Beach, Florida

Public Hearing July 12, 2017

Introduction:

Mr. Shepherd is an Electrical Engineering graduate of the University of Florida with a Masters degree in Business Administration from the Crummer School of Business of Rollins College, Winter Park, Florida.

He has been continuously employed in the electrical industry since 1955, including thirty years in the employment of a Florida investor owned electrical utility, retiring from Florida Power Corporation in 1994. After retirement he formed J. B. Shepherd & Co., and currently serves as its Chairman.

Mr. Shepherd has worked on committees of the Edison Electric Institute, The Institute of Electrical and Electronics Engineers, the Southeastern Electric Exchange and directly with cable and equipment manufacturers in the evolution of the underground electrical utility system including participation in the design of high voltage cables, and pad mounted transformers and switches.

Mr. Shepherd has authored reports on the costs differences of overhead and underground electrical distribution and has testified before the Florida Public Service Commission on the life cycle values, considering application of the present value of future maintenance costs to the first cost of construction of both overhead and underground installations.

J. B. Shepherd & Company, Inc. is an Electrical and Forensic Engineering firm offering full coverage of the electrical consulting spectrum providing expert opinions and strategic advice in support of litigation and legislation involving technical issues; primary focus is on accident investigation, electrical safety, electrocution, injury and/or property damage. Overhead and underground electric utility power lines are an area of specialty.

Testimony:

If time was not an issue, Mr. Shepherd would focus the Town Council's attention on Section 1.03 (E) of the Resolution, which summarizes the benefits expected to be realized in the areas of (1) Safety, (2) Reliability and (3) Aesthetics.

Following are Mr. Shepherd's opinions and their basis:

Safety:

(1) There will be no difference in the **safety** of the Florida Power & Light distribution facilities after completion of the placement of the current overhead lines and appurtenances into a comparable underground and above ground arrangement.

Basis:

The safety of all electrical utility installations is governed by the National Electrical Safety Code, which has been adopted as legislative law by the Florida Public Service Commission and is ordered and regulated as directed in the rules and regulations section of the approved Tariff of all Florida electrical utilities, including Florida Power & Light Co. (FPL).

The natural dangers associated with overhead and underground facilities are different and the different safety measures employed to protect the public are appropriately applied. Overhead lines are bare wires insulated by separation (height) and barrier; underground lines are insulated cables further protected by their depth of bury. Overhead transformers and switches are mounted on poles out of public reach. Underground system transformers and switches are mounted on above ground pads in metal containers secured by padlocking devices.

Accidents on the overhead system most commonly occur when someone approaches too close or inserts a conductive device into

the energized wires. Fruit picking, tree trimming and elevated construction are some common activities that can result in injury if the published codes such as the U. S. Occupational Safety and Health Administration (OSHA) and the advertised admonitions of FPL are not followed.

Accidents on the underground system most commonly occur when someone digs into the buried cable or breaks into the pad-mounted equipment. Construction excavation and attempted theft of copper wire or pirating of electricity are some common activities that can result in injury if the published codes and the advertised admonitions of FPL are not followed.

Overhead wires can be exposed to public contact when poles are blown over in a weather event or knocked down by errant vehicles. Underground system conductors can be exposed to public contact by vehicles knocking over pad-mounted devices or raging waters forcing them off their pads. In both cases, the National Electrical Safety Code requires that wires exposed to earth (and public) contact be de-energized by automatic means immediately. Although fallen wires should certainly be avoided, they are not as dangerous as they once were because of these codes and improved technology.

Therefore, although the hazards are different, there will be no difference in the accident statistics (safety) as long as the well-known and advertised precautions and common sense is followed.

Reliability:

(2) There will be no definable difference in **reliability** of the Florida Power & Light distribution facilities after completion of the placement of the current overhead lines and appurtenances into a comparable underground surface arrangement.

Basis:

The statistics referenced in the Resolution are based on historical data that is not a reliable predictor of future performance. Many of the quoted statistics are from the FPL Preparedness Report and are unique to storm conditions.

The Resolution calls for the conversion of the present FPL overhead distribution facilities to underground. In fact, that will not be the case. FPL will put the overhead wires underground but the overhead switches and transformers will be placed on the ground, not under the ground.

There are no historical statistics that mirror the system that will exist in Palm Beach after completion of the work ordered by the Resolution.

Palm Beach is different from the rest of the FPL customer base. Once the conversion from overhead to underground (and on-the-ground) is complete it will be further unique to the rest of the state.

Reliability is commonly measured by either the number of times power has been out or the length of time power has been out, or both.

With an overhead system, the number of outages would be expected to be greater because of the greater exposure to damage that overhead poles and wires are subjected to. Similarly, the length of an outage on the underground system would be expected to be greater because of the difficulty and time required to locate and repair an underground cable.

In actuality, the systems are not comparable. Overhead systems are radial where underground systems are circular, or looped. When an overhead line fails, every customer beyond the point of failure is out until repairs can be made. A typical repair on an overhead system consists of a bare wire splice that can be made in a matter of minutes. Repair of a failed underground cable typically takes hours or days to locate the point of failure, excavate and splice it back together with an insulated underground splice. Even though the underground

served customers can be switched back on, the time required to restore the underground system to its normal state of usefulness exceeds the statistical outage duration. Therefore statistics based solely on outage times or duration are misleading.

Exposure to the elements and vehicular damage is not limited to the poles that support the overhead. Every device currently located on a pole, must be re-located to the ground when the poles are eliminated. In the relatively congested area of Palm Beach, this means that either a pad-mounted transformer or a pad-mounted switch may be placed on the ground within the right-of-way as often as the current poles are spaced, or about every 100-200 feet. Poles that can be struck by vehicles are eliminated but the number of pad-mounted devices that can be struck by vehicles is increased significantly. There are no historical statistics that can accurately predict the performance of this proposed unique Palm Beach on-the-ground system.

The best predictor of reliability between overhead and underground remains the common sense analysis: overhead goes out more often but is restored quickly while underground outages are infrequent but take longer to repair.

There is no doubt that the comparable reliability is different, but whether or not there is an improvement in reliability after an overhead to underground conversion is a matter of definition.

Aesthetics:

(3) Plato said, "Beauty is in the Eye of the Beholder". It is as true now as it was in ancient Greece. After completion of the undergrounding project, some will say the beauty of Palm Beach has been enhanced, most will not notice. No improvement in **aesthetics** is assured,

Basis:

Palm Beach is uniquely beautiful among South Florida municipalities. The palm lined avenues, hedges and attractive buildings set it apart as no other improvements could.

The existing overhead power poles were placed by FPL to be as inconspicuous as possible. They do not "stand out" as an eyesore that materially detracts from the glorious approaches into the City. The beautiful palm trees dim the eye of most beholders such that the poles are not noticed at all.

The so-called "Undergrounding" project is actually, as stated previously, an "Under and On the Ground" project. Only the wires will be placed underground. All of the associated electrical equipment will be placed in plain view on the surface above ground. The equipment that is currently out of sight 30 to 50 feet high will have to be lowered to the ground when the poles are removed. Although most of the poles are required to support the wires, many poles are placed by FPL specifically to raise the equipment above the street. That equipment will additionally have to be placed at street level and made accessible.

The town center appears to be pole-free today. It appears to be so because much of the FPL overhead is in the rear of the buildings or concealed by vegetation.

The most expensive part of the proposed overhead to underground conversion will be those inconspicuous rear lot facilities. FPL will not install rear lot underground because of required accessibility to pad mounted transformers and switches. Poles can be climbed but maintenance of surface mounted equipment requires truck access. Where poles and wires are now located behind a natural screen, the new pad mounted devices will all be located on the street. In many areas, the street is too narrow to accommodate additional street level equipment so removal or sever modifications will have to be made to walls and hedges.

Along the avenues, the pole mounted transformers and switches are high above the treetops and essentially invisible to the casual observer. After conversion, all this pole-mounted equipment will be located at eye level on the street. Safe approach for FPL employees to operate the switches and transformers requires a clear zone around them of up to ten feet; therefore their placement will require more space than just the footprint of the equipment. A casual observer looking out a car window today sees only the trunks of the palm trees interspersed with an occasional "trunk" of a power pole. After the undergrounding project the same observer will see multiple eye level boxes posted with large high voltage warnings distracting from the view of shops and businesses.

Pole mounted equipment can be maintained by FPL from high reaching "bucket" trucks. Surface level switches, splice boxes and transformers require large work trucks and a crane or derrick truck whenever the pad-mounted equipment must be replaced.

The impact on aesthetics of the "undergrounding" project includes not only the removal of the poles and wires, nor just the appearance of the new street level above ground equipment, but must include both the visual and the practical impact of the installation and maintenance of the pad mounted equipment. The installation process of the conversion will require disruption of traffic and the distraction of multiple street-side trucks and heavy equipment. The installation is predicted to takes as long as ten years; the additional disruption due to maintenance is ongoing forever.

The improvement of beautiful Palm Beach, if any, will remain truly in the eye of the beholder. Some will appreciate the removal of the poles. Many will see the additional pieces of new equipment along the streets and in or along the sidewalks as having a negative impact on aesthetics.

Conclusions:

1. Safety: No predictable net gain

2. **Reliability:** **No definable net gain**

3. **Aesthetics:** **Negative impact**

Recommendations

1. **Revise the resolution or create a new one to be a utility beautification project, working with FPL to address the areas of most positive impact. FPL has experience in this area as they have worked with other municipalities and communities in a similar manner.**

2. **Declare and resolve that the Town of Palm Beach is an underground only area for future expansion and normal replacement of overhead facilities at end-of-life. Within the ten years set aside for wholesale conversion, a more positive and significantly less expensive gain in aesthetics may be expected.**

3. **Support FPL and the Florida Public Service Commission in the ongoing storm hardening initiative. The resulting stronger poles will not be noticed and a significant gain in reliability can be expected at no noticeable cost to the residents of Palm Beach.**

4. **Join FPL in their ongoing efforts to inform the public about the hazards of working around high voltage equipment, whether overhead or underground or surface mounted. It is all safe as long as a few simple rules of approach are followed.**

In the above manner the resolved goals of improved safety, reliability and aesthetics may be reached in the same time frame at little or no cost to the Town of Palm Beach

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4002
E-Mail: jeubanks@blesmlaw.com

605 North Olive Ave., 2nd Flr.
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

July 10, 2017

Via E-mail
Honorable Gail Coniglio, Mayor, and
Town Council of Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

Re: Objection to Underground Assessment

Dear Mayor and Town Council:

Our office represents Thomas O. McCarthy, the owner of that real property located on 140 Brazilian Avenue ("Property"). In that capacity we are in receipt of that notice ("Notice") from the Town Council of the Town of Palm Beach ("Town") for "an annual assessment for the design, acquisition, construction, and installation of the Underground Utility Improvement Area for the fiscal year of October 1, 2017 to September 30, 2018 and future fiscal years." ("Assessment")

Please be advised that our client objects to the manner outlined in the Notice in which the Assessment is being made and collected, which is not in accordance with the representations made and information provided by the Town in its efforts to garner support for the referendum on the issue. Apparently, due to the two (2) pending lawsuits, the Town is unable to issue General Obligation Bonds for the purpose of undergrounding. As a result, the Town has chosen instead to utilize a combination of higher cost short term and long term debt to finance the "Underground Utility Improvements Project" ("Project"), a Project that many believe was ill conceived from the beginning and will continue to cause financial and logistical headaches in the future. At the same time, the residents clearly voted to use General Obligation Bonds and assessments to pay for the Project. This new method is different and therefore was not approved.

More importantly, and regardless of the method of payment, the underlying basis for the Project is flawed in that: a) there is no special benefit to Mr. McCarthy (or any other property owners) in that undergrounding is more susceptible to flooding and takes longer to repair after a storm than the alternative hardened wires (which would be provided at no cost), which makes the Project a poor choice on an island on which 75% of the property is in a Special Flood Hazard area; b) the special assessment is not "necessary" from a legal basis; c) undergrounding is not a "public project" as it is really being done not by the Town but by FPL, which does not have the right to use the Town's bonding or borrowing abilities by proxy; d) the assessment methodology proposed is flawed; and e) as noted, the residents voted (by the slimmest of margins which would not be duplicated today) to use General Obligation Bonds and assessment to pay them back, not short term and long term debt.

In light of the above, Mr. McCarthy would urge the Town not to move forward or make a final decision at the upcoming public hearing scheduled for July 12, 2017 at 5:01 p.m., but to instead listen to the Town's residents who no longer want this Project and did not agree to it proceeding in the manner proposed by the Town.

Very truly yours,

John R. Eubanks, Jr.

cc: Thomas O McCarthy
John Page, Director of Planning, Zoning and Building
Thomas Bradford, Town Manager
Paul Castro, Zoning Administrator
John C. "Skip" Randolph, Esq.
Town Clerk, Town of Palm Beach

SCOTT
HARRIS

ATTORNEYS AT LAW

SCOTT, HARRIS, BRYAN, BARRA & JORGENSEN, P.A.

July 10, 2017

Via Hand Delivery and Email: townmanager@townofpalmbeach.com

Thomas Bradford
Town Manager, Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

RE: Ira and Sydell Smith
3170 South Ocean Boulevard, Apt. N705, Palm Beach, Florida 33480
Tax Parcel #: 50-43-44-26-08-001-7050
Legal Description: The Enclave of Palm Beach Condunit N-705

Dear Mr. Bradford:

I represent Ira and Sydell Smith. Please accept this letter as their objection to Resolution No. 119-2017, for the issuance of commercial paper revenue notes not to exceed $22,650,000.00 for the Underground Utility Project, Resolution No. 120-2017 authorizing the approval of a note to exceed $90,000,000.00 relative to financing the initial phase of the Underground Utility Project, and the proposed adoption of the Final Assessment Resolution for the undergrounding of utilities. My clients object to the two resolutions and proposed Final Assessment Resolution generally, as it applies to the entire Town, and specifically, as it applies to their property in Palm Beach.

The reasons for my clients' objections to the resolutions are numerous. They are set forth below:

1. The issuance of commercial paper not to exceed $22,650,000.00 as interim financing to commence the project is in violation of the contract entered into between the Town and its residents. The contract was formed when a majority of the residents voted in favor of undergrounding utilities to be paid only by general obligation bonds payable from the Town's full faith and credit, ad valorem taxation and special assessments. The ballot question posed to the voters did not seek approval of other means of financing such as the issuance of $22,500,000.00 in commercial paper. A similar issue was addressed by the

ROBERT SCOTT (1925-1982) • RICHARD K. BARRA • JOHN L. BRYAN, JR. • S. BRIAN BULL*
J. RICHARD HARRIS‡ • CYNTHIA J. JACKSON • DEREK M. JORGENSEN • JOHN M. JORGENSEN

*BOARD CERTIFIED BUSINESS LITIGATION LAWYER ‡ BOARD CERTIFIED REAL ESTATE LAWYER

4400 PGA Boulevard, Suite 603 • Palm Beach Gardens, Florida 33410-6561
(561) 624-3900 • Fax (561) 624-3533 • www.scott-harris.com

Florida Supreme Court in *City of Fort Lauderdale v. Kraft*, 21 So.2d 461 (Fla. 1945). The method of payment of a sewage system through payment by revenue bonds had been approved by vote of the electorate. The Supreme Court held the plan for financing approved by the voters was a contract between the municipality and taxpayers and a change to pay for the system through special assessments was void as an unconstitutional impairment of the contract.

If the Town proceeds with interim financing, then it is breaching its contract with the residents and embarking on different and additional financing that was not approved by the voters. In the public campaign waged by the Town leading up to the bond referendum, the Town stated that the only financing would be through special assessments. Thereafter, the Town stated it the ballot that the undergrounding of utilities would be paid by the full faith and credit of the Town, ad valorem taxes and special assessments. Now, the Town is adding interim financing through the issuance of commercial paper. The Town is breaching its contract with the residents in a bum's rush to commence the project.

2. The methodology for determining the "special" benefit for individual properties town-wide is flawed. The calculations of safety EBUs, reliability EBUs and aesthetic EBUs is artificial, arbitrary and capricious. It is a game played with statistics in order to justify imposition of special assessments rather than ad valorem taxation. The electrical grid in Palm Beach benefits the entire Town. There is no special benefit to individual properties. If indeed there are benefits of safety, reliability, and aesthetics, those benefits are shared town-wide and the only appropriate manner in which to finance the undergrounding of the utilities would be through ad valorem taxation. Clearly, the Town should pay for the project through ad valorem taxation since the provision of utilities is a basic government function properly payable by taxation. If there is a shared benefit in undergrounding, then everyone should pay through ad valorem taxation based on property values. The Town should not use complicated formulas for computing special benefits to individual properties in order to redistribute the cost of the project unevenly, at the expense of property owners in the south end of Palm Beach.

   Equally flawed is the calculation of safety, reliability and aesthetic EBUs for my clients' condominium unit. Since the EBU methodology is artificial, arbitrary and capricious, when it is applied to individual properties, it results in an erroneous special benefit calculation.

3. Underground utilities are not safer and are not more reliable then pole hardened utilities. Thus, there is no need for the project at all. Numerous experts have spoken on this issue and pole hardening is just as effective as undergrounding, and even more so on a barrier island where water intrusion will damage underground wires. Since the safety and reliability factors

are based on false premises, then the special benefit methodology used on the individual properties through safety and reliability EBUs is flawed.

4. In order for a special assessment to be valid, it must be determined whether the services or capital improvements at issue provide a special benefit to the assessed property and whether the assessment is properly apportioned among all the properties that receive the special benefit. If undergrounding were actually needed, the only fair apportionment method would be by ad valorem taxation. Taxes based on property value are clearly defined and understood. Taxes based on property value are the accepted and traditional method of raising revenue for municipal services such as utilities. Use of reliability, safety and aesthetics EBUs results in imposition of special assessments skewed in favor of more valuable properties, which is the exact opposite of ad valorem taxation.

5. There is simply no need for the project, except for perhaps aesthetic reasons and it is not worth over $90,000,000.00 to remove power poles from the island for aesthetics alone.

6. The installation of the many large high voltage boxes necessary for the undergrounding project is both hazardous and unsightly.

7. Of course, the project will end up costing substantially more than $90,000,000.00.

8. Some of the neighborhoods in the Town already have undergrounding and have paid or are paying through the imposition of special assessments within their neighborhoods. Yet, these neighborhoods, at least according to the Town, will benefit from the enhanced safety and reliability of a town-wide electrical grid. This results in an unfair apportionment among properties.

9. Because of anticipated cost overruns and the issuance of commercial paper, special assessments will not pay the entire cost of the project. This may very well result in an increase in ad valorem taxation to cover additional costs. Thus, property owners will be saddled both with special assessments and higher ad valorem taxes to pay for an unneeded project.

10. There will be continuing disruption and annoyance created by the undergrounding construction project which isn't scheduled to be completed until 2026

11. The Town itself has changed the special assessment methodology recommended by its own experts for political reasons and to make it more palatable to residents in the south end of Town. By tinkering with the methodology, the Town has made the special benefit analysis

even more flawed.

12. There are many different types of properties and homes in the Town of Palm Beach. Trying to assign safety, reliability and aesthetic EBUs to individual properties is an exercise in futility and further demonstrates the flaws in the special assessment methodology.

13. In order to meet the safety and reliability goals of undergrounding espoused by the Town, the project must be completed. Therefore, it is incumbent on the Town to have a completion bond to assure that this occurs.

14. The undergrounding project, including the installation of the high voltage boxes in a flood plain is in violation of the Department of Transportation permit as well as FEMA standards.

15. Undergrounding of utilities is far more appropriate for individual neighborhoods where neighbors decide amongst themselves whether to incur the cost and disruption of undergrounding. Further, special assessments are meant for specific geographic areas in need of capital improvements or services. Special assessments are not suited for town-wide projects more appropriately paid by ad valorem taxation.

16. As to my clients' individual property, his condominium receives little if any benefit from undergrounding whether through reliability, safety or aesthetics. All of the reasons against undergrounding cited above also apply and are reiterated for my clients' individual property.

Sincerely,

John M. Jorgensen

JMJ:kcf

cc: Gail Coniglio, Mayor
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog, Council Member
Bobbie Lindsay, Council Member
Margaret Zeidman, Council Member

TOWN OF PALM BEACH

Town Manager's Office

October 12, 2017

Law Offices of John O'Neill
44 Cocoanut Row
Suite M209
Palm Beach, FL 33480

RE: Calculation of Non-Ad Valorem Assessment Regarding Underground Utilities Improvements for Multiple Parcels listed below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Dear Mr. O'Neill,

This is in response to your appeal regarding the calculation of the Non-Ad Valorem assessment for the design, acquisition, construction, and installation of the Underground Utility Improvements for the fiscal year October 1, 2017 - September 30, 2018 and future fiscal years. Please note the Town did not, and does not, use Chapter 170 for implementation of its special assessment programs. The Town is proceeding under its home rule authority and in accordance with Chapter 197, F.S.

Upon review, it was determined by the Town Manager's Office the Residences at Sloan's Curve do not qualify as Non-Assessable or special consideration since the community is not listed within the approved methodology as a special case, exception or as a Non-Assessable Obligation. Therefore, the assessments are appropriately applied per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017.

In light of the fact that your request has been denied, you are advised of your right to file a timely appeal in writing to the Town Council. If you choose to appeal, you should include a statement as to why your appeal should be granted and enclose a copy of this letter.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

Additional queries pertaining to this matter can be directed in writing to myself or to Thomas G. Bradford, Town Manager to the postal or email address shown in the footer below.

Sincerely,

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307
www.townofpalmbeach.com

cc:

Thomas Bradford, Town Manager
Jane Struder, Director of Finance
Amy Wood, Accounting Supervisor

TOWN OF PALM BEACH
Town Manager's Office

November 28, 2017

Law Offices of John O'Neill
44 Cocoanut Row
Suite M209
Palm Beach, FL 33480

RE: Calculation of Non-Ad Valorem Assessment Regarding Underground Utilities Improvements for Multiple Parcels listed below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
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7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Dear Mr. O'Neill,

We are in receipt of your appeal to the Town Council regarding the Town Manager's denial of exemption from the Underground Utilities assessment based on Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, July 21, 2016.

We have reviewed the facts in detail and determined the appeal is not eligible for adjudication by the Town Council for the following reasons:

- The original assessment appeal was denied by the Town Manager. The letter informing you of my decision was sent by staff, namely Steven Stern, Underground Utilities Project Manager.

- The above properties do not qualify as Non-Assessable since none are specified in the approved assessment methodology (assessment apportionment method) section 4.4 Special Cases and Exemptions.

- There is no alleged error in the Town Manager's application of the assessment apportionment method. Note that parcel numbers 1, 2 and 7 have already been proactively adjusted by the Town to apply the undergrounding assessment discount. The other listed parcels do not qualify for the discount pursuant to the approved assessment apportionment method.

- An appeal to the Town Council objecting to any aspect of the assessment apportionment methodology is an invalid appeal pursuant to the Town Code and cannot be allowed to proceed via the appeals process.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

My apologies for being unable to provide you with the relief sought on behalf of your client, but for the reasons stated above an appeal to the Town Council is not available in this instance per the Town Code.

Sincerely,

Thomas G. Bradford
Town Manager

cc:
Steven Stern, Underground Utilities Project Manager
Assessment Appeal File

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

From:	Steven Stern
To:	"john@jdopa.com"
Subject:	Town of Palm Beach Code, Sec. 90-49 - Correction of errors and omissions.
Date:	Thursday, December 21, 2017 11:44:00 AM
Attachments:	TB Letter Denying Appeal Oneil Sloans Curve.pdf

Hello John,

Getting back to you regarding your question of the applicable town code referred to in bullet 4 of the attached letter. I spoke to the Town Manager, Mr. Bradford, who relayed the because of section 090-49 (c) your request for appeal to the Town Council was invalid.

Best regards,

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307

MEMORANDUM FOR TOWN COUNCIL MEETING ON MAY 8, 2018

TO: Mayor and Town Council

FROM: John D. O'Neill, Esq.
44 Cocoanut Row, Ste. M209
Palm Beach, Florida 33480

RE: Appeal from the Town's denial of The Residences at Sloan's Curve properties' exemption, exclusion, or Non-Assessable Obligation of the Town-Wide Undergrounding Utilities Project Special Assessment

DATE: May 3, 2018

SUMMARY OF FACTS AND CONCLUSIONS

The summary of facts and conclusions common to the eight property owners ("Property owners") within the PUD-B, Parcel 1, Sloan's Curve, specifically Phase III known as "The Residences at Sloan's Curve", include but are not limited to, the following:

(i) The Property owner's properties are all within the PUD-B established by the Town between Years 1978 and 1979 after the Town's extensive review and approval of the developer's plans and subsequent Town Resolutions;

(ii) The utilities for the properties located in The Residences at Sloan's Curve are already underground;

(iii) The utility lines servicing the PUD-B properties are not above ground lines;

(iv) The buried utility lines are on a loop within The Residences at Sloan's Curve and therefore do not service any other properties outside of The Residences at Sloan's Curve;

(v) The Town-Wide Underground Project will not add or supplement the underground utilities that currently serve the properties within The Residences at Sloan's Curve;

(vi) The Town-Wide Underground Project does not provide a "special benefit" to the Property owner's properties, as that term has been defined in Florida caselaw, and therefore the Special Assessments levied against the properties of the Property owners are an unconstitutional ad valorem tax camouflaged as a non-ad valorem special assessment;

(vii) There is no logical relationship, or legal nexus, between the services to be provided in the Town-Wide Underground Project and any purported benefit to the properties of the Property owners;

(viii) The Special Assessments for the Town-Wide Underground Project provide a personal benefit of a general nature for persons who reside or visit the Town of Palm Beach and accordingly does not provide a "special benefit" particular to the Property owner's properties;

(ix) The Town's Special Assessments levied against the properties of the Property owners are arbitrarily based on appraisal practices which differ from the appraisal practices generally applied by the Town to comparable properties with underground utilities such as Lake Towers Condominium, Via Fontana, and Everglades Island which have been excluded from the Special Assessment;

(x) The assumptions underlying the Town's apportionment methodology fail to properly apportion, in a fair and reasonable manner, the claimed "special benefits" to the properties of the Property owners;

(xi) The Town's Special Assessments levied against each of the properties of the Property owners are arbitrary and capricious because the Town has not set forth any competent substantial evidence that the Special Assessments will create a special benefit for each of the Property owner's properties and that the purported special benefit exceeds the amount of each Property owner's special assessment;

(xii) The Town imposes special assessments on The Residents at Sloan's Curve properties while not imposing the same on some other similar properties; and

(xiii) The Town has exercised governmental, corporate or proprietary power in violation of the Fourteenth Amendment of the United States Constitution, Article VII, Sections (1)(a) and (9)(a) of the Florida Constitution, and Section 166.021(3)(b), Florida Statutes.

RECOMMENDATION

Based on any one or more of the foregoing facts, the Town Council should vote to exempt, exclude, or identify as Non-Assessable the properties of The Residences at Sloan's Curve and/or the Property owners relative to the Town's Special Assessments levied under Resolutions 90-2017 and 100-2017.

TABLE OF CONTENTS AND CHRONOLOGY OF SUPPORTING DOCUMENTS

EXHIBIT IDENTIFICATION	ITEM DESCRIPTION
	No Change in Already Undergrounded Utilities Lines
A.	FP&L aerial photo with overlay sketch of current underground utilities for The Residences at Sloan's Curve
B.	Photos of underground electrical vault and transmission cables servicing The Residences at Sloan's Curve
C.	Photo of North view from Sloan's Curve with no overhead lines or poles feeding into The Residences at Sloan's Curve
	No Change in Safety
D.	Photos of current street and electrical meter to homes
	No Change in Reliability
E.	Photos of current electrical transformer boxes and Comcast pedestals
	No Change in Aesthetics
F.	Photos of along street and around houses with no overhead lines or poles
	Dense landscaping and wall surrounding The Residences at Sloan's Curve

EXHIBIT IDENTIFICATION	ITEM DESCRIPTION
	1978 - 1979 Planned Unit Development Plan - Parcel 1, Sloan's Curve - "PUD-B District"
G.	Town adopted on May 2, 1978 the Tentative Approval of the Planned Unit Development Plan for the Sloan's Curve Property by vote of the Town Council of the Town of Palm Beach in Resolution No. 16-78 ("Resolution 16-78")
H.	Town adopted on May 23, 1978 the Amended Tentative Approval of the Planned Unit Development Plan for the Sloan's Curve Property by vote of the Town Council in Resolution No. 19-78 ("Resolution 19-78") amending Resolution 16-78
I.	Town adopted on June 13, 1978 the Second Amended Tentative Approval of the Planned Unit Development Plan for the Sloan's Curve Property by vote of the Town Council in Resolution No. 20-78 ("Resolution 20-78") amending Resolutions 16-78 and 19-78
J.	Town adopted on October 10, 1978 the Third Amended Tentative Approval of the Planned Unit Development Plan for the Sloan's Curve Property by vote of the Town Council in Resolution No. 35-78 ("Resolution 35-78") amending Resolutions 16-78, 19-78 and 20-78
K.	Town adopted on September 11, 1979 the Final Approval of the Planned Unit Development for Sloan's Curve Property by vote of the Town Council in Resolution No. 27-79 ("Resolution 27-79") amending Resolutions 16-78, 19-78, 20-78 and 35-78
L.	Letter to Town Building Manager, Robert Moore, dated October 7, 1981 evidencing issuance of Certificates of Occupancy during FP&L completion of their burying of underground utility lines for The Residences at Sloan's Curve (Phase III)
	October 13, 2009
M.	Town adopted Town of Palm Beach Utility Underground Methodology prepared by Willdan Financial Services ("Willdan Report")

EXHIBIT IDENTIFICATION	ITEM DESCRIPTION
	June 2, 2017
N.	Town replaces the Willdan Report with the Utility Undergrounding Assessment Methodology Update prepared by Raftelis Financial Consultants Inc. ("Raftelis Report #1")
	June 12, 2017
O.	Town supplemented and/or replaced the Raftelis Report #1 with the Utility Undergrounding Assessment Methodology Update prepared by Raftelis Financial Consultants Inc. ("Raftelis Report #2")
	June 13, 2017
	Town Council adopted the Raftelis Report #2 as the method of assessment for the Town-Wide Underground Project.
P.	Town adopted the Initial Assessment Resolution by vote of the Town Council of the Town of Palm Beach in Resolution No. 90-2017 ("Resolution 90-2017")
	July 12, 2017
Q.	Town submitted the Special Assessment to the Town Council of the Town of Palm Beach in Resolution No. 100-2017 ("Resolution No. 100-2017)
R.	At the Town Council meeting on July 12, 2017, property owners and residents appeared on the record, and voiced their overwhelming opposition to Resolution No. 100-2017
	The Town, through its Town Council, denied the property owners' opposition to Resolution 100-2017, and voted to approve the Special Assessments pursuant to Resolution 100-2017

EXHIBIT IDENTIFICATION	ITEM DESCRIPTION
	August 1, 2017
S.	Letter from Attorney John O'Neill to the Town setting forth the Property owner's Complaint to Reduce Special Assessment levied per Resolution 100-2017 from the Town-Wide Underground Utilities Project and the rational for their claim of exclusion, exemption, or reduction (August 1, 2017 Complaint")
	September 20, 2017
T.	Second letter from Attorney John O'Neill to the Town requesting a response from the Town Manager on the August 1, 2017 Complaint letter and reiterating the Property owner's rational for their exclusion or exemption from the Town-Wide Underground Utilities Assessment
U.	Email from Town Manager Thomas Bradford to Attorney John O'Neill stating that the August 1, 2017 Complaint has not been finalized due to the "complexities" associated with the subject properties
	October 12, 2017
V.	Letter from Utilities Project Manager Steven Stern to Attorney John O'Neill stating that after a review by the Town it was determined that The Residences at Sloan's Curve do not qualify as an exception, Non-Assessable Obligation, or special case because the properties were not listed as such in the Raftelis Report #2
W.	Letter from Utilities Project Manager Steven Stern to Mr. and Mrs. Carney Hawks of 4 Sloan's Curve Drive stating that after supplemental survey of The Residences at Sloan's Curve the Town determined that their Town Special Assessment should be reduced because there are no overhead utilities adjacent to their property
	October 27, 2017
X.	Third letter from Attorney John O'Neill to the Town appealing the purported denial letter from Steven Stern's October 12, 2017 letter

EXHIBIT IDENTIFICATION	ITEM DESCRIPTION
	November 28, 2017
Y.	Letter from Town Manager Thomas Bradford to Attorney John O'Neill stating that after the Town "reviewed the facts in detail" there is no alleged error in the Town Manager's application of the assessments because the Town "proactively" determined a discount for some of the Property owners, the Property owner's properties do not qualify as Non-Assessable since none were listed as such in the Special Cases and Exemptions of the Raftelis Report #2
	December 1, 2017
Z.	Email from Town Project Manager Steven Stern with attachments containing Corrected Special Assessment Notices for three of the Property owners located at 5, 11 and 22 Sloan's Curve Drive
	December 7, 2017
AA.	Public records request email from Attorney John O'Neill to Steven Stern requesting any materials and correspondence the Town intended to rely upon in opposition to the August 1, 2017 Complaint and subsequent letters from Attorney O'Neill
	April 26, 2018
BB.	Second request for production of the Town's public records previously requested on December 7, 2017 and additional documents to be provided by Town Project Manager, Steven Stern
	April 26, 2018
CC.	Email from Town Project Manager Steven Stern with attachments - excluding correspondence and emails between Attorney John O'Neill and the Town set forth above - represented to be all of the Town's documents relied upon by the Town in opposition to the Property owner's August 1, 2017 Complaint and subsequent follow up letters

EXHIBIT IDENTIFICATION	ITEM DESCRIPTION
	Florida caselaw requiring "Special Benefit" be Substantiated by the Town of Palm Beach
DD.	Indian Creek Country Club, Inc. v. Indian Creek Village, 211 So.3d 230, 234 (Fla. 3rd DCA 2017) - If there is no supporting rationale, evidence or benefit analysis in the methodology report, the special assessments for the subject properties are in the nature of an illegal ad valorem tax because there is no corresponding special benefit.

EXHIBIT A

A-3706-1|B-3707-1
43433
B-3707-3-NO
A-3706-6-NO
UG HILLCREST 400434 A-1/0
Boundary Solutions, Inc
Florida Power and Light
Florida State University
OCEAN BLVD
State Highway A1A
A-3706-10|B-3707-6
OH HILLCREST 400434 ABC:350
FPL

EXHIBIT B

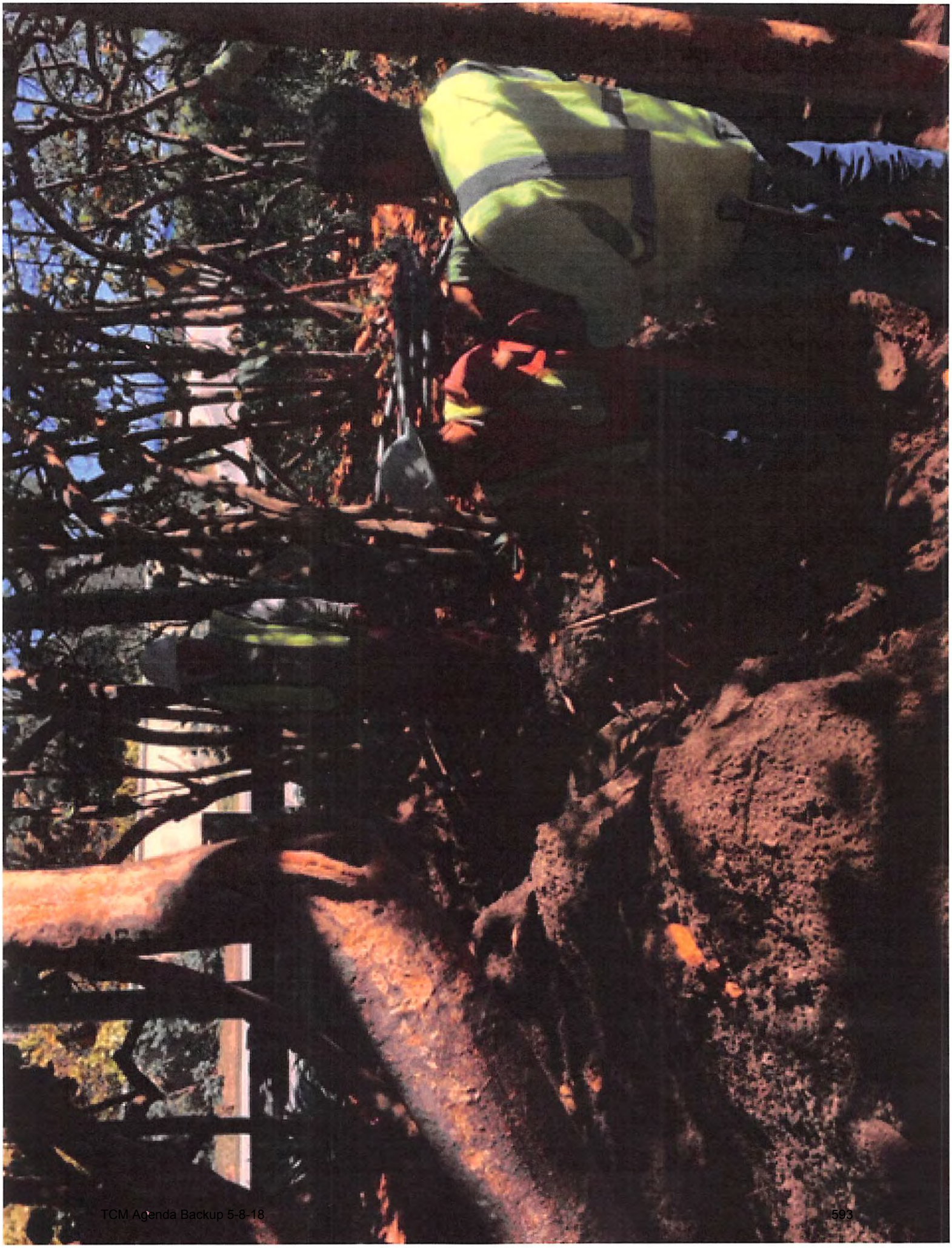

EXHIBIT C

EXHIBIT D

T 4
CAUTION
3706
6

5
FIVE

TCM Agencia Biscaíno 6-5-18

EXHIBIT E

EXHIBIT F

23

EXHIBIT G

OFFICE COPY
Town of Palm Beach
Building Dept.

RESOLUTION NO. 16-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, WITH RESPECT TO THE APPLICATION OF SANDER B. WEINSTOCK, CONTRACT PURCHASER, FOR TENTATIVE APPROVAL OF A PLANNED UNIT DEVELOPMENT.

* * * * * * * *

WHEREAS, SANDER B. WEINSTOCK submitted an application on or about October 31, 1977 for tentative approval of a planned unit development for certain real property upon which he holds a contract to purchase consisting of approximately 26.6 acres and more particularly described as follows, to wit:

> *The South 176.0 feet of Lot 110, all of Lots 111 through 119 inclusive and the North half of Lot 120, PALM BEACH ESTATES, as recorded in Plat Book 8, Page 3, Public Records of Palm Beach County, Florida.*
>
> *EXCEPTING THEREFROM the following 100' x 200' parcel:*
>
> *BEGINNING at a point on the easterly line of a public right-of-way 100.0 feet wide known as State Road A1A, said point being the North line of Lot 120 of said PALM BEACH ESTATES, run thence South 88°-03'-26" East 200.0 feet; thence South 1°-41'-34" West 100.0 feet; thence North 88°-03'-26" West 200.0 feet; thence North 1°-21'-34" East 100.0 feet to the POINT OF BEGINNING.*

said application and the supporting documentation submitted therewith having been submitted in accordance with the provisions of Article VII of Ordinance 2-74, as amended, and;

WHEREAS, the Zoning Commission of the Town of Palm Beach reviewed said application at its meeting of January 17, 1978 and filed a report with respect to said review, said report being on file for a period of not less than 15 days and available for public inspection, and;

WHEREAS, the Town Council of the Town of Palm Beach conducted public hearings with respect to said application on February 23 and on March 9, 1978, and further considered by the Town Council at a public meeting on April 18, 1978, at which times all interested parties were afforded an opportunity to be heard, and;

WHEREAS, the Town Council in accordance with Section 7.33 of Ordinance 2-74, as amended, does make the following findings:

1. The Planned Unit Development Plan, as submitted and thereafter amended, is basically consistent with the statement of general objectives of a planned unit development as set forth in Section 7.10, except as enumerated in paragraph 2 below.

2. The Planned Unit Development Plan, as submitted and amended, departs from the principles contained within the comprehensive plan and its implementing zoning ordinance and, in the opinion of the Town Council, such departures are not deemed to be in the public interest. The departures include, but are not limited to the following:

a. The bulk of the westernmost structures proposed for Phase 1 and 2 is excessive, thereby producing an oppressive walled-in effect upon the public in a transition zone.

b. Although the Planned Unit Development Plan, as submitted and amended, does include an adequate amount of open space, common open space, and landscaped open space located in a satisfactory manner, the proposed plan does not include adequate provisions to insure that said open space areas will be maintained as such.

c. The Planned Unit Development Plan, as submitted and amended, makes adequate provision for public services, furthers the amenities of light and air, recreation and visual enjoyment except insofar as physical and visual penetration to the beach area is concerned, but does not provide adequate control over vehicular traffic.

d. The Planned Unit Development Plan, as submitted and amended, is not compatible with the neighboring development existing to the North in that the buildings are not adequately landscaped-screened.

e. The Planned Unit Development Plan, as submitted and amended, does not assure adequate space between buildings within Phases 1 and 2, thus posing the threat of having an adverse effect upon the neighborhood.

f. The Planned Unit Development Plan, as submitted and amended, does not assure adequate front yard setbacks in Phases 1 and 2, thus posing the threat of having an adverse effect upon the neighborhood.

g. The Planned Unit Development Plan, as submitted and amended, contemplates a vertical wall approximately 10 feet high along a significant part of the property line and does not provide adequate protection for the abutting public property to the south and will have an adverse effect upon such public property.

h. The Planned Unit Development Plan, as submitted and amended, includes an extra story not otherwise permitted by the zoning regulations, which extra story is characterized as a "basement". Adequate limitations on the use of these "basements" is not included within the plan.

i. The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for the limitation of use of the area lying West of State Road A1A.

j. The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for time-phasing constraints over a period of years, including sufficient performance bonds as necessary.

k. The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for the protection of the natural beach dune vegetation, and further, as proposed, does pose a serious threat to the ocean-front dune.

l. The Planned Unit Development Plan, as submitted and amended, will not protect the interests of the public and the residents and owners of the proposed Planned Unit Development unless the Plan is modified as hereinafter suggested.

and;

WHEREAS, the Town Council, after deliberation and after carefully evaluating both the recommendations of the Zoning Commission and the comments received from interested parties at the aforementioned public hearings, does

find the Planned Unit Development Plan to be in the best interests of the Town of Palm Beach except as herein set forth;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1.

That the tentative plan for Planned Unit Development as submitted by SANDER B. WEINSTOCK on October 31, 1977 and thereafter amended for the property commonly referred to as "Parcel 1, Sloan's Curve" be granted tentative approval subject to the following conditions not included within said Plan as submitted:

REVISED SEE RES. #20-78

Condition No. 1 - Phase III - "Town Houses" Plan Modification.

The Town House Development as shown on Exhibit #4, Sheet #1, entitled, "Site Development Plan", as identified at the Town Council meeting of March 9, 1978, shall have Town House Unit #13 omitted, as illustrated by Mylar Overlay Exhibit No. 6A; thereby moving the northern tier of Town Houses southward as shown on Exhibit No. 6A; and thereby allowing more space for proper landscaping of the Sloan's Curve area, particularly the area north of the Town House phase.

Condition No. 2 - Phase III Garden Wall and Landscape Plan Modification.

The 6' high garden wall shown in Phase III bordering Sloan's Curve shall be situated not less than 6' inside of the property line to permit landscaping on the street side of the wall. Said landscaping shall include shade trees placed outside of the wall at sufficient intervals, in the opinion of the Town officials, to serve as an effective visual buffer. (See Exhibit #9, "Typical Section", for the type of landscape treatment required on the street side of the wall.)

REVISED SEE RES. #20-78

Condition No 3 - Phase I and Phase II Building Spacings and Height.

With respect to the six principal multi-family buildings of Phases I and II, none of said buildings shall be closer than 60' to any other of the six major residential buildings. The two easternmost buildings in both Phase I and Phase II shall have the project zero datum elevation of said

buildings measured from plus 19', United States Coastal and Geodetic Survey datum, said buildings shall have a maximum of five stories of apartments, plus a basement story; the total building height shall not exceed 55' above the zero datum.

REVISED SEE RES. #20-78

Condition No. 4 - Phase I and Phase II Front Yard Setbacks

Front yard setbacks for the westernmost buildings in Phases I and II shall not be less than: 145' for Phase I and 97' for Phase II, as measured from the property line along State Road A1A. These setbacks are as shown on Exhibit #9.

ELIMINATED SEE RES. #20-78

Condition No. 5 - Phase I - Westernmost Building Dimensions.

The westernmost building of Phase I, because of its proximity to A1A, shall have a north-south maximum dimension of 175' as otherwise required by the zoning ordinance; however, if the proposed north-south dimension of said building is desired to exceed 175' (but not to exceed a north-south dimension of 210') as shown on Exhibits #7 and #9, as identified at the March 9, 1978 Town Council meeting, then the building height of said building must be reduced to a maximum of five stories and 55' in height, as measured above the State Road A1A zero datum of plus 7 1/2', U. S. Coastal and Geodetic Survey datum.

Condition No. 6 - Phase II Westernmost Building Dimensions.

Elevation of the west building of Phase II as shown on Exhibits #6 and #7 shall not exceed four stories and 40' in height, measured above a State Road A1A zero datum of plus 7 1/2', U. S. Coastal and Geodetic Survey datum. If said building does exceed 40' in height, then it shall be reduced in height to a maximum of three stories, or alternately, its westernmost projection shall be moved eastward by not less than 25', so that said building will have a front yard setback from the property line along State Road A1A of not less than 120'.

Condition No. 7 - Building Design at South Property Line.

At the south property line abutting Phipps Ocean Park, the applicant's side yard setback area which extends from said south property line to the

proposed underground parking structure shall have a berm installed at a slope no steeper than one horizontal to one vertical; said berm shall extend from the finished grade at the top of the parking structure to a point not to exceed 2' above the existing ground level of Phipps Ocean Park; said berm shall be retained by a 4' high retaining wall, measured from the existing grade level on Phipps Ocean Park side; and said wall shall extend 2' above the finished grade line on the applicant's side. This berm must be landscaped with natural plant growth and must be maintained at all times in a proper manner. No external illumination from any garage, driveway or parking lot shall unduly affect the use of the Park.

Condition No. 8 - Trespassing at South Property Line.

The applicant must agree that there will be no trespassing by applicant or his agents, either accidentally or intentionally, nor will there be any deposit of soil or building materials on the Phipps Ocean Park property during the course of the proposed construction. Further, there shall be no permanent accessibility point provided from the applicant's property to the Phipps Ocean Park property.

Condition No. 9 - Basement Uses.

Uses of basements in all buildings shall be limited to entrance foyers, pool cabanas, sauna and exercise rooms, storage and utility rooms, transformer vaults, entrances to parking areas, one resident manager's office in Phase I and Phase II and other uses not involving "Habitable space" as defined in Ordinance 2-74, as amended.

Condition No. 10 - Conceptual Landscape Plan Design.

REVISED SEE RES. #20-78

The Conceptual Landscaping Plan, identified as Exhibits #10 and #11, and the remarks made by Mr. Bradshaw of Walter Taft Bradshaw and Associates, Inc. at the Town Council meeting of March 9, 1978, as reported in the official Court Reporter's transcript of said meeting, are made a part of the record as a substantive assurance of what will be accomplished by the landscaping at the time of the issuance of the Town's Certificate of Occupancy. There will be no requirement by the Town for landscaping west

of State Road A1A. To achieve the purpose of protecting the community during construction of Phase III"Town Houses", the perimeter visual sightscreen planting and garden wall proposed on the Conceptual Landscape Plan shall be installed immediately following the lot clearing and removal of natural vegetation in connection with the commencement of construction of Phase III.

Condition No. 11 - Large Structure Trees.

The Conceptual Landscape Plan, identified in Condition No. 10 above, contains reference to "Large Structure Trees", which term identifies certain trees on said Plan, and said term shall be defined as trees having a height of not less than 15' and a spread of not less than 12' at the time of planting. Minor variations to this requirement may be permitted for certain species of trees, but not as a general rule. It shall be the general intention of the landscaping requirements that the buildings and activities within the Planned Unit Development be visually buffered to the maximum extent possible from external view.

Condition No. 12 - Detailed Landscaping Plan - Initial Approval.

No Town building permit to commence construction will be issued until a detailed landscaping plan has been submitted to and approved by the Town Council, which plan shall meet the requirements of the Conceptual Landscape Plan and objectives outlined by Mr. Bradshaw, as fully specified in Condition No 10 above, and which shall include sizes, numbers and distances on center for hedges and trees, and shall include other pertinent information as required by the Town Council. Concurrent with the issuance of said Building Permit, the applicant shall secure, as evidenced by contract, all of the plant material specified on the plan at 4' or more in height which will be needed for implementing said landscape plan; further, said landscaping shall be reserved for exclusive use of the applicant. Evidence of said reserved exclusive use must be provided to the Town.

Condition No. 13 - Landscape Plan - Final Site Inspection.

No Town Certificate of Occupancy will be issued for any phase until Town officials, by final site inspection, have determined that the land-

scaping, as provided for that phase, meets the specifications of said Council-approved landscape plan.

REVISED SEE RES. #20-78

Condition No. 14 - Tiered Landscaping - Sloan's Curve.

In furtherance of Conditions No. 1, No. 2 and No. 10 as set out herein, it is a specific condition that the landscaping along Sloan's Curve, as presented by Mr. Bradshaw, shall include a "tiered" type of landscaping acceptable to Town officials. This type of landscape treatment is shown on the Exhibit entitled "Vegetation Profile from A1A" in numbered areas 1, 2, and 3.

Condition No. 15 - Area West of State Road A1A.

There shall be no construction of any nature permitted west of State Road A1A, including tennis courts, nor vehicular parking.

Condition No. 16 - Architectural Style of Buildings.

The design architect shall give particular attention to an architectural design in Phases I and II which will preclude a monotonous repetition of the architectural style of buildings now located south of Sloan's Curve. The Town's Architectural Commission is requested to give special consideration to this matter when reviewing each phase of this project.

Condition No. 17 - Driveway Entrance/Exits.

The driveway to Town House Phase III shall be eliminated, and access to Phase III shall occur through Phases I and II. The intent of this Condition is to have only two driveway entrances/exits from State Road A1A to the entire PUD-B Development. The northernmost of said entrance/exit driveways shall not occur northward of the center line of Phase II. Internal driveways shall provide access to all phases.

REVISED SEE RES. #19-78

Condition No. 18 - Order of Construction Commencement.

The applicant agrees that Phase III "Town Houses" shall precede Phase II "Apartments" in the order of construction.

REVISED SEE RES. #19-78

Condition No. 19 - Dune Preservation.

No portion of the land area or vegetation east of the "Dune Protection Line" shown in red pencil on the Applicant's Exhibit A submitted to the Town Council on May 2, 1978 shall be disturbed. This "Dune Protection Line" shall be permanently monumented by the Applicant to the satisfaction of the Town. A 10-foot high barbed wire fence shall be constructed by the Applicant parallel to and not less than 2 feet westward from the "Dune Protection Line", such fence to extend from the South to the North line of the Applicant's property and to be maintained in good condition throughout each of the 3 phases of construction. Provided, however, that upon the completion of each construction phase (or if access to the beach area is required during construction) fencing in front of the applicable phase may be removed subject to the installation of walkways as hereinafter provided and fence returns to preserve the integrity of the fencing in front of the remaining phases where construction has not been completed. Any disturbance or damage to the area east of said "Dune Protection Line" shall be immediately repaired and restored by the Applicant prior to the continuation of construction. Further, Applicant shall pay to the Town for each such disturbance the sum of $10,000 as and for liquidated damages, the extent of actual damages for such disturbance not being easily ascertainable due to the fragile nature of the dune area and vegetation east of said dune and the uncertain nature of the corrective action which may be required to repair or correct such disturbance. All access to the beach over the "Dune Protection Line" shall be by walkways shown on a drawing submitted to the Building Official prior to the construction of such walkways.

ELIMINATED SEE RES. #19-78

Condition No. 20 - Phase III - Performance Bond.

The applicant agrees to provide a Performance Bond in a form acceptable to the Town to insure completion of Phase III prior to the construction of the Phase II apartments, and said Bond shall be in the amount of Five Million Dollars, which is the applicant's estimated cost of completing Phase III "Town Houses".

REVISED SEE RES. #19-78

Condition No. 21 - Provision of Utility Easements and Facilities and Attributable Costs.

The applicant agrees to provide necessary utility easements for all the existing and proposed Town-owned and private utility-owned facilities which are essential to serve the development. Furthermore, all public improvement costs, including but not limited to, traffic improvements and public utility improvement costs directly attributable to or resulting from proposed development, shall be borne proportionately by the applicant regardless of whether said improvements are on or off site.

Condition No. 22 - Open Space Covenants.

The applicant shall provide a deed restriction in the form of a covenant running with the land which will guarantee the retention of the area of land shown as "open space" and/or "landscaped open space" in Phases I, II and III as permanent open space, unless the Town Council should, upon application of the landowner, amend said plan with respect to said open space areas.

REVISED SEE RES. #19-78

Section 2.

The following periods of time are established for filing applications for final approval:

Phase I	Maximum Time After Date of Tentative Approval
Consisting of southernmost three principal residential buildings with appurtenant accessory structures and uses.	12 months
Phase III	
Consisting of town houses at the northernmost area of the property	30 months
Phase II	
Consisting of the three principal residential buildings in the middle area of the property w/appurtenant accessory structures and uses.	42 months

Section 3.

Due to the complexity of the conditions of approval, the applicant, if he chooses to accept all said conditions as set forth herein, shall submit amended drawings and supplemental information as required to indicate the Planned Unit Development Plan as further amended in conformance to the

conditions set forth, and tentative approval shall become effective when such drawings and supplemental information are received by the Town of Palm Beach and found to be in conformity with the conditions set forth herein.

Section 4.

The applicant, at the time of submission of the application for each phase for final approval, shall submit all drawings and specifications as required by the Town at the time of submission, together with the performance bond referred to above.

REVISED SEE RES. #19-78

Section 5.

The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail, to the applicant, and applicant shall, within 45 days after receiving said certified copy, notify the Town Council of his acceptance of, or refusal to accept all of said conditions as provided in Section 7.33 of Ordinance 2-74 as amended.

PASSED AND ADOPTED in regular, adjourned session assembled on the 2nd day of May, 1978.

Robert M. Grace

Willis L. Rathian

Ann M. Mettler

Caldwell A. Shaw

APPROVED:

William B. Cudahy
Mayor

ATTEST:

Grace T. Peters
Town Clerk

EXHIBIT H

OFFICE COPY
Town of Palm Beach
Building Dept.

RESOLUTION NO. 19-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 16-78 RELATING TO THE APPLICATION OF SANDER B. WEINSTOCK FOR TENTATIVE APPROVAL OF A PLANNED UNIT DEVELOPMENT.

* * * * * * *

WHEREAS, upon further consideration of the application of SANDER B. WEINSTOCK for tentative approval for a Planned Unit Development, the Town Council does hereby find and determine that it is in the best interest of the Town to amend Resolution No. 16-78 with respect to said application as hereinafter set forth;

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

Section 1.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause "Condition 18" included therein to read as follows, to wit:

Condition No. 18 - Order of Construction Commencement.

The applicant agrees that Phase I "Apartments" and Phase III "Townhouses" shall be commenced simultaneously. Further, that no permit may be issued for the commencement of construction for Phase II "Apartments" until fifty (50) per cent of the total number of townhouse units in Phase III "Townhouses" are "dried-in" (roofing is weather-tight).

Section 2.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause "Condition 19" included therein to read as follows, to wit:

Condition No. 19 - Dune Preservation.

No portion of the land area or vegetation east of the "Dune Protection Line" shown in red pencil on the Applicant's Exhibit A submitted to the Town Council on May 2, 1978 shall be disturbed. This "Dune Protection

Line" shall be permanently monumented by the Applicant to the satisfaction of the Town. A 10-foot high barbed wire fence shall be constructed by the Applicant parallel to and not less than 2 feet westward from the "Dune Protection Line," such fence to extend from the South to the North line of the Applicant's property and to be maintained in good condition throughout each of the 3 phases of construction. Provided, however, that upon the completion of each construction phase (or if access to the beach area is required during construction) fencing in front of the applicable phase may be removed subject to the installation of walkways as hereinafter provided and fence returns to preserve the integrity of the fencing in front of the remaining phases where construction has not been completed. Any disturbance or damage to the area east of said "Dune Protection Line" shall be immediately repaired and restored by the Applicant prior to the continuation of construction. Further, Applicant shall pay to the Town for each such disturbance during construction which is attributable to the applicant the sum of $10,000 as and for liquidated damages, the extent of actual damages for such disturbance not being easily ascertainable due to the fragile nature of the dune area and vegetation east of said dune and the uncertain nature of the corrective action which may be required to repair or correct such disturbance. All access to the beach over the "Dune Protection Line" shall be by walkways shown on a drawing submitted to the Building Officials prior to the construction of such walkways.

Section 3.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause "Condition 20" included therein to be eliminated.

Section 4.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause "Condition 21" included therein to read as follows, to wit:

Condition No. 21 - Provision of Utility Easements and Facilities and Attributable Costs.

The applicant agrees to provide necessary utility easements for all the existing and proposed Town-owned and private utility-owned facilities which are essential to serve the development. Furthermore, the applicant or

his assigns shall be responsible for its pro-rata share of traffic and/or public utility improvement cost borne by the Town and directly attributable to the proposed development. The applicant's share shall not exceed a fraction of the costs involved, the numerator of which fraction is the proposed number of dwelling units in the project and the denominator of which is the total number of dwelling units serviced or benefited by the improvement whether directly or indirectly. Said costs shall be determined prior to issuance of a building permit for each Phase.

Section 5. Section 2 of said Resolution No. 16-78 shall be and the same is hereby amended so as to read as follows, to wit:

"Section 2.

The following periods of time are established for filing applications for final approval:

	Maximum Time After Date of Tentative Approval
Phase I Consisting of southernmost three principal residential buildings with appurtenant accessory structures and uses.	12 months
Phase III Consisting of town houses at the northernmost area of the property.	12 months
Phase II Consisting of the three principal residential buildings in the middle area of the property w/appurtenant accessory structures and uses."	42 months

Section 6.

Section 5 of said Resolution No. 16-78 shall be and the same is hereby amended so as to provide that the applicant shall have thirty (30) days from May 23, 1978 to notify the Town Council of his acceptance of, or refusal to accept all of said conditions of Town Resolution No. 16-78, as amended by Town Resolution No. 19-78, as provided in Section 7.33 of Ordinance No. 2-74, as amended. The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail, to the applicant.

Section 7.

All other terms and conditions of said Resolution No. 16-78, except as herein amended, are ratified and confirmed.

PASSED AND ADOPTED in regular, adjourned session assembled on the 23rd day of May, 1978.

Walter L. Rathbun

Charles H. Warner, Jr.

Thomas M. Mettler

Robert M. Grace

APPROVED:

Mayor

ATTEST:

Grace T. Peters

Town Clerk

EXHIBIT I

OFFICE COPY
Town of Palm Beach
Building Dept.

RESOLUTION NO. 20-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 16-78, AS AMENDED BY RESOLUTION NO. 19-78, RELATING TO THE APPLICATION OF SANDER B. WEINSTOCK FOR TENTATIVE APPROVAL OF A PLANNED UNIT DEVELOPMENT.

* * * * * * * * *

WHEREAS, upon further consideration of the application of SANDER B. WEINSTOCK for tentative approval of a Planned Unit Development, the Town Council does hereby find and determine that it is in the best interest of the Town to further amend Resolution No. 16-78 as heretofore amended by Resolution No. 19-78 with respect to said Application in the manner hereinafter set forth;

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

Section 1.

Section 1 of said Resolution No. 16-78 shall be and the same hereby is amended so as to cause Condition 1 included therein to read as follows, to wit:

"Condition No. 1 - Phase III - "Town Houses" Plan Modification.

The Town House Development as shown on Exhibit #4, Sheet #1, entitled, "Site Development Plan", as identified at the Town Council meeting of March 9, 1978, shall have Town House Unit #13 omitted, as illustrated by Mylar Overlay Exhibit No. 6A; thereby moving the northern tier of Town Houses southward as shown on Exhibit No. 6A; and thereby allowing more space for proper landscaping of the Sloan's Curve area, particularly the area north of the Town House phase. The west half of Phase III shall have the project zero datum elevation of buildings measured from plus 7 1/2', USC&G survey datum, said buildings shall have a maximum height of 35 feet above the zero datum. The east half of Phase III shall have the project zero datum elevation of buildings measured from plus 19 feet USC&G survey datum, said buildings shall have a maximum height of 30 feet."

Section 2.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 3 included therein to read as follows, to wit:

"Condition No. 3 - Phase I and Phase II Building Spacings and Height.

The two buildings in Phase 1 shall have the project zero datum elevation of said buildings measured from plus 19', USC&G survey

datum, said buildings shall have a maximum of six stories of apartments, plus a basement story; the total building height shall not exceed 65' above the zero datum. The two buildings in Phase II shall have the project zero datum elevation of said buildings measured from plus 19', USC&G survey datum, said buildings shall have a maximum of five stories of apartments, plus a basement story; the total building height shall not exceed 55' above the zero datum."

Section 3.

Section 4 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 4 included therein to read as follows, to wit:

"Condition No. 4 - Phase I and Phase II Front Yard Setbacks.

Front yard setbacks for the two buildings in Phase I shall have a minimum front yard setback of 225 feet. Front yard setbacks for the two buildings in Phase II shall have a minimum front yard setback of 200 feet. The maximum east-west dimension of all buildings in Phases I and II shall not exceed 210 feet."

Section 4.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 5 included therein to be deleted.

Section 5.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 6 included therein to be deleted.

Section 6.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition No. 10 included therein to read as follows, to wit:

"Condition No. 10 - Conceptual Landscape Plan Design.

The Conceptual Landscaping Plan, identified as Exhibits #10 and #11, and the remarks made by Mr. Bradshaw of Walter Taft Bradshaw and Associates, Inc. at the Town Council meeting of March 9, 1978, as reported in the official Court Reporter's transcript of said meeting, are made a part of the record as a substantive assurance of what will be accomplished by the landscaping at the time of the issuance of the Town's Certificate of Occupancy. However, due to extensive modifications in building location, the Conceptual Landscape Plan as submitted will have to be updated and a new Conceptual Landscape Plan submitted by the applicant for approval by the Town Council prior to the issuance of any building permits. In order to obtain

approval, the new Conceptual Landscape Plan must show the same quality of landscape treatment, must be annotated in the same manner as to details, and must achieve the same objectives as the original Conceptual Landscape Plan. Upon approval of this new Conceptual Landscape Plan, said Plan will replace the Conceptual Landscape Plan identified as Exhibits #10 and #11 referred to herein, and referred to in Conditions 11, 12, 13 and 14. There will be no requirement by the Town for additional landscaping west of State Road A1A. To achieve the purpose of protecting the community during construction of Phase III "Town Houses," the perimeter visual sightscreen planting and garden wall proposed on the Conceptual Landscape Plan shall be installed immediately following the lot clearing and removal of natural vegetation in connection with the commencement of construction of Phase III.

Section 7.

Section 1 of said Resolution No. 16-78 shall be and the same is hereby amended so as to cause Condition 14 included therein to read as follows, to wit:

"Condition No. 14 - Tiered Landscaping - Sloan's Curve.

In furtherance of Conditions No. 1, No. 2 and No. 10 as set out herein, it is a specific condition that the landscaping along Sloan's Curve, as presented by Mr. Bradshaw, shall include a "tiered" type of landscaping with large structure trees acceptable to the Town Building Official and the President of the Town Council. This type of landscape treatment is shown on the Exhibit entitled "Vegetation Profile from A1A" in numbered areas 1, 2, and 3."

Section 8.

All other terms and conditions of said Resolution No. 16-78 as amended by Resolution No. 19-78 are ratified and confirmed except as herein modified. The Town Clerk is directed to furnish a certified copy of this Resolution, by certified mail, to the applicant.

PASSED AND ADOPTED in regular, adjourned session assembled on the 13 day of June, 1978.

Thomas M. Mottler
Charles H. Harris
Robert M. Grace
Walter Hatton

APPROVED:

William B. Coldy
Mayor

ATTEST:

Grace T. Peters
Town Clerk

EXHIBIT J

RESOLUTION NO. 35-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 16-78, AS AMENDED BY RESOLUTIONS NO. 19-78 AND NO. 20-78, RELATING TO THE APPLICATION OF SANDER B. WEINSTOCK FOR TENTATIVE APPROVAL OF A PLANNED UNIT DEVELOPMENT, RESTATING THE CONDITIONS UPON WHICH TENTATIVE APPROVAL WAS GRANTED, AND GRANTING FINAL APPROVAL OF SAID PLANNED UNIT DEVELOPMENT AS TO PHASES I AND III.

o O o

WHEREAS, SANDER B. WEINSTOCK submitted an application on or about October 31, 1977 for tentative approval of a planned unit development for certain real property upon which he holds a contract to purchase consisting of approximately 26.6 acres and more particularly described as follows, to-wit:

> The South 176.0 feet of Lot 110, all of Lots 111 through 119 inclusive and the North half of Lot 120, PALM BEACH ESTATES, as recorded in Plat Book 8, page 3, Public Records of Palm Beach County, Florida,
>
> EXCEPTING THEREFROM the following 100' x 200' parcel:
>
> BEGINNING at a point on the easterly line of a public right-of-way 100.0 feet wide known as State Road A1A, said point being the North line of Lot 120 of said PALM BEACH ESTATES, run thence South 88°03'26" East 200.0 feet; thence South 1°41'34" West 100.0 feet; thence North 88°03'26" West 200.0 feet; thence North 1°21'34" East 100.0 feet to the POINT OF BEGINNING,

said application and the supporting documentation submitted therewith having been submitted in accordance with the provisions of Article VII of Ordinance 2-74, as amended, and;

WHEREAS, the Zoning Commission of the Town of Palm Beach reviewed said application and filed a report, and the Town Council thereafter conducted public hearings with respect to said application on February 23, March 9, March 14 and April 18, 1978, at which time all interested parties were afforded an opportunity to be heard, and;

WHEREAS, the Town Council in accordance with Section 7.33 of Ordinance 2-74, as amended, did make the following findings of fact which were included within Resolution No. 16-78, to-wit:

1. The Planned Unit Development Plan, as submitted and thereafter amended, is basically consistent with the statement of general objectives of a planned unit development as set forth in Section 7.10, except as enumerated in paragraph 2 below.

2. The Planned Unit Development Plan, as submitted and amended, departs from the principles contained within the comprehensive plan and its implementing zoning ordinance and, in the opinion of the Town Council, such departures are not deemed to be in the public interest. The departures include, but are not limited to the following:

(a) The bulk of the westernmost structures proposed for PhasesI and II is excessive, thereby producing an oppressive walled-in effect upon the public in a transition zone.

(b) Although the Planned Unit Development Plan, as submitted and amended, does include an adequate amount of open space, common open space, and landscaped open space located in a satisfactory manner, the proposed plan does not include adequate provisions to insure that said open space areas will be maintained as such.

(c) The Planned Unit Development Plan, as submitted and amended, makes adequate provision for public services, furthers the amenities of light and air, recreation and visual enjoyment except insofar as physical and visual penetration to the beach area is concerned, but does not provide adequate control over vehicular traffic.

(d) The Planned Unit Development Plan, as submitted and amended, is not compatible with the neighboring development existing to the North in that the buildings are not adequately landscaped-screened.

(e) The Planned Unit Development Plan, as submitted and amended, does not assure adequate space between buildings within Phases I and II, thus posing the threat of having an adverse effect upon the neighborhood.

(f) The Planned Unit Development Plan, as submitted and amended, does not assure adequate front yard setbacks in Phases I and II, thus posing the threat of having an adverse effect upon the neighborhood.

(g) The Planned Unit Development Plan, as submitted and amended, contemplates a vertical wall approximately 10 feet high along a significant part of the property line and does not provide adequate protection for the abutting public property to the south and will have an adverse effect upon such public property.

(h) The Planned Unit Development Plan, as submitted and amended, includes an extra story not otherwise permitted by the zoning regulations, which extra story is characterized as a "basement". Adequate limitations on the use of these "basements" is not included within the Plan.

(i) The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for the limitation of use of the area lying West of State Road A1A.

(j) The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for time-phasing constraints over a period of years, including sufficient performance bonds as necessary.

(k) The Planned Unit Development Plan, as submitted and amended, does not include adequate provisions for the protection of the natural beach dune vegetation, and further, as proposed, does pose a serious threat to the ocean-front dune.

(l) The Planned Unit Development Plan, as submitted and amended, will not protect the interests of the public and the residents and owners of the proposed Planned Unit Development unless the Plan is modified as hereinafter suggested.

and

WHEREAS, the Town Council, after deliberation and after carefully evaluating both the recommendations of the Zoning Commission and the comments received from interested parties at the aforementioned public hearings, did find in Resolution No. 16-78 that the Planned Unit Development Plan was in the best interests of the Town of Palm Beach, and did grant tentative approval to said Plan subject to certain conditions therein set forth; and

WHEREAS, certain of the conditions imposed by the Town Council as set forth in Resolution No. 16-78 were subsequently modified and amended by Resolutions No. 19-78 and No. 20-78; and

WHEREAS, the Plan submitted by Sander B. Weinstock for Final Approval of Phases I and III contains certain variations from the Plan tentatively approved by Resolution No. 16-78, and as thereafter amended by Resolutions No. 19-78 and No. 20-78, but that said variations have been found by the Town Council to be in conformity with the principles contained within the comprehensive plan and to be in the public interest and to better protect the interests of the public

and residents and owners of the proposed Planned Unit Development provided that the conditions hereafter stated are fully complied with; and

WHEREAS, it is desirable that all of the conditions imposed by the Town Council as set forth in Resolutions No. 16-78, No. 19-78 and No. 20-78 and which remain applicable to the Final Approval of Phases I and III as well as the tentative approval of Phase II of said Planned Unit Development be restated for purposes of clarity;

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

Section 1.

That Phases I and III of the plan for Planned Unit Development as submitted by Sander B. Weinstock on October 31, 1977, and as thereafter amended, for the property commonly referred to as "Parcel 1, Sloan's Curve" be granted Final Approval, and that Phase II be granted tentative approval, all subject to the following conditions not included within said Plan as submitted:

"Condition No. 1 - Phase III - 'Town Houses and Single Family Dwellings' Plan Modification.

A. The Phase III development is approved in principle as shown on the Plan presented to the Town Council on September 20, 1978, marked Exhibits 'D' and 'E'. The minimum paved street width of the private street shown on the Exhibit drawing for Phase III shall be 24 feet.

B. The Single Family project 'Zero Datum' for measuring the heights of the single family residences as proposed in Phase III shall be + 7.5, United States Coastal and Geodetic Survey Datum.

C. No single family dwelling in Phase III shall exceed a height of 35 feet above the Zero Datum of + 7.5 United States Coastal and Geodetic Survey Datum. Additionally, the height of each single family dwelling proposed in Phase III shall not be higher than 25 feet above the average finished

grade of the lot upon which it is located. Further, no single family dwelling in Phase III shall exceed two stories in height, but such dwelling may have an underground automobile parking basement, provided that it fully complies with the definition of a basement as contained in the Town's Zoning Ordinance.

D. In the event that the single family dwellings proposed to be constructed on the single family lots in Phase III do not comply in every respect to all 'RB' district zoning regulations contained in the Town's Zoning Ordinances (other than the provision governing the minimum width of a lot fronting on a private road), then each variance from said 'RB' regulations must first be approved by the Town Council before a permit is issued by the Town Building Department.

E. The Town House project 'Zero Datum' for measuring the height of the townhouses as proposed in Phase III will be + 19.0', United States Coastal and Geodetic Survey Datum. The townhouses shall not exceed two stories and/or 30 feet in height above said townhouse project Zero Datum.

F. No screen enclosures shall be constructed over swimming pools or yard areas in Phase III.

G. The Applicant acknowledges that the Town cannot furnish police enforcement of any type of automobile parking regulation on the private roads contained within Phase III and will so advise the purchasers of units contained within this Phase".

"<u>Condition No. 2 - Phase III - Garden Wall and Landscape Plan Modification</u>.

The 4-foot high tiered garden wall adjacent to the public road right of way as depicted in Exhibit 'E' to be located in Phase III bordering Sloan's Curve, shall be situated not less than 6 feet inside of the property line to permit landscaping on the street side of the wall. Said landscaping shall include shade trees placed outside of the wall at sufficient intervals, in the opinion of the Town officials, to serve as an effective visual buffer. (See Exhibit #9, 'Typical Section', as revised by Exhibits 'D' and 'E', for the type of landscape treatment required on the street side of the wall.)"

"<u>Condition No. 3 - Phase I and Phase II - Building Spacings and Height</u>.

The two buildings in Phase I shall have the project Zero Datum elevation of said buildings measured from + 19', United States Coastal and Geodetic Survey Datum, said buildings shall have a maximum of six stories of apartments, plus a basement story; the total building height shall not exceed 65 feet above the Zero Datum. The two buildings in Phase II shall have the project Zero

Datum elevation of said buildings measured from + 19', United States Coastal and Geodetic Survey Datum, said buildings shall have a maximum of five stories of apartments, plus a basement story; the total building height shall not exceed 55 feet above the Zero Datum".

"Condition No. 4 - Phase I and Phase II - Front Yard Setbacks.

Front yard setbacks for the two buildings in Phase I shall have a minimum front yard setback of 225 feet. Front yard setbacks for the two buildings in Phase II shall have a minimum front yard setback of 200 feet. The maximum east-west dimension of all buildings in Phases I and II shall not exceed 210 feet".

"Condition No. 5 - Building Design at South Property Line.

At the south property line abutting Phipps Ocean Park, the Applicant's side yard setback area which extends from said south property line to the proposed underground parking structure shall have a berm installed at a slope no steeper than one horizontal to one vertical; said berm shall extend from the finished grade at the top of the parking structure to a point not to exceed two feet above the existing ground level of Phipps Ocean Park; said berm shall be retained by a 4 foot high retaining wall, measured from the existing grade level on Phipps Ocean Park side; and said wall shall extend 2 feet above the finished grade line on the Applicant's side. This berm must be landscaped with natural plant growth and must be maintained at all times in a proper manner. No external illumination from any garage, driveway or parking lot shall unduly affect the use of the Park".

"Condition No. 6 - Trespassing at South Property Line.

The Applicant must agree that there will be no trespassing by Applicant or his agents, either accidentally or intentionally, nor will there be any deposit of soil or building materials on the Phipps Ocean Park property during the course of the proposed construction. Further, there shall be no permanent accessibility point provided from the Applicant's property to the Phipps Ocean Park property".

"Condition No. 7 - Basement Uses.

Uses of basements in all buildings shall be limited to entrance foyers, pool cabanas, sauna and exercise rooms, storage and utility rooms, transformer vaults, entrances to parking areas, one resident manager's office in Phase I and Phase II and other uses not involving 'Habitable space' as defined in Ordinance 2-74, as amended".

"Condition No. 8 - Conceptual Landscape Plan Design.

The Conceptual Landscaping Plan, identified as Exhibits #10 and #11, and the remarks made by Mr. Bradshaw of Walter Taft Bradshaw and Associates, Inc. at the Town Council meeting of March 9, 1978, as reported in the official court reporter's transcript of said meeting, are made a part of the record as a substantive assurance of what will be accomplished by the landscaping at the time of the issuance of the Town's Certificate of Occupancy. However, due to extensive modifications in building location, the Conceptual Landscape Plan as submitted will have to be updated and a new Conceptual Landscape Plan submitted by the Applicant for approval by the Town Council prior to the issuance of any building permits. In order to obtain approval, the new Conceptual Landscape Plan must show the same quality of landscape treatment, must be annotated in the same manner as to details, and must achieve the same objectives as the original Conceptual Landscape Plan. Upon approval of this new Conceptual Landscape Plan, said Plan will replace the Conceptual Landscape Plan identified as Exhibits #10 and #11 referred to herein, and referred to in Conditions 9, 10, 11 and 12. There will be no requirement by the Town for additional landscaping west of State Road A1A. To achieve the purpose of protecting the community during construction of Phase III 'Town Houses', the perimeter visual sightscreen planting and garden wall proposed on the Conceptual Landscape Plan shall be installed immediately following the lot clearing and removal of natural vegetation in connection with the commencement of construction of Phase III".

"Condition No. 9 - Large Structure Trees.

The Conceptual Landscape Plan, identified in Condition No. 8 above, contains reference to 'Large Structure Trees', which term identifies certain trees on said Plan, and said term shall be defined as trees having a height of not less than 15 feet and a spread of not less than 12 feet at the time of planting. Minor variations from this requirement may be permitted for certain species of trees, but not as a general rule. It shall be the general intention of the landscaping requirements that the buildings and activities within the Planned Unit Development be visually buffered to the maximum extent possible from external view".

"Condition No. 10 - Detailed Landscaping Plan - Initial Approval.

No Town building permit to commence construction will be issued until a detailed landscaping plan has been submitted to and approved by the Town Council, which plan shall meet the requirements of the Conceptual Landscape Plan and objectives outlined by Mr. Bradshaw, as fully specified in Condition No. 8 above, and which shall include sizes,

numbers and distances on center for hedges and trees, and shall include other pertinent information as required by the Town Council. Concurrent with the issuance of said Building Permit, the Applicant shall secure, as evidenced by contract, all of the plant material specified on the plan at 4 feet or more in height which will be needed for implementing said landscape plan; furthere, said landscaping shall be reserved for exclusive use of the Applicant. Evidence of said reserved exclusive use must be provided to the Town".

"Condition No. 11 - Landscape Plan - Final Site Inspection.

No Town Certificate of Occupancy will be issued for any phase until Town officials, by final site inspection, have determined that the landscaping, as provided for that phase, meets the specifications of said Council-approved landscape plan".

"Condition No. 12 - Tiered Landscaping - Sloan's Curve.

In furtherance of Conditions No. 1, No. 2 and No. 8 as set out herein, it is a specific condition that the landscaping along Sloan's Curve, as presented by Mr. Bradshaw, shall include a 'tiered' type of landscaping with large structure trees acceptable to the Town Building Official and the President of the Town Council. This type of landscape treatment is shown on the exhibit entitled 'Vegetation Profile from A1A' in numbered areas 1, 2 and 3, and as revised by Exhibits 'D' and 'E'".

"Condition No. 13 - Area West of State Road A1A.

There shall be no construction of any nature permitted west of State Road A1A, including tennis courts, nor vehicular parking".

"Condition No. 14 - Architectural Style of Buildings.

The design architect shall give particular attention to an architectural design in Phases I and II which will preclude a monotonous repetition of the architectural style of buildings now located south of Sloan's Curve. The Town's Architectural Commission is requested to give special consideration to this matter when reviewing each phase of this project".

"Condition No. 15 - Driveway Entrance/Exits.

The driveway to Town Houses and Single Family Dwellings Phase III shall be eliminated, and access to Phase III shall occur through Phases I and II. The intent of this Condition is to have only two driveway entrances/exits from State Road A1A to the entire PUD-B Development. The northernmost of said entrance/exit driveways shall not occur northward of the center line of Phase II. Internal driveways shall provide access to all phases".

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"Condition No. 16 - Order of Construction Commencement.

The Applicant agrees that Phase I 'Apartments' and the Townhouses in Phase III 'Townhouses and Single Family Dwellings' shall be commenced simultaneously. Further, that no permit may be issued for the commencement of construction for Phase II 'Apartments' until fifty (50) per cent of the total number of townhouse units in Phase III 'Townhouses and Single Family Dwellings' are dried-in (roofing is weather-tight)".

"Condition No. 17 - Dune Preservation.

No portion of the land area or vegetation east of the 'Dune Protection Line' shown in red pencil on the Applicant's Exhibit A submitted to the Town Council on May 2, 1978 shall be disturbed. This 'Dune Protection Line' shall be permanently monumented by the Applicant to the satisfaction of the Town. A 10-foot high barbed wire fence shall be constructed by the Applicant parallel to and not less than 2 feet westward from the 'Dune Protection Line', such fence to extend from the South to the North line of the Applicant's property and to be maintained in good condition throughout each of the three phases of construction. Provided, however, that upon the completion of each construction phase (or if access fo the beach area is required during construction) fencing in front of the applicable phase may be removed subject to the installation of walkways as hereinafter provided and fence re-returns to preserve the integrity of the fencing in front of the remaining phases where construction has not been completed. Any disturbance or damage to the area east of said 'Dune Protection Line' shall be immediately repaired and restored by the Applicant prior to the continuation of construction. Further, Applicant shall pay to the Town for each such disturbance during construction which is attributable to the Applicant the sum of $10,000 as and for liquidated damages, the extent of actual damages for such disturbance not being easily ascertainable due to the fragile nature of dune area and vegetation east of said dune and the uncertain nature of the corrective action which may be required to repair or correct such disturbance. All access to the beach over the 'Dune Protection Line' shall be by walkways shown on a drawing submitted to the Building Official prior to the construction of such walkways".

"Condition No. 18 - Provision of Utility Easements and Facilities and Attributable Costs.

The Applicant agrees to provide necessary utility easements for all the existing and proposed Town-owned and private utility-owned facilities which are essential to serve the development. Furthermore, the Applicant or his assigns shall be responsible for its pro-rata share of traffic and/or

public utility improvement cost borne by the Town and directly attributable to the proposed development. The Applicant's share shall not exceed a fraction of the costs involved, the numerator of which fraction is the proposed number of dwelling units in the project and the denominator of which is the total number of dwelling units services or benefited by the improvement whether directly or indirectly. Said costs shall be determined prior to issuance of a building permit for each Phase".

"Condition No. 19 - Open Space Covenants.

The Applicant shall provide a deed restriction in the form of a covenant running with the land which will guarantee the retention of the area of land shown as 'open space' and/or 'landscaped open space' in Phases, I, II and III as permanent open space, unless the Town Council should, upon application of the landowner, amend said plan with respect to said open space areas".

Section 2.

The following periods of time are established for filing applications for Final Approval:

	Maximum Time After Date of Tentative Approval
Phase I Consisting of southernmost two principal residential buildings with appurtenant accessory structures and uses.	12 months
Phase III Consisting of town houses and single family dwellings at the northernmost area of the property.	12 months
Phase II Consisting of the two principal residential buildings in the middle area of the property with appurtenant accessory structures and uses.	42 months

Section 3.

The Applicant, at the time of submission of the application for Final Approval of Phase II, shall submit all drawings and specifications as required by the Town at the time of submission.

Section 4.

All other items and conditions of Said Resolution No. 16-78 as amended by Resolution No. 19-78 and Resolution

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No. 20-78 are ratified and confirmed except as herein modified.

Section 5.

The Town Clerk is directed to furnish a certified copy of this Resolution, by certified mail, to the Applicant.

PASSED AND ADOPTED in regular, adjourned session assembled on the 10th day of October, 1978.

Walter L. Rathbun

Edward A. Johnson

Robert McGrace

Charles H. Warner, Jr.

John M. Meeks

Town Council

APPROVED:

William B. Cadorette

Mayor

ATTEST:

Grace T. Peters

Town Clerk

EXHIBIT K

Building

OFFICE COPY
Town of Palm Beach
Building Dept.

RESOLUTION NO. 27 -79

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 16-78, AS AMENDED BY RESOLUTION NOS. 19-78, 20-78, AND 35-78, RELATING TO THE APPLICATION OF SANDER B. WEINSTOCK FOR TENTATIVE AND FINAL APPROVAL OF A PLANNED UNIT DEVELOPMENT; RE-ADOPTING THE CONDITIONS UPON WHICH TENTATIVE APPROVAL WAS GRANTED; AMENDING CONDITIONS NOS. 14 AND 16 OF SAID TENTATIVE APPROVAL; AND GRANTING FINAL APPROVAL OF SAID PLANNED UNIT DEVELOPMENT AS TO PHASE II, SUBJECT TO SAID CONDITIONS AND AMENDED CONDITIONS.

o O o

WHEREAS, Sander B. Weinstock submitted an application on or about October 31, 1977 for tentative approval of a planned unit development for certain real property upon which he holds a contract to purchase consisting of approximately 26.6 acres and more particularly described as follows, to-wit:

> The South 176.0 feet of Lot 110, all of Lots 111 through 119 inclusive, and the North half of Lot 120, PALM BEACH ESTATES, as recorded in Plat Book 8, page 3, Public Records of Palm Beach County, Florida,
>
> EXCEPTING THEREFROM the following 100' x 200' parcel:
>
> BEGINNING at a point on the easterly line of a public right-of-way 100.0 feet wide known as State Road A1A, said point being the North line of Lot 120 of said PALM BEACH ESTATES, run thence South 88°03'26" East 200.0 feet; thence South 1°41'34" West 100.0 feet; thence North 88°03'26" West 200.0 feet; thence North 1°21'34" East 100.0 feet to the POINT OF BEGINNING,

said application and the supporting documentation submitted therewith having been submitted in accordance with the provisions of Art. VII of Ordinance No. 2-74, as amended, and;

WHEREAS, the Zoning Commission of the Town of Palm Beach reviewed said application and filed a report, and the Town Council thereafter conducted public hearings with respect to said application on February 23, March 9, March 14 and April 18, 1978, at which time all interested parties were afforded an opportunity to be heard, and;

WHEREAS, the Town Council in accordance with Sec. 7.33 of Ordinance No. 2-74, as amended, did make findings of fact which were included within Resolution No. 16-78; and

WHEREAS, the Town Council, after deliberation and after carefully evaluating both the recommendations of the Zoning Commission and the comments received from interested parties at the aforementioned public hearings, did find in Resolution No. 16-78 that the planned unit development plan was in the best interests of the Town of Palm Beach, and did grant tentative approval of said plan subject to certain conditions therein set forth; and

WHEREAS, certain of the conditions imposed by the Town Council as set forth in Resolution No. 16-78 were subsequently modified and amended by Resolution Nos. 19-78, 20-78, and 35-78; and

WHEREAS, the plan submitted by Sander B. Weinstock for Final Approval of Phases I, II and III contains certain variations from the plan tentatively approved by Resolution No. 16-78, and as thereafter amended by Resolution Nos. 19-78, 20-78 and 35-78, but that said variations have been found by the Town Council to be in conformity with the principles contained within the comprehensive plan and to be in the public interest and to better protect the interests of the public and residents and

owners of the proposed planned unit development provided that the conditions hereafter stated are fully complied with; and

WHEREAS, it is desirable that conditions numbered 1 through 19 imposed by the Town Council as set forth in Resolution Nos. 16-78, 19-78, 20-78 and 35-78, and which remain applicable to the Final Approval of Phases I, II and III of said planned unit development, be hereby confirmed and re-adopted as if the same were included herein, with the exceptions of conditions numbered 14 and 16, which are amended herein;

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

Sec. 1: -- Phases I, II and III of the plan for a planned unit development as submitted by Sander B. Weinstock on October 31, 1977, and as thereafter amended, for the property commonly referred to as "Parcel 1, Sloan's Curve" be granted Final Approval, all subject to the conditions included within Town Resolution Nos. 16-78, 19-78, 20-78 and 35-78, numbered 1 through 19, excepting however Conditions No. 14 and No. 16, which are hereby amended to read as follows:

"Condition No. 14 - Architectural Style of Buildings.

The design architect shall give particular attention to an architectural design in Phases I and II which will preclude a monotonous repetition of the architectural style of buildings now located south of Sloan's Curve. The Town's Architectural Commission is requested to give special consideration to this matter when reviewing each phase of this project. In order to preserve proper architectural appearance of the buildings at all times, there will be no storm shutters or any other

closures installed at the outside balcony line of the buildings:.

"Condition No. 16 - Order of Construction Commencement

The Applicant agrees that Phase I 'Apartments', and the Townhouses in Phase III 'Townhouses and Single Family Dwellings' shall be commenced simultaneously".

Sec. 2: -- All other items and conditions of said Resolution No. 16-78, as amended by Resolution Nos. 19-78, 20-78 and 35-78 are ratified and confirmed except as herein modified.

Sec. 3: -- The Town Clerk is directed to furnish a certified copy of this Resolution, by certified mail, to the Applicant.

PASSED AND ADOPTED in a regular, adjourned session assembled on the 11th day of September, 1979.

Thomas M. Meuler

Robert M. Grace

Mitchell M. Rubin

Walter L. Rattelman

Town Council

APPROVED:

Mack Ritchie

Mayor

ATTEST:

Grace T. Peters

Town Clerk

EXHIBIT L

SLOAN'S CURVE
2100 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480
TELEPHONE: (305) 588-7394, 588-3343

RECEIVED
OCT 9 1981
TOWN OF PALM BEACH
BUILDING DEPARTMENT

October 7, 1981

Mr. Robert Moore,
Building Official
Town of Palm Beach
P. O. Box 2029
Palm Beach, FL 33480

Re: Certificates of Occupancy for Phases II & III

Dear Mr. Moore:

The following is agreed as per the meeting among Mr. Hadley, you and me on this date:

.01 - The Certificates of Occupancy will be issued for our Phases II & III projects regardless of the status of the A1A (South County Road) roadwork, as shown on approved drawing prepared by The Lawrence Group, numbered 7731 and 7733, dated 8/18/80 and approved by the Town of Palm Beach.

The reason that this work will not be completed is that the Town's Public Works Department will not issue work permits for the west portion until FP&L completes the installation of their underground transmission lines in this area.

.02 - We herein agree that upon notification from the Public Works Department, we will continue and complete the roadway work as shown on the above-referenced drawings as expeditiously as possible. Please note that a 30-day curing time is needed on the asphalt before the slurry seal coat and striping can be applied.

.03 - We have been assured that any damage to the existing sprinkler system, landscaping, etc., caused by the installation of the FP&L transmission line installation will be restored or corrected at no cost to us.

(Cont'd.....)

SC

If you have any question on the above or feel that this is not as we agreed, please contact our office immediately.

Sincerely,

M. Seagrave, Jr.

M. Seagrave, Jr.

b

cc: S. Weinstock
D. Jacobson
S. Hadley
F. Hamlin (State of Fla. DOT)
Hyder Paving

EXHIBIT M

TOWN OF PALM BEACH UTILITY UNDERGROUNDING ASSESSMENT METHODOLOGY

OCTOBER 13, 2009

WILLDAN Financial Services

Florida Office
7380 Sand Lake Road
Suite 500
Orlando, FL 32819
Tel: (407) 352-3958
Fax: (888) 326-6864

Corporate Office
27368 Via Industria
Suite 110
Temecula, CA 92590
Tel: (800) 755-6864
Fax: (951) 587-3510

Regional Offices
Phoenix, AZ
Sacramento, CA
Antelope Valley, CA
Los Angeles, CA
Oakland, CA
Orange County, CA

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Executive Summary

Willdan Financial Services has been retained by the Town of Palm Beach (the Town), in accordance with Resolution No. 25-09, to develop a methodology that reflects the special and peculiar benefit received by properties within the Town from the proposed undergrounding of overhead utilities.

The methodology described herein will be the basis for establishing non ad-valorem assessments for undergrounding overhead facilities within specific neighborhoods and areas throughout the Town. Since it is currently unknown which specific areas or neighborhoods will have their overhead utilities undergrounded and when those projects might occur, the method of assessment presented in this Report assumes the entire Town will be undergrounded at the same time. This assumption allows for the development of a benefit nexus methodology that differentiates the special benefits received by various properties in the Town. The developed methodology can be used throughout the Town and at various times and for various Districts specially created for the purposes of funding the undergrounding of utilities.

As part of the creation of this benefit methodology, Willdan Financial conducted fieldwork and surveyed the entire Town to accurately incorporate the characteristics of the Town and the relationship between properties within the Town and the overhead utilities proposed to be undergrounded. Fieldwork is an essential component in the development of an utility undergrounding assessment program to account for the fact that some areas of the Town may already have a portion of their utilities undergrounded; and, therefore, do not benefit to the same degree as properties whose utilities are currently transmitted through overhead facilities. In addition to the fieldwork conducted, Willdan Financial also created a parcel database of all properties within the Town, categorized those properties based on their land use codes (DOR codes), and utilized our GIS capabilities to differentiate neighborhoods with overhead utilities versus neighborhoods that have already been undergrounded.

Once a certain area is identified for the undergrounding of its overhead utilities, an assessment program will be created to finance the cost and the methodology described herein will be the basis for determining each parcel's non ad valorem assessment. The methodology presented in this Report will be applied to each specific project area. Because each undergrounding project will have different costs and will benefit a particular set of properties, the resulting assessment program and rates will vary for each project area. It is anticipated that the methodology will need to be augmented through the incorporation of the cost estimate for the utility undergrounding and specific boundaries of the assessment program to calculate each benefiting parcel's assessment.

Proposed Public Facilities

Utilities, as used in this report, include power lines, phone lines, cable television and fiber optic lines. The undergrounding of overhead utility lines within the Town includes the costs associated with, but not limited to, trenching, horizontal directional drilling, installing new utility vaults, conduits and transformers, laying conduit lines into trenches, re-paving streets, switching services to underground systems and removing existing overhead poles and wires.

The benefit methodology presented in this Report focuses on the facilities located in public rights-of-way and the costs associated with installation of such facilities. The Town also anticipates developing assessments or other financing mechanisms related to costs of connecting private property to the undergrounded utilities. As these on-site costs can be highly variable depending upon site specific conditions, it is recommended that a cost allocation approach for on-site costs be developed when each project area has been identified and detailed on-site requirements can be determined.

Benefit Analysis

Florida law requires non ad-valorem assessments be based on the special and peculiar benefit properties receive from the improvements. "Special Benefit" is a particular and distinct benefit over and above general benefits conferred to the public at large. Florida law does not specify the methodology or formula that may be used in calculating assessments; however, the assessment methodology must be reasonable and not arbitrary.

It is necessary to identify the special benefit provided to properties within the Town as a result of undergrounding overhead utilities. The distribution of electricity and other utilities are generally available to all properties in the Town. However, placing overhead electrical lines and other utilities underground will provide direct and special benefit to properties and such special benefit supports funding the undergrounding projects through assessment programs.

There are several distinct direct and special benefits that will be provided to properties within the Town as a result of undergrounding the Town's overhead utilities: improved safety, improved reliability and improved neighborhood aesthetics. Each of these benefits is discussed below.

The removal of utility poles and overhead lines provides an improved **safety** benefit by reducing the potential of hazardous conditions in the event of natural disasters. Severe tropical storms, hurricanes, and other natural disasters can cause poles and/or overhead lines to fall and impact property, and possibly cause live electric lines to be exposed. Downed electric lines pose a potential threat of fire and potential injury due to electric shock and can restrict ingress and egress of residents and emergency services.

The undergrounding of the overhead facilities will also improve the **reliability** of utility services received by properties within the Town. Based on a report entitled *Out of Sight Out of Mind?*, Edison Electric Institute (2006), the undergrounding of overhead utilities substantially reduces the frequency of power outages, when compared to the frequency of outages occurring with overhead networks. Parcels will also specially benefit from new upgraded utility lines, cables, and appurtenant facilities installed through the proposed utility undergrounding. This will provide a higher level of reliability of utility services, and reduces exposure to the elements that could cause potential damage and speed deterioration to facilities resulting in potential interruptions services.

In addition to the safety and reliability benefits provided by undergrounding utilities, removing the overhead facilities and utility poles will eliminate a heavy visual concentration of electric lines and communication facilities. This will improve the overall **neighborhood aesthetics** for all properties within a project area.

Method of Assessment

Assessment Methodology is the analysis of a project or service, in this case from the proposed undergrounding of the existing overhead utilities, to determine the special and peculiar benefits (special benefits) received by a property. The method of assessment is determined by an analysis of the benefit a property receives from the proposed undergrounding of existing overhead utilities in comparison to the benefit received by other properties benefited by the project. There are three categories of special benefit that properties within the project areas receive as a result of the undergrounding of overhead utilities. These three categories of benefit include: 1) improved safety, 2) improved reliability, and 3) improved neighborhood aesthetics. To establish an equitable benefit nexus it is necessary to relate each property's proportional special benefits to the special benefits of all other properties within a project area. This method of apportionment utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that uses a single-family residence with overhead utilities as the basic unit of benefit, or 1.0 EBU.

Collectively, the three categories of special benefit listed above reflect the overall proportional special benefits that properties within a project area, which is assumed to be the entire Town for purposes of this Report, will receive from the undergrounding of the overhead utilities. Properties within the Town are assigned Safety EBUs, Reliability EBUs, and Aesthetic EBUs to distinguish the degree of special benefits received by different properties for each of the three categories of special benefit, respectively. The allocation of EBUs to each property not only provides a means to differentiate the level of special benefit received between properties, but also provides a basis to apportion the total cost of the proposed undergrounding between the three categories of special benefit equitably. Therefore, the total sum of EBUs was calculated to determine the percentage of EBUs assigned to each category of special benefit. In the representative case below, we have a total of 26,596 EBU's consisting of three types, Safety, Reliability and Aesthetics. The Benefit column shows the proportionate percentage of each relative to the whole. Distributing the cost of the project based on the weighted total of equivalent benefit units for each category fairly and reasonably apportions the cost of the proposed utility undergrounding among the benefited property owners. .

Category of Special Benefit	**EBUs**	**Benefit Allocation**
Improved Safety	31,697	59.51 %
Improved Reliability	10,368	19.46 %
Improved Aesthetics	11,200	21.03 %
TOTAL	53,265	100.00 %

The benefit allocation numbers presented above are calculated assuming the entire Town will be undergrounded at the same time and are provided as an example of application of the benefit methodology. Utilizing the same benefit methodology discussed herein, the benefit percentage attributable to each of the three special benefit categories will vary based on the number of parcels within the area to be undergrounded and their EBU assignment. As such, the percentage calculated for each category will reflect the unique characteristics of the specific project area to be undergrounded and the special benefits conferred on affected properties within that project area.

For each Category of Benefit, the following discussion identifies parcels that benefit, the assignment of EBUs, and related equations to determine a parcel's EBUs.

IMPROVED SAFETY

Properties specially benefit from the improved safety of undergrounding overhead utilities in two distinct ways: 1) the elimination of the potential for poles or overhead lines adjacent to a property to fall and damage property or expose "live" electrical lines, and 2) the elimination of the potential for poles or overhead lines to be downed within the neighborhood restricting ingress and egress to and from the property. A single-family residence lot that is adjacent to overhead facilities has been assigned a base unit of benefit for improved Safety equal to 1.0 Safety EBU. The base Safety EBU evenly accounts for the two components of improved safety. Therefore, the analysis uses 0.50 equivalent benefit units for the improved safety to the property and 0.50 equivalent benefit units for the improved safety/access to the neighborhood.

The Town's zoning and land use codes provide standards for development. The Town's Residential Low Density Zoning requires a minimum lot size equal to 10,000 square feet for the development of a single family residence. Existing developed single family lots that are less than the minimum lot size and original lots that were legally created but do not meet the current zoning standards have been assigned 1.0 Safety EBU since a residence already exists on developed property and the development of existing non-conforming lots is allowed under the Town's regulations. Condominium complexes, multi-family residences, and non-residential properties, as well as certain estate homes may span a greater area along the streets that have overhead utilities and/or utility poles proposed to be undergrounded. Therefore, an equivalency must be developed to proportionately assign EBUs to these properties, when compared to the baseline 10,000 square feet single family residential lot that has been assigned 1.0 Safety EBU. Based on this equivalency, some properties, including certain single-family residences, have been assigned additional Safety EBUs in recognition of the additional special benefit to those parcels in comparison to the baseline 1.0 EBU single family residential lot. .

In identifying the amount of assigned Safety EBUs for each parcel; overhead facilities, including utility lines and poles, along secondary streets and alleyways are considered to be adjacent to all properties on both sides of the secondary street and alleyway that front the overhead facilities due to the narrow widths of the secondary streets and alleyways. In addition, utility poles are considered a part of the overhead facilities; therefore, properties that only front utility poles are assigned a minimum of 1.0 Safety EBU.

Conversely, some parcels are already adjacent to undergrounded utilities, and, therefore, do not benefit to the same extent when compared to parcels currently adjacent to overhead utilities. Properties that do not have overhead facilities adjacent to their property along the public rights-of-way shall be assigned Safety EBUs equal to one-half (1/2) of the Safety EBU calculation, identified above, to reflect the improved overall safety of the neighborhood that specially benefit these properties as identified herein. This benefit analysis does not specifically address or recognize whether a parcel has an on-site underground lateral line from the right-of-way to a building. On-site costs and issues will need to be addressed in the context of each specific project and project area.

Each condominium complex was assigned Safety EBUs on a complex by complex basis and the total Safety EBU assignment to the condominium complex was then apportioned evenly to each condo within the complex. For single-family residences, multi-family properties, and non-residential properties, the EBUs calculated were assigned to the applicable parcel number. **Table 1** outlines the safety EBU calculations.

Table 1: Safety EBU Calculation

Land Use	Overhead Utilities	Lot Size (square feet)
Single Family	Yes	Lot Size / 10,000, rounded down to nearest whole number; minimum of 1.0 EBU
	No	(Lot Size / 10,000, rounded down to nearest whole number) / 2; minimum of 0.5 EBU
Condominium	Yes	0.5 EBU + 0.5 EBU x [(Complex Lot Size / 10,000) / condos in Complex]
	No	0.5 EBU
Multi-Family	Yes	0.5 EBU x units + 0.5 EBU x (Lot Size / 10,000)
	No	0.5 EBU x units
Non-Residential	Yes	1.0 EBU x (Lot Size / 10,000); minimum of 1.0 EBU
	No	0.5 EBU x (Lot Size / 10,000); minimum of 0.5 EBU
Vacant	Yes	1.0 EBU x (Lot Size / 10,000); minimum of 1.0 EBU
	No	0.5 EBU x (Lot Size / 10,000); minimum of 0.5 EBU

IMPROVED RELIABILITY

The benefit from the distribution of electricity, other utilities, and the underground wires and cables is essentially equivalent for each single-family residence. Further, since all of the single-family lots have the same ability to use utilities and each single-family parcel benefits from the increased reliability that undergrounding provides, each single-family residential property has been assigned (1.0) Reliability EBU to account for the failure in any one or more of the following systems, resulting in an interruption in services: 1) primary distribution lines; 2) secondary distribution lines, or 3) local distribution lines that provide connections to a property's utilities.

The improved reliability from the undergrounding of utilities will specially benefit each household of a condominium and multi-family complex, and each employee of a non-residential property. Since there are more units and/or occupants within condominium complexes, multi-family properties, and non-residential properties, these properties receive a different level of benefit than a single-family residence from the improved reliability of undergrounded utility services. Not only does the entire property benefit from the improved reliability, but every unit within a condominium complex or multi-family property, and all non-residential property will also benefit from the improved reliability. It is evident that each condominium in a complex, each unit of a multi-family property, and all non-residential property would be impacted by an interruption in services as a result from a power outage. Therefore, for residential properties, a reasonable comparison of benefit can be derived by using population density factors between a single-family residences, and condominiums /multi-family properties within the Town. For non-residential properties, an acreage equivalency was used to assign equivalent benefits units to capture the benefit associated with non-residential parcels when compared to a baseline single-family residential lot.

Using a population density factor approach for residential properties provides a reflection of the level of use of the facilities by each residential land use type, and therefore the special benefit that each property receives. Population density factors for residential properties were calculated using data obtained from the 2000 census. In comparing densities between different residential properties, condominiums are categorized as multifamily residences since the typical size of each property type is similar and, therefore, would generate similar population densities.

For non-residential properties, an acreage equivalency was used to assign equivalent benefits units for the benefit of reliability, which equitably captures the relative benefit associated with non-residential parcels when compared to a baseline single-family residential lot.

Properties already adjacent to undergrounded utilities will have their Reliability EBU discounted by 1/3rd to account for the reliability these properties already receive from the undergrounding of their local utilities connections. **Table 2** outlines the reliability EBU calculations.

Table 2: Reliability EBU Calculation

Land Use	Overhead Utilities	Density Factor	Lot Size (square feet)
Single-Family	Yes	2.36/2.36 = 1	1.0 EBU x Density Factor
	No		0.67 EBU x Density Factor
Condominium	Yes	1.55/2.36 = 0.65	1.0 EBU x Density Factor
	No		0.67 EBU x Density Factor
Multi-Family	Yes	1.55/2.36 = 0.65	1.0 EBU x Density Factor x units
	No		0.67 EBU x Density Factor x units
Non-Residential	Yes	N/A	1.0 EBU x (Lot Size / 10,000); minimum of 1.0 EBU
	No		0.67 EBU x (Lot Size / 10,000); minimum of 0.67 EBU
Vacant	Yes	N/A	1.0 EBU x (Lot Size / 10,000); minimum of 1.0 EBU
	No		0.67 EBU x (Lot Size / 10,000); minimum of 0.67 EBU

IMPROVED NEIGHBORHOOD AESTHETICS

Removing the overhead utilities will improve the overall aesthetics of an individual property as well as the neighborhood aesthetics for all properties within a defined project area by eliminating a heavy concentration of electric lines and communication facilities. Therefore, a single family residence adjacent to overhead utilities has been assigned 0.5 EBUs for the improved aesthetics of its property and 0.5 EBUs for the improved aesthetics of the property's neighborhood, for a total assignment of 1.0 Aesthetic EBU.

However, similar to reliability, residential properties in the Town receive different levels of benefit due to the different types of residential land uses within the Town, which result in different population densities As such, a benefit comparison of population density ratios can be established between the various residential properties within the Town. Therefore, similar to Reliability, EBUs for aesthetics were assigned to residential properties based on the density factors shown previously.

For non-residential properties, an acreage equivalency was used to assign equivalent benefits units for the benefit of neighborhood aesthetics, which equitably captures the benefit associated with non-residential parcels when compared to a baseline single-family residential lot.

Properties, whose utilities are adjacent to utilities already undergrounded, will only be assigned Aesthetic EBUs equal to one-half (1/2) of the Aesthetic EBU calculation, identified above, for the improved aesthetics of the property's neighborhood. **Table 3** outlines the aesthetics EBU calculations.

Table 3: Aesthetic EBU Calculation

Land Use	Overhead Utilities	Density Factor	Lot Size (square feet)
Single-Family	Yes	2.36/2.36 = 1	(Lot Size / 10,000, rounded down to nearest whole number) x Density Factor; minimum of 1.0 EBU
	No		[(Lot Size / 10,000, rounded down to nearest whole number) x Density Factor] / 2; minimum of 0.5 EBU
Condominium	Yes	1.55/2.36 = 0.65	1.0 EBU x Density Factor
	No		0.5 EBU x Density Factor
Multi-Family	Yes	1.55/2.36 = 0.65	1.0 EBU x Density Factor x units
	No		0.5 EBU x Density Factor x units
Non-Residential	Yes	N/A	1.0 EBU x (Lot Size / 10,000); minimum of 1.0 EBU
	No		0.5 EBU x (Lot Size / 10,000); minimum of 0.5 EBU
Vacant	Yes	N/A	1.0 EBU x (Lot Size / 10,000); minimum of 1.0 EBU
	No		0.5 EBU x (Lot Size / 10,000); minimum of 0.5 EBU

SPECIAL CASES AND EXCEPTIONS

Parcels over Ten Acres

While parcels throughout the Town benefit from the undergrounding of nearby utilities, parcels over 10 acres benefit to a lesser degree due to diminished return of benefit. Parcels receive diminished return of benefit because as the parcel's total acreage increases, the parcel tends to have a lower frontage-to-acreage ratio. This lower ratio directly results in less special benefit than that of the neighboring smaller parcels. In order to account for the difference in total special benefit, the acreage for these larger parcels has been adjusted. To calculate these parcels' adjusted acreage, the parcel's total frontage is multiplied by the minimum lot depth pursuant to the Town's zoning ordinances for Low Density Residential lots (200 feet).

The Breaker's Hotel

Similar to other large parcels, the parcels associated with the Breaker's Hotel specially benefit from the undergrounding of overhead facilities, however, since these parcels serve as one property, the adjusted acreage for all parcels associated with the Breaker's Resort are combined and adjusted as one large parcel.

Bifurcated Lots

Certain parcels within the Town have a portion of their property bifurcated as a result of South Ocean Boulevard. These properties were treated as special cases and were assigned EBUs based on the contiguous acreage associated with these properties.

Diagram

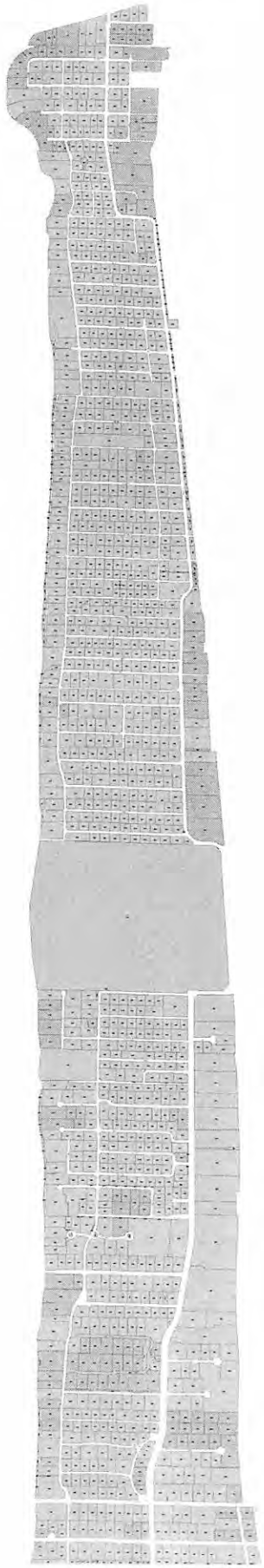
A Diagram showing the boundaries of the Town, the dimensions of the subdivisions of land within the Town (as they existed at the time of the creation of this Report), and parcels adjacent to overhead utilities and is illustrated below. Each of the subdivisions of land, parcels, or lots has been given a separate number on the Diagram, which corresponds with the assessment number shown within the parcel database.

Parcel Database

A parcel database identifying each parcel's equivalent benefit unit assignment for each of the three categories of special benefit has been provided to the Town under separate cover and by reference is made part of this Report.

The parcel database references each parcel within the Town by an assessment number. The assessment numbers appearing within the parcel database correspond with the subdivisions and parcels of land and their numbers shown on the Assessment Diagram.

TOWN OF PALM BEACH
UTILITY UNDERGROUNDING



LEGEND

- Utility Facilities Already Undergrounded
- Utility Facilities Not Undergrounded
- 1 Assessment Number

WILLDAN Financial Services

TOWN OF PALM BEACH
UTILITY UNDERGROUNDING

LEGEND

- Utility Facilities Already Undergrounded
- Utility Facilities Not Undergrounded
- 1 Assessment Number

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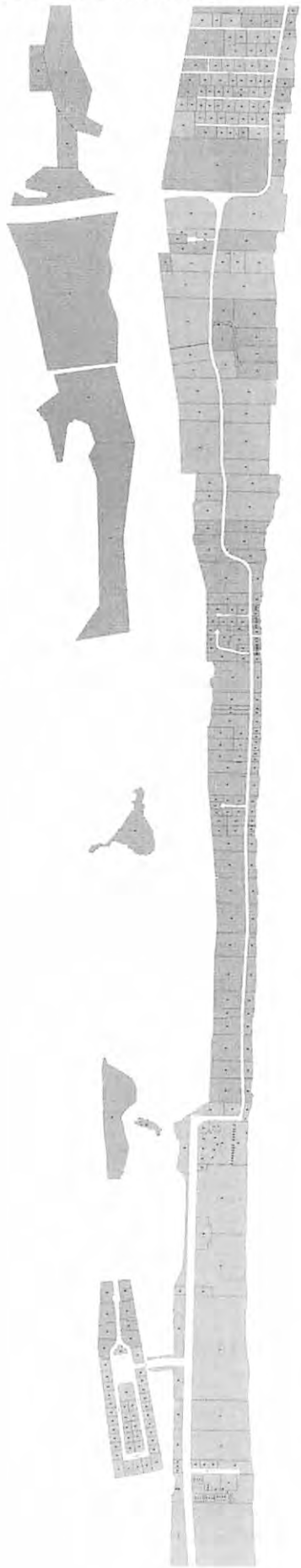
WILLDAN Financial Services

TOWN OF PALM BEACH
UTILITY UNDERGROUNDING



LEGEND

- Utility Facilities Already Undergrounded
- Utility Facilities Not Undergrounded
- 1 Assessment Number

WILLDAN Financial Services

TOWN OF PALM BEACH
UTILITY UNDERGROUNDING

LEGEND

- Utility Facilities Already Undergrounded
- Utility Facilities Not Undergrounded
- 1 Assessment Number

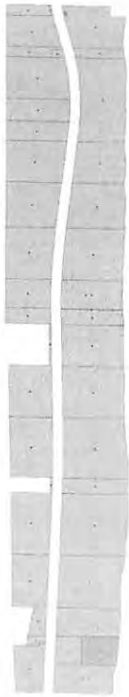


EXHIBIT N

TOWN OF PALM BEACH

Utility Undergrounding Assessment Methodology Update

June 2, 2017

RAFTELIS
FINANCIAL CONSULTANTS, INC.

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1. EXECUTIVE SUMMARY

1.1 BACKGROUND

Raftelis Financial Consultants was retained by the Town of Palm Beach (Town) to update the 2009 Utility Undergrounding Assessment Report (2009 Report) based on the most recent Palm Beach County Property Appraiser parcel data for the Town and to take into consideration any new developments within the Town or areas that were already undergrounded separately through previous assessment programs. The methodology described herein, reflects the special and peculiar benefit received by properties within the Town from the proposed undergrounding of overhead utilities.

The methodology described herein will be the basis for establishing non ad-valorem assessments for undergrounding overhead utility lines within the areas of Town that have not yet been undergrounded. The method of assessment presented in this Report takes the total utility project costs of the proposed Town-wide utility undergrounding and apportions the total cost to each parcel based on the special benefit received. This approach allows for the development of a benefit nexus methodology that differentiates the special benefits received by various properties in the Town within the proposed assessment program. The methodology can be used to identify the total obligation of each parcel as well as the annual obligation of each parcel based on the proposed financing.

Fieldwork is an essential component in the development of a utility undergrounding assessment program to account for the fact that some areas of the Town may already have a portion of their utilities undergrounded; and, therefore, do not benefit to the same degree as properties whose utilities are currently transmitted through overhead facilities. As part of the original creation of the benefit methodology in 2009, fieldwork was conducted and the entire Town was surveyed to accurately incorporate the characteristics of the Town and the relationship between properties within the Town and the overhead utilities proposed to be undergrounded at that point in time. This update did not include any additional or new fieldwork and incorporates the previous fieldwork that was performed as part of the original 2009 Report. Prior to debt financing, property owners whom have undergrounding portions of overhead facilities adjacent to their property may request an adjustment to their equivalent benefit allocation to reflect the appropriate proportionate benefit received by the assessment program. As part of this updated report, the entire parcel database was updated to account for the most recent data provided by the Property Appraiser. The updated database captured new parcels, changes in land use and development status and new property ownership.

2. PROPOSED PUBLIC FACILITIES

2.1 FACILITIES

Utilities, as used in this report, include power lines, phone lines, cable television and fiber optic lines, as well as spare conduit for future use of utility services. The undergrounding of overhead utility lines within the Town includes the costs associated with, but not limited to, trenching, horizontal directional drilling, installing new utility vaults, conduits and transformers, laying conduit lines into trenches, re-paving, repairing, patching or painting streets as may be needed, laterals for switching services to underground systems and removing existing overhead poles and wires. The benefit methodology presented in this Report focuses on the facilities serving the area proposed to be assessed which are located in public rights-of-way and easements and the costs associated with installation of such facilities.

3. BENEFIT ANALYSIS

3.1 NON-AD VALOREM ASSESSMENTS

As established by Florida case law, two requirements exist for the imposition of a valid special assessment: (1) the property assessed must derive a special benefit from the improvement or service provided; and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit. See City of Boca Raton v. State, 595 So. 2d 25 (Fla. 1992). The test to be applied in evaluating whether a special benefit is conferred on property by the provision of a service is:

> *whether there is a "logical relationship" between the services provided and the benefit to real property. Whisnant v. Stringfellow, 50 So. 2d 885 (Fla. 1951).*

This logical relationship to property test defines the line between those services that can be funded by special assessments and those failing to satisfy the special benefit test. Florida law does not specify the methodology or formula that must be used in calculating assessments; however, the assessment apportionment methodology must be fair and reasonable.

Once an identified service or capital facility satisfies the special benefit test, the assessed amount is required to be fairly apportioned among the benefited property in a manner consistent with the logical relationship embodied in the special benefit requirement. Generally, a special assessment, whether imposed for capital projects or services, is collected on the annual ad valorem tax bill. Under such statutory collection procedure, the special assessment is characterized as a "non-ad valorem assessment." See § 197.3632(1)(d), Fla. Stat.

First, it is necessary to identify the special benefit provided to properties within the Town as a result of undergrounding overhead utilities serving or available to serve those properties. The distribution of electricity and other utilities are generally available to all properties in the Town. However, placing overhead electrical lines and other utilities underground will provide direct and special benefit to properties and such special benefit supports funding the undergrounding projects through assessment programs. The design, construction, and installation of the underground utility improvements will provide a special benefit to all affected properties located within the assessment area of the Town by protecting and enhancing the value, use, enjoyment, commercial and residential attractiveness and viability of such properties by improving and enhancing safety, reliability and aesthetics, as described below.

There are several distinct direct and special benefits that will be provided to properties within the Town as a result of undergrounding the Town's overhead utilities: improved safety, improved reliability and improved aesthetics. Each of these benefits is discussed below.

The removal of utility poles and overhead lines provides an ***improved safety*** benefit by reducing the potential of hazardous conditions occurring on benefited property in the event of natural disasters. Severe tropical storms, hurricanes, and other natural disasters can cause poles and/or overhead lines to fall and impact property, and possibly cause live electric lines to be exposed. Downed electric lines and vegetation overgrowth onto electric lines pose a potential threat of property fire and potential injury due to electric shock and can restrict ingress and egress of residents and emergency services.

The undergrounding of the overhead facilities will also ***improve the reliability*** of utility services

received by properties within the Town. Based on Florida Power & Light's 2015 Reliability Report, the undergrounding of overhead utilities reduces the frequency of power outages, when compared to the frequency of outages occurring with overhead networks. Parcels will also specially benefit from new upgraded utility lines, cables, and appurtenant facilities installed through the proposed utility undergrounding. This will provide a higher level of reliability of utility services, and reduces exposure to the elements that could cause potential damage and speed deterioration to facilities resulting in potential interruptions.

In addition to the safety and reliability benefits provided by undergrounding utilities, removing the overhead facilities and utility poles will eliminate a heavy visual concentration of electric lines and communication facilities. Overall this will **improve the *aesthetics*** for all properties within a project area by enhancing the value, use, enjoyment, commercial and residential attractiveness and viability of such properties.

4. METHOD OF ASSESSMENT

Assessment Methodology is the analysis of a project or service, in this case from the proposed undergrounding of the existing overhead utilities, to determine the special and peculiar benefits (special benefits) received by a property. The method of assessment is determined by an analysis of the benefit a property receives from the proposed undergrounding of existing overhead utilities in comparison to the benefit received by other properties benefited by the project. Funding the undergrounding of facilities through an assessment program is a common practice utilized by agencies and it is common industry practice to determine the degree of benefit between affected parcels through three primary categories of benefit. These three categories of benefit include: 1) improved safety, 2) improved reliability, and 3) improved aesthetics. To establish an equitable benefit nexus, it is necessary to relate each property's proportional special benefits to the special benefits of all other properties within a project area. This method of apportionment utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that defines an equivalent benefit unit for each category of benefit as the basic unit of benefit, or 1.0 EBU.

Collectively, the three categories of special benefit listed above reflect the overall proportional special benefits that properties will receive from the undergrounding of the overhead utilities within the assessment program. Properties within the Town are assigned Safety EBUs, Reliability EBUs, and Aesthetic EBUs based upon property use and other site specific characteristics to distinguish the degree of special benefits received by different properties for each of the three categories of special benefit, respectively. Each category of benefit is allocated EBUs independent of each other and the total utility undergrounding cost assigned to each category is based on the percent of total benefit units derived within each category. The total EBUs per category of benefit is a function of the special benefits received by each parcel and; therefore, reflect the amount of special benefit parcels receive from the proposed utility undergrounding. The assessment program cost assigned to each category of benefit is then apportioned to benefitting parcels based on each parcel's EBU assignment in relation to the total EBUs within the corresponding category. **Table 4-1** identifies the total EBUs for each category and the assessment program cost[1] assigned to each category.

Table 4-1: Assessment Cost Allocation

Category of Special Benefit	EBUs	Percentage of EBUs	Project Cost Allocation [1]	Annual Debt [2]	Assessment Rate [3]
Improved Safety	6,942	30.8%	$27,730,400	$1,625,300	$256.53
Improved Reliability	8,647	38.4%	34,539,200	2,024,400	$256.53
Improved Aesthetics	6,942	30.8%	27, 730,400	1,625,300	$256.53
Total	**22,531**	**100.0%**	**$90,000,000**	**$5,275,000**	**$769.59**

[1] The Project cost was allocated between Improved Safety, Reliability, and Aesthetics at 30.8%, 38.4%, and 30.8%, respectively based on the number of EBUs calculated for each category.

[2] Annual debt for each category is the portion of the annual debt payment for the proposed utility undergrounding project. The annual debt payment assumes a total project cost of $90M at a 4.31% interest rate over a 30-year repayment period.

[3] The Assessment Rate includes provisions for statutory early payment discounts of 5.0%, tax collector fees of 2.0% and $100,000 annually for administrative costs. The total assessment program related costs amount to $504,576 each year.

For each Category of Benefit, the following discussion identifies parcels that benefit, the assignment of EBUs, and related equations to determine each parcel's assignment of EBUs.

4.1 IMPROVED SAFETY

Properties specially benefit from the improved safety of undergrounding overhead utilities in two distinct ways: 1) the elimination of the potential for poles or overhead lines adjacent to a property to fall and damage property from falling or exposing "live" electrical lines and 2) the elimination of the potential for poles or overhead lines to be downed within the neighborhood restricting ingress and egress to and from the property. A single-family residential lot that is adjacent to overhead facilities has been assigned a base unit of benefit for improved Safety equal to 1.0 Safety EBU. The base Safety EBU evenly accounts for the two components of improved safety. Therefore, the analysis uses 0.50 equivalent benefit units for the improved safety to the property and 0.50 equivalent benefit units for the improved access to the property.

Improved Safety provides a benefit to each affected lot within the assessment program; therefore, the average lot size of all properties within the assessment program was calculated, equal to 8,700 square feet, to determine the baseline measurement of one EBU for the category of Improved Safety. All developed parcels up to 8,700 square feet that are adjacent to overhead facilities have been assigned a minimum of 1.0 Safety EBUs and parcels without overhead facilities adjacent to its property are assigned a minimum of 0.5 Safety EBUs. In addition, all developable vacant lots up to 8,700 square feet are also assigned a minimum of 1.0 Safety EBU as each lot has ability to develop. Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet span a greater area that may be exposed to overhead facilities along streets, alleys or easements along its properties. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, additional Safety EBUs were assigned to parcels greater than 8,700 square feet in 0.5 increments, in recognition that the difference in special benefit between one additional square foot verses two additional square feet is negligible on a square foot basis. However, using 0.5 EBUs increments corresponds to an additional 4,350 square feet above 1.0 EBU and reflects a noticeable variance in size to assign additional benefit units to capture the increase in special benefit received by these parcels. For example, a parcel with 15,225 square feet would be assigned 1.5 EBUs (15,225/8,700 = 1.75 EBUs; rounded down to nearest 0.5 EBUs = 1.5 EBUs).

In identifying the amount of assigned Safety EBUs for each parcel, overhead facilities, including utility lines and poles, along secondary streets, alleyways and rear easements are considered to be adjacent to all properties on either side due to the narrow widths of the secondary streets, alleyways and rear easements. In addition, utility poles are considered a part of the overhead facilities; therefore, properties that only front utility poles are also assigned a minimum of 1.0 Safety EBU.

Conversely, some parcels are already adjacent to undergrounded utilities and, therefore, do not benefit to the same extent when compared to parcels currently adjacent to overhead utilities. Properties within the boundaries of the utility undergrounding project area that do not have overhead facilities adjacent to their property along the secondary streets, alleyways and rear easements shall be assigned Safety EBUs equal to one-half (1/2) of the Safety EBU calculation to reflect the reduced benefit received by the parcel. The 0.5 EBU accounts for the benefit associated with the improved safety of undergrounding facilities within the local neighborhood/area of the parcel.

Based on this method of assessment, each condominium complex was assigned Safety EBUs by first assigning Safety EBUs to the condominium complex. Once the Safety EBUs for the complex was derived, the total Safety EBUs were apportioned evenly to each condo within the complex. Therefore, depending on the size of the complex and the number of units within the complex, condo parcel EBU assignments will vary from complex to complex. For single-family residences, multi-family properties,

and non-residential properties, the EBUs calculated were assigned to the applicable parcel number. **Table 4-2** outlines the safety EBU calculations.

Table 4-1: Safety EBU Calculation

Land Use	Overhead Utilities	Safety EBU Assignment
Single-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	(Lot Size / 8,700) / 2; rounded down to nearest 0.5, minimum of 0.5 EBU
Condominium	Yes	(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex, minimum of 1.0 EBU per complex
	No	0.5 x [(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex] , minimum of 0.5 EBU per complex
Multi-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5
Non-Residential	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU
Vacant	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5, minimum of 0.5 EBU

4.2 IMPROVED RELIABILITY

The benefit from the distribution of electricity, other utilities, and the underground wires and cables is essentially equivalent for each single-family residence. Further, since all of the single-family lots have the same ability to use utilities and each single-family parcel benefits from the increased reliability that undergrounding provides, each single-family residential property has been assigned (1.0) Reliability EBU to account for the failure in any one or more of the following systems, resulting in an interruption in services: 1) primary distribution lines; 2) secondary distribution lines, or 3) local distribution lines that provide connections to a property's utilities.

It is evident that each condominium in a complex, each unit of a multi-family property, and all non-residential property would be impacted by an interruption in services due to a power outage and therefore specially benefit from the improved reliability. Since there are more units, square footage and/or occupants within condominium complexes, multi-family properties, and non-residential properties, these properties receive a different level of benefit than a single-family residence from the improved reliability of undergrounded utility services. For condominium complexes and multi-family properties, not only does the entire property benefit from the improved reliability, but every unit receives utility services and benefits from the improved reliability.

Therefore, a reasonable comparison of benefit for condominiums and multi-family units can be derived by using population density factors as a proxy for comparing the typical dwelling sizes between single-

family residences and condominiums/multi-family units within the Town. On average, condominiums and multi-family residences are smaller dwelling units than single-family residences, which is reflected through the density factors for each land use type. Within the Town, Single-family Residences have a density factor of 2.04 persons per household, whereas, condominiums and multi-family residences have a density factor of 1.56 based on the 2010 census. With single-family properties assigned a Reliability EBU equal to 1.0, the density factors are used to assign a proportionate benefit equivalency to each individual condominium and multi-family unit by taking the ratio of 1.56/2.04 = 0.76 EBUs. As such, each condominium and multi-family unit are assigned 0.76 EBUs for improved reliability.

When comparing non-residential land use types to the baseline EBU of a single-family residence lot, the density factor is not applicable and therefore, EBUs are assigned based on acreage (8,700 square feet). Non-residential properties are assigned improved Reliability EBUs based on the size of the lot, as the lot size of each these properties directly correlates to the amount of potential improvements utilizing and benefiting from the increased reliability.

Although certain parcels may be adjacent to a portion of undergrounded facilities, their services are still provided though overhead utilities within their neighborhood. In addition, there are instances where a property may have their utilities undergrounded and ready to receive service, but are still currently being served by overhead lines that connect to their property or their point of connection to their undergrounded utilities. **Table 4-3** outlines the reliability EBU calculations.

Table 4-2: Reliability EBU Calculation

Land Use	Density Factor	Reliability EBU Assignment
Single-Family	2.04/2.04 = 1.00	1.0 EBU x Density Factor = 1.00 EBU
Condominium	1.56/2.04 = 0.76	1.00 EBU x Density Factor = 0.76 EBU
Multi-Family	1.56/2.04 = 0.76	1.0 EBU x Density Factor x Units
Non-Residential	N/A	Lot Size / 8,700; minimum of 1.0 EBU, rounded down to nearest 0.5
Vacant	N/A	Lot Size / 8,700; minimum of 1.0 EBU, rounded down to nearest 0.5

4.3 IMPROVED AESTHETICS

Removing the overhead utilities will improve the overall aesthetics to an individual property and the neighborhood aesthetics for all properties within a defined project area by eliminating a heavy concentration of electric lines and communication facilities. Like the Safety benefit category, a single-family residence adjacent to overhead utilities has been assigned 0.5 EBUs for the improved aesthetics of its property and 0.5 EBUs for the improved aesthetics of the property's neighborhood, for a total assignment of 1.0 Aesthetic EBU. 1.0 EBU equals the average town-wide lot size of 8,700 square feet.

Developed single family, non-residential and vacant lots less than the minimum lot size have been assigned a minimum of 1.0 Aesthetics EBU. Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet has more area benefiting from improved aesthetics. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, additional Aesthetic EBUs were assigned to parcels greater than 8,700 square feet in 0.5 increments, in recognition that the difference in special benefit between one additional square foot verses two additional square feet is negligible on a square foot basis. However, using 0.5 EBUs increments corresponds to an additional 4,350 square feet above 1.0 EBU and reflects a noticeable variance in size to assign additional benefit units to capture the increase in special benefit received by these parcels.

Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet span a greater area along the streets that have overhead utilities and/or utility poles proposed to be undergrounded. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, parcels greater than 8,700 square feet have been assigned additional Aesthetic EBUs, in 0.5 increments, in recognition of the proportionate special benefits received by these parcels.

Properties within the boundaries of the utility undergrounding project area that do not have overhead facilities adjacent to their property along the secondary streets, alleyways and rear easements shall be assigned Safety EBUs equal to one-half (1/2) of the Safety EBU calculation to reflect the reduced benefit received by the parcel. The 0.5 EBU accounts for the benefit associated with the improved safety of undergrounding facilities within the local neighborhood/area of the parcel.

Based on this method of assessment, each condominium complex was assigned Aesthetic EBUs by first assigning Aesthetic EBUs to the condominium complex. Once the Aesthetic EBUs for the complex was derived, the total Aesthetic EBUs were apportioned evenly to each condo within the complex. Therefore, depending on the size of the complex and the number of units within the complex, condo parcel EBU assignments will vary from complex to complex. For single-family residences, multi-family properties, and non-residential properties, the EBUs calculated were assigned to the applicable parcel number. **Table 4-4** outlines the Aesthetic EBU calculations.

Table 4-3: Aesthetic EBU Calculation

Land Use	Overhead Utilities	Aesthetics EBU Assignment
Single-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	(Lot Size / 8,700) / 2; rounded down to nearest 0.5, minimum of 0.5 EBU
Condominium	Yes	(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex, minimum of 1.0 EBU per complex
	No	0.5 x [(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex] , minimum of 0.5 EBU per complex
Multi-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5
Non-Residential	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU
Vacant	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU

4.4 SPECIAL CASES AND EXCEPTIONS

4.4.1 *Golf Course Parcels and the Breakers*

While parcels throughout the Town benefit from the undergrounding of nearby utilities, certain parcels that make up the golf courses and the Breakers benefit to a lesser degree due to diminished return of benefit as the parcel's total acreage increases. The parcel(s) have a lower frontage-to-acreage ratio and as the parcel size increases, most the parcel's area is either the golf course itself or passive park-like facilities that do not utilize utilities. In order to account for the difference in total special benefit, the parcels associated with golf courses and parcels associated with the Breakers resort were combined as one property, respectively. To calculate these parcels' acreage, the parcel's total frontage was multiplied by a lot depth of 200 feet based on the typical depth of Low Density Residential lots throughout the Town.

4.4.2 *Non-Assessable Obligation*

Certain neighborhoods within the Town have either already created an assessment program to undergrounded its overhead facilities (Everglades Island and Via Fontana) or are currently in the process of creating a utility undergrounding assessment program (Nightingale and Lake Towers). Due to the timing of these assessment programs, appurtenant facilities remain at the termination points of these project areas which will be undergrounded once this utility undergrounding assessment program is completed. As such, an indirect reliability benefit exists within this utility undergrounding assessment program associated with the termination points of these other assessment programs. Each termination point is assigned 1 Reliability EBU to account for this indirect benefit resulting from different timing of the undergrounding projects for a total of 7 Reliability EBUs. The obligation associated with these 7 Reliability EBUs will not be assessed against any parcel within the proposed utility undergrounding assessment program and will be excluded from the assessment.

4.4.3 *Bifurcated Lots*

Certain parcels within the Town have a portion of their property bifurcated as a result of South Ocean Boulevard. These properties were treated as special cases and were assigned EBUs based on the acreage of both lots associated with these properties as one contiguous parcel for assigning EBUs.

4.4.4 *Undevelopable parcels*

Vacant parcels that cannot be developed due to size of property or zoning restrictions or are parcels associated with conservation land dedicated to wildlife habitat preservation are exempt from the proposed utility undergrounding assessments because these parcels do not confer any measurable special benefit from the improvements.

4.4.5 *Parking spaces, storage and condominium cabanas*

Certain parcels are legally subdivided lots that are associated with auxiliary improvements, such as, deeded parking spaces, storage units, and condominium cabanas. As such, these types of parcels are exempt from the assessment because other associated parcels are assessed as the primary parcel of benefit.

5. DIAGRAM

A Diagram showing the boundaries of the proposed Utility Undergrounding Project, the dimensions of the subdivisions of land within the Town (as they existed at the time of the creation of this Report), is on file with the Town and by reference is considered part of this report.

6. PARCEL DATABASE

A parcel database identifying each parcel's equivalent benefit unit assignment for each of the three categories of special benefit has been provided to the Town under separate cover and by reference is made part of this Report.

EXHIBIT O

TOWN OF PALM BEACH

Utility Undergrounding Assessment Methodology Update

June 12, 2017

RAFTELIS

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1. EXECUTIVE SUMMARY

1.1 BACKGROUND

Raftelis Financial Consultants was retained by the Town of Palm Beach (Town) to update the 2009 Utility Undergrounding Assessment Report (2009 Report) based on the most recent Palm Beach County Property Appraiser parcel data for the Town and to take into consideration any new developments within the Town or areas that were already undergrounded separately through previous assessment programs. The methodology described herein, reflects the special and peculiar benefit received by properties within the Town from the proposed undergrounding of overhead utilities.

The methodology described herein will be the basis for establishing non ad-valorem assessments for undergrounding overhead utility lines within the areas of Town that have not yet been undergrounded. The method of assessment presented in this Report takes the total utility project costs of the proposed Town-wide utility undergrounding and apportions the total cost to each parcel based on the special benefit received. This approach allows for the development of a benefit nexus methodology that differentiates the special benefits received by various properties in the Town within the proposed assessment program. The methodology can be used to identify the total obligation of each parcel as well as the annual obligation of each parcel based on the proposed financing.

Fieldwork is an essential component in the development of a utility undergrounding assessment program to account for the fact that some areas of the Town may already have a portion of their utilities undergrounded; and, therefore, do not benefit to the same degree as properties whose utilities are currently transmitted through overhead facilities. As part of the original creation of the benefit methodology in 2009, fieldwork was conducted and the entire Town was surveyed to accurately incorporate the characteristics of the Town and the relationship between properties within the Town and the overhead utilities proposed to be undergrounded at that point in time. This update did not include any additional or new fieldwork and incorporates the previous fieldwork that was performed as part of the original 2009 Report. Prior to debt financing, property owners whom have undergrounding portions of overhead facilities adjacent to their property may request an adjustment to their equivalent benefit allocation to reflect the appropriate proportionate benefit received by the assessment program. As part of this updated report, the entire parcel database was updated to account for the most recent data provided by the Property Appraiser. The updated database captured new parcels, changes in land use and development status and new property ownership.

2. PROPOSED PUBLIC FACILITIES

2.1 FACILITIES

Utilities, as used in this report, include power lines, phone lines, cable television and fiber optic lines, as well as spare conduit for future use of utility services. The undergrounding of overhead utility lines within the Town includes the costs associated with, but not limited to, trenching, horizontal directional drilling, installing new utility vaults, conduits and transformers, laying conduit lines into trenches, re-paving, repairing, patching or painting streets as may be needed, laterals for switching services to underground systems and removing existing overhead poles and wires. The benefit methodology presented in this Report focuses on the facilities serving the area proposed to be assessed which are located in public rights-of-way and easements and the costs associated with installation of such facilities.

3. BENEFIT ANALYSIS

3.1 NON-AD VALOREM ASSESSMENTS

As established by Florida case law, two requirements exist for the imposition of a valid special assessment: (1) the property assessed must derive a special benefit from the improvement or service provided; and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit. See City of Boca Raton v. State, 595 So. 2d 25 (Fla. 1992). The test to be applied in evaluating whether a special benefit is conferred on property by the provision of a service is:

> *whether there is a "logical relationship" between the services provided and the benefit to real property. Whisnant v. Stringfellow, 50 So. 2d 885 (Fla. 1951).*

This logical relationship to property test defines the line between those services that can be funded by special assessments and those failing to satisfy the special benefit test. Florida law does not specify the methodology or formula that must be used in calculating assessments; however, the assessment apportionment methodology must be fair and reasonable.

Once an identified service or capital facility satisfies the special benefit test, the assessed amount is required to be fairly apportioned among the benefited property in a manner consistent with the logical relationship embodied in the special benefit requirement. Generally, a special assessment, whether imposed for capital projects or services, is collected on the annual ad valorem tax bill. Under such statutory collection procedure, the special assessment is characterized as a "non-ad valorem assessment." See § 197.3632(1)(d), Fla. Stat.

First, it is necessary to identify the special benefit provided to properties within the Town as a result of undergrounding overhead utilities serving or available to serve those properties. The distribution of electricity and other utilities are generally available to all properties in the Town. However, placing overhead electrical lines and other utilities underground will provide direct and special benefit to properties and such special benefit supports funding the undergrounding projects through assessment programs. The design, construction, and installation of the underground utility improvements will provide a special benefit to all affected properties located within the assessment area of the Town by protecting and enhancing the value, use, enjoyment, commercial and residential attractiveness and viability of such properties by improving and enhancing safety, reliability and aesthetics, as described below.

There are several distinct direct and special benefits that will be provided to properties within the Town as a result of undergrounding the Town's overhead utilities: improved safety, improved reliability and improved aesthetics. Each of these benefits is discussed below.

The removal of utility poles and overhead lines provides an ***improved safety*** benefit by reducing the potential of hazardous conditions occurring on benefited property in the event of natural disasters. Severe tropical storms, hurricanes, and other natural disasters can cause poles and/or overhead lines to fall and impact property, and possibly cause live electric lines to be exposed. Downed electric lines and vegetation overgrowth onto electric lines pose a potential threat of property fire and potential injury due to electric shock and can restrict ingress and egress of residents and emergency services.

The undergrounding of the overhead facilities will also ***improve the reliability*** of utility services

received by properties within the Town. Based on Florida Power & Light's 2015 Reliability Report, the undergrounding of overhead utilities reduces the frequency of power outages, when compared to the frequency of outages occurring with overhead networks. Parcels will also specially benefit from new upgraded utility lines, cables, and appurtenant facilities installed through the proposed utility undergrounding. This will provide a higher level of reliability of utility services, and reduces exposure to the elements that could cause potential damage and speed deterioration to facilities resulting in potential interruptions.

In addition to the safety and reliability benefits provided by undergrounding utilities, removing the overhead facilities and utility poles will eliminate a heavy visual concentration of electric lines and communication facilities. Overall this will **improve the *aesthetics*** for all properties within a project area by enhancing the value, use, enjoyment, commercial and residential attractiveness and viability of such properties.

4. METHOD OF ASSESSMENT

Assessment Methodology is the analysis of a project or service, in this case from the proposed undergrounding of the existing overhead utilities, to determine the special and peculiar benefits (special benefits) received by a property. The method of assessment is determined by an analysis of the benefit a property receives from the proposed undergrounding of existing overhead utilities in comparison to the benefit received by other properties benefited by the project. Funding the undergrounding of facilities through an assessment program is a common practice utilized by agencies and it is common industry practice to determine the degree of benefit between affected parcels through three primary categories of benefit. These three categories of benefit include: 1) improved safety, 2) improved reliability, and 3) improved aesthetics. To establish an equitable benefit nexus, it is necessary to relate each property's proportional special benefits to the special benefits of all other properties within a project area. This method of apportionment utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that defines an equivalent benefit unit for each category of benefit as the basic unit of benefit, or 1.0 EBU.

Collectively, the three categories of special benefit listed above reflect the overall proportional special benefits that properties will receive from the undergrounding of the overhead utilities within the assessment program. Properties within the Town are assigned Safety EBUs, Reliability EBUs, and Aesthetic EBUs based upon property use and other site specific characteristics to distinguish the degree of special benefits received by different properties for each of the three categories of special benefit, respectively. Each category of benefit is allocated EBUs independent of each other and the total utility undergrounding cost assigned to each category is based on the percent of total benefit units derived within each category. The total EBUs per category of benefit is a function of the special benefits received by each parcel and; therefore, reflect the amount of special benefit parcels receive from the proposed utility undergrounding. The assessment program cost assigned to each category of benefit is then apportioned to benefitting parcels based on each parcel's EBU assignment in relation to the total EBUs within the corresponding category. **Table 4-1** identifies the total EBUs for each category and the assessment program cost[1] assigned to each category.

Table 4-1: Assessment Cost Allocation

Category of Special Benefit	EBUs	Percentage of EBUs	Project Cost Allocation [1]	Annual Debt [2]	Assessment Rate [3]
Improved Safety	6,942	30.8%	$27,730,400	$1,625,300	$256.53
Improved Aesthetics	6,942	30.8%	27, 730,400	1,625,300	$256.53

[1] The Project cost was allocated between Improved Safety, Reliability, and Aesthetics at 30.8%, 38.4%, and 30.8%, respectively based on the number of EBUs calculated for each category.

[2] Annual debt for each category is the portion of the annual debt payment for the proposed utility undergrounding project. The annual debt payment assumes a total project cost of $90M at a 4.31% interest rate over a 30-year repayment period.

[3] The Assessment Rate includes provisions for statutory early payment discounts of 5.0%, tax collector fees of 2.0% and $100,000 annually for administrative costs. The total assessment program related costs amount to $504,576 each year.

For each Category of Benefit, the following discussion identifies parcels that benefit, the assignment of EBUs, and related equations to determine each parcel's assignment of EBUs.

4.1 IMPROVED SAFETY

Properties specially benefit from the improved safety of undergrounding overhead utilities in two distinct ways: 1) the elimination of the potential for poles or overhead lines adjacent to a property to fall and damage property from falling or exposing "live" electrical lines and 2) the elimination of the potential for poles or overhead lines to be downed within the neighborhood restricting ingress and egress to and from the property. A single-family residential lot that is adjacent to overhead facilities has been assigned a base unit of benefit for improved Safety equal to 1.0 Safety EBU. The base Safety EBU evenly accounts for the two components of improved safety. Therefore, the analysis uses 0.50 equivalent benefit units for the improved safety to the property and 0.50 equivalent benefit units for the improved access to the property.

Improved Safety provides a benefit to each affected lot within the assessment program; therefore, the average lot size of all properties within the assessment program was calculated, equal to 8,700 square feet, to determine the baseline measurement of one EBU for the category of Improved Safety. All developed parcels up to 8,700 square feet that are adjacent to overhead facilities have been assigned a minimum of 1.0 Safety EBUs and parcels without overhead facilities adjacent to its property are assigned a minimum of 0.5 Safety EBUs. In addition, all developable vacant lots up to 8,700 square feet are also assigned a minimum of 1.0 Safety EBU as each lot has ability to develop. Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet span a greater area that may be exposed to overhead facilities along streets, alleys or easements along its properties. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, additional Safety EBUs were assigned to parcels greater than 8,700 square feet in 0.5 increments, in recognition that the difference in special benefit between one additional square foot verses two additional square feet is negligible on a square foot basis. However, using 0.5 EBUs increments corresponds to an additional 4,350 square feet above 1.0 EBU and reflects a noticeable variance in size to assign additional benefit units to capture the increase in special benefit received by these parcels. For example, a parcel with 15,225 square feet would be assigned 1.5 EBUs (15,225/8,700 = 1.75 EBUs; rounded down to nearest 0.5 EBUs = 1.5 EBUs).

In identifying the amount of assigned Safety EBUs for each parcel, overhead facilities, including utility lines and poles, along secondary streets, alleyways and rear easements are considered to be adjacent to all properties on either side due to the narrow widths of the secondary streets, alleyways and rear easements. In addition, utility poles are considered a part of the overhead facilities; therefore, properties that only front utility poles are also assigned a minimum of 1.0 Safety EBU.

Conversely, some parcels are already adjacent to undergrounded utilities and, therefore, do not benefit to the same extent when compared to parcels currently adjacent to overhead utilities. Properties within the boundaries of the utility undergrounding project area that do not have overhead facilities adjacent to their property along the secondary streets, alleyways and rear easements shall be assigned Safety EBUs equal to one-half (1/2) of the Safety EBU calculation to reflect the reduced benefit received by the parcel. The 0.5 EBU accounts for the benefit associated with the improved safety of undergrounding facilities within the local neighborhood/area of the parcel.

Based on this method of assessment, each condominium complex was assigned Safety EBUs by first assigning Safety EBUs to the condominium complex. Once the Safety EBUs for the complex was derived, the total Safety EBUs were apportioned evenly to each condo within the complex. Therefore, depending on the size of the complex and the number of units within the complex, condo parcel EBU assignments will vary from complex to complex. For single-family residences, multi-family properties,

and non-residential properties, the EBUs calculated were assigned to the applicable parcel number. **Table 4-2** outlines the safety EBU calculations.

Table 4-1: Safety EBU Calculation

Land Use	Overhead Utilities	Safety EBU Assignment
Single-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	(Lot Size / 8,700) / 2; rounded down to nearest 0.5, minimum of 0.5 EBU
Condominium	Yes	(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex, minimum of 1.0 EBU per complex
	No	0.5 x [(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex] , minimum of 0.5 EBU per complex
Multi-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5
Non-Residential	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU
Vacant	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5, minimum of 0.5 EBU

4.2 IMPROVED RELIABILITY

The benefit from the distribution of electricity, other utilities, and the underground wires and cables is essentially equivalent for each single-family residence. Further, since all of the single-family lots have the same ability to use utilities and each single-family parcel benefits from the increased reliability that undergrounding provides, each single-family residential property has been assigned (1.0) Reliability EBU to account for the failure in any one or more of the following systems, resulting in an interruption in services: 1) primary distribution lines; 2) secondary distribution lines, or 3) local distribution lines that provide connections to a property's utilities.

It is evident that each condominium in a complex, each unit of a multi-family property, and all non-residential property would be impacted by an interruption in services due to a power outage and therefore specially benefit from the improved reliability. Since there are more units, square footage and/or occupants within condominium complexes, multi-family properties, and non-residential properties, these properties receive a different level of benefit than a single-family residence from the improved reliability of undergrounded utility services. For condominium complexes and multi-family properties, not only does the entire property benefit from the improved reliability, but every unit receives utility services and benefits from the improved reliability.

Therefore, a reasonable comparison of benefit for condominiums and multi-family units can be derived by using population density factors as a proxy for comparing the typical dwelling sizes between single-

family residences and condominiums/multi-family units within the Town. On average, condominiums and multi-family residences are smaller dwelling units than single-family residences, which is reflected through the density factors for each land use type. Within the Town, Single-family Residences have a density factor of 2.04 persons per household, whereas, condominiums and multi-family residences have a density factor of 1.56 based on the 2010 census. With single-family properties assigned a Reliability EBU equal to 1.0, the density factors are used to assign a proportionate benefit equivalency to each individual condominium and multi-family unit by taking the ratio of 1.56/2.04 = 0.76 EBUs. As such, each condominium and multi-family unit are assigned 0.76 EBUs for improved reliability.

When comparing non-residential land use types to the baseline EBU of a single-family residence lot, the density factor is not applicable and therefore, EBUs are assigned based on acreage (8,700 square feet). Non-residential properties are assigned improved Reliability EBUs based on the size of the lot, as the lot size of each these properties directly correlates to the amount of potential improvements utilizing and benefiting from the increased reliability.

Although certain parcels may be adjacent to a portion of undergrounded facilities, their services are still provided though overhead utilities within their neighborhood. In addition, there are instances where a property may have their utilities undergrounded and ready to receive service, but are still currently being served by overhead lines that connect to their property or their point of connection to their undergrounded utilities. **Table 4-3** outlines the reliability EBU calculations.

Table 4-2: Reliability EBU Calculation

Land Use	Density Factor	Reliability EBU Assignment
Single-Family	2.04/2.04 = 1.00	1.0 EBU x Density Factor = 1.00 EBU
Condominium	1.56/2.04 = 0.76	1.00 EBU x Density Factor = 0.76 EBU
Multi-Family	1.56/2.04 = 0.76	1.0 EBU x Density Factor x Units
Non-Residential	N/A	Lot Size / 8,700; minimum of 1.0 EBU, rounded down to nearest 0.5
Vacant	N/A	Lot Size / 8,700; minimum of 1.0 EBU, rounded down to nearest 0.5

4.3 IMPROVED AESTHETICS

Removing the overhead utilities will improve the overall aesthetics to an individual property and the neighborhood aesthetics for all properties within a defined project area by eliminating a heavy concentration of electric lines and communication facilities. Like the Safety benefit category, a single-family residence adjacent to overhead utilities has been assigned 0.5 EBUs for the improved aesthetics of its property and 0.5 EBUs for the improved aesthetics of the property's neighborhood, for a total assignment of 1.0 Aesthetic EBU. 1.0 EBU equals the average town-wide lot size of 8,700 square feet.

Developed single family, non-residential and vacant lots less than the minimum lot size have been assigned a minimum of 1.0 Aesthetics EBU. Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet has more area benefiting from improved aesthetics. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, additional Aesthetic EBUs were assigned to parcels greater than 8,700 square feet in 0.5 increments, in recognition that the difference in special benefit between one additional square foot verses two additional square feet is negligible on a square foot basis. However, using 0.5 EBUs increments corresponds to an additional 4,350 square feet above 1.0 EBU and reflects a noticeable variance in size to assign additional benefit units to capture the increase in special benefit received by these parcels.

Condominium complexes, multi-family properties, non-residential properties, undeveloped parcels, as well as certain single family residential lots exceeding the baseline square footage of 8,700 square feet span a greater area along the streets that have overhead utilities and/or utility poles proposed to be undergrounded. Therefore, the benefit received by these properties is proportionately greater when compared to properties assigned 1.0 EBU. Based on this equivalency, parcels greater than 8,700 square feet have been assigned additional Aesthetic EBUs, in 0.5 increments, in recognition of the proportionate special benefits received by these parcels.

Properties within the boundaries of the utility undergrounding project area that do not have overhead facilities adjacent to their property along the secondary streets, alleyways and rear easements shall be assigned Safety EBUs equal to one-half (1/2) of the Safety EBU calculation to reflect the reduced benefit received by the parcel. The 0.5 EBU accounts for the benefit associated with the improved safety of undergrounding facilities within the local neighborhood/area of the parcel.

Based on this method of assessment, each condominium complex was assigned Aesthetic EBUs by first assigning Aesthetic EBUs to the condominium complex. Once the Aesthetic EBUs for the complex was derived, the total Aesthetic EBUs were apportioned evenly to each condo within the complex. Therefore, depending on the size of the complex and the number of units within the complex, condo parcel EBU assignments will vary from complex to complex. For single-family residences, multi-family properties, and non-residential properties, the EBUs calculated were assigned to the applicable parcel number. **Table 4-4** outlines the Aesthetic EBU calculations.

Table 4-3: Aesthetic EBU Calculation

Land Use	Overhead Utilities	Aesthetics EBU Assignment
Single-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	(Lot Size / 8,700) / 2; rounded down to nearest 0.5, minimum of 0.5 EBU
Condominium	Yes	(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex, minimum of 1.0 EBU per complex
	No	0.5 x [(Complex Lot Size / 8,700; rounded down to nearest 0.5) / condos in Complex] , minimum of 0.5 EBU per complex
Multi-Family	Yes	Lot Size / 8,700; rounded down to nearest 0.5
	No	0.5 x (Lot Size / 8,700); rounded down to nearest 0.5
Non-Residential	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU
Vacant	Yes	Lot Size / 8,700; rounded down to nearest 0.5, minimum of 1.0 EBU
	No	0.5 x (Lot Size / 8,700); rounded to nearest 0.5, minimum of 0.5 EBU

4.4 SPECIAL CASES AND EXCEPTIONS

4.4.1 *Golf Course Parcels and the Breakers*

While parcels throughout the Town benefit from the undergrounding of nearby utilities, certain parcels that make up the golf courses and the Breakers benefit to a lesser degree due to diminished return of benefit as the parcel's total acreage increases. The parcel(s) have a lower frontage-to-acreage ratio and as the parcel size increases, most the parcel's area is either the golf course itself or passive park-like facilities that do not utilize utilities. In order to account for the difference in total special benefit, the parcels associated with golf courses and parcels associated with the Breakers resort were combined as one property, respectively. To calculate these parcels' acreage, the parcel's total frontage was multiplied by a lot depth of 200 feet based on the typical depth of Low Density Residential lots throughout the Town.

4.4.2 *Non-Assessable Obligation*

Certain neighborhoods within the Town have either already created an assessment program to undergrounded its overhead facilities (Everglades Island and Via Fontana) or are currently in the process of creating a utility undergrounding assessment program (Nightingale and Lake Towers). Due to the timing of these assessment programs, appurtenant facilities remain at the termination points of these project areas which will be undergrounded once this utility undergrounding assessment program is completed. As such, an indirect reliability benefit exists within this utility undergrounding assessment program associated with the termination points of these other assessment programs. Each termination point is assigned 1 Reliability EBU to account for this indirect benefit resulting from different timing of the undergrounding projects for a total of 7 Reliability EBUs. The obligation associated with these 7 Reliability EBUs will not be assessed against any parcel within the proposed utility undergrounding assessment program and will be excluded from the assessment.

4.4.3 *Bifurcated Lots*

Certain parcels within the Town have a portion of their property bifurcated as a result of South Ocean Boulevard. These properties were treated as special cases and were assigned EBUs based on the acreage of both lots associated with these properties as one contiguous parcel for assigning EBUs.

4.4.4 *Undevelopable parcels*

Vacant parcels that cannot be developed due to size of property or zoning restrictions or are parcels associated with conservation land dedicated to wildlife habitat preservation are exempt from the proposed utility undergrounding assessments because these parcels do not confer any measurable special benefit from the improvements.

4.4.5 *Internal condominium parking spaces, common areas, storage units and condominium cabanas*

Certain parcels within a condominium complex are legally subdivided lots that are associated with auxiliary improvements, such as, deeded parking spaces, storage units, and condominium cabanas. As such, these types of parcels are exempt from the assessment because other associated parcels are assessed as the primary parcel of benefit.

5. DIAGRAM

A Diagram showing the boundaries of the proposed Utility Undergrounding Project, the dimensions of the subdivisions of land within the Town (as they existed at the time of the creation of this Report), is on file with the Town and by reference is considered part of this report.

6. PARCEL DATABASE

A parcel database identifying each parcel's equivalent benefit unit assignment for each of the three categories of special benefit has been provided to the Town under separate cover and by reference is made part of this Report.

EXHIBIT P

RESOLUTION NO. 090-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO THE UNDERGROUND UTILITY IMPROVEMENTS; DESCRIBING THE PROPERTY TO BE INCLUDED WITHIN THE PROPOSED UNDERGROUND UTILITY ASSESSMENT AREA AND THE LOCAL IMPROVEMENTS TO BE PROVIDED THEREIN; PROVIDING CERTAIN LEGISLATIVE FINDINGS; DETERMINING THE ESTIMATED CAPITAL COST OF THE UNDERGROUND UTILITY IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE PROJECT COST AGAINST THE PROPERTIES THAT WILL BE BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE TOWN MANAGER TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED IMPROVEMENT ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; PROVIDING FOR APPLICATION OF THE IMPROVEMENT ASSESMENT PROCEEDS; DECALRING THE TOWN'S INTENT FOR REIMBURSEMENT FROM BOND PROCEEDS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. DEFINITIONS. This Resolution constitutes the Initial Assessment Resolution as defined in the Code. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Code. As used in this Resolution, the following terms shall following meanings, unless the context hereof otherwise requires.

"Adjacent Property" means those Tax Parcels that abut existing overhead utility facilities. When existing overhead utility facilities lie along either side of a street, alleyway or utility easement,

the Tax Parcels on both sides of the street, alleyway or utility easement are deemed to abut the overhead utility facilities.

"Adjusted Prepayment Amount" means the amount required to prepay the Improvement Assessment for each Tax Parcel located in the Underground Utility Assessment Area (1) following issuance of the any Temporary Original Obligations, as computed pursuant to Section 4.03(B) hereof and revised annually pursuant to Section 4.04(I) hereof, (2) following the issuance of any Permanent Original Obligations, as computed pursuant to Section 4.03(C) hereof and revised annually pursuant to Section 4.04(I) hereof, and (3) following the issuance of any Refunding Obligations, as computed pursuant to Section 4.03(D) hereof and revised annually pursuant to Section 4.04(I) hereof.

"Aesthetic EBU" means "aesthetic equivalent benefit unit," the standard unit to be used in calculating the relative amount of special benefit allocated to the improved aesthetics to be derived by each Tax Parcel from the Underground Utility Improvements.

"Annual Debt Service Component" means the amount computed for each Tax Parcel pursuant to Section 4.04(E) hereof.

"Annual Debt Service Factor" means the factor computed pursuant to Section 4.04(D) hereof.

"Assessment Report" means that certain "Town of Palm Beach Utility Undergrounding Assessment Methodology Update," dated as of June 2, 2017, prepared by Raftelis Financial Consultants, Inc., which report and its incorporated parcel database is approved and hereby incorporated herein by reference.

"Assessment Period" means the time period estimated by the Town during which Improvement Assessments are imposed for any portion of the Obligations that remain outstanding

unless otherwise prepaid pursuant to Sections 4.05, 4.06, or 4.07 hereof. The Assessment Period shall be set by the Board at or following the public hearing established in Section 2.01 hereof.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, installation, and construction of the Underground Utility Improvements (including any demolition, environmental mitigation, and relocation) and imposition of the Improvement Assessments under generally accepted accounting principles and including reimbursement to the Town for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Code" means Chapter 90, Article II of the Town of Palm Beach code of ordinances, concerning Special Assessments.

"Collection Cost" means the estimated cost to be incurred by the Town during any Fiscal Year in connection with the collection of the Improvement Assessments.

"Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 4.04(F) hereof.

"Condominium Complex" means a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

"Condominium Common Area Parcel" means a Tax Parcel including one or more "common elements," as defined in section 718.103, Florida Statutes within a Condominium Complex, the taxable value of which has been attributed to either Residential Condominium Property or Non-Residential Condominium Property by the Property Appraiser.

"Debt Service Amount" means the amount computed pursuant to Section 4.04(A) hereof.

"Density Factor" means a factor based upon a comparison of the average persons per household for each type of Residential Property within the Town derived from the 2010 U.S. census

data, which factor is used as a proxy for comparing the typical dwelling unit size and use of Residential Property and the comparative reliability special benefit accruing to such properties. The Density Factors for Residential Property are as follows: (i) Single Family Residential Property -- 1.0; (ii) Residential Condo Property -- .76; and (iii) Multi-Family Residential Property -- .76.

"Dwelling Unit" means a building or a portion thereof that is designed for residential occupancy.

"EBU" means "equivalent benefit unit," the standard Assessment Unit to be used in calculating the relative amount of special benefit to be derived by each Tax Parcel from the Underground Utility Improvements as computed by summing each Tax Parcel's assigned Safety EBUs, Reliability EBUs, and Aesthetic EBUs and as more specifically described in the Assessment Report and the incorporated parcel database.

"EBU Land Value" means the average Lot Size of all Tax Parcels within the Underground Utility Assessment Area, which the Town has computed is equal to 8,700 square feet of land area based upon the Palm Beach County Property Appraiser's ad valorem tax roll database.

"Excluded Neighborhoods" means the Everglades Island Assessment Area established in Resolution 161-2013, the Via Fontana Assessment Area established in Resolution 127-2012, the Lake Tower Assessment Area, as described in composite Appendix D, to be created by the Town by subsequent resolution, and the North Nightingale Trail/La Puerta Way Assessment Area, as described in composite Appendix D, to be created by the Town by subsequent resolution.

"Excluded Parcels" means undevelopable Tax Parcels, distinct Tax Parcels that contain only parking spaces, storage units, or condominium cabanas and serve as auxiliary improvements to a primary improvement on another Tax Parcel, and those Tax Parcels within the Excluded Neighborhoods.

"Final Assessment Resolution" means the resolution described in Sec. 90-86 of the Code which shall confirm, modify or repeal this Resolution and which shall be the final proceeding for the imposition of the Improvement Assessments within the Underground Utility Assessment Area.

"Funding Agreement" means the agreement pursuant to which the Town agrees to deliver the Obligations against payment therefore by the purchaser or underwriter of such Obligations.

"Improvement Assessment" or **"Assessment"** means an annual special assessment imposed against property located within Underground Utility Assessment Area to fund the Project Cost of the Underground Utility Improvements, and related expenses, computed in the manner described in Section 4.04 hereof.

"Initial Prepayment Amount" means the amount computed pursuant Section 4.03(A) hereof for each Tax Parcel located in the Underground Utility Assessment Area to prepay the Improvement Assessment prior to issuance of the Original Obligations.

"Lot Size" means the total land area of each Tax Parcel expressed in square feet as reflected in the Palm Beach County Property Appraiser's ad valorem tax roll database and adjusted by any applicable Parcel Adjustment Factor. Tax Parcels containing golf courses under common ownership, the Breakers Palm Beach, and contiguous parcels under common ownership that are bifurcated by South Ocean Boulevard shall be combined and treated as one Tax Parcel for determining Lot Size.

"Modified Debt Service Amount" means the amount computed pursuant to Section 4.04(C) hereof.

"Multi-Family Property" means a building or a portion thereof that contains more than one Dwelling Unit on a single Tax Parcel, including, but not limited to, apartments, townhouses, triplexes, and quadraplexes.

"Non-Adjacent Property" means all Tax Parcels within the Underground Utility Assessment Area that are not Adjacent Property or Excluded Parcels.

"Non-Residential Condominium Property" means a Tax Parcel of Benefited Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which does not contain a Dwelling Unit.

"Non-Residential Property" means all Tax Parcels within the Underground Utility Assessment Area that are not Residential Property or Excluded Parcels, including but not limited to, commercial, industrial, institutional, and vacant properties.

"Obligations" means Original Obligations or Refunding Obligations.

"Original Obligations" means Temporary Original Obligations and Permanent Original Obligations.

"Parcel Adjustment Factor" means the adjustment made to the Lot Size for Tax Parcels that contain open areas of golf courses and the open space areas of the Breakers Palm Beach, as computed by multiplying the Tax Parcel's total front footage (the number of lineal feet the Tax Parcel abuts the road upon which the Underground Utility Improvements are to be constructed) by 200, which is the Town's typical lot depth for low density residential.

"Permanent Original Obligations" means notes, bonds or other evidence of indebtedness including but not limited to, notes, bonds, commercial paper, capital leases or any other obligations issued, incurred, or applied to finance a portion of the Project Cost of the Underground Utility Improvements or refinance any Temporary Original Obligations, and are secured or payable, in whole or in part, by proceeds of the Improvement Assessments.

"Prepayment Modification Factor" means the factor computed pursuant to Section 4.04(B) hereof.

"Proforma Obligations" means a proforma of the Permanent Original Obligations prepared by the Town or its financial advisor utilizing the following assumptions: (A) the principal amount of the Permanent Original Obligations is sufficient to fund (1) the Project Cost of the Underground Utility Improvements, (2) payment of the estimated Transaction Cost for the Permanent Original Obligations, (3) amounts to be deposited in any reserve account established for the Permanent Original Obligations, and (4) any other amounts deemed necessary by the Town or its financial advisor, related to the Underground Utility Improvements; (B) the Permanent Original Obligations are payable in substantially equal annual payments over the Assessment Period from their date of issuance; (C) the Permanent Original Obligations bear interest at rates that, in the reasonable judgment of the Town or its financial advisor (taking into consideration possible interest rate fluctuations between the date on which such proforma is prepared and the estimated date for issuance of the Permanent Original Obligations), may be available on the estimated issuance date for the Permanent Original Obligations; and (D) the Permanent Original Obligations will bear interest at a rate one –half (0.5%) percentage point in excess of the estimated interest rate such Obligations will actually bear.

"Project Cost" means (A) the Capital Cost of the Underground Utility Improvements, (B) the Transaction Cost associated with the Obligations attributable to the Underground Utility Improvements, (C) interest accruing on such Obligations for such period of time as the Town deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations attributable to the Underground Utility Improvements, and (E) any other costs or expenses related thereto.

"Refunding Obligations" means a series of bonds or other evidence of indebtedness including but not limited to, notes, bonds, commercial paper, capital leases or any other obligations

of the Town issued, incurred, or applied to refund all or any portion of the Permanent Original Obligations or any indebtedness issued to refinance the Permanent Original Obligations.

"Reliability EBU" means "reliability equivalent benefit unit," the standard unit to be used in calculating the relative amount of special benefit allocated to the improved service reliability to be derived by each Tax Parcel from the Underground Utility Improvements.

"Residential Condominium Property" means a Tax Parcel containing a Dwelling Unit within a Condominium Complex, as defined in Section 718.103(27), Florida Statutes.

"Residential Property" means collectively Single Family Residential Property, Multi-Family Residential Property, and Residential Condominium Property.

"Safety EBU" means "safety equivalent benefit unit," the standard unit to be used in calculating the relative amount of special benefit allocated to the improved safety to be derived by each Tax Parcel from the Underground Utility Improvements.

"Single Family Residential Property" means a detached Dwelling Unit on an individual Tax Parcel, plus duplexes and zero lot line houses.

"Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 4.04(G) hereof.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Temporary Original Obligations" means that portion of the loan or loans from any short-term finance program, incurred by the Town to (A) finance all or a portion of the Project Cost of the

Underground Utility Improvements on an interim basis, and (B) finance the payment of any Transaction Cost for the issuance of the Temporary Original Obligations.

"Termination Point" means the point where the utility facilities placed underground in an Excluded Neighborhood pursuant to an existing or planned utility undergrounding assessment program terminate and connect to the existing overhead facilities.

"Transaction Cost" means the costs, fees and expenses incurred by the Town in connection with the issuance and sale of any series of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel and disclosure counsel, if any; (C) the underwriters' discount; (D) the fees and disbursements of the Town's financial advisor; (E) the costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (H) any other costs of a similar nature incurred in connection with issuance of such Obligations.

"Underground Utility Assessment Area" means the property more particularly described in Section 3.01 and Appendix C hereof.

"Underground Utility Assessment Roll" means the Assessment Roll as defined in the Code relating to the Project Cost of the Underground Utility Improvements.

"Underground Utility Improvements" means a Local Improvement as defined in the Code and hereby more specifically defined as the following utility infrastructure improvements to be designed, acquired, constructed, or installed by or through direction from the Town within the Underground Utility Assessment Area: removal of overhead utility lines and facilities for electricity,

telephone, cable, and fiber optics; acquisition of land and/or easements associated with the project; design, acquisition, installation, and construction of underground utility vaults, conduits, transformers, and other necessary facilities (underground and on the surface) to facilitate placement underground of all local electrical distribution lines, telephone lines, cable lines, and fiber optics to provide such essential services to properties within the Underground Utility Assessment Area; design, acquisition, installation, and construction of necessary facilities to connect the improvements on each Tax Parcel, including, but not limited to, meter conversions (for meters that are currently in compliance with all applicable codes), service laterals, and any looping of onsite lines in conformance with all utility standards; and property restoration, landscaping, and other utility and utility related improvements.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the Town Council has all powers of local self-government to

perform municipal functions and to render municipal services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of Town ordinances.

(B) The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c) and (d) of section 166.021(3), Florida Statutes, are not relevant to imposition of assessments related to the Underground Utility Improvements within the Town.

(C) The Town Council has enacted the Code to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the cost of Local Improvements that benefit the property located therein.

(D) The Town Council desires to create the Underground Utility Assessment Area as an Assessment Area and to fund Project Cost of the Underground Utility Improvements, which is a Local Improvement as defined in the Code.

(E) As set forth in more detail in the Assessment Report, the design, acquisition, construction, and installation of the Underground Utility Improvements will provide a special benefit to all Tax Parcels located within the Underground Utility Assessment Area by protecting and enhancing the value, use, enjoyment and commercial attractiveness and viability of such property by improving and enhancing: (1) property safety by reducing the potential of hazardous conditions occurring on these properties and the ingress and egress to these properties from downed poles, lines, and other overhead utility facilities in the event of storms and other natural disasters and reducing the potential for fires occurring on such properties emanating from the overhead utility facilities due to vegetative overgrowth, storms, and other causes; (2) reliability of utility services provided to these

properties by reducing the frequency of utility outages once placed underground, replacing the current utility infrastructure with new, upgraded lines, cables, and appurtenant facilities to be installed through the Underground Utility Improvements; and (3) aesthetics of these properties and their immediate surrounding areas by removing the overhead utility facilities, which will eliminate a heavy visual concentration of utility lines and poles.

(F) Pursuant to Florida Power & Light Company's 2017 Status/Update Report on Storm Hardening/Preparedness and Distribution Reliability, dated as of March 1, 2017, underground utility facilities provide the greatest utility service reliability. For example, in 2016 Florida Power & Light reported that customers served by underground utilities experienced average outages of just 17.2 minutes compared to 80.4 minutes for customers served by overhead utilities and 57.6 minutes for customers served by a combination of underground and overhead utilities. Even with storm hardened overhead utility facilities in place, Florida Power & Light Company's data dating back to 2012 demonstrates a similar increased reliability benefit from undergrounded utilities as compared to overhead utility facilities or combined overhead and underground utility facilities.

(G) The Underground Utility Improvements are projected to be designed, constructed, and installed throughout the Underground Utility Assessment Area over an 8-year build out period. This build-out period is required due to the extensive coordination, traffic control, and mobilization needed during the project construction. Due to the magnitude of the Underground Utility Improvements project, an 8-year build out period is a fair and reasonable time period for realization of the special benefits that will be provided to the Tax Parcels within the Underground Utility Assessment Area. Additionally, even though the Underground Utility Improvements project is not planned to be substantially complete throughout the Underground Utility Assessment Area for eight years, all properties will receive a special benefit, at a certain level, upon the initiation of the project

as the overhead utility lines within the Town-wide utility grid begin to be placed underground and providing some increased safety, aesthetics, and reliability to Tax Parcels within the Underground Utility Assessment Area.

(H) The Town Council hereby finds and determines that the Assessments to be imposed in accordance with this Initial Assessment Resolution provide an equitable method of funding the Underground Utility Improvements by fairly and reasonably allocating the cost to specially benefitted property, based upon the amount of Equivalent Benefit Units or EBUs attributable to each parcel of property in the manner hereinafter described.

(I) It is fair and reasonable and proportionate to the special benefit received to apportion the Project Cost of the Underground Utility Improvements based upon EBUs because the aesthetic, safety, and reliability benefits received are substantially proportional to the assessed Tax Parcel's Lot Size, density, and type of development as expressed in EBUs and as more particularly described in the Assessment Report.

(J) It is fair and reasonable to split the Project Cost of the Underground Utility Improvements among the three special benefit components – safety, reliability, and aesthetics – based upon the proportionate numbers of EBUs in each category.

(K) Although all Tax Parcels within the Underground Utility Assessment Area will be specially benefitted by the Underground Utility Improvements, as described above, due to their closer physical proximity to the existing overhead utility facilities, Adjacent Property will receive greater safety and aesthetic special benefits than Non-Adjacent Property. Accordingly, it is fair and reasonable to assign less Safety EBUs and Aesthetic EBUs to Non-Adjacent Property in acknowledgement of this lesser level of special benefit.

(L) It is fair and reasonable and proportionate to the special benefit received for safety and aesthetics to assign Safety EBUs and Aesthetic EBUs to the Tax Parcels based upon Lot Size because a larger sized property will span a greater area that may be exposed to existing overhead facilities along abutting streets, alleys, and easements that are being removed and replaced as a part of the Underground Utility Improvements and, accordingly, receive a proportionately greater benefit as compared to properties with smaller Lot Size.

(M) It is fair and reasonable to assign a minimum of one (1) Safety EBU and one (1) Aesthetic EBU for Adjacent Property or a minimum of one-half (.5) Safety EBU and one-half (.5) Aesthetic EBU for Non-adjacent Property because, regardless of their actual Lot Sizes, all such properties within the Underground Utility Assessment Area receive a baseline special benefit from the Underground Utility Improvements.

(N) Due to the similar size and use of Single Family Residential Properties, the reliability special benefit, as described above, is substantially the same for each Dwelling Unit located on a Tax Parcel of Single Family Residential Property. Accordingly, it is fair and reasonable and proportionate to the reliability special benefit received to assign all Dwelling Units located on Tax Parcels of Single Family Residential Property one (1) Reliability EBU per Dwelling Unit.

(O) In contrast, all Tax Parcels of Multi-Family Property and Residential Condominium Property within the Underground Utility Assessment Area will receive a different level of reliability special benefit than Single Family Residential Property since these properties are generally smaller, more compact and have less occupant density than Single Family Residential Property. Accordingly, it is fair and reasonable to assign Reliability EBUs to Multi-Family Property and Residential Condominium Property by using a Density Factor as a proxy for the typical Dwelling Unit sizes to acknowledge that these generally smaller Dwelling Units receive a lesser reliability special benefit.

(P) Because Density Factor data is not available for Non-Residential Property, it is fair and reasonable to use Lot Size to assign Reliability EBUs to these properties to account for the greater amount of special benefit accruing to larger Non-Residential Properties from the provision of the Underground Utility Project because a larger sized property can accommodate a greater amount of potential improvements utilizing and benefitting from the increased utility reliability and, accordingly, receive a proportionately greater benefit as compared to properties with smaller Lot Size.

(Q) Condominium property constitutes a unique form of real property ownership comprised of condominium units, to which there may be an appurtenant undivided share of common areas within the Condominium Complex. It is fair and reasonable and in accordance with section 718.120, Florida Statutes, to attribute the EBUs associated with any Condominium Common Area Parcels to the Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property to which such Condominium Common Area Parcels are appurtenant.

(R) The Underground Utility Improvements necessarily includes some surface level facilities, such as switch boxes, which will be located on or adjacent to some properties within the Underground Utility Assessment Area. These properties will still receive an aesthetic special benefit proportionate to their Lot Size because the Underground Utility Improvements will eliminate a heavy visual concentration of utility lines and poles; it is not possible to eliminate all surface level utility facilities and the switch boxes and other like facilities that will be maintained are far less obtrusive, are close to the ground, and are more visually pleasing.

(S) Some Tax Parcels within the Underground Utility Assessment Area contain large open areas, such as golf courses and the Breakers Palm Beach. To account for the diminished return of benefit to such Tax Parcels as their total amount of open space acreage that does not consume

utilities increases, it is fair and reasonable to combine all related Tax Parcels as one parcel and apply a Parcel Adjustment Factor in acknowledgement of the lesser amount of special benefit accruing to these open areas due to the lower frontage to acreage ratio applicable to these properties.

(T) Some Tax Parcels within the Town have petitioned the Town to institute a utility undergrounding project for their immediate neighborhood, which is similarly being funded with special assessments imposed by the Town on the specially benefitted properties. Because those Tax Parcels within these Excluded Neighborhoods have already relocated or begun the process of relocation of their overhead utility facilities underground and are currently paying or will pay an annual special assessment, it is fair and reasonable to exclude these parcels from the Underground Utility Assessment Area. However, due to the timing of the utility undergrounding projects, the Underground Utility Improvements will provide an indirect reliability benefit to the Excluded Neighborhoods associated with the Termination Points where the underground utility facilities within the Excluded Neighborhoods connect or will connect to the utility grid serving the rest of the Town. Therefore, to account for this indirect reliability benefit, it is fair and reasonable to assign one (1) Reliability EBU to each Termination Point associated with the Excluded Neighborhoods for a total of seven (7) Reliability EBUs. The monetary obligation associated with these seven (7) Reliability EBUs will not be funded from the proceeds of the Improvement Assessments.

(U) Certain Tax Parcels within the Town are undevelopable due to property specific constraints or legal restrictions. Additionally, there are distinct Tax Parcels within the Town that contain only parking spaces, storage units, or condominium cabanas and serve as auxiliary improvements to a primary improvement on another Tax Parcel. It is fair and reasonable to exclude these Tax Parcels from the Underground Utility Assessment Area because they will receive little, if any, special benefit from the Underground Utility Improvements.

(V) The Town plans to issue long term debt to finance the Underground Utility Improvements to allow the Assessments to be collected in annual installments over a 30-year repayment period, which will ease the annual financial burden on each Tax Parcel. Additionally, the Town plans to initially utilize interim financing to fund all or a portion of the Project Costs until the long term debt can be issued. The Town's financing plan is fair and reasonable and will help contain financing costs while ensuring a viable, long-term funding source for the Underground Utility Improvements.

(W) The Town Council hereby finds that each property within the proposed Assessment Area will be benefited by the Town's provision of the Underground Utility Improvements in an amount not less than the Assessment imposed against such property, computed in the manner set forth in this Resolution.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. PUBLIC HEARING. There is hereby established a public hearing to be held by the Town Council at 5:01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, to consider: (A) creation of the Underground Utility Assessment Area; (B) imposition of the Improvement Assessments, and (C) collection of the Improvement Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.02. NOTICE BY PUBLICATION. Upon completion of the Underground Utility Assessment Roll, the Town Manager shall publish a notice of the public hearing authorized by Section 2.01 hereof in the manner and the time provided in Sec. 90-84 of the Code. Such notice shall be in substantially the form attached hereto as Appendix B and shall be published no later than June 21, 2017.

SECTION 2.03. NOTICE BY MAIL.

(A) Upon completion of the Underground Utility Assessment Roll, the Town Manager shall, at the time and in the manner specified in Sec. 90-85 of the Code, provide first class mailed notice of the public hearing authorized by Section 2.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix C and shall be mailed no later than June 21, 2017.

(B) In accordance with Chapter 92-264, Laws of Florida, as amended, a special act relating to the Property Appraiser, the Town Council shall provide additional notice of the Assessment as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

ARTICLE III

ASSESSMENT AREA AND ASSESSMENT UNITS

SECTION 3.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.

(A) In accordance with Sec. 90-46 of the Code, the Town Council proposes to create the Underground Utility Assessment Area encompassing all the area of the Town more particularly described in Appendix A attached hereto, with the exception of the Excluded Parcels.

(B) The Underground Utility Assessment Area is proposed to provide beautification, improved utility reliability, and enhance safety and access to property, as well as preserve and/or enhance the value of all property therein through the provision of the Underground Utility Improvements.

SECTION 3.02. ASSIGNMENT OF EBUs.

Safety EBUs and Aesthetic EBUs

(A) Except for Residential Condominium Property and Non-Residential Condominium Property as described in paragraphs (C) and (D) below, all Tax Parcels of Adjacent Property in the Underground Utility Assessment Area shall be assigned Safety EBUs and Aesthetic EBUs by dividing its (a) Lot Size by (b) the EBU Land Value; provided however that no Tax Parcel of Adjacent Property shall be assigned less than one Safety EBU or less than one Aesthetic EBU.

(B) Except for Residential Condominium Property and Non-Residential Condominium Property as described in paragraphs (C) and (D) below, all Tax Parcels of Non-adjacent Property in the Underground Utility Assessment Area shall be assigned Safety EBUs and Aesthetic EBUs by dividing its (a) Lot Size by (b) the EBU Land Value and then multiplying that product by .5;

provided however that no Tax Parcel of Non-Adjacent Property shall be assigned less than .5 Safety EBU or less than .5 Aesthetic EBU.

(C) The number of Safety EBUs and Aesthetic EBUs attributable to each Tax Parcel of Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Residential Condominium Property or Non-Residential Condominium Property, as applicable, is located, including any Condominium Common Area Parcels, by the EBU Land Value, and then (b) dividing the result by the total number of Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property, as applicable, located within such Condominium Complex; provided however that no Tax Parcel of Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property shall be assigned less than one Safety EBU or less than one Aesthetic EBU.

(D) The number of Safety EBUs and Aesthetic EBUs attributable to each Tax Parcel of Non-Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Residential Condominium Property or Non-Residential Condominium Property, as applicable, is located, including any Condominium Common Area Parcels, by the EBU Land Value, (b) multiplying that product by .5, and then (c) dividing the result by the total number of Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property, as applicable, located within such Condominium Complex; provided however that no Tax Parcel of Non-Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property shall be assigned less than .5 Safety EBU or less than .5 Aesthetic EBU.

Reliability EBUs

(E) All Tax Parcels of Residential Property in the Underground Utility Assessment Area shall be assigned Reliability EBUs by (a) multiplying the number of Dwelling Units on the Tax Parcel by (b) the Density Factor computed for the applicable category of Residential Property.

(F) All Tax Parcels of Non-Residential Property in the Underground Utility Assessment Area, except for Non-Residential Condominium Property, shall be assigned Reliability EBUs by dividing its (a) Lot Size by (b) the EBU Land Value; provided however that no Tax Parcel of Non-Residential Property shall be assigned less than one (1) Reliability EBU.

(G) The number of Reliability EBUs attributable to each Tax Parcel of Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Non-Residential Condominium Property is located, including any Condominium Common Area Parcels, by the EBU Land Value, and then (b) dividing the result by the total number of Tax Parcels of Non-Residential Condominium Property located within such Condominium Complex; provided however that no Tax Parcel of Non-Residential Condominium Property shall be assigned less than one (1) Reliability EBU.

(H) Each Termination Point for an Excluded Neighborhood shall be assigned one (1) Reliability EBU.

ARTICLE IV

IMPROVEMENT ASSESSMENTS

SECTION 4.01. ESTIMATED CAPITAL COST.

(A) The total estimated Capital Cost to be assessed within the Underground Utility Assessment Area for the Underground Utility Improvements is $90,000,000.00, which is further allocated as follows:

(1) The estimated Capital Cost allocated to the Safety EBUs is 30.8% or $27,722,830.00.

(2) The estimated Capital Cost allocated to the Reliability EBUs is 38.4% or $34,554,340.00.

(3) The estimated Capital Cost allocated to the Aesthetic EBUs is 30.8% or $27,722,830.00.

(B) The Project Cost of the Underground Utility Improvements will be funded through the imposition of Improvement Assessments against property located in Underground Utility Assessment Area.

SECTION 4.02. IMPOSITION OF IMPROVEMENT ASSESSMENTS. The Improvement Assessments shall be imposed against all Tax Parcels located within Underground Utility Assessment Area for each Fiscal Year in which the Obligations remain outstanding, the amount of which shall be computed in accordance with this Article IV. When imposed, the Improvement Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in the Underground Utility Assessment Area pursuant to Sec. 90-50 of the Code.

SECTION 4.03. PREPAYMENT AMOUNTS.

(A) Upon adoption of the Final Assessment Resolution, an Initial Prepayment Amount for each Tax Parcel located within Underground Utility Assessment Area shall be calculated as the sum of the following amounts:

(1) The amount computed by dividing the number of Safety EBUs attributable to such Tax Parcel by the total number of all Safety EBUs attributable to all Tax Parcels within Underground Utility Assessment Area, and multiplying the result by the estimated Capital Cost provided in Section 4.01(A)(1); and

(2) The amount computed by dividing the number of Reliability EBUs attributable to such Tax Parcel by the total number of all Reliability EBUs attributable to all Tax Parcels within Underground Utility Assessment Area, and multiplying the result by the estimated Capital Cost provided in Section 4.01(A)(2); and

(3) The amount computed by dividing the number of Aesthetic EBUs attributable to such Tax Parcel by the total number of all Aesthetic EBUs attributable to all Tax Parcels within Underground Utility Assessment Area, and multiplying the result by the estimated Capital Cost provided in Section 4.01(A)(3).

(B) Following issuance of any Temporary Original Obligations, an Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Improvement Assessment has been prepaid prior to issuance of the Temporary Original Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Initial Prepayment Amount established herein for such Tax Parcel by (b) the sum of the aggregate Initial Prepayment Amounts for all Tax Parcels within the Underground Utility Assessment Area, in each case excluding those Tax Parcels as to which the Assessment has been prepaid prior to issuance of the Temporary Original

Obligations, by (2) the principal amount of the Proforma Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.04(I) hereof.

(C) Following the issuance of any Permanent Original Obligations, a revised Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Improvement Assessment has been prepaid prior to the issuance of any Permanent Original Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount established herein for such Tax Parcel by (b) the aggregate Adjusted Prepayment Amounts for all Tax Parcels within the Underground Utility Assessment Area, in each case excluding those Tax Parcels as to which the Assessment has been prepaid prior to issuance of the Permanent Original Obligations, by (2) the principal amount of the Permanent Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.04(I) hereof.

(D) Following issuance of any Refunding Obligations, a new Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Improvement Assessment has been prepaid prior to issuance of such Refunding Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the aggregate Adjusted Prepayment Amounts for all Tax Parcels within the Underground Utility Assessment Area, by (2) the principal amount of such Refunding Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.04(I) hereof.

SECTION 4.04. COMPUTATION OF IMPROVEMENT ASSESSMENTS. The annual Improvement Assessment shall be computed for each Tax Parcel that has not prepaid in accordance with Sections 4.05, 4.06, or 4.07 hereof in the manner set forth in this Section 4.04.

(A) DEBT SERVICE AMOUNT. A "Debt Service Amount" shall be computed for each Fiscal Year in the following manner:

(1) For each Fiscal Year in which Temporary Original Obligations will be outstanding, the "Debt Service Amount" shall be computed as the amount which would be payable in respect of the Proforma Obligations in accordance with a debt service schedule prepared with principal installments equal those established for the Proforma Obligations.

(2) Following issuance of the Permanent Original Obligations, the "Debt Service Amount" shall be computed for each Fiscal Year as the amount which would be payable in respect of the Obligations in accordance with a debt service schedule prepared based on (1) the principal installments equal those established in the Funding Agreement, and (2) the Obligations bear interest at a rate one-half (0.5%) percentage point in excess of the actual rates; provided however, that the "Debt Service Amount" for any Fiscal Year shall not exceed the principal amount of Obligations then outstanding, plus interest thereon at rates one-half (0.5%) percentage point in excess of the actual rates.

(B) PREPAYMENT MODIFICATION FACTOR. A "Prepayment Modification Factor" shall be computed for each Fiscal Year by dividing (1) the amount computed by subtracting (a) the sum of the Adjusted Prepayment Amounts, as of the date on which the Obligations are issued by the Town, for all Tax Parcels as to which prepayment has been made, from (b) the total principal amount of Obligations initially issued by the Town, by (2) the total principal amount of Obligations initially issued by the Town.

(C) MODIFIED DEBT SERVICE AMOUNT. A "Modified Debt Service Amount" shall be computed for each Fiscal Year by multiplying (1) the Debt Service Amount by (2) the Prepayment Modification Factor.

(D) ANNUAL DEBT SERVICE FACTOR. An "Annual Debt Service Factor" shall be computed for each Fiscal Year by dividing (1) the Adjusted Prepayment Amount for such Tax Parcel, by (2) the aggregate Adjusted Prepayment Amount.

(E) ANNUAL DEBT SERVICE COMPONENT. The "Annual Debt Service Component" shall be computed for each Fiscal Year for each Tax Parcel by multiplying (1) the Modified Debt Service Amount by (2) the Annual Debt Service Factor.

(F) COLLECTION COST COMPONENT. The "Collection Cost Component" shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of the aggregate Adjusted Prepayment Amount remaining in the Underground Utility Assessment Area, and (2) multiplying the result by the Collection Cost.

(G) STATUTORY DISCOUNT AMOUNT. The " Statutory Discount Amount" shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments plus a one (1) percent contingency for uncollectible amounts, such amount to be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Collection Cost Component, by (b) the factor of 0.95.

(H) IMPROVEMENT ASSESSMENT. The annual Improvement Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Debt Service Component, (2) the Collection Cost Component, and (3) the Statutory Discount Amount.

(I) REVISION OF ADJUSTED PREPAYMENT AMOUNT. Upon certification of the Underground Utility Assessment Roll each Fiscal Year, the Adjusted Prepayment Amount for each Tax Parcel shall be recomputed by deducting (1) the amount computed by (a) dividing (i) the

principal component of the Debt Service Amount utilized to compute the Annual Debt Service Component for the Underground Utility Assessment Roll by (ii) the total Debt Service Amount utilized to compute the Annual Debt Service Component for the Underground Utility Assessment Roll and (b) multiplying the result by the Annual Debt Service Component included on the Underground Utility Assessment Roll for the Tax Parcel, from (2) the Adjusted Prepayment Amount (or for the initial Assessment Roll, the Initial Prepayment Amount) utilized to compute the annual Improvement Assessment included on the Underground Utility Assessment Roll for such Tax Parcel.

SECTION 4.05. INITIAL PREPAYMENT OPTION.

(A) Following adoption of the Final Assessment Resolution, the Town Manager shall provide by first class mail a notice to the owner of each Tax Parcel subject to the Improvement Assessment of the owner's option to initially prepay all future annual Improvement Assessments. On or prior to the date specified in such notice, the owner of each Tax Parcel subject to the Improvement Assessment shall be entitled to prepay all future annual Improvement Assessments, upon payment of the Initial Prepayment Amount.

(B) The amount of all prepayments made pursuant to this Section 4.05 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the actual Capital Cost of the Underground Utility Improvements is less than the estimated Capital Cost upon which the Initial Prepayment Amount was computed, or (2) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of any such prepayment.

SECTION 4.06. ADDITIONAL PREPAYMENT OPTION.

(A) After the initial prepayment period provided for in Section 4.05 and if subsequently authorized by the Town Council, the owner of each Tax Parcel subject to the Improvement Assessments may be entitled to prepay all future unpaid annual Assessments upon payment of an

amount equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at a rate one-half (0.5%) percentage point in excess of the rate on the Obligations from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the Town can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.

(B) During any period commencing on the date the annual Utility Underground Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the future unpaid annual Improvement Assessments for the Tax Parcel by the amount of the Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(C) The amount of all prepayments made pursuant to this Section 4.06 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the Capital Cost of the Utility Underground Improvements is less than the amount upon which such Adjusted Prepayment Amount was computed, (2) the Adjusted Prepayment Amount is reduced upon issuance of the Permanent Original Obligations, or (3) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 4.07. MANDATORY PREPAYMENT.

(A) The owner of a Tax Parcel subject to the Improvement Assessment shall immediately prepay all future unpaid annual Improvement Assessments for such Tax Parcel if (1) the Tax Parcel is acquired by a public entity through condemnation, negotiated sale or otherwise, or (2) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the Town, at its

sole option, elects to accelerate the Improvement Assessment.

(B) The amount required to prepay the future unpaid annual Improvement Assessments will be equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the Town can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.

(C) During any period commencing on the date the annual Underground Utility Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the future unpaid annual Improvement Assessments for the Tax Parcel by the amount of the Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(D) The amount of all prepayments made pursuant to this Section 4.07 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the Capital Cost of the Underground Utility Improvements is less than the amount upon which such Adjusted Prepayment Amount was computed, (2) the Adjusted Prepayment Amount is reduced upon issuance of the Permanent Original Obligations, or (3) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 4.08. REALLOCATION. If an owner intends to subdivide a Tax Parcel, the Prepayment Amount for such Tax Parcel may be reallocated pro rata among the new Tax Parcels upon (1) application of the owner and (2) assignment of a distinct ad valorem property tax identification number to each new Tax Parcel by the Property Appraiser.

SECTION 4.09. UNDERGROUND UTILITY ASSESSMENT ROLL. The Town Manager is hereby directed to prepare a final estimate of the Project Cost for the Underground Utility Improvements and to prepare the preliminary Underground Utility Assessment Roll in the manner provided in Sec. 90-83 of the Code. The Town Manager shall apportion the Project Cost among the parcels of real property within Underground Utility Assessment Area as reflected on the Tax Roll in conformity with Article IV hereof. The estimate of Project Cost and the Underground Utility Assessment Roll shall be maintained on file in the office of the Town Manager and be open to public inspection.

SECTION 4.10. APPLICATION OF IMPROVEMENT ASSESSMENT PROCEEDS. Proceeds from the Improvement Assessments received during each Fiscal Year shall be applied by the Town for payment of the Improvement Assessment Collection Costs, payment of any Transaction Costs not funded from proceeds of the Obligations, payment of interest due on the Obligations, payment of principal due on the Obligations, and payment of the Project Cost of the Underground Utility Improvements, including any Capital Cost that may exceed the estimated Capital Cost in Section 4.01. Any remaining proceeds will then be used for prepayment of the Obligations, when authorized under the terms of those Obligations.

ARTICLE V

GENERAL PROVISIONS

SECTION 5.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 90-121 of the Code. Any Assessments imposed against Government Property shall be collected pursuant to Section 90-123 of the Code.

SECTION 5.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 5.03. EVIDENCE OF PAYMENT. Prepayment in full of the Improvement Assessment imposed against any Tax Parcel shall operate as a release of the Improvement Assessment lien upon such Tax Parcel. Upon request, the Town Manager may issue a written confirmation to evidence such payment; provided however, that the issuance of written confirmation shall not be required to release the Improvement Assessment lien. The Town may impose an administrative fee to defray the cost of providing written confirmation pursuant to this Section 6.03.

SECTION 5.04. REVISIONS TO ASSESSMENTS. If any Assessment or exemption made under the provisions of this Initial Assessment Resolution is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Town Council is satisfied that any such Assessment or exemption is so irregular or defective that the same cannot be enforced or collected, or if the Town Council has failed to include or omitted any property on the Assessment Roll which property should have been so included, the Town Council may take all necessary steps to

impose a new Assessment against any property benefited by the Underground Utility Improvements, following as nearly as may be practicable, the provisions of the Code and in case such second Assessment is annulled, vacated, or set aside, the Town Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 5.05. INTENT FOR REIMBURSEMENT FROM BOND PROCEEDS. The Town is hereby authorized to temporarily advance funds for the payment of Project Costs relating to the Underground Utility Improvements, such advances to be reimbursed from proceeds of tax-exempt Obligations. This is a Declaration of Official Intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"). The Town declares that it reasonably expects that the Project Costs for the Underground Utility Improvements will be reimbursed with the proceeds of bonds (as defined in Section 150 of the Internal Revenue Code). The maximum principal amount of bonds expected to be issued for the Project Costs of the Underground Utility Improvements is $90,000,000.00.

SECTION 5.06. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of ____, 2017.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
ATTEST:	_____
	Bobbie Lindsay, Town Council Member

Susan A. Owens, MPA, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

APPENDIX A

DESCRIPTION OF THE UNDERGROUND UTILITY ASSESSMENT AREA

APPENDIX A

UNDERGROUND UTILITY ASSESSMENT AREA

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published by June 21, 2017

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS IN THE TOWN-WIDE UNDERGROUND UTILITY ASSESSMENT AREA TO PROVIDE FOR THE UNDERGROUND UTILITY IMPROVEMENTS

Notice is hereby given that the Town Council of the Town of Palm Beach will conduct a public hearing to consider imposing non-ad valorem special assessments for the provision of the design, acquisition, construction, and installation of the Underground Utility Improvements within the boundaries of the Town-wide Underground Utility Assessment Area for the Fiscal Year beginning October 1, 2017 and future fiscal years.

The hearing will be held at 5:01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Underground Utility Assessment Area and the special assessments and their collection on the ad valorem tax bill. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice.

Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 835-4631 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) days prior to the date of the hearing.

The assessment for each parcel of property will be based on the number of equivalent benefit units assigned to the Tax Parcel. The proposed maximum annual assessment rates are: $256.53 per Safety EBU, $256.53 per Reliability EBU, and $256.53 per Aesthetic EBU. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the Town Council on June 13,

2017. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. _____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town Council intends to collect the assessments in 30 annual installments, the first of which will be included on the ad valorem tax bill to be mailed in November 2017.

If you have any questions, please contact the Town Manager's Office at (561) 835-4631, Monday through Friday between 8:30 a.m. and 5:00 p.m.

MAP OF ASSESSMENT AREA

[TO COME]

TOWN OF PALM BEACH TOWN COUNCIL

APPENDIX C

FORM OF NOTICE TO BE MAILED

APPENDIX C

FORM OF NOTICE TO BE MAILED

Town Council of the
Town of Palm Beach, Florida
Address
Town of Palm Beach, FL

TOWN OF PALM BEACH, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS
NOTICE DATE: JUNE 21, 2017

Owner Name
Address
City, State Zip

Tax Parcel #: _____
Legal Description: _____

As required by section 197.3632, Florida Statutes, and the direction of the Town Council of the Town of Palm Beach, Florida, notice is given by the Town of Palm Beach that an annual assessment for the design, acquisition, construction, and installation of the Underground Utility Improvements using the tax bill collection method may be levied on your property contained within the Town-wide Underground Utility Assessment Area for the fiscal year October 1, 2017 - September 30, 2018 and future fiscal years. The use of an annual special assessment to fund improvements benefiting property located within the Underground Utility Assessment Area is a fair, efficient and effective means of funding these needed improvements.

The assessment for your property will be based on the number of equivalent benefit units assigned to the Tax Parcel. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the Town Council on June 13, 2017. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. _____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida. Information relating to the assessment for the above Tax Parcel is included on the last page of this notice.

The Town intends to issue a combination of short term and long term debt to finance the Underground Utility Improvements project. This will permit the cost attributable to your property to

be amortized over a period of years. However, you may choose to prepay your assessment in full and avoid additional financing, administration, and collection costs. Please do not send payment now. If the assessments are imposed, you will receive a separate notice of the date and place for this optional prepayment. If you do not choose to prepay, the amount necessary to pay your assessment in full will be increased by your share of the financing costs, plus annually incurred administration, statutory discount, and collection costs.

The total annual assessment revenue related to the Improvement Assessment to be collected within the Underground Utility Assessment Area is estimated to be $_____. The annual assessment will include your fair share of the principal, interest, administration, and project costs related to the Underground Utility Improvements and amounts related to collection of assessments, and statutory discounts. Annual assessments will be payable for 30 years; however, if there are no significant defaults in payment of the assessments, the last loan payment may be made from any reserve accounts funded by the loan. The Town intends to include annual assessments on your ad valorem tax bill. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

A public hearing will be held at 5:01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Underground Utility Improvements and the special assessments and their collection on the ad valorem tax bill. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 835-4631 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) days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of

apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your assessment, please contact the Town Manager's Office at (561) 835-4631, Monday through Friday between 8:30 a.m. and 5:00 p.m.

*** * * * * THIS IS NOT A BILL * * * * ***

*** * * * * SEND NO MONEY NOW. THIS IS NOT AN INVOICE * * * * ***

Town-wide Underground Utility Improvements Project

[Property Owner Name]
Tax Parcel #[Insert Number]

Equivalent Benefit Units (EBUs)

Total number of Safety EBUs attributed to property:	[Insert Number]
Total number of Reliability EBUs attributed to property:	[Insert Number]
Total number of Aesthetic EBUs attributed to property:	[Insert Number]

Prepayment and Annual Assessments

Initial prepayment amount (excludes financing cost):	[Insert Amount]
Number of annual payments:	30
Maximum annual assessment:	[Insert Amount]
Expected date of first bill:	November 2017
Total amount of annual payments:	[Insert Amount]
Expected date of last bill:	November 2046

*** * * * * SEND NO MONEY NOW. THIS IS NOT AN INVOICE * * * * ***

APPENDIX D

DESCRIPTIONS OF LAKE TOWER AND NORTH NIGHTINGALE TRAIL/LA PUERTA WAY ASSESSMENT AREAS

SKETCH & DESCRIPTION

LAKE TOWER ASSESSMENT AREA

LYING IN SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Section 15, Township 43 South, Range 43 East, lying within the Town of Palm Beach, Palm Beach County, Florida, described as follows:

Bounded on the north by the south right-of-way line of Dunbar Road; bounded on the east by the west right-of-way line of Bradley Place; bounded on the south by the north right-of-way line of Atlantic Avenue; bounded on the west by Lake Worth and the easterly line of Lake Trail. Said area additionally described as: All of Lots 1 through 5, REPLAT OF LOTS 56 & 57, ADAMS ADDITIONS according to the Plat thereof as recorded in Plat Book 26, Page 3 of the Public Records of Palm Beach County, Florida; together with Lots 80 and 81 and the west 21.9 feet of Lot 79, ORANGE PARK, according to the Plat thereof as recorded in Plat Book 5, Page 97 of the Public Records of Palm Beach County, Florida.

Said lands including, but is not limited to, properties identified by the following parcel control numbers (PCN) and Condominium:

50-43-43-15-02-000-0010
50-43-43-15-02-000-0020
50-43-43-15-02-000-0030
50-43-43-15-02-000-0040
50-43-43-15-02-000-0050
LAKE TOWERS, a condominium

REVISIONS			
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		SCALE:	1" = 60'
		DATE:	10/28/2016
		BY:	W.R.E.
		CHECKED:	M.D.A.
		F.B. -	PG. -
		SHEET	1 OF 3

SKETCH & DESCRIPTION

NORTH NIGHTINGALE TRAIL & LA PUERTA WAY ASSESSMENT AREA

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

A portion of Section 3, Township 43 South; Range 43 East, lying within the Town of Palm Beach, Palm Beach County, Florida, described as follows:

Bounded on the north by the north line of Lots 4 and 8, MOCKING BIRD TRAIL Tract according to the plat thereof, as recorded in Plat Book 18, Page 7 of the Public Records of Palm Beach County, Florida; together with bounded on the north by the south right-of-way line of Nightingale Trail (Flamingo Trail per said Plat) and its westerly extension to the west right-of-way line of North Lake Way; bounded on the east by the west right-of-way line of North Ocean Boulevard, as laid out and currently in use; bounded on the south by the north right-of-way of El Pueblo Way; bounded on the west by the east right-of-way line of North Ocean Way; bounded on the south by the north right-of-way line of La Puerta Way and its westerly extension to the west right-of-way line of North Lake Way; together with bounded on the south by the south line of Lot 39, EL ENCANTO ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof as recorded in Plat Book 11, Page 53 of the Public Records of Palm Beach County, Florida; bounded on the west by Lake Worth.

Said lands including, but is not limited to, properties identified by the following parcel control numbers (PCN):

50-43-43-03-09-000-0041; 50-43-43-03-09-000-0520; 50-43-43-03-09-000-0510;
50-43-43-03-09-000-0500; 50-43-43-03-09-000-0490; 50-43-43-03-09-000-0480;
50-43-43-03-09-000-0471; 50-43-43-03-09-000-0450; 50-43-43-02-01-000-0440;
50-43-43-03-09-000-0422; 50-43-43-03-09-000-0421; 50-43-43-03-10-000-0030;
50-43-43-03-10-000-0060; 50-43-43-03-10-000-0091; 50-43-43-03-10-000-0110;
50-43-43-03-10-000-0080; 50-43-43-03-10-000-0050; 50-43-43-03-10-000-0010;
50-43-43-02-01-000-0490; 50-43-43-02-01-000-0480; 50-43-43-02-01-000-0470;
50-43-43-02-01-000-0460; 50-43-43-02-01-000-0450; 50-43-43-02-01-000-0440;
50-43-43-02-01-000-0430; 50-43-43-02-01-000-0420; 50-43-43-02-01-000-0410;
50-43-43-02-01-000-0400; 50-43-43-02-01-000-0392; 50-43-43-02-01-000-0391.

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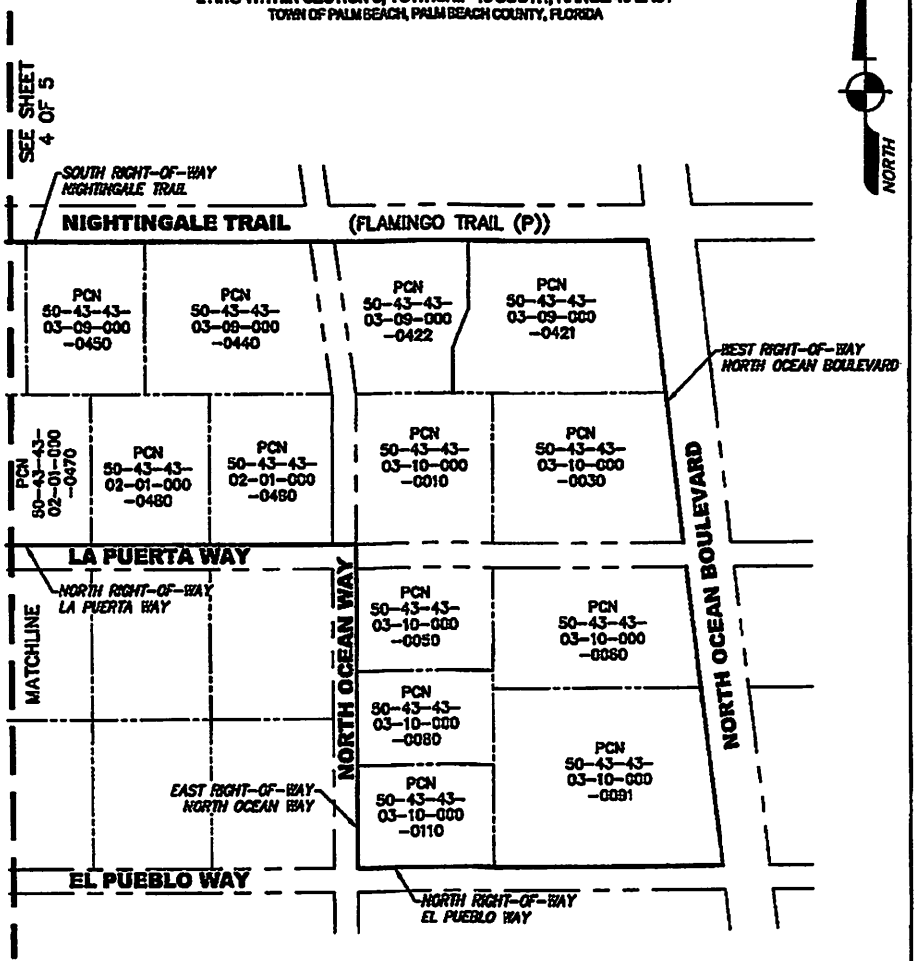
		SCALE:	-
		DATE:	10/28/2015
		BY:	W.R.E.
		CHECKED:	M.D.A.
		F.B. -	PG. -
		SHEET	1 OF 5

SKETCH & DESCRIPTION

NORTH NIGHTINGALE TRAIL & LA PUERTA WAY ASSESSMENT AREA

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



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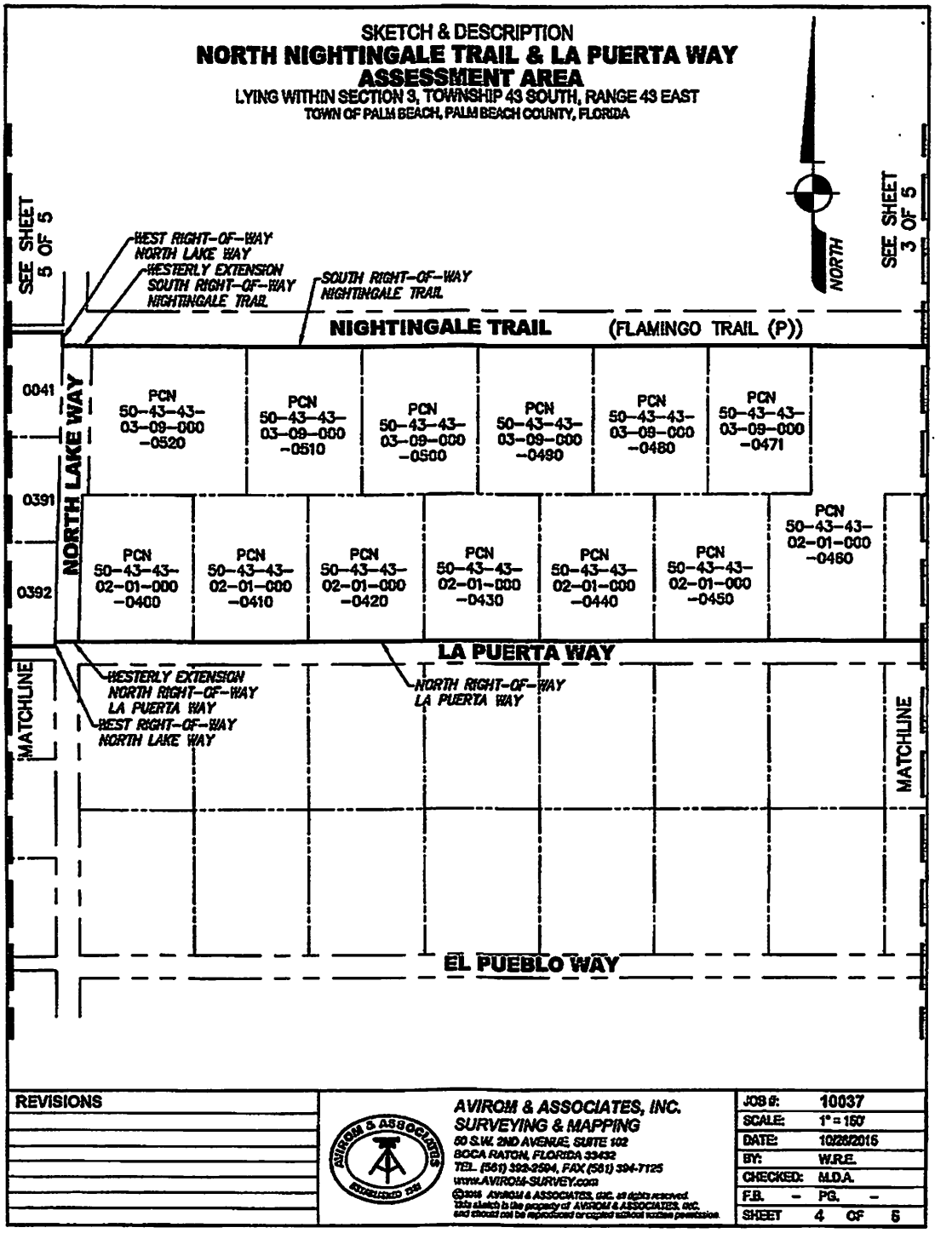
		SCALE: 1" = 150'
		DATE: 10/29/2015
		BY: W.R.E.
		CHECKED: M.D.A.
		F.B. – PG. –
		SHEET 3 OF 5


SKETCH & DESCRIPTION
NORTH NIGHTINGALE TRAIL & LA PUERTA WAY
ASSESSMENT AREA
LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA
NORTH
SEE SHEET 5 OF 5
SEE SHEET 3 OF 5
WEST RIGHT-OF-WAY NORTH LAKE WAY
WESTERLY EXTENSION SOUTH RIGHT-OF-WAY NIGHTINGALE TRAIL
SOUTH RIGHT-OF-WAY NIGHTINGALE TRAIL
NIGHTINGALE TRAIL
(FLAMINGO TRAIL (P))
NORTH LAKE WAY
0041
0391
0392
PCN 50-43-43-03-09-000-0520
PCN 50-43-43-03-09-000-0510
PCN 50-43-43-03-09-000-0500
PCN 50-43-43-03-09-000-0490
PCN 50-43-43-03-09-000-0480
PCN 50-43-43-03-09-000-0471
PCN 50-43-43-02-01-000-0400
PCN 50-43-43-02-01-000-0410
PCN 50-43-43-02-01-000-0420
PCN 50-43-43-02-01-000-0430
PCN 50-43-43-02-01-000-0440
PCN 50-43-43-02-01-000-0450
PCN 50-43-43-02-01-000-0460
LA PUERTA WAY
WESTERLY EXTENSION NORTH RIGHT-OF-WAY LA PUERTA WAY
WEST RIGHT-OF-WAY NORTH LAKE WAY
NORTH RIGHT-OF-WAY LA PUERTA WAY
MATCHLINE
MATCHLINE
EL PUEBLO WAY
REVISIONS
AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
60 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 393-2594, FAX (561) 394-7125
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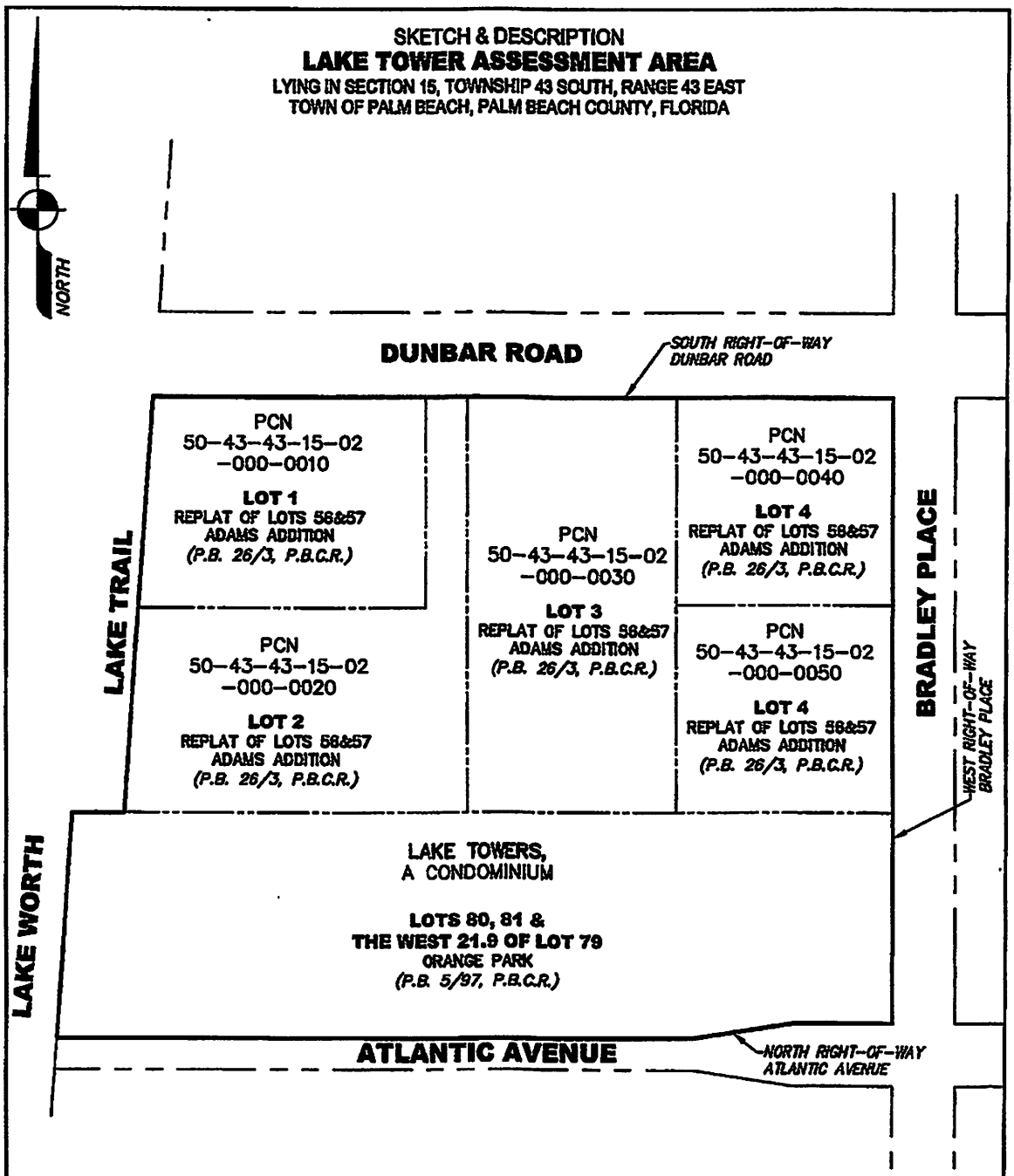
JOB #: 10037
SCALE: 1" = 150'
DATE: 10/26/2016
BY: W.R.E.
CHECKED: M.D.A.
F.B. - PG. -
SHEET 4 OF 5

SKETCH & DESCRIPTION

LAKE TOWER ASSESSMENT AREA

LYING IN SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



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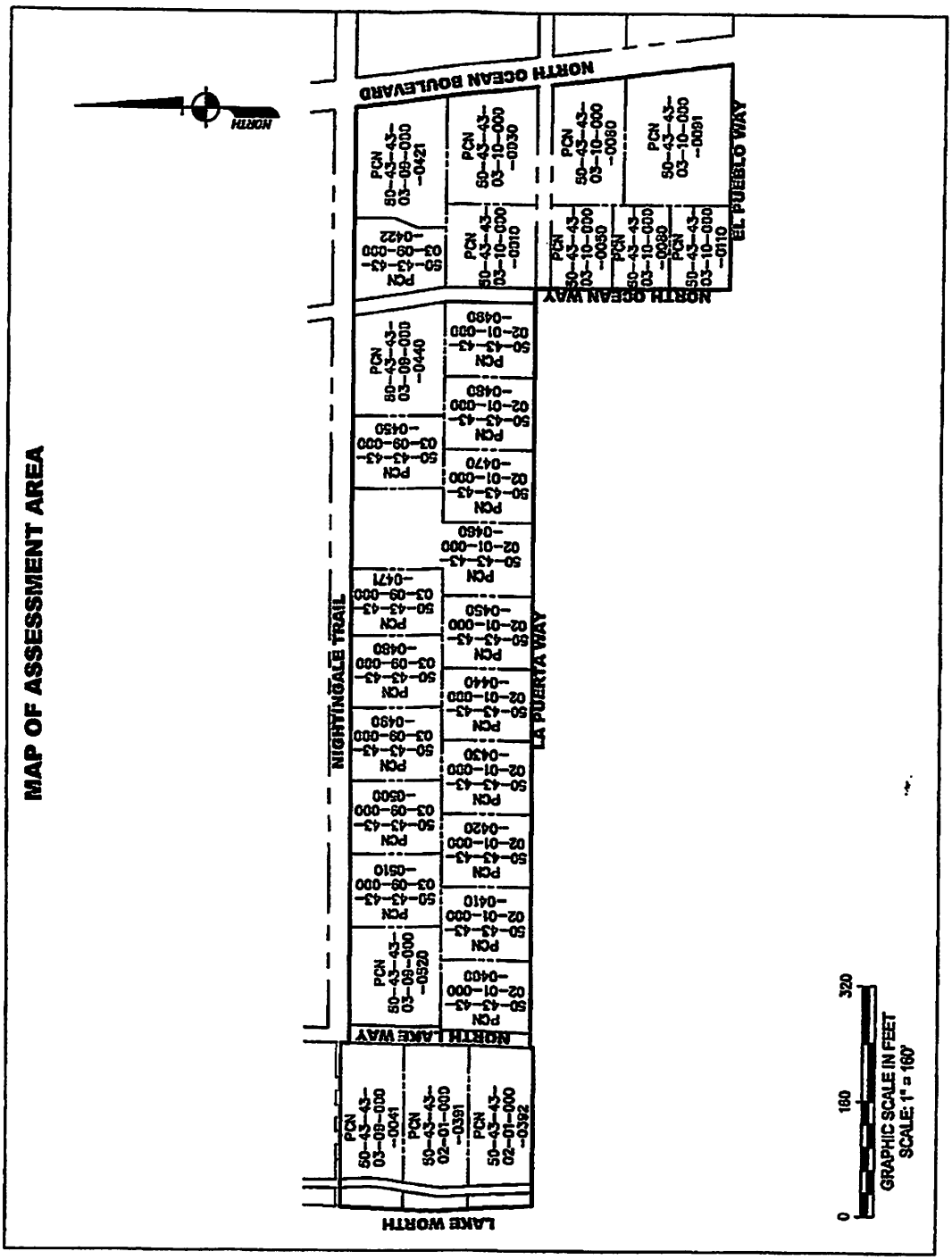
MAP OF ASSESSMENT AREA
NORTH
NORTH OCEAN BOULEVARD
NORTH OCEAN WAY
EL PUEBLO WAY
NIGHTINGALE TRAIL
LA PUERTA WAY
NORTH LAKE WAY
LAKE WORTH
PCN 50-43-43-03-09-000-0421
PCN 50-43-43-03-10-000-0030
PCN 50-43-43-03-10-000-0080
PCN 50-43-43-03-10-000-0091
PCN 50-43-43-03-09-000-0422
PCN 50-43-43-03-10-000-0010
PCN 50-43-43-03-10-000-0050
PCN 50-43-43-03-10-000-0080
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PCN 50-43-43-02-01-000-0410
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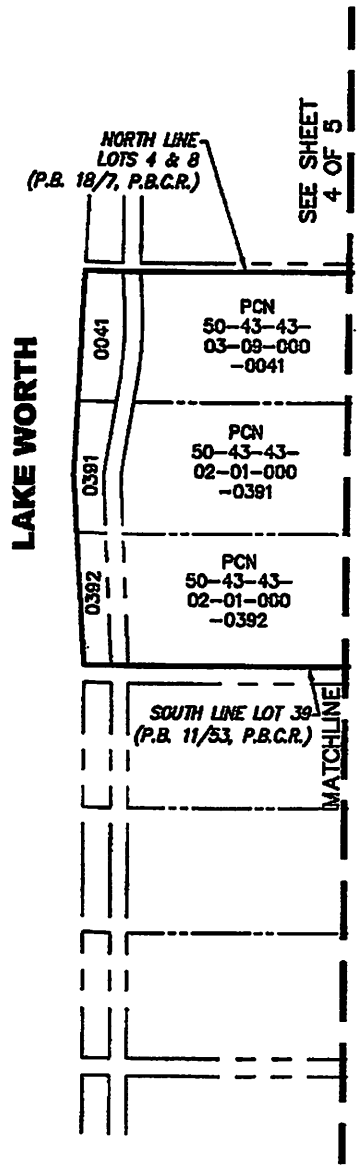
PCN 50-43-43-03-09-000-0041
PCN 50-43-43-02-01-000-0391
PCN 50-43-43-02-01-000-0392
0
160
320
GRAPHIC SCALE IN FEET
SCALE: 1" = 160'

SKETCH & DESCRIPTION

NORTH NIGHTINGALE TRAIL & LA PUERTA WAY ASSESSMENT WAY

LYING WITHIN SECTION 3, TOWNSHIP 43 SOUTH, RANGE 43 EAST
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



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		SCALE: 1" = 150'
		DATE: 10/28/2015
		BY: W.R.E.
		CHECKED: M.D.A.
		F.B. – PG. –
		SHEET 5 OF 5

EXHIBIT Q

RESOLUTION NO. 100-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, RELATING TO THE PROVISION OF THE UNDERGROUND UTILITY IMPROVEMENTS WITHIN THE TOWNWIDE UNDERGROUND UTILITY ASSESSMENT AREA; PROVIDING AUTHORITY AND DEFINITIONS; APPROVING THE UNDERGROUND UTILITY ASSESSMENT ROLL; AMENDING THE INITIAL ASSESSMENT RESOLUTION AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION, AS AMENDED; PROVIDING FOR THE IMPOSITION OF THE ASSESSMENTS TO FUND THE UNDERGROUND UTILITY IMPROVEMENTS WITHIN THE UNDERGROUND UTILITY ASSESSMENT AREA; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted Chapter 90, Article II, of the Town of Palm Beach Code of Ordinances (the "Code") to provide for the imposition of special assessments to fund the construction of Capital Projects and the provision of Related Services to benefit property within Assessment Areas; and

WHEREAS, on June 13, 2017, the Town Council adopted Resolution No. 090-2017, the Initial Assessment Resolution for the Improvement Assessments in the Townwide Underground Utility Assessment Area (the "Initial Assessment Resolution"), describing the method of assessing the cost of the Underground Utility Improvements against the real property that will be specially benefited thereby, and directing the preparation of the preliminary Underground Utility Assessment Roll and provision of the notices required by the Code; and

WHEREAS, pursuant to the provisions of the Code, the Town Council is required to confirm or repeal the Initial Assessment Resolution with such amendments as

the Town Council deems appropriate after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Underground Utility Assessment Roll has been filed with the Town Manager, as required by the Code; and

WHEREAS, as required by the Code, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard concerning the assessments; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

WHEREAS, a public hearing has been duly held on July 12, 2017, and comments and objections of all interested persons have been heard and considered as required by the terms of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Final Assessment Resolution is adopted pursuant to the Code, the Initial Assessment Resolution, Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, the Town of Palm Beach Charter, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution as defined in the Code. All capitalized terms in this Final Assessment Resolution shall have the meanings defined in the Code and Initial Assessment Resolution unless the context clearly indicates an alternative meaning.

SECTION 3. AMENDING THE INITIAL ASSESSMENT RESOLUTION. Sections 3.02 (C) and (D) of the Initial Assessment Resolution are hereby amended as follows to correct a scrivener's error concerning the minimum Safety and Aesthetic EBU assignments to Residential Condominium Property and Non-Residential Condominium Property:

(C) The number of Safety EBUs and Aesthetic EBUs attributable to each Tax Parcel of Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Residential Condominium Property or Non-Residential Condominium Property, as applicable, is located, including any Condominium Common Area Parcels, by the EBU Land Value, and then (b) dividing the result by the total number of Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property, as applicable, located within such Condominium Complex; provided however that no ~~Tax Parcel~~ Condominium Complex of Adjacent Property ~~that is Residential Condominium Property or Non-Residential Condominium Property~~ shall be assigned less than one Safety EBU or less than one Aesthetic EBU.

(D) The number of Safety EBUs and Aesthetic EBUs attributable to each Tax Parcel of Non-Adjacent Property that is Residential Condominium Property or Non-Residential Condominium Property in a Condominium Complex shall be the amount computed by (a) dividing the Lot Size of the Condominium Complex in which the Residential Condominium Property or Non-Residential Condominium Property, as applicable, is located, including any Condominium Common Area Parcels, by the EBU Land Value, (b) multiplying that product by .5, and then (c) dividing the result by the total number of Tax Parcels of Residential Condominium Property or Non-Residential Condominium Property, as applicable, located within such Condominium Complex; provided however that no ~~Tax Parcel~~ Condominium Complex of Non-Adjacent Property ~~that is Residential Condominium Property or Non-Residential Condominium Property~~ shall be assigned less than .5 Safety EBU or less than .5 Aesthetic EBU.

[Underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as amended, is hereby ratified and confirmed.

SECTION 4. CREATION OF THE UNDERGROUND UTILITY ASSESSMENT AREA.

(A) The Underground Utility Assessment Area is hereby created to include the property specifically identified in Appendix A to the Initial Assessment Resolution.

(B) The Underground Utility Assessment Area is created to provide beautification, improved utility reliability, and enhance safety and access to property, as well as preserve and/or enhance the value of all property therein through the provision of the Underground Utility Improvements.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Underground Utility Assessment Roll, which is on file in the office of the Town Administrator and incorporated herein by reference, is hereby approved for the Fiscal Year commencing on October 1, 2017.

SECTION 6. IMPOSITION OF ASSESSMENTS TO FUND THE UNDERGROUND UTILITY IMPROVEMENTS.

(A) The Tax Parcels described in the Underground Utility Assessment Roll are hereby found to be specially benefited by the provision of the Underground Utility Improvements in the amount of the Assessments set forth in the Assessment Roll.

(B) The methodology set forth in Sections 3.02 and 4.04 of the Initial Assessment Resolution, as amended herein, for assigning Assessment Units and computing the Assessments is hereby approved and found to be a fair and reasonable method of apportioning the Capital Cost and Project Cost among the benefited properties.

(C) For the Fiscal Year beginning October 1, 2017, the Project Cost shall be allocated among all Tax Parcels in the Underground Utility Assessment Area based upon each parcel's assignment of EBUs.

(D) Improvement Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Underground Utility Assessment Roll at the annual assessment rates set forth in the final assessment roll, for a period not to exceed 30 years, commencing with the ad valorem tax bill to be mailed in November 2017.

(E) Upon adoption of this Final Assessment Resolution:

(1) In accordance with Sec. 90-50 of the Code, the Improvement Assessments shall constitute a lien against the assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the Town Council of this Final Assessment Resolution and shall attach to the property included on the Underground Utility Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(2) In accordance with Sec. 90-50 of the Code, as to any Tax Parcel that is acquired by a public entity through condemnation, negotiated sale or otherwise

prior to adoption of the next Annual Assessment Resolution, the Adjusted Prepayment Amount as calculated in accordance with Section 4.03 of the Initial Assessment Resolution shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid. The lien shall be deemed perfected upon adoption by the Town Council of this Final Assessment Resolution and shall attach to property included on the Underground Utility Assessment Roll upon adoption of this Final Assessment Resolution.

SECTION 7. COLLECTION OF ASSESSMENTS.

(A) The Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Sec. 90-121 of the Code. Any Assessments imposed against Government Property shall be collected pursuant to Section 90-123 of the Code.

(B) Upon adoption of this Final Assessment Resolution, the Town Manager shall cause the certification and delivery of the Underground Utility Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Underground Utility Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 8. PREPAYMENT NOTICE. The Town Manager is hereby directed to provide notice by first class mail to the owner of each Tax Parcel described in the Underground Utility Assessment Roll of the opportunity to prepay all future annual Improvement Assessments. The notice, in substantially the form attached as Appendix

D. shall be mailed to each property owner at the address utilized for the notice provided pursuant to Section 2.03 of the Initial Assessment Resolution.

SECTION 9. EFFECT OF FINAL RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments are computed, the Underground Utility Assessment Roll, the annual Assessment amount, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Town Council action on this Final Assessment Resolution.

SECTION 10. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of July, 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

Bobbie Lindsay, Town Council Member

Margaret A. Zeidman, Town Council Member

ATTEST:

Gwendolynn Peirce, CMC,
Acting Town Clerk

APPENDIX A

PROOF OF PUBLICATION

The Palm Beach Post

Palm Beach Daily News | ideabar

PROOF OF PUBLICATION

STATE OF FLORIDA

PUBLIC NOTICE

Before the undersigned authority, personally appeared Rosemary Hindmarch, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a P-Main Legal ROP was published in said newspaper on: first date of Publication 06/21/2017 and last date of Publication 06/21/2017. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

PALM BEACH FINANCE, TOWN OF
360 S COUNTY RD
PALM BEACH, FL 33480-6735

Invoice/Order Number:	0000164799
Ad Cost:	$1,076.25
Paid:	$0.00
Balance Due:	$1,076.25

Signed Rosemary Hindmarch
(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 3rd day of July, 2017 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed April J Conway
(Notary)

Please see Ad on following page(s).

APRIL J. CONWAY
Commission # GG 100712
Expires May 2, 2021
Bonded Thru Troy Fain Insurance 800-385-7019

Page 1 of 3

PALM BEACH FINANCE, TOWN OF
360 S COUNTY RD
PALM BEACH, FL 33480-6735

Invoice/Order Number:	0000154799
Ad Cost:	$1,078.25
Paid:	$0.00
Balance Due.	$1,078.25

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS IN THE TOWN-WIDE UNDERGROUND UTILITY ASSESSMENT AREA TO PROVIDE FOR THE UNDERGROUND UTILITY IMPROVEMENTS

Notice is hereby given that the Town Council of the Town of Palm Beach will conduct a public hearing to consider imposing non-ad valorem special assessments for the provision of the design, acquisition, construction, and installation of the Underground Utility Improvements within the boundaries of the Town-wide Underground Utility Assessment Area for the Fiscal Year beginning October 1, 2017 and future fiscal years.

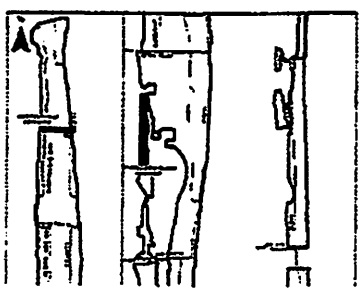
The hearing will be held at 5.01 p.m. on July 12, 2017, in the Town of Palm Beach Town Council Chambers, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Underground Utility Assessment Area and the special assessments and their collection on the ad valorem tax bill. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice.

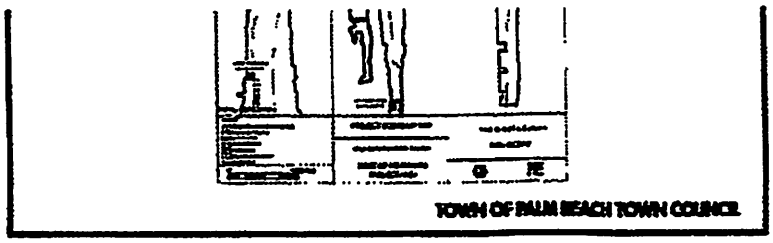
Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 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) days prior to the date of the hearing.

The assessment for each parcel of property will be based on the number of equivalent benefit units assigned to the Tax Parcel. The proposed maximum annual assessment rates are: $257.00 per Safety EBU, $257.00 per Reliability EBU, and $257.00 per Aesthetic EBU. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the Town Council on June 13, 2017. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. 090-2017), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town Council intends to collect the assessments in 30 annual installments, the first of which will be included on the ad valorem tax bill to be mailed in November 2017.

If you have any questions, please contact the Town Manager's Office at (561) 835-4631, Monday through Friday between 8:30 a.m. and 5:00 p.m., or visit the website, www.undergrounding.info.




TOWN OF PALM BEACH TOWN COUNCIL

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Thomas G. Bradford, who, after being duly sworn, depose and say:

1. I, Thomas G. Bradford, as the Town Manager of the Town of Palm Beach ("Town"), have been directed by the Town Council, to mail or cause to be mailed the notices required by Section 2.03 of Resolution No. 090-2017 and Section 90-85 of the Town of Palm Beach Code.

2. In accordance with Section 2.03 of Resolution No. 090-2017 and Section 90-85 of the Town of Palm Beach Code, I have caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the Town expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before June 21, 2017, I mailed, or directed the mailing of, said notices by first class mail to each owner of property within the Town that is included on the Underground Utility Assessment Roll at the address then shown on the real property assessment tax roll maintained by the Palm Beach County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. Additionally, in accordance with Chapter 92-264, Laws of Florida, I timely provided the information detailed in paragraph 2. above concerning the assessments to the Palm Beach County Property Appraiser for inclusion as a part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

FURTHER AFFIANT SAYETH NOT.

Thomas G. Bradford

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 5th day of July, 2017 by Thomas G. Bradford, Town Manager, Town of Palm Beach, Florida. He is personally known to me or ~~has produced~~ _____ ~~as identification~~ and did take an oath.

GWENDOLYNN B. PEIRCE
MY COMMISSION # FF 992935
EXPIRES: May 16, 2020
Bonded Thru Budget Notary Services

Gwendolynn B Peirce
Printed Name: Gwendolynn B. Peirce
Notary Public, State of Florida
At Large
My Commission Expires: May 16, 2020
Commission No.: FF992935

B-2

APPENDIX C

FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

DR-408A
N. 02/91

DEPARTMENT
OF REVENUE

CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of _____, located in _____ County, Florida, as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain, and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the _____ day of _____, _____.
year

_____
Chairman of the Board or authorized agent

of _____
Name of local government

_____ County, Florida

C-1

APPENDIX D

FORM OF PREPAYMENT NOTICE

Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

Re: Underground Utility Assessment Area

The Town Council of the Town of Palm Beach, Florida (the "Town"), recently established and approved a special assessment against property within the Townwide Underground Utility Assessment Area of the Town (the "Assessment Area") to fund the design, acquisition, construction, and installation of the Underground Utility Improvements. This type of financing where the property owners participate in the cost of the program is used throughout Florida and is consistent with the policy of the Town.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The assessments will be payable in not to exceed thirty (30) annual installments, the first of which shall be included on the ad valorem tax bill to be mailed in November 2017. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Town plans to finance this project with a combination of short-term and long-term debt to ensure the most efficient method of project financing. This will permit the cost attributable to your property to be amortized over a period of not to exceed thirty (30) years. However, you may choose to prepay your assessment in full at any time prior to _____, 2017 to avoid additional interest and other annual costs associated with the assessment program. The amount required to prepay the assessment on or prior to _____, 2017 is {insert amount}.

Please make checks for prepayment amounts payable to the Town of Palm Beach, Florida, Attention: Finance Department, P. O. Box 2029, Palm Beach, Florida 33480. Please be

sure to either write the assessment parcel number (shown at the top of this letter) on your check or return this letter with your payment.

Assessment records and copies of applicable Ordinances and Resolutions passed by the Town Council are on file at the offices of the Town Manager, located at 360 South County Road, Palm Beach, Florida.

TOWN OF PALM BEACH, FLORIDA

DR-408A
N. 02/91

FLORIDA

CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of the Town of Palm Beach, located in Palm Beach County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 12th day of July, 2017 (year).

Gail L. Coniglio
Chairman of the Board or authorized agent Gail L. Coniglio, Mayor

of the Town of Palm Beach
Name of local government

Palm Beach County, Florida

EXHIBIT E

Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

PBT REAL ESTATE LLC
44 COCOANUT ROW STE M209
PALM BEACH, FL 33480-4069

Re: Underground Utility Assessment Area
Parcel No: 50-43-43-22-18-005-2090

The Town Council of the Town of Palm Beach, Florida (the "Town"), recently established and approved a special assessment against property within the Townwide Underground Utility Assessment Area of the Town (the "Assessment Area") to fund the design, acquisition, construction, and installation of the Underground Utility Improvements. This type of financing where the property owners participate in the cost of the program is used throughout Florida and is consistent with the policy of the Town.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The assessments will be payable in not to exceed thirty (30) annual installments, the first of which shall be included on the ad valorem tax bill to be mailed in November 2017. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Town plans to finance this project with a combination of short-term and long-term debt to ensure the most efficient method of project financing. This will permit the cost attributable to your property to be amortized over a period of not to exceed thirty (30) years. However, you may choose to prepay your assessment in full at any time prior to September 1, 2017 to avoid additional interest and other annual costs associated with the assessment program. The amount required to prepay the assessment on or prior to September 1, 2017 is $7,992.35. If you choose to prepay at this time, your property will no longer be subject to the annual assessment for underground utility improvements.

If you wish to prepay your assessment, please make your check for the prepayment amount shown above, payable to the Town of Palm Beach, Florida and mail it to the Town of Palm Beach, Attention: Finance Department, P. O. Box 2029, Palm Beach, Florida 33480. Please be sure to either write the assessment parcel number (shown at the top of this letter) on your check or return a copy of this letter with your payment.

Assessment records and copies of applicable Ordinances and Resolutions passed by the Town Council are on file at the offices of the Town Manager, located at 360 South County Road, Palm Beach, Florida.

TOWN OF PALM BEACH, FLORIDA

5095

Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

PRESORTED
FIRST CLASS

US POSTAGE
$00.37
JUL 17 2017
ZIP 33404
001382
21 3005087

PBT REAL ESTATE LLC
44 COCOANUT ROW STE M209
PALM BEACH, FL 33480-4069

29 FMAPMSB 33480

EXHIBIT R

Date: July 11, 2017

Via Hand-Delivery to:

Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480.

Re: Town of Palm Beach (the "**Town**") proposed Non-Ad Valorem Special Assessments for the design, acquisition, construction, and installation of the Underground Utility Improvements for the fiscal year October 1, 2017 – September 30, 2018 and future fiscal years and Resolutions Nos. 090-2017 and 100-2017 (collectively, the "**Special Assessment**").

Public Hearing Date: July 12, 2017
Date of Notice of Hearing: June 21, 2017

KOSBERG'S OBJECTION TO SPECIAL ASSESSMENT

Carol Kosberg and Carol Kosberg, Trustee U/T/D 2-23-90 (collectively, "**Kosberg**"), through undersigned counsel, object to the Special Assessment on the following grounds:

1. Kosberg is the owner of the property located at 3400 South Ocean Boulevard, Apartment 2H2, Palm Beach, Florida, 33480, more particularly described as Condominium Apartment Number II-H-2 in the ATRIUMS OF PALM BEACH CONDOMINIUM APARTMENTS, a Condominium according to the Declaration of Condominium thereof, OR Book 3012, Page 994, of the Public Records of Palm Beach County, FL, as amended ("**Kosberg's Property**").

2. The Special Assessment is invalid as to Kosberg's Property and all other property within the Town subject to the Special Assessment (Kosberg's Property and all other property within the Town subject to the Special Assessment being collectively referred to as the "**Assessed Property**") for the reasons set forth herein and for all of the reasons stated in the materials contained in the Appendix to this Objection, incorporated herein by reference, which the Town

Council has failed to consider, thereby making the Special Assessment arbitrary. Kosberg also adopts and incorporates by reference all objections to the Special Assessment filed or otherwise submitted by any other property owner.

3. The Special Assessment does not satisfy the two-prong test and other standards set forth in *Morris v. City of Cape Coral*, 163 So.3d 1174 (Fla. 2015) and similar cases that require that (1) the property burdened by the assessment must derive a special benefit from the service provided by the assessment, and (2) the assessment for the services must be properly apportioned.

4. There does not exist a logical relationship between the Undergrounding Project which is the subject of the Special Assessment and the benefit to the Assessed Property.

5. The undergrounding of above-ground utility lines is a general sovereign function and by law does not provide a special benefit for the Assessed Property.

6. The Town Council's legislative determinations are unsupported by the record and are arbitrary.

7. The Town Council's legislative determinations are not supported by competent substantial evidence.

8. The Special Assessment is not directly proportionate to the benefits to the Assessed Property. The Town has not demonstrated that the amounts of the assessments are proportional to, and no greater than, the benefits conferred on the Assessed Property. This is particularly true given that such properties are required to pay for special benefits conferred upon certain parcels and neighborhoods that, under the Town's methodology, will be benefitted by the Undergrounding Project, but which were nevertheless excluded from or favorably treated by the assessment.

9. The Special Assessment is in excess of the proportional benefits to the Assessed Property.

10. The Town Council has not quantified the benefit to the Assessed Property and therefore there is no basis for determining that the amount of the assessments are not greater than the benefit to the Assessed Property.

11. The Town is on a barrier island subject to storm surge, with portions below sea level and in a flood zone, including the Assessed Property, making the underground lines, above-ground switch boxes and underground vaults on the Assessed Property more vulnerable to damage and to disruption in service than hardened utility poles and above-ground lines, particularly hardened poles and lines. As a result, there is no safety or reliability benefit to undergrounding.

12. The FPL Reliability Reports relied upon by the Town Council do not address undergrounding on a barrier island, with portions below sea level and in a flood zone, and therefore cannot be the basis to justify the determination that there are benefits for safety and reliability resulting from undergrounding. FPL's comments favorable to undergrounding are in general and are inapplicable to the Town because of these factors.

13. There is no safety or reliability benefit to undergrounding the Assessed Property.

14. Undergrounding will require that owners on whose property switch boxes and underground vaults will have to be installed must give easements to service these. The Town Council did not consider the negative effects of the easements and the decrease in property value to the Assessed Property resulting from the installation of the switch boxes and vaults and the granting of the easements.

15. The assignment of safety equipment benefit units ("EBUs") should be based on average density. Instead, the Town Council is assigning safety EBUs based on property frontage, which works against condominium unit owners, including the Assessed Property. The Town Council has assigned reliability EBUs based on density and should do the same as to safety EBUs.

16. The assignment of EBUs to the golf courses and the Breakers is arbitrary and inconsistent with the assignment of EBUs to other properties. This assignment was based on the false assumption that "parcels that make up the golf courses and the Breakers benefit to a lesser degree due to diminished return of benefit as the parcel's total acreage increases." In fact, overhead facilities are primarily visible when people are outside. When on a residential property, a large percentage of time is also spent indoors. When on a golf course, a large percentage of time is also spent outdoors. If time spent looking at overhead facilities is related to aesthetic benefit, golf courses and the Breakers have a per-acre benefit that is greater than residential properties.

17. The method of assignment of EBUs to "excluded parcels" is arbitrary and inconsistent with the assignment of EBUs to other parcels. The "excluded parcels" should be assigned EBUs in the same manner as the other parcels which are subject to the assessment.

18. The method of assignment of EBUs to "excluded neighborhoods" is arbitrary and inconsistent with the assignment of EBUs to other parcels. The "excluded neighborhoods" should be assigned EBU's in the same manner as the other parcels which are subject to the assessment.

19. In addition or alternatively, the "excluded neighborhoods" should be assigned a safety and/or aesthetic EBUs. The safety EBU includes increased access. The "excluded neighborhoods" will have increased access as a result of surrounding parcels and other parts of the Town having increased access, if any, resulting from the undergrounding. The "excluded parcels" will also benefit from the aesthetic benefit, if any, to surrounding parcels and other parts of the Town resulting for the undergrounding.

20. The assignment of aesthetic EBUs is not objective or quantifiable and there is no basis to determine that the aesthetic benefit of undergrounding will increase property values.

21. The undergrounding will be installed in phases, yet the assessment will be imposed on all Assessed Property at the same time. It is arbitrary to levy an assessment on a parcel that will not receive a benefit immediately or within a reasonable time, such as the same tax year.

22. Kosberg and all other owners of Assessed Property will be denied due process of law. Kosberg's property will not receive any actual, physical, material and quantifiable special benefit from undergrounding. Therefore, the Special Assessment is an improper effort to take Kosberg's Property and other owners of Assessed Property without due process of law. *See Carson v. City of Fort Lauderdale*, 155 So. 2d 620 (Fla. 2d DCA 1963).

23. FPL is mandated by the State of Florida to harden utility poles by replacing wood utility poles with those made of concrete or steel that can withstand winds of 145 mph. Significantly. FPL's replacement of electric poles is at no cost to the Town. FPL's hardening program is expected to render the electric poles safe. There is, thus, no "safety" benefit from undergrounding.

24. The Raftelis Report is fatally flawed in that it assumes – without supporting evidence or analysis – that undergrounding of utilities will benefit each parcel with the Assessed Property and contains no analysis (other than through arbitrary assignment of EBU values based on improved safety, improved reliability and improved aesthetics) to show how the Assessed Property will actually receive a "special benefit" from the proposed undergrounding (*i.e.*, that any increase in value of the properties being assessed resulting from the proposed construction will be greater than the assessments to be levied against such properties).

25. Even if a benefit is conferred upon particular parcels of property, if the benefit is the same or similar to that which is conferred upon the community at large, the individual homeowner may not be assessed for a *pro rata* cost of the improvement, and a special benefit may

never be inferred on the theory that all similarly-situated parcels were benefited in the ratio that such parcels relate to the total value of all improved parcels. *Hanna v. City of Palm Bay*, 579 So. 2d 320, 322 (Fla. 5th DCA 1991).

CONCLUSION

26. Based on the foregoing and the materials contained in the Appendix, the Special Assessment is invalid.

WEISS, HANDLER & CORNWELL, P.A.
Counsel for Carol Kosberg
One Boca Place, Suite 218-A
2255 Glades Road
Boca Raton, FL 33431
Telephone: (561) 997-9995
Facsimile: (561) 423-0458

By: _____
HENRY B. HANDLER, ESQ.
Florida Bar No. 259284
hbh@whcfla.com
jn@whcfla.com
WILLIAM J. BERGER, ESQ.
Florida Bar No. 197701
wjb@whcfla.com
tc@whcfla.com
DAVID K. FRIEDMAN, ESQ.
Florida Bar No. 307378
dkf@whcfla.com
gg@whcfla.com
filings@whcfla.com

COHEN NORRIS WOLMER
RAY TELEPMAN COHEN

ATTORNEYS AT LAW

FRED C. COHEN, P.A.
DAVID B. NORRIS, P.A.
BRENT G. WOLMER, P.A.
PETER R. RAY, P.A.
JAMES S. TELEPMAN, P.A.***
GREGORY R. COHEN, P.A.**
JONATHAN A. BERKOWITZ, P.A.

NEIL P. CHERUBIN
GARY J. COHAN*
BERNARD A. CONKO[*][**]
GARY A. ISAACS, P.A.*
DOUGLAS P. LAMBERT*
ALISON M. MEYER
ALFRED G. MORICI, P.A.*
TIMOTHY P. O'NEILL
M. RICHARD SAPIR
KYLE A. SILVERMAN*

*Of Counsel
**Board Certified Real Estate
***Board Certified Business Litigation

July 11, 2017

TOWN OF PALM BEACH
JUL 11 2017
Town Manager's Office

TOWN OF PALM BEACH
JUL 11 2017
Town Manager's Office

Via Hand Delivery

Palm Beach Town Council
c/o Town Manager
360 South County Road
Palm Beach, FL 33480

Re: Written Objections to Proposed Resolution Number 090-2017[1]

Ladies and Gentlemen:

This office represents Robert Davidow, a Palm Beach resident and taxpayer, whose homestead is located at 2100 S. Ocean Boulevard, #401N, Palm Beach, Florida 33480. The purpose of this letter is to advise you of our client's objection to the passage of the above-referenced resolution ("the Resolution"), for the reasons stated below. These written objections are provided within the twenty (20) day time restriction contained in the notice of the meeting to consider the Resolution, scheduled for tomorrow evening at 5:01 pm.

Generally speaking, the Resolution proposes the imposition of a non-ad valorem special assessment on Palm Beach taxpayers to pay for the "undergrounding" of overhead utility lines throughout the Town, a project expected to take up to ten years to complete, at a cost of at least $120 million, although this number can be expected to increase over the life of this major undertaking. As the Council is no doubt aware, most municipal functions are expected to be paid through the collection of ad valorem taxes; however, special assessments may be levied in circumstances where it can be established that: (1) the property assessed will derive a "special benefit" from the service provided; and (2) the assessment is fairly and reasonably apportioned according to the benefits received.[2]

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[1] Different documents have referenced this as Resolution Number 100-2017. The language appears to be identical, and the latest version of the Town Council Agenda references this resolution number.

[2] *Indian Creek Country Club, Inc. v. Indian Creek Village*, 211 So.3d 230, 234 (Fla. 3rd DCA 2017) (citations omitted).

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

712 U.S. HIGHWAY ONE • SUITE 400 • P.O BOX 13146 • NORTH PALM BEACH, FLORIDA 33408-7146
TELEPHONE: (561) 844-3600 • FACSIMILE: (561) 842-4104

These objections challenge the existence of *any* benefit from the proposed project, and thus, it is asserted that the imposition of the proposed special assessment would be contrary to well-established law on the subject.

The Resolution, beginning with Section 1.03(E), proposes findings which suggest the following perceived "special benefits" should the proposed underground utility improvements be put in place. The argument against the perceived benefit will be presented concurrently.

1. Enhanced property safety by reducing occurrences of downed poles, fires, and related incidents.

   As explained in the attached narrative of J. Bradley Shepherd, P.E., the contents of which are incorporated herein in their entirety, any perceived "safety" advantages are more illusory than real. There is no data to suggest that the overhead lines that have been in place in Palm Beach for decades present any perceptible hazard to the public in their current state, making any perception of enhanced safety through their removal more theoretical than real. Moreover, buried utility lines present their own theoretical hazards, through digging, unauthorized entry into pad-mounted ground level equipment, or vehicular contact with said equipment, for example. Ultimately, both types of installation depend upon the implementation of utility based safeguards, combined with common sense, to avoid most anticipated potential hazards. The notion that burying cables eliminates hazards is simply incorrect and misleading, as is the suggestion that underground utilities are *ipso facto* more "safe" than overhead utilities.

2. Reliability of service will be enhanced by burying utility cables, by reducing the frequency of utility outages, and through the installation of new, upgraded utility infrastructure.

   The point needs to be made that, as reflected in the 2015 FP&L Distribution Reliability Report, despite the challenges provided statewide relative to the delivery of electrical service to FP&L's 4.9 million customers, failures and interruptions are rare. For all of 2015, there were only slightly in excess of 100,000 outages

for the year, throughout the entire customer base, with each outage lasting just under one hour, on average, with each customer having suffered one outage a year, on average. Moreover, a March 23, 2017 news release (attached) reveals that FP&L had its "best-ever service reliability" year in 2016. Improvements cited as contributing to this success included "hardening" of power lines, clearing of vegetation, and the widespread use of smart meters and other intelligent devices. Undergrounding was not cited in the news release. So while the numbers referenced in Section 1.03(F) of the Resolution are of interest, they suggest that, by spending (at least) $120,000,000.00 over ten years, and putting residents and visitors through ten years of significant disruption in terms of construction, traffic, and related inconveniences, the average property owner in Palm Beach can expect to experience about an hour or so less of lost electrical service per year then is currently the case. That averages out to just 5 minutes per month of "benefit" to the average user. To suggest this as a benefit commensurate with the anticipated expense is nonsensical. Moreover, as Engineer Shepherd references in his report, while the frequency of outages with an underground system might be expected to decrease as compared to an above ground system, the duration of outages, due to the relative difficulty in locating, and then repairing, the trouble spot, is just as likely to increase with the underground system. In all, any perceived advantage in terms of reliability is minimal at best, and certainly not anything which might justify the expense and inconveniences referenced above.

3. Improved aesthetics through burying cables and removing power poles.

   As suggested in Engineer Shepherd's narrative, beauty is certainly in the eyes of the beholder, and for every person who walks down the street staring at power poles and believing them to be unsightly eyesores, there are just as many, if not more, who do not even notice their existence, whether because they have been a part of the landscape for everyone's lifetime, or because they are shielded from view in some form or fashion. Moreover, there are likely to be just as many people bothered by the scattered ground-level

electrical equipment that is part of the proposed project as are bothered by the current overhead configuration. The point is, aesthetics is subjective, and there is no objective data which suggests that one system is more or less "attractive" than the next, particularly when taking into account the cost and inconvenience that this proposed project anticipates. Also, when repairs on an underground system are required (and certainly no one is suggesting that an underground system will not require maintenance), the equipment required and resultant traffic delays, not to mention whatever property disturbance will be necessitated, will hardly contribute to the aesthetics of the area in question while the maintenance is ongoing. Finally, the undersigned is not aware of any data to suggest that the burying of utility cables will have a significant impact on the value of the real estate affected thereby; certainly, while work is ongoing in the vicinity of a given property, common sense suggests that the effect on value will be adverse.

In conclusion, this is not a project which proposes to deliver utility service to the taxpayers of the Town of Palm Beach; rather, this is a proposal to change only the manner of delivery of utilities to those taxpayers, which in no way enhances the value or reliability of the service itself. There is no measurable safety enhancement. There is no measurable reliability enhancement. There is no measureable aesthetics enhancement. There is no measurable value enhancement. And for all of this, the Town proposes to specially assess its taxpayers above and beyond their already substantial ad valorem burdens, to the tune of (at least) $120,000,000.00, for a project that will take approximately 10 years to complete. The burden of this project is in no way commensurate with any perceived benefit to be provided by same, in the long run. It is requested that the Council reject the Resolution.

It is understood that other residents will be lodging opposition to the Resolution, both verbally and in writing. Their arguments are adopted and incorporated herein. Moreover, our client reserves the right to supplement these objections at the July 12 hearing and in any subsequent court proceeding, should the need arise.

Very truly yours,

James S. Telepman

In the Matter of
Resolution No. 090-2017/100-2017
Town of Palm Beach, Florida

Public Hearing July 12, 2017

Introduction:

Mr. Shepherd is an Electrical Engineering graduate of the University of Florida with a Masters degree in Business Administration from the Crummer School of Business of Rollins College, Winter Park, Florida.

He has been continuously employed in the electrical industry since 1955, including thirty years in the employment of a Florida investor owned electrical utility, retiring from Florida Power Corporation in 1994. After retirement he formed J. B. Shepherd & Co., and currently serves as its Chairman.

Mr. Shepherd has worked on committees of the Edison Electric Institute, The Institute of Electrical and Electronics Engineers, the Southeastern Electric Exchange and directly with cable and equipment manufacturers in the evolution of the underground electrical utility system including participation in the design of high voltage cables, and pad mounted transformers and switches.

Mr. Shepherd has authored reports on the costs differences of overhead and underground electrical distribution and has testified before the Florida Public Service Commission on the life cycle values, considering application of the present value of future maintenance costs to the first cost of construction of both overhead and underground installations.

J. B. Shepherd & Company, Inc. is an Electrical and Forensic Engineering firm offering full coverage of the electrical consulting spectrum providing expert opinions and strategic advice in support of litigation and legislation involving technical issues; primary focus is on accident investigation, electrical safety, electrocution, injury and/or property damage. Overhead and underground electric utility power lines are an area of specialty.

Testimony:

If time was not an issue, Mr. Shepherd would focus the Town Council's attention on Section 1.03 (E) of the Resolution, which summarizes the benefits expected to be realized in the areas of (1) Safety, (2) Reliability and (3) Aesthetics.

Following are Mr. Shepherd's opinions and their basis:

Safety:

(1) There will be no difference in the **safety** of the Florida Power & Light distribution facilities after completion of the placement of the current overhead lines and appurtenances into a comparable underground and above ground arrangement.

Basis:

The safety of all electrical utility installations is governed by the National Electrical Safety Code, which has been adopted as legislative law by the Florida Public Service Commission and is ordered and regulated as directed in the rules and regulations section of the approved Tariff of all Florida electrical utilities, including Florida Power & Light Co. (FPL).

The natural dangers associated with overhead and underground facilities are different and the different safety measures employed to protect the public are appropriately applied. Overhead lines are bare wires insulated by separation (height) and barrier; underground lines are insulated cables further protected by their depth of bury. Overhead transformers and switches are mounted on poles out of public reach. Underground system transformers and switches are mounted on above ground pads in metal containers secured by padlocking devices.

Accidents on the overhead system most commonly occur when someone approaches too close or inserts a conductive device into

the energized wires. Fruit picking, tree trimming and elevated construction are some common activities that can result in injury if the published codes such as the U. S. Occupational Safety and Health Administration (OSHA) and the advertised admonitions of FPL are not followed.

Accidents on the underground system most commonly occur when someone digs into the buried cable or breaks into the pad-mounted equipment. Construction excavation and attempted theft of copper wire or pirating of electricity are some common activities that can result in injury if the published codes and the advertised admonitions of FPL are not followed.

Overhead wires can be exposed to public contact when poles are blown over in a weather event or knocked down by errant vehicles. Underground system conductors can be exposed to public contact by vehicles knocking over pad-mounted devices or raging waters forcing them off their pads. In both cases, the National Electrical Safety Code requires that wires exposed to earth (and public) contact be de-energized by automatic means immediately. Although fallen wires should certainly be avoided, they are not as dangerous as they once were because of these codes and improved technology.

Therefore, although the hazards are different, there will be no difference in the accident statistics (safety) as long as the well-known and advertised precautions and common sense is followed.

Reliability:

(2) There will be no definable difference in **reliability** of the Florida Power & Light distribution facilities after completion of the placement of the current overhead lines and appurtenances into a comparable underground surface arrangement.

Basis:

The statistics referenced in the Resolution are based on historical data that is not a reliable predictor of future performance. Many of the quoted statistics are from the FPL Preparedness Report and are unique to storm conditions.

The Resolution calls for the conversion of the present FPL overhead distribution facilities to underground. In fact, that will not be the case. FPL will put the overhead wires underground but the overhead switches and transformers will be placed on the ground, not under the ground.

There are no historical statistics that mirror the system that will exist in Palm Beach after completion of the work ordered by the Resolution.

Palm Beach is different from the rest of the FPL customer base. Once the conversion from overhead to underground (and on-the-ground) is complete it will be further unique to the rest of the state.

Reliability is commonly measured by either the number of times power has been out or the length of time power has been out, or both.

With an overhead system, the number of outages would be expected to be greater because of the greater exposure to damage that overhead poles and wires are subjected to. Similarly, the length of an outage on the underground system would be expected to be greater because of the difficulty and time required to locate and repair an underground cable.

In actuality, the systems are not comparable. Overhead systems are radial where underground systems are circular, or looped. When an overhead line fails, every customer beyond the point of failure is out until repairs can be made. A typical repair on an overhead system consists of a bare wire splice that can be made in a matter of minutes. Repair of a failed underground cable typically takes hours or days to locate the point of failure, excavate and splice it back together with an insulated underground splice. Even though the underground

served customers can be switched back on, the time required to restore the underground system to its normal state of usefulness exceeds the statistical outage duration. Therefore statistics based solely on outage times or duration are misleading.

Exposure to the elements and vehicular damage is not limited to the poles that support the overhead. Every device currently located on a pole, must be re-located to the ground when the poles are eliminated. In the relatively congested area of Palm Beach, this means that either a pad-mounted transformer or a pad-mounted switch may be placed on the ground within the right-of-way as often as the current poles are spaced, or about every 100-200 feet. Poles that can be struck by vehicles are eliminated but the number of pad-mounted devices that can be struck by vehicles is increased significantly. There are no historical statistics that can accurately predict the performance of this proposed unique Palm Beach on-the-ground system.

The best predictor of reliability between overhead and underground remains the common sense analysis: overhead goes out more often but is restored quickly while underground outages are infrequent but take longer to repair.

There is no doubt that the comparable reliability is different, but whether or not there is an improvement in reliability after an overhead to underground conversion is a matter of definition.

Aesthetics:

(3) Plato said, "Beauty is in the Eye of the Beholder". It is as true now as it was in ancient Greece. After completion of the undergrounding project, some will say the beauty of Palm Beach has been enhanced, most will not notice. No improvement in **aesthetics** is assured,

Basis:

Palm Beach is uniquely beautiful among South Florida municipalities. The palm lined avenues, hedges and attractive buildings set it apart as no other improvements could.

The existing overhead power poles were placed by FPL to be as inconspicuous as possible. They do not "stand out" as an eyesore that materially detracts from the glorious approaches into the City. The beautiful palm trees dim the eye of most beholders such that the poles are not noticed at all.

The so-called "Undergrounding" project is actually, as stated previously, an "Under and On the Ground" project. Only the wires will be placed underground. All of the associated electrical equipment will be placed in plain view on the surface above ground. The equipment that is currently out of sight 30 to 50 feet high will have to be lowered to the ground when the poles are removed. Although most of the poles are required to support the wires, many poles are placed by FPL specifically to raise the equipment above the street. That equipment will additionally have to be placed at street level and made accessible.

The town center appears to be pole-free today. It appears to be so because much of the FPL overhead is in the rear of the buildings or concealed by vegetation.

The most expensive part of the proposed overhead to underground conversion will be those inconspicuous rear lot facilities. FPL will not install rear lot underground because of required accessibility to pad mounted transformers and switches. Poles can be climbed but maintenance of surface mounted equipment requires truck access. Where poles and wires are now located behind a natural screen, the new pad mounted devices will all be located on the street. In many areas, the street is too narrow to accommodate additional street level equipment so removal or sever modifications will have to be made to walls and hedges.

Along the avenues, the pole mounted transformers and switches are high above the treetops and essentially invisible to the casual observer. After conversion, all this pole-mounted equipment will be located at eye level on the street. Safe approach for FPL employees to operate the switches and transformers requires a clear zone around them of up to ten feet; therefore their placement will require more space than just the footprint of the equipment. A casual observer looking out a car window today sees only the trunks of the palm trees interspersed with an occasional "trunk" of a power pole. After the undergrounding project the same observer will see multiple eye level boxes posted with large high voltage warnings distracting from the view of shops and businesses.

Pole mounted equipment can be maintained by FPL from high reaching "bucket" trucks. Surface level switches, splice boxes and transformers require large work trucks and a crane or derrick truck whenever the pad-mounted equipment must be replaced.

The impact on aesthetics of the "undergrounding" project includes not only the removal of the poles and wires, nor just the appearance of the new street level above ground equipment, but must include both the visual and the practical impact of the installation and maintenance of the pad mounted equipment. The installation process of the conversion will require disruption of traffic and the distraction of multiple street-side trucks and heavy equipment. The installation is predicted to takes as long as ten years; the additional disruption due to maintenance is ongoing forever.

The improvement of beautiful Palm Beach, if any, will remain truly in the eye of the beholder. Some will appreciate the removal of the poles. Many will see the additional pieces of new equipment along the streets and in or along the sidewalks as having a negative impact on aesthetics.

Conclusions:

1. Safety: No predictable net gain

2. Reliability: No definable net gain

3. Aesthetics: Negative impact

Recommendations

1. Revise the resolution or create a new one to be a utility beautification project, working with FPL to address the areas of most positive impact. FPL has experience in this area as they have worked with other municipalities and communities in a similar manner.

2. Declare and resolve that the Town of Palm Beach is an underground only area for future expansion and normal replacement of overhead facilities at end-of-life. Within the ten years set aside for wholesale conversion, a more positive and significantly less expensive gain in aesthetics may be expected.

3. Support FPL and the Florida Public Service Commission in the ongoing storm hardening initiative. The resulting stronger poles will not be noticed and a significant gain in reliability can be expected at no noticeable cost to the residents of Palm Beach.

4. Join FPL in their ongoing efforts to inform the public about the hazards of working around high voltage equipment, whether overhead or underground or surface mounted. It is all safe as long as a few simple rules of approach are followed.

In the above manner the resolved goals of improved safety, reliability and aesthetics may be reached in the same time frame at little or no cost to the Town of Palm Beach

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4002
E-Mail: jeubanks@blesmlaw.com

605 North Olive Ave., 2nd Flr.
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

July 10, 2017

Via E-mail
Honorable Gail Coniglio, Mayor, and
Town Council of Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

Re: Objection to Underground Assessment

Dear Mayor and Town Council:

Our office represents Thomas O. McCarthy, the owner of that real property located on 140 Brazilian Avenue ("Property"). In that capacity we are in receipt of that notice ("Notice") from the Town Council of the Town of Palm Beach ("Town") for "an annual assessment for the design, acquisition, construction, and installation of the Underground Utility Improvement Area for the fiscal year of October 1, 2017 to September 30, 2018 and future fiscal years." ("Assessment")

Please be advised that our client objects to the manner outlined in the Notice in which the Assessment is being made and collected, which is not in accordance with the representations made and information provided by the Town in its efforts to garner support for the referendum on the issue. Apparently, due to the two (2) pending lawsuits, the Town is unable to issue General Obligation Bonds for the purpose of undergrounding. As a result, the Town has chosen instead to utilize a combination of higher cost short term and long term debt to finance the "Underground Utility Improvements Project" ("Project"), a Project that many believe was ill conceived from the beginning and will continue to cause financial and logistical headaches in the future. At the same time, the residents clearly voted to use General Obligation Bonds and assessments to pay for the Project. This new method is different and therefore was not approved.

More importantly, and regardless of the method of payment, the underlying basis for the Project is flawed in that: a) there is no special benefit to Mr. McCarthy (or any other property owners) in that undergrounding is more susceptible to flooding and takes longer to repair after a storm than the alternative hardened wires (which would be provided at no cost), which makes the Project a poor choice on an island on which 75% of the property is in a Special Flood Hazard area; b) the special assessment is not "necessary" from a legal basis; c) undergrounding is not a "public project" as it is really being done not by the Town but by FPL, which does not have the right to use the Town's bonding or borrowing abilities by proxy; d) the assessment methodology proposed is flawed; and e) as noted, the residents voted (by the slimmest of margins which would not be duplicated today) to use General Obligation Bonds and assessment to pay them back, not short term and long term debt.

In light of the above, Mr. McCarthy would urge the Town not to move forward or make a final decision at the upcoming public hearing scheduled for July 12, 2017 at 5:01 p.m., but to instead listen to the Town's residents who no longer want this Project and did not agree to it proceeding in the manner proposed by the Town.

Very truly yours,

John R. Eubanks, Jr.

cc: Thomas O McCarthy
John Page, Director of Planning, Zoning and Building
Thomas Bradford, Town Manager
Paul Castro, Zoning Administrator
John C. "Skip" Randolph, Esq.
Town Clerk, Town of Palm Beach

SCOTT
HARRIS

ATTORNEYS AT LAW

SCOTT, HARRIS, BRYAN, BARRA & JORGENSEN, P.A.

July 10, 2017

Via Hand Delivery and Email: townmanager@townofpalmbeach.com

Thomas Bradford
Town Manager, Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

RE: Ira and Sydell Smith
3170 South Ocean Boulevard, Apt. N705, Palm Beach, Florida 33480
Tax Parcel #: 50-43-44-26-08-001-7050
Legal Description: The Enclave of Palm Beach Condunit N-705

Dear Mr. Bradford:

I represent Ira and Sydell Smith. Please accept this letter as their objection to Resolution No. 119-2017, for the issuance of commercial paper revenue notes not to exceed $22,650,000.00 for the Underground Utility Project, Resolution No. 120-2017 authorizing the approval of a note to exceed $90,000,000.00 relative to financing the initial phase of the Underground Utility Project, and the proposed adoption of the Final Assessment Resolution for the undergrounding of utilities. My clients object to the two resolutions and proposed Final Assessment Resolution generally, as it applies to the entire Town, and specifically, as it applies to their property in Palm Beach.

The reasons for my clients' objections to the resolutions are numerous. They are set forth below:

1. The issuance of commercial paper not to exceed $22,650,000.00 as interim financing to commence the project is in violation of the contract entered into between the Town and its residents. The contract was formed when a majority of the residents voted in favor of undergrounding utilities to be paid only by general obligation bonds payable from the Town's full faith and credit, ad valorem taxation and special assessments. The ballot question posed to the voters did not seek approval of other means of financing such as the issuance of $22,500,000.00 in commercial paper. A similar issue was addressed by the

ROBERT SCOTT (1925-1982) • RICHARD K. BARRA • JOHN L. BRYAN, JR. • S. BRIAN BULL+
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+BOARD CERTIFIED BUSINESS LITIGATION LAWYER ‡BOARD CERTIFIED REAL ESTATE LAWYER

4400 PGA Boulevard, Suite 603 • Palm Beach Gardens, Florida 33410-6561
(561) 624-3900 • Fax (561) 624-3533 • www.scott-harris.com

Florida Supreme Court in *City of Fort Lauderdale v. Kraft*, 21 So.2d 461 (Fla. 1945). The method of payment of a sewage system through payment by revenue bonds had been approved by vote of the electorate. The Supreme Court held the plan for financing approved by the voters was a contract between the municipality and taxpayers and a change to pay for the system through special assessments was void as an unconstitutional impairment of the contract.

If the Town proceeds with interim financing, then it is breaching its contract with the residents and embarking on different and additional financing that was not approved by the voters. In the public campaign waged by the Town leading up to the bond referendum, the Town stated that the only financing would be through special assessments. Thereafter, the Town stated it the ballot that the undergrounding of utilities would be paid by the full faith and credit of the Town, ad valorem taxes and special assessments. Now, the Town is adding interim financing through the issuance of commercial paper. The Town is breaching its contract with the residents in a bum's rush to commence the project.

2. The methodology for determining the "special" benefit for individual properties town-wide is flawed. The calculations of safety EBUs, reliability EBUs and aesthetic EBUs is artificial, arbitrary and capricious. It is a game played with statistics in order to justify imposition of special assessments rather than ad valorem taxation. The electrical grid in Palm Beach benefits the entire Town. There is no special benefit to individual properties. If indeed there are benefits of safety, reliability, and aesthetics, those benefits are shared town-wide and the only appropriate manner in which to finance the undergrounding of the utilities would be through ad valorem taxation. Clearly, the Town should pay for the project through ad valorem taxation since the provision of utilities is a basic government function properly payable by taxation. If there is a shared benefit in undergrounding, then everyone should pay through ad valorem taxation based on property values. The Town should not use complicated formulas for computing special benefits to individual properties in order to redistribute the cost of the project unevenly, at the expense of property owners in the south end of Palm Beach.

   Equally flawed is the calculation of safety, reliability and aesthetic EBUs for my clients' condominium unit. Since the EBU methodology is artificial, arbitrary and capricious, when it is applied to individual properties, it results in an erroneous special benefit calculation.

3. Underground utilities are not safer and are not more reliable then pole hardened utilities. Thus, there is no need for the project at all. Numerous experts have spoken on this issue and pole hardening is just as effective as undergrounding, and even more so on a barrier island where water intrusion will damage underground wires. Since the safety and reliability factors

are based on false premises, then the special benefit methodology used on the individual properties through safety and reliability EBUs is flawed.

4. In order for a special assessment to be valid, it must be determined whether the services or capital improvements at issue provide a special benefit to the assessed property and whether the assessment is properly apportioned among all the properties that receive the special benefit. If undergrounding were actually needed, the only fair apportionment method would be by ad valorem taxation. Taxes based on property value are clearly defined and understood. Taxes based on property value are the accepted and traditional method of raising revenue for municipal services such as utilities. Use of reliability, safety and aesthetics EBUs results in imposition of special assessments skewed in favor of more valuable properties, which is the exact opposite of ad valorem taxation.

5. There is simply no need for the project, except for perhaps aesthetic reasons and it is not worth over $90,000,000.00 to remove power poles from the island for aesthetics alone.

6. The installation of the many large high voltage boxes necessary for the undergrounding project is both hazardous and unsightly.

7. Of course, the project will end up costing substantially more than $90,000,000.00.

8. Some of the neighborhoods in the Town already have undergrounding and have paid or are paying through the imposition of special assessments within their neighborhoods. Yet, these neighborhoods, at least according to the Town, will benefit from the enhanced safety and reliability of a town-wide electrical grid. This results in an unfair apportionment among properties.

9. Because of anticipated cost overruns and the issuance of commercial paper, special assessments will not pay the entire cost of the project. This may very well result in an increase in ad valorem taxation to cover additional costs. Thus, property owners will be saddled both with special assessments and higher ad valorem taxes to pay for an unneeded project.

10. There will be continuing disruption and annoyance created by the undergrounding construction project which isn't scheduled to be completed until 2026

11. The Town itself has changed the special assessment methodology recommended by its own experts for political reasons and to make it more palatable to residents in the south end of Town. By tinkering with the methodology, the Town has made the special benefit analysis

even more flawed.

12. There are many different types of properties and homes in the Town of Palm Beach. Trying to assign safety, reliability and aesthetic EBUs to individual properties is an exercise in futility and further demonstrates the flaws in the special assessment methodology.

13. In order to meet the safety and reliability goals of undergrounding espoused by the Town, the project must be completed. Therefore, it is incumbent on the Town to have a completion bond to assure that this occurs.

14. The undergrounding project, including the installation of the high voltage boxes in a flood plain is in violation of the Department of Transportation permit as well as FEMA standards.

15. Undergrounding of utilities is far more appropriate for individual neighborhoods where neighbors decide amongst themselves whether to incur the cost and disruption of undergrounding. Further, special assessments are meant for specific geographic areas in need of capital improvements or services. Special assessments are not suited for town-wide projects more appropriately paid by ad valorem taxation.

16. As to my clients' individual property, his condominium receives little if any benefit from undergrounding whether through reliability, safety or aesthetics. All of the reasons against undergrounding cited above also apply and are reiterated for my clients' individual property.

Sincerely,

John M. Jorgensen

JMJ:kcf

cc: Gail Coniglio, Mayor
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog, Council Member
Bobbie Lindsay, Council Member
Margaret Zeidman, Council Member

EXHIBIT S

LAW OFFICES OF
JOHN D. O'NEILL
ATTORNEY AT LAW AND COUNSELOR

TELEPHONE
561-366-1212

FACSIMILE
561-366-1236

August 1, 2017

Members of the Town Council
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: Town of Palm Beach Equalization Board
Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

Dear Members of the Town Council:

This firm represents the following property owners who own the corresponding real property in the Town of Palm Beach as set forth below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

The above-reference properties are all part of the homeowner's association known as "The Residences at Sloan's Curve."

Pursuant to the Town Council's approval of the Initial Assessment Resolution No. 90-2017, the Town held a meeting on July 12, 2017 to authorize the imposition of non-ad valorem special assessments against Town of Palm Beach properties for an annual special assessment for the design, acquisition, construction and installation of the Underground Utility Improvement Area for the fiscal year of October 1, 2017 to September 30, 2018 and future years.

In order to allocate the special assessment to the properties in the Town of Palm Beach, the Town adopted a cost assessment methodology prepared by Raftelis Financial Consultants, Inc. The Raftelis Report was initially prepared on June 2, 2017 and subsequently amended on June 12, 2017. The Raftelis Report assigned equivalent benefit units ("EBUs") to three categories: safety, reliability and aesthetics. EBUs were then allocated based on the property size, occupant density, location to existing facilities, etc.

On July 12, 2017, the Town Council of the Town of Palm Beach approved Resolution No. 100-2017 which levied a special assessment against Assessed Parcels in the Town of Palm Beach. The July 12, 2017 vote by the Town Council was a final vote.

 44 COCOANUT ROW, SUITE M209 PALM BEACH, FLORIDA 33480

Property owners have twenty (20) days from July 12, 2017, the date Resolution No. 100-2017 was decided, to submit any and all complaints as to the special assessment. Pursuant to Section 170.08, Florida Statutes, the Town Council shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right.

In this regard, the undersigned counsel hereby petitions and complains as to the special assessments for the above-referenced property and states that the special assessment should be reduced below the minimum EBUs for the following reasons:

The above properties at The Residences of Sloan's Curve have their utilities undergrounded. The Termination Points, as defined in Resolution 90-2017, were completed prior to the Town's program for Excluded Neighborhoods, as the developer was ahead of its time when it undergrounded the distribution lines and lateral lines many years ago. This undergrounding project was completed for The Residences of Sloan's Curve properties in much the same way as the Excluded Neighborhoods conducted their Underground Utility Improvements. Similarly to the Excluded Neighborhoods, the above properties are being serviced by metal transformer boxes connected by underground conduits along the neighborhood's electrical grid. Therefore, there is no additional costs to the Town-Wide Undergrounding Project for equipment purchase and installation, trenching and burial of the conduit, traffic management costs, pole removal, and all of the design, engineering and project management that are related to these services.

It is important to distinguish the above property at The Residences of Sloan's Curve from other individual properties that have only buried the lateral utility lines. In fact, a quick review of the properties makes it clear that there are no utility poles or wires anywhere around each of these properties located on the east side of South Ocean Blvd. Instead, the only poles or wires visible are on the west side of South Ocean Blvd.

Based on the extent of underground services currently in place, there are less services and consequently less costs associated with the design, acquisition, construction and installation of the Underground Utility Improvement Area. As a result, the safety, reliability and aesthetics EBUs for each of the above properties must take into consideration these circumstances in reducing the EBUs. There is certainly a very good case, based on these circumstances to even request that the safety, reliability and aesthetic EBUs be reduced below the minimum amounts as these properties appear to fall somewhere between Excluded Neighborhoods and the minimum threshold to be considered Assessed Parcels for purposes of the Project.

As if the discussion above is not compelling enough, a reduction of the EBUs should occur because at the time the property owners initially purchased their respective property from the developer, they paid a premium to the developer of The Residences at Sloan's Curve to install underground utility services for their respective residences and appurtenances. Consequently, they have already paid once for the undergrounding of their utility services, therefore, justice and equity dictates that the above-property owners should receive a reduction of their special assessment as consideration for the prior expenses paid to underground their utility services.

The Raftelis Report uses a "minimum of _x_ EBU" for various assessment subcategories however, nowhere in the Raftelis Report is there any evidence or benefit analysis for the implementation of "minimum" assessments for safety, reliability and aesthetics of the Town-Wide Underground Utilities Project. Moreover, the Raftelis Report is devoid of any underlying rationale supporting a minimum floor for any of these properties' EBUs. Therefore, if there is no supporting rationale, evidence or benefit analysis in the methodology report, the special assessments for these properties based on minimum EBUs are in the nature of an illegal ad valorem tax because there is no corresponding special benefit that exceeds the minimum assessment amounts. *See* Indian Creek Country Club, Inc. v. Indian Creek Village, 211 So.3d 230, 234 (Fla. 3rd DCA 2017). Furthermore, if there is no basis for supporting a minimum level, then each of the properties herein assessed at that level are being assessed at an arbitrary and capricious amount with no logical connection to the special benefit, if any, that these properties receive from the Town-Wide Underground Utilities Project.

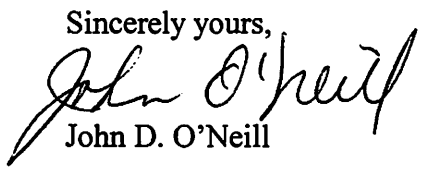
And finally, it is important to note that in the Executive Summary of the Raftelis Report, the Town consultants considered the exact issues raised by the above property owners when it identified the only exception upon which its calculations may be reduced:

> Prior to debt financing, *property owners whom have undergrounding* portions of overhead facilities adjacent to their property *may request an adjustment to their equivalent benefit allocation to reflect the appropriate proportionate benefit* received by the assessment program.

In light of the foregoing, there are very compelling reasons, based both on the current underground electrical grid in place for the above properties and also on the fairness and justice for an already paid special assessment, for the Equalization Board to reduce the EBUs to a level below the minimum threshold that reflects the properties' actual EBU. My clients additionally incorporate herein the testimony and written materials provided to the Town Council at the July 12, 2017 hearing. Samples of some of the incorporated written materials are attached. All rights are hereby reserved to supplement these arguments verbally or in writing or in any subsequent administrative or court proceeding, should the need arise.

Should you have any question, please do not hesitate to call upon me.

Sincerely yours,



John D. O'Neill

JDO/tj
Enclosures
cc: Clients

EXHIBIT T

LAW OFFICES OF
JOHN D. O'NEILL
ATTORNEY AT LAW AND COUNSELOR

TELEPHONE
561-366-1212

FACSIMILE
561-366-1236

September 20, 2017

Members of the Town Council
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

VIA FACSIMILE AND EMAIL

RE: Town of Palm Beach Underground Utilities Project
Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

Dear Members of the Town Council:

This firm represents the following property owners who own the corresponding real property in the Town of Palm Beach as set forth below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Under date of August 1, 2017, the undersigned filed a written complaint to reduce the special assessments levied against the above property owners, a copy of which is attached for your quick review.

To date, the undersigned has received no written decision from the town manager relative to my August 1, 2017 letter identifying the erroneous assessments.

Accordingly, the above property owners seeks the Town Council's review and response to this complaint based on the town manager's failure to respond in writing as required under Section 90-49(c), Palm Beach Code of Ordinances.

In light of the foregoing, All rights are hereby reserved to supplement these arguments verbally or in writing or in any subsequent administrative or court proceeding, should the need arise.

Should you have any question, please do not hesitate to call upon me.

Sincerely yours,

John O'Neill

JDO/tj
Enclosure
cc: Clients
Thomas Bradford, Town Manager

44 COCOANUT ROW, SUITE M209 PALM BEACH, FLORIDA 33480

John O'Neill

From: Tom Bradford <TBradford@TownofPalmBeach.com>
Sent: Friday, August 11, 2017 9:10 PM
To: John O'Neill; Town Manager; Town Clerks Staff
Cc: Gail Coniglio; Richard Kleid; Danielle Hickox Moore; Julie Araskog; Bobbie Lindsay; Margaret Zeidman; Heather Encinosa; John (Skip) C. Randolph
Subject: RE: Palm Beach Underground Utilities Project - Town of Palm Beach Equalization Board - Complaint to Reduce Special Assessment per Resolution No. 100-2017

Dear Mr. O'Neill:

This is in response to your email dated Tuesday, August 1, 2017 in regard to the above subject.

Please be advised that the provisions of Chapter 170, Florida Statutes, pertaining to an Equalization Board are not applicable to the Town of Palm Beach.

Thomas G. Bradford
Town Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: John O'Neill [mailto:john@jdopa.com]
Sent: Tuesday, August 01, 2017 12:21 PM
To: Town Manager <TManager@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>
Subject: Palm Beach Underground Utilities Project - Town of Palm Beach Equalization Board - Complaint to Reduce Special Assessment per Resolution No. 100-2017

Dear Town Clerk:

Please find attached my letter under today's date regarding my clients' Complaint to Reduce Special Assessment per Resolution 100-2017 together with exhibits.

Please advise of your receipt of this email. Thank you.

Sincerely yours,

John O'Neill, Esq.

CC: Town Manager Thomas Bradford
Mayor
Town Council Members

John D. O'Neill, P.A.
44 Cocoanut Row, Suite # M209
Palm Beach, FL 33480
Telephone: (561) 366-1212
Fax: (561) 366-1236
E-Mail: john@jdopa.com

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Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

EXHIBIT U

John O'Neill

From: Tom Bradford <TBradford@TownofPalmBeach.com>
Sent: Wednesday, September 20, 2017 6:53 PM
To: John O'Neill; Town Manager; Town Clerks Staff
Cc: Gail Coniglio; Richard Kleid; Danielle Hickox Moore; Julie Araskog; Bobbie Lindsay; Margaret Zeidman; Steven Stern
Subject: RE: Palm Beach Underground Utilities Project - Complaint to Reduce Special Assessment per Resolution No. 100-2017

Mr. O'Neill:

Your "complaint" is under review, but has not been finalized due to complexities associated with the properties at 2000 Sloan's Curve. Our work will be completed in the near future and my decision will be provided to you in writing.

Thomas G. Bradford
Town Manager

From: John O'Neill [mailto:john@jdopa.com]
Sent: Wednesday, September 20, 2017 1:01 PM
To: Town Manager <TManager@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>
Subject: Palm Beach Underground Utilities Project - Complaint to Reduce Special Assessment per Resolution No. 100-2017

Dear Town Clerk:

Please find attached my letter under today's date regarding my clients' Complaint to Reduce Special Assessment per Resolution 100-2017 together with my August 1, 2017 letter.

Please advise of your receipt of this email. Thank you.

Sincerely yours,

John O'Neill, Esq.

CC: Town Manager Thomas Bradford
Mayor
Town Council Members

John D. O'Neill, P.A.
44 Cocoanut Row, Suite # M209
Palm Beach, FL 33480
Telephone: (561) 366-1212
Fax: (561) 366-1236
E-Mail: john@jdopa.com

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Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

EXHIBIT V

TOWN OF PALM BEACH

Town Manager's Office

October 12, 2017

Law Offices of John O'Neill
44 Cocoanut Row
Suite M209
Palm Beach, FL 33480

RE: Calculation of Non-Ad Valorem Assessment Regarding Underground Utilities Improvements for Multiple Parcels listed below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Dear Mr. O'Neill,

This is in response to your appeal regarding the calculation of the Non-Ad Valorem assessment for the design, acquisition, construction, and installation of the Underground Utility Improvements for the fiscal year October 1, 2017 - September 30, 2018 and future fiscal years. Please note the Town did not, and does not, use Chapter 170 for implementation of its special assessment programs. The Town is proceeding under its home rule authority and in accordance with Chapter 197, F.S.

Upon review, it was determined by the Town Manager's Office the Residences at Sloan's Curve do not qualify as Non-Assessable or special consideration since the community is not listed within the approved methodology as a special case, exception or as a Non-Assessable Obligation. Therefore, the assessments are appropriately applied per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017.

In light of the fact that your request has been denied, you are advised of your right to file a timely appeal in writing to the Town Council. If you choose to appeal, you should include a statement as to why your appeal should be granted and enclose a copy of this letter.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

Additional queries pertaining to this matter can be directed in writing to myself or to Thomas G. Bradford, Town Manager to the postal or email address shown in the footer below.

Sincerely,

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307
www.townofpalmbeach.com

cc:

Thomas Bradford, Town Manager
Jane Struder, Director of Finance
Amy Wood, Accounting Supervisor

TOWN OF PALM BEACH
Town Manager's Office
Post Office Box 2029 • 360 South County Road
Palm Beach, Florida 33480

U.S. POSTAGE PITNEY BOWES
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John O'Neill
44 Cocoanut Row, Ste M209
Palm Beach, FL 33480

EXHIBIT W

TOWN OF PALM BEACH

Town Manager's Office

October 12, 2017

Mr. & Mrs. Carney J. Hawks
4 Sloan's Curve Drive
Palm Beach, FL 33480
PCN: 50434411070000040

12 Doubling Rd
Greenwich, CT 06830

RE: Proactive Adjustment to Non-Ad Valorem Assessment Regarding Underground Utility Improvements

Dear Mr. & Mrs. Hawks,

The Town has reviewed the parcel number referenced above and recalculated the Utility Undergrounding assessment approved per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, July 21, 2017.

Your parcel was initially determined to be adjacent to existing overhead utilities. However, after conducting a supplemental site survey of the neighborhood we have determined your property is eligible for the undergrounding utilities safety and aesthetics assessment discount.

There is no action required and you will be billed at a reduced rate.

Additional queries pertaining to this matter can be directed to the Town of Palm Beach Finance Department at 561-838-5444 or to myself at 561-838-5410.

Sincerely,

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-838-5410
www.townofpalmbeach.com

cc:
Thomas G. Bradford, Town Manager
Jane Struder, Director of Finance
Amy Wood, Accounting Supervisor

EXHIBIT X

LAW OFFICES OF
JOHN D. O'NEILL
ATTORNEY AT LAW AND COUNSELOR

TELEPHONE
561-366-1212

FACSIMILE
561-366-1236

October 27, 2017

VIA FACSIMILE AND EMAIL

Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: Town of Palm Beach Underground Utilities Project
Notice of Appeal of Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

Dear Town Clerk:

This firm represents the following property owners who own the corresponding real property in the Town of Palm Beach as set forth below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Under date of August 1, 2017, the undersigned filed a written complaint to reduce the special assessments levied against the above property owners, a copy of which is attached and incorporated as if fully set forth herein.

Section 90-49(c), Town of Palm Beach Code of Ordinances, states in relevant part:

> All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the **town manager** ... In the event the **town manager** ... fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property, the petitioner may ... file in writing with the town clerk a notice of appeal...." [Emphasis added].

To date, the undersigned has received no written decision from the Town of Palm Beach Town Manager, Thomas Bradford, as required in Section 90-49(c), Town of Palm Beach Code of Ordinances. The special assessment to be assessed for each of the above properties has already been sent by the Town for payment without any notice to the undersigned from the Town Manager of any change, modification or correction of the erroneous assessments.

Rather, a town employee, Steven N. Stern, who is not the Town Manager, mailed to the undersigned a letter claiming that the August, 1, 2017 letter complaint was denied, a copy of said letter is attached.

Since Mr. Stern is not the Town Manager his letter does not trigger the appeals process under Section 90-49(c); however in an abundance of caution my clients again seek the Town Manager's response and further submit this notice of appeal of the Town's failure to correct the Town's error in applying the assessment apportionment method to the above properties. The reasons for the appeal are set forth in the enclosed August 1, 2017 letter.

In light of the foregoing, All rights are hereby reserved to supplement these arguments verbally or in writing or in any subsequent administrative or court proceeding, should the need arise.

 44 COCOANUT ROW, SUITE M209 PALM BEACH, FLORIDA 33480

Should you have any question, please do not hesitate to call upon me.

Sincerely yours,

John D. O'Neill

JDO/tj
Enclosures

cc: Clients
Members of the Town Council (Via US Mail)
Thomas Bradford, Town Manager (via US Mail)

EXHIBIT Y

TOWN OF PALM BEACH
Town Manager's Office

November 28, 2017

Law Offices of John O'Neill
44 Cocoanut Row
Suite M209
Palm Beach, FL 33480

RE: Calculation of Non-Ad Valorem Assessment Regarding Underground Utilities Improvements for Multiple Parcels listed below:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Dear Mr. O'Neill,

We are in receipt of your appeal to the Town Council regarding the Town Manager's denial of exemption from the Underground Utilities assessment based on Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, July 21, 2016.

We have reviewed the facts in detail and determined the appeal is not eligible for adjudication by the Town Council for the following reasons:

- The original assessment appeal was denied by the Town Manager. The letter informing you of my decision was sent by staff, namely Steven Stern, Underground Utilities Project Manager.
- The above properties do not qualify as Non-Assessable since none are specified in the approved assessment methodology (assessment apportionment method) section 4.4 Special Cases and Exemptions.
- There is no alleged error in the Town Manager's application of the assessment apportionment method. Note that parcel numbers 1, 2 and 7 have already been proactively adjusted by the Town to apply the undergrounding assessment discount. The other listed parcels do not qualify for the discount pursuant to the approved assessment apportionment method.
- An appeal to the Town Council objecting to any aspect of the assessment apportionment methodology is an invalid appeal pursuant to the Town Code and cannot be allowed to proceed via the appeals process.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

My apologies for being unable to provide you with the relief sought on behalf of your client, but for the reasons stated above an appeal to the Town Council is not available in this instance per the Town Code.

Sincerely,

Thomas G. Bradford
Town Manager

cc:
Steven Stern, Underground Utilities Project Manager
Assessment Appeal File

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com

EXHIBIT Z

john2@jdopa.com

From: Steven Stern <sstern@TownOfPalmBeach.com>
Sent: Thursday, December 7, 2017 9:41 AM
To: john@jdopa.com
Subject: RE: Tom Bradford Letter re: Appeal
Attachments: 5 Sloans Curve 50-43-44-11-07-000-0050.pdf; 11 Sloans Curve 50-43-44-11-07-000-0110.pdf; 22 Sloans Curve 50-43-44-11-07-008-0040.pdf; TB Letter Denying Appeal Oneil Sloans Curve.pdf

Mr. O'Neill,

Per your request, attached are the corrected notices reducing the assessment which were sent by the Town to 5, 11 and 22 Sloan's curve.

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307

From: Steven Stern
Sent: Friday, December 01, 2017 11:12 AM
To: 'john@jdopa.com' <john@jdopa.com>
Subject: Tom Bradford Letter re: Appeal

Mr. O'Neill,
Attached is the letter I mentioned in my voice mail reply to you today.
Thank you,
Steve

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

CORRECTED

HERMAN J MAURICE
MAURICE J HERMAN TR TITL HLDR
5 SLOANS CURVE DR
PALM BEACH, FL 33480-5215

Re: Underground Utility Assessment Area
Parcel No: 50-43-44-11-07-000-0050

The Town Council of the Town of Palm Beach, Florida (the "Town"), recently established and approved a special assessment against property within the Townwide Underground Utility Assessment Area of the Town (the "Assessment Area") to fund the design, acquisition, construction, and installation of the Underground Utility Improvements. This type of financing where the property owners participate in the cost of the program is used throughout Florida and is consistent with the policy of the Town.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The assessments will be payable in not to exceed thirty (30) annual installments, the first of which shall be included on the ad valorem tax bill to be mailed in November 2017. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Town plans to finance this project with a combination of short-term and long-term debt to ensure the most efficient method of project financing. This will permit the cost attributable to your property to be amortized over a period of not to exceed thirty (30) years. However, you may choose to prepay your assessment in full at any time prior to September 1, 2017 to avoid additional interest and other annual costs associated with the assessment program. The amount required to prepay the assessment on or prior to September 1, 2017 is $5,035.06. If you choose to prepay at this time, your property will no longer be subject to the annual assessment for underground utility improvements.

If you wish to prepay your assessment, please make your check for the prepayment amount shown above, payable to the Town of Palm Beach, Florida and mail it to the Town of Palm Beach, Attention: Finance Department, P. O. Box 2029, Palm Beach, Florida 33480. Please be sure to either write the assessment parcel number (shown at the top of this letter) on your check or return a copy of this letter with your payment.

Assessment records and copies of applicable Ordinances and Resolutions passed by the Town Council are on file at the offices of the Town Manager, located at 360 South County Road, Palm Beach, Florida.

TOWN OF PALM BEACH, FLORIDA

0183

Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

CORRECTED

SLATER KENNETH Z &
SLATER ELLEN Z
11 SLOANS CURVE DR
PALM BEACH, FL 33480-5215

Re: Underground Utility Assessment Area
Parcel No: 50-43-44-11-07-000-0110

The Town Council of the Town of Palm Beach, Florida (the "Town"), recently established and approved a special assessment against property within the Townwide Underground Utility Assessment Area of the Town (the "Assessment Area") to fund the design, acquisition, construction, and installation of the Underground Utility Improvements. This type of financing where the property owners participate in the cost of the program is used throughout Florida and is consistent with the policy of the Town.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The assessments will be payable in not to exceed thirty (30) annual installments, the first of which shall be included on the ad valorem tax bill to be mailed in November 2017. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Town plans to finance this project with a combination of short-term and long-term debt to ensure the most efficient method of project financing. This will permit the cost attributable to your property to be amortized over a period of not to exceed thirty (30) years. However, you may choose to prepay your assessment in full at any time prior to September 1, 2017 to avoid additional interest and other annual costs associated with the assessment program. The amount required to prepay the assessment on or prior to September 1, 2017 is $5,035.06. If you choose to prepay at this time, your property will no longer be subject to the annual assessment for underground utility improvements.

If you wish to prepay your assessment, please make your check for the prepayment amount shown above, payable to the Town of Palm Beach, Florida and mail it to the Town of Palm Beach, Attention: Finance Department, P. O. Box 2029, Palm Beach, Florida 33480. Please be sure to either write the assessment parcel number (shown at the top of this letter) on your check or return a copy of this letter with your payment.

Assessment records and copies of applicable Ordinances and Resolutions passed by the Town Council are on file at the offices of the Town Manager, located at 360 South County Road, Palm Beach, Florida.

TOWN OF PALM BEACH, FLORIDA

Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

CORRECTED

MATHESON MONIQUE D &
MATHESON WILLIAM
22 SLOANS CURVE DR
PALM BEACH, FL 33480-5215

Re: Underground Utility Assessment Area
Parcel No: 50-43-44-11-07-008-0040

The Town Council of the Town of Palm Beach, Florida (the "Town"), recently established and approved a special assessment against property within the Townwide Underground Utility Assessment Area of the Town (the "Assessment Area") to fund the design, acquisition, construction, and installation of the Underground Utility Improvements. This type of financing where the property owners participate in the cost of the program is used throughout Florida and is consistent with the policy of the Town.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The assessments will be payable in not to exceed thirty (30) annual installments, the first of which shall be included on the ad valorem tax bill to be mailed in November 2017. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Town plans to finance this project with a combination of short-term and long-term debt to ensure the most efficient method of project financing. This will permit the cost attributable to your property to be amortized over a period of not to exceed thirty (30) years. However, you may choose to prepay your assessment in full at any time prior to September 1, 2017 to avoid additional interest and other annual costs associated with the assessment program. The amount required to prepay the assessment on or prior to September 1, 2017 is $7,992.35. If you choose to prepay at this time, your property will no longer be subject to the annual assessment for underground utility improvements.

If you wish to prepay your assessment, please make your check for the prepayment amount shown above, payable to the Town of Palm Beach, Florida and mail it to the Town of Palm Beach, Attention: Finance Department, P. O. Box 2029, Palm Beach, Florida 33480. Please be sure to either write the assessment parcel number (shown at the top of this letter) on your check or return a copy of this letter with your payment.

Assessment records and copies of applicable Ordinances and Resolutions passed by the Town Council are on file at the offices of the Town Manager, located at 360 South County Road, Palm Beach, Florida.

TOWN OF PALM BEACH, FLORIDA

EXHIBIT AA

john2@jdopa.com

From: John O'Neill <john@jdopa.com>
Sent: Thursday, December 7, 2017 7:43 PM
To: Steven Stern
Subject: Town-Wide Underground Utilities Special Assessment-Notice of Appeal and prior complaint letters

Dear Steven,
Thank you for sending me the corrected special assessment letters sent to three of my clients.

Please advise at your earliest convenience of the scheduling of the appeal hearing for the next Town Council meeting and what testimony/evidence the Town intends on submitting in opposition.

Kindly forward any materials and correspondence the Town intend to rely upon in opposition to my letter dated August 1, 2017 and my follow-up correspondence. Moreover, permit this email to be a public records request for said requested documents.

Should you have any questions, please call me.

Best regards,
John O'Neill, Esq.

Sent from my iPhone

On Dec 7, 2017, at 9:41 AM, Steven Stern <sstern@TownOfPalmBeach.com> wrote:

> Mr. O'Neill,
>
> Per your request, attached are the corrected notices reducing the assessment which were sent by the Town to 5, 11 and 22 Sloan's curve.
>
> **Steven N. Stern**
> **Underground Utilities Project Manager**
>
> Town of Palm Beach
> Town Manager's Office
> 360 S. County Road
> Palm Beach, FL 33480
> Office: 561-227-6307
>
> ---
>
> **From:** Steven Stern
> **Sent:** Friday, December 01, 2017 11:12 AM
> **To:** 'john@jdopa.com' <john@jdopa.com>
> **Subject:** Tom Bradford Letter re: Appeal
>
> Mr. O'Neill,
> Attached is the letter I mentioned in my voice mail reply to you today.

Thank you,
Steve

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

<5 Sloans Curve 50-43-44-11-07-000-0050.pdf>

<11 Sloans Curve 50-43-44-11-07-000-0110.pdf>

<22 Sloans Curve 50-43-44-11-07-008-0040.pdf>

<TB Letter Denying Appeal Oneil Sloans Curve.pdf>

EXHIBIT BB

John O'Neill

From: John O'Neill <john@jdopa.com>
Sent: Friday, April 27, 2018 8:08 PM
To: 'Steven Stern'
Cc: townclerk@townofpalmbeach.com
Subject: Town-Wide Underground Utilities Special Assessment- Public Records Request

Dear Steven,

As you know, the Town Council has scheduled a time certain of 2:00PM on Tuesday, May 8th to hear my clients' appeal of their complaint to the Town-Wide Underground Utilities Special Assessment.

You may recall that on December 7, 2017 I sent you a public records request for documents pertaining to the Town's denial of my clients' request for a reduction of their underground utility special assessment. My December 7, 2017 email is provided below for your quick review. To date almost five months have passed and I have not received any of the public records I have requested.

With the Thursday, May 3rd deadline to submit documentation in the Town Council backup now fast approaching, it is imperative that you provide me the documents set forth in my December 7th public records request by no later than Monday, April 30th. My clients will certainly be prejudiced by the Town's unreasonable delay in producing these public records.

Also, as we discussed, you stated that you would provide me by the end of business today each of my client's assessment notices with the specific EBU breakdowns, any changes (ie. reductions) to any Sloan's Curve Drive special assessments, the supplemental site survey conducted for the Sloan's Curve Drive neighborhood and the documentation supporting the accompanying EBU changes to assessments based on said survey. To date, I did not receive any of these documents from you.

If you are unable to comply with my December 7th public records request and our prior document production agreement by Monday, please advise me immediately so that we can reschedule my client's May 8th appeal for the following month as these underlying documents directly relate my client's appellate rights in this matter and accordingly their rights to procedural and substantive due process.

In light of the foregoing, all rights are hereby reserved to supplement the arguments presented in my complaint and appeal, should the need arise.

Best regards,
John O'Neill, Esq.

CC: Clients

John D. O'Neill, P.A.
44 Cocoanut Row, Suite # M209
Palm Beach, FL 33480
Telephone: (561) 366-1212
Fax: (561) 366-1236
E-Mail: john@jdopa.com

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From: John O'Neill <john@jdopa.com>
Sent: Thursday, December 7, 2017 7:43 PM
To: Steven Stern <sstern@TownOfPalmBeach.com>
Subject: Town-Wide Underground Utilities Special Assessment-Notice of Appeal and prior complaint letters

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Please advise at your earliest convenience of the scheduling of the appeal hearing for the next Town Council meeting and what testimony/evidence the Town intends on submitting in opposition.

Kindly forward any materials and correspondence the Town intend to rely upon in opposition to my letter dated August 1, 2017 and my follow-up correspondence. Moreover, permit this email to be a public records request for said requested documents.

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> **Steven N. Stern**
> **Underground Utilities Project Manager**
>
> Town of Palm Beach
> Town Manager's Office
> 360 S. County Road
> Palm Beach, FL 33480
> Office: 561-227-6307

EXHIBIT CC

John O'Neill

From: Steven Stern <sstern@TownOfPalmBeach.com>
Sent: Friday, April 27, 2018 11:08 PM
To: John O'Neill
Cc: Town Clerks Staff
Subject: RE: Town-Wide Underground Utilities Special Assessment- Public Records Request
Attachments: TC Memo 050818 - Oneill Appeal.pdf; Attachments for Appeal Memo.zip; Oneill - Town-Wide Underground Utilities Special Assessment-Notice of Appeal and prior complaint letters.pdf; Sloans Curve EBU.pdf

Dear John,
Attached you will find the requested documentation for the scheduled time certain 2:00PM, Tuesday, May 8th appeal of the Town-Wide Underground Utilities Special Assessment for your clients.

The attached "TC Memo 050818 – O'Neill Appeal.pdf" and "Attachments for Appeal Memo.zip" are the materials and correspondence the Town intends to rely upon in opposition to your letter dated August 1, 2017 and follow-up correspondence.

Regarding our recent telephone discussion to provide your client's assessment EBU breakdowns I had asked you to send your request in writing. Responding to that specific request received earlier this evening, please see attached "Sloans Curve EBU.pdf" for the comprehensive summary. Also see attached pdf of the email received from you on Dec 7, 2017 thanking me for sending you a copy of the Town's corrected special assessment letters sent to three of your clients namely, 5, 11 and 22 Sloan's Curve. You will find the Town's explanation of the EBU correction for these three properties on page 3 of the "TC Memo 050818 – O'Neill Appeal.pdf" saying, "Parcels Townwide and within Sloan's Curve which are non-adjacent to overhead utilities qualify and received the Undergrounding Safety and Aesthetic assessment discount. The discount was applied to parcel numbers 1, 2 and 7 (5, 11 and 22 Sloan's Curve). Parcels 3, 4, 5, 6 and 8 (16, 17, 19, 20 and 23 Sloan's Curve) do not qualify for the discount pursuant to the approved assessment apportionment method. See Figure 1."

I believe this email and attachments fully address your questions and hope to see you on May 8th.

Best regards,
Steve

Steven N. Stern
Underground Utilities Project Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6307

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CC: Clients

John D. O'Neill, P.A.
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>
> Town of Palm Beach
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TOWN OF PALM BEACH
Information for Town Council on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Steven Stern, Project Manager

RE: Town Council Appeal to Reduce the Special Assessment, Attorney John O'Neill for 8 Residences of Sloan's Curve

DATE: April 26, 2018

TIMELINE AND GENERAL INFORMATION

Attorney John O'Neill represents eight (8) property owners at Sloan's Curve who have challenged the calculation of the Non Ad Valorem Assessment for Palm Beach Underground Utilities.

August 1, 2017:

Attorney John O'Neill filed an assessment appeal on behalf of the below eight (8) property owners in the Town of Palm Beach challenging the calculation of the undergrounding assessment:

1. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0050)
2. Camilo Raful - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000-0110)
3. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0010)
4. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0080)
5. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0070)
6. Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0060)
7. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0040)
8. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008-0050)

Attachment 1:

John O'Neill to Town Council RE: Town of Palm Beach Equalization Board Complaint to Reduce Special Assessment levied per Resolution No. 100-2017

October 12, 2017:

The appeal was reviewed and denied by Tom Bradford, Town Manager who directed Steven Stern, Project Manager to inform Mr. O'Neill. Reason for denial was the Residences at Sloan's Curve do not qualify as Non-Assessable or special consideration since the community is not listed within the approved methodology as a special case, exception or as a Non-Assessable Obligation. The assessments were determined as appropriately applied per Initial Assessment Resolution No. 090-2017 and the Utility Undergrounding Assessment Methodology adopted by the Town Council, June 13, 2017.

Attachment 2:
Assessment Appeal Form indicating decision of the Town Manager

Attachment 3:
Communication from Steven Stern Project Manager on behalf of the Town Manager.

October 27, 2018:

Mr. O'Neill wrote to the Town Clerk stating: "All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the town manager ... In the event the town manager ... fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property, the petitioner may ... file in writing with the town clerk a notice of appeal...."

Attachment 4:
John O'Neill to Town Clerk: RE: Town of Palm Beach Underground Utilities Project Notice of Appeal of Complaint to Reduce Special Assessment levied per Resolution No. t00-2017

November 28, 2017:

Mr. O'Neill's requests for appellate review by the Town Council were denied by the Town Manager stating the following:

- The original assessment appeal was denied by the Town Manager. The letter informing you of my decision was sent by staff, namely Steven Stern, Underground Utilities Project Manager.

- The above properties do not qualify as Non-Assessable since none are specified in the approved assessment methodology (assessment apportionment method) section 4.4 Special Cases and Exemptions.

- There is no alleged error in the Town Manager's application of the assessment apportionment method. Note that parcel numbers 1, 2 and 7 have already been

proactively adjusted by the Town to apply the undergrounding assessment discount. The other listed parcels do not qualify for the discount pursuant to the approved assessment apportionment method.

- An appeal to the Town Council objecting to any aspect of the assessment apportionment methodology is an invalid appeal pursuant to the Town Code and cannot be allowed to proceed via the appeals process.

Attachment 5:
Letter from Tom Bradford, Town Manager denying appellate review.

December 21, 2017:

Mr. O'Neill contacted Steven Stern, Project Manager requesting clarification why his request for appellate review was denied. He was informed the Town Manager referenced the Town Code section Sec. 90-49. - Correction of errors and omissions (c), describing that the escalation request to the Town Council was invalid since there was no error made in the application of the assessment methodology.

Attachment 6:
Email from Steven Stern, Project Manager to John O'Neill.

February 23, 2018:

John O'Neill contacted the Project Manager again requesting appellate review by the Town Council. Project Manager discussed the request with Kirk Blouin, Town Manager and the Town Attorney who instructed Staff to schedule Mr. O'Neill's appeal.

STAFF RECOMMENDATION

After reviewing the original complaint and all related correspondence between the Town and Mr. O'Neill, Staff recommends the Town Council uphold the previous and current Town Manager's decision to deny the assessment appeal for the following reasons:

- The properties at Sloan's Curve do not qualify as Non-Assessable. The neighborhood, subdivision or properties are not specified in the approved assessment methodology section 4.4 Special Cases and Exemptions.
- There is no error in the Town Manager's application of the assessment apportionment method.
- Parcels Townwide and within Sloan's Curve which are non-adjacent to overhead utilities qualify and received the Undergrounding Safety and Aesthetic assessment discount. The discount was applied to parcel numbers 1, 2 and 7 (5, 11 and 22 Sloans's Curve). Parcels 3, 4, 5, 6 and 8 (16, 17, 19, 20 and 23 Sloan's Curve) do not qualify for the discount pursuant to the approved assessment apportionment method. See Figure 1.

- Granting this appeal would be inconsistent with the Town's approved methodology, which has been applied uniformly throughout the Town's assessment area.

Figure 1: Residences at Sloan's Curve

Townwide Underground Project Assessment
Appeal Form

Date of Appeal: Aug 1 2017

Name of Property Owner: Multiple represented by Attorney Oneill

Address of Property: Residences of Sloans Curve

PCN#: Multiple

Contact Information: John Oneill 44 Cocoanut Row M209 Palm Beach, FL 33480

Dropbox File Name:

				Yes/No	Safety	Reliability	Aesthetics
	Acres	Land Use	Sq Ft	Overhead	EBU	EBU	EBU
Current Assessment Calculation	various	various		YES	Various	Various	Various
Proposed Assessment Calculation							

Description of Appeal: Believes parcels should be considered as a special case due to being underground within the community.

Staff Recommendation Approve ☐ Deny ☑

Reason for Recommendation: No parcels are a special case. None are exempt.

Steven Stern
Name

Steven Stern Digitally signed by Steven Stern Date: 2017.09.04 13:13:54 -04'00'
Signature

Town Manager Recommendation Approve ☐ Deny ☑

Reason for Recommendation:

Thomas G. Bradford, Town Manager
Name

Thomas G. Bradford
Signature

	Original EBUs				Revised EBUs				
Address	Safety	Reliability	Aesthetic	Total	Safety	Reliability	Aesthetic	Total	Change
5 SLOANS CURVE DR	0.50	0.76	0.50	1.76	0.25	0.76	0.25	1.26	-0.50
11 SLOANS CURVE DR	0.50	0.76	0.50	1.76	0.25	0.76	0.25	1.26	-0.50
22 SLOANS CURVE DR	1.00	1.00	1.00	3.00	0.50	1.00	0.50	2.00	-1.00
16 SLOANS CURVE DR	1.50	1.00	1.50	4.00					
17 SLOANS CURVE DR	1.50	1.00	1.50	4.00					
19 SLOANS CURVE DR	1.00	1.00	1.00	3.00					
20 SLOANS CURVE DR	1.50	1.00	1.50	4.00					
23 SLOANS CURVE DR	1.00	1.00	1.00	3.00					

EXHIBIT DD

211 So.3d 230
District Court of Appeal of Florida,
Third District.

INDIAN CREEK COUNTRY CLUB,
INC., etc., Appellant/Cross–Appellee,
v.
INDIAN CREEK VILLAGE,
etc., Appellee/Cross–Appellant.

No. 3D14–439
|
Opinion filed January 18, 2017.

Synopsis

Background: Private country club brought actions against village challenging legality of two years of special assessments to support the village's police department. Actions were consolidated. The Circuit Court, Miami-Dade County, Marc Schumacher, J., granted partial summary judgment in favor of village, declaring a prior agreement between village and country club to be void, and after a bench trial, entered final judgment that special assessments were invalid, but that amendment to assessments statute was validly enacted. Country club appealed.

Holdings: The District Court of Appeal, Suarez, C.J., held that:

[1] village's two years of special assessments on country club land were not supported by competent substantial evidence as to the special benefit for the land or the assessments' fair apportionment;

[2] amendment to special-assessments statute at issue related to the subject matter of the bill, and it thus did not violate the single-subject rule; and

[3] membership in or marriage to a member of club by mayor and three council members did not constitute a statutory conflict of interest when they voted on prior agreement regarding future special assessments on club.

Affirmed in part and reversed in part.

West Headnotes (17)

[1] **Municipal Corporations**
General or special

Municipal Corporations
Apportionment of Benefits and Expenses of Improvement

A valid special assessment must meet two requirements: (1) the property assessed must derive a special benefit from the service provided, and (2) the assessment must be fairly and reasonably apportioned according to the benefits received.

Cases that cite this headnote

[2] **Municipal Corporations**
Scope of inquiry and powers of court

The two prongs of the test to determine the validity of a special assessment, i.e., special benefits provided to the property and fair apportionment of the assessment, both constitute questions of fact for a legislative body rather than the judiciary.

Cases that cite this headnote

[3] **Municipal Corporations**
Scope of inquiry and powers of court

The standard of review by the District Court of Appeal is the same for both prongs of the test of the validity of a special assessment; that is, the legislative determination as to the existence of special benefits and as to the apportionment of the costs of those benefits should be upheld unless the determination is arbitrary.

Cases that cite this headnote

[4] **Municipal Corporations**
Appeal from Assessment

An unpopular decision as to a special assessment, when made correctly, must be upheld by the District Court of Appeal.

Cases that cite this headnote

[5] **Municipal Corporations**
Scope of inquiry and powers of court

The apportionment of benefits is a legislative function, and if reasonable people may differ as to whether the land assessed was benefited by the local improvement, the finding of the city officials must be sustained when reviewing city's special assessment.

Cases that cite this headnote

[6] **Municipal Corporations**
Proceedings and relief

If there is no competent substantial evidence in the record to support a finding of benefit to the land assessed, then the presumption of correctness does not attach to the municipality's findings of special benefit in support of special assessment, and then the District Court of Appeal must review the trial court's decision based on ordinary findings of fact.

Cases that cite this headnote

[7] **Municipal Corporations**
General or special

A legislative body cannot by its fiat make a special benefit to assessed land to sustain a special assessment where there is no special benefit.

Cases that cite this headnote

[8] **Municipal Corporations**
Pleading and evidence

Village's two years of special assessments on country club property for security and law enforcement services were not supported by competent substantial evidence as to the special benefit for the land or that benefits were in proportion to the assessments, and thus the special assessments were invalid; village's tax consultant assigned an estimate of how many equivalent residential units were on club property, although property contained non-residential golf course and tennis court areas, consultant did not consider how club actually used its real property, and there was no evidence that the special assessments reduced insurance premiums or increased property values. Fla. Stat. Ann. § 170.201(1).

Cases that cite this headnote

[9] **Appeal and Error**
Cases Triable in Appellate Court

District Court of Appeal would review de novo the trial court's conclusions of law on the issue of whether the single-subject rule was violated by amendment to special-assessments statute, in action by private country club challenging a village's special assessment. Fla. Stat. Ann. § 170.201 (2011).

Cases that cite this headnote

[10] **Constitutional Law**
Presumptions and Construction as to Constitutionality

Statutes come clothed with a presumption of constitutionality and must be construed whenever possible to effect a constitutional outcome.

Cases that cite this headnote

[11] **Constitutional Law**
Doubt

Should any doubt exist that an act is in violation of any constitutional provision, the presumption is in favor of constitutionality.

Cases that cite this headnote

[12] **Constitutional Law**
Intent of and Considerations Influencing Legislature

Constitutional Law
Proof beyond a reasonable doubt

To overcome the presumption in favor of a statute's constitutionality, the invalidity must

appear beyond reasonable doubt, for it must be assumed the legislature intended to enact a valid law.

Cases that cite this headnote

[13] **Statutes**
In general;construction of title

Given the presumption of a statute's constitutionality and legislative validity, the "single subject rule" requires that (1) the law embrace one subject, (2) the law may include any matter that is "properly connected" to the subject, and (3) the subject shall be briefly included in the title.

Cases that cite this headnote

[14] **Statutes**
Acts Relating to One or More Subjects; Single-Subject Rule

An amendment or provision is "properly connected" to the subject under the single-subject rule if the connection is natural or logical, or if there is a reasonable explanation for how the provision is necessary to the subject, or tends to make the purpose of the legislation more effective.

Cases that cite this headnote

[15] **Constitutional Law**
Proof beyond a reasonable doubt

Constitutional Law
Burden of Proof

The party challenging the validity of legislation must prove invalidity beyond a reasonable doubt.

Cases that cite this headnote

[16] **Municipal Corporations**
Constitutional Requirements and Restrictions

Statutes
Government property, facilities, and funds

Amendment to special-assessments statute authorizing municipalities of fewer than 100 persons to levy special assessments to fund security services related to government accountability, which was the subject matter of the bill, and it thus did not violate the single-subject rule; the title and substance of the bill were not so unrelated to the bill's overall nature to warrant a finding of unconstitutionality. Fla. Stat. Ann. § 170.201 (2011).

Cases that cite this headnote

[17] **Municipal Corporations**
Agreement, conveyance, or dedication between municipality and owner of property

Public Employment
Ethics and conflicts of interest in general

Membership in, or marriage to a member of, private country club by mayor and three village council members did not constitute a statutory conflict of interest when they voted on an agreement between village and club that contained language limiting any future special assessments to the club's current ad valorem tax rate, and thus the agreement was not voidable based on the alleged conflict of interest; impact of the agreement on the financial interests of the mayor and council members was speculative. Fla. Stat. Ann. §§ 112.3143, 170.201.

Cases that cite this headnote

***232** An appeal from the Circuit Court for Miami–Dade County, Marc Schumacher, Judge. Lower Tribunal Nos. 10–29182 & 11–32522

Attorneys and Law Firms

Akerman LLP and Carmen I. Tugender (Ft. Lauderdale); Akerman LLP and Gerald B. Cope, Jr., Brian P. Miller, and Michael B. Chavies, for appellant/cross-appellee.

Weiss Serota Helfman Cole & Bierman, P.L. and Edward G. Guedes, Joseph H. Serota, Stephen J. Helfman, and John J. Quick, for appellee/cross-appellant.

Before SUAREZ, C.J., and LAGOA and LOGUE, JJ.

Opinion

SUAREZ, C.J.

Indian Creek Country Club appeals from two final orders: 1) a Final Judgment in the Club's favor finding certain special assessments to be invalid, and 2) Partial Final Summary Judgment in favor of Indian Creek Village ["the Village"] finding a 1996 Agreement between the two entities void. Indian Creek Village cross-appeals from the special assessments Final Judgment. For the reasons detailed below, we affirm the trial court's Final Judgment in favor of the Club but we reverse the trial court's Partial Final Summary Judgment wherein the trial court declared the 1996 Agreement to be void.

FACTS

The Village is a coastal Florida municipality within whose boundaries exists Indian Creek Island, on which the gated, private Indian Creek Country Club ["Club"] is located. The Club operates a golf course, clubhouse, docks and tennis courts for its members. The Island also has 41 single family homes, and is connected to the mainland Village by a public road and bridge with guardhouse, although the Island is entirely private. The Club is accessed by private road; most of the Club's 300 members live elsewhere. The Village has its own land and marine police force to provide 24/7 law enforcement and traffic services to Village residents and also provides ***233** general law enforcement and police assistance to the Club and Village residents on the Island. The Club pays approximately $34,000 in ad valorem taxes to the Village to cover the annual cost of these services.

In 2008, the Village hired a contractor, Government Services Group, Inc., ["GSG"] to evaluate the Village's budget and to develop a special assessments to support the police department, as well as to recommend how to apportion such an assessment. GSG determined that 97% of the police department's time and budget were spent on security matters such as manning the guard house that controls access to the Island and providing for ground and water patrol of the Island. GSG recommended a special assessment to cover that 97%. GSG recommended that the special assessment be allocated based on what it termed "an equivalent residential unit" (ERU). Each residential buildable lot was to be assigned one ERU. Therefore, each of the residential buildable lots was assessed $25,510 (the amount of one ERU). The GSG recommended assigning 33.02 ERU's to the Club's Golf Course property arriving at a proposed special assessment of $843,340.00 for the Club. In 2010, based on GSG's recommendations, the Village passed an $843,340.00 special assessment against the Club for security services intended to cover 97% of the Village's police budget. The Club brought a declaratory judgment action against the Village to challenge the legality of the assessment. While that suit was pending, the Village obtained passage of legislation in the 2011 session, by floor amendment, that amended Florida's special assessment statute to say "a municipality that has a population fewer than 100 persons ... may also levy and collect special assessments to fund special security and crime prevention services and facilities, including guard and gatehouse facilities." § 170.201(1) Fla. Stat. (2011). This amendment was added to a bill entitled "An Act relating to local government accountability." The Village imposed the special assessment on the Club in 2011, increasing the Club's taxes to $1,724,763.00. [1] The Club brought another suit to challenge the 2011 assessment and the two cases were consolidated. The Club argued that this amendment violated the single subject act, as the tacked-on amendment had no logical relationship to the bill.

Additionally, as part of the proceedings below, the Village asked the trial court to set aside a 1996 Agreement between the Village and the Club, which Agreement canceled the Village's lease of the road and bridge from the Club, gave the bridge to the Village in as-is condition, and gave the Village the right to patrol the Club's private road for the sole purpose of "enforcing State and County traffic laws." The 1996 Agreement also provided that if there were any special tax assessments levied against all property in the Village, the Club would be assessed in the same proportion as its assessment for ad valorem taxes. The Village moved for partial summary judgment on its request to invalidate the 1996 Agreement, arguing that several of the Village Councilmembers voting on the Agreement in 1996 were, at that time, Club members, which, the Village argued, created a conflict of interest. The trial court granted partial summary judgment in favor of the Village on this issue, concluding that the Councilmembers who were also Club members should not have voted as they stood to gain special private benefit from the Agreement.

After a bench trial, the court ruled that, 1) the 2010 special assessment against the Club was invalid for failing to meet

either *234 prong of the two-part test for evaluating the validity of such special assessments as set forth in City of Boca Raton v. State, 595 So.2d 25 (Fla. 1992), 2) the 2011 special assessment was invalid for failing to meet the second prong of the two-part test, but, 3) also found that the 2011 statutory amendment was validly enacted and satisfied the first part of the two-part test by conferring a special benefit on the property so assessed, rejecting the Club's single-subject violation argument.

The Club appeals from that part of the final declaratory judgment finding special benefit to the Club based on the 2011 statutory amendment, despite the favorable ruling finding the 2011 assessment invalid. The Club also appeals from the order granting the Village's Amended Motion for Partial Summary Judgment invalidating the 1996 Agreement.

THE 2010–2011 SPECIAL ASSESSMENTS

[1] [2] [3] [4] "[A] valid special assessment must meet two requirements: (1) the property assessed must derive a special benefit from the service provided; and (2) the assessment must be fairly and reasonably apportioned according to the benefits received." Sarasota Cty. v. Sarasota Church of Christ, 667 So.2d 180, 183 (Fla. 1995) (citing City of Boca Raton v. State, 595 So.2d 25, 30 (Fla. 1992)). "These two prongs both constitute questions of fact for a legislative body rather than the judiciary." Id. at 183. "[T]he standard [of review] is the same for both prongs; that is, the legislative determination as to the existence of special benefits and as to the apportionment of the costs of those benefits should be upheld unless the determination is arbitrary." Id. at 184; City of Winter Springs v. State, 776 So.2d 255, 258 (Fla. 2001). "Even an unpopular decision, when made correctly, must be upheld." Id. at 261. See also Morris v. City of Cape Coral, 163 So.3d 1174, 1176–77 (Fla. 2015).

[5] [6] "The apportionment of benefits is a legislative function, and if reasonable people may differ as to whether the land assessed was benefitted by the local improvement, the finding of the city officials must be sustained." Rosche v. City of Hollywood, 55 So.2d 909 (Fla. 1952); City of Boca Raton, 595 So.2d at 30. But if there is no competent substantial evidence in the record to support a finding of benefit, then the presumption of correctness does not attach to the municipality's findings of special benefit—and then the court must review the trial court's decision based on ordinary findings of fact. See City of N. Lauderdale v. SMM Properties, 825 So.2d 343, 348 (Fla. 2002). That test was set forth in Lake County v. Water Oak Management Corp., 695 So.2d 667, 669 (Fla. 1997). In Lake County, the Court stated that "In evaluating whether a special benefit is conferred to property by the services for which the assessment is imposed, the test is not whether the services confer a 'unique' benefit or are different in type or degree from the benefit provided to the community as a whole; rather the test is whether there is a 'logical relationship' between the services provided and the *benefit to real property*." Id. [emphasis supplied].

[7] In reviewing the record, this Court must ascertain whether it contains competent substantial evidence that the special assessments against the Club property for security and law enforcement services would confer a special benefit to the Club's real property (i.e., golf course, clubhouse, tennis courts) in reduction of insurance costs, increased property values, etc., that the benefits would exceed the amount of the assessments, and that the benefits would be in proportion to the assessments. See City of Boca 595 So.2d at 30; *235 City of N. Lauderdale v. SMM Properties, 825 So.2d 343, 348 (finding that no competent substantial evidence supported the municipality's findings that the special assessment provided special benefit to the properties, although the municipality did make general findings that there was a special benefit to the assessed property). Just saying it is so does not make it so: "a legislative body cannot by its fiat make a special benefit to sustain a special assessment where there is no special benefit." Id. at 348 (citations omitted).

The trial court found record evidence that:

- At no time does the Club use services of on-duty police officers to provide security for Club events;
- The Village's full-time police officers patrol the road to the island where the Club exists;
- The Village's marine patrol supports the sovereign function of the Village to protect its citizens and property by deterring crime; the marine patrol keeps the public from coming ashore on the private island;
- The Village's public service aides limit land access to the island;
- The Village relied on assessment recommendations of GSG that were clearly erroneous, arbitrary, or

without basis in reason, and were clearly unsupported by competent substantial evidence;

- No evidence in the record that "special" benefits were conferred on the Club's real property from the provision of general law enforcement that would justify the additional assessments; GSG did not perform any studies to determine whether the real property in the Village was specially benefitted from security service, i.e., increased property values, lowered insurance premiums, etc., and there was no available data that could quantify how, if at all, the services that are the subject of the special assessment impact the value of the Club.

The trial court concluded that it was not its job to approve or disapprove of the methodology that GSG used to formulate a recommended assessment value. The trial court did, however, determine that there was no record evidence (i.e., data) to support the 2010 and 2011 special assessments as against the Club, and thus invalidated the assessments as arbitrary.

[8] We agree with the trial court that both the 2010 and 2011 assessments were unsupported by competent substantial evidence and, therefore, are invalid. GSG considered several methodologies for evaluating how the special assessments could be calculated (traffic frequency over the bridge; land area/lot size; frontage measurements; "equivalent residential units" or ERUs). GSG ultimately used the ERU measure, which assigned 33.02 ERUs to the Club's golf course property—by assuming that land area was equal to 40 buildable residential lots, and thus a $25,510 assessment per buildable lot resulted in a special assessment for the Club's golf course of $842,340.00. GSG then used this numeric to recommend an assessment value to the Village, which then imposed that assessment on the Club. The problem is that golf course and tennis court land is not residential. GSG did not consider how the Club actually used its real property, or distinguished between the structure of the clubhouse versus tennis courts and golf course areas. GSG failed to consider the use of the golf course property and whether the Club would be benefitted by $842,324.00 worth of law enforcement security services. GSG failed to conduct studies to determine; (a) how the Club's golf course property benefits from the police department's services; (b) ***236** whether or not a golf course requires the same level of security as do developed multimillion dollar residential homes; (c) the historical use of the Club's property or even that of any other property on the Island, and; (d) whether the Club, as the only non-residential property with an 18–hole golf course on the Island, actually requires the amount of manpower and services included in the special assessment, or whether a Club requires the only the type and level of "security" services already being funded.

The Village argues that there is evidence in the form of deposition testimony that the special assessments benefit the real property by; (i) increasing property values; (ii) preventing vandalism of and access to the island properties; (iii) enhancing the safety and enjoyment of real property; and, (iv) reducing insurance premiums. But GSG failed to provide any evidence that the assessments would have a measurable positive benefit to the Club's real property in any of these respects. There is no evidence in the record to show that any of the real property owners (residential or commercial) would get lower insurance premiums as a result of the Village providing general law enforcement to its residents' real property; there appears to be no evidence in the record of an increase in law enforcement capabilities and patrols as a result of the special assessment; there is no data to show that property values would increase as a benefit of the general law enforcement provided to the Village and Club. Here, the "security" services funded by the special assessment are not "similar" to law enforcement services: they are the same law enforcement services provided before and after the special assessment was passed. Even if a special assessment may constitute replacement funding for services previously funded by ad valorem taxation, those services must pass the special benefit and apportionment tests.

We therefore affirm the trial court's order finding both the 2010 and 2011 assessments are unsupported by competent substantial evidence and are thus invalid.

APPELLEE VILLAGE'S CROSS–APPEAL OF THE FINAL JUDGMENT REGARDING THE 2010 AND 2011 SPECIAL ASSESSMENTS.

The Village argues that there was indeed competent substantial evidence to support the special assessments, and that the trial court erred to find there was none. The Village argues that there was evidence—all in the form of witness testimony—of deterrence of vandalism, enhanced enjoyment of use of property, reduced insurance premiums, enhanced property values. Our review of the record did not disclose any data indicating that enhanced

property values or reduced insurance premiums would occur as a result, and the trial court was not convinced that "enhanced enjoyment of property" as a result of ordinary police services already being provided is a "special benefit to real property" that warranted the special assessments.

Regarding the methodology used by GSG to calculate the special assessments, we defer to the trial court's discretion. The trial court found the assessments were not fairly apportioned by whatever methodology the Village used. Because we conclude there was no competent substantial evidence of a logical relationship between the services provided and the benefit to the property, the Village's cross-appeal from the final judgment fails.

THE 2010 AMENDMENT TO SECTION 170.201 FLORIDA STATUTES (2011)

[9] [10] [11] [12] We review the trial court's conclusions of law on the issue of the single-subject rule and the 2011 amendment to *237 section 170.201 de novo. As set forth in Lewis v. Leon Cnty., 73 So.3d 151, 153–54 (Fla. 2011):

> Although our review is de novo, statutes come clothed with a presumption of constitutionality and must be construed whenever possible to effect a constitutional outcome. "[S]hould any doubt exist that an act is in violation ... of any constitutional provision, the presumption is in favor of constitutionality. To overcome the presumption, the invalidity must appear beyond reasonable doubt, for it must be assumed the legislature intended to enact a valid law."

[13] [14] [15] Given the presumption of constitutionality and legislative validity, the single subject rule requires that, 1) the law embrace one subject, 2) the law may include any matter that is "properly connected" to the subject, and 3) the subject shall be briefly included in the title.[2] An amendment or provision is "properly connected" to the subject if the connection is natural or logical, or if there is a reasonable explanation for how the provision is necessary to the subject, or tends to make the purpose of the legislation more effective. Franklin v. State, 887 So.3d 1063, 1073 (Fla. 2004). The party challenging the validity of the legislation must prove invalidity *beyond a reasonable doubt*. Id. at 1073.

[16] We affirm the trial court's determination that the 2011 amendment to section 170.201 was constitutional. The trial court determined that the first prong of the 2011 special assessment was not supported by competent substantial evidence—there was nothing in the record to show that the Club's real property got any additional "special" benefit from the assessment's funding of Village security services. The Club argues that the trial court should not have gone further to rule that special benefit to the real property was established by the 2011 legislative amendment to section 170.201, and that the statute was constitutional because the amendment was related to government accountability. The Club asks this Court to find the 2011 legislative amendment to section 170.201 violated the single subject rule because it was unrelated to the subject matter of the bill, and was thus unconstitutional. If the amendment to the statute were unconstitutional, the Club argues, the trial court could not have found that the 2011 special assessment met the first prong of City of Boca's test (special benefit to real property) simply by virtue of being included in the legislation.

We understand the Appellant's arguments on this issue. The title and substance of the bill is not so unrelated, however, to the bill's overall nature to warrant reversing in what would in essence be a futile act—if the panel declares the amendment unconstitutional by finding the 2011 amendment violated the single subject rule, and as a result the first prong of the special assessments test (benefit to real property) was not met, the outcome remains the same: the 2011 assessment against the Club is still invalid because it did not meet either the first or the second prong of Boca's special assessment test, i.e., no special benefit to real property and unreasonable apportionment of the assessment against Club property. "When a single subject could not be easily determined, and when doubts arose as to whether the various provisions were connected to the *238 subject this Court has consistently analyzed the act with every reasonable doubt in favor of validity. Franklin, 887 So.2d at 1075. We therefore affirm the trial court on this issue.

ORDER GRANTING THE VILLAGE'S MOTION FOR PARTIAL SUMMARY JUDGMENT INVALIDATING THE 1996 AGREEMENT BETWEEN THE TWO PARTIES

[17] The 1996 Agreement between the two parties contains language that limited the Village's ability to impose future assessments against the Club by limiting any future special assessments to the current ad valorem

tax rate: "The Club agrees to pay its share pro rata to its assessed valuation of any special tax assessment levied against all property in the Village." The Village argued that this tied its hands as to any future increase in assessments against the Club. In order to get around this, the Village challenged the validity of the Agreement itself by arguing that four of the Village Council members who voted in favor of the Agreement were also Club Members or were married to Club Members and thus had a vested interest in voting for the Agreement. The trial court agreed that this dual status created a conflict of interest, and those Council Members should have abstained from voting on the Agreement. The trial court based its conclusion following section 112.3143 (3), Florida Statutes (2013) which provides,

> (3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

The trial court concluded that this statute controlled the actions of the Mayor and three Village Council Members who were also Club Members, and that the contract was voidable. [3]

What is considered a threshold "private gain or loss" is also set forth in section 112.3143(d)(1), (2), and (3), which provide:

> (d) "Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:
>
> 1. The size of the class affected by the vote.
>
> 2. The nature of the interests involved.
>
> 3. The degree to which the interests of all members of the class are affected by the vote.
>
> 4. The degree to which the officer, his or her relative, business associate, or principal ***239** receives a greater benefit or harm when compared to other members of the class.
>
> The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

§ 112.3143, Fla. Stat. (2013). The Club points out that, by these measures, any "interest" those voting Council Members had in approving the Agreement does not rise to the level of "special private gain or loss." The size of the Club Membership class at the time was around 291 persons; the nature of the interests involved were speculative, that is, there were no special assessments planned in 1996, and indeed none occurred until 2010; the degree to which the interests of all Club members may have been affected by the vote was not known until 2010, and then the Club would have to apportion that special assessment across all the Club membership, thus diluting any "special private gain or loss" to the four Club members who voted for the 1996 Agreement.

As the financial impact of the 1996 Agreement on the financial interests of the four voting Club members was speculative, we conclude that it was not a statutory voting ethics violation at the time of the execution of the Agreement, and therefore reverse the Partial Summary Judgment finding the 1996 Agreement voidable.

CONCLUSION

We affirm the Final Judgment regarding the 2010 and 2011 special assessments, and reverse the Partial Summary Judgment regarding the 1996 Agreement.

All Citations

211 So.3d 230, 42 Fla. L. Weekly D199

Footnotes

1 This includes the sum of the 2010 and 2011 assessments.

2 The short title of Chapter 170 is "An act relating to local government accountability." The floor amendment to the statute introduced a mechanism to allow small municipalities to find alternative methods to fund "special security and crime prevention services and facilities, including guard and gatehouse facilities" through special assessments. The bill was signed by the Governor in June 2011 and became effective October 1, 2011.

3 (1) Any contract that has been executed in violation of this part is voidable: (a) By any party to the contract. Fla. Stat. Ann. § 112.3175 (West).

End of Document

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TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Signature Policy for Resolutions and Ordinances.

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- **Memorandum Dated April 27, 2018 from Kathleen Dominguez, Town Clerk**
- **Exhibit A**
- **Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 8, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Signature Policy on Resolutions and Ordinances

DATE: April 27, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council review the information attached and provide any input as necessary.

GENERAL INFORMATION

It has come to my attention that one or more Council members wish to discuss the recommended change to the signature policy for Resolutions and Ordinances, which is attached as Exhibit A.

This policy change stems from complaints I have received from council members and staff about the current procedure for obtaining signatures on meeting documents as disruptive. This is because it involves passing a folder with each resolution and ordinance document down the dais during the meeting, which can take a council member's attention away from the meeting discussions and presentations.

It is imperative that these meeting documents get executed as soon as they are approved so there is no delay with making them public after the meeting. They are also essential to staff in order to carry out the action described in the Resolution or Ordinance. Because of this urgency, the current method for obtaining signatures is the most efficient and timely way that staff can get these documents executed without any delay while keeping with the current tradition.

On average, staff prepares 15+ resolutions and 2 ordinances for council signature each month. In order to streamline the execution of these documents and prevent further disruptions during the meetings, I recommend that Town Council consider accepting the proposed change to the current procedure, which is compliant with F.S. 166.041.

Attached as Exhibit B, are the survey results of the signature practices from other municipalities in Palm Beach County.

Attachments

APPROVED, GOOD WORK –

EXHIBIT A

TOWN OF PALM BEACH

Office of the Town Clerk

MEMORANDUM

DATE: April 9, 2018

TO: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk KD

RE: Recommended Policy Change for Execution of Resolutions and Ordinances

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In the interest of efficiency and eliminating disruptions during Town Council meetings, I am requesting a policy change regarding the execution of resolution and ordinance documents.

Currently, our policy is to have each Town Council Member sign each resolution and ordinance immediately upon approval, which is accomplished by passing each Resolution and Ordinance down the dais for signature (once the item is approved) during the meeting.

I have observed this process for a couple of years now and have noticed that it is becoming cumbersome and disruptive to both the staff and the Council members. Therefore, I am recommending that we simplify the signature section for Resolutions and Ordinances by only requiring a signature from the Mayor and then attested by the Town Clerk. The Town Clerk's office will continue to record the votes on the actions for each Resolution and Ordinances in the official minutes.

According to my research, there are no signature requirements addressed in Section 3.07 of the Town Charter, which outlines the voting procedure of all resolutions and ordinances. Additionally, F.S. 166.041, which mandates the procedure for adoption of ordinances and resolutions for all municipalities, requires that "*every ordinance or resolution shall upon its final passage be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.*" I have also addressed this matter with our Town Attorney, who concurred that there are no mandates for obtaining signatures from each council member on resolutions and ordinances and that this would simply be a policy change.

Based on the above information, I am requesting that we amend the signature section for all Resolutions and Ordinances with a signature section for the Mayor and a section for the Town Clerk to attest effective immediately. Furthermore, I am requesting that all approved Resolutions and Ordinances be placed on the Mayor's desk for signature after the meeting or the following day.

Please let me know if you have any questions or if you would like to discuss this matter in further detail.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561) 838-5416 • Facsimile (561) 838-5417
E-Mail: townclerk@townofpalmbeach.com • Website: www.townofpalmbeach.com

SIGNATURE POLICY FOR PALM BEACH COUNTY MUNICIPALITIES		
City	Resolutions	Ordinances
Atlantis	All elected officials	All elected officials
Bell Glade	All elected officials	All elected officials
Boca Raton	Mayor and Clerk	Mayor, Attorney and Clerk
Briny Breezes	All Council Members and Town Attorney	All Council Members and Town Attorney
Cloud Lake	All council members	All council members
Greenacres	All	All
Gulf Stream	Each Council Member, Attorney and Clerk	Each Council Member, Attorney and Clerk
Juno Beach	Mayor and Clerk	All commission members
Jupiter	Mayor, Attorney and Clerk	Mayor, Attorney and Clerk
Jupiter Inlet Colony	All commission members	All commission members
Jupiter Island	All commission members	All commission members
Lake Clarke Shores	All commission members	All commission members
Lake Park	Mayor, Attorney and Clerk	Mayor, Attorney and Clerk
Lantana	All Town Council Members and Town Attorney	All Town Council Members and Town Attorney
Loxahatchee Groves	All	All
North Palm Beach	Mayor and Clerk	Mayor, Clerk and Attorney
Manalapan	Mayor or Presiding Officer and Clerk	Mayor or Presiding Officer and Clerk
Palm Beach Gardens	Attorney, Mayor and City Clerk	All council members, City Attorney and Clerk
Pahokee	Mayor and City Attorney and Clerk	Mayor and City Attorney and Clerk
Palm Beach Shores	Mayor and Clerk	Mayor and Clerk
Royal Palm Beach	Mayor and City Clerk and occasionally the attorney	Mayor and City Clerk
South Palm Beach	Mayor (presiding officer), Attorney and Clerk	Mayor (presiding officer), Attorney and Clerk
Tequesta	Mayor and City Clerk	Mayor and City Clerk
West Palm Beach	Mayor and Attorney and Clerk	Mayor and Attorney and Clerk

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poiciana.

Presenter

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

ATTACHMENTS:

- **Memorandum dated April 30, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- **Photo**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poiciana

DATE: April 30, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Florida Power and Light's (FPL) request to intermittently close an east bound lane of Royal Poiciana Way. If Council approves this request, Public Works will issue a right-of-way permit with appropriate limitations and will coordinate this work with other work in the area.

GENERAL INFORMATION

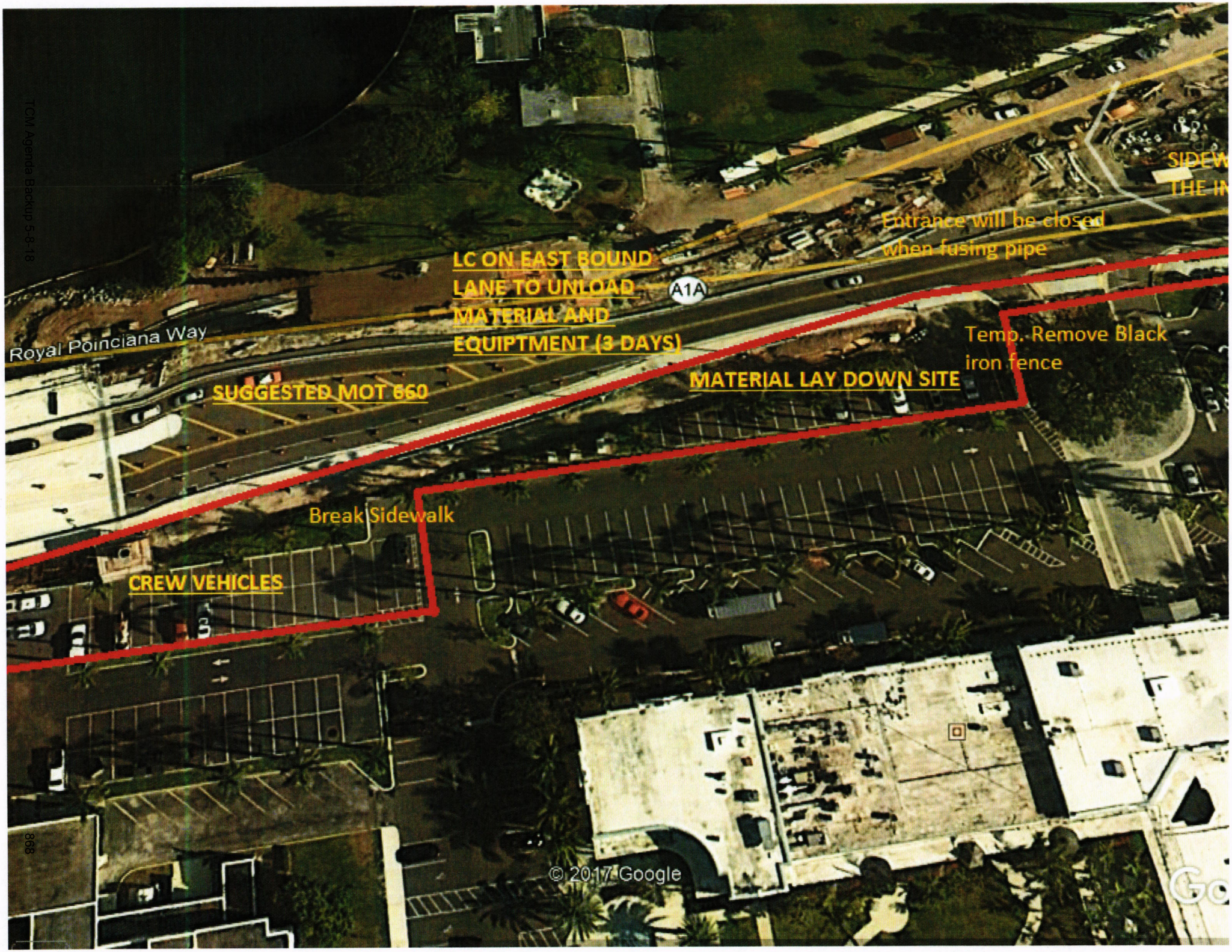
The proposed construction work consists of the installation of 2-8 inch conduits that will replace those that were broken during the new Flagler Bridge construction. This damaged conduit has critically compromised the existing service to the Town of Palm Beach by eliminating the option of running a second electrical line that may affect a great deal of customers and businesses if a major power outage or equipment failure was to occur. Although, FPL is prepared to back feed the area in case of an emergency, this temporary fix can also be affected by excesive electric load, bad weather conditions, and other factors out of our control. It is critical this conduit gets replaced as soon as possible to avoid long extended outages and any further damage to FPL's electrical infrastucture.

- The duration of the job on the island is anticipated to take approximately four (4) weeks.
- Lane closures will be needed to unload all the material safely and will take between 2-3 days.
- The FPL contractor has the capability of hoisting conduit above the main plaza entrance. Therefore, the Royal Poiciana Plaza entrance from Royal Poinciana Way will be maintained most of the time. Although, in order to fuse the pipes together, FPLwill need to close the entrance for a maximum of three (3) days. Plaza representatives have been notified and understand the need for this work.
- The sidewalk located on the south side of the Flagler Bridge will be closed for approximately four (4) weeks. Pedestrian and bicycle traffic will be detoured.

Staff recommends this work to be scheduled after July 4th due to other construction in the area. Staff suggests the approval for the lane closure be granted for a window of two (2) weeks from July 9th to July 20th, this allows for weather delays and other unforeseen delays. Staff will coordinate with FPL to ensure coordination with the Royal Poiciana Plaza.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, Planning & Zoning, Civil Engineer


LC ON EAST BOUND
LANE TO UNLOAD
MATERIAL AND
EQUIPTMENT (3 DAYS)
A1A
Entrance will be closed
when fusing pipe
Royal Poinciana Way
SUGGESTED MOT 660
MATERIAL LAY DOWN SITE
Temp. Remove Black
iron fence
Break Sidewalk
CREW VEHICLES
© 2017 Google

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 06-2018 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of The Town Code of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-53, Membership; Termination of Membership; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Memorandum Dated April 27, 2018, from Danielle Olson, Director of Human Resources**
- **Ordinance No. 06-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: **Ordinance No. 06-2018 -** Amendment of Chapter 82 of the Town Code of Ordinances Relating to Personnel, Article II, Employee Benefits, Division 2, Retirement System, Eligibility of Hours Worked

Date: April 27, 2018

STAFF RECOMMENDATION

Staff recommends approval of the second and final reading of Ordinance 06-2018 amending Chapter 82 of Town Code of Ordinances relating to increasing the minimum hours of work per week required for membership in the retirement plan.

GENERAL INFORMATION

Pursuant to the proposal presented to Town Council during the Comprehensive Review of Town Operations meeting held on March 5, 2018, the amendments presented herein change the minimum hours worked per fiscal year for retirement plan eligibility from 20 to 35, excluding employees in Fire Rescue covered by a collective bargaining agreement.

FUNDING/FISCAL IMPACT

There should be no fiscal impact resulting from this change; however, improved operational services are achieved by having the ability to increase work hours of part-time staff without incurring additional expense of retirement benefits ($18,355 per FTE in FY18)

DO

cc: John C. Randolph, Town Attorney

ORDINANCE NO. 06-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-53, MEMBERSHIP; TERMINATION OF MEMBERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach Retirement Plan has for many years required part-time employees in positions that customarily require 20 or more hours of work in a week to contribute to and participate in the Retirement Plan; and

WHEREAS, the Town has determined that it would be beneficial to increase the minimum hours of work per week required for membership in the Retirement Plan to 35; and

WHEREAS, this change is subject to collective bargaining for those Town employees included in a bargaining unit represented by Professional Firefighters/Paramedics Palm Beach County, Local 2928;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; by amending Section 82-53 to read as follows:

Sec. 82-53. - Membership; termination of membership.

(a) An individual who is employed by the town for personal service in a membership position shall be a member of the retirement system. A membership position is a position normally requiring 1,850~~1,040~~ or more hours of work in a fiscal year, except as provided in subsection (b) of this section.

(b) The following types of employment are not membership positions:

(1) Employment compensated on a contractual or a fee basis.

(2) Employment while also a retirant.

(3) Employment in a position customarily requiring not more than 35~~20~~ hours of work in a week; provided, employees in a bargaining unit represented by Professional Firefighters/Paramedics Palm Beach County, Local 2928, employed in a position customarily requiring not more than 20 hours of work in a week shall.continue to be excluded from membership until the bargaining unit representative agrees to change the hours of work requirement.

(4) Employment in a position customarily requiring not more than five months of work in a fiscal year.

(c) A member who ceases to be employed in a membership position shall thereupon cease to be a member.

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 10th day of April, 2018, and for second and final reading on this 8th day of May, 2018.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lewis S.W. Crampton, Town Council Member
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 07-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach's Code of Ordinances by Amending Section 18-167 To Allow for a Non-Resident Expert To Be Appointed to the Architectural Commission (ARCOM); Providing for Incorporation of Recitals; Providing for Severability; Providing for Repeal of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date.

Presenter

Paul Castro, Acting Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated April 27, 2018 From Paul Castro**
- **Ordinance No. 7-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director of Planning, Zoning and Building

Re: ARCOM Code Language Change to Allow for a Non-Resident Expert
Ordinance No. 07-2018

Date: April 27, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council hear and consider the proposed code change to Chapter 18 that will allow for a non-resident expert on the Architectural Commission (ARCOM).

GENERAL INFORMATION

Attached is an ordinance that proposes to change the ARCOM code language found in Chapter 18, and will allow for a non-resident expert to sit on ARCOM. The rationale behind this is that it is becoming increasingly more difficult to find licensed architects and landscape architects that are Town residents. While the landscape architect position can be filled by a certified master gardener or someone else that has similar experience, the two required architect positions must be filled by Florida licensed architects who reside in the Town (though one may be licensed in a State other than Florida). Staff envisions there may be a time in the near future where there may not be two licensed architects (licensed in Florida or another State) available that are also Town residents. This code change will give the Town Council the flexibility to appoint a non-resident to fulfill a required architect position if no Town resident is available. The code change will also allow Town Council to appoint a non-resident to fulfill the required landscape architect/master gardener position, although this is not as concerning to Town staff given the master gardener certification course currently available through the State.

It should be noted that the language added allowing for a non-resident expert on ARCOM is almost identical to the language found in Chapter 54, which allows Town Council to appoint a non-resident expert on to the Landmarks Preservation Commission.

TOWN ATTORNEY REVIEW

Ordinance No. 07-2018 has been approved by the Town Attorney for legal form and sufficiency.

Attachment

PC:jl

cc: Robert J. Vila, Chairman, Architectural Commission
Members, Architectural Commission
John Lindgren, AICP, Planning Administrator

ORDINANCE NO. 07-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH'S CODE OF ORDINANCES BY AMENDING SECTION 18-167 TO ALLOW FOR A NON-RESIDENT EXPERT TO BE APPOINTED TO THE ARCHITECTURAL COMMISSION (ARCOM); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend Section 18-167 in its Code of Ordinances to allow for a non-resident expert to be appointed to the Architectural Commission (ARCOM) when that person is found by the Town Council to have special expertise that will benefit the Commission and the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. **Incorporation of Recitals**

The above recital is incorporated as fully set forth herein.

Section 2. **Amendment of the Town's Code of Ordinances**

Section 18-167 of the Town of Palm Beach's Code of Ordinances is hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference (new language underlined and removed language ~~striken~~).

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.

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 8th day of May 2018, and for second and final reading on this ____ day of _____, 2018

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

EXHIBIT A

Sec. 18-166. - Membership; appointment.

(a) The architectural commission shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.

(b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 18-167. - Qualifications of members.

(a) All members of the architectural commission shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effects of a proposed building upon the desirability, property values and development of surrounding areas.

(b) Each member of the commission is required to be a registered voter in the town<u>, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise that will benefit the commission and the town</u>.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 08-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82, Personnel, Article III, Resolution of Employee Grievances, of the Town Code of Ordinances at Section 82.207, Review By Administrative and Personnel Committee; Further Amending Section 82.208, Role of Committee; Amending Section 82.209, Procedures; Amending Section 82.210, Findings of Committee; Amending Section 82.211, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Memorandum Dated April 27, 2018, from Danielle Olson, Director of Human Resources**
- **Ordinance No. 08-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: **Ordinance No. 08-2018** – Amendment of Chapter 82 of the Town Code of Ordinances titled Personnel, Section 82-207 of Article III, Review by Administrative and Personnel Committee

Date: April 27, 2018

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance No. 08-2018 amending Chapter 82 of the Town Code of Ordinances titled Personnel, Section 82-207 of Article III, relating to the Administrative and Personnel Committee Hearing Process.

GENERAL INFORMATION

Pursuant to the direction provided by Town Council at the April 10, 2018 meeting, this amendment provides for the elimination of the Administrative and Personnel Committee and replacement with a Special Magistrate. This amendment continues to satisfy the due process rights provided to public sector employees, in addition to providing an expeditious and efficient disciplinary appeal process.

FUNDING/FISCAL IMPACT

There should be no fiscal impact resulting from this change. Currently the Town employs outside counsel to represent the APC during the hearing. Based on hearings recently held, costs per hearing are estimated at $12,000. Costs for employing a Special Master may be similar, unless the Special Master is able to reduce the overall duration of the hearing and thereby reducing the hours of work per hearing.

DO

cc: John C. Randolph, Town Attorney

ORDINANCE NO. 08-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82, PERSONNEL, ARTICLE III, RESOLUTION OF EMPLOYEE GRIEVANCES, OF THE TOWN CODE OF ORDINANCES AT SECTION 82.207, REVIEW BY ADMINISTRATIVE AND PERSONNEL COMMITTEE; FURTHER AMENDING SECTION 82.208, ROLE OF COMMITTEE; AMENDING SECTION 82.209, PROCEDURES; AMENDING SECTION 82.210, FINDINGS OF COMMITTEE; AMENDING SECTION 82.211, APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-207 of Article III, Review by administrative and personnel committee, as follows:

"Sec. 82-207. - Review by special magistrate and town council~~administrative and personnel committee~~.

The town~~'s administrative and personnel committee~~ shall consider employee grievances properly filed pursuant to policies and procedures provided in the town's personnel manual. ~~The administrative and personnel committee~~ A special magistrate retained and paid by the Town shall ~~hear~~ conduct a de novo quasi-judicial hearing for appeals or grievances relating to suspensions, demotions or discharges which have been filed with the town's director of human resources in accordance with said policies and procedures and shall act as a neutral hearing officer in accord with the procedures set forth herein. The special magistrate must be a member of the Florida Bar in good standing."

Section 2. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-208 of Article III, Role of committee:
"Sec. 82-208. - Role of ~~committee~~special magistrate.

The role of the ~~administrative and personnel committee~~special magistrate in regard to hearing employee grievances is to (1) determine whether ~~the facts elicited at the hearing support~~ the determination made by the employee's department head and/or town manager was supported by substantial, competent evidence, whether the disciplinary action is in compliance with the town's personnel manual, and/or whether the discipline imposed was warranted considering all relevant facts; and (2) to recommend to the town council to either sustain the decision of the department head and/or town manager~~,~~ or overturn such decision. The special magistrate may also~~, or~~ recommend less severe discipline if requested to do so by the grievant, and if it is

determined, on the basis of all relevant~~the~~ facts, that the discipline imposed is unreasonable and an abuse of discretion. ~~In no event shall the administrative and personnel committee recommend nor shall the council impose discipline more severe than the discipline imposed by the department head and/or town manager.~~ The town has the initial burden of proof in presenting substantial, competent evidence to support the disciplinary action. The special magistrate shall not substitute his/her judgment for that of the department head and/or town manager, so long as the decision was supported by competent, substantial evidence, was not unreasonable, and there was no abuse of discretion on the part of the departmental head and/or town manager. In no event shall the special magistrate recommend nor shall the council impose discipline more severe than the discipline imposed by the department head and/or town manager."

Section 3. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-209 of Article III, Procedures, as follows:

"Sec. 82-209. - Procedures.

(a) ~~*Rights of administrative and personnel committee*~~*Conduct at hearings*. The town human resource director shall set the date for the hearing of any grievance on appeal. The town's human resource director shall establish reasonable time frames for submission of exhibit and witness lists and written position statements prior to the hearing date. Hearings before the ~~administrative and personnel committee~~special magistrate will involve hearing testimony of witnesses and considering documentary evidence submitted at the hearing. The ~~administrative and personnel committee~~special magistrate shall establish reasonable parameters relating to the length of time allowed for the presentation of a case and instruct the parties involved in regard to the order of the hearing, requirements of the parties relating to their submittals~~thereto,~~ and any other ~~rules, regulations and~~ procedures relating to the hearing. The conduct of the hearing shall comport with due process generally afforded in quasi judicial hearings and strict rules of evidence shall not apply.

(b) *Witness attendance~~subpoenas~~*. The ~~administrative and personnel committee~~ town will require~~shall have the authority, by subpoena, to compel~~ the attendance of employees who are Town employees~~witnesses and exhibits for purposes of examination and investigation before the committee~~. The grievant shall be responsible for coordinating attendances of other witnesses. Testimony by telephone is not allowed.

(c) *Order of presentation.* The town will proceed first with the presentation of evidence. The grievant shall then present his/her evidence. The town will then have an opportunity to present rebuttal evidence."

Section 4. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-210 of Article III, Findings of committee, as follows:

"Sec. 82-210. - Findings of ~~committee~~special magistrate and final determination by town council.

Subsequent to the presentation of arguments, testimony and documentary evidence of the parties, the ~~administrative and personnel committee shall, in open session, discuss the case, and~~special magistrate shall make findings of fact and recommendations. These findings of fact and recommendations shall be incorporated in a written order. The ~~administrative and personnel committee~~special magistrate shall thereafter submit to the town council at the next regularly scheduled monthly meeting ~~its~~the findings and recommendations pertaining to the grievance. The grievant, the town manager and/or department director may submit any objections or argument in writing, no later than seven (7) days prior to the meeting. No further oral argument will be allowed unless requested by town council. If the next regularly scheduled meeting is less than ten (10) days from the receipt of the findings and recommendations, then the matter will be set before town council at the following regularly scheduled meeting. Thereafter, the town council shall make a determination and its decision shall be final. The town council shall not conduct an additional evidentiary hearing, its responsibility being only to consider the factual findings, recommendations and report of the ~~administrative and personnel committee~~special magistrate and make a final determination regarding the applicable grievance at an open public meeting. The town council's review is to assure that adequate due process was provided, that the special magistrate's findings and recommendations are supported by substantial competent evidence, and that the disciplinary action taken is in compliance with applicable provisions of the town's personnel manual."

Section 5. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-211 of Article III, Appeals, as follows:

"Sec. 82-211. ~~–~~ Appeals from town council decision.

In the event an aggrieved party wishes to appeal the decision of the town council, such review shall be by petition for writ of certiorari to the 15th Judicial Circuit Court, which must be filed within 30 days of the date of the town council's decision~~, where the petition shall be reviewed~~."

Section 6. **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 ore hereby repealed.

Section 7. **Codification**.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 8. **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 8th day of May, 2018, and for second and final reading on this _____ day of _____, 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S. W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 09-2018 - An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, at Section 2-136, Appointive Administrative Officers, so as to Delete the Term Public Safety Director and Substitute for that Term the Terms Chief of Police and Chief of Fire Rescue; Amending Division 5, Director of Public Works at Section 2-247, General Duties, Supervision by Manager, to Delete the Reference to the Public Works Director being under the Direct Supervision of the Town Manager; Further Providing that all References in the Town Code to Public Safety Director Shall Now be Referred to as Chief of Police and Chief of Fire Rescue; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum dated April 30, 2018, from Jay Boodheshwar, Deputy Town Manager**
- **Ordinance No. 9-2018**
- **Town Government Updated Organizational Chart**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Town Code, Relative to Appointive Administrative Officers
Ordinance No. 09-2018

Date: April 30, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 09-2018, amending Chapter 2, Administration, of the Town Code of Ordinances at Article III, Officers and Employees.

GENERAL INFORMATION

Shortly after the appointment of Town Manager, Kirk Blouin, at the February 2018, Town Council meeting, he began working with Deputy Town Manager (DTM), Jay Boodheshwar, to evaluate the organizational structure of the Senior Management Team. It was determined that the Town would benefit from an expanded role of the Deputy Town Manager, to include a reporting model that included direct supervision of all non-public safety departments. This would permit the Town Manager position to function more like a CEO and the Deputy Town Manager as a COO.

The attached organizational chart includes direct supervision responsibility of the DTM for Public Works, Recreation, Human Resources, Finance, Planning, Zoning & Building, and Information Technology. The Town Manager would retain direct supervision of Police, Fire-Rescue and the Offices of the Town Manager and Town Clerk. In order to formalize the new reporting structure, modifications to the Town Code are necessary. The attached ordinance deletes the Director of Public Safety position, re-establishes the Police and Fire-Rescue Chief positions and deletes the requirement that the Public Works Director report directly to the Town Manager.

TOWN ATTORNEY REVIEW

Ordinance No. 09-2018 was prepared by and approved by the Town Attorney for legal form and sufficiency.

Attachments

Cc: John Randolph, Town Attorney
Department Directors
Charles Kapachinski, IT Manager

ORDINANCE NO. 09-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION, ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, AT SECTION 2-136, APPOINTIVE ADMINISTRATIVE OFFICERS, SO AS TO DELETE THE TERM PUBLIC SAFETY DIRECTOR AND SUBSTITUTE FOR THAT TERM THE TERMS CHIEF OF POLICE AND CHIEF OF FIRE RESCUE; AMENDING DIVISION 5, DIRECTOR OF PUBLIC WORKS AT SECTION 2-247, GENERAL DUTIES, SUPERVISION BY MANAGER, TO DELETE THE REFERENCE TO THE PUBLIC WORKS DIRECTOR BEING UNDER THE DIRECT SUPERVISION OF THE TOWN MANAGER; FURTHER PROVIDING THAT ALL REFERENCES IN THE TOWN CODE TO PUBLIC SAFETY DIRECTOR SHALL NOW BE REFERRED TO AS CHIEF OF POLICE AND CHIEF OF FIRE RESCUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Article III. Officers and Employees, Division 1. Generally, Sec. 2-136. Appointive administrative officers, to read as follows:

"**Sec. 2-136. Appointive administrative officers.**

Pursuant to section 4.04(a) of the Charter, the following shall constitute the appointive administrative officials of the town:

Administration:

Finance Director
Director of planning, zoning and building
Human resources director
Recreation director
Deputy town manager
Assistant town manager

Public safety:

Chief of Police
Chief of Fire Rescue

Public works:
Director of public works

Unless otherwise specifically provided, all other personnel of the town constitute "employees" within the meaning of § 4.04(b) of the Charter."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration, Division 5. Director of Public Works, Section 2-247, General duties; supervision by manager, to read as follows:

"**Sec. 2-247. General duties; supervision by manager.**

In addition to the duties prescribed elsewhere in this Code, the director of public works shall have general supervision over the streets, sewer, sidewalks and thoroughfares of the town, and of the construction and repair thereof. ."

Section 3. Wherever the Town Code refers to Public Safety Director, that reference shall now read Chief of police and Chief of Fire Rescue.

Section 4. 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 5. 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 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. 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 8th day of May, 2018, and for second and final reading on this_____day of_____, 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

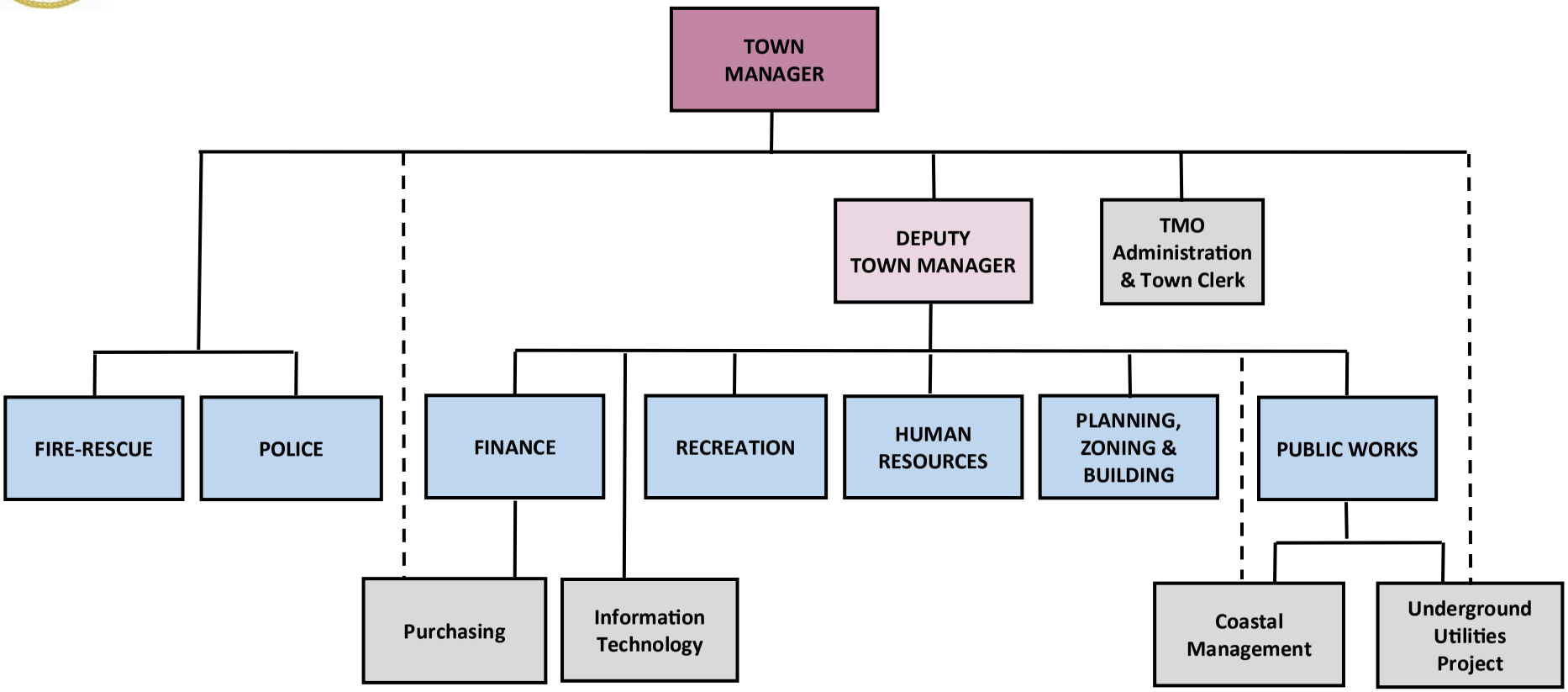
_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

TOWN GOVERNMENT
Updated Org Chart



TOWN OF PALM BEACH

Town Council Meeting on: May 8, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 10-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2017, Providing an Effective Date.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- **Memorandum Dated April 30, 2018, from Jane LeClainche, Director of Finance**
- **Ordinance No. 10-2018**
- **Exhibits A - C**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 8, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Amendment to the Risk, Health Insurance and Recreation Enterprise Fund FY18 Budgets
Ordinance No. 10-2018

Date: April 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 10-2018 on first reading, amending the Risk, Health Insurance and Recreation Enterprise Fund FY18 budgets.

GENERAL INFORMATION

The Town Council approved staff's recommendation to transfer funds from the Risk and Health Insurance Funds to the Recreation Enterprise Fund for the Town's portion of the Recreation Center project. This Ordinance amends the budgets of these funds to make these transfers. The budget amendment authorizes a transfer a total of $3.7 million to the Recreation Enterprise Fund.

In addition, the Town Council approved moving forward with an RFP for the permitting, engineering and design of the Town Docks based on the master plan prepared by Baird. In order to be prepared for the award of the contract(s) for this stage of the Town Dock project, we are recommending a budget amendment that transfers $1.7 million from the Dock Replacement Reserve to fund the estimated cost of these services. The estimate of $1.7 million is part of the opinion of probable cost from the Baird Master Plan detail for Alternative 3.

FUNDING/FISCAL IMPACT

The Ordinance will amend the Health Fund Budget (502) in the amount of $1,850,000 and the Risk Fund budget (501) in the amount of $1,850,000 for the transfers from the reserves of these Funds to the Recreation Enterprise Fund (403) and will amend the Recreation Enterprise Fund budget to transfer $1,700,000 from the Dock Replacement Reserves.

TOWN ATTORNEY REVIEW

Ordinance No. 10-2018 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments
Jll
cc: H. Paul Brazil, Director of Public Works
Beth Zickar, Director of Recreation
John C. Randolph, Town Attorney

ORDINANCE NO. 10-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2017; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2018; and

WHEREAS, the budget amendment is necessary to appropriate funds from the Risk Fund Reserves and the Health Insurance Fund Reserves to fund the Recreation Enterprise Fund for the Town's portion of the Recreation Center Project; and

WHEREAS, the budget amendment is necessary to appropriate funds from the Dock Replacement Reserve within the Recreation Enterprise Fund for permitting, engineering and design of the Town Dock project; and

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Health Insurance Fund, Risk Fund and the Recreation Enterprise Fund budgets for the fiscal year commencing October 1, 2017, are hereby amended and adopted pursuant to the attached Exhibit "A", "B" and "C", attached hereto and made a part of this ordinance.

Section 4. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 8th day of May, 2018, and for second and final reading on this 12th day of June, 2018.

_____	_____
Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	_____
	Margaret A. Zeidman, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Lewis S.W. Crampton, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

Exhibit A

Town of Palm Beach, Florida
Self Insurance Fund - Health
Budget Amendment
October 1, 2017 - September 30, 2018

	Adopted Budget FY2018	Change	Amended Budget FY2018
Revenues			
Town and Employee Contributions	4,979,496	-	4,979,496
Interest on Investments	45,000	-	45,000
Total Revenues	5,024,496	-	5,024,496
Expenditures			
Salaries and Wages	77,819		77,819
Employee Benefits	4,908,065	-	4,908,065
Contractual	98,113		98,113
Commodities	2,103		2,103
Other (Contingency)	500,000		500,000
Transfer to Recreation Enterprise Fund		1,850,000	1,850,000
Total Expenditures	5,586,100	-	7,436,100
Total Revenues Over/(Under) Expenses	(561,604)	-	(2,411,604)
Beginning Net Assets	6,904,823		6,904,823
Ending Net Assets	6,343,219		4,493,219

Exhibit B

Town of Palm Beach, Florida
Self Insurance Fund - Risk
Budget Amendment
October 1, 2017 - September 30, 2018

	Adopted Budget FY2018	Change	Amended Budget FY2018
Revenues			
Risk Funding	1,828,475	-	1,828,475
Interest on Investments	121,162	-	121,162
Total Revenues	1,949,637	-	1,949,637
Expenditures			
Salaries and Wages	129,276		129,276
Employee Benefits	757,245	-	757,245
Contractual	1,558,532		1,558,532
Commodities	4,584		4,584
Other (Contingency)	3,000,000		3,000,000
Transfer to Recreation Enterprise Fund		1,850,000	1,850,000
Total Expenditures	5,449,637	-	7,299,637
Total Revenues Over/(Under) Expenses	(3,500,000)	-	(5,350,000)
Beginning Net Assets	7,578,199		7,578,199
Ending Net Assets	4,078,199		2,228,199

Exhibit C

Town of Palm Beach, Florida
Recreation Enterprise Fund Revenues and Expenses
Budget Amendment
October 1, 2017 through September 30, 2018

	Adopted Budget FY2018	Change	Amended Budget FY2018
Revenues			
Charges for Services	6,627,400		6,627,400
Investment Earnings	14,000		14,000
Transfer from Town Reserves	3,263,868	(3,263,868)	-
Transfer from Risk Fund	-	1,850,000	1,850,000
Transfer from Health Fund		1,850,000	1,850,000
Donations	6,571,154		6,571,154
Total Revenues	16,476,422	436,132	16,912,554
Expenses			
Salary and Wages	1,392,733		1,392,733
Employee Benefits	656,502		656,502
Contractual	1,523,980		1,523,980
Commodities	363,970		363,970
Capital Equipment	84,000		84,000
Capital Project - Docks	-	1,700,000	1,700,000
Capital Project - Recreation Center	9,809,022		9,809,022
Capital Projects - Other	398,489		398,489
Depreciation	1,049,626		1,049,626
Transfer to General Fund	585,000		585,000
Transfer to Debt Service Fund	198,263		198,263
Contingency	168,303		168,303
Total Expenses	16,229,888	1,700,000	17,929,888
Revenues Over/(Under) Expenditures	246,534	436,132	682,666
Beginning Net Assets	6,167,708		6,167,708
Dock Replacement Reserve	3,801,256	(1,700,000)	2,101,256
Ending Net Assets	6,414,242		5,150,374