



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

PLEASE NOTE: The Town Council Meeting will commence at Memorial Fountain, with the Approval of Agenda, Certification of Election Results and Swearing in of Elected Officials taking place outside.

**TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

APRIL 13, 2021@ 10:00 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. CERTIFICATION OF ELECTION RESULTS

- A.** RESOLUTION NO. 033-2021 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 9th Day of March, 2021. Page 7
Queenester Nieves, CMC, Town Clerk

VI. SWEARING IN OF ELECTED OFFICIALS

- A.** The Honorable Judge Lisa Small

1. Danielle Hickox Moore
2. Edward Cooney
3. Julie Araskog

(Mayor Becomes Presiding Officer)

PLEASE NOTE: The meeting will resume in the Town Council Chambers beginning with Organizational Items. A roll call will be taken when the new Council is seated.

VII. ORGANIZATIONAL ITEMS

- A.** Election of Town Council President Page 17
Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes Presiding Officer)

- B.** Election of Town Council President Pro Tem Page 20
Pursuant to Section 3.01 of the Town Charter

VIII. RECOGNITIONS

- A.** Recognition of Robert Garrison's Service on the Architectural Review Commission from July 2014 to March 2021.
- B.** Recognition of John (Tim) Gannon's Service on the Landmarks Preservation Commission from March 2017 to March 2021.
- C.** Recognition of Dr. Ellen Howe's Service on the Recreation Advisory Commission from April 2010 to April 2021.
- D.** Recognition of Alexandra Woodfield's Service on the Recreation Advisory Commission from April 2013 to April 2021.
- E.** Recognition of Nicki McDonald's Service on the Underground Utilities Task Force from May 2017 to March 2021.

IX. BOARD/COMMISSION ANNUAL REPORT

- A.** Annual Report of the Architectural Commission (ARCOM). Page 22
Wayne Bergman, Director of Planning, Zoning and Building

X. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by the Applicants and Appointments to the Code Enforcement Board. Page 26
Queenester Nieves, CMC, Town Clerk

B.	Presentations by the Applicants and Appointments to the Investment Advisory Committee. <i>Queenester Nieves, CMC, Town Clerk</i>	Page 49
C.	Presentations by the Applicants and Appointments to the Recreation Advisory Commission. <i>Queenester Nieves, CMC, Town Clerk</i>	Page 68
XI.	COMMENTS OF MAYOR DANIELLE H. MOORE	
XII.	COMMENTS OF TOWN COUNCIL MEMBERS	
XIII.	COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE	
XIV.	APPROVAL OF CONSENT AGENDA (SEE NOTE 5)	
A.	MINUTES	
1.	Town Council Meeting Minutes <i>Queenester Nieves, CMC, Town Clerk</i>	Page 95
	a. February 9, 2021, Town Council Meeting Minutes b. February 10, 2021, Town Council Development Review Meeting Minutes c. March 2, 2021, Town Council Meeting Minutes d. March 3, 2021, Town Council Development Review Meeting Minutes	
2.	Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 24, 2021. <i>Wayne Bergman, Director of Planning, Zoning and Building</i>	Page 202
B.	RESOLUTIONS	
1.	<u>RESOLUTION NO. 036-2021</u> A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order For A Single Source Contract With InVeris Training Solutions, Inc. In The Amount Of \$158,237 And Budget Authorization in the Amount of \$166,000. <i>Dean Mealy, Purchasing Manager</i>	Page 248
2.	<u>RESOLUTION NO. 037-2021</u> A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Urging All Members Of The Florida Legislature To Oppose Unwarranted Or Overly Broad Preemptions Of Municipal Home Rule Powers; Directing A Copy Of This Resolution Be Transmitted To Members Of The Florida Legislature, The Florida League Of Mayors, The Florida League Of Cities, And Any Other Interested Parties. <i>Jay Boodheshwar, Deputy Town Manager</i>	Page 261
3.	<u>RESOLUTION NO. 039-2021</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Supporting and Approving the Application for Funding from the Community Project Program Through the Federal Government Appropriation Process. <i>Jane Le Clainche, Director of Finance</i>	Page 269
XV.	COMMITTEE REPORTS	

- A. 1. Report of the Business and Administrative Committee Meeting Held on February 19, 2021. Page 277
TIME CERTAIN: 11:30 AM
Lew Crampton, Chair
2. Recommendations from the Business and Administrative Committee, Relative to Parking.
Jay Boodheshwar, Deputy Town Manager
- B. Report of the Ordinances, Rules and Standards Committee Meeting Held on March 11, 2021. Page 331
Julie Araskog, Chair

XVI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. COVID-19 Update Page 337
Kirk W. Blouin, Town Manager
TIME CERTAIN: 11:00 AM
- a. Report on COVID-19 Infections, Hospitalizations and Vaccines
Darrel Donatto, Fire Rescue Chief
- b. Compliance with Emergency Order and Mandates
Nicholas Caristo, Police Chief
- c. Discussion About Town-Wide Curfew
- d. Discussion about Public Meetings
- e. RESOLUTION NO. 038-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To May 11, 2021, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.
2. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 342
H. Paul Brazil, P.E., Director of Public Works
3. Update on Outdoor Seating - Under Review by the Planning and Zoning Commission Page 357
Wayne Bergman, Director of Planning, Zoning and Building
- ### **C. New Business**
1. Discussion on Traffic Calming of N. Ocean Blvd. in the North End. Page 360
Nicholas Caristo, Chief of Police

XVII. ANY OTHER MATTERS

- A. Review of Town Code Concerning Deviations from ARCOM or LPC Approved Plans.

Julie Araskog, Town Council Member

XVIII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

acknowledge you.

PUBLIC HEARINGS:

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

**COMMUNICATIONS
FROM CITIZENS:**

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

**OTHER AGENDA
ITEMS:**

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

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

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Certification of Election Results

Agenda Title

RESOLUTION NO. 033-2021 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 9th Day of March, 2021.

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated March 10, 2021, from Queenester Nieves, CMC, Town Clerk**
- ▣ **Resolution No. 033-2021**
- ▣ **Supervisor of Election Certified Results of March 9, 2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Queenester Nieves, CMC, Town Clerk

Re: Calling Election Results of March 9, 2021, General Election Results
Resolution No. 033-2021

Date: March 10, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 033-2021, declaring the results of the March 9, 2021, Town of Palm Beach General Election.

GENERAL INFORMATION

On January 12, 2021, the Town of Palm Beach held its 109th Town Caucus for the purpose of nominating candidates for the Offices of Mayor and Town Council Groups 1 and 2. There being only one nomination for Mayor, candidate Danielle H. Moore was declared unopposed, to be elected to the office of Mayor, effective as of the date of the general election, March 9, 2021. There being only one nomination for Council Member Group 2, candidate Julie Araskog, was declared unopposed to be elected to the Office of Town Council Member Group 2, effective as of the date of the general election, March 9, 2021. Two nominations were received for Council Member Group 1, those being Candace Rojas and Edward "Ted" Cooney.

On March 9, 2021, the Town of Palm Beach held a general election for the purpose of electing candidates for the contested office of Town Council Member Group 1. After the closing of the polls, the votes were tabulated as provided by law, and the Palm Beach County Supervisor of Elections has made her certified return to the Town Council, which is included herein. Pursuant to Section 34-121 of the Town Code, at the first regular meeting of the Town Council following the election, the Town Council shall declare the results thereof as certified by the Palm Beach County Supervisor of Elections and the successful candidate shall be sworn in and take office at such meeting.

TOWN ATTORNEY REVIEW

This item has been reviewed and approved by the Town Attorney.

Attachments

QN

cc: John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager

RESOLUTION NO. 033-2021

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 9TH DAY OF MARCH, 2021.

WHEREAS, the following incumbents Mayor DANIELLE H. MOORE, and Council Member JULIE K. ARASKOG, Group 2, were duly nominated at the regular and duly called Caucus of the voters of the Town of Palm Beach, Florida, held on January 12, 2021 and were unopposed; and

WHEREAS, on the 9th day of March, 2021, there was held an election in the Town of Palm Beach, Palm Beach County, Florida, between the hours of 7:00 A.M. and 7:00 P.M., wherein the following names were submitted to the qualified electors of the Town of Palm Beach for the Election of Town Council Persons - Group 1, for the term of two years:

TOWN COUNCIL PERSON - GROUP 1

CANDACE ROJAS
EDWARD "TED" COONEY

WHEREAS, due and legal notice of said Election was given by the Proclamation of the Mayor of said Town, which said notice was duly published and posted as required by law; and

WHEREAS, on the 9th day of March, 2021, the Precinct Clerks, Deputies, and Inspectors of said Election, after taking and subscribing their oaths in accordance with law, did conduct said Election on said date; and

WHEREAS, after the closing of the polls, the votes were tabulated as provided by law, and the Palm Beach County Supervisor of Elections made her return to the Town Council, which certified that the following is the result of said Election, to wit:

TOWN COUNCIL PERSON - GROUP 1

CANDACE ROJAS	548 votes
EDWARD "TED" COONEY	2372 votes

1168 VOTES WERE CAST BY THE USE OF OPTICAL SCAN VOTING MACHINES, 1752 VOTES WERE CAST BY ABSENTEE BALLOT, AND 0 VOTES WERE CAST BY PROVISIONAL BALLOTS, FOR A TOTAL OF 2920 VOTES CAST IN THE TOWN OF PALM BEACH.

WHEREAS, in accordance with Article III, Section 34-121, of the Town of Palm Beach Code of Ordinances, the Town Council declares the results of the Town of Palm Beach Municipal Election, upon certification by the Supervisor of Elections of Palm Beach County, that the votes cast through the Optical Scan Voting Machines, Absentee Ballots, and Provisional Ballots, are a true and correct tabulation of the said votes.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE. The foregoing recitals are hereby ratified and confirmed.

SECTION TWO: That the following named candidates are hereby declared to be elected to the office of Mayor, for a term of two years; Town Council Person – Group 1, for a term of two years, and Town Council Person Group 2, for a term of two years:

MAYOR

DANIELLE H. MOORE

TOWN COUNCIL PERSON – GROUP 1

EDWARD “TED” COONEY

TOWN COUNCIL PERSON - GROUP 2

JULIE K. ARASKOG

The terms of office of the elected officials referenced above shall begin from the first regular meeting of the Town Council following April 13, 2021, and shall run for a period of two years until a date subsequent to the election upon which they or their successor are sworn in and take office.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of April, 2021.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



The Supervisor of Elections for Palm Beach County hereby certifies the following Municipality:

Town of Palm Beach:

☆ Town Council Group One Town of Palm Beach (Vote For 1)

Participating Precincts Reporting: 7 / 7



Show Detailed
View

Choice		Percent	Votes
Candace A. Rojas (NON)		18.77%	548
Ted Cooney (NON)		81.23%	2,372
			2,920

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, WENDY SARTORY LINK, SUPERVISOR OF ELECTIONS,
HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY
OF THE RECORDS ON FILE IN THIS OFFICE.

WITNESS MY HAND AND SEAL, THIS 16 DAY OF
March, 20 21.

WENDY SARTORY LINK
SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY, FLORIDA
BY: Wendy Sartory Link

240 South Military Trail, West Palm Beach, FL 33415 | Post Office Box 22309, West Palm Beach, FL 33416

Telephone: 561.656.6200 | Fax Number: 561.656.6287



Town of Palm Beach – PRECINCT DETAIL

Town Council Group One

A dash (-) represents detailed groups (Election Day, Vote By Mail, Early Votes, Provisional) with between 1 and 29 votes in accordance with Florida Statute 98.0981(2)(a)

1390 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	66	66	0	132	14.32%
Ted Cooney (NON)	380	410	0	790	85.68%

1392 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	42	52	0	94	18.91%
Ted Cooney (NON)	167	236	0	403	81.09%

1394 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	-	-	-	49	13.46%
Ted Cooney (NON)	127	188	0	315	86.54%



7154 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	-	-	-	41	16.47%
Ted Cooney (NON)	86	122	0	208	83.53%

7156 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	-	-	-	17	29.31%
Ted Cooney (NON)	-	-	-	41	70.69%

7158 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	53	57	0	110	20.99%
Ted Cooney (NON)	124	290	0	414	79.01%



Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.pbcelections.org

7166 Show Graphical View

Choice	Election Day	Vote By Mail	Provisional	Total Votes	Percentage
Candace A. Rojas (NON)	31	74	0	105	34.31%
Ted Cooney (NON)	30	171	0	201	65.69%

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Swearing In of Elected Officials

Agenda Title

The Honorable Judge Lisa Small

1. Danielle Hickox Moore
2. Edward Cooney
3. Julie Araskog

(Mayor Becomes Presiding Officer)

PLEASE NOTE: The meeting will resume in the Town Council Chambers beginning with Organizational Items. A roll call will be taken when the new Council is seated.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Organizational Items

Agenda Title

Election of Town Council President

Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes Presiding Officer)

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated April 2, 2021, from Kirk W. Blouin, Town Manager**
- ▣ **Sample Ballot for Town Council President**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Town Council

From: Kirk W. Blouin, Town Manager

Re: Election of Town Council President and Town Council President Pro Tem

Date: April 2, 2021

GENERAL INFORMATION

Attached are two ballots, one for election of the Town Council President and one for the election of the Town Council President Pro Tem.

Please note that only the council members who have requested to be on the ballots are listed.

Attachments

KWB

cc: Danielle H. Moore, Mayor
Queenester Nieves, CMC, Town Clerk

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING APRIL 13, 2021

Please circle one name from the name(s) appearing below of the Town Council members who have expressed interest in being selected as Town Council President.

Position to be filled - **Town Council President**

Margaret A. Zeidman

Signature of Town Council Member: _____
Print Name: _____

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Organizational Items

Agenda Title

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

Presenter

ATTACHMENTS:

- ▣ **Sample Ballot for Town Council President Pro Tem**

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT PRO TEM**

TOWN COUNCIL MEETING APRIL 13, 2021

Please circle one name from the list of names appearing below of the Town Council members who have expressed interest in being selected as Town Council President Pro Tem.

Position to be filled - **Town Council President Pro Tem**

Julie Araskog

Lewis S.W. Crampton

Bobbie Lindsay

Signature of Town Council Member: _____
Print Name: _____

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Architectural Commission (ARCOM).

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated March 30, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Architectural Review Commission Annual Report of 2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

From: Wayne Bergman, Director of PZB

Re: Annual Report – Architectural Commission

Date: March 30, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council accept the Annual Report for 2020 of the Architectural Commission (ARCOM).

GENERAL INFORMATION

Attached is a summary of the activities of ARCOM for the past year. Mr. Michael Small, the Chairman of ARCOM, is prepared to address the Town Council with additional comments regarding the Commission's activities, and to answer any questions.

Attachment

WB:lvo

cc: Architectural Commission (ARCOM)

ARCOM Commission

Report of Activities for 2020 Calendar Year

In 2020, the Architectural Review Commission was comprised of 10 members (7 regular members & 3 alternates):

- Two regular members who are licensed architects
 - o Robert Garrison
 - o Richard Sammons (replaced by Jeffrey Smith in September 2020)
- One member is a certified master gardener
 - o John David Corey

Attendance by commissioners:

- An average of 99% attendance for all meetings during the year; there was a total of one absence among commissioners (excused). High attendance during 2020 can likely be attributed to the virtual platform provided through Zoom due to the COVID-19 pandemic.

Applications reviewed:

- 81 new major items submitted in 2020 (a 13% increase from the previous year) – there were no denials and five were withdrawn.
- 71 new minor items submitted in 2020 (a 154% increase from the previous year) – one was denied, and three were withdrawn. The substantial increase in the number of minor projects being reviewed is likely the result of revisions to the Project Designation Manual, and by extension the Guide, that took place in effort to re-establish a basis for staff approval applications.
- 53 deferrals or partial deferrals occurred over the course of the year (a 9% decrease from the previous year).
- 27 new homes were reviewed by ARCOM in 2020 (a 47% decrease from the previous year).
- ARCOM reviewed 19 “combination projects” in 2020 where they made recommendations to Town Council regarding variances needed for the projects.

On behalf of the Commission, staff completed review for 552 staff approval applications, which entailed non-substantial projects or revisions (an 8% increase from the previous year).

Additional projects & accomplishments:

- Noteworthy projects include, but are not limited to, the proposed rehabilitation projects for commercial properties located at 125 Worth Ave and 160 Royal Palm Way – review for both is still ongoing.
- Revisions to the ARCOM Project Designation Manual and creation of the Project Designation Guide for ARCOM & Landmarks Preservation Commission (LPC) in effort

to re-establish a basis for staff approval applications and optimize reference for all involved in the design review process.

- On behalf of the Commission, Chair Michael Small brought the topic of demolitions to the attention of Town Council in order to open discussion about how ARCOM may be able to assist in the preservation or documentation of potentially significant properties that were being proposed for demolition.
- Establishment of and hiring for the Historic Preservation Planner position to conduct design review, oversee operations for LPC and ARCOM, and contribute to implementation of long-term planning goals.

Commissioners remain enthusiastic and engaged in their volunteer service to the Town, and look forward to the continued work of ensuring the high quality of development and redevelopment within the Town.

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Code Enforcement Board.

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated April 5, 2021, from Queenester Nieves, CMC, Town Clerk**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Sample Ballot - Regular Members**
- ▣ **Sample Ballot - Alternate Member**
- ▣ **Application - Julie Herzig Desnick**
- ▣ **Application - Chris Larmoyeux**
- ▣ **Application - Scotch G. Peloso**
- ▣ **Application - Pamela Saba**
- ▣ **Application - Linda Wartow**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 13, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Queenester Nieves, CMC, Town Clerk

RE: Code Enforcement Board Appointment of Regular and Alternate Members

DATE: April 5, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint three (3) regular members and one (1) alternate member to the Code Enforcement Board (CEB). These members will be filling the vacancies created by the term expirations of Matthew Natale, Rosemary Carpenter, Linda Wartow and the alternate member vacancy. Mr. Natale is termed out and is not eligible to reapply.

GENERAL INFORMATION

The Town Clerk's office has received one (1) application from **REGULAR MEMBER SEEKING REAPPOINTMENT** from the following:

1. Linda K. Wartow – 2295 S. Ocean Blvd., #614, Palm Beach, FL.

The Town Clerk's office has received one (1) application from **ALTERNATE MEMBER SEEKING PROMOTION TO A REGULAR MEMBER POSITION** from the following:

1. Pamela Saba – 2760 S. Ocean Boulevard, #412, Palm Beach, FL.

The Town Clerk's office has received three (3) applications seeking **NEW APPOINTMENT** from the following:

1. Julie Herzig Desnick – 150 Bradley Place, Palm Beach, FL;
2. Chris Larmoyeux – 217 Tangier Avenue, Palm Beach, FL;
3. Scotch G. Peloso – 244 Sunset Avenue, Unit 5, Palm Beach, FL;

cc: Nicholas Caristo, Police Chief

Code Enforcement Board Attendance Record 2021

Member	1/21	2/18	3/18	4/15	5/20	6/17	7/15	8/19	9/17	10/21	11/18	12/16
Matthew Natale, Chair	<i>(Regular Member as of 4/2015, Alternate 12/2013 - 04/2015)</i>											
	P	P	P									
Bram Majtlis	<i>(Regular Member 4/2019 - Alternate Member as of 6/2018)</i>											
	P	P	P									
Daniel McDonnell	<i>(Regular Member as of 04/2017, Alternate 11/2016 - 04/2017)</i>											
	P	P	P									
Rosemary G. Carpenter	<i>(Regular Member as of 4/2018, Alternate 04/2017 - 04/2018)</i>											
	P	P	P									
Linda K. Wartow	<i>(Regular Member as of 04/2018, Alternate 02/2018 - 04/2018)</i>											
	P	P	P									
Steven Meltzer	<i>(Regular Member as of 7/2018, Alternate 4/2018 - 7/2018)</i>											
	P	P	P									
Martin Klein	<i>(Regular Member as of 1/2021)</i>											
	P	P	P									
Pamela Saba	<i>(Alternate Member as of 4/2020)</i>											
	P	P	P									

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

CODE ENFORCEMENT BOARD

Next appointment: **April 13, 2021, Town Council meeting**

Openings advertised via news release: **February 2, 2021**

Deadline to submit applications: **Friday, April 2, 2021, by 5:00 p.m.**

Number of openings: **3 regular and 1 alternate members**

Applicants

<u>NAME</u>	<u>SEEKING</u>
Linda K. Wartow	Reappointment
Pamela Saba	Promotion from alternate to regular member
Julie Herzig Desnick	New Appointment
Chris Larmoyeux	New Appointment
Scotch G. Peloso	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Matthew Natale, Chair ***	April 1, 2021
Bram Majtlis, Vice Chair	April 1, 2022
Daniel McDonnell	April 1, 2023
Rosemary Carpenter	April 1, 2021
Linda K. Wartow*	April 1, 2021
Steven Meltzer	April 1, 2022
Martin I. Klein	January 1, 2024
<u>Alternate Members</u>	
Pamela Saba**	April 1, 2022
<i>Vacant</i>	

Highlighted in yellow=term currently expiring/vacant

*=Applied for reappointment

**=Applied for promotion from alternate to regular member

***=Termed out

**BALLOT FOR APPOINTMENT OF REGULAR MEMBER(S)
TO THE **CODE ENFORCEMENT BOARD**
Town Council Meeting on **April 13, 2021****

Positions to be filled:

 3 Regular Members

Please circle 3 from the list of names appearing below

Regular Member Seeking Reappointment

(Listed alphabetically)

Linda K. Wartow

Alternate Member Applying for Promotion to Regular Member

(Listed alphabetically)

Pamela Saba

Others Who Have Submitted Applications

(Listed alphabetically)

Julie Herzig Desnick

Chris Larmoyeux

Scotch G. Peloso

Signature of Town Council Member: _____

Town Council Member

**BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE **CODE ENFORCEMENT BOARD**
Town Council Meeting on **April 13, 2021****

Positions to be filled:

 1 Alternate Member

Please circle 1 from the list of names appearing below

Others Who Have Submitted Applications

(Listed alphabetically)

Julie Herzig Desnick

Chris Larmoyeux

Scotch G. Peloso

Signature of Town Council Member: _____

Town Council Member



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

TOWN OF PALM BEACH

JAN 11 2021

Town Manager's Office

Please complete this 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 the applicant to review 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 Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: Julie Herzig Desnick

Residence Address: 150 Bradley Place, Palm Beach

Mailing Address: same as residence

Home Telephone: 561-653-4080

E-mail Address: juherzig@aol.com

Work Telephone: 917-806-7466

I am a resident of the Town of Palm Beach JD (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.

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

see attached page

2. How many meetings of the Code Enforcement Board 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.

Mount Holyoke College Art Museum, Art Advisory Board, 2008-2018

Carnegie Hill Neighbors, NYC, Board Member, 2007-2020

Archaeology Institute of America, Governing Board Member, 2010-present

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

I should be available for all meetings with the exception of May or June when I am in Europe ~~even~~ at my archaeological work, which is somewhat flexible.

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

see attached page

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

- | | |
|--|---|
| ☐ Palm Beach Chamber of Commerce | ☒ Preservation Foundation of Palm Beach |
| ☐ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Neighborhood Alliance of Palm Beach | ☐ Other _____ |
| ☐ Citizens' Association of Palm Beach | |

7. Present occupation. architect & archaeologist No. of years. 30+ years

Employer. self

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

Employer(s). _____

9. 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 | ☒ Building Construction |
| ☒ Landscape Architecture/Design | ☒ Municipal Planning |
| ☐ Law | ☐ Law Enforcement/Code Enforcement |

10. Please provide details regarding your educational background:

Mount Holyoke College, A.B. 1973 Institute of Fine Arts NYU, MA 2015
PRATT INSTITUTE, B. ARCH 1983

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

see attached page

12. 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
Robert Desnick, PhD	MD spouse	150 Bradley Place	physician/scientist	Mt. Sinai Health, retired

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

14. 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

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board 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: _____

Julie Hergig Desmet

DATE: _____

12/31/20

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.

CODE ENFORCEMENT BOARD

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

December 31, 2020

Town of Palm Beach
Application for Service on
CODE ENFORCEMENT BOARD

Addendum to Application of Julie Herzig

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

As a registered architect, an advocate of historic preservation, and student of urban planning, I appreciate the power and importance of codes. As an architect, I deal with codes and keep up-to-date on changing codes to maintain my certification. The enforcement of codes is essential to ensure the health, safety, and welfare of the public and community. In addition, their prescriptive nature guards against unwanted and/or dangerous conditions. After having lived in Palm Beach for 8 years, recently as a permanent resident, I would like to become more involved in the community. This is an area in which I am familiar and could contribute.

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary).

I do not have any experience with the Town of Palm Beach Code Enforcement Board. My experience has all been in New York City, where I served on the board of Carnegie Hill Neighbors (CHN) for the last 12 years and was president of our block association, which has had both zoning and landmarks issues. CHN is a non-profit civic group that deals with quality of life issues in the neighborhood, including zoning, preservation, and security. I was the first Chair of the Brownstone Committee and served on the Preservation Committee, which deals with zoning and code compliance issues in the neighborhood. As a result, I became familiar with our local elected officials, the Community Board 8 Landmarks Committee, and the New York City Landmarks Preservation Commission. I first became involved in community action when I submitted a Referral for Evaluation to the NYC Landmarks Preservation Commission in defense of two 19th Century townhouses on East 93rd Street on our block that were in danger of demolition by a developer. The owner had surreptitiously removed the roofs and let the buildings deteriorate so badly that they would be condemned and torn down. Zoning and building codes effect every aspect of our built environment and are necessary to ensure the wellbeing of the public.

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary.)

As an architect with more than 30 years experience, I worked in design and construction in New York City, which has the most stringent codes in the country. As a member of a NYC neighborhood civic organization and as a NYC building owner, I have dealt with zoning and code compliance for many years and am aware of the problems of noncompliance. My experience has taught me that good zoning and code compliance is the most effective way to maintain a harmonious and safe neighborhood.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete this 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 the applicant to review 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 Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: Chris Larmoyeux

Residence Address: 217 Tangier Ave. Palm Beach, Fla 33480

Mailing Address: 217 Tangier Ave. Palm Beach, Fla. 33480

Home Telephone: 561-685-4206

E-mail Address: cm1@lb-law.com

Work Telephone: 561-832-9400

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

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.

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)
I have been a homeowner and resident of Palm Beach since 1987. As a trial lawyer I believe that a fair and equitable

enforcement of the Municipal Codes and Ordinances is essential to maintaining the quality of life that we all enjoy in Palm Beach.

2. How many meetings of the Code Enforcement Board have you attended in the last year? None

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 County Cultural Council- Past Chairman- Board approximately 6 years

State of Florida Arts Council- 4 years; Rosarian Academy approximately 4 years

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

None

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

None

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

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Neighborhood Alliance of Palm Beach | ☐ Other _____ |
| ☐ Citizens' Association of Palm Beach | |

7. Present occupation. Attorney No. of years. 40Employer. Larmoyeux & Bone PL8. Past occupation(s). None No. of years. _____

Employer(s). _____

9. 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 | ☐ Building Construction |
| ☐ Landscape Architecture/Design | ☐ Municipal Planning |
| ☒ Law | ☐ Law Enforcement/Code Enforcement |

10. Please provide details regarding your educational background:

BA University of Florida; JD University of Notre Dame

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

As a trial attorney I am well familiar with interpreting and enforcing the law. This unique perspective allows me to balance the often competing interestsbetween strict enforcement and consideration of hardships and other competing mitigation concerns. I also feel that I would be in a great position torecognize when codes and ordinances should be updated.

12. 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
Leigh Larmoyeux	wife	217 Tangier Ave	N/A	

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

14. 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

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board 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: 2/16/21

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.

CODE ENFORCEMENT BOARD

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



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

RECEIVED

MAR 24 2021

Town Clerk's Office

Please complete this 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 the applicant to review 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 Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: Scotch G Peloso Residence Address: 244 Sunset Ave Unit 5, PB. 33480

Mailing Address: SAME Home Telephone: 561-247-1072

E-mail Address: palmbeach+ceb@gmail.com Work

Telephone: SAME I am a resident of the Town of Palm Beach SP (please initial) SP

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.

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

I am interested in resuming my service to the community by rejoining the CEB after a year's absence. I think, and I hope that staff and fellow board members would concur, that I bring a sense of reason and rationality to the board with an understanding of serving our residents as the main focus. I hold a current Real Estate license that is currently not active nor hung with any brokers. I have a working knowledge of the board and town procedures that may be useful in these covid times.

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

One, due to Covid protocols.

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, just previously on the CEB.

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

None.

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

In the early 2000's, my building was cited for having some issues and as the only full time resident, I went through the steps in order to remedy the situation and come into compliance. After my participation in the VIPS, ERT and Citizen's Patrol, I was asked by a previous Town Council member to apply due to some vacancies. I was an alternate for a few years then became a voting member. Unfortunately, I unknowingly replaced a member who had already used up some of their term and was term limited out.

Code Enforcement Board Application
Revised 06/01/2017

1

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

- ☐ Palm Beach Chamber of Commerce ☐ Preservation Foundation of Palm Beach ☐ Palm Beach Civic Association ☐ North End Property Owners Association ☐ Neighborhood Alliance of Palm Beach ☐ Other ☐ Citizens' Association of Palm Beach None

7. Present occupation. Tutor No. of years. 9

Employer: Palm Beach International Academy, 13421 South Shore blvd, Wellington, FL 33414

8. Past occupation(s). Self-Employed, Property Manager. No. of years. 8

Employer(s). Self-Employed

9. 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 ☐ Building Construction
☐ Landscape Architecture/Design ☐ Municipal Planning
☐ Law ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

B.S., Physics, University of Alabama

BA, Communication, Film Sequence, University of Alabama

BA, American Studies, University of Alabama

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

I feel that I am qualified due to my previous tenure on the board.

12. 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
TCM Backup 4-13-21				

RaChelle Peloso	Wife	244 Sunset Ave, Unit 5, PB, 3480	Interior Designer	Reardon Peloso Interior Design

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

Code Enforcement Board
Application Revised 06/01/17

2

14. 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/commission/committee

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board 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 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: 23 March 2021

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.

CODE ENFORCEMENT BOARD

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

*Code Enforcement Board
Application Revised 06/01/17*



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete this 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 the applicant to review 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 Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: PAMELA SABA Residence Address: SAME

Mailing Address: 2760 S. OCEAN BLVD 412 Home Telephone: 561-385-3051

E-mail Address: ADSABAENTERPRISE@AOL.COM Work Telephone: _____

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

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.

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

my interest in the codes of this town are because of maintaining the beauty and structure.

2. How many meetings of the Code Enforcement Board have you attended in the last year? ALL OF THEM

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.

I am a year around resident, other than an occasional trip, I am a volunteer of PBPD, and never missed my shift in two years, also on my condo board for 17 YR.

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

I am here full time and rarely ever will miss

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

I have been an alternate for about a year, on Code Enforcement Board

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

- | | |
|--|---|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Neighborhood Alliance of Palm Beach | ☒ Other <u>FELLOWSHIP OF CHRISTIAN & JEWS</u> |
| ☐ Citizens' Association of Palm Beach | ☒ <u>P.B. Cultural Council</u> |

7. Present occupation. RETIRED REAL ESTATE BROKER No. of years. 35 YR

Employer. SABA REALTY (HAMPTON R.E. 1980-1995)

8. Past occupation(s). CONSTRUCTION OFFICE MGR No. of years. 20 + YR

Employer(s). A.P. SABA ENTERPRISES, INC

9. 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 | ☒ Building Construction |
| ☐ Landscape Architecture/Design | ☐ Municipal Planning |
| ☒ Law <u>SOME INCL</u> | ☒ Law Enforcement/Code Enforcement |
| <u>REAL ESTATE & CONDO BOARDS & CONSTRUCTION</u> | |

10. Please provide details regarding your educational background:

GRADUATE OF TOLEDO OHIO HIGH SCHOOL

SOME COLLEGE - SELF EMPLOYED @ AGE 21

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

I feel I am honest and fair minded, with all who follow rules, codes, and ordinances, but able to reprimand those who DO NOT.

12. 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
<u>KIMBERLY JOHNSTON</u>	<u>DAUGHTER</u>	<u>2720 S. OCEAN BLVD</u>	<u>R.E. Sales</u>	<u>SABA REALTY</u>
<u>ANTHONY D. SABA JR</u>	<u>SON</u>	<u>404 N. COUNTRY CLUB ATLANTIS, FL</u>	<u>G.C. RENOVATIONS</u>	<u>A.P. SABA ENTERPRISES INC</u>

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

14. 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

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board 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: _____

Pamela Saba

DATE: _____

Feb 26, 2021

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.

CODE ENFORCEMENT BOARD

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



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

TOWN OF PALM BEACH

FEB 05 2021

Town Manager's Office

Please complete this 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 the applicant to review 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 Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: Linda K Wartow Residence Address: same

Mailing Address: 2295 S. Ocean Blvd #614 Home Telephone: 561-547-3311

E-mail Address: lwartow@aol.com Work Telephone: 617-968-5400

I am a resident of the Town of Palm Beach (initials) (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.

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

I have served on the CER since 2018 and would very much like to continue the work we are doing. I have enjoyed my time and would like to continue contributing to the CER.

2. How many meetings of the Code Enforcement Board have you attended in the last year? 41

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.

Recreation Advisory Commission - 2 yrs. never missed a meeting
(3) PBWCA Board of Directors - 5 years attended almost every meeting
(3) Bd D-Harbour House - Palm Beach co-op, Jamaica Bay, Bdd Dn co-op Boston. 2 years each - almost every meeting
Also committees - Arthur Marshall Foundation, WCA, Dryden School etc
Also to raise money for them.

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

None - I am a full-time resident

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

Being on the CER for 3 years. Attended all meetings except one.

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

- ☒ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Neighborhood Alliance of Palm Beach
☒ Citizens' Association of Palm Beach
- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. meeting planner (part-time) No. of years. 18

Employer. self-employed

8. Past occupation(s). Hotelier + Realtor part-time No. of years. 25

Employer(s). park lodge management, park plaza, Lenox Hill track

9. 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
- ☐ Building Construction
☐ Municipal Planning
☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

B.S. in Sociology Northwestern University Bethesda, MD

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

As a current member I feel very qualified to
continue as I've learned so much about the Town
and what CEB stands for, and how I've contributed

12. 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
None				

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

14. 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 MA if I am appointed to the position I am seeking in this application.
board/commission/committee

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

☐ Yes ☒ No I do feel strongly new members should start as alternates and work their way up.

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: *Lula C. Horton*

DATE: 2/2/21

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.

CODE ENFORCEMENT BOARD

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

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Investment Advisory Committee.

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated April 5, 2021, from Queenester Nieves, CMC, Town Clerk**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Beth Fisher Cutler**
- ▣ **Application - Lloyd McAdams**
- ▣ **Application - David G. McDonald**
- ▣ **Application - Chris Storkerson**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 13, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Queenester Nieves, CMC, Town Clerk

RE: Investment Advisory Committee Appointment of Regular Members

DATE: April 5, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint three (3) regular members to the Investment Advisory Committee to fill the expiring terms of Chris Storkerson, David McDonald and Alan Scheuer.

GENERAL INFORMATION

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

1. David G. McDonald – 234 Merrain Road, Palm Beach, FL;
2. Chris Storkerson – 302 N. Woods Road, Palm Beach, FL.

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

1. Beth Fisher Cutler – 2660 S. Ocean Blvd., #202W, Palm Beach, FL;
2. Lloyd McAdams – 243 Tangier Avenue, Palm Beach, FL.

cc: Jane LeClainche, Director of Finance

Attendance

2021

Meeting Date	2/12/2021			
Members				
Chris Storkerson	Present			
Andrew Frazier	Present			
Kathleen Anderson	Present			
David McDonald	Present			
Alan Scheuer	Present			

Investment Advisory Committee

Voting Conflicts

Members				
Meeting Date	2/12/2021			
Chris Storkerson	none			
Andrew Frazier	none			
Kathleen Anderson	none			
David McDonald	none			
Alan Scheuer	none			

INVESTMENT ADVISORY COMMITTEE

Next appointment: **April 13, 2021**, Town Council meeting

Openings advertised via news release: **February 2, 2021**

Deadline to submit applications: **Friday, April 2, 2021, by 5:00 p.m.**

Number of openings: **3 members**

Applicants

<u>NAME</u>	<u>SEEKING</u>
David G. McDonald	Reappointment
Chris Storkerson	Reappointment
Beth Fisher Cutler	New appointment
Lloyd McAdams	New appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
Chris Storkerson, Chair*	May 2021
Kathleen Anderson, Vice Chair	May 2022
Michael Greenwald	May 2022
David G. McDonald*	May 2021
Alan Scheuer	May 2021

Highlighted in yellow=term currently expiring/vacant

*=Applied for reappointment

**BALLOT FOR APPOINTMENT OF REGULAR MEMBER(S)
TO THE INVESTMENT ADVISORY COMMITTEE
Town Council Meeting on April 13, 2021**

Positions to be filled:

 3 Regular Members

Please circle 3 from the list of names appearing below

Regular Members Applying for Reappointment
(Listed alphabetically)

David G. McDonald

Chris Storkerson

Others Who Have Submitted Applications

Beth Fisher Cutler

Lloyd McAdams

Signature of Town Council Member: _____
Town Council Member



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: BETH FISHER CUTLER Residence Address: 2660 SOUTH OCEAN BOULEVARD, APARTMENT 202 WEST

Mailing Address: _____ Home Telephone: 203-500-5008

E-mail Address: beth.cutler@merrittpointwa.com Work Telephone: 203-500-5008

I am a resident of the Town of Palm Beach BFC (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.

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

I AM FOUNDER AND PRESIDENT OF MERRITT POINT WEALTH ADVISORS. I HAVE 40 YEARS OF PROFESSIONAL EXPERIENCE CREATING

INVESTMENT STRATEGIES AND COMPREHENSIVE WEALTH PLANNING STRATEGIES. I HAVE A STRONG MORAL COMPASS AND A COMMITMENT TO INTEGRITY.

MY EXTENSIVE FINANCIAL BACKGROUND INCLUDES WORKING AT WELLS FARGO ADVISORS, UBS FINANCIAL SERVICES, AND AMERICAN INTERNATIONAL GROUP.

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.

PRESIDENT- MOUNT HOLYOKE CLUB OF PALM BEACH; TREASURER-MOUNT HOLYOKE CLUB OF FAIRFIELD VILLAGES; BOARD MEMBER- MOUNT

HOLYOKE COLLEGE ART MUSEUM; TREASURER, TRUSTEE AND EXECUTIVE BOARD MEMBER- TEMPLE SHOLOM OF GREENWICH, CONNECTICUT;

BOARD MEMBER- JEWISH FAMILY SERVICES; BOARD MEMBER- SHELTER OUR STRAYS; BOARD MEMBER- WOMEN'S DIVISION OF UJA

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

I WILL ALWAYS BE AVAILABLE TO ATTEND MEETINGS.

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

40 YEARS OF INVESTMENT EXPERIENCE- MERRITT POINT WEALTH ADVISORS (1 YEAR); CUTLER ANDREWS CAPITAL MANAGEMENT (2 YEARS)

WELLS FARGO ADVISORS (10 YEARS), UBS FINANCIAL SERVICES (5 YEARS); AIG INTERNATIONAL GROUP (10 YEARS); MORGAN STANLEY AND CO. (10 YEARS);

SHEARSON/AMERICAN EXPRESS (2 YEARS).

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

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☐ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Other _____

7. Present occupation. FOUNDER, PRESIDENT

No. of years. 2 YEARS

Employer. MERRITT POINT WEALTH ADVISORS (2 YEARS)

8. Past occupation(s). SENIOR VICE PRESIDENT- INVESTMENT OFFICER

No. of years. 10 YEARS

Employer(s). WELLS FARGO ADVISORS

9. Please provide details regarding your educational background:

MOUNT HOLYOKE COLLEGE- BA

EMPLOYED WITHOUT INTERRUPTION FOR 40 YEARS IN FINANCIAL SERVICES

SERIES 7, SERIES 63 LICENSED

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
MARC CUTLER	HUSBAND	2660 SOUTH OCEAN BOULEVARD, APARTMENT 20	AUTO PARTS EXECUTIVE	HIGHLINE AFTERMARKET

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 N/A 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

☐ 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: **Beth F. Cutler** Digitally signed by Beth F. Cutler
Date: 2021.02.02 10:55:54 -05'00'

DATE: **02/02/2021**

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.

The following information is needed to facilitate Town reporting requirements in Florida Statute 766.80. 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 the application or disqualification.

Beth F. Cutler
Beth F. Cutler
 SIGNATURE

Digitally signed by Beth F. Cutler
 Date: 2021.02.02 12:55:11 -05'00'

2/2/2021
02/02/2021
 DATE

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.

BETH F. CUTLER, Founder & President

Beth Cutler is Founder and President of Merritt Point Wealth Advisors. Beth has nearly forty years of experience working with executives and affluent families. She helps clients and their families plan their financial goals while taking into consideration their income needs, tax-efficient investing strategies, and wealth transfer objectives. Beth works very closely with clients' tax advisors and estate attorneys in order to provide comprehensive planning strategies. In many instances, Beth advises three generations of a family. Her strong moral compass and commitment to integrity have earned her many referrals. Beth has built an excellent reputation for helping clients achieve their long-term financial goals while developing client relationships for life.

Beth oversees Merritt Point's *Transitional Planning Services*—helping clients plan for retirement, job change, or finances related to divorce or death in the family. She has developed an in-depth planning process so that she and our practice's professionals can reach a detailed understanding of our client's personal and financial lives before putting a holistic plan into action. This process includes an analysis of income, liability management, insurance, annuities, and stock options. We further delve into the titling of assets, beneficiaries, and wealth transfer plans.

Part of Beth's core mission is empowering women with financial information so that they can take control of their financial lives. She often hosts lectures for women on investment planning and financial independence.

Prior to founding Merritt Point Wealth Advisors, Beth co-founded Cutler and Andrews Financial Group of UBS in 2003 to provide investment advisory services. In 2008, Cutler and Andrews Financial Group moved to Wells Fargo Advisors Financial Network as Cutler Andrews Capital Management before rebranding to Merritt Point Wealth Advisors in the fall of 2020. Beth's extensive forty-year experience includes Senior Vice President-Investment Office and Fundamental Choice Portfolio Manager at Wells Fargo Advisors Financial Network, Vice President-Investments at UBS Financial Services, Director at AIG Trading Group at American International Group, Vice President at Morgan Stanley and Co., and a Money Market Trader at Shearson/American Express.

Beth is a very active member of numerous alumnae groups from Mount Holyoke College. Beth often hosts events with the President of the College, Sonya Stephens. She is a member of Mount Holyoke's Business and Finance Executives (New York City), Treasurer of Mount Holyoke Club of Fairfield Villages, and President of Mount Holyoke Club of Palm Beach, which she re-launched in February 2018. Beth is also on the Board Mount Holyoke's Art Museum.

Since her arrival in Greenwich in 1991, Beth has been an active member of Temple Shalom and has served for many years as a Trustee on the Board, the Executive Board, and as Head of the Education Committee. Beth has also served as Treasurer of Temple Shalom and on their Finance Committee. Beth remains active in Temple Shalom's Sisterhood. On January 27, 2018, Beth was awarded Temple Shalom's "Woman of Valor" award "in recognition of her strength, determination, and ongoing commitment.

Beth also serves on the Board of Jewish Family Services in Greenwich, is a Voting Member on the advisory board of Shelter Our Strays and the American Jewish Committee. Beth is also involved with the Women's Division of UJA Greenwich. She has served as a past volunteer at Greenwich Adult and Continuing Education, Brunswick School and Greenwich Academy.

Beth is a graduate of Mount Holyoke College in South Hadley, MA, with a B.A in English Literature. She resides in Greenwich, CT and in Palm Beach, FL, with her husband Marc and has two adult children—Philip and Caroline.



Investment and Insurance Products: ► NOT FDIC Insured ► NO Bank Guarantee ► MAY Lose Value

Investment products and services are offered through Wells Fargo Advisors Financial Network, LLC (WFAFN), Member SIPC, a registered broker-dealer and a separate non-bank affiliate of Wells Fargo & Company. Wells Fargo is not a legal or tax advisor. © 2021 Wells Fargo Advisors Financial Network, LLC. All rights reserved. Merritt Point Wealth Advisors is a separate entity from WFAFN. CAR-0219-03933



RECEIVED

By gayle at 1:41 pm, Mar 09, 2021

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: Lloyd McAdams Residence Address: 243 Tangier Ave

Mailing Address: 243 Tangier Ave Home Telephone: 561 670 2082

E-mail Address: Lmcadams@pacificincome.com Work Telephone: 310 463 7263

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

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.

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

I beleive that sharing my expetise as a bond portofflio manager will be a valauble resource for the Town. I have considerable experience
managing bond and working capital portoflios for many municipalities and states

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.

(1) Chartered Financial Analyst Charterholder (2) 49 years employed as a Bond Portfolio Manager

(3) Board Member, CALPERS (4) Published research in Financial Analysts Journal (5) Bond Manager, Tennessee Consolidated

Retirement System (6) CEO and Co-Founder of Mortgage REIT, Anworth (NYSE "ANH")

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

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☐ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Other _____

7. Present occupation. Director, Co-Founder & Chief Investment Officer (1986-2018)

No. of years. 32

Employer. Pacific Income Advisers, Inc., Santa Monica, CA (\$3 billion institutional bond manager)

8. Past occupation(s). Chairman & CEO & Co-Founder

No. of years. 20 concurrent

Employer(s). Anworth Mortgage Asset Management Corp (NYSE "ANH") a Multi Billion Mortgage REIT.

9. Please provide details regarding your educational background:

Stanford University, BS Statistics; University of Tennessee, MBA

Certified Employee Benefits Specialist (CEBS)

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
Heather U Baines	wife	243 Tangier Ave	CEO - retired	Pacific Income Advisers

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

☐ 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: _____

Wesley M. Adams

DATE: _____

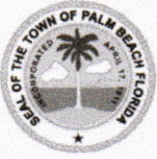
3/9/2021

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

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

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Name: DAVID G McDONALD Residence Address: 234 MERRAIN RD

Mailing Address: SAME Home Telephone: CELL 646 709 4215

E-mail Address: dgmcdonald@gmail Work Telephone: '

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

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.

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

I HAVE SERVED ON THE IAC FOR ONE TERM & WOULD LIKE TO CONTINUE. MY FINANCIAL SERVICES WORK EXPERIENCE IS RELEVANT TO THE COMMITTEE'S DUTIES, & HOPEFULLY BEEN HELPFUL & WILL CONTINUE TO BE.

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.

IAC FOR ONE TERM, MADE ALL MEETINGS. PRIOR SERVED ON CORNELL UNDERGRAD BUSINESS SCHOOL BOARD FOR 7+ YRS & MADE THE MAJORITY OF MEETINGS.

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

AVAILABLE FOR ALL MEETINGS

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

WORKED FOR 26 YRS ON WALL ST (GOLDMAN, MORGAN STANLEY, ALEX BROWN) IN INSTITUTIONAL EQUITY SALES & CAPITAL MKTS. ALSO PERSONALLY ACTIVE IN INVESTING, INCLUDING FIXED INCOME.

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

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other _____ |

7. Present occupation. CAPITAL MARKETS CONSULTANT No. of years. 2

Employer. DEMED CONSULTING INC

8. Past occupation(s). EQUITY CAPITAL MARKETS / I.B. No. of years. 20+

Employer(s). GOLDMAN SACHS, MORGAN STANLEY, ALEX BROWN

9. Please provide details regarding your educational background:

KELLOGG / NORTHWESTERN - MBA
DYSON / CORNELL - BS

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
NICKI McDONALD	SPOUSE	SAME	VOLUNTEER	—

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

ONLY CURRENTLY SERVE ON THE IAC

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: _____

D. McDonald

DATE: _____

2/17/21

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: Chris Storkerson

Residence Address: 302 N Woods Rd, Palm Beach, FL 33480

Mailing Address: 302 N Woods Rd, Palm Beach, FL 33480

Home Telephone: 561-319-9499

E-mail Address: cs102@ntrs.com

Work Telephone: 561-802-2033

I am a resident of the Town of Palm Beach CWS (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.

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

Currently the Chair of the IAC. My goal is to continue my duties and contribute to the community.

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.

Recreation - Town of Palm Beach

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

No

5. Please describe your current or prior investment experience, and describe any fixed investment experience you may have.
25 plus years in the investment business

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

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other _____ |

7. Present occupation. SVP, Wealth Strategist No. of years. 15

Employer. Northern Trust

8. Past occupation(s). VP, Private Client Advisor No. of years. 5

Employer(s). Willington Trust

9. Please provide details regarding your educational background:

MBA, University of Southern California

BA, Economics, Middlebury College

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
Samantha	Wife	Same	NA	NA
William	Son	Same	Student	
Oscar	Son	Same	Student	

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

☐ 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: Christopher Storkerson

Digitally signed by Christopher
Storkerson
Date: 2021.03.02 08:45:05'00'

DATE: 3/2/2021

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

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TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Recreation Advisory Commission.

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated April 5, 2021, from Queenester Nieves, CMC, Town Clerk**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Timothy Cohan**
- ▣ **Application - Peter W. Harris**
- ▣ **Application - Jennifer Irwin Lazzara**
- ▣ **Application - Michael Leiderman**
- ▣ **Application - Michael Vincent Spaziani, Jr.**
- ▣ **Application - Susan Watts**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 13, 2021

TO: Mayor and Town Council
VIA: Kirk W. Blouin, Town Manager
FROM: Queenester Nieves, CMC, Town Clerk
RE: Recreation Advisory Commission Appointment of Regular Members
DATE: April 5, 2021

STAFF RECOMMENDATION

There are currently two (2) regular member vacancies on the Recreation Advisory Commission. Staff recommends that the Town Council review the attached applications and appoint two (2) regular members to fill the expired terms of Dr. G. Ellen Howe and Alexandra Woodfield, who are termed out and not eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received one (1) application seeking **REAPPOINTMENT** to regular member status from the following:

1. Peter E.W. Harris – 173 Peruvian Avenue, #1, Palm Beach, FL.

The Town Clerk's office has also received five (5) applications seeking **NEW APPOINTMENT** from the following:

1. Timothy Cohan – 270 Queens Lane, Palm Beach, FL;
2. Jennifer Irwin Lazzara – 272 Queens Lane, Palm Beach, FL;
3. Michael Leiderman – 2295 S. Ocean Blvd., #419, Palm Beach, FL;
4. Michael Vincent Spaziani, Jr. – 252 Oleander Ave., Apt. 8, Palm Beach, FL;
5. Susan Watts – 44 Cocoanut Row, # 622A, Palm Beach, FL.

The current five (5) members of the RAC include:

Name	Term Expiration
Nicholas Coniglio	April 2023
Pamela McIver	April 2022
Grier Pressly	April 2022
Kristen Schonwald-Vila	April 2023
Leslie Wytrzes	April 2022

cc: Carolyn Stone, Assistant Town Manager
Mark Bresnahan, Director of Recreation

Commissioners Name									S				C					
									3/1/'17	5/1/'17	11/1/'17	1/12/'18	3/7/'18	4/4/'18	5/2/'18	9/5/18		
Khooshe Aiken	x																	
Nicholas Coniglio	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
John Hartz	x	x	x	x	x	x	x	x	x	x	x	x	AB	x	x			
Ellen Howe	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Pamela McIver	x																	
Roberta Mambrino	x																	
Matt Smith	AB	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Linda Wartow	x	x																
Alexandra Woodfield	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Leslie Wyrzes	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Carla Termini Cove		x																
Amy Bahl			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Grier Pressly																		
Kristen Schonwald-Vila																		
Peter Harris																		

S= Special Meeting C= Cancelled meeting X= Present AB= Absent Grey shading= Not on commission

Commissioners Name	3/4/'20	6/3/'20	9/24/'20	12/3/'20	2/25/'21	5/5/'21	9/23/'21	12/1/'21									
Nicholas Coniglio	x	x	x	x	x												
John Hartz																	
Ellen Howe	x	x	AB	x	x												
Pamela McIver	x	x	x	x	x												
Alexandra Woodfield	x	x	x	x	x												
Leslie Wyrzes	x	x	x	x	x												
Carla Termini Cove	x																
Amy Bahl	x	x	x	x													
Grier Pressly	x	x	AB	x	x												
Kristen Schonwald-Vila	x	x	x	x	AB												
Peter Harris	x	x	x	x	x												

RECREATION ADVISORY COMMISSION

Next appointment: **April 13, 2021, Town Council meeting (regular appointment schedule)**

Openings advertised via news release: **February 1, 2021**

Deadline to submit applications: **Friday, April 2, 2021, by 5:00 p.m.**

Number of openings: **3 regular members**

Applicants

<u>NAME</u>	<u>SEEKING</u>
Peter E.W. Harris	Reappointment
Timothy Cohan	New Appointment
Jennifer Irwin Lazzara	New Appointment
Michael Leiderman	New Appointment
Michael Vincent Spaziani, Jr.	New Appointment
Susan Watts	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Nicholas Coniglio, Chair	April 2023
Dr. G. Ellen Howe***	April 2021
Peter E.W. Harris*	April 2021
Grier Pressley	April 2022
Alexandra Woodfield***	April 2021
Leslie Wytrzes	April 2022
Kristen Schonwald-Vila	April 2023
<u>Alternate Member(s)</u>	
Pamela McIver	April 2022

Highlighted in yellow=term currently expiring

*=Applied for reappointment

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

***=Termed out

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE **RECREATION ADVISORY COMMISSION**
Town Council Meeting on **April 13, 2021****

Positions to be filled:

 2 Regular Members

Please circle 2 from the list of names appearing below

Regular Member(s) Applying for Reappointment

(Listed alphabetically)

Peter E.W. Harris

Others Who Have Submitted Applications

(Listed alphabetically)

Timothy Cohan

Jennifer Irwin Lazzara

Michael Leiderman

Michael Vincent Spaziani, Jr.

Susan Watts

Signature of Town Council Member: _____
Town Council Member



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

RECEIVED

MAR 30 2021

Town Clerk's Office

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.

Name: Timothy P Cohan Residence Address: 270 Queens Lane

Mailing Address: 270 Queens Lane Home Telephone: 917-921-5372

E-mail Address: tpcohan@gmail.com Work Telephone: _____

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

Appointment to the Recreation Advisory 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 do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

My wife and I have recently moved to Palm Beach and are so pleased with the wonderful recreation facilities the town has to offer.

I am applying for an Advisory Board to offer my input and support to the Town on how the facilities can be improved and usage increased for the town. I have spent most of my career in the financial services sector but also in advertising, sales and marketing. I am now retired and would like to get involved in the community and feel I can offer some different perspectives to the board.

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

☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

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.

Given we just moved to town I have not served on any boards/commissions but have in CT.

-Future5 Student Enrichment Program, Stamford, CT -8 years on the Advisory Board. Provided mentoring to high school students, job interviews, and hired several students at our office.

-Horizons Student Enrichment Center, New Canaan, CT-6 years Board Member and involved with fundraising and mentoring.

-Stanwich Club, Greenwich, CT, 4 years Board Member of golf club.

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

none

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

We use the Rec Center gym almost every day and have found it a great facility. As golfers we have played the Par 3 and it is a gem. I am impressed with the town marina project which will allow many more people access to the water and be an economic boost to the town.

We use the Rec Center gym almost every day and have found it a great facility. My wife and I work out weekly with Stephanie who is wonderful. The tennis facilities are amazing and hope for my knees to improve so can take advantage of them. As golfers we have played the Par 3 which is a gem and always impressed with how friendly and competent the staff is. While I understand the Town Marina project is no longer directly involved with those facilities am happy to provide any assistance as it will allow many more people access to the water and be an economic boost to the town.

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). Investment Banking

No. of years. 16

Employer(s). Stanwich Advisors, LLC, prior to that Morgan Stanley for 20 years

9. Please provide details regarding your educational background:

St Lawrence University, Canton, NY B.S. 1975

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
Audrey McNiff	wife	270 Queens Lane	retired	

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.

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

13. In the event you are applying to be a Regular Member of the Recreation Advisory 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

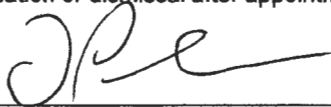
☒ Male ☐ Female

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: _____

3/27/21

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

RECREATION ADVISORY COMMISSION

The Recreation Advisory Commission consists of seven members serving three year terms, appointed by the Town Council. Members of the Commission shall possess a knowledge or interest in Town recreation programs and facilities. Each member of the Recreation Advisory Commission is required to be a registered voter in the Town. The Commission acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town recreation programs and facilities. Preference is given to candidates who are enrolled or have their children enrolled in a Recreation Department program or are a regular participant or volunteer at a Town Recreation Department facility. Three alternate members may be appointed by the Town Council who shall serve when called upon by the Chair in the absence of any regular member.

The Recreation Advisory Commission meets six times per year on the first Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY 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.

Name: Peter W. Harris Residence Address: 113 Peruvian Aveth, PB

Mailing Address: Same → Home Telephone: 781-540-9102

E-mail Address: pwarris88@gmail.com Work Telephone: "

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

Appointment to the Recreation Advisory 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 do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

(see separate page)

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5

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.

Elected to RAC in June of 2019 as an Alternate
Member. I have attended all meetings.

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

I am available to attend all meetings.

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

use all the facilities - play tennis at
Phipps & Seaview. Extensive use of Par 3. My wife
and grandchildren use the Rec Center when they can.

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 (about to join)
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Aviation Security Consultant No. of years. 12

Employer. Yankee Fox trot, Inc. (Founder & President)

8. Past occupation(s). Aviation Security Industry No. of years. 17

Employer(s). AS & E, Analogic Corporation

9. Please provide details regarding your educational background:

High School St. Mark's School Southboro, MA (1972)
College U.S. Naval Academy Annapolis, MD (1976)
Graduate Georgetown University (MA, National Security) (1983)

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
Harriet Harris	wife	173 Peruvian Unit #1	Volunteer	PB Police ★ Dept
			★ part time	

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

13. In the event you are applying to be a Regular Member of the Recreation Advisory 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: _____

Pat J. Harris

DATE: _____

2/2/21

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

RECREATION ADVISORY COMMISSION

The Recreation Advisory Commission consists of seven members serving three year terms, appointed by the Town Council. Members of the Commission shall possess a knowledge or interest in Town recreation programs and facilities. Each member of the Recreation Advisory Commission is required to be a registered voter in the Town. The Commission acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town recreation programs and facilities. Preference is given to candidates who are enrolled or have their children enrolled in a Recreation Department program or are a regular participant or volunteer at a Town Recreation Department facility. Three alternate members may be appointed by the Town Council who shall serve when called upon by the Chair in the absence of any regular member.

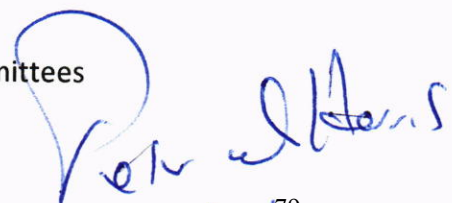
The Recreation Advisory Commission meets six times per year on the first Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida.

Town of Palm Beach
Application for Recreation Advisory Commission
From: Peter W. Harris
February, 2021

#1 – Why do I wish to be appointed?

I am applying for the Recreation Advisory Commission for the following reasons:

1. I am a Florida resident and have lived in Palm Beach since 2013. I want to give some of my time and energy to the Town. I live around the corner from the Town Hall at 173 Peruvian Avenue.
2. I have had business and leadership positions my entire life and believe I can be of value to the Commission:
 - a. Have been a senior Executive and Board Member at public and private companies, including positions as CEO and President
 - b. Managed our large Family Corporation (real estate and logging) for 25 years
 - c. Have been President of a large country club outside Boston with an 18-hole golf course, dining, paddle tennis, shooting, swimming and tennis
 - d. Attained the rank of Captain in the US Navy and had two commands, one being a Commanding Officer of an Attack Jet Squadron during the first Persian Gulf War.
 - e. Have served on numerous Company Boards (profit and non-profit)
 - f. Have been President of my Condo Association here in Palm Beach for the past five years
 - g. Currently, have my own consulting firm, Yankee Foxtrot, Inc. with an office at 205 Worth Avenue
3. Love sports and recreation here in Palm Beach:
 - a. Played tennis and squash in college at the Naval Academy
 - b. Nationally ranked tennis player in the 60's age bracket
 - c. Love golf as well and play locally especially at the Par 3
 - d. MOST IMPORTANTLY, use all the PB Recreation facilities
4. Finally, am a team player and like to work on problems with Committees


2/2/21



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY 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.

Name: Jennifer Irwin Lazzara Residence Address: 272 Queens Lane

Mailing Address: _____ Home Telephone: 561-352-3774

E-mail Address: jenniferlazzara@gmail.com Work Telephone: _____

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

Appointment to the Recreation Advisory 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 do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

As a resident and mother with three young boys, I am always interested in what the town can offer for our children.

The town has made giant strides to improving our recreation activities.

I would love to be a part of the team that continues to help make our town and what it has to offer even greater!

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

☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

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.

I currently serve on the board of Opportunity Early Childhood Education Center in WPB.

I am in my second year with Opportunity and have not missed a meeting.

I have co-chaired the towns Arbor Day event for the last four years for the Garden Club.

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

I am available most times for meetings but travel a bit during the Summer.

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

My children have participated in recreation center soccer, tennis programs and the short lived Lacrosse program several years ago.

They are currently enjoying the new basketball program, which has been outstanding.

I have enjoyed the recreation centers Italian classes for several years, as well!

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

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☐ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other _____ |

7. Present occupation. none No. of years. _____

Employer. _____

8. Past occupation(s). Account Executive, Sales, and Event Planner No. of years. 10+

Employer(s). One Command, The Cobalt Group, Marriott & Walt Disney World

9. Please provide details regarding your educational background:

BS in Recreation, Parks and Tourism - University of Florida

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
Christopher Lazzara	husband	272 Queens Ln		
Mason, Ryder & Caleb Lazzara	children	272 Queens Ln		
Rita & Richard Lazzara	mother & father in-law	318 Arabian Rd		

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

13. In the event you are applying to be a Regular Member of the Recreation Advisory 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: Feb 3, 2021

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

RECREATION ADVISORY COMMISSION

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY 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.

Name: Michael Leiderman Residence Address: 2295 S Ocean Blvd. #419 Palm Beach FL 33480

Mailing Address: Same Home Telephone: 847-494-3896 (Cell/Txt)

E-mail Address: mike.leiderman@comcast.net Work Telephone: N/A

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

Appointment to the Recreation Advisory 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 do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

As an avid user of recreational facilities, I've been active in working to improve activities and facilities since moving to Palm Beach full-time in 2017. I have attended several Town Council and Recreation Advisory Commission meetings during this time.

I would like to participate in the continued work needed to keep our town programs and facilities top-notch while building on what has already been accomplished.

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5

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.

N/A

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

N/A

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

I have worked with the Commission and Carolyn Stone in helping restructure fees for the tennis programs to make them more equitable for residents and non-residents. Working with Carolyn, we were able to enact some reduced fees as well as a season pass program.

I have also worked to suggest physical improvements to the tennis courts, which were later implemented.

I am very interested in helping expand and improve TOPS recreational facilities, specifically the proposed expansion of Phipps Ocean Park. I would like to see better walking/jogging/bike paths, improved picnic and beach facilities, nature preserve, etc.

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. 8

Employer. _____

8. Past occupation(s). TV Executive Producer, Sportscaster, News Reporter, National Speaker, Writer

No. of years. 45+

Employer(s). _____

NBC5 Chicago; NBC Sports Chicago; Fox 32 Chicago; Newsweek TV, New York; WGY-WRGB TV Albany; WHEN, Syracuse; WHDH, Boston; Entertainment Tonight; Leislerman Productions LTD (own production company)

9. Please provide details regarding your educational background:

A.B., Brandeis University, Waltham, MA; M.S. Syracuse University Newhouse School of Communications

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
Hermine	Spouse	2295 S. Ocean Blvd. 33480	Retired	

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 N/A if I am appointed to the position I am seeking in this application.
board/commission/committee

13. In the event you are applying to be a Regular Member of the Recreation Advisory 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

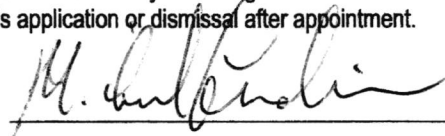
☒ Male ☐ Female

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: February 1, 2021

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.

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RECREATION ADVISORY COMMISSION

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The Recreation Advisory Commission meets six times per year on the first Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida.

**TOWN OF PALM BEACH**

APPLICATION FOR SERVICE ON

RECREATION ADVISORY 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.

Name: Michael Vincent Spaziani Jr. Residence Address: 252 Oleander Ave Apt 8, PalmMailing Address: 252 Oleander Ave Apt 8 Palm B Home Telephone: 5613015545E-mail Address: MSpaziani645@gmail.com Work Telephone: 5613015545I am a registered voter of the Town of Palm Beach MVS (please initial) PGG

Appointment to the Recreation Advisory 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 do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

Following in my fathers footsteps; I've learned about his impact, his success, and his career wi
to build a legacy of success and achievements, my dad impacts in this town gives me the hope
future for the next generation Palm Beachers.

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

☐ 0 ☒ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5

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.

I have not served on any boards/commissions/committees in the Town of Palm Beach or elsev

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

Evenings; when an emergency is present than I'm always available.

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.
Growing up in the Town of Palm Beach at 322 Seaspray Ave, I was familiar with all the town's
to Forth of July in the Parks. Thou I have no current involvment I do have past involvment.

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

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☐ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other _____ |

7. Present occupation. Research Analysts/Appraiser In Training No. of years. 4

Employer. Michael Vicent John Spaziani P.A LLC

8. Past occupation(s). Inspection and Service Contractor No. of years. 1

Employer(s). Royal Palm Aluminium

9. Please provide details regarding your educational background:

BA in Business Administration, Flager College, 2016

BA in Design, Flagler College, 2016

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
Michael Vincent Jo	Father	3300 S Ocean Blvd	Practicing Appraiser	Self 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

13. In the event you are applying to be a Regular Member of the Recreation Advisory 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: 01/02/21

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.

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RECREATION ADVISORY COMMISSION

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

RECEIVED

MAR 30 2021

Town Clerk's Office

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.

Name: Susan Watts Residence Address: 44 Cocoanut Row, 622A

Mailing Address: same Home Telephone: NA

E-mail Address: sbwatts@yahoo.com Work Telephone: Cell: 917/414-3617

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

Appointment to the Recreation Advisory 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 do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

Please see attachment

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

☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

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.

Planning and Zoning Commission Alternate Member May 2014 through October 2016

98% attendance. Please see attachment for additional board service.

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

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

Currently five year member of Seaview tennis teams

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). Please see attachments No. of years. _____

Employer(s). _____

9. Please provide details regarding your educational background:

San Diego State University, 1963-1965; Roger Williams University, BA 1979

Kennedy School of Government, Harvard University, MPA 1992

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
None				

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

13. In the event you are applying to be a Regular Member of the Recreation Advisory 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: Susan B. Watts

DATE: 3-30-2021

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.

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Susan Watts
Response to Application Items
Recreation Advisory Commission
April 2021

Item #1:

I've been a Palm Beach Resident since 2008. I served as an Alternate Member of Planning and Zoning Commission, so understand the processes and roles of Town Commissions and Committees. For the past five years I've been a member of Seaview Tennis Teams. I'm normally on the courts three to five times a week so have been able to see activities both at Seaview Park and also at Phipps Tennis Center where I played during construction of the new Mandel Recreation Center.

Recently, I've noticed an increase in activity, both on the tennis courts, in the playground and on Oakley Debbs field. With younger families moving to our Town, there will be increased demand for programs and activities for children and their parents. This change in demographics in Palm Beach is exciting.

As a parent, grandparent and sports minded resident, I'm eager to contribute ideas and perspectives to the Recreation Advisory Commission and support the work of the Recreation Department. Enhancing residents' use of Seaview and Phipps, especially given the Master Plan for Phipps Ocean Park, presents opportunities to expand thinking about how to use the Commission to help achieve both programmatic and financial growth.

Given my educational background in Public Administration, my professional background in programs addressing children's development, and my active participation in Town tennis programs over the past five years, I'm confident I will bring a value-added aspect to the Commission. Recreation facilities and activities are closely tied to the daily lives of Palm Beach families. I'm excited about joining the Recreation Advisory Commission and contributing to this new era of growth in Palm Beach.

Item #3:

Town of Palm Beach

Allocations Committee, past member
Town of Palm Beach United Way
6 years, 100% attendance

Library Committee member, current
King Library, Society of the Four Arts
10 years, 80 % attendance

Secretary, Board of Directors (past)
455 Worth Avenue Corporation
3 years, 100% attendance

Mayor's County Budget Task Force Member (past)

Newport and Portsmouth, RI Civic Activities

Planning and Zoning initiatives:

Neighborhood association, Portsmouth, RI

Group leader, 2010-2011

Led community/neighborhood group in defeating proposed winery/bottling/distribution plant in residential/agricultural neighborhood. Portsmouth Zoning Board ruled in favor of our objections, 2011.

Successful in leading community zoning effort to prevent construction of massive radio tower in agricultural acreage, Middletown/Portsmouth, RI, 1986.

Other

Preservation Society of Newport County, Current member

Redwood Library and Athenaeum, Newport, RI, Shareholder

Community Service:

Vice-Chair, Board of Trustees

Nominating Committee member

Redwood Library and Athenaeum (c 1747), Newport, RI
2001-2006

Board of Corporators (past)

Massachusetts Society for the Prevention of Cruelty to Children, 21 years

Board of Directors

Vietnam Children's Fund, 2001-2005, Building elementary schools in Vietnam

Item #8:

Professional Background

2002-2005: Special Projects Coordinator, Children's Defense Fund, Washington, DC.

Worked with Defense Fund leadership to develop and expand organization's brand and mission in the U.S. and Europe.

2000-2002: Consultant on Children's Health and Early Education issues. Worked with for-profit and non-profit organizations. Assignments included positioning a web-based company to be leading online provider of products and information to families with young children.

1999-2000: Director, External Relations, The Children's Aid Society (CAS), New York, NY, a \$100M service organization serving 120,000 of the city's neediest children as a senior member of the Development Department.

1994-1999: Program Director, French-American Foundation, New York, NY.
Responsible for creation, budget, staffing, implementation and PR for multi-year, cross-national programs in France and the U.S. Assisted in production of and appeared in two major television documentaries on early childhood practices: *Confronting the Child Care Crisis in America*, Lifetime Television, broadcast nationally in 1999; *A Welcome for Every Child*, WTTW-TV, Chicago, broadcast regionally in 1997.

1989-1992: Financial Public Relations consultant for emerging growth companies, Boston, MA.

Personal

Born, New York, NY

Father, Naval Officer; Mother, writer

Widowed; Bruce R. Watts – Former Naval Officer; Founder, Watts Global, LLC.

Two children, three grandchildren

Became Palm Beach voter and Florida resident in 2009

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Minutes

Agenda Title

Town Council Meeting Minutes

Queenester Nieves, CMC, Town Clerk

- a. February 9, 2021, Town Council Meeting Minutes
- b. February 10, 2021, Town Council Development Review Meeting Minutes
- c. March 2, 2021, Town Council Meeting Minutes
- d. March 3, 2021, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **February 9, 2021, Town Council Meeting Minutes**
- ▣ **February 10, 2021, Town Council Development Review Meeting Minutes**
- ▣ **March 2, 2021, Town Council Meeting Minutes**
- ▣ **March 3, 2021, Town Council Development Review Meeting Minutes**



TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 9, 2021

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Nieves gave the Invocation and President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

IV. APPROVAL OF AGENDA

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

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked Susan Gary, Jeff Smith, and Tony Dowell for their service working on the Undergrounding project since its inception. She commented on political upheaval and expressed hope for the return of civility, courtesy, and partnership.

VI. COMMENTS OF TOWN COUNCIL MEMBERS

There were no comments from Council members at this time.

VII. COMMUNICATIONS FROM CITIZENS-3 MINUTE LIMIT PLEASE

There were no comments from citizens at this time.

VIII. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk
 - a. January 12, 2021, Town Council Meeting Minutes
 - b. January 13, 2021, Local Planning Agency Meeting Minutes
 - c. January 13, 2021, Town Council Development Review Meeting Minutes
 - d. January 15, 2021, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of January 27, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 018-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to GHD Inc. for the Lake Worth Inlet Sand Transfer Plant Integrity Assessment in the amount of \$141,710 and a Project Budget of \$155,000. - ***Pulled and Heard as Item No. XII.B.1***
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 019-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to L.J. Power Inc. for the Purchase of a Towable Generator in the amount of \$77,900 and a Project Budget of \$85,000.
Dean Mealy, Purchasing Manager

C. OTHER

1. Approval of Town Manager Performance Evaluation
Kirk W. Blouin, Town Manager
2. Budget Calendar for the FY22 Budget Process
Jane Le Clainche, Director of Finance

3. Authorization for a Lane Closure and Waiver to Town Code for Construction Hours for the Florida Department of Transportation Landscape Installation at Southern Bridge.
H. Paul Brazil, P.E., Director of Public Works
4. Accept Donation of Firearms from Anonymous Donor for Purchase of Equipment and/or Other Services for the Police Department.
Nicholas Caristo, Chief of Police

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Investment Advisory Committee (written report only).
Chris Storkerson, Chair

Council President Zeidman pointed out that Mr. Storkerson and the Investment Advisory Committee had done an excellent job.

Motion was made by Council Member Moore and seconded by Council Member Araskog to accept the Annual Report of the Investment Advisory Committee. On roll call, the Motion passed unanimously.

X. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Meeting Held on January 7, 2021.
Lew Crampton, Chair

Chair Crampton noted three meetings of the Business and Administrative Committee had been held since November. An upcoming meeting scheduled for February 19 would be held with staff and the public to discuss recommendations that could be made to the Town Council. He reported the Committee was making great progress and looking forward to improving parking and becoming a part of the upcoming retail study.

President Zeidman commented on the great job this Committee was doing.

Mayor Coniglio expressed concerns for placard parking at 100 Bradley Place and metered parking on Royal Poinciana Way. She felt everyone would embrace valet parking.

Council Member Moore reminded everyone that any decisions would come before the Town Council for discussion before approval.

Council Member Araskog agreed with Mayor Coniglio, commented the public did not like meters, and stated she liked the idea of valet parking.

Council President Pro Tem Lindsay agreed with Mayor Coniglio and with Council Member Araskog in regard to meters.

Motion was made by Council Member Araskog and seconded by Council Member Moore to accept the Report of the Business and Administrative Committee Meeting held on January 7, 2021. On roll call, the Motion passed unanimously.

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 020-2021** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation and/or the De-Designation of the Historic/Specimen Trees at 501 North Lake Way, 386 Hibiscus Ave, Crescent Park and Corner of Miraflores and North Lane Way, Providing an Effective Date.

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

Director of Public Works Brazil requested removal of one of the trees on the historic and specimen tree list which was declining. He reported three new trees would be added to the list.

Council Member Araskog thanked Director Brazil and the arborist for finding the new trees.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve Resolution No. 020-2021. On roll call, the Motion passed unanimously

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. **RESOLUTION NO. 018-2021** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to GHD Inc. for the Lake Worth Inlet Sand Transfer Plant Integrity Assessment in the amount of \$141,710 and a Project Budget of \$155,000.

Dean Mealy, Purchasing Manager

Council President Pro Tem Lindsay commented she had been a member of the Shore Board, and rebuilding the sand transfer plant in 2010 was one of their first priorities. She noted the sand transfer plant was the only source of actual beach sand. She felt it was important to know the history of this plant, and has been embraced by all the environmental groups, and it was the cheapest sand per cubic yard that the island could get. She stressed the importance of how critical this was to the northern end of the island.

Town Manager Blouin commented the town needs to examine the integrity of the building and the equipment and to assess today's situation as well as to look into the future to see if there was a better way to use the plant.

Director Brazil commented staff wanted to be proactive to be able to budget for repairs and anticipate them.

Council Member Crampton asked if the Town was still getting funding from Palm Beach County to support the Sand Transfer Plant. Mayor Coniglio responded Palm Beach County provided \$300,000 in funding the Sand Transfer Plant., and expressed her opinion that the cost benefit analysis was necessary. She considered this a critical part of the Town's coastal management program.

Council President Pro Tem Lindsay commented on the importance of the plant and that it was the only place the island was getting high quality beach sand. She commented the only other sand transfer plant in the county served the non-commercial inlet of Boynton Inlet, and was operated fully at the expense of county tax dollars.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to approve Resolution No. 018-2021. On roll call, the Motion passed unanimously.

B. Old Business

1. COVID-19 Update

Kirk W. Blouin, Town Manager

TIME CERTAIN: 10:30 AM

a. Report on COVID-19 Infections, Hospitalizations and Vaccines

Darrell Donatto, Fire Rescue Chief

Council President Zeidman expressed appreciation for Chief Donatto's outstanding job of vaccine distribution and proactively going out into the community to provide vaccine for elderly shut-ins.

Chief Donatto reported improvement in the number of new cases and hospitalizations trending down, but needed to drop further. He discussed how dangerous this disease was for people over 65 and thanked the Governor for prioritizing the elderly. The Chief commented staff were participating in a state of Florida mission to vaccinate holocaust survivors, using vaccines that came directly from the state. He thanked Dr. Alonzo for her work with the vaccine distribution. He expressed his opinion that Publix was the best place to get the vaccine, but everyone should get it wherever and whenever they could. Cautioned after being vaccinated people should continue to wear their mask, practice social distancing and hand washing.

Council Member Araskog commented on the number of residents expressing thanks they were able to get the vaccine, and asked if they should send an email to be taken off the waiting list if they received the shot elsewhere. Chief Donatto responded they should notify the Department of Health, since that would help with scheduling future appointments for those remaining on the list. Council Member Araskog offered tips to help get an appointment on the computer, suggested to keep trying.

Council President Pro Tem Lindsay asked if people with underlying conditions or living with a person over 65 in their household would be prioritized to get the vaccine. Chief Donatto responded the next level of priority would be essential workers, and then it should not be long before the general population would receive the vaccine.

Council Member Araskog mentioned the Governor had been sending a lot more vaccine to Palm Beach County, and expressed her appreciation.

Council President Zeidman commented on the new variants of COVID-19 which were much more transmissible and made wearing a mask extremely important.

b. Compliance with Emergency Order and Mandates
Nicholas Caristo, Police Chief

Police Chief Caristo reported since last Council meeting, restaurants had been shutting down before curfew allowing their patrons and staff to have ample time to get home prior to curfew.

Council President Zeidman thanked Chief Caristo for a good report.

c. Discussion About Town-Wide Curfew

Council Member Moore felt the curfew should remain as is since it was working.

Council President Pro Tem Lindsay agreed and thanked the restaurants that came into compliance. She also thanked Chief Caristo for checking the establishments.

Mayor Coniglio concurred, but asked to revisit the Town-wide curfew in March.

Council Member Araskog agreed, and felt the curfew should be revisited each month.

Council President Zeidman agreed and felt the curfew should remain and be revisited each month.

Council Member Crampton felt the curfew should remain as is.

Motion was made by Council Member Moore and seconded by Council President Pro Tem Lindsay to approve maintaining the current hours from 1:00 a.m. to 5:00 a.m. which will be revisited at the March 2, 2021, Town Council Meeting. On roll call, the Motion passed unanimously.

d. Discussion About March Public Meetings

Deputy Town Manager Boodheshwar advised all the audio visual upgrade work had been completed in Council chambers. If Council wanted to hold a hybrid meeting that would be possible.

Mayor Coniglio favored going to meeting in person as numbers were going down.

Council President Pro Tem Lindsay supported going back to in person meetings in March.

Council Member Araskog favored going into chambers with a hybrid meeting because elderly members of the public could participate if unable to attend in person. She asked if President Zeidman could change that if there was a surge in case numbers.

President Zeidman commented she had made that decision in the past, she anticipated being together for the March meeting. She cautioned to keep comments short and not to repeat things, because the Council Chamber does not have ventilation to the outdoors. .

Town Manager Blouin suggested setting a benchmark of possibly 10% positivity rate or less to meet in person and over 10% to meet virtually. Council President agreed that metrics should be considered. A major shift in the number of new infections would be of concern. She suggested, she and the Mayor would meet and inform the council of increase.

Mayor Coniglio commented she metrics would be looking for a spike from where the number was now.

Council President Pro Tem Lindsay felt meetings should continue in person, being careful, because the quality of the meeting was so much better, unless something extraordinary happened.

Council Member Araskog asked if they were considering both county and town cases.

President Zeidman responded they would look at both, and we shall proceed as if the meetings would be in person. If the metrics increased dramatically we will reconsider the “in person” plan.

There was a consensus the Town Council meeting was to be held in person in the Town Council chambers.

e . RESOLUTION NO. 021-2021 A Resolution Of The
Town Council Of The Town Of Palm Beach, Palm Beach
County, Florida Concurring With The Request Of The

Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To March 2, 2021, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Motion was made by Council Member Crampton and seconded by Council Member Lindsay to approve Resolution No. 021-2021. On roll call, the Motion passed unanimously.

Following a 30 minute break, the meeting reconvened.

2. Palm Beach Marina Update
H. Paul Brazil, P.E., Director of Public Works
TIME CERTAIN: 11:00AM

- a. Update on Progress of Project Construction

Director of Public Works Brazil reported the status of the different parts of the project.

Council Member Crampton inquired how the dock arriving in segments were put together. Director Brazil explained the process.

b. RESOLUTION NO. 022-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Purchase Order No. 200662 to Murray Logan Construction Inc., in the Amount of \$138,685.20, for Materials, Labor and Installation Associated with the Electrical and Low Voltage Conduit for the Town Marina Project, and Approving a Task Budget of \$150,000.

Director of Public Works Brazil explained this resolution included conduit for all of the low voltage, to tie together every part of the marina with conduit to make the security and access systems work. Funding would come from the project contingency, as anticipated.

Council President Pro Tem Lindsay asked if this was the first contingency money used. Director Brazil responded it was not and he would report the amount used at next month's Council meeting.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve Resolution No. 022-2021. On

roll call, the Motion passed unanimously.

c. Update on Conceptual Landscaping Design for Lake Drive Park.

Deputy Town Manager Boodheshwar provided background information on the changes to Lake Drive Park. He recalled that at the January meeting Keith Williams had presented his first draft of proposed landscape improvements in the park. Council had requested items for the team to revisit and directed the project team to reach out to the neighborhoods to ensure that all interested residents nearby and far away had the ability to provide feedback before the final design came back to Council. Mr. Boodheshwar reported focus groups and a community input session had been held since the January meeting. Revisions to the initial plans were more in line with the desire for open lawns, open vistas, and are reflective of the main themes of the feedback received. The plans presented today would also be presented to Landmarks Preservation Commission on February 17, and will come back to Council for final approval. Director Brazil will work with the project team and project contractor to price the improvements and Scott Snyder would begin fundraising. The goal was to finish the park improvements within the current Marina project schedule.

Keith Williams provided his presentation, which incorporated community and council feedback.

Mayor Coniglio thanked Mr. Williams and Mary for creating this and for their collaboration with the community. She felt at this point the project was moving in the right direction. She confirmed with Mr. Williams that walking along the walkway, one would be able to see the water.

Council Member Araskog confirmed the pathways would not be wider than 4 feet because golf carts were not wanted on the walking paths. Mr. Williams also confirmed the green space would be slightly increased. Council Member Araskog requested a slight adjustment on one walkway. She asked staff to consider the placement of coconut palms so coconuts would not fall on anyone. She mentioned that she loved the doggie fountain.

Council Member Moore asked about changing the asphalt for permeable pavers. Discussion ensued.

Deputy Town Manager Boodheshwar requested direction from the Council. 1. Plan A, replace all the asphalt with the environmentally friendly pavers. 2. Plan B add walkways and trail. 3. Plan C would be doing in stages.

Council President Pro Tem Lindsay confirmed with Mr. Williams that a total of four angled parking spaces would be lost with the new landscaping. She agreed with Council Member Moore on the plans and supported the permeable pavers. Council Member Moore inquired having Sable Palms as well as coconut palms since there was less maintenance. Noted the new plan showed outstanding progress, and thanked Mr. Williams for his work.

Council Member Crampton supported the permeable pavers and urged creating habitat for butterflies. He expressed his appreciation to Mr. Williams.

Council President Zeidman congratulated Mr. Williams on the new design and expressed her preference for replacing the asphalt with permeable pavers.

Council Member Araskog asked if the pavers would be uneven and cause problems for walkers. Mr. Williams responded the picture presented caused the pavers to look uneven. Councilmember Araskog thanked Mr. Williams for his hard work.

Council President Zeidman called for public comment.

John David Corey, 426 Australian Avenue, commented the Friends' group would like to be an ongoing partner with the town and help maintain the park by providing volunteers. He thanked Mr. Williams for doing this work pro bono and for working with the community. He expressed appreciation for the renderings showing the trees, appropriate street furniture, and adding native Sabal Palms. Shared his expertise on using mulch instead of gravel.

Council President Pro Tem Lindsay felt the park was now on the right path and thanked the community for their patience, and staff for listening to the community and to Mr. Williams as well. She felt this would be a spectacular addition and would fit into the Palm Beach community.

Council Member Araskog asked if there was an update on the funding. Mr. Williams indicated he would call Scott Snyder following this meeting.

Mayor Coniglio expressed her faith that Mr. Snyder would accomplish the necessary fundraising.

Mr. Keith Williams provided an update on the conceptual Landscaping Design for Lake Drive and there was a consensus to move forward with the Conceptual Landscaping Design Park.

3. Town-wide Undergrounding Project

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

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

Patricia Strayer, Town Engineer, provided a written report and verbally reported the status of chicanes and easements in each phase of the Town-wide Undergrounding project. Ms. Strayer showed equipment placed in the right-of-way of Australian Avenue in Phase 4, and discussed the option of placing the equipment in the road which would cost more and eliminate some parking.

b. RESOLUTION NO. 023-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town of Palm Beach and Florida Power & Light (FPL) at 1060 North Lake Way for Access, and Maintenance of FPL Equipment.

Patricia Strayer, Town Engineer discussed the issue with acquiring property owner's agreement to have switch cabinets placed on their private property.

Mayor Coniglio noted placing equipment where a pump station existed and hidden from the community was a win win solution.

Motion was made by Council Member Moore and seconded by Council President Pro Tem Lindsay to approve Resolution No. 023-2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 024-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute Easements and Use Agreements Between the Town of Palm Beach and Florida Power & Light (FPL) Upon Town Owned Land Located at 360 South Ocean Boulevard, Town of Palm Beach Parking Lot on Australian Avenue, 359 South County Road, and 400 South County Road.

Town Engineer Strayer reviewed each proposed location.

Council Member Araskog expressed concern trees would be lost. Director Brazil assured her more trees would be planted.

Town Manager Blouin suggested landscaping which would hide

equipment.

Motion was made by Council Member Moore and seconded by Council President Pro Tem Lindsay to approve Resolution No. 024-2021. On roll call, the Motion passed unanimously.

Council Member Crampton asked about cost trends within the project. Town Manager Blouin responded in the revised budget actual costs were used, the difficulty of obtaining easements caused delays which translated to more cost, and a shortfall was expected.

Director Brazil commented the project was on track, based on current knowledge and staff would come to Council each month to report project status; once a construction contract was awarded staff would have more information to provide to the Council. Mr. Brazil commented the best thing to do was to get the work done as soon as possible. He noted easements were a problem.

Mayor Coniglio asked when the demonstration chicanes would be installed. Ms. Strayer responded staff would present to Council next month, then the installation would begin shortly thereafter. Mayor Coniglio suggested for the installation to be done as soon as possible. Director Brazil suggested skipping the presentation and going ahead with installation. The Mayor agreed.

Council President Pro Tem Lindsay felt this was a terrific idea. She asked about the progress on Lake Drive, she had concerns regarding the roadways when the Marina opened. Director Brazil indicated the Marina did not depend upon the work out in the roadway, but they were trying to get that work done as soon as possible so as not to impact the roadway after the Marina opened. Council President Pro Tem Lindsay requested a monthly update on the water main status.

Council Member Araskog expressed disappointment regarding the landscaping, and inquired additional landscaping could be added when the equipment was placed between the sidewalk and street. She complimented Ms. Strayer on her work with the chicanes and getting easements from the residents. She asked to be notified when mock chicanes were going to be built in case Council might know someone in the area who could help.

Council Member Crampton commented a meeting was being set up with a property owner on Golfview to try to resolve an easement issue.

Clerk's Note: A recess was taken at 12:40 p.m. Meeting resumed at 1:25 p.m.

4. 2021 Reach 7/Phipps Ocean Park Beach Nourishment Project Update.

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

Town Manager Blouin provided background information on the contract presented to the Town by Sloan's Curve Condominium Association. Director of Public Works Paul Brazil reviewed the settlement agreement, which included were grievances from 15 years ago.

Mayor Coniglio opined that creating a contract with a specific area would be problematic, and would set a precedent which could potentially handcuff the Town going forward.

Council Member Crampton suggested as a form of compromise to agree to a series of one-year agreements to be renewed annually.

Council President Pro Tem Lindsay recalled a past engineering consultant had said the natural outcropping existed there offered much greater protection than any structure because it broke the energy of the waves and protected the upland property. She noted \$10M in FEMA funds would be lost if this project did not proceed.

Council Member Araskog asked Town Manager Blouin for additional comments.

Town Manager Blouin suggested to ask Sloan's Curve Condominium Association not to file an objection and allow staff to work with them on technical aspects where there was disagreement.

Council Member Araskog asked about rebuilding the dunes and the mitigation if there were adverse aspects. Director Brazil responded.

Council President Zeidman felt it was not the appropriate to set separate agreements with the association, she felt that would set a terrible precedent.

Council Member Moore felt that not moving the project forward would remove added protection if there was a storm this summer, and she would like those residents to understand the Town was trying to protect the resident as well as the entire south end.

Council Member Crampton asked the time frame for a challenge to be made. Rob Weber, Program Manager, responded a challenge has not been issued, he explained once a challenged is made this would open a two-week window for any petitioners to challenge issuance of the IPA.

Council Member Crampton commented if the decision was made to challenge the permit and prevent the process from going forward, their properties and the entire south end would not get the sand deposition needed and the Town would lose \$10M in Federal

funds and that association would be responsible. He urged his friends in that association to consider the consequences carefully, which would be dire and felt throughout the Town.

Comments were made by members of the association.

Steve Tannenbaum, President of the 2100 Condominium Association, spoke on behalf of the 192-unit owners, suggested that the Town Council encourage the Town Manager and staff to negotiate a mutually acceptable completion of the draft settlement agreement. The unit owners wanted an enforceable agreement that the Town. This agreement would include any damage from adverse events, also make the Town's promises explicit and enforceable. Mr. Tannenbaum discussed details of the proposed agreement.

Robert Davidow, 2100 South Ocean Boulevard, stated he felt there were some misunderstanding regarding the agreement. He complimented the Council Member Crampton and Town Manager Blouin for their good faith in trying to resolve this matter. He suggested having the commitment in writing as what was agreed to.

Joe Goldstein spoke on the chronology of their involvement. When the Town revised the borrow area, they requested a meeting with the Town and Department of Environmental Protection. The settlement agreement was drafted and revised but no redline copy had come back. He advised the association would like to negotiate a mutually beneficial agreement. He suggested that over the next 36 to 48 hours that Town staff meet with the association to review the settlement agreement. The association would include the Department of Environmental Protection in those conversations and try to get the minimum assurances needed.

Director Brazil commented it was impossible to tell the cause of the erosion or its adverse impacts was the result of prior dredging. This had caused frustration for quite some time.

Council Member Crampton pointed out the legal constraints of the Town. Felt it was good the association was willing to continue negotiations, stated the consequences of not reaching an agreement could possibly cause 2000 residents in the south end not have sand on their beaches and \$10 million in federal funding would be forfeited. He felt that should be enough to get everyone to the table to come up with language to give confidence that the Town would do what it said it was going to do.

Mayor Coniglio confirmed with Mr. Weber and Director Brazil that the permit for the borrow sites had specific requirements and was not something the Town created. Mayor Coniglio stated the permit required the Town to mitigate impacts from the borrow area and dredging. She disagreed with Council Member Crampton that a comfort agreement was binding because it was the permit which was binding. She implored the association to let this project go forward and they would receive input sand on their beach, saving taxpayer dollars, and the Town would have to be totally within the permit conditions.

Council President Zeidman stated the Town of Palm Beach will not be forced into a game of chicken. She felt that the town and the association could come to a compromise, which acknowledges the concerns of the residents who live in the area without creating a separate agreement. Additionally she pointed out that the residents were asking for protections the Town was already required to provide. The Town was already taking care of the dunes in order to be prepared for summer storms. She stated this had to go forward because all of those people could not be left at risk during a storm, but the agreement as submitted was impossible for the Town to sign.

Town Manager Blouin advocated for continuing discussion and if the Town was to consider doing this that it not be longer than for a one-year period and that any remediation by the Town was very specific.

Council Member Moore confirmed with staff this project was already monitored many times each year and failing to move forward would jeopardize the entire south end in the event of a storm. The DEP and Army Corps had already approved this, and she hoped Sloan's Curve would do the right thing for their neighbors.

Council Member Araskog asked Town Attorney Randolph how he felt about entering into a contract with an individual property versus what had been done in the past.

Town Attorney Randolph was very uncomfortable with it and felt it would set a precedent and encourage other people in future projects to try to hold up the Town in the same fashion. He stated he was in agreement with Town Manager Blouin and staff in their opinion in that regard.

Council Member Araskog thought the Town Attorney was saying this could open the floodgates to these kinds of agreements and to litigation.

Council Member Crampton answered the Town Manager's request for direction that his advice would be to continue to talk in a firm, frank manner, and do their best to arrive at specifics that would work. It would be up to the negotiators to come up with a solution and the association would be responsible for the consequences if the process did not go forward.

Public Comment continued.

Karyn Erickson clarified the condominiums were built pre 1987 so were not on piles and therefore highly vulnerable. She also referred to the 2016 dredging, discussed erosion rates between 2017 and 2019, and the amount of sand per cubic yard in replacement. She commented the Town's document showed less than one cubic yard of sand replacement per foot in front of these condominiums was proposed currently, and in the last three years they had lost more than 55 cubic yards per foot of shoreline.

Warren Belmar, 130 Sunrise, member of the Shore Protection Board, thanked the

Council for taking time to go over this, making it clear that one could not enter into agreements like this, providing special treatment for any one property owner. He believed FEMA money was available to everyone and if that was the case, everyone would be affected, not just those south of Sloan's Curve.

Town Council gave direction to staff to meet with the Stakeholders to come to a consensus.

D. New Business

1. RESOLUTION NO. 025-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-01, Retail Study for the Town of Palm Beach to Yard and Company in the Amount of \$94,250 and a Project Budget of \$118,000 and to Approve Source of Funding from Private Donations in the Amount of \$108,000.

Dean Mealy, Purchasing Manager

Purchasing Manager Dean Mealy introduced the resolution.

Council Member Araskog asked the Purchasing Manager of the names of donors, which he provided. Council Member Araskog questioned staffing requirements to complete the study. Director Bergman responded they may need additional personnel. Mr. Mealy suggested scaling back the Town of Palm Beach involvement or inquired if Yard and Company could reduce their fee to cover expenses incurred by the Town. Council Member Araskog stated she did not support getting a consultant or spending 80 hours of staff time to conduct the study. She felt this was not the time to have a study, and she felt there was not enough information for a full study of the town. She noted the community had not been included. Stated not all Council members were able to participate in the study. Everyone in the Town has a vested interest in this study.

Council Member Moore also had problems with the timing, and was not ready to move forward. She felt it should be done in high season, from December 2021 to April 2022 when hopefully COVID was gone and there would be better opportunity for community input.

Council Member Crampton preferred to move ahead with the study. The Study would provide tools to give Council the opportunity to consider how to improve the situation. He advised every recommendation that came from this study would be vetted by Council.

Council President Pro Tem Lindsay commented she had not even thought about doing it at a different time and was interested to know the consultant's thoughts on this.

Mayor Coniglio was concerned that the scope was broad and undefined, and the most important part of this study was community engagement, was lacking. She worried about taking this study too far too fast, and asked to proceed slowly.

Council Member Araskog commented a study like this was needed but because of COVID it would end up with less than if it was delayed until December or January when most residents were present. People were just not responding to attending meetings during COVID.

Council President Zeidman expressed appreciation for those who believed it would be better to wait until December or January, but reminded everyone that there has been an increase in empty stores prior to COVID and it is expected to worsen. Because of the real retail problem, she wanted to get on with this, and it was never anyone's thought that community would not be involved. In fact there has been very early attention given to having a steering committee and having a lot of community involvement.

Council Member Crampton thought Council was overthinking this issue. He stated it was not expensive because the Town was not paying for it. They were assuming the results before they happened, and the study was all about community participation, putting together steering committees, doing all kinds of interview and getting results. He trusted Director Bergman to manage his staff, and in the end all skeptics would have an opportunity to weigh in and be heard, and change direction if that's the way it worked out.

Council President Pro Tem Lindsay suggested asking Yard to come to a hybrid meeting next month to allow a couple of hours for going through what they hoped to accomplish and time for public comment. She mentioned landlords could not be mandated to fill their stores. She thought residents would be around until July. She was comfortable that this selection committee was the right group and hoped this would make other Council members more comfortable.

Council Member Moore commented Yard and Company would have to travel here, then four to six weeks for them to test, then build for three weeks, and she was worried about this timeline. She had not changed her mind.

Council Member Araskog read from the consultant's scope of work for which they only had four weeks allotted, and she wanted to know how many spaces became vacant after COVID. She felt this was rushed and not enough time was earmarked for community.

Deputy Town Manager Boodheshwar commented he was not hearing concern about the choice of consultant, but that there was a public health emergency and there were limited resources and staff. He was a member of the committee that selected Yard and Company. He suggested instead of but starting in season and ending offseason, it could start in offseason September or October and end in the season—that way the public health issue could be addressed. He commented staff was prepared to get more public input to help them shape concerns.

Dean Mealy, Purchasing Manager, commented all vendors were required to hold their prices 180 days which would provide a comfort level.

Mayor Coniglio favored late October or early November for them to start gathering information.

Council Member Araskog asked to spend the first month for reconnaissance, so start in November.

Council President Pro Tem Lindsay thanked Mr. Boodheshwar for his compromise suggestion.

Mayor Coniglio favored starting November 1st.

Discussion ensued regarding communicating back to the committee that Council wished to delay until everyone was healthier and to announce this to the public in the interest of transparency, and to thank the donors for their generosity.

Michael Ainslie expressed his support as to the consensus that had been reached. He expressed his opinion this study was very much needed, which was why people came forward and gave it financial support. He thought starting in early fall would be productive.

Maisie Grace spoke about the importance of getting opinions from residents first, and commented there were many residents who were still North in October last year. She also wanted to be sure traffic and parking problems were taken into account in the study.

Council Member Araskog asked about the procedure to follow for donated money. Mr. Boodheshwar responded any individual donation \$25,000 or more had to be formally accepted by the Town, and none of these donations were in that category. Discussion ensued. Council President Zeidman recommended accepting the donations at the meeting the next day and also approving Resolution No. 025-2021.

Motion was made by Council Member Araskog and seconded by Council Member Moore to defer approval of Resolution No. 025-2021, to be heard at a time certain on February 10, 2021 at 10:00 am. On roll call, the Motion passed unanimously.

Dean Mealy commented he just received word from Yard and Company that they had no issue with the timeframe.

Carol LeCates suggested this study be funded by the town budget, and why not wait to sign the contract in the fall.

2. Legal Requirements (Post COVID-19) for Public Meetings (verbal report).

John C. Randolph, Town Attorney

Town Attorney Randolph reported he had researched attorney generals' opinions to find information on legal requirements for public meetings post-COVID-19. One opinion was that telephonic appearances by board members were permissible only when a quorum was otherwise present and when absence was due to extraordinary circumstances such as illness. Attorney Randolph concluded the answer was up to the Council whether to allow people not part of the quorum to attend electronically.

Council Member Crampton commented people were leaving Florida in the summer and it was a real problem for people to go back and forth for a Commission meeting. He felt if the Town Attorney found there was absence of a clear directive from the Attorney General it allowed Council to make their own policy that people who were out of town should be allowed to attend remotely when there was a quorum within chambers.

Mayor Coniglio asked about the policy of Palm Beach County and stated she agreed with Council Member Crampton.

Council Member Araskog indicated she would have a hard time with attorneys not being present in person for quasi-judicial boards.

Council Member Moore felt it was important for commissioners to attend in person, which they agreed to during the application process.

Council President Pro Tem Lindsay felt after the extraordinary pandemic emergency waned, they should go back to what had been done before the pandemic.

Council President Zeidman agreed with Mayor Coniglio, Pro-Tem Lindsay, Council Member Araskog, and Council Member Moore.

Council Member Crampton stated he realized he was in the minority but pointed out Palm Beach was unique compared with other towns in that a lot of people left during the

summer. He felt the Council should make it as easy to participate as possible and he would like to take advantage of the talent.

Council President Zeidman commented the COVID-19 rules would still apply through the summer, for all Boards and Commissions. Stated there would be an opportunity to address this again after the pandemic.

3. Re-Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter from February 10, 2021 through February 8, 2022.

Kirk W. Blouin, Town Manager

Town Manager Blouin acknowledged the exceptional staff and strong management team, and looked forward to working with everyone in the next year.

Council Member Araskog expressed her appreciation for Town Manager Blouin's leadership, transparency, and work ethic.

Council Member Crampton discussed Town Manager Blouin's work during the past year that helped the Town to prosper, his engagement with the community, and his management philosophy which set a great example for staff. He supported the reappointment of Mr. Blouin for another year.

Council President Pro Tem Lindsay commented Mr. Blouin had completed two years as Town Manager and she was grateful to have him.

Council President Zeidman expressed her gratitude for being able to work with Mr. Blouin and Mr. Boodheshwar over the past year. She congratulated Mr. Blouin on the exceptional evaluation. She remarked that this past year has been made difficult because of the pandemic. Mr. Blouin leadership has provided a solid flooring for the community.

Mayor Coniglio was grateful to have worked with Town Manager Blouin and for his leadership.

Motion was made by Council Member Moore and seconded by Council Member Araskog to re-appointment Kirk W. Blouin as Town Manager for another year. On roll call, the Motion passed unanimously

4. Approval of 2021 Town-wide Goals

Kirk W. Blouin, Town Manager

Town Manager Blouin reviewed the goals submitted by Council Members:

The Mayor and Council would like to continue to develop financial policies and plans to address the future needs of the town, including reserves, balances, rate of fund, and

potential use of excess balances. Conduct a review of the Town Code; have staff provide an outline, and methods on how this would be accomplished. Engage Town Council and the community.

Completion of the environmental threat assessment, which was now in the implementation phase; important because recommendations would be made. Because there was a potential deployment of resources, the Town Manager needed to know from the Mayor and Council how much to budget, and it would send a message to the community that this was a matter the Council placed high value on moving forward.

Complete or continue planning, zoning and building initiatives, most importantly, to identify and implement a software program. The Town Manager pointed out that the software program main financial commitment.

Town Manager Blouin commented staff continued to provide updates to the Mayor and Council on the Town Marina, which was on schedule, and on budget, and would continue to develop the strategic marketing plan. The project was staff intensive with Town resources and tax dollars devoted to it.

The last goal was the complete review of the water feasibility study. The Town Manager, Public Works and Kimley-Horn were working together to fine tune their plan and identified possible supply sources and distribution options. The plan would be to put together options, and eventually enter into negotiations with a provider.

Council Member Araskog commented one of the things that residents were requesting was a complete residential review of the Town Code. Town Manager Blouin indicated staff would put together a plan to present to Council for their input, and this would be a priority for next year. She also wanted the Woods study for Sea Level rise.

Council President Pro Tem Lindsay recalled discussion where all agreed the most important priority in reviewing the Code was dealing with FEMA requirements for lifting residences and new construction, and felt this item was still urgent.

Mayor Coniglio agreed with Council President Pro Tem Lindsay and wanted to do pieces of the code that needed fixing rather than a review of the entire cod. Suggested staff to provide a list which could be prioritized.

Council Member Moore agreed to review specific items in the Code because doing the Code in its entirety would be expensive and time consuming. She confirmed with the Town Manager the goals were not listed in priority order, and he considered the code item would be presented in the near future.

Council Member Araskog asked to include the drainage issue in the FEMA discussion.

There was a consensus to accept the Town Wide Goals

5. Presentation by Town Attorney Regarding the Declaration of Use Agreement Between the Town of Palm Beach and the Mar-A-Lago Club.

John C. Randolph, Town Attorney

Town Manager Blouin explained this had been placed on the agenda because an allegation had been made by a neighbor of the Mar a Lago property through their attorney, and the resulting report to the media that former President Trump was not allowed to reside at Mar a Lago under the Declaration of Use agreement, entered into in 1993. Attorney John Marion was present representing former President Donald J. Trump, and Attorney Reginald G. Stambaugh was present representing neighbors living near Mar a Lago Club.

Council President Zeidman announced the procedures which would be followed for the attorneys' presentations and public comment.

Town Attorney John C. Randolph summarized his written report provided to Council, he indicated this was for informational purposes only. Attorney Randolph stated this was not a quasi-judicial hearing or a hearing, there would be no cross examination.

He reported this matter arose originally as a result of complaints by neighbors through their attorney Reginald Stambaugh, that Mr. Trump, now former President Trump, was not entitled to live at Mar a Lago once it was converted into a private club. The neighbors contend Mar a Lago was either a residence or a home, but could not be both. The language of the Declaration of Use agreement which allowed members only to reside in the guest suites for seven days at any given time, no more than a cumulative 21 days. Town Attorney Randolph stated according to the neighbors the Declaration of Use agreement has already been violated by Former President Trump. Town Attorney Randolph advised that allegation failed to take into account the relevant provisions of the Town Zoning Code, including the first, definition of a private club, which states that a private club may provide living quarters for bonafide employees only; second, that provision in the code which defines the employees was relevant, as any person generally working on site and included sole proprietors, partners, limited partners, corporate officers and the like. Town Attorney Randolph stated he had been advised that former President Trump was indeed an employee under this definition; however, Mr. Marion would address this matter. If Council agreed that former President Trump fit this definition of employee, it was his opinion, that he was entitled to reside in Mar a Lago, and noted there was no specific language prohibiting him from residing there. The language in the agreement regulating the use of guest suites by members or periods of time was not applicable to this situation. It was Town Attorney Randolph's understanding that the owner's suite described in the preservation plan was not a guest suite and was not included within these restrictions. Town Attorney Randolph stated attorney Philip Johnson sent him a letter saying he represented a group called Preserve Palm Beach and should be given the same opportunity to speak as Mr. Marion and Mr. Stambaugh.

Attorney John Marion advised he had enjoyed the privilege of representing former President Donald J. Trump for about 25 years and was very familiar with his participation and events at the Club. He provided history which was provided to Mr. Randolph and repeated for the public. When this application was originally considered it was presented as an Equity Club, but the Town wanted Mr. Trump or one of his entities to own the club, the Town of Palm Beach did not want the responsibility for shortfalls. The Declaration of Use was an agreement entered into by the Town and the Mar a Lago Club, Inc., and owner Donald J. Trump. Attorney Marion stated there were no provision that indicated former President Trump could not reside in the owner's suite. This document was adopted with the special exception documents and described the owner's suite in great detail, and lived there many times for longer periods that were allowed in guest suites over the past 22 years. This was not a variance to the Zoning Code; it was a special exception that allowed an additional use in addition to the residential use it was always used for. He was allowed to live there as an employee or an officer, which was an employee. He was now President of the Mar a Lago Club, as he was before he was President of the United States, when he put everything in trust while he was President of the United States. He reported on former President Trump's activities as President of the club. Mar a Lago Club, Inc. had evolved into Mar a Lago LLC. He shared his screen to show the document that former President Trump was now President of Mar a Lago Club LLC. He next displayed a document listing some of the things he generally did on site at the property. Attorney Marion advised that Attorney Stambaugh represented neighbors of the club on Woodbridge where former President Trump owned four properties in that vicinity, some on that road and others on South Ocean, and while he was President for four years the roadways were blocked, barriers put up, and secret service was more than 100 people. As of Sunday night a week ago that number was reduced to 10 people and expected to stay that way, and barriers had been removed. He described how a property on Woodbridge would be barricaded with guards and secret service in front of that roadway if former President Trump had to live there, which would be horrible for the people living on Woodbridge, and there was no reason why he shouldn't reside at the club.

Attorney Reginald G. Stambaugh urged the Town Council to uphold the Declaration of Use agreement created with Mar a Lago in 1993 in recognition of the impacts the club would have in a residential zone. His clients purchased their home after the agreement was signed, with the expectation that this legal contract would be honored. He stated this agreement assured his clients they would be able to live peacefully and enjoy privacy afforded others on the island but there had been numerous violations over decades, and the Declaration of Use Agreement did provide for the Club to be returned to a residential property, and the former President and his family could live there, referencing Article nine and eleven.

Attorney Philip Johnson, representing Preserve Palm Beach, a group of residents concerned with quality of life in the town felt with Mr. Trump's residence and now the office of the former president that Mar a Lago would become a permanent beacon for rabid lawless supporters. He had not had time to prepare a formal presentation or a full legal response but submitted a letter on the record requesting that no decision be made

today on the issue. He requested deferral until April to allow all interested parties to fully prepare. On a cursory review, he felt if officers of Mar a Lago LLC were permitted to reside at the Club there would be no limitation as to how many residents would be able to live there since the Club controlled the number of officers and it could become a multi-family residence.

Council President Zeidman called for public comment.

Simon Taylor advised he had submitted a memorandum and two emails on this issue. He felt Mr. Marion was incorrect on the point that former President Trump was a bonafide employee of Mar a Lago Club, which could not be defended when he was engaged in running a wing of a political party. Also, Mr. Marion and Town Attorney Randolph had said that there was no prior evidence of the meaning or intent of the declaration could come in and omit the clause saying the agreement supersedes prior agreements, assurances, communications, arrangements, negotiations, meant all prior exchanges in minutes should come in.

Mark Sanderson, speaking for himself and his wife Diane Sanderson, residents of Palm Beach and members of the Mar a Lago Club, thought it unconscionable for the Town to prevent the former President, now a private citizen, from living at his home at Mar a Lago.

President Zeidman stated it did not appear there had been a violation of the Declaration of Use agreement, and appears the information presented by Attorney Marion regarding former President Trump had met the criteria as a bonafide employee and there was nothing that would prohibit him from living in the owner's suite at Mar a Lago.

Council Member Araskog asked Attorney Marion to explain his comment about originally going to make Mar a Lago an equity club. Attorney Marion responded initially what former President Trump wanted to do was subdivide the property but the Town would not approve of subdividing the property. The Declaration of Use agreement was entered into around August of 1993.

Attorney Randolph made a presentation regarding the Declaration of Use Agreement between the Town of Palm Beach and Mar-A-Lago Club and provided opinions regarding sections of the declarations.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 02-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 Of The Town Code Of Ordinances At Article I, Section 74-1 To Delete Subsection (b) Thereof Relating To Alternate Members, Thereby Deleting The Requirement For Alternate Members

And Providing For A Seven Member Board As Defined In Subparagraph (a) Of Section 74-1; Further Amending New Subsection (f) To Delete Any Reference To Alternate Members; Providing For Severability; Providing For Repeal Of Any Ordinances In Conflict Herewith; Providing For Codification; Providing for an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read Ordinance No. 02-2021 on second reading by title only.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Ordinance No. 02-2021 on second reading. On roll call, the Motion passed unanimously.

2. ORDINANCE NO. 03-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 Of The Town Code Of Ordinances Titled Administration At Article X, Shore Protection Board At Section 2-636, Deleting In Its Entirety Subsection (b) Thereof Relating To Alternate Members So As To Delete The Requirement For Alternate Members, Requiring Only A Seven Member Board As Provided In Subsection (a); Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read Ordinance No. 03-2021 on second reading by title only.

Motion was made by Council Member Moore and seconded by Council Member Lindsay to approve Ordinance No. 03-2021 on second reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

There were no other matters to come before the Town Council.

XV. ADJOURNMENT

Council Member Moore made a motion, seconded by Council President Zeidman, to adjourn at 5:03 p.m. without benefit of a roll call.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on February 10, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order February 10, 2021 at 9:31 a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked staff for the new traffic calming option for the residents after complaints of speeding in the north end.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay discussed the green initiative and the 25% native requirement for landscaping in the Town, which professionals were misinterpreting. She proposed that Director of Planning, Zoning and Building Bergman turn over his collection of similar ordinances collected from other towns to the Town Attorney so that he could use the information to tweak the Town's ordinance to make it easier to interpret. It would then be brought back to Council for approval, and this would save time and make the ordinance easier to enforce. Director Bergman gave his approval. Council Member Araskog also expressed approval.

Council Member Moore expressed concern for the possibility of reduced

participation by the residents in the online ARCOM meetings.

Council Member Crampton expressed appreciation for yesterday's discussion on Sloan's Curve, and felt that the Town negotiators and the residents would now be encouraged to find a solution.

Council President Zeidman agreed with Council Member Moore on the reduced discussion on Zoom meetings. She felt there would be improvement with the Council returning to chambers for the March meeting.

Council Member Araskog agreed, and discussed the attorneys' concerns for not presenting in public. She expressed concern that landscapers were blowing all of the leaves into the street.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications from citizens at this time.

VI. APPROVAL OF AGENDA

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

Deferral of Item VII. A. 1 to the March 3, 2021 meeting.

Deferral of Item VII. B. 1 (c) to the March 3, 2021 meeting.

Deferral of Item VII. B. 1 (d) to the March 3, 2021 meeting.

Deferral of Item VII. B. 1 (f) to the March 3, 2021 meeting.

Deferral of Item VII. B. 1 (h) to the March 3, 2021 meeting.

Deferral of Item VII. B. 1 (j) to the March 3, 2021 meeting.

Deferral of Item VII. B. 2 (a) to the March 3, 2021 meeting.

Deferral of Item VII. B. 2 (b) to the March 3, 2021 meeting.

Withdrawal of Item VII. B. 2 (j) from the agenda.

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

VII. RESOLUTIONS

A. Resolution No. 014-2021 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 100 El Bravo Way 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.

Emily Stillings, Murphy Stillings, presented the landmark designation for

100 El Bravo Way.

Council President Zeidman verified that staff had proof of publication, confirmed by Ms. Churney.

Administrative Specialist Churney swore in Emily Stillings, Janet Murphy and Rene Silvin.

Council Member Moore expressed appreciation that the owner had presented this house for landmarking.

Council President Zeidman called for public comment.

Richard Rene Silvin, Chair of the Landmarks Preservation Commission, was grateful to the owners for offering the home for landmark status.

Many of the Town Council Members thought the home was beautiful and were grateful for the owners.

Motion made by Council Member Araskog and seconded by Council Member Moore that the Designation Report be made a part of the record. Motion carried unanimously.

Motion made by Council Member Araskog and seconded by Council Member Moore that Resolution 014-2021 be adopted designating the property at 100 El Bravo Way as a landmark of the Town of Palm Beach on the basis that it meets criteria 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance #2-84. Motion carried unanimously.

- B. Resolution No. 017-2021 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 127 Root Trail 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.

Council President Zeidman verified that staff had proof of publication. Ms. Churney confirmed that staff had proof of publication.

Janet Murphy, Murphy Stillings, presented the landmark designation for 127 Root Trail.

Council President Zeidman called for public comment.

Richard Rene Silvin, Chair of the Landmarks Preservation Commission, was grateful to the owners for offering the home for landmark status.

Administrative Specialist Churney swore in Cathy Brooker.

Cathy Brooker, owner, expressed thanks to the many individuals who supported the preservation of this home.

Mayor Coniglio expressed her gratitude for saving the home.

Council Member Araskog also expressed her gratitude for saving the home.

Motion made by Council Member Araskog and seconded by Council Member Moore that the Designation Report be made a part of the record. Motion carried unanimously.

Motion made by Council Member Araskog and seconded by Council Member Moore that Resolution 017-2021 be adopted designating the property at 127 Root Trail as a landmark of the Town of Palm Beach on the basis that it meets criteria 1 and 3 of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance #2-84. Motion carried unanimously.

Moved from yesterday's meeting

TIME CERTAIN: 10:00 A.M. (Addition from 2/9/21 meeting):

- C. Resolution No. 025-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-01, Retail Study for the Town of Palm Beach to Yard and Company in the Amount of \$94,500 and a Project Budget of \$113,000 and to Approve Source of Funding from Private Donations in the Amount of \$103,000.

Jay Boodheshwar introduced the item and indicated that two actions would be needed to move the item forward.

Mayor Coniglio inquired about the 80 staff hours required in the proposal. Director of Planning, Zoning and Building, Wayne Bergman, stated that there could be a reduction in the hours, however, offered the option of bringing in an outside person for this project. The Mayor also expressed concern that the list of donors might be heavy on the developer side. Mayor Coniglio discussed cycles of retail in the Town, and asked if it would be better to wait until COVID restrictions were lifted. Zoning Manager Castro responded. Mayor asked about removing the Code reform portion of the contract. Director Bergman responded that was the most important portion. The Mayor proposed postponing this until fall to have more engagement from the community.

Council Member Araskog inquired if the Town was required to proceed if the resolution passed today. Dean Mealy, Director of Purchasing, responded. Council Member Araskog stated she shared many of the concerns of the Mayor. She was happy that the contract could be canceled if needed and also was concerned with the staff time required, and that donations were strictly coming from developers. She felt this was a grave conflict of interest.

Council Member Moore agreed with Council Member Araskog, and wanted everyone to be aware they would be rejecting a generous contribution from members of the community.

Council President Zeidman addressed items that were discussed the previous

day. Concerning zoning changes, she reminded everyone nothing would be changed without community input and Council's approval. She felt the downward trend in retail had been going on for years, exacerbated by COVID, with people ordering more items delivered to their homes, and was not just cyclical. Her opinion was the study could not be separated out, the donations had been made generously even though there were vested interests, but the Council also had a vested interest. There were options to go forward or delay.

Council President Pro Tem Lindsay thought the study was appropriate, and felt the choice of consultants had been great, but suggested possibly pushing the study to the fall of 2021 when most of the community would be vaccinated and could more fully participate.

Council Member Crampton asked if Director Bergman felt this project was worth doing and if zoning changes should be carried out. Director Bergman felt it should be undertaken and that it would be easier to manager in the fall. Deputy Town Manager Boodheshwar felt there would be more participation in the fall. Council Member Crampton agreed the study should begin in the fall, and agreed with Council Member Araskog the private contributions should not be accepted, and suggested this study be budgeted in next year's budget.

Mr. Mealy advised that Yard & Company realized more residential engagement was critical and could delay notice to proceed until Council was comfortable to move forward.

Council Member Araskog was concerned the price might change with more public input and had problems with the process. She felt vision and goals should be set and then the consultant chosen. She wanted to start over and not accept donations.

Council President Pro Tem Lindsay commented there had been an effort to involve the public, the process had been correct, a great firm had been selected, and time could be taken to choose the right people for the advisory committee. She felt the firm should be selected and the project started in the fall. She had no problem accepting donations, and was also fine with putting it into the budget.

Council Member Moore commented her problem was with the timing, and felt it should not be done now. She was fine with this firm and wanted to delay until fall.

Mayor Coniglio felt there had been no nefarious action. She had no problem with the firm, and if adding more public participation to the scope did not cause problems, she felt this could go forward, delaying until fall. She suggested working as a team, and splitting the cost by budgeting and also accepting donations.

Council President Zeidman felt Mayor Coniglio's point was valid and suggested starting in November with the option to move starting until January. She expressed her opinion there should first be a committee of citizens to provide a vision and work with Council, then add the contract to begin in the fall. Staff clarified the contract must be accepted before modifications could be made.

Council Member Crampton favored half being paid for by the Town and the other half donations, and commented the tools were already at hand for staff to be able to add community input and for delaying the start date, and it would come back to Council before anything happened.

Council President Pro Tem Lindsay made a motion, seconded by Council Member Crampton, to adopt Resolution No. 025-2021 with the ability to defer the notice to the fall or such time as Council deems appropriate depending on the condition of the community and the pandemic.

Council Member Araskog questioned the Town Attorney on legalities regarding donations.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, spoke against accepting money from developers for the retail study.

John David Corey, 426 Australian Avenue, thought the money should come from the Town to pay for the retail study.

Motion carried by 4-1 vote, with Council Member Araskog opposed.

Council Member Crampton made a motion, seconded by Council President Pro Tem Lindsay that the entire cost of the study be paid for by the Town by appropriation of \$100,000 from contingency.

During discussion of the motion, Mayor Coniglio called for this to proceed slowly using wisdom, with community input first, so that there was not a repeat of the divisive community response experienced in other projects.

Motion carried 3-2 with Council Member Araskog and Council Member Moore opposed.

Please note: A short break was taken at 11:30 a.m. The meeting resumed at 11:42 a.m.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way
This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-B Commercial The application of LR PALM HOUSE LLC (IAN LIVINGSTON, EXECUTIVE CHAIRMAN), applicant, relative to property located at **160 ROYAL PALM WAY**, legal

description on file, is described below. The Town Council conditionally approved the Special Exceptions, Site Plan Review and Variances at the January 13, 2021 meeting. This application reflects additional variances to approve the remaining proposed elements related to the hotel and water feature, retaining walls to the south and east that will screen the hotel from residential properties, and to screen the staff service bar, pool restroom, and storage pantry. Following is a list of the proposed variance requests: 1) Section 134-1669: A variance for the height of the screening walls located at the southeast corner of the property and along the south property line behind the water feature, restroom building, staff service bar and pantry (and including the gate to service the transformer) to have a height ranging from 12.25 feet to 18.5' from the lowest grade in lieu of the 7 foot maximum height allowed; 2) Section 134-1308(7): A variance for a rear yard setback for the water feature to be 12.5 feet in lieu of the 15 foot minimum required in the C-B Zoning District; 3) Section 134-1308(7): A variance for a rear yard setback for the new pool restroom building to be 10 feet in lieu of the 15 foot minimum required in the C-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project, while deferring the vehicular gate. Carried 7-0.]

Ms. Churney swore in Maura Ziska, Sean McLendon and Mark Banfield.

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the applicant, described the variances requested and stated this request was a result of the compromises made with the neighbors. Ms. Ziska stated a vehicular gate would be removed from the plan.

Ms. Churney swore in Paul Castro and Wayne Bergman.

Zoning Manager Castro provided staff comments.

Ms. Ziska stated she had come to an agreement with the two attorneys representing the neighbors relating to the Declaration of Use agreement.

Council Member Crampton questioned the timing of when the Declaration of Use agreement would be presented to the Town Council. Mr. Castro responded.

Mayor Coniglio inquired about the location of the water feature. Ms. Ziska and Mr. McLendon pointed out the water feature on the plan. The Mayor thought that many of the uses would change in the new Declaration of Use Agreement and discussed her

concerns with some of the items she thought should be included.

Council Member Araskog asked who requested the gate. Mr. Castro responded. Council Member Araskog inquired if the approval should be conditioned so that the removal of the gate returned to ARCOM. Mr. Castro responded.

Council President Zeidman called for public comment.

John Eubanks, attorney representing owners at 141 and 149 Brazilian Avenue, discussed his participation in the preparation of the Declaration of Use.

Donald Lunny was sworn in by Administrative Specialist Churney.

Mr. Lunny, attorney representing the owner at 133 Brazilian Avenue, stated that the application before them had been approved by his client. He asked that the Town Council approve the applicant's request. He also discussed the Declaration of Use.

Al Malefatto, attorney representing the owner at 155 Brazilian Avenue, stated that while his client did not participate in the negotiations, they did support the application, and asked to be notified of any further changes to the Declaration of Use.

Council Member Crampton made a motion, seconded by Council Member Araskog, that Variance Z-20-00289 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Council Member Crampton moved and Council Member Moore seconded, that Special Exception Z-20-00289 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by Council President Pro Tem Lindsay, that Site Plan Z-20-00289 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. Motion carried unanimously.

Mayor Coniglio thanked the owners for bringing the hotel forward, and expressed her pleasure in working with them.

Motion made by Council Member Araskog and seconded by Council Member Moore to defer the Declaration of Use and Construction Management Agreement discussions to the March 3, 2021 meeting. Motion carried unanimously.

- b. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one-story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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

Administrative Specialist Churney swore in Roger Janssen and Dustin Mizell.

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Roger Janssen, Dailey Janssen Architects, presented the architectural plans proposed for the renovation of the existing home.

Council President Pro Tem Lindsay inquired if the request was a one car or a one and one-half car garage. Mr. Janssen responded.

Zoning Manager Castro provided staff comments.

Council Member Crampton requested clarification on the plans. Mr. Janssen showed the plans to Mr. Crampton.

Council Member Araskog inquired why three of the ARCOM members were opposed to the one and a half car garage. Ms. Van Onna responded. Council Member Araskog asked to see the plan

for the one-car garage which would not require a variance. She did not see a hardship that would require a variance.

John Eubanks, attorney for Gayle Petersen, stated his client would prefer a one car garage and discussed her preference.

Mayor Coniglio inquired if the neighbor objected to a one and a half car garage. Mr. Eubanks stated his client would prefer the one car garage. Mayor Coniglio inquired if Mr. Eubanks' client would prefer the equipment next to her home. Mr. Eubanks responded.

Council President Pro Tem Lindsay inquired if the garage could be designed to reduce the variance. Mr. Janssen responded.

Council Member Araskog inquired if Ms. Petersen objected to the garage door noise. Mr. Eubanks responded. Council Member Araskog inquired about the hardship. Mr. Janssen responded.

Council President Zeidman clarified Ms. Petersen's objection. Mr. Eubanks responded.

Council President Pro Tem Lindsay inquired if there could be any compromise between the owner and the neighbor.

Council President Zeidman recommended that the two attorneys discuss the project and come up with a compromise.

Council Member Moore inquired about the height of the wall around the generator. Mr. Castro responded. Ms. Moore struggled with the variance and thought the two parties should get together for a compromise.

Motion made by Council Member Moore and seconded by Council President Pro Tem Lindsay to defer Variance Z-20-00269 to the March 3, 2021 Development Review meeting to allow the neighbors to come up with a compromise.

Council President Zeidman called for public comment.

Frances Frisbie, owner, stated that she had tried to work with the neighbor on a compromise. She also indicated that that she was trying to renovate the home to today's standards to meet her growing family's needs.

Council Member Araskog asked if the owner would be willing to wait another month.

Council President Pro Tem Lindsay suggesting trying for a compromise with the neighbor. The owner agreed.

Council Member Crampton inquired if additional landscaping could be added between the properties to add a buffer. Ms. Frisbie responded.

Motion carried unanimously.

Please note: A lunch break was taken at 12:59 p.m. The meeting resumed at 1:47 p.m.

At this time, a discussion ensued regarding moving the topic on outdoor seating regulations to the March 3, 2021 meeting to allow a robust conversation.

Mayor Coniglio suggested giving staff some direction and a few topics of discussion to bring back next month.

Council Member Crampton suggested moving the discussion on ARCOM demolitions and Landmark Incentives to the March 3, 2021 meeting as well as the Outdoor Seating Regulations.

Council President Pro Tem Lindsay was comfortable moving ARCOM demolitions and Landmark Incentives to the March 3, 2021 meeting but thought a short discussion on outdoor seating regulations should be held to direct staff.

Council President Zeidman recommended deferring ARCOM demolitions and Landmark Incentives to the March 3, 2021 meeting.

A consensus of the Town Council was to defer the discussions on ARCOM demolitions and Landmark Incentives to the March 3, 2021 meeting.

c. **Z-20-00293 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-C Medium Density Residential The application of Elaine Hirsch, Applicant, relative to property located at **130 SUNRISE AVE, SUITE: PH 1**, legal description on file, is described below. A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven-story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2-foot maximum height allowed in the R-C Zoning District. Section 134- 948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2-foot maximum

height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven-story building in lieu of the two-story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum required. Section 134- 948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

- d. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150-foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35-foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15-foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35-foot (one story element) to 47.6-foot (two-story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

- e. **Z-20-00306 VARIANCE(S)** Zoning District: R-B Low Density

Residential The application of EDITH F. SCHAEFFER TRUST (EDITH F. SCHAEFFER, TRUSTEE), applicant, relative to property located at **1118 N LAKE WAY**, legal description on file, is described below. Section 134 417: The applicant is proposing to construct a 3, 153 square foot, second floor addition onto an existing one-story home which will result in a demolition in excess of 50% of its cubic volume. The following variances are being requested: 1) Section 134 843(7): a 9.9-foot south side yard setback in lieu of the 15-foot minimum required In the R B Zoning District; 2) Section 134 843(7): a 10.29-foot north side yard setback in lieu of the 15-foot minimum required in the R B Zoning District. 3) Section 134 895(1): A chimney on the south side of the house with a height of 27.27 feet in lieu of the 19.5 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented with a condition related to the truck logistics plan. Carried 7-0.]

Administrative Specialist Churney swore in Leslie Pierce.

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

Maura Ziska, attorney for the applicant, introduced the project and explained the discussions they had with the neighbor. She requested that the Town Council remand the project back to ARCOM so that they could review the new home.

Zoning Manager Castro provided staff comments.

Motion made by Council Member Araskog and seconded by Council Member Crampton to remand Variance Z-20-00306 back to ARCOM to get an approval for a new home at this location, conditioned upon the applicant sending out new notices to the neighbors, as well as staff providing confirmation that no variances are required for the new design.

Harvey Oyer, attorney for the neighbor at 1110 N. Lake Way, stated they had no objection with the new home going back to ARCOM.

Motion carried unanimously.

- f. **Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JOHN MENDELL &

MARA RAPHAEL, applicant, relative to property located at **250 QUEENS LN**, legal description on file, is described below. 1) Section 134 229; Section 134 329 and Section 134 893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required; a depth of 94 feet in lieu of the 100 foot minimum required; and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool. The following variances are being requested: 2) Section 134 893(7): to allow a west side yard setback for the addition and to allow the house to remain non-conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum required. 3) Section 134 893(12): to allow the non-conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134 1757: to allow a swimming pool with a 5.2-foot rear yard setback in lieu of the 10-foot minimum required. 5) Section 134 2179: To eliminate the requirement for the two-car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

- g. **Z-20-00308 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of SAMUEL LEHRMAN REVOCABLE TRUST U/A/D/ JUNE 19, 2008 (SAMUEL LEHRMAN, TRUSTEE), applicant, relative to property located at **355 HIBISCUS AVE**, legal description on file, is described below. 1) Section 134 1729(1): A request for a variance to allow a 38 KW generator to be placed in the street side yard setback (Australian Avenue) at 5.6 feet in lieu of the 25-foot minimum required on a corner lot. 2) Section 134 1667: A request for a variance for the required wing wall for the generator located in the street side yard setback with a height of 8.58 feet above the crown of the road (on Australian Avenue) in lieu of the 6-foot maximum allowed. 3) Section 134 1667: A request for a variance for the required wing wall for the generator located in the rear yard setback at a height of 8.46 feet above the neighboring property owner's grade to the east in lieu of the 6-foot maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural

Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented with a condition relating to the landscape. Carried 5-2.]

Administrative Specialist Churney swore in Gerard Beekman and James Hall.

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

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Gerard Beekman, Gramatan Corporation, presented the architectural plans for the project.

Zoning Manager Castro provided staff comments, indicating the front yard might be the only location for this generator.

Council President Zeidman inquired as to the noise made by a generator. Mr. Castro responded.

Council Member Araskog inquired about the hardship for the variance. Ms. Ziska responded and provided the hardship that there was no other location to place the generator.

Council Member Moore understood the hardship and thought the request was logical.

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

Mayor Coniglio agreed with Council Member Moore.

Council Member Araskog confirmed with Attorney Ziska that the generator would not be seen.

Council President Pro Tem Lindsay made a motion, seconded by Council Member Moore, that Variance Z-20-00308 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried

unanimously.

Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Zoning District: R-A Estate Residential The application of 310 MEDITERRANEAN RD LLC (JOHN SHAW, MANAGER), applicant, relative to property located at **310 MEDITERRANEAN RD**, legal description on file, is described below. Sections 134-229, 134 329, and 134 843(b): Special Exception and Site Plan Review to allow the renovation of a two story, single family house, including raising the existing house to 7.0 ft NAVD and demolishing more than 50% of the house by cubic square footage, on a non-conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150 foot depth required in the R A Zoning District. In connection with the renovation, the following variances are being requested: 1) Section 134 843(a)(5): Request for redevelopment of a single family home with a front yard setback of 26.0 feet in lieu of the 35 foot minimum required. 2) Section 134 1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10 foot minimum requirement. 3) Section 134 843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter Dated January 29, 2021 from David Klein.

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

- h. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)**
Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

Motion made by Council Member Moore and seconded by Council Member Araskog to defer Special Exception with Variances Z-20-00311, 375 South County Road, to the March 3, 2021 meeting. Motion carried unanimously.

- i. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq]

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

2. New Business

- a. **Z-20-00313 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MATTHEW AND ALEXANDRA MURPHY, applicant, relative to property located at **113 ATLANTIC AVE**, legal description on file, is described below. Section 134 893(b)(13): Request for a variance to allow the construction of a 210 square foot awning on the east side of the existing residence and a 644 square foot awning on the west side of the existing residence which will result in a cubic content ratio of 4.499 cubic feet in lieu of 3.998 existing and the 4.148 maximum allowed. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

- b. **Z-20-00314 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of CASTELO, MANUEL J., Applicants, relative to property located at **1464 N OCEAN BLVD**, legal description on file, is described below. Section 134 893: Site Plan Review to allow the construction of a 4,140 square foot two story, single family residence on a non-conforming platted lot which is 9,770 in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District and 90 feet in width in lieu of the 100-foot minimum width required In the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the March 3, 2021 Meeting Per Letter from Maura Ziska

This item was deferred to the March 3, 2021 meeting during the approval of the agenda, Item VI.

- c. **Z-20-00315 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of MARTIN V. KATZ AS TRUSTEE OF THE BRAZILIAN PB LAND TRUST DATED OCTOBER 14, 2020, Applicant, relative to property located at **237/239 BRAZILIAN AVE**, legal description on file, is described below. The applicant recently purchased the duplex located at 237/239 Brazilian Avenue and desires to combine the 2 units into one single family residence. The landscaped open space requirement for a single-family residence in the R-C Zoning District is 45%. The existing (previously approved) landscaped open space is 30%. The applicant is requesting to keep the landscaped open space "as is" and is requesting the following variances: Section 134-948(11): A request for a variance to allow the landscaped open space to be 30% in lieu of the 45% minimum required when combining the two units from a duplex to a single-family residence. Section 134-948(11): A request for a variance to allow the perimeter landscaped open space to be 33% in lieu of the 50% of the 45% minimum required when combining the two units from a duplex to a single-family residence. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Dustin Mizell, Environment Design Group, presented the site plan proposed for the renovation.

Zoning Manager Castro provided staff comments.

Council Member Araskog questioned why more landscape could not be added to the site to meet more of the requirement. Messrs. Castro and Mizell responded. Council Member Araskog stated she would like to hear what ARCOM recommended on the landscape.

Ms. Ziska stated this approval was holding up a unity of title.

Mayor Coniglio inquired if there was a compromise that they could come up with. Mr. Castro responded the unity of title was ready pending Council's approval of the variance.

Council Member Crampton thought the project would improve the street.

There was no public comment on this item.

Council Member Crampton made a motion, seconded by Council Member Moore, that Variance Z-20-00315 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area.

During discussion of the motion, Council Member Araskog thought there was a way to get more green space. Council President Pro Tem Lindsay requested them to provide more green space.

Motion carried 3-2 with Council Member Araskog and Council President Pro Tem Lindsay opposed.

- d. **Z-20-00316 VARIANCE(S)** Zoning District: R-AA Large Estate Residential The application of ROBERT A. MERRIL, Applicant, relative to property located at **500 REGENTS PARK**, legal description on file, is described below. The applicant is undertaking the renovation of a landmark home and raising the finished floor of the residence and appurtenances to 9.0 feet NAVD, adding pergolas to the rear of the residence, and adding a bay window to the north of the residence. The following variances are being requested in order to raise the house above the minimum flood elevation and add three additions as follows: 1)Section 134-

793 (7): a building height plane of 33.3 feet in lieu of the 40.7 minimum required; 2) Section 134-793(8): a north side yard setback for the 286 square foot pergola to be 11 feet In lieu of the 30 foot minimum required; 3) Section 134-793(8): a south side yard setback for the 276 square foot pergola to be 11.66 feet in lieu of the 30 foot minimum required; 4) Section 134- 793(8): a north side yard setback for the 17.5 square foot bay window to be 28 feet in lieu of the 30 foot minimum required; 5) Section 134-793(11): a lot coverage of 41.3% in lieu of the 38% existing and the 25%maximum allowed to add the 2 pergolas to the rear of the house; 6) Section 134-1667: a height of the retaining wall/fence combination in the front yard setback of 9.7 feet in lieu of the 6 foot maximum allowed; 7) Section 134-1668: a height of the two piers to be 14.4 feet in lieu of the 8 foot maximum allowed; 8) Section 134-1667: to allow the piers in the front to not have a continuous 3 foot tall hedge in front of it. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Administrative Specialist Churney swore in Chris Simon and Jacqueline Albarran.

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

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Jacqueline Albarran, SKA Architect + Planner, presented the architectural plans proposed for the renovation of the existing landmarked home.

Chris Simon, Nievera Williams Design, presented the landscape and hardscape plans proposed for the renovation of the existing landmarked home.

Council Member Araskog inquired where the loss of landscape was occurring on the plan. Mr. Simon responded. Council President Zeidman inquired whether the plan was approved by the Landmarks Commission. Mr. Castro provided further explanation on the lot coverage variance.

Zoning Manager Castro provided staff comments.

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

Council President Pro Tem Lindsay encouraged the owner to replace their Ficus Benjamina with an option that would not require pesticides.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Moore that Variance Z-20-00316 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

- e. **Z-20-00317 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of 1063 N OCEAN BLVD LLC (KEVIN DIETERICH, MANAGER), Owner, relative to property located at **1063 N OCEAN BLVD**, legal description on file, is described below. The applicant is proposing a new 18,918 square foot, two story house on a nonconforming lot in the R-A zoning district. Special exception and site plan reviews are required pursuant to Section 134- 843(b) of the Town Code because the project is being proposed on a non-platted lot with a minimum lot width of approximately 118.87' in lieu of the 125' width required in the R-A zoning district. [Applicant's Representative: James Crowley Esq] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

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

Ms. Churney swore in Jamie Crowley, Thomas Kirchhoff and Sean Allen.

Jamie Crowley, attorney for the applicant, introduced the project and presented the variance requests.

Thomas Kirchhoff, Kirchhoff and Associates, presented the architectural plans proposed for the new home.

Sean Allen, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new home.

Zoning Manager Castro provided staff comments.

Council President Zeidman called for public comment.

Administrative Specialist Churney swore in Alan Ciklin.

Alan Ciklin, attorney representing the owners at 1071 N. Ocean Blvd., commented they were okay with the house, and requested the opportunity to meet to resolve any issues, particularly the northern landscape buffer and wall system, and possible elimination of the outdoor patio area on the ocean buffer side. He suggested that resolution of the northern landscape buffer area could possibly resolve the second issue of the outdoor patio.

Council Member Araskog inquired if there would be a hardship if the council approved most of the project, while deferring the two areas of concern to allow the two attorneys to meet to come up with a compromise. Mr. Crowley responded.

Mayor Coniglio liked the house and felt Council could move forward with approval today with conditions.

Mr. Kirchhoff stated that the owner would be happy to increase the landscape buffer.

Attorney Ciklin and Attorney Crowley indicated the condition of the attorneys meeting to resolve the issues was acceptable.

Council President Pro Tem Lindsay was in agreement with the Mayor.

Council Member Moore moved and Council President Zeidman seconded, that Special Exception Z-20-00317 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, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Motion was made by Council Member Moore, and seconded by Council President Pro Tem Lindsay, that Site Plan Z-20-00317 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either

provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area, with the caveat that the two attorneys will come together and agree upon a satisfactory landscape buffer on the north side of the property. Motion carried unanimously.

f. **Z-20-00319 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-C Medium Density Residential The application of AUSTRALIAN OF PALM BEACH CONDOMINIUM (RICK HALLETT, MANAGER), Applicant, relative to property located at **429 AUSTRALIAN AVE**, legal description on file, is described below. The applicant condominium is requesting a modification to their site plan to eliminate 400 square feet of landscaped open space from the northeast corner of their parking lot. The condominium sold a 20 foot by 20-foot parcel to their neighbor to the north so the neighbor could have room to install a generator. This results in two (2) variances being requested: 1) A variance to allow landscaped open space to be 27.1 % in lieu of the 28.3% existing and the 35% minimum required In the R C Zoning District. 2) A variance for an east side yard setback to the new property line of 6.8 feet in lieu of the 20 foot minimum required for multifamily use in the R- C Zoning District. [Applicant's Representative: Maura Ziska Esq]

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

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Dustin Mizell, Environment Design Group, presented the site plan for the project.

Zoning Manager Castro provided staff comments.

Council President Zeidman commented this was a private transaction which resulted in a reduction of green space for 429 Australian, which Mr. Castro confirmed.

Council Member Moore inquired if the manager of a condominium should know that they needed to contact the Town. Mr. Castro responded. She stated she struggled with this request. Ms. Ziska responded.

Council Member Araskog agreed with Council Member Moore and thought Paul Castro made a good point. Council Member Araskog thought the request was not a small request as Ms. Ziska stated, and should not go forward.

Ms. Ziska clarified the request, stating that the line was just being moved.

Mayor Coniglio felt Ms. Ziska's statement was disingenuous.

Council Member Crampton commented on a similar situation, and also recalled when the Council acted to have a wall rebuilt in another situation. He favored not moving forward.

Council President Pro Tem Lindsay worried about setting precedent and suggested a hefty fine be placed in the code for this type of situation. She called for disincentives to be established.

Attorney Ziska acknowledged she had been the attorney for the sale of the land.

Director of Planning, Zoning and Building Bergman asked if Mr. Castro considered this a lot split, to which Mr. Castro responded no.

Motion made by Council Member Araskog and seconded by Council Member Crampton that Variance Z-20-00319 shall be denied for the reason the application does not meet the criteria set forth in Section 134.201(a) items 1 through 7, and did not meet item 2, Special conditions and circumstances do not result from the actions of the applicant, item 3, granting the variance requested will not confer the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district, item 5, the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure, and item 7, the granting of the variance will be in harmony with the general intent and purpose of this chapter and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

John David Corey, 426 Australian Avenue, was glad to hear of the council's decision.

Council President Pro Tem Lindsay offered a suggestion that a parking space could be used instead of the green space.

Motion carried by unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Site Plan Z-20-00319 shall be denied for the reason that the granting of this Site Plan will adversely affect the public interest; and that the specific requirements of Section 134-329 items have not been met. Motion carried by unanimously.

Please note: A short break was taken at 4:03 p.m. The meeting resumed at 4:09 p.m.

- g. **Z-20-00320 VARIANCE(S)** Zoning District: R-A Estate Residential The application of THE LAKESIDE TRUST, DATED NOVEMBER 19, 2020 (PATRICK C. EMANS, TRUSTEE), Applicants, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. Section 134 843(8): The applicant is requesting approval to demolish the existing 442 square foot dining room and construct a new 458 square foot dining room in the same general location with a 9.5-foot south side yard setback in lieu of the 15-foot minimum required in the R-A Zoning District. Section 134 843(5): The applicant is requesting approval to replace the flat roof of the north accessory building to a pitched roof. This will result in adding height to the building in the front yard setback. A variance is being requested to increase the height in the setback resulting in a front yard setback of 25.7 feet in lieu of the 35-foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Administrative Specialist Churney swore in Tom McManus and Jason Bibens.

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

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Tom McManus, Ferguson & Shamamian Architects, presented the site plan for the project.

Zoning Manager Castro provided staff comments regarding neighbors' concerns.

Council Member Moore inquired about the purpose of removing the accessory building. Mr. McManus responded. Council Member Moore inquired about the roof change to a pitched roof. Mr. McManus responded.

Council Member Crampton inquired about a construction management plan prior to beginning any renovations. Mr.

Bergman responded there would be a construction staging plan to show parking for the contractors.

Council Member Araskog inquired whether the Landmarks Commission was told about the wall and that it was landmarked. Ms. Van Onna responded she did not believe that came up and reported what had been discussed regarding the roof. Council Member Araskog wanted to defer removal of the wall.

Town Attorney Randolph was in favor of staff researching this matter, and asked to stay with the variances today.

Council President Zeidman called for public comment.

Bill Metzger, 277 Esplanade Way, spoke against removing a portion of the historic site wall on the south side.

Council Member Araskog felt it was important for staff to know Mr. Metzger could not speak about the wall at the Landmarks Commission meeting. She inquired about the hardship for the variance requested. Ms. Ziska responded.

Motion made by Council Member Moore and seconded by Council President Zeidman that Variance Z-20-00320 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

In response to Council Member Araskog, who wanted a directive regarding the wall, Mr. Castro stated the entire property was landmarked and if the wall was not in the description, it was not approved. Ms. Van Onna stated she would follow up on this matter.

- h. **Z-20-00321 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of BROOKER DAVID E & CATHERINE E, Applicants, relative to property located at **127 ROOT TRL**, legal description on file, is described below. The applicant is undertaking a major renovation project on Root Trail that includes a proposed 2,351.05 two story addition with basement, car lift and loggia. The following variances are being requested in order to build the additions: 1) Section 134-948(5): a front yard setback of 1.1 feet in lieu of the 25 foot minimum required in the R-C Zoning District; 2) Section 134-948(6): a

west side yard setback of 4.5 feet in lieu of the 10 foot minimum required in the R-C Zoning District; 3) Section 134-948(6): an east side yard setback of 1.1 feet in lieu of the 10 foot minimum required in the R-C Zoning District; 4) Section 134-948(7): a rear yard setback of 3 feet in lieu of the 15 foot minimum required in the R-C Zoning District; 5) Section 134-948(9): a lot coverage of 49.24% in lieu of the 30% maximum allowed in the R-C Zoning District; 6) Section 134-948(11): a landscaped open space of 40.79% in lieu of the 45% minimum required in the R-C Zoning District; 7) Section 134-1728: allow two air conditioning units with a west side yard setback of 1.75 feet in lieu of the 5 foot minimum required; 8) Section 134-1668: to allow a sliding driveway gate with a 0.67 foot setback from the edge of pavement in lieu of the 18 foot minimum required. 9) Section 134-1757: to allow a 3.5 foot rear yard setback for the proposed swimming pool in lieu of the 10 foot minimum required; 10) Section 134-1757: to allow a 4 foot east side yard setback for the proposed swimming pool in lieu of the 10 foot minimum required [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

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

Administrative Specialist Churney swore in Pat Segraves and Daniel Clavijo.

Maura Ziska, attorney for the applicant, introduced the project and presented the variance requests.

Patrick Segraves, SKA Architect + Planner, presented the architectural plans for the proposed renovation and new construction.

Zoning Manager Castro provided staff comments.

Council Member Crampton thought the project was very nice.

Mayor Coniglio thought the project would be embraced by the Town. Council Member Araskog agreed.

Motion made by Council Member Crampton and seconded by Council Member Araskog that Variance Z-20-00321 shall be granted and find

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

Council President Zeidman called for public comment.

Cathy Brooker, owner, stated she did not have any comments but just wanted to be online in case the Council had questions.

Council Member Araskog thanked Ms. Brooker for saving the home.

Amanda Skier, The Preservation Foundation of Palm Beach, expressed her appreciation for saving the home as well as for the new home design. She offered her support for the project.

Richard Rene Silvin, Chair of the Landmarks Preservation Commission, discussed how the owners were energy conservationists.

Council Member Araskog thanked Amanda Skier for providing photographs.

Motion carried unanimously.

- i. **Z-20-00322 SPECIAL EXCEPTION** Zoning District: C-TS Town Serving Commercial The application of FIRST HORIZON BANK (DEBRA L. VASILOPOULOS, MARKET PRESIDENT), Applicant, relative to property located at **180 ROYAL PALM WAY**, legal description on file, is described below. Section 134 1109(b): A special exception request for approval to use the subject building totaling 12,940 square feet as a bank (FIRST HORIZON BANK). The subject tenant space was most recently used as an Iberia Bank branch office with its customers and clients being more than 50% town persons in satisfaction of the requirements of Section 134-229(12). [Applicant's Representative: Peter Broberg]

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

Administrative Specialist Churney swore in Peter Broberg.

Peter Broberg, attorney for the applicant, introduced the project

and presented the special exception request.

Zoning Manager Castro provided staff comments. He stated the bank was town serving and knew no reason they would have to come back in six months to see if they were still town serving. A change in ownership was triggering the need for today's approval.

Council President Pro Tem Lindsay moved and Council Member Moore seconded, that Special Exception Z-20-00322 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. Zoning Manager Castro noted the bank did not own the building so the undergrounding was not part of the motion. Motion carried unanimously.

- j. **Z-20-00323 VARIANCE(S)** Zoning District: R-A Estate Residential The application of DESRUISSEAUX LAND TRUST U/A/D 12/6/19 (ANN DESRUISSEAUX AND WILLIAM W. ATTERBURY, CO-TRUSTEES), Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. Without waiving any previous zoning approvals, the applicant is requesting to demolish and rebuild (replicate) the existing landmarked residence in generally the same location. The project includes raising the finished floor elevation of all of the new and existing structures to 9.0 feet NAVD. The proposed new two story residence will be 19,812.69 square feet, with a 3,398 square foot guest house located at the northwest corner of the property. The plan also includes relocation of an existing 225 square foot cabana and relocation of the 145 square foot 2 story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback ranging from 5.29 feet to 5.75 feet for the new reconstructed guest house wing (previously referred to as the boat house) in lieu of the 30 foot minimum required; 2) 134- 843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the new reconstructed guest house wing; 3) 134-843(8): a rear yard setback ranging of 0 feet in lieu of the 15 foot minimum required for the new reconstructed main house; 4) 134-843(8): a north side yard setback of 21.13 to 21.67 feet for the 2 story generator building in lieu of the 30 foot minimum required; 5) 134-843(10): a height in the main residence and guest house to be 26.56 in lieu of the 25 foot maximum allowed; 6) Section 134-843(8): a south side yard setback for the main house addition ranging from 10.79 feet to 15.1 feet in lieu of the 30 foot minimum required. The previously granted variances in Z- 20-00261 for the accessory buildings and structures not associated with the main house, guest house wing and generator building remain unchanged and in effect and valid. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission deferred the project to the February 17,

2021 meeting. Carried 7-0.] Request for Withdrawal Per Letter from Maura Ziska

This item was withdrawn during the approval of the agenda, Item VI.

IX. ORDINANCES

A. **Second Reading**

1. ORDINANCE 01-2021 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, Amending The Definition Of Supplemental Parking To Allow Supplemental Off-Site Shared Parking In Underground Garages Without The Requirement Of First Meeting All On-Site Required Parking; At Article VI, District Regulations, Sections 134-1107, 134-1157 And 134-1207, Permitted Uses, In The C-TS, C-WA And C-OPI Commercial Zoning District To Allow Supplemental Off-Site Shared Parking In An Underground Parking Garage As A Permitted Use Provided That Said Parking Does Not Exceed 50 Percent Of The Parking Inventory In An Underground Garage And Providing A Sunsetting Provision For Said Use In Those Districts On March 13, 2024, Unless Extended Or Modified By The Town Council; At Article VI, District Regulations, Sections 134-1109, 134-1159 And 134-1209, Special Exception Uses To Cross Reference The Supplemental Parking Regulations In Sections 134- 2177 And 134-2182, At Article IX, Off-Street Parking And Loading; Section 134-2177 Location Of Parking Spaces, And Section 134- 2182, Location Of Parking Spaces, By Allowing Off-Site Supplemental Parking In An Underground Parking Garage As A Permitted Use In The C-TS, C-WA And C-OPI Zoning Districts And Sunsetting The Provisions In This Ordinance On March 13, 2024, Unless Extended Or Modified By The Town Council; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance 01-2021 on second reading by title only.

Council Member Araskog stated if issues arose that staff or Council could make changes or end it.

Council Member Crampton moved and Council Member Moore seconded, to adopt Ordinance 01-2021 on second reading by title only. Motion carried unanimously.

Please note: A short break was taken at 5:07 p.m. The meeting resumed at 5:12 p.m.

X. ANY OTHER MATTERS

A. ARCOM's Request to Consider Demolitions

This item was deferred to the March 3, 2021 Town Council Meeting.

B. Discussion on Landmark Incentives

This item was deferred to the March 3, 2021 Town Council Meeting.

C. Discussion on Permitted Uses versus Special Exception Uses

Director of Planning, Building and Zoning Bergman discussed the difference between permitted uses and special exception uses. He commented this discussion was being held because staff had received a large number of questions regarding the opening of the Wine Bar at 380 South County Road, located in the Commercial Town Serving Zoning District. At just under 3,000 square feet, the wine bar was a permitted use under today's code. If the floor area were over 3,000 square feet it would be a special exception and treated in a completely different manner. As a permitted use, it was not required to be presented to Town Council when proposed. Mr. Bergman had provided backup in a timeline of all actions taken from the beginning through opening of this business. He noted a bank was a special exception, while a bar under 3,000 square feet was a permitted use. In the Worth Avenue zoning district restaurants and bars were special exception uses, and banks were permitted uses if located on the second floor. Director Bergman asked if the Council felt these regulations were appropriate or if staff should bring something back for review, or wait for the retail analysis to be completed. He commented every vacant storefront could be a restaurant tomorrow as a permitted use.

Council President Pro Tem Lindsay stated this use was a big surprise to her. She added that she did not believe the residents would want this to be a permitted use and thought it should be a special exception. She felt this was a loophole that should be closed.

Council Member Araskog agreed with Council President Pro Tem Lindsay and thought this needed to be changed immediately. Town Attorney Randolph advised this must be sent to the Planning and Zoning Commission. She inquired if the change could be handled in the interim by zoning in progress. Mr. Castro explained zoning in progress. Town Attorney Randolph stated Council could declare this under study by the Planning and Zoning Commission and therefore no permits shall be granted that are in contravention of the study being undertaken.

Council Member Crampton agreed with Council Member Araskog and thought it should be sent to the Planning and Zoning Commission, while beginning the zoning in progress.

Mayor Coniglio thought the process of how the wine bar was handled was terrible. She thought the process should be changed along with zoning in progress.

Council Member Moore agreed with Mayor Coniglio, but clarified the wine bar had followed the rules in place and could not be changed.

Council President Pro Tem Lindsay thought it should be shut down all over town

and was an urgent matter.

Town Attorney Randolph advised Town Council to refer the matter to Planning and Zoning Commission to study whether or not bars, restaurants, lounges, and nightclubs should be special exception uses or not even included as special exception uses or permitted uses.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to send to Planning and Zoning Commission to study the C-TS Zoning District in regard to lounges, nightclubs, bars, and restaurants as to whether they will be a special exception or permitted use and that it be declared zoning in progress during this study and that during the zoning in progress no permits or special uses shall be granted.

Town Attorney Randolph clarified the intent of the study for Council President Pro Tem Lindsay. Discussion ensued regarding the scope of the study.

Motion carried unanimously.

D. Discussion on Outdoor Seating Regulations

Mr. Bergman introduced the discussion of how outdoor seating in the Town had changed due to COVID, and how the outdoor seating had become very popular. He discussed the three ways that outdoor seating could be approved--under the COVID policy, which would at some time expire, by special exception, and by administrative approval. He asked if the Town Council supported permanent outdoor seating, and if current regulations provided the manner and type of outdoor seating Council wanted, if the code be updated, or should a sidewalk café program similar to that used in other communities be adopted where the Town could issue annual approvals for the restaurants to have outdoor seating if they complied with Town regulations and paid an annual fee. He noted current Town Code did not provide for increase in capacity, but it had been done in the past through variances. The administrative staff approval was under another whole set of regulations. Mr. Bergman stated he felt this was a perfect opportunity to review this so that if COVID ended and the restaurants wanted to continue outdoor seating a process would be in place.

Council Member Araskog wanted the administrative approval removed, and she would like Planning and Zoning Commission to study this as zoning in progress for whether COVID permits should still be issued.

Council President Zeidman commented Council wanted the outdoor seating during COVID, but looking forward when COVID ended the restaurants would probably want to keep their outdoor seating and their indoor seating as well, and Council must be careful about what would be allowed outdoors.

Council Member Crampton liked the sidewalk café program, wanted to allow its expansion under an approval process, thought the Planning and Zoning Commission would be a good place to send this for study, and thought the Planning and Zoning Commission should do the study considering that the retail study was coming in the future with recommendations for bars, restaurants, and

outdoor seating. He wanted to move forward with this.

Council President Pro Tem Lindsay agreed with Council Member Crampton and commented everyone wanted Council to come up with a program to make outdoor seating permanent. She would like to ask the Planning and Zoning Commission to study specific outdoor seating programs around the country in similar high end small towns, such as the one in Alexandria, Virginia.

Council Member Moore agreed with Council President Pro Tem Lindsay.

Deputy Town Manager Boodheshwar provided data on seating pre-COVID and currently. The 20 establishments in this program had a total of 251 outdoor seats pre-COVID, and 605 seats now. Council President Zeidman commented this showed the explosion of business this had created. These were only restaurants that had requested outdoor seating during COVID and did not include restaurants that already had outdoor seating.

Council Member Araskog asked if the Town should wait to take applications for permanent seating. Town Attorney Randolph responded now they were under current code.

Council President Pro Tem Lindsay also wanted to send to the Planning and Zoning Commission for study shared parking and some parking on surface lots, because the outdoor seating depended on parking. Mr. Boodheshwar commented on supplemental shared parking and asked to consider specific lots.

Mayor Coniglio worried this could be a long process and asked to go back to the original questions proposed by Mr. Bergman so as not to get into the weeds. She asked that Mr. Boodheshwar and Director Bergman lead the process and be flexible. Town Attorney Randolph advised all that needed to be done was to refer to the Planning and Zoning Commission for study.

Council President Zeidman commented Council was supportive of outdoor seating, and just needed to figure out how to do it.

Timing of getting this issue to the Planning and Zoning Commission was discussed.

Motion was made by Council Member Moore and seconded by Council Member Crampton to send the outdoor seating to the Planning and Zoning Commission for study of the item. Motion carried unanimously.

Council Member Araskog brought up complaints regarding The Colony and noise on Golfview Road. She asked for discussion next month regarding when a hotel was located in a residential area whether there should always be a declaration of use. Zoning Manager Castro commented there was a declaration of use only for the east garden area which needed to be executed and would be expedited. Discussion ensued regarding items that had not come before the Council. Town Attorney Randolph advised past administrative approvals could not be revisited to require declaration of use.

XI. ADJOURNMENT

The meeting was adjourned at 6:20 p.m. without the benefit of a motion.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist



MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 2, 2021

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Nieves gave the Invocation and President Zeidman led the Pledge of Allegiance.

Council President Zeidman made procedural announcements.

III. MODIFICATIONS TO THE AGENDA

The following addition was made to the agenda:

Add Closed Door Session
LAWSUIT – KOSBERG & SCHARF VS. TOWN OF PALM BEACH,
Before ANY OTHER MATTERS.

Town Manager Blouin added a teleconference between Town Attorney Randolph and Council Member Araskog.

Council President Zeidman announced the Covid-19 item would be rescheduled to 11:30 or 12 noon.

Town Clerk Nieves announced Page Lee Hufty had withdrawn her application from the Landmarks Preservation Commission.

IV. APPROVAL OF AGENDA

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

V. BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Architectural Commission (ARCOM) Applicants.

John David Corey, 426 Australian Avenue, seeking to serve another term as a regular member on ARCOM, described his recent education and hands-on projects management experience.

Gerard J. Beekman, non-resident architect, was seeking to serve on the Architectural Commission whenever a seat was available. He described his experience, his vision for preservation of Palm Beach and for his work on this Commission.

Council Member Araskog asked if he was familiar with the Town of Palm Beach ordinances and asked if he was willing to comply with the ordinance. Mr. Beekman responded affirmatively, and felt he could help with styling and quality of architectural details.

Council Member Crampton asked how he would treat professionals and owners who came before ARCOM. Mr. Beekman indicated he would be professional and non-confrontational.

Council President Pro Tem Lindsay commented on the new FEMA guidelines. Questioned Mr. Beekman regarding how he would deal with a homeowner building a new home and wanted to raise the home, but adjacent is a landmarked home which was lower. Mr. Beekman responded the design would solve the problem, with design features such as a retaining walls.

Thomas Kirchhoff presented his credentials and experience working in Palm Beach. He felt he could provide positive and respectful feedback on designs presented to the Commission.

In response to Council President Pro Tem Lindsay, Mr. Kirchhoff felt terracing the land up to the house and placing steps to the front door could address the height differences, and agreed with the new portion of code for homes 50 years old.

Council Member Crampton asked how he would treat professionals and owners who came before the Commission. Mr. Kirchhoff indicated he would respect the architects' work, and was a team player who was respectful of all parties and was not confrontational.

Council Member Araskog asked if he was familiar with the ordinance and inquired if he

would be able to follow the ordinance. Mr. Kirchhoff responded affirmatively, and felt he could help with styling and quality of architectural details. He felt it was up to ARCOM to control the details of spec homes so they would be of the proper caliber.

Jeff Smith, a current member, described his credentials and experience.

Council Member Araskog asked about the ordinance; Mr. Smith said he would always follow the ordinance. He felt scale and zoning were problems with new construction and thought the ability to build closer to the street should be reviewed.

Council President Pro Tem Lindsay questioned Mr. Smith's opinion of the historical ordinance. Mr. Smith responded he felt it was a great move, and that on highly elevated properties terracing and reducing the scale of landscaping at the higher levels would help with the height issue.

B. Presentations by the Landmarks Preservation Commission Applicants.

Jacqueline Albarran gave a presentation for the non-resident architect position on Landmarks Preservation Commission. She provided her history with Palm Beach, and spoke about how exciting it was to have the opportunity to work with historic homes.

Council President Pro Tem Lindsay asked Ms. Albarran her opinion on how the Commission might work with staff utilizing the historic homes survey. Ms. Albarran responded she believed the most historic areas should be addressed and try landmarking 12 homes per year.

Mayor Coniglio asked if ten homes were being landmarked per year. Ms. Albarran explained they chose ten, and added the ones presented by owners. The Mayor commented there was an opportunity to increase that number. Ms. Albarran responded she was in favor of increasing the number but it depended on the consultants.

Council Member Araskog agreed with the Mayor, and asked how Ms. Albarran would balance the ordinance and the homeowner. Ms. Albarran responded they were gentle with owners and grateful they were restoring their homes.

Brittain Damgard, 117 Wells Road, felt she was uniquely qualified for the position of regular member of the Landmarks Preservation Commission, having lived in Palm Beach most of her life and because she was a preservationist. She provided her history and qualifications, and expressed her desire to serve.

Council President Zeidman commented that Ms. Damgard's application was one of the most enjoyable she had ever read; it showed her love and passion for the Town.

Council Member Araskog asked how she balanced owners' desires with code when they wanted to add buildings. Ms. Damgard thought it was tough, and the owner needed to be

happy in order for more people to want to landmark their homes. She thought it was a house-by-house decision, and that the problem issue was houses were being destroyed, and she wanted to look at preserving more each year.

Robert T. Eigelberger had many years of service on Landmarks Preservation Commission, and would like to get back on the Commission. He was very interested in becoming a Commissioner again.

Council President Zeidman thanked him, and asked the reason for him coming forward at this time. He responded he was concerned about homes being torn down and another project going on and on, and was concerned about spec homes. He felt some areas needed to be rethought, and the Worth Avenue architecture should be preserved.

Mayor Coniglio asked if he was a master gardener. He considered himself a master gardener and had a 6-acre garden.

Council Member Araskog thanked him for Royal Poinciana Plaza as a whole and asked if there was anything else regarding keeping the integrity of the structure and working with owners. Mr. Eigelberger felt they should help the owner, not dictate to the owner. He provided his history on preserving structures in Palm Beach and his architectural history.

Council Member Moore confirmed with Mr. Eigelberger that he would not accept an alternate position.

Anne Metzger, 277 Esplanade Way, currently an alternate, would like to become a regular voting member. She gave examples of working with owners on their landmarking projects.

Council Member Araskog asked how she would find the balance between respect for the landmarked property and the owner. Ms. Metzger felt personal contact, working one-on-one with the owner was good. She felt her perspective would serve her well, and that non-landmarked houses were affecting landmarked houses.

Council President Pro Tem Lindsay commented this was the best lineup of applicants she had seen for the Landmarks Preservation Commission. She asked Ms. Metzger how she felt about increasing the number of landmarked homes per year. Ms. Metzger felt it was a good idea.

Council Member Crampton asked if Ms. Metzger would be willing to remain an alternate and Ms. Metzger responded yes.

Dave Brooker, 127 Root Trail, provided his historic preservation experience and felt he would add long-term value to the Landmarks Preservation Commission.

Council Member Crampton complimented Mr. Booker on his home and asked if he would be willing to serve as an alternate, to which Mr. Booker responded yes.

Council Member Araskog asked how long Mr. Booker lived in Palm Beach. Mr. Booker

answered since 2018, and 18 years in West Palm Beach. Council Member Araskog asked his view on how to balance the ordinance and preserve the integrity of the home, while working with residents. Mr. Booker responded younger people were coming into town and he felt the Commission should work with the applicants to dispel the myths about what could or could not be done with landmarked homes.

Council Member Araskog asked those not chosen today to come back because everyone was extremely qualified.

Bridget Moran lived in Palm Beach more than 25 years and loved the town. She provided her history of volunteer work, and wanted to invest in the community. She wanted to help preserve Palm Beach's history. She was willing to come back during the summer as necessary to do the work and attend meetings.

Council Member Araskog asked how she would handle the need to preserve the integrity of the landmarked structures balanced against working with homeowners. Ms. Moran felt it was all about communication and she felt renovations made up the bulk of task of the Commission.

Council President Zeidman asked why she had decided on Landmarks Commission. Ms. Moran responded Palm Beach was beautiful because of the work that had been done to preserve it, and she would like to save the history.

Fernando Wong, an alternate member, commented on his history and asked to be a regular member of Landmarks Preservation Commission.

Council Member Crampton asked Mr. Wong if he would be willing to remain as an alternate, to which he responded yes.

Council Member Araskog asked Mr. Wong how he would balance what a homeowner wanted versus keeping the integrity of the structure. Mr. Wong felt he was uniquely qualified because he did design work himself.

Council President Zeidman reminded everyone of the requirement to choose a non-resident architect.

Mayor Coniglio commented that the Council members were all grateful for the applicants.

Council Member Moore commented that all applications were good until December 15th and suggested anyone not chosen today to leave their application open in case a vacancy arose later in the year.

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

C. Presentations by the Planning and Zoning Commission Applicants.

Karen Butler, 389 South Lake Drive, desired to be of service to the town, and provided her experience and expertise.

Council Member Araskog asked Ms. Butler what she believed needed to be addressed going forward to retain the charm of Palm Beach. Ms. Butler responded the Town of Palm Beach was world renowned because of its charm, and it was important to keep the sense of scale and look at retail.

Council Member Crampton commented on her amazing background.

Council President Zeidman commented on the impact of West Palm Beach and asked what Planning might do to mitigate increased traffic. Ms. Butler commented West Palm Beach was pro-growth and some things that could be done would be traffic calming and lobbying. She encouraged against over building. Council President Zeidman commented there would be concern about the changes in zoning and asked how she had educated the Glenview community. Ms. Butler replied she would have workshops, hearing, town meetings, and other avenues of engagement.

Nicki McDonald applied for the position of alternate for Planning and Zoning Commission. She provided her history of working with residents on the underground project and other projects. She felt this was an exciting time to join this Commission, with all the future changes taking place.

Council Member Moore asked about Ms. McDonald's educational background, which was provided.

Council Member Crampton spoke about needed changes to the town code. Ms. McDonald felt there would be lessons learned from the retail study, traffic issues, etc., indicated involving the community would be very effective.

Council Member Araskog confirmed Ms. McDonald had listened to meetings. Ms. McDonald noted she would like to be a part of the discussion.

John J. Tatooles commented this was his second try to become a member of the Planning and Zoning Commission and he would be willing to serve as an alternate. He provided his history living in Palm Beach, and his rezoning work on another project. He spoke about the future of the town and discussed the rapid changes and competing interests. He felt his work as a transactional attorney would serve him well as a Commission member.

Council Member Araskog confirmed with Mr. Tatooles that he had listened to Planning and Zoning meetings. He responded to her questions about bringing communities together that people's fears needed to be addressed and education was needed.

Council Member Crampton asked about his sense of working with communities. Mr. Tatooles described what was accomplished on a museum project in Wisconsin.

D. Presentations by the Retirement Board of Trustees Applicants.

Michael Massey highlighted his experience and expertise with pension funds and thanked Council for the opportunity. He expressed his belief that consistency in leadership was important.

Council Member Araskog thanked Mr. Massey for applying to the Retirement Board of Trustees.

Council noted Mr. Daniel Stanton's application was in the backup.

E. Appointments to the Architectural Commission (ARCOM).

Motion was made by Council Member Moore and seconded by Council Member Crampton to appoint John David Corey, Thomas Kirchhoff and Jeffery Smith as regular members of the Architectural Commission. On roll call, the Motion passed unanimously.

F. Appointments to the Landmarks Preservation Commission.

Motion was made by Council Member Moore and seconded by President Pro Tem Lindsay to appoint Jacqueline Albarran and Brittain Damgard as regular members of the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

Motion was made by Council Member Moore and seconded by Council President Zeidman to appoint Bridget Moran as an alternate member of the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

G. Appointments to the Planning and Zoning Commission.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Moore to appoint Nicki McDonald and John J. Tatooles as alternate members of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

H. Appointments to the Retirement Board of Trustees.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to appoint Daniel Stanton as a regular member of the Retirement Board of Trustees. On roll call, the Motion passed unanimously.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the Town management team and Sloan's Curve condominium for their work on Phipps Ocean Park renourishment. She also expressed thanks to IT

Director Charles Kapachinski who had upgraded and improved the Town's IT program over the past 5 years, and wished him well. Thanked Jay Glover for getting the Bond issue at a good interest rate, as well as Finance Director Jane LeClainche. The Mayor thanked staff for their work on the Port of Palm Beach, Peanut Island restoration of the Kennedy bunker and that portion of the island. She wanted to write a letter again to the Port of Palm Beach, confirming the Town's position that they were responsible for the Kennedy bunker and that portion of the island, and Palm Beach County was responsible for the rest of the island, and she would bring that forward.

Town Manager Blouin commented the Mayor had been speaking with staff on the issue of short-term rentals in Florida, and had asked staff to prepare a response to the Governor to protect home rule. Mayor Coniglio commented there was full support to protect home rule.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman commented this was the last time this group would meet, since Council Member Moore was Mayor Elect, and this would be Mayor Coniglio's last meeting as Mayor. She expressed thanks and gratitude to the Mayor for how she had portrayed the Town of Palm Beach to other government entities, and complimented her on her role as mentor to the Town Council, and how she had taken care of the community.

Council Member Moore commented because of the quality of today's applicants, she wanted to place on next month's Development Review meeting agenda discussion of the number of conflicts allowed by an architect on ARCOM.

Council Member Crampton echoed Mayor Coniglio's comments and thanked Town Manager Blouin, Rob Weber, and Director Brazil for their work on Reach 7, and encouraged the two condominiums association to remain a part of future issues. Town Manager Blouin assured Council Member Crampton the condominium association would remain a part of discussions going forward.

Council President Pro Tem Lindsay had prepared remarks for the Mayor and asked if that could be done next month. She expressed happiness to be back on the dais in person and thanked staff for all the work done to make the chambers comfortable in order to hold in-person meetings again. She reminded everyone that March a year ago had been the last in-person meeting before closing for the pandemic.

Council President Zeidman announced there would be a presentation on March 10 regarding Covid-19 plans going forward.

Council Member Araskog commented she would save her comments for the Mayor until next month, and thanked Council President Zeidman for holding a meeting on Covid-19 issues. A suggestion had been made to replace a tennis court with a pickle-ball court and the comment that it was only being researched, and asked for a discussion with Council on this subject next month. Expressed concerns regarding the Brazilian area near Coconut, the police were aware of the situation. Clarification about what could be done going forward at Four Seasons regarding code enforcement issues, and to have access by the Fire Department when property change hands. She thanked staff for all their innovative work.

Council President Zeidman asked about the view on Zoom.

Town Manager Blouin reported he had spoken with Fire Chief Donatto regarding the issue raised by Council Member Araskog.

Council President Zeidman expressed confidence staff would handle the pickle-ball matter judiciously.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Jill Elisofen, resident of West Palm Beach, expressed concern regarding declining retail on Worth Avenue, stated she believed the vacancies could be addressed by collaboration and creative ideas to use the arts to invigorate the empty storefronts. She asked the Council to consider this idea.

Warren Belmar congratulated the Council on their handling meetings through Zoom during the past year. He expressed concern the mid-town area would be turned into a paid parking lot. Reported kiosks were going up, and wanted the Council to be aware of this before taking definite action on parking. He favored discussion at the next meeting.

Diane Buhler, founder of Friends of Palm Beach, reported on trash pickups on the beach, and asked residents who found unique items to report them. She thanked Mayor Coniglio for her support over the years.

John David Corey, 426 Australian Avenue, reported he had met with residents on Brazilian Avenue near Coconut Row and wanted to brainstorm with the Town on ways to slow traffic in that area. He suggested a small charrette on this issue.

John Grzebien, 300 S. Ocean in 300 Building Condominium, a resident for 17 years, also spoke about Brazilian Avenue but regarding the assigned parking at the 100 block. He spoke to Council Member Crampton regarding this, who was always very responsive. He suggested community involvement to bring some conformity.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda:

Item No. IX.B.1. RESOLUTION NO. 027-2021 was pulled and heard as item no. XII.A.1.
Item No. IX.C.1 was pulled and heard as item no. XII.A.2.

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

Council Member Araskog thanked Palm Beach Police and Fire Foundation for their \$228,000 donation.

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk

- a. February 9, 2021, Town Council Meeting Minutes - *Deferred to the April 13, 2021 Town Council Meeting.*
 - b. February 10, 2021, Town Council Development Review Meeting Minutes - *Deferred to the April 13, 2021 Town Council Meeting.*
 - c. February 11, 2021, Special Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of February 24, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 027-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of ITB No. 2021-07 To Rio-Bak Corporation For Dune Restoration - Truck Haul In The Amount Of \$1,765,374 and Establish A Project Budget Of \$1,900,000. – ***Pulled and Heard as Item No. XII.A.I.***

Town staff recommends that Town Council approve both Weeks Marine, Inc. and Rio-Bak Corporation to perform construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels for activities on the beach and in the Lake Worth Lagoon related to construction of the 2021 Phipps Ocean Park Beach Nourishment and Dune Restoration Projects.

Dean Mealy, Purchasing Manager

2. RESOLUTION NO. 028-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., in the Amount of \$208,292.40 for Coastal Engineering and Turbidity Monitoring Services for 2021 Phipps Ocean Park Beach Nourishment, and Dune Restoration Projects and Establishing a Task Budget of \$229,000.

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

3. RESOLUTION NO. 029-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Retroactive Purchase Order to Glasgow Equipment Services Inc. in the Amount of \$28,625 for Repairs to the Par 3 Fuel Tank and Approve \$14,000 for the Remaining Years of the Contract.

The repair of \$28,625 and the previous awards since 2019 cumulatively in the amount of \$44,122 now exceeds the \$65,000 award authority of the Town Manager. The contract has additional two years before rebidding. As such, an additional allocation of \$14,000 is required to support the remaining two years.

Dean Mealy, Purchasing Manager

C. OTHER

1. Promotion of Current Alternate Members on the Shore Protection Board and Recreation Advisory Commission to Regular Member Status. – ***Pulled and Heard as Item No. XII.A.2.***

Jay Boodheshwar, Deputy Town Manager

2. Accept Donation from the Palm Beach Police & Fire Foundation and Approve the Transfer of Funds from the Town's Equipment Replacement Fund Contingency and Designate the Funds for the Replacement and Renovation of the Police Department Firearms Range in the FY21 Budget

Nicholas Caristo, Chief of Police

3. Request by the City of West Palm Beach for Town Sponsorship in the Amount of \$12,000 for the City's 4th on Flagler Event.

Kirk W. Blouin, Town Manager

X. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Landmarks Preservation Commission.

Richard Rene Silvin, Chair

Rene Silvin presented the annual report of the Landmarks Preservation Commission. He credited staff for work on the four issues reported in his written report. He expressed thanks for being able to serve as Chairman. Jody Wagner had been assigned as reporter for the P&Z Commission. Mr. Silvin reported virtual meetings had worked seamlessly. The Commission worked well together and was committed to preservation of the Town's architectural history.

Motion was made by Council Member Moore and seconded by Council Member Crampton to accept the Annual Report of the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

Mr. Silvin presented his response to the question Council Member Araskog had posed to the applicants that morning.

Mayor Coniglio asked if the Commission would accept more work. Mr. Silvin agreed and asked if their meeting could spill over until the next day if necessary.

Sue Patterson, 710 South Ocean Boulevard, expressed gratitude and support to Chairman Silvin and thanked him for his leadership in making the Zoom meetings so seamless. She thanked the applicants, Council, and staff.

Warren Belmar also commended the Landmarks Commission for its work and asked them to look at the placement of parking kiosks in front of landmark properties.

XI. COMMITTEE REPORTS

A. Report of the Business and Administrative Committee Meeting Held on Tuesday, January 26, 2021.

Lew Crampton, Chair

Chair Crampton reported various meetings held by the Committee, four recommendations would be presented to the Council at the April Town Council meeting.

Chair Crampton reported the Committee chose a commercial focus, used data from maps provided by Deputy Town Manager Boodheshwar, which had aerial reviews. Noted, the commission received great support from staff and Worth Avenue Association. The key area of focus was employee parking in customer spaces, and he reviewed recommendations and would be presented for discussion later, which did not include kiosks. He suggested handling employee parking through methods discussed, kiosks would not be needed. On-street parking at Four Arts Plaza also needed to be controlled.

Mayor Coniglio commented that beach parking in the 100 block of Worth Avenue was problematic; she favored the valet program, felt off-site parking lots were underutilized, was concerned about enforcement, felt that private parking lots might expand, and placard parking should be controlled by employers and they took spaces out of service all day. Teachers at Four Arts parked on the street all day. She commented whittling away existing parking would create a year-round morass.

Council President Pro Tem Lindsay agreed with Mayor Coniglio, she also had concerns about the placards, and commented that employers needed to control employee parking.

Council Member Araskog agreed with Mayor Coniglio and Council President Pro Tem Lindsay. She was not comfortable with the change to one hour parking, and wanted more discussion.

Council Member Moore commented the placard program had been done many months ago, clarified the Four Arts situation, reported a Worth Avenue store owner saving the space in front of his store for employees, and advised the 100 block parking was a request for consistency.

Council President Zeidman requested to have more information in the backup, to clarify why parking decisions were made by the Committee.

Council Member Crampton commented they were extending an olive branch first regarding employee parking.

Council Member Araskog agreed kiosks were not the answer. She had listened to the committee meetings.

Warren Belmar, 130 Sunrise Avenue, agreed the Council needed to see more materials and also let the public see those materials well before the meeting. He discussed placards and resident beach parking.

Deputy Town Manager Boodheshwar explained there was no backup because there were no action items on today's agenda for this item. There would be full backup and a presentation at next month's meeting. He had contacted Four Arts today and improvements were seen. Suggested leaving the signs until next month and Council could ratify or cancel them.

Council President Zeidman thought the signs should stay until next month.

Council President Pro Tem Lindsay also wanted to wait and see how it was working.

Council Member Moore agreed with Council President Pro Tem Lindsay to wait and see how it was working. Council Member Araskog agreed.

Public Comments:

John David Corey believed the Committee should create general guidelines and a top-down approach instead of trying to correct individual areas.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to accept the Report of the Business and Administrative Committee Meeting held on January 26, 2021. On roll call, the Motion passed unanimously.

XII. REGULAR AGENDA

A three-minute break was taken at this point in the meeting. Meeting reconvened at 1:58 p.m.

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 027-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2021-07 to Rio-Bak Corporation for Dune Restoration – Truck Haul in the Amount of \$1,765,374 and Establish a Project Budget of \$1,900,000.
Town Staff recommends that Town Council approve both Weeks Marine, Inc. and Rio-Bak Corporation to perform construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels for activities on the beach and in the Lake Worth Lagoon related to construction of the 2021 Phipps Ocean Park Beach Nourishment and Dune Restoration Projects.

Council Member Araskog wanted the public to be aware there would be work

outside the ordinance and that the Town would only pay 25%.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Resolution No. 027-2021. On roll call, the Motion passed unanimously.

2. Promotion of Current Alternate Members on the Shore Protection Board and Recreation Advisory Commission to Regular Member Status.

Council Member Araskog commented on confusion regarding the process.

Deputy Town Manager Boodheshwar responded and clarified the process.

Discussion ensued. Town Attorney Randolph advised this was a policy determination by Council, and Mr. Harris would need to reapply when his term was up.

Director of Business Development and Operations Carolyn Stone explained Mr. Harris had already applied.

Council Member Araskog did not think this was being handled fairly to Mr. Harris.

Council President Zeidman clarified the process.

Motion was made by Council Pro Tem Lindsay and seconded by Council Member Araskog to promote both Peter Harris and Pam McIver to regular member of the Recreation Advisory Commission. Council Member Moore pointed out this was not fair to other residents. Council President Pro Tem Lindsay amended her motion to move both of alternate members to regular members today and Council Member Araskog seconded the amendment.

Deputy Town Manager Boodheshwar advised there was only one vacancy as of today. Deputy Town Manager Boodheshwar reminded the Council the item also included members on the Shore Protection Board being promoted to Regular Member Status.

There was discussion regarding promoting Pamela McIver to regular member to complete her terms which expires April, 2022.

Motion was amended by Council President Pro Tem Lindsay and seconded by Council Member Araskog to promote Peter Harris as a regular member of the Recreation Advisory Commission effective immediately until his term expires on April 1, 2021, at which time he will apply for a regular position with a three-year term, and promote Pamela McIver to regular member at the April 13, 2021 Town Council meeting, and complete her current term which will expire April 1, 2022. Promotion of current Alternate Members on the Shore Protection Board to Regular Member status and complete their current term of December 2022. On roll call, the Motion passed unanimously.

Discussion ensued to clarify the motion.

B. Old Business

1. COVID-19 Update

Kirk W. Blouin, Town Manager

TIME CERTAIN: 10:30AM (heard at 12:25 p.m.)

a. Report on COVID-19 Infections, Hospitalizations and Vaccines

Darrel Donatto, Fire Rescue Chief

Fire Rescue Chief Donatto provided recent statistics on the Covid -19 virus, which was trending downward. This was really great news and he believed was the result of continuing to vaccinate. Chief Donatto stated access to vaccines was becoming more available. Getting a vaccine did not totally prevent infection, but allowed your body to fight it off more quickly, and although being vaccinated did not prevent you from transmitting it to others, he felt it probably significantly reduced the transmission of the virus. Encouraged everyone to continue hand washing, social distancing and wearing a mask. Urged everyone to get vaccinated as soon as possible. He reported new executive orders from the Governor, regarding who was eligible for the vaccine.

Town Manager Blouin pointed out the previous day had been the one-year anniversary of the first two cases in Florida.

Council Member Crampton asked if Palm Beach would be getting more vaccines to administer. Chief Donatto responded vaccine was allocated by the Governor to more retail outlets, but Palm Beach was still participating in the State program to provide vaccines to Holocaust survivors, WWII and Korean War veterans who were homebound.

Mayor Coniglio commented the homebound were very vulnerable, and wanted to do anything possible to help with collaboration with the Health Department to expand this program. She congratulated Fire Rescue on Palm Beach County being the second most vaccinated county in the state.

Council Member Araskog asked if the county's number included people who were vaccinated in another county. Chief Donatto responded that number was based on addresses. Council Member Araskog commented people remaining on Palm Beach's wait list could travel to a CVS or other pharmacy in another town but would need to put in that town's name and zip code when making their appointment. She thanked Chief Donatto for his efforts.

Council President Zeidman announced the Civic Association was forming a group of volunteers to help elderly and homebound residents get appointments.

Council Member Moore asked for an estimate of how many in Palm Beach had

received vaccinations. Chief Donato responded he would try to get that information.

b. Compliance with Emergency Order and Mandates

Nicholas Caristo, Police Chief

Chief Caristo reported no compliance issues since last meeting.

c. Discussion About Town-Wide Curfew

Chief Caristo reported most everyone was closed and off the streets at curfew.

Council Member Moore commented she saw no reason to change the curfew at this point, but bring it up at next month's meeting.

Council President Pro Tem Lindsay agreed with Council Member Moore.

There was consensus to review the curfew at the April meeting. No changes were made to the curfew.

d. RESOLUTION NO. 030-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To April 13, 2021, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Motion was made by Council Member Moore and seconded by Council Member Crampton to approve Resolution No. 030-2021. On roll call, the Motion passed unanimously.

Council President Pro Tem Lindsay announced Jupiter Medical Center were offering vaccinations.

2. Town-wide Undergrounding Project

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

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

Patricia Strayer, Town Engineer, reported the status of each phase of the Town-wide Undergrounding Project. She reported 20 easements has been secured within the last three weeks. She proposed sending Phase 4 and 5 south easement maps to residents in those areas, with detailed construction items for the future.

Council President Pro Tem Lindsay asked about Chicanes in Phase 4 south. Town Engineer Strayer said they were taking advantage of the grass. Council President Pro Tem Lindsay suggested the letter explained the residents had chosen visible

equipment.

Mayor Coniglio expressed concern.

Town Engineer Strayer clarified residents had refused chicanes.

Director Brazil agreed to put up flags so residents would realize how many pieces of equipment there would be.

Town Engineer Strayer agreed to set up another prototype on Chilean.

Council Member Araskog thought the flags were a good idea and more prototypes should be done.

Town Engineer Strayer commented she was still meeting with property owners.

b. RESOLUTION NO. 031-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Guaranteed Maximum Price to Burkhardt Construction Inc., for Phase 4 South Part-1 and the Watermain Replacement on South Lake Drive in the Amount of \$1,252,588 and Establish a Project Budget in the Amount of \$1,440,470.

Dean Mealy, Purchasing Manager

Town Engineer Strayer presented Resolution No. 031-2021.

Council Member Araskog asked about construction contingency. Town Engineer Strayer responded.

Public Comment:

John David Corey asked Council to drive by and look at the new equipment.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Moore to approve Resolution No. 031-2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 032-2021 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 \$49,838.17 and a Project Budget of \$53,000 for Phase 4 South Part-1 Construction Phase Services for Town-Wide Undergrounding of Utilities and South Lake Avenue Watermain Replacement.

Town Engineer Strayer presented Resolution 032-2021.

Motion was made by Council Member Moore and seconded by Council President Zeidman to approve Resolution No. 032-2021. On roll call, the

Motion passed unanimously.

C. New Business

1. Proposed Business Association Special Event on November 11, 2021 to be hosted by the Main Street Business Association.
Queenester Nieves, CMC, Town Clerk

Deputy Town Manager Boodheshwar summarized the request to repeat the event which was held two years ago. Deputy Town Manager Boodheshwar noted the event can be scale back if there was an issue with Covid-19. Staff requested the ability to finish their internal review.

Richard Zaretsky, Chairman, Flags for Heroes, thanked those who volunteered at the last event and explained the proceeds were given to the Town to benefit general employees' children. He made a video presentation on the event, and explained this year's event would also have a virtual aspect,

Mayor Coniglio asked if dedicated parking was required. Mr. Zaretsky explained there were no parking problems. Thomas Bradford verified setup and takedown would each take one day. The Mayor stated she was in favor of extending the time the flags were displayed. Mr. Bradford clarified the estimated donation amount. He made comments on the parking at the last event.

Council Member Crampton endorsed the project.

Council Member Araskog asked staff to remember and asked about the amplified music, and asked about parking. Director Brazil stated he had no concerns. Mr. Bradford stated the parking request was exactly the same as before, there was no music, and there would be about half an hour of speakers.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve the Main Street Business Association Special Event on November 11, 2021. On roll call, the Motion passed unanimously

2. Traffic Related Complaints on Brazilian Avenue.
Nicholas Caristo, Chief of Police

Police Chief Caristo reviewed data he had pulled to help the Council with discussion of traffic related complaints. He did not believe there was a speeding issue on Brazilian Avenue, and felt the issue could be resolved with continued enforcement.

President Zeidman asked why the data which residents were reporting was not being picked up in the data. Chief Caristo explained this data was only for the 300 block.

Mayor Coniglio asked the Town Manager Kirk Blouin if he felt this had become an unmanageable crisis. Town Manager Blouin responded perception is difficult to change, and there was speeding on every street. From his experience this would not qualify as a speeding issue; however, there were problems with valets and they had a lot of turnover so the police needed to proactively contact them often to be sure everyone was aware.

Council Member Crampton thought some visible enforcement, which the police were doing, was helpful.

Council Member Araskog thought it was often not stopping at the stop signs rather than speeding. She thanked the police for continuing to be proactive.

Council President Zeidman thanked Chief Caristo.

XIII. ANY OTHER MATTERS

1. LAWSUIT – KOSBERG AND SCHARF VS. TOPB

Town Attorney Randolph asked Council for their advice in the case of Kosberg and Scharf vs Town of Palm Beach, Dorothy Jacks as Property Appraiser, and Anne Gannon as Tax Collector in Case Number : 50-2017-CA-008420-XXXX-MB and he would like Council to schedule a closed door session immediately after tomorrow's meeting with the following people in attendance: Joanne O'Connor, John Randolph, Kirk Blouin, Court Reporter from Pleasanton & Marsa, Gail Coniglio, Margaret A. Zeidman, Danielle H. Moore, Bobbie Lindsay, Julie Araskog and Lew Crampton.

Motion was made by Council Member Araskog and seconded by Council Member Moore to defer the Closed Door session to the Council meeting on Wednesday, March 3, 2021. On roll call, the Motion passed unanimously.

Council President Zeidman made procedural announcements and welcomed the new reporter from the Palm Beach Daily News. She indicated she would discuss a time certain for tomorrow's closed door session with the Town Attorney.

Council Member Araskog clarified her request that morning was to discuss Four Seasons for the future, not what was being done now.

Council Member Araskog had brought up pickle ball courts that morning and thought Council should discuss it, because if none of the Council would give up a tennis court then staff should not waste time on research.

Town Attorney Randolph set the time certain for tomorrow's closed door session at 4 p.m. or as soon as possible thereafter.

XIV. ADJOURNMENT

The Town Council Meeting of Tuesday, March 2, 2021 was adjourned at 3:00 p.m. without benefit of a motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on March 3, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order March 3, 2021 at 9:32 a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

Council President Zeidman provided a few procedural announcements.

III. PRESENTATIONS

A. Historic Site Survey Report Presentation and Acceptance

Laura Groves van Onna, Historic Preservation Planner, introduced the team from Environmental Services, Inc. and provided an overview of the Historic Site Surveys they performed.

Patricia Davenport-Jacobs, ESI, provided an overview of the Historic Site Survey and discussed their goals in the survey. She added that the survey was provided in a database to be used for future planning efforts.

Meghan Powell and Meagan Scott, ESI, presented the methodology and approach that was taken in their efforts to survey the Town. They discussed the data results, presented their architectural analysis, discussed development in the Town, and ended the presentation with Landmark and general recommendations.

Council Member Moore thanked the team and added she believed this would be a great resource for the Town.

Council Member Crampton agreed with Council Member Moore. He inquired who would be working on the next steps. Wayne Bergman, Director of Planning, Zoning and Building, stated that MurphyStillings, the Town's consultants, as well as Town staff, would be using this information going forward.

Mayor Coniglio inquired about the number of homes at the north end of the island that were over 50 years old. Ms. Powell responded and stated many of the homes that had never been surveyed were south of Sloan's Curve. The Mayor inquired of Mr. Bergman if the survey would be used to identify future opportunities. Ms. Van Onna responded and discussed the potential process to landmark homes.

Council President Pro Tem Lindsay questioned the prioritization of the list of the older homes that were most worthy. She also inquired about the location of the 211 properties that were obscured. Ms. Powell responded and stated many were behind hedges or overgrown landscaping. Council President Pro Tem Lindsay wondered if there was a way to survey those 211 homes so they would not be left out.

Council Member Araskog discussed the homes that were exempt from the FEMA floodplain requirements and the NHRP coverage, and inquired about the recommendations for those homes. Ms. Davenport-Jacobs responded.

Council President Zeidman suggested that staff and Landmarks Preservation Commission look at the 19 recommendations in order to use them moving forward. She also inquired if there was any financial assistance by Federal, State or Historic agencies available to offset the cost in raising a home. Ms. Davenport-Jacobs responded.

Council Member Araskog discussed the recommendation to initiate a form for any potential demolition and asked for ESI to elaborate on their recommendation. Ms. Powell responded and explained the reason for their recommendation. Council Member Araskog also inquired about their recommendation for LPC training. Ms. Scott responded this was to keep the Board, staff and community members updated and to provide consistency.

Motion made by Council Member Moore and seconded by Council President Pro Tem Lindsay to accept the report as presented. Motion carried unanimously.

Council President Zeidman confirmed there was consensus to have Staff and Landmarks Preservation Commission review the recommendations.

Council Member Araskog asked about landmarked properties and the perceptions that citizens had of owning a landmarked home. Responses included ways to disseminate information to the community. Council Member Araskog mentioned demolition ordinances in other communities and asked ESI to touch on this subject. Ms. Davenport-Jacobs responded.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio inquired about 800 South County Road, which neighbors had reported was not properly secured. She asked Mr. Bergman to make sure the property was secure.

V. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton thanked several people who worked on the negotiations with the buildings on Sloan's Curve, including Town Attorney Randolph.

Council Member Araskog stated that a resident reported a statue of an eleven-foot thumb at the Royal Poinciana Plaza. She also questioned if the four members on the Planning and Zoning Commission, who were also board members on the Civic Association, created a conflict. Town Attorney Randolph spoke about the potential conflict and added he would like more time to reflect on the question.

Council Member Moore stated she received the same call about the statue and asked staff about the issue.

Zoning Manager Castro stated he sent the statue issue to the Code Enforcement that morning.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Alexandra Patterson, Royal Poinciana Plaza, discussed the statue of the thumb and how the statue came to be placed outside.

Bridget Moran, 257 Dunbar Road, thanked Environmental Services, Inc. for their report and advocated for increasing the landmarks report.

VII. APPROVAL OF THE AGENDA

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

Deferral of Item IX. A. 1 to the April 14, 2021 meeting.

Withdrawal of Item IX. B. 1 (c) from the agenda

Deferral of Item IX. C. 1 (a) to the April 14, 2021 meeting.

Withdrawal of Item IX. C. 1 (c) from the agenda.

Deferral of Item IX. C. 1 (d) to the April 14, 2021 meeting.

Deferral of Item IX. C. 1 (h) to the April 14, 2021 meeting.

Deferral of Item IX. C. 2 (d) to the April 14, 2021 meeting.

Motion made by Council Member Moore and seconded by Council President

Pro Tem Lindsay to approve the agenda as amended. Motion carried unanimously.

Mayor Coniglio inquired about the number of deferrals for 125 Worth Avenue. Mr. Castro explained the reason for the deferral request.

VIII. RESOLUTIONS

None

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way

This item was deferred to the April 14, 2021 meeting during the approval of the agenda, Item VII.

B. Time Extensions and Waivers

1. 358 El Brillo Way Demolition Waiver Request

Request to Withdraw the Waiver Request per Email from Todd Glaser

This item was withdrawn from the agenda during the approval of the agenda, Item VII.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall

building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission deferred this project to their February 24, 2021 Meeting. Carried 6-1.] Request For Deferral to the April 14, 2021 Meeting Per Letter from James M. Crowley.

This item was deferred to the April 14, 2021 meeting during the approval of the agenda, Item VII.

Jamie Crowley, attorney for the applicant, discussed the plans for the project and the reason for the deferral request.

Mr. Castro stated that staff would need time to review the plans and requested the plans to be brought into Town as soon as possible.

- b. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of

vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Paul Castro, Zoning Manager, recommended a deferral of the item and explained the reasons for deferral.

Maura Ziska, attorney for the applicant, requested a one-month deferral for the project.

John Eubanks, attorney for the neighbor, stated he was in favor of the deferral request.

Motion made by Council Member Moore and seconded by Council Member Crampton to defer the project for one month, to the April 14, 2021 meeting. Motion carried unanimously.

c. **Z-20-00293 SITE PLAN REVIEW WITH VARIANCE(S)**

Zoning District: R-C Medium Density Residential The application of Elaine Hirsch, Applicant, relative to property located at **130 SUNRISE AVE, SUITE: PH 1**, legal description on file, is described below. A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134- 948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum required. Section 134-948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.]

Request to Withdraw the Project per Letter from Maura Ziska

This item was withdrawn from the agenda during the approval of the agenda, Item VII.

- d. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two- story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request to Deferral to the April 14, 2021 Meeting Per Letter from Maura Ziska

This item was deferred to the April 14, 2021 meeting during the approval of the agenda, Item VII.

- e. **Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JOHN MENDELL & MARA RAPHAEL, applicant, relative to property located at **250 QUEENS LN**, legal description on file, is described below. 1) Section 134 229; Section 134 329 and Section 134 893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required; a depth of 94 feet in lieu of the 100 foot minimum required; and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool. The following variances are being requested: 2) Section 134 893(7): to allow a west side yard setback for the addition and to allow the house to remain non conforming with both having a setback of 5.3 feet in lieu of the 12.5 foot minimum

required. 3) Section 134 893(12): to allow the non conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134 1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134 2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex parte communications were declared by Council Member Araskog.

Maura Ziska, attorney for the applicant, explained each zoning relief item requested.

Raphael Saladrigas, Studio SR, presented the architectural plans proposed for the renovation of the existing home.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the renovation.

Zoning Manager Castro provided staff comments.

Mr. Williams addressed Mr. Castro's comments and discussed his plan to screen the motor court as recommended.

Council President Pro Tem Lindsay inquired about the screening for the motor court. Mr. Williams responded. Mr. Saladrigas stated he would work with staff to find a solution.

Council President Zeidman inquired about a letter in the backup and questioned if the issue was resolved. Ms. Ziska indicated that the issue had been resolved.

Mayor Coniglio wanted to make sure the rear neighbor and the angle of vision were protected.

Council Member Araskog agreed with the Mayor and wanted to make sure the neighbor was protected. She also had concerns for the driveway design and wondered if that portion of the plan could return to the Council. Mr. Williams responded. A short discussion ensued. Mr. Castro responded and touched on the decrease in landscape open space.

Council President Pro Tem Lindsay expressed concern for the

number of hedges on the street in the north end, particularly on smaller lots.

Mayor Coniglio thought that the architect and staff could resolve the issue.

Council Member Araskog inquired about the garage location. Ms. Ziska stated that there was no garage. Council Member Araskog inquired about the hardship. Ms. Ziska responded. Mr. Saladrigas discussed the items that were conforming.

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

Motion made by Council Member Moore and seconded by Council President Pro Tem Lindsay, that Variance Z-20-00307 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Motion made by Council Member Moore and seconded by Council President Zeidman, that Special Exception Z-20-00307 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, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area, and with the condition that staff approve the new driveway configuration and that the 41% landscape open space remains. Motion carried unanimously.

- f. **Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 310 MEDITERRANEAN RD LLC (JOHN SHAW, MANAGER), applicant, relative to property located at **310 MEDITERRANEAN RD**, legal description on file, is described below. Sections 134-229, 134 329, and 134 843(b): Special Exception and Site Plan Review to allow the renovation of a two story, single family house, including raising the existing house to 7.0 ft NAVD and demolishing more than

50% of the house by cubic square footage, on a non conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150 foot depth required in the R A Zoning District. In connection with the renovation, the following variances are being requested: 1) Section 134 843(a)(5): Request for redevelopment of a single family home with a front yard setback of 26.0 feet in lieu of the 35 foot minimum required. 2) Section 134 1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10 foot minimum requirement. 3) Section 134 843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.]

Ex parte communications declared by Council Member Araskog.

David Klein, attorney for the applicant, explained each zoning relief item requested.

Zoning Manager Castro provided staff comments.

Mayor Coniglio shared Mr. Castro's concern regarding increasing the bulk head. Mr. Klein responded. Mr. Castro stated that they had not increased the bulk head but were adding the dock out into the conservation district and moving the pool very close to the bulk head. Patrick Segraves, SKA Architect + Planner, responded, and explained the reason the pool was moved and the design for the proposed dock. A short discussion ensued about the issue.

Council Member Araskog agreed with Mr. Castro regarding the dock and questioned the setbacks. She also expressed concern for the pool and its proximity to the bulk head. She inquired about the addition that required the pool to be moved. Mr. Segraves explained the addition and the reason the pool needed to be pushed away from the home.

Council President Pro Tem Lindsay thought the architect did a terrific job in updating the property. She supported the project.

Council Member Crampton agreed with Council President Pro Tem Lindsay and thought the proposed changes were a huge upgrade. He thought ARCOM did a good job in their recommendations.

Council Member Moore understood Mr. Castro's concern but also recognized that the property, as existing, conformed to the

Code. She stated she would support the project.

Council Member Araskog inquired about Mr. Castro's concern. Mr. Castro responded. Mr. Klein stated that proposed dock met Code and had been approved by DEP. He added that the pool would be proposed in the location shown, regardless of the dock.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay, that Variance Z-20-00310 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried 4-1, with Council Member Araskog opposed.

Motion made by Council Member Crampton and seconded by Council President Zeidman, that Special Exception Z-20-00310 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.

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

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

Council President Pro Tem Lindsay recommended that staff study the issue of extending landscaping into docks. Council Member Araskog agreed.

Please note: A short break was taken at 11:32 a.m. The meeting resumed at 11:41 a.m.

At this time, the Town Council heard project Z-21-00326 VARIANCE(S), 110 Seaspray Ave. and 224 S. Ocean Blvd. (see page 21)

- g. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)**
Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats

for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on-site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications were declared as follows: Council Members Moore and Araskog.

Maura Ziska, attorney for the applicant, explained the zoning relief item requested.

Keith Spina, Spina O'Rourke + Partners, presented the architectural changes proposed for the site.

Zoning Manager Castro provided staff comments.

Council President Pro Tem Lindsay expressed concern for the requested additional seats with the lack of providing the extra parking spaces required. She believed the neighborhood was already congested with parking at 5 p.m.

Mayor Coniglio agreed with Council President Pro Tem Lindsay and had concerns with the impact to the neighbors. She also expressed concern for parking by the employees of the restaurant. She wanted assurance that the residents in the neighborhood and other business operations in the neighborhood would be protected.

Council Member Moore thought the employees should be parking in their own lot. She thought that parking in the incorrect lot was an enforcement issue. She suggested someone monitor the lots for a few days to tell employees where they should park.

Council Member Araskog agreed with Council Member Lindsay and the Mayor. She requested an agreement that showed the extra spaces in an additional lot. She expressed concerns for the neighbors in the area and wanted to make sure they were protected.

Council President Pro Tem Lindsay expressed concern for daytime congestion. She thought the applicant should obtain the 13 extra spaces required.

Council President Zeidman liked that the outdoor seating proposed was contained. She discussed the upcoming agenda

item of outdoor seating. Mr. Castro stated that the Planning and Zoning Commission would be discussing outdoor seating in March.

Council Member Araskog inquired about the previous staff approval and expressed concern that this situation could be a promissory estoppel issue. Mr. Castro responded. Mr. Spina discussed the construction that had occurred. Town Attorney Randolph stated no one was claiming estoppel.

Council Member Crampton discussed the recommendations made by the Business and Administration Committee regarding parking. He thought the Planning and Zoning Commission should look at outdoor seating and make a recommendation to the Town Council.

Council President Zeidman called for public comment.

John David Corey, 426 Australian Avenue, agreed that contained outdoor dining was a good situation. However, he expressed concern for the request to increase capacity by 30%.

Council President Pro Tem Lindsay expressed concern for allowing more seating without providing the extra parking required. Council President Pro Tem Lindsay thought there were two options – obtain 13 more spaces or move the seats from inside until the issue was resolved.

Mayor Coniglio inquired about the number of current seats in the restaurant. Ms. Ziska and Mr. Spina responded. The Mayor wondered if there was a compromise that could be reached.

Council President Zeidman expressed concern that their decision would create a fairness issue with other restaurants. She recommended a compromise with a smaller percentage.

Council Member Moore thought there was an opportunity, while outdoor dining was allowed due to COVID, to study the issue for another month or two. A short discussion ensued about the situation.

Motion made by Council Member Araskog and seconded by Council Member Moore to defer Z-20-00311, Special Exception with Variance, for 375 South County Road, to the April 14, 2021 meeting. Motion carried unanimously.

- h. **Z-20-00313 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MATTHEW AND ALEXANDRA MURPHY, applicant, relative to property

located at **113 ATLANTIC AVE**, legal description on file, is described below. Section 134 893(b)(13): Request for a variance to allow the construction of a 210 square foot awning on the east side of the existing residence and a 644 square foot awning on the west side of the existing residence which will result in a cubic content ratio of 4.499 cubic feet in lieu of 3.998 existing and the 4.148 maximum allowed. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the April 14, 2021 Meeting Per Letter from Maura Ziska

This item was deferred to the April 14, 2021 meeting during the approval of the agenda, Item VII.

- i. **Z-20-00314 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of CASTELO, MANUEL J., Applicants, relative to property located at **1464 N OCEAN BLVD**, legal description on file, is described below. Section 134 893: Site Plan Review to allow the construction of a 4,140 square foot two story, single family residence on a non conforming platted lot which is 9,770 in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District and 90 feet in width in lieu of the 100 foot minimum width required In the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.]

Ex parte communication declared by Council Member Araskog.

Maura Ziska, attorney for the applicant, explained the zoning relief item requested.

Zoning Manager Castro provided staff comments.

Council Member Araskog inquired if there were windows that would look into the neighbor on 201 Onondaga. Daniel Clavijo, SKA Architect + Planner, explained the design and discussed the setbacks. Mr. Clavijo also showed the landscaping elevations that demonstrated the proposed screening for the neighbors.

Council Member Moore inquired about the reason the application was in front of the Town Council. Mr. Bergman responded. She supported the project.

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

There was discussion on a potential motion.

Motion was made by Council President Pro Tem Lindsay, and seconded by Council Member Moore, that Site Plan Z-20-00314 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11, and with the condition that the approved screening and buffer shall be maintained. Motion carried unanimously.

- j. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq]

Zoning Manager Castro discussed the deferral request.

Motion made by Council Member Moore and seconded by Council President Zeidman to defer the project for one month, to the April 14, 2021 meeting. Motion carried unanimously.

At this time, the Town Council heard project Z-21-00324 VARIANCE(S), 220 Monterey Road. (see page 19)

Please note: A lunch break was taken at 12:53 p.m. The meeting resumed at 2:02 p.m.

- k. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-B Commercial The application of LR PALM HOUSE LLC (IAN LIVINGSTON, EXECUTIVE CHAIRMAN), applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. The Town Council

conditionally approved the Special Exceptions, Site Plan Review and Variances at the January 13, 2021 meeting and the February 10, 2021 meeting. [Applicant's Representative: Maura Ziska Esq] Town Council Consideration of the proposed Declaration of Use Agreement and Construction Management Agreement relative to the conditions of approval.

Ex parte communications declared by Council Member Araskog.

Maura Ziska, attorney for the applicant, provided an overview of the declaration of use agreement for The Palm House.

Zoning Manager Castro discussed staff's review of the agreement and stated they made recommendations to the applicant. Staff met with the attorneys, the applicant, and neighbors subsequently to discuss some of the items.

Mr. Castro stated they needed a contact person if there were any issues with the hotel. Staff felt the Construction Management Agreement should be split into two phases. Staff had worked out all of their concerns with the applicant.

Council President Zeidman called for public comment.

Donald Lunny, representing Virginia Simmons at 133 Brazilian Avenue, was pleased there were more restrictive paragraphs for music and sound, and event and grass lawn area. This agreement had specific maintenance provisions which would be binding on the property. He added that the developer and Attorney Ziska were helpful in addressing neighbors' concerns. He stated that his client did not object to the 175 seats allowed in the Function Room in paragraph 7, which would require another change.

John Eubanks, representing DeVries at 141 and 149 Brazilian Avenue, stated his client's concern was sound suppression which was outlined in the agreement. His client would also support 175 seats for the Function Room.

Ms. Ziska pointed out one item they were requesting, which was 175 seats in the Function Room.

Mr. Castro stated that in 2007, the negotiation was around the parking and traffic circulation. He said the seating requested exceeded what was previously approved.

Ms. Ziska stated that the hotel ownership did have extra parking for employees.

Mark Banfield discussed the reduction in their seating request

from what was previously approved. He added that they had reached an agreement with 231 Royal Palm Way to use their on-site parking after 5 p.m. Mr. Banfield also stated that a valet operation had already been secured. Employee parking would be provided at Marriott Hotel in West Palm Beach and a shuttle would bring the employees to work.

Mr. Castro indicated that this would be an intensification in use and traffic would increase. The applicant would need to ask for a variance to eliminate the required parking and then a special exception for supplemental off-site parking. Mr. Castro explained previous agreements as related to parking.

Attorney Ziska commented they were not required to provide extra parking at this time.

Council Member Crampton was satisfied that the Declaration of Use Agreement has been successfully negotiated.

Council President Zeidman thought there were two questions on the table – should 175 seats be allowed in the Function Room, and the second was should the Construction Management Agreement be in two phases.

Council President Pro Tem Lindsay inquired about the number of employees the hotel anticipated to hire. Mr. Banfield responded more than 30 during season. She inquired about the proposed parking for the employees. Mr. Banfield stated that they would be parking in West Palm Beach and bussed to the hotel. She inquired how many employees would be parking on site, and wanted to make sure the language allowed staff and Council to come back to the applicant if things were not working. Mr. Banfield explained that what drove the parking and the hotel occupancy was the function space. Attorney Ziska spoke to the revision of the language in the agreement.

Mr. Lunny clarified the existing language in the agreement and requested the Town Council review parking after the agreement was approved. He felt cleaning up this property and returning it to an operating asset should be foremost in everyone's mind.

Mayor Coniglio inquired about the number of hotel rooms proposed. Mr. Banfield responded. The Mayor listed areas for which she requested clarification, which included number of seats requested, live music outdoors, hours of functions, parking, business tax receipts, bar service on pool deck, and violations of the agreement.

Council Member Araskog recommended changing the wording

in one of the paragraphs. She inquired if longer hours should be allowed on New Year's Eve. She thought the Declaration of Use should be mirrored to The Colony on number 6. She thought the seats in the Function room should remain at 150 for now, with the possibility to be increased at a later date, and also questioned the hours for the Function room. Town Attorney Randolph inquired why she was asking to expand on three of the items. Council Member Araskog responded, and inquired about violations and how they would be handled. Mr. Castro explained the standard language regarding process for violations.

Council President Zeidman was in agreement on number 5 with the exception of New Year's Eve, which she felt should be 12:30 a.m. She thought that the seating should be 150 seats and to return for the additional 25 seats after a certain time, maybe 3 months. Mr. Banfield agreed to 3 months. She confirmed the closing hours would mean operations would be completely ended. Mr. Banfield agreed. Council President Zeidman inquired about the phase 1 and phase 2 construction management agreement. Mr. Castro responded. Council President Zeidman inquired about the change to the first item, which was regarding valet functions. Mr. Banfield responded he felt it was redundant, and felt they could prove to be a good neighbor in one year.

Council Member Moore inquired about the timeline for the hotel to be operational. Mr. Banfield responded and stated it would be operational in November 2022.

Mayor Coniglio inquired why the discussion needed to wait until April regarding the cleanup of the site. Mr. Banfield asked if they could work with staff and the other attorneys to get a document ready for the April meeting.

Council President Pro Tem Lindsay recommended employee parking begin the Monday before Thanksgiving, to which Mr. Banfield agreed.

Council Member Araskog thought the construction clean up agreement should return to the Town Council.

Mr. Banfield advised this would be quiet work.

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

Council Member Araskog made a motion, seconded by Council Member Moore, to approve the Declaration of Use as presented with the following changes: in paragraph one, include a change to Town Manager in sentence two (strike

Police Chief) and a change from 5 years to 3 years in paragraph 10; that the meaning of number 4 would be changed to clarify no employees other than for maintenance, hotel guests or other leisure activity or entertainment of any kind would be permitted on the roofs of the hotel, the roof of the Function room, or the roof of other accessory buildings; number 5, that recorded or live music or entertainment shall be allowed inside the hotel building from 9 a.m. to 12:30 p.m. on New Year's Eve, and 11:30 p.m. for weddings; 175 seats approved to come back in 3 months with ability to ask for 25 additional seats and also to move back to 150 after reviewing any issues; in paragraph 11, change the date of shuttle service to begin the Monday prior to Thanksgiving, paragraph 12, staff will approve phase 11 of the Construction Management Agreement with Attorneys Lunny and Eubanks, while phase 2 of the Construction Management Agreement is deferred to the July 14, 2021 meeting. Motion passed unanimously.

Council President Pro Tem Lindsay made a motion, seconded by Council Member Moore, to defer the Construction Management Agreement to the July 14, 2021 Town Council Meeting. Motion passed unanimously.

2. New Business

- a. **Z-21-00324 VARIANCE(S)** Zoning District: R B Low Density Residential. The application of PETER & BEVERLY BROBERG, Applicants, relative to property located at **220 MONTEREY RD**, legal description on file, is described below. Sec. 134-893(12)(a) A variance to add 151 square foot bathroom addition on the southeast corner of the house with a landscape open space of 41.1% in lieu of the 42.3% existing and the 45% minimum required by Code. [Applicant's Representative: Peter Broberg] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1.] [The Landmarks Preservation Commission approved the generator and addition portion of the project, while the garage door alteration will return to the March 17, 2021 meeting. Motion carried 6-1.]

There were no ex parte communications declared.

Peter Broberg, owner, explained the zoning relief item requested.

Zoning Manager Castro provided staff comments.

Council Member Araskog inquired if the applicant could meet the 45% landscape open space required. Mr. Broberg responded.

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

Motion made by Council Member Moore and seconded by Council Member Araskog, that Variance Z-21-00324 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met. Motion carried unanimously.

- b. **Z-21-00325 VARIANCE(S)** Zoning District: R B Low Density Residential The application of JON & LIZA MAUCK, Applicants, relative to property located at **201 QUEENS LN & 221 QUEENS LN**, legal description on file, is described below. The applicant owns two adjacent properties (201 Queens Ln & 221 Queens Ln) in the R B Zoning District and is requesting to combine the properties to add a two story guest house on the new west parcel and a two story pool cabana on the north side of the existing house. Once combined, the resulting lot would have an area of 23,140 square feet and a depth in excess of 150 feet. Furthermore, the residence at 201 Queens Lane has been designated historically significant for purposes of this application. The following variances are being requested: 1) Section 134 893 (1)c.: To allow a new two story pool cabana to have a 10.16 foot rear yard setback in lieu of the 15 foot minimum setback required for lots with an area In excess of 20,000 square feet and a depth in excess of 150 feet. 2) Section 134 893(1)d.: To allow the new two story guest house to have a building height plane setback of 35 feet in lieu of the 47 .5 foot minimum required for lots in excess of 20,000 square feet and a depth in excess of 150 feet. 3) Section 134 893 (6): To allow an angle of vision to be 130 degrees in lieu of the 120 degrees maximum allowed. 4) Section 134 893 (1)c: To allow the front yard setback to remain at 24.83 feet in lieu of the 35 foot minimum required when combining parcels to result in a lot in excess of 20,000 square feet. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project with 3 items to return to the March 24, 2021 meeting. Carried 7-0.]

There were no ex parte communications declared.

Maura Ziska, attorney for the applicant, explained the zoning relief item requested.

Dan Kahan, Smith and Moore Architects, presented the

architectural plans for the renovations and new pool cabana.

Zoning Manager Castro provided staff comments.

Ms. Van Onna pointed out this was the fourth building in the historic building program and was approved by Landmarks Preservation Commission but needed to return for design elements that had nothing to do with the requested variances.

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

Council Member Araskog inquired if the parked cars would be seen. Mr. Kahan responded the parking area would be screened. Council Member Araskog asked about the Bahama shutters on the guest house. Mr. Kahan responded. Council Member Araskog inquired about the hardship. Ms. Ziska responded.

Council Member Crampton made a motion, seconded by Council Member Moore, that Variance Z-21-00325 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area, and with the condition that adequate screening of the cars from the street will be provided. Motion carried unanimously.

- c. **Z-21-00326 VARIANCE(S)** Zoning District: R B Low Density Residential The application of ARMEN A. MANOOGIAN, AS TRUSTEE OF THE ARMEN A. MANOOGIAN 2020 DYNASTY TRUST U/A/D OCTOBER 22, 2020 AS TO 65.64% AND CLAUDIA B. MANOOGIAN AS TO A 34.36%, Applicant, relative to property located at **110 SEASPRAY AVE & 224 S OCEAN BLVD**, legal description on file, is described below. Section 134 893 (b)(1)c: The applicant owns two adjacent properties (110 Seaspray Ave & 224 S Ocean Blvd) in the R B Zoning District and is requesting to combine the properties, resulting in one lot which would have an area in excess of 20,000 square feet (25,765 square feet) and a depth in excess of 200 feet. The following variance is being requested: 1) To allow the existing house to remain with a current building height plane setback of 39.2 feet in lieu of the 48 foot setback required for a building that is 42.22 feet in overall height. [Applicant's Representative: Maura Ziska Esq]

Maura Ziska, attorney for the applicant, explained the zoning relief item requested.

Zoning Manager Castro provided staff comments.

Council Member Crampton inquired about future building and what would be allowed. Mr. Castro responded future changes would come before Council if variances were needed.

Mayor Coniglio had concerns but knew that combining lots reduced intensity and density. She hoped that any changes to the property would maintain its charm.

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

Council Member Araskog inquired what could be done to make sure the charm and character of the street was maintained. Mr. Castro responded. Ms. Araskog inquired if a condition could be placed on the home. Town Attorney Randolph responded.

Motion made by Council Member Araskog and seconded by Council Member Moore, that Variance Z-21-00326 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

- d. **Z-21-00327 VARIANCE(S)** Zoning District: R C Medium Density Residential The application of JUSTIN B. BESI KOF, Applicant, relative to property located at **218 EVERGLADE AVE**, legal description on file, is described below. Section 134 948(1) & (2): A request for a variance to construct a new 3,700 square foot, two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 5,902 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R C Zoning District. Section 134 948(6): Request for a variance to have an 8 foot east side yard setback in lieu of the 10 foot minimum required in the R C Zoning District. Section 134 1757: Request for a variance to construct a swimming pool (11' by 27') along the south of the property that would have a 7.5 foot rear yard setback in lieu of the 10 foot minimum setback required. Section 134 948(9): Request for a variance for lot coverage to be 34.92% in lieu of the 30% maximum allowed in the R·C Zoning District. [Applicant's Representative: Maura Ziska Esq]

This item was deferred to the April 14, 2021 meeting during the approval of the agenda, Item VII.

Please note: The meeting broke for a time certain item at 4:00 p.m. The meeting resumed at 4:18 p.m. and the time certain item was terminated.

CLOSED DOOR SESSION AT 4 PM

Case Number: 50-2017-CA-008420-XXXX-MB

Kosberg, Scharf vs. TOPB, Dorothy Jacks, Anne Gannon

Council President Zeidman announced this was the commencement of an attorney client meeting pursuant to Florida Statute 286-0118, called pursuant to the request of the Town Attorney, who was seeking advice on negotiations in the case of Kosberg, Scharf vs. TOPB, Dorothy Jacks, Palm Beach County Property Appraiser, and Anne Gannon. Palm Beach County Tax Collector, in the Circuit Court of Palm Beach County, Case Number: 50-2017-CA-008420-XXXX-MB to take place in the conference room in back of the Town Council chambers. Attendees of this meeting would be Town Attorneys John Randolph and Joann O'Conner, Town Manager Kirk Blouin, all members of the Town Council, and a court reporter. The session was expected to last for one half hour, after which that meeting would be closed and the public meeting in chambers would be resumed. The Town Council adjourned to the conference room.

Upon roll call by Administrative Specialist Churney, all members of the Town Council were found to be present.

At the recommencement of the public meeting in Council chambers, Council President Zeidman announced the Town Council had accepted the dismissal of all claims with prejudice and accepted the ruling of the Court, and each side would bear its own fees and costs.

Attorney Joann O'Conner stated what should be in the motion: Motion to accept the Plaintiff's proposal of a dismissal of all claims with prejudice, with each side to bear its own fees and costs.

Motion made by Council Member Araskog and seconded by Council Member Crampton, to accept the Plaintiff's proposal of a dismissal of all claims with prejudice, with each side to bear its own fees and costs. Motion carried by unanimous vote.

Council Member Araskog thanked Attorney O'Conner and her team for their great legal work.

X. ANY OTHER MATTERS

A. ARCOM's Request to Consider Demolitions

Mr. Bergman provided an overview of the issue, which would allow the Architectural Review Commission to defer demolition of any significant architecture to the Landmarks Preservation Commission for study and to defer the demolition until a review was provided. Mr. Bergman weighed in on Town Attorney Randolph's previous interpretation of this issue. This matter had been deferred several times; however, Town Council had accepted the new historical site survey in today's meeting. There were 819 new historical sites listed that had never been surveyed. There were 120 sites, and probably many more, that might be eligible to be listed on the National Register of Historic Places, or might qualify as future Town landmark resources.

Mr. Bergman suggested increasing the number of buildings that were reviewed annually for possible designation of potential landmarked buildings. The budget was currently at \$50,000 a year for the study of landmarked buildings, which would cover 10 buildings per year, and Murphy Stillings stated that they could handle 25-30 homes a year.

Mayor Coniglio suggested looking at 20 properties a year to allow for community participation.

Council President Zeidman agreed with the Mayor.

Council President Pro Tem Lindsay suggested 24-25 homes a year and provided the reasoning that many of these assets were being lost quickly. She felt this was urgent and would take it to 30 per year to get it done more quickly.

Council Member Moore agreed with Council President Pro Tem Lindsay. Ms. Moore recalled that Amanda Skier, The Preservation Foundation, indicated in the past that they might be able to financially offset the costs of reviewing more homes. She thought that the path forward should move pretty quickly, and there were options for moving forward.

Council Member Crampton stated he was leaning more toward the Mayor's suggestion. He thought doubling the amount was moving fast and added that money and homes could be added in the future. He did not want a negative reaction, and questioned the connection between what they were discussing and ARCOM's demolition request.

Town Attorney Randolph advised he would answer Council Member Crampton's question. He was hearing that the Town Council was concurring with what three previous Town Councils had said, and were not going to amend the ARCOM ordinance to allow ARCOM to defer demolitions; rather, they were saying to Landmarks, start placing these items under consideration.

Council Member Crampton agreed, stating the Council could do this without Landmarks now that they had a valid list. He thought they should be careful in going about this, and felt the Mayor's approach was best at this point.

Council Member Araskog agreed with Council Member Moore and Council President Pro Tem Lindsay this was urgent. She thought 25-30 homes was a good amount. She also thought the issue of demolition at ARCOM was worth exploring.

Council Member Crampton was willing to go along with the Council consensus.

Council President Lindsay suggested adding another resource if necessary, to be able to process the homes identified in the historic site survey.

Council President Zeidman called for public comment.

Amanda Skier, Preservation Foundation of Palm Beach, commented that losing 20% of historic homes drove home the urgency of using the survey list to get an idea for eligibility, and that number would determine budget increase, and they would help offset costs. She felt time was of the essence. She suggested property owners pause before demolition to see what could be gained by saving their home. She also suggested demolition plans be approved in coordination with new plans.

Council President Zeidman asked Ms. Skier to clarify her coordination suggestion. Ms. Skier provided further explanation on this holistic approach.

Council Member Moore asked Town Attorney Randolph to weigh in on the issue. Town Attorney Randolph provided his thoughts on the issue.

Council Member Araskog stated Ms. Skier was recommending this coordination for homes 50 years or older and limiting the time to 30 days. She thought the suggestion should be studied. Council Member Araskog asked Ms. Skier if she felt adding an additional consultant would be beneficial. Ms. Skier responded she felt the buildings could be moved quickly using other consultants to help.

Council Member Crampton thought the Town should proceed with caution.

Council President Pro Tem Lindsay thought the list of 128 homes should be studied and verified to see which homes were worth investigating, then deciding how to proceed.

Mayor Coniglio agreed with Council President Pro Tem Lindsay.

Council President Zeidman agreed with Council President Pro Tem Lindsay's suggestion. Council President Zeidman thought public education was also very important and that the program should be very powerful.

Council Member Araskog agreed that education was important to let people know the advantages of landmarking. She inquired if it was possible to hire an extra consultant to help with the review of the 128 homes.

Director Bergman stated staff needed to come up with an action list before talking about hiring extra consultants.

Ms. Van Onna discussed the workshops that had recently been held, which included real estate agents. She reported good attendance.

Council President Zeidman outlined the steps going forward: (1) Staff review list; (2) determine if more help was needed; (3) determine the number to be done in a year; (4) review with Council as information was developed.

Council Member Araskog asked to wait to decide on ARCOM's request. Council President agreed, stating there was no appetite by Council to move forward with this request, but Council understood why they made the request.

Ms. Skier thanked the Town Council for their dedication to Historic Preservation, and staff for their work on this matter. She commented there was precedent for

landmarking several properties at once.

B. Discussion on Landmark Incentives

Ms. Van Onna updated the Town Council on dimensional waivers that could be added to incentivize landmarked and non-landmarked properties.

Council Member Crampton commented staff was doing wonderful work in the workshops and everything was starting to work together, and the Town was doing this right and being careful as they proceeded.

Council Member Araskog thought this was fantastic and also wanted to do something on the website regarding incentives and information from the workshops.

Amanda Skier, Preservation Foundation of Palm Beach, commented they were looking into restarting their preservation easement program, which first began in 1980, which would give property owners the option to donate the façade of their landmark building—all four walls and the roof—which would have value and upon appraisal could result in reduction of their property taxes at county level. Other incentives being explored by the Foundation included charitable contribution for someone's federal tax return, or reduction in county property taxes. These could offset some of the property owner's costs.

XI. ADJOURNMENT

The meeting was adjourned at 5:18 p.m. without the benefit of a motion.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 24, 2021.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated March 31, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of March 24, 2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Action Minutes of March 24, 2021

Date: March 31, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of March 24, 2021.

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 March 24, 2021.

GENERAL INFORMATION

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

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MARCH 24, 2021

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. Small called the meeting to order at 9:00 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
Alexander C. Ives, Member	PRESENT (arrived at 9:05 a.m.)
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Laura Groves van Onna, Historic Preservation Planner
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. **ELECTION OF OFFICERS**

Mr. Small opened up the floor for nominations. Mr. Corey nominated Michael Small for Chairman. There were no other nominations at this time.

After a roll call vote, Michael Small was elected as Chairman.

Ms. Grace nominated Jeffrey Smith as Vice Chair. Ms. Shiverick nominated John David Corey as Vice Chair. There were no other nominations at this time.

After a roll call vote, John David Corey was elected as Vice Chairman.

V. **RULES OF ORDER AND PROCEDURE**

Mr. Small thanked the Town Council for allowing the Commission to meet virtually. He thanked staff for their participation in setting up the virtual meeting.

Mr. Small congratulated John David Corey and Jeffrey Smith on their reappointment. He congratulated Ted Cooney, who was elected to the Town Council. He welcomed Tom Kirchhoff on his appointment to the Commission. Finally, he thanked all of the members for voting him as Chair of the Commission.

VI. **APPROVAL OF THE MINUTES FROM THE FEBRUARY 24, 2021 MEETING**

Motion made by Mr. Corey and seconded by Mr. Ives to approve the minutes from the February 24, 2021 meeting. Motion carried unanimously.

VII. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Deferral of B-074-2019, 125 Worth Avenue to the June 23, 2021 meeting
Deferral of B-063-2020, 160 Royal Palm Way April 28, 2021 meeting
Deferral of B-076-2020, 60/70 Blossom Way to the April 28, 2021 meeting
Deferral of A-020-2021, 150 Worth Ave. to the April 28, 2021 meeting

Ms. Grace inquired about the June deferral for the project at 125 Worth Avenue. Mr. Bergman responded. Ms. Grace expressed concern that the concerned parties may not be in Town during the month of June.

Motion made by Mr. Corey and seconded by Mr. Smith to approve the agenda as amended. Motion carried 6-1, with Ms. Grace opposed.

VIII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **A-016-2021 Landscape/Hardscape**

Address: 3140 S. Ocean Blvd.

Applicant: Carlton Place Condominium (Dr. Charles Saunders, Board President)

Professional: Don Skowron

Project Description: Remodel existing pool, hardscape, landscape and landscape lighting with associated changes. Project improvements are screened from public right-of-way. *****Please note: Artificial Turf; Administrative Site Plan Review*****

A motion carried at the February meeting to defer this project on behalf of staff's request.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

2. A-018-2021 Modifications

Address: 102 Flagler Dr.

Applicant: FDPB Holding Company LLC (Adam R. Seligman, Representative)

Professional: Thomas M. Kirchhoff/Kirchhoff & Associates

Project Description: Renovation to existing main house and cabana including any associated changes. *****Please note: The portion of the proposed project entailing the basement has been omitted from this application.*****

3. A-026-2021 Landscape/Hardscape Modifications

Address: 901 N. Ocean Blvd.

Applicant: PBB Island Property LLC (Clark Beaty, Manager)

Professional: Joe Peterson/Peterson Design Professionals

Project Description: Minor modifications to the perimeter of the approved landscape plans. These modifications include enhancements to the approved plant sizes, quantities and additional species. These modifications also provide increased privacy, site coverage, native plant material and shade to site as well as enhanced off site views of the property.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

4. A-027-2021 Modifications

Address: 1960 S. Ocean Blvd.

Applicant: Stephen A. Wynn Florida Revocable Trust dated 12/5/19 (Maura Ziska)

Professional: Jeffery Smith/Smith Architectural Group

Project Description: Modification to previously approved addition as follows: west face of one-story portion to extend 1'-0" to the west from previously approved, west window revised to arch top windows with columns and surrounds to match existing fenestration, second floor façade to extend 6'-9" to the west and match existing fenestration.

5. A-028-2021 Modifications

Address: 1090 N. Lake Way

Applicant: 1090 North Lake Way LLC (Glenn Dubin)

Professional: Thomas M. Kirchhoff/Kirchhoff & Associates

Project Description: Replace existing aluminum storefront windows and doors with Hope's oil rubbed bronze steel windows and doors, and any associated changes. Pane size will differ as shown on drawings.

6. A-029-2021 Modifications

Address: 207 Bahama Ln.

Applicant: Richard and Amber Grow

Professional: Kristin Kellogg/Smith Kellogg Architecture, Inc.

Project Description: Roof change and front door replacement. Family room and loggia addition at rear.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

7. A-030-2021 Modifications

Address: 8 Windsor Ct.

Applicant: Jonathan Sack

Professional: MP Design & Architecture, Inc.

Project Description: Modification of existing windows and doors including front entry door.

8. A-031-2021 Landscape/Hardscape

Address: 276 Jamaica Ln.

Applicant: Eugene & Lori Cavanaugh

Professional: Dustin Mizell/Environment Design Group

Project Description: Minor landscape changes.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

Motion made by Mr. Corey and seconded by Ms. Catlin to approve the consent agenda as amended, with the removal of the following projects: A-016-2021, 3140 S. Ocean Blvd., A-026-2021, 901 N. Ocean Blvd., A-029-2021, 207 Bahama Ln., and A-030-2021, 8 Windsor Ct. Motion carried unanimously.

Please note: Members Jeffrey Smith and Thomas Kirchhoff did not vote in the approval of the consent agenda as they both declared conflicts for projects on this agenda. Ms. Catlin and Mr. Floersheimer voted in their absence.

B. ITEMS PULLED FROM CONSENT AGENDA

1. A-016-2021 Landscape/Hardscape

Address: 3140 S. Ocean Blvd.

Applicant: Carlton Place Condominium (Dr. Charles Saunders, Board President)

Professional: Don Skowron

Project Description: Remodel existing pool, hardscape, landscape and landscape lighting with associated changes. Project improvements are screened from public right-of-way. *****Please note: Artificial Turf; Administrative Site Plan Review*****

A motion carried at the February meeting to defer this project on behalf of staff's request.

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

Mr. Skowron presented the landscape and hardscape modifications proposed for the condominium.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna and Mr. Castro provided staff comments.

Ms. Grace inquired about the reason that artificial turf was proposed and why real grass could not be used. Mr. Skowron responded.

Mr. Corey inquired about planting of the Coconut palms next to the pool. Mr. Skowron responded. Mr. Corey stated he thought more shade was needed in the area and stated he could not support the project with synthetic turf proposed.

Ms. Catlin agreed with Mr. Corey regarding the synthetic turf material to be used.

Mr. Skowron discussed the reasons more shade trees had not been added.

Mr. Floersheimer stated he was not in favor of the synthetic turf as well. Mr. Skowron responded.

Mr. Small agreed with the other Commissioners and recommended a deferral for one month to allow the applicant to restudy the artificial turf proposed.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month, to the April 28, 2021 meeting, to allow the professional to restudy the proposal of artificial turf. Motion carried 6-1, with Mr. Ives opposed.

2. A-026-2021 Landscape/Hardscape Modifications

Address: 901 N. Ocean Blvd.

Applicant: PBB Island Property LLC (Clark Beaty, Manager)

Professional: Joe Peterson/Peterson Design Professionals

Project Description: Minor modifications to the perimeter of the approved landscape plans. These modifications include enhancements to the approved plant sizes, quantities and additional species. These modifications also provide

increased privacy, site coverage, native plant material and shade to site as well as enhanced off site views of the property.

Mr. Peterson presented the landscape and hardscape modifications proposed for the residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna and Mr. Castro provided staff comments.

Ms. Grace inquired about the expert that previously presented on native landscaping. Mr. Bergman responded.

Mr. Corey inquired if Mr. Peterson was the original landscape architect. Mr. Peterson provided confirmation that he was the original architect. Mr. Corey stated that approved and proposed elevations on the same sheet would be helpful so that they could easily discern the changes. Mr. Corey thought that it seemed like some of the elevations were missing. He inquired about the Clusia material proposed. Mr. Peterson responded.

Ms. Catlin inquired if the proposed work had already been completed. Mr. Peterson responded that the proposed had been planted.

Mr. Small stated that he would like to see more Sea Grapes added on the southeast corner. Mr. Peterson responded.

Mr. Castro requested that the plans to be submitted clearly showed the safe site easement and that the landscape was staked so that during an inspection, the site easement could clearly be delineated. Mr. Castro asked that this be a condition with an approval.

Mr. Corey expressed his concern that the proposed had been planted and that the project was on the consent agenda. He added if approved on consent, he would not have learned that the items had already been planted.

Motion made by Ms. Shiverick and seconded by Mr. Smith to approve the project as presented with the condition that the plans submitted clearly delineate the safe site triangle easement and that the triangle is staked out for the inspection. Motion carried 6-1, with Mr. Corey opposed.

3. A-029-2021 Modifications

Address: 207 Bahama Ln.

Applicant: Richard and Amber Grow

Professional: Kristin Kellogg/Smith Kellogg Architecture, Inc.

Project Description: Roof change and front door replacement. Family room and loggia addition at rear.

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

Ms. Kellogg presented the architectural modifications proposed for the residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Ms. Grace was in favor of the window changes but preferred the original door.

Ms. Shiverick questioned the colors proposed for the home. Ms. Kellogg responded and indicated an error in the plans. Ms. Shiverick thought the green proposed was a bit bright and thought it should be toned down. She also believed the shutters around the front door were too wide and should be scaled down. Ms. Kellogg explained the reason for the width proposed for the shutters.

Mr. Kirchhoff agreed with Ms. Shiverick about the colors.

Ms. Catlin agreed with Ms. Shiverick and Mr. Kirchhoff on the color choice. She understood that the shutters around the front door were appropriate in size, however she felt the end result was questionable. Ms. Catlin also requested that the trucks for the project did not use Lake Way.

Mr. Small agreed with Ms. Shiverick's comments. He inquired about the roof material. Ms. Kellogg responded.

Motion made by Ms. Shiverick to defer the project for one month, to the April 28, 2021 meeting, to restudy the color for and the width of the shutters. Motion failed for a lack of a second.

Motion made by Ms. Grace to approved the project as presented with the condition that the original door is to be used and that the green color is to be reconsidered. Motion failed for a lack of a second.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project as presented with the condition that the shutters are adjusted to cover the front door and that the applicant considers muting the green color to be used on the shutters. Motion carried 6-1, with Ms. Grace opposed.

4. A-030-2021 Modifications

Address: 8 Windsor Ct.

Applicant: Jonathan Sack

Professional: MP Design & Architecture, Inc.

Project Description: Modification of existing windows and doors including front entry door.

Mr. Perry presented the architectural modifications proposed for the residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Ms. Grace inquired about the detail to the front door. She also commented that by removing the arches from the windows, it diminished the style of the house.

Mr. Corey agreed with Ms. Grace and thought the sliding glass doors were oversized and clashed with the design of the home.

Ms. Shiverick agreed with Ms. Grace and Mr. Corey. She thought the sliding doors on the west elevation, second floor were too wide and needed mullions.

Mr. Smith believed that the sliding doors did not enhance the home. He was in support the French doors.

Mr. Kirchhoff could not support the sliding doors, especially on the second floor. He also thought the front door should be restudied.

Ms. Catlin thought the existing home was beautiful and did not believe the changes would enhance the home.

Mr. Floersheimer agreed with all of the previous comments and inquired about the windows without the keystones above the windows. He thought the keystones should be consistent.

Mr. Small was not in favor of the changes on the west façade with the exception of the new three French windows.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented with the condition that the professional restudy the west gable on the first and second floor as well as the front door fenestration and return to the April 28, 2021 meeting. Motion carried unanimously.

C. DEMOLITIONS AND TIME EXTENSIONS

1. B-015-2021 Demolition

Address: 147 Dunbar Rd.

Applicant: Susan G. Pappas Trust

Professional: Thomas M. Kirchhoff/Kirchhoff & Associates

Project Description: Demolition of existing residence, pool, landscape and hardscape.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Thomas Kirchhoff declared a conflict of interest for this project and left the meeting. It was noted that Ms. Catlin would be voting in his absence.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Rossin agreed to the easement.

Betsy Rossin, Kirchhoff & Associates, presented the architectural plans proposed for the proposed demolition of the existing home.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments on this item.

Ms. Shiverick pointed out that the home was a design from Architect Henry Harding and added it was unfortunately in poor condition.

There were no other comments heard from the Commissioners.

Motion made by Ms. Catlin and seconded by Mr. Corey to approve the demolition request as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A short break was taken at 10:22 a.m. The meeting resumed at 10:35 a.m.

D. MAJOR PROJECTS – OLD BUSINESS

1. B-074-2019 Additions & Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 125 Worth Avenue

Applicant: 125 Worth Partners LLC

Professional: Jose Luis Gonzalez Perotti/Portuondo Perotti Architects

Project Description: The project consists of the façade renovation and addition to an existing four-story 1970's building. The fourth-floor structure will be removed and replaced with four new luxury residential apartments, and trellis gardens. The façade will be renovated with new architectural screens, white brick veneer and exposed concrete accents that will enhance the aesthetic of the building for its users and pedestrians alike. The addition component consists of a new one-story

commercial structure with a roof top trellised courtyard and a two-story elevator tower.

ZONING INFORMATION: A request for Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth-story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53 feet in lieu of the 49 feet 2 inches existing and the 25-foot maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63 feet 4 inches in lieu of the 53 feet 8 inches existing and the 35-foot maximum allowed by current code. 5. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing air-conditioned floor area of the fourth story to 13,212.9 square-feet from 3,448.75 square-feet existing. An open fourth story trellis of 5,433 square-feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 square-feet in addition to the existing air-conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1-foot 1 inch for portions of the building in lieu of the 5 feet existing and the 5 feet minimum required on the private property. The sidewalk is required to be a minimum of 10 feet wide and this proposal is a minimum of 8 feet 2 inches in the area where the sidewalk is only 1 foot 1 inch wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 66% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.

Project history:

December 2020 – Deferred to February 26, 2020 at request of applicant.
February 2020 – Deferred to March 25, 2020 at request of attorney & (neighbors).
March 2020 – Deferred to April 29, 2020 due to COVID-19
April 2020 – Deferred to May 27, 2020 due to COVID-19
May 2020 – Deferred to June 24, 2020 at request of attorney (neighbors request).
June 2020 – Deferred to July 29, 2020 at request of attorney (neighbors request).
July 2020 – Deferred to November 20, 2020 at request of attorney.
November 2020 – Deferred to December 18, 2020 at recommendation of staff.
December 2020 – Deferred to the February 24, 2021 meeting by Commission.
February 2021 – Deferred to March 24, 2021 at the request of the attorney

Please note: This project was deferred to the June 23, 2021 meeting at the Approval of the Agenda, Item VII.

2. B-063-2020 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) - DONE

10/28

Address: 160 Royal Palm Way

Applicant: LR Palm House LLC (Maura Ziska)

Professional: Michael Sean McLendon/Cooper Carry

Project Description: The existing Palm House hotel is located at 160 Royal Palm Way. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. A new pool deck will be constructed adjacent to the existing Function Room. Other exterior improvements will include re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting in accordance with the comments of the Commissioners, which included concern for the gazebo-typed dome structure in the courtyard, the structure for existing the lobby on the interior south elevation, the curtains on the front of the structure, the crowding of elements in the courtyard, the trash location needed resolution, and improvements needed in the porte cochère element. A motion carried at the October meeting that implementation of the proposed variances will not cause negative architectural impact to the subject property. A second meeting carried to approve the project as presented with the caveat that the landscape, service gate and paint colors would return to the November 20, 2020 meeting in accordance with the comments from the Commissioners. A motion carried at the November meeting to defer the project to the December 18, 2020 meeting at the request of the attorney. A motion carried at the December meeting to approve the project as presented with the condition that the service gate is reduced from 7 feet to 6 feet in height, the doors in the banquet kitchen are changed from two doors to a single door and the colors for the doors, windows and railings will return to the Commission at the January 27, 2021 meeting. A motion carried at the January meeting to approve the project with the condition that the vehicular gate would be restudied and would return to the February 24, 2021 meeting. A motion carried at the February meeting to defer the project to the March 24, 2021 meeting to restudy softening the service entrance.

Please note: This project was deferred to the April 28, 2021 meeting at the Approval of the Agenda, Item VII.

3. B-073-2020 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 1015 S. Ocean Blvd.

Applicant: 1015 South Ocean Boulevard LLC (Maura Ziska)

Professional: Harold Smith/Smith and Moore Architects

Project Description: New two-story residence with pool, hardscape and landscape.

A motion carried at the December meeting to defer the project to the January 27, 2021 at staff's request.

ZONING INFORMATION: 1) Section 134-840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two-story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District.

2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R-A Zoning District.

3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R-A Zoning District.

4) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R-A Zoning District.

5) Section 134-843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two-story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two-story element) required by Code in the R-A Zoning District.

A motion carried at the January meeting to defer the project to the February 24, 2021 meeting for a restudy of the project in accordance with the comments of the Commissioners. A motion carried at the February meeting to defer the project to the March 24, 2021 meeting at the request of the professional.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Maura Ziska, Attorney for the owner, explained the reduction of variances and the variances still requested. She advocated for a positive recommendation to the Town Council.

Mr. Smith presented the architectural modifications proposed for the new residence proposed.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications for the new residence proposed.

Mr. Small called for public comment.

Frank Lynch, Attorney representing the owners at 1021 S. Ocean Blvd, expressed his client's concerns and objections for the proposed design, specifically the massing of the home next to the street.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives found the current proposal acceptable.

Ms. Grace thought the changes were a big improvement. She thought the front façade should be brought in, particularly on the south side. She was in favor of the native plantings proposed. She still had concerns for what the people would see when they passed by on Ocean Blvd and wondered if the landscaping could be reduced on the far north and far south sides of the property. Ms. Grace thought a lighter colored window would fit in better in the neighborhood.

Mr. Corey asked for further clarification on the two variances requested, particularly for the building height plane. Ms. Ziska and Mr. Smith further explained the building height plane variance request. Mr. Corey thought the home could still be set back further on the lot for front circulation and continuity on the street. He questioned if the home was still too big for the lot. He thought the professional did a good job breaking up the massing of the home. Mr. Corey thought the design style was a stark contrast to some of the other homes in the area. He questioned the amount of fenestration proposed on the east façade. Mr. Corey was not in favor of the position of the beach cabana. He added that he could not support the project.

Ms. Shiverick thought the changes proposed were a big improvement. She agreed with Ms. Grace that the south end seemed too massive. She also agreed that the window color should be lightened. Ms. Shiverick thought the improvements to the east façade fenestration were sufficient.

Mr. Smith thought the home had the largest infringement into the front setback on the street. He thought they needed to scale back the front massing located in the setback.

Mr. Kirchhoff thought the changes were more organized and better. He stated he would support the project.

Ms. Catlin thought the improvements were good. She was in favor of the stepping of the portions of the home. She thought some minor improvements could work but added she could support the project as presented.

Mr. Floersheimer agreed with Mr. Corey's assessment of the home. He thought the home could be pushed to the east. He also was not in favor of the beach cabana. He agreed with Ms. Grace's comments to reduce the height of the landscaping on the north and south ends.

Mr. Small thought the home was still too massive and expressed concern for the variance in the front yard setback. He also agreed that the ocean vista should be opened up a bit.

Mr. Corey thought the Commission should look at each application as a clean slate.

Mr. Floersheimer complimented the professional for stepping down the middle of the home.

Motion made by Mr. Ives and seconded by Mr. Corey to defer the project for one month, to the April 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried unanimously.

4. B-076-2020 New Construction

Address: 60/70 Blossom Way

Applicant: Providencia Partners, LLC (Maura Ziska)

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: New two-story residence. New Hardscape, landscape and pool.

A motion carried at the January meeting to defer the project to the February 24, 2021 meeting at the request of staff. A motion carried at the February meeting to defer the project to the March 24, 2021 meeting at the request of staff.

Please note: This project was deferred to the April 28, 2021 meeting at the Approval of the Agenda, Item VII.

5. B-003-2021 Additions/Modifications

Address: 111 El Brillo Way

Applicant: 111 El Brillo, LLC (Andrew Unanue, Manager)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Additions and alterations to an existing two story residence and guest house. Replacement of existing pool, hardscape and landscape.

A motion carried at the February meeting to defer the project to the March 24, 2021 meeting in accordance with the comments of the Commissioners, which related to the front door, the massing of the guest home and main home and the rear landscaping.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Mr. Smith presented the architectural modifications for the existing residence.

John Lang, Lang Design Group, presented the landscape and hardscape modifications for the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives expressed concern for the tile proposed for the roof but was otherwise supportive.

Ms. Grace was happy with the changes that were made. She preferred the brighter blue color shown. She suggested changing the pool to a rectangular shape rather than the shape proposed. She also thought the pool cabana was still a bit too large.

Mr. Corey thought the changes addressed the changes of the Commissioners. Mr. Corey was in favor of the landscaping plans proposed. He was in favor of the reduction in the roof heights on the addition. Mr. Corey thought the roof material was appropriate. He thought the guest house was appropriate and added he would support the project.

Ms. Grace inquired about the tall hedge proposed at the street.

Ms. Shiverick preferred the clay tile roof. She questioned the porch over the front entrance and thought it made the home feel clunky. She believed the guest house was still too massive. Ms. Shiverick thought there was too much hardscape in the rear of the home. She thought the fire elements should be reduced. She expressed concern for the windows on the rear elevation and thought they appeared too short. Mr. Lang stated that there were no fire elements currently proposed. She agreed with Ms. Grace that the pool should be a rectangular shape. Mr. Smith stated the front entry was existing.

Mr. J. Smith thought many changes had been made, which was good. However, he questioned the color for the roof material and inquired if the roof color would be a blend. Mr. H. Smith responded. Mr. J. Smith urged the professional to use a blend in color.

Mr. Kirchhoff agreed that the front entrance needed to be restudied. He also questioned the balcony on the east end of the home off the master bedroom. Mr. Kirchhoff also suggested making the guest house a one story home.

Ms. Catlin recognized all of the changes and thought the project was well done.

Mr. Floersheimer was in favor of the roof material and supported a blend for the color. He thought there was still too much hardscape in the rear of the home and thought the area needed some restudy.

Mr. Small agreed with Mr. J. Smith and thought a blend in the roof color would be nice. He also agreed with Ms. Shiverick that the front entrance needed some restudy. He also felt there was too much hardscape in the rear of the home.

Motion made by Ms. Shiverick and seconded by Ms. Grace to defer the project for one month, to the April 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried 6-1, with Mr. Smith opposed.

6. B-006-2021 Demolition/New Construction

Address: 2291 Ibis Isle Rd. E.

Applicant: 2291 Ibis Isle LLC (Richard Fertig)

Professional: Bill Boyle/Boyle Architecture PLLC

Project Description: Demolition of an existing residence constructed in 1961.

Construction of new two-story, 4331 sq. ft. A/C residence in modern style with swimming pool, associated landscape and landscape lighting.

Motions carried at the January meeting to approve the demolition of the existing home and to defer the new construction to the March 24, 2021 meeting to restudy the materials to be used for the home and driveway.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Boyle agreed to the easement.

Mr. Boyle presented the architectural modifications for the new residence proposed.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications for the new residence proposed.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives felt it was a nice project but still felt the home was a bit static in its design. He suggested using more indigenous materials to Palm Beach.

Mrs. Grace was in favor of the pool orientation. She questioned the use of glass railings.

Mr. Corey inquired if anything would be placed on the roof. Mr. Boyle responded and stated that there would be no mechanical equipment placed on the roof. Mr. Corey asked about the material to be used for the driveway. Mr. West responded.

Mr. Corey inquired if the material would match the travertine to be used on the home. Mr. West responded. Mr. Corey expressed concern that too many different materials may be proposed. Mr. Corey inquired about the glazing for the windows. Mr. Boyle stated that the glass would be clear. Mr. Corey inquired if the Gumbo Limbo could be moved to the southwest corner. Mr. West stated he would research the issue.

Ms. Shiverick thought the project was nice and thought the design would work. She was in favor of the Cypress fins but cautioned about making them too deep. She questioned the pleached trees proposed and thought they were too formal for the home. She stated she could support the home.

Mr. Smith was in support of the project and was glad that the pavilions were eliminated.

Mr. Kirchhoff agreed that the Cypress timbers felt a bit heavy and thought the pleached trees looked out of character.

Ms. Catlin agreed that the pleached trees were too formal for the home. She thought the change of materials warmed up the home.

Mr. Floersheimer supported the project. He was in favor of the pleached trees. He also supported the glass railing off of the master suite. He agreed the Cypress timbers seemed a tad too big.

Mr. Small supported Ms. Catlin and Mr. Floersheimer's comments and supported the project.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented with the condition that the landscape would be deferred to the April 28, 2021, for a restudy of the pleached trees and the location of the Gumbo Limbo tree. Motion carried 6-1, with Mr. Ives opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

7. B-008-2021 Gates

Address: 114 Seaspray Avenue

Applicant: Jane and Basil Vasiliou

Professional: Mario Nievera/Nievera Williams Design

Project Description: New driveway gate and pedestrian gates.

A motion carried at the February meeting to approve the project as presented with the condition that all gates, except for the generator gate, are changed to wood and

in a lighter tone. *****Please note: The professional for the project has requested the project be reconsidered with a change in materials*****

Motion made by Ms. Grace and seconded by Mr. Corey to open the motion for reconsideration. Motion carried unanimously.

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

Keith Williams, Nievera Williams Design, stated that his clients was not in favor of the wood gates as requested. He presented aluminum gates and showed the Commission the proposed plans and a material sample.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna stated she had no comments at this time.

Many of the Commissioners were in favor of the Cypress colored, faux painted aluminum.

Motion made by Ms. Catlin and seconded by Ms. Shiverick to approve the project with the Cypress colored, faux painted aluminum gates. Motion carried unanimously.

8. B-011-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 218 Everglade Ave.

Applicant: Mr. & Mrs. Justin Besikof

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Demolition of existing two story home. New 3,700 sq. ft. two-story Mediterranean proposed. Final landscape and hardscape included.

ZONING INFORMATION: Section 134-948(1) & (2): A request for a variance to construct a new 3,700 square foot, two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 5,902 sq. ft. in lieu of the 10,000 sq. ft. minimum required. Section 134-948(6): Request for a variance to have an 8 foot east side yard setback in lieu of the 10 foot minimum required. Section 134-1757: Request for a variance to construct a swimming pool (11' by 27') along the south of the property that would have a 7.5 foot rear yard setback in lieu of the 10 foot minimum setback required. Section 134-948(9): Request for a variance for lot coverage to be 34.92% in lieu of the 30% maximum allowed.

A motion carried at the February meeting to approve the demolition of the existing home. A second motion carried to defer the project to the March 24, 2021 meeting in accordance with the comments of the Commissioners, which related to front entrance design, lack of charm on the front façade, fenestration, and possibility of eliminating the variance for the pool configuration.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications for the new residence proposed.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications for the new residence proposed.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives supported the project.

Ms. Grace thought the trim color of the existing home gave the home character. She suggested changing the trim color for the proposed. She also thought the balcony on the street side was too wide. She thought there may be too many doors on the south elevation. She inquired about the door on the west elevation. Mr. Clavijo responded.

Mr. Corey inquired about the variance requested. Mr. Clavijo responded and explained the design where the variance was needed. Mr. Corey thought the home could be designed without the variance. Mr. Corey inquired about the landscaping proposed for the front façade. Mr. West responded. Mr. Corey asked about the driveway material to be used. Mr. West responded. Mr. Corey expressed concern for the driveway material proposed and suggested using the limestone material proposed for the home. Mr. West explained the design choice.

Ms. Shiverick liked Ms. Grace's suggestion for using a color for the trim. She inquired about the molding around the front door. Otherwise, she stated she supported the project.

Mr. Smith thought the project was very nice. He liked Mr. Corey's suggestion to recess the door to eliminate the variance needed.

Mr. Kirchhoff inquired about the molding proposed for the front door. He provided some design suggestions for the molding. He preferred the front entrance protrusion. He thought the front balcony could be more detailed.

Ms. Catlin was in favor of the home. She suggested adding muntins to the glass door on the side that leads into the garage. She liked the stepped out front entrance.

Mr. Floersheimer inquired how far the front door was from the setback line. Mr. Clavijo responded.

Mr. Small supported the variance request. He questioned the windows in the garage doors. Mr. Clavijo responded.

Motion made by Ms. Shiverick and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1, with Mr. Corey opposed.

A second motion made by Mr. Kirchhoff and seconded by Ms. Shiverick to approve the project as presented with the following conditions: the windows are removed from the garage doors, the window trim color is changed to a more pleasing color, such as a grey green, muntins are added to the side door off of the garage, the band above the front door should be at the height of the window sills, the pediment over the front door is properly scaled, and to bring a sample of the driveway material back to the Commission. Motion carried 5-2, with Mr. Corey and Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A lunch break was taken at 12:55 p.m. The meeting resumed at 1:30 p.m. Mr. Floersheimer and Ms. Catlin arrived at 1:32 p.m. Ms. Grace arrived at 1:53 p.m.

9. B-012-2021 New Construction

Address: 86 Middle Road

Applicant: Middle Road Holdings Trust (Guy Rabideau, Trustee)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: New two-story residence with exercise pavilion, pool cabana and pool. Final hardscape and landscape.

A motion carried at the February meeting to defer the project to the March 24, 2021 meeting for a major redesign of the home.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Angie Lehman, Smith and Moore Architects, Inc., presented the architectural modifications for the new residence proposed.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape modifications for the new residence proposed.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives thought the changes made addressed the comments of the Commissioners. He stated he supported the project.

Mr. Corey inquired about the air conditioned square footage proposed for the home. Ms. Lehman responded. He was in favor of the entry but questioned the circle in front of the front door. Mr. Corey thought the main house, west side second floor was still too massive. He thought the changes were heading in the right direction. He questioned the roof material proposed.

Ms. Shiverick was in favor of the casing around the windows. She also was in favor of the entrance to the property. She suggested restudying the roof material but otherwise supported the project.

Mr. Smith was in favor of the changes to the garages. He also agreed that the master bedroom area should be subservient to the main home, as Mr. Corey suggested.

Mr. Kirchhoff was in favor of the two garages. He also questioned the projecting master bathroom. He questioned the three French doors on the front of the house and the oval windows next to the French doors. He thought the two wings in the rear should be symmetrical, the chimneys should be simplified and the connector between the main home and the garage seemed too short and needed to be raised.

Ms. Catlin was in favor of the changes. She agreed that the connection above the side entry door could be raised. She was in favor of the two oval windows on the front of the home. She thought the home worked well in the area.

Ms. Grace was happy with the changes. She thought the fountain between the two garages need to be more prominent. She liked the new entry as well.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month, to the April 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried unanimously.

10. B-013-2021 Demolition/New Construction

Address: 216 Tradewind Dr.

Applicant: DGLPB, LLC (Richard True, Managing Member)

Professional: Kevin Asbacher/Asbacher Architecture

Project Description: Demolish an existing two-story residence and construct a new two-story Island Colonial residence and swimming pool with final landscape and hardscape.

A motion carried at the February meeting to approve the demolition of the existing home. A second motion carried to defer the project to the March 24, 2021 meeting in accordance with the comments of the Commissioners, which related to the massing of the proposed home and the number of curb cuts proposed.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Ms. Catlin left the meeting at 2:00 p.m.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Asbacher agreed to the easement.

Mr. Asbacher presented the architectural modifications for the new residence proposed.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape modifications for the new residence proposed.

Mr. Small called for public comment.

Anthony Beyer, 200 Tradewind Dr., expressed his concerns regarding the proposed new residence.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives stated he would support the project.

Ms. Grace was in favor of the change to the motor court. She was in favor of the proposed home over the existing, however felt that some reduction still could be made.

Ms. Corey agreed with Ms. Grace and thought the house was still quite large, too wide and too tall. He stated he could not support the project at this time.

Ms. Shiverick agreed with Mr. Beyer on his assessment on the balconies. She thought the whole home was too big. She liked Mr. Corey's suggestion of putting some of the guest bedrooms in a separate guest house.

Mr. Smith thought the new design appeared more massive. He was not in favor of the balconies on the front façade.

Mr. Kirchhoff agreed with the other Commissioners. He thought the home was too massive on the street and the fenestration was out of scale.

Mr. Small thought the house was too large for the lot. He liked the suggestion of breaking up the mass with a guest home.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the April 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried unanimously.

E. MAJOR PROJECTS – NEW BUSINESS

1. B-016-2021 Modifications

Address: 150 Brazilian Ave.

Applicant: Patrick T. Ryan

Professional: Caroline Forrest/MHK Architecture and Planning

Project Description: Minor alteration to existing window openings at east and rear elevations (bay window at rear elevation) not seen from street. Select cast stone removal and alterations at front elevation. New front door. New motor court. New site wall and gates. Modified pool deck area. New spa addition. Associate landscape/hardscape changes.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Forrest agreed to the easement.

Ms. Forrest presented the architectural modifications proposed for the existing residence.

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

Mr. Small called for public comment.

John Eubanks, attorney for Thomas McCarthy at 140 Brazilian Ave., expressed his client's concerns for the proposed project.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives stated he supported the project.

Ms. Grace was in favor of the architectural changes. She inquired about the wood terrace deck. Mr. Mizell explained the design.

Mr. Corey inquired if the hardscape was being increased from the existing situation. He also inquired about the amount of native landscaping proposed. Mr. Mizell responded. Mr. Corey inquired if a large tree could be added to the front of the lot. Mr. Mizell stated he would study the suggestion.

Ms. Shiverick inquired about the change in window material. Ms. Forrest responded and explained the evolution of the changes. Ms. Forrest also discussed the color of the home. Ms. Shiverick was in favor of the white color proposed. Ms. Shiverick also recommended keeping the Chicago brick driveway but removing it from around the pool.

Mr. Kirchhoff inquired if any other architectural changes would be made. Mr. Forrest responded. Mr. Kirchhoff thought that there was a missed opportunity in the bay window in the bathroom area. Mr. Kirchhoff inquired about the detail for the front entry gates. Mr. Mizell responded.

Mr. Floersheimer inquired about the replacement of the current windows. Ms. Forrest responded.

Mr. Corey inquired about a driveway sample. Mr. Mizell responded.

Ms. Forrest stated that they would like to propose OC 117 Simply White for the body color of the home.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to defer the project for one month, to the April 28, 2021 meeting, to address the comments of the Commissioners.

A discussion ensued about the motion.

Motion carried 6-1, with Mr. Ives opposed.

2. B-017-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 910 S. Ocean Blvd.

Applicant: 910 S Ocean LLC (Tom Campbell)

Professional: Jose Luis Gonzalez-Perotti/Portuondo-Perotti Architects

Project Description: Revisions to approved project, including modifications to window/door configurations, addition of stone balustrade at roof level, modification to driveway area, elimination of pool on main parcel, modification of South (rear) façade due to floor plan changes, modification of window/door configuration at beach house, and related landscape modifications.

ZONING INFORMATION: 1. Section 134-843(b): Modification to a previously approved request for Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. The proposed changes to the main house parcel are as follows: the addition of a cooling

tower at southwest corner of the property; revision of the driveway and entries to reduce from three curb cuts to two curb cuts; elimination of the swimming pool on the east side of the house; addition of decorative balustrades at the roof level; revisions to floor plans and south facade due to plan changes; elimination of balcony on the west facade; minor adjustment to stonework and window/door configurations; and revision to metal railing design of balconies. Also proposed modifications to the basement enlarging the square footage by 994 square feet to house mechanical equipment. 2. Section 134-2: a variance to allow a point of measurement of 21.5 NAVD in lieu of the 8.34 NAVD maximum allowed for the building height plane calculation for the balustrade detail. 3. Section 134-1610(4) and 134-843(11): a variance to allow lot coverage to be 28.5% in lieu of the 25% maximum allowed when counting the basement walls that extend outside of the main building walls. 4. Section 134-790: Modification to a previously approved request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. Modifications include new fenestration, columns, basement and raising finished floor elevation by 2 feet and to lower the site wall to meet the ocean vista requirement.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, Attorney for the owner, explained the variances requested and advocated for a positive recommendation to the Town Council.

Rafael Portuondo, Portuondo-Perotti Architects, presented the architectural modifications for the new residence proposed.

Brian Vertesch, SMI Landscape Architecture, Inc., presented the landscape and hardscape modifications for the new residence proposed.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives thought the changes were good and supported the project.

Ms. Grace thought the changes were reasonable.

Mr. Corey thought the pitched roof design worked better in Palm Beach. He questioned whether the balustrade should be broken in the front. Mr. Corey inquired if the Bismark and Date palms were previously approved. Mr. Vertesch stated that the palms had all been approved. Mr. Corey questioned whether a shade tree could be added to the northeast side of the home.

Ms. Shiverick questioned whether the parapet was too heavy and whether the home needed some softening by eliminating some of the detail. She suggested smoothing the lines of the limestone cladding instead of having it scored. She questioned the height of the beach house. Mr. Portuondo stated that the height of the beach house was not raised, but there was the addition of the plinth.

Mr. Smith thought the house was overdone. He questioned the balustrades and the parapet and whether they worked in the design. He was not in favor of the leaded glass on the south side. He also was not in favor of the wrought iron balconies and thought they were the wrong style. Finally, he thought the house was too large for the lot.

Mr. Kirchhoff liked the roof eaves better than the balustrades, as he believed the balustrades were too heavy. He was in favor of some of the elements but did not like the copper addition. He thought this was too dark and heavy.

Mr. Floersheimer inquired about the basement shown on the plan. Mr. Portuondo responded. Mr. Floersheimer inquired about the NAVD and point of measurement. Ms. Ziska responded. Mr. Floersheimer inquired about the height of the beach cabana. Mr. Portuondo responded. Mr. Floersheimer agreed with the other architects that the home was overdone and added the beach cabana did not appear as a cabana. Mr. Floersheimer inquired about the mechanical equipment area. Mr. Portuondo responded.

Mr. Small thought the home was too massive for the home. He also did not believe the beach cabana was in harmony with the area. Mr. Small thought the project could be designed in a way that the variances were not needed.

Mr. Corey thought the home was overbuilt on the lot and the beach house was too tall. He also thought the landscape plan was underwhelming. He suggested simplifying the design. He stated he could not support the design.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month, to the April 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried 6-1, with Mr. Ives opposed.

Mr. Castro stated that the cooling tower would need to be redesigned so that it is not in the setback.

Please note: A short break was taken at 3:45 p.m. The meeting resumed at 4:00 p.m. Mr. Ives returned at 4:06 p.m.

3. B-018-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 830 S. Ocean Blvd.

Applicant: Emil Solimine

Professional: Richard F. Sammons/Fairfax & Sammons

Project Description: Two-story courtyard infill on the west side of the main house (not visible from the street.) Renovation of entry portico.

ZONING INFORMATION: Section 134-843 (11): a variance request to allow the construction of a 1,780 square foot two story infill addition for a first floor living room area and two second floor bedrooms that will result in a lot coverage of 30.9 % in lieu of the 27.65% existing and the 25% maximum allowed.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Betsy Shiverick declared a conflict of interest for the project. It was noted that Mr. Floersheimer would be voting in Ms. Shiverick's absence.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Torres-Cruz agreed to the easement.

Mr. Torres-Cruz, Fairfax & Sammons, presented the architectural modifications proposed for the existing residence. Mr. Torres-Cruz explained the variance requested.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives thought the renovation was positive and added that he would support the project.

Ms. Grace generally thought the changes were attractive.

Mr. Corey lamented that the courtyard would be lost but did not believe it would impact the front façade.

Mr. Smith was in favor of the front door change and supported the project.

Mr. Kirchhoff inquired about the front entry change. Mr. Torres-Cruz responded. Mr. Kirchhoff inquired if the window above the front entry was wide enough to support the shutters. Mr. Kirchhoff supported the variance.

Mr. Floersheimer was supportive of the front entry change and supported the variance. Mr. Floersheimer questioned the balconies on the west elevation. He suggested making one large balcony or removing them altogether.

Mr. Small inquired about the door on the west elevation to the hallway. Mr. Torres-Cruz provided further explanation for the door. Mr. Small stated he would support the variance.

Motion made by Mr. Corey and seconded by Mr. Smith that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

Motion made by Mr. Corey and seconded by Mr. Smith that the project at 830 S. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. B-019-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 101 Nightingale Trail

Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)

Professional: Brooks & Falotico Associates, LLP

Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

ZONING INFORMATION: Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 in lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R-B Zoning District.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

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

Chuck Willette, Brooks & Falotico Associates, LLP, presented the architectural modifications proposed for the existing residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Ives thought the changes stripped the character and identity from the home. He thought the project needed a whole restudy. He was very impressed with the landscaping plan.

Ms. Grace was thankful that the owner was renovating their home rather than demolishing and rebuilding the home. She appreciated the white windows. She questioned the entry design and thought it appeared a bit heavy. She expressed concern for the amount of fenestration on the east façade. She asked for confirmation that the grass between the driveway pavers was real grass. Mr. Nievera provided confirmation that the grass would be real grass.

Mr. Corey liked the garage design and was appreciative. Mr. Corey thought the architectural changes were a complete miss. He questioned the east fenestration and thought it was overblown. He thought the front door entry clashed with roof material. He stated that the shutters did not work well with the home. He added he could not support the project.

Ms. Shiverick thought the house was light and did work in the area. She liked the white muntins on the windows. She questioned the east fenestration but liked the fenestration in the courtyard. She liked the Dutch gables as well. She thought the landscaping plan was very successful.

Mr. Smith thought the house did not have an identity. He was not in favor of the east fenestration and the front door entry design. He thought the landscaping plan was very successful.

Mr. Kirchhoff thought the professional did a good job organizing the site and agreed with Ms. Shiverick's comments. He was not in favor of the large fenestration and the popup. He was not in favor of the angled soffits and eaves. He also suggested restudying the balconies and glass railings. He thought the renovation was heading in the right direction but needed some character. He thought the landscaping plan was very successful.

Mr. Small was in favor of the landscape and hardscape plan. He thought the east fenestration needed to be addressed.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month, to the April 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion carried unanimously.

5. B-020-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 167 Seaview Ave.

Applicant: Joan Gullans and Garrett Pluck

Professional: Brooks & Falotico Associates, LLP

Project Description: Main House – Two Story addition, revised fenestration on North elevation, and interior renovations to two-story single family residence.

Pool House – revise/replace in kind windows and doors; interior renovations. Site – renovate hardscape and landscape.

ZONING INFORMATION: The applicant is proposing to construct a 316 square foot two story addition to the rear of the residence for an elevator/mudroom addition that will require the following variances: 1. Section 134-893(7): a west side yard setback of 9.8 in lieu of the 15 foot minimum required in the R-B Zoning District. 2. Section 134-893(13): a cubic content ratio ("CCR") of 5.05 in lieu of the 4.72 existing CCR and the 4.24 maximum CCR allowed in the R-B Zoning District.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, Attorney for the owner, explained the variances requested and advocated for a positive recommendation to the Town Council.

Chuck Willette, Brooks & Falotico Associates, LLP, presented the architectural modifications proposed for the existing residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna stated she did not have any comments.

Mr. Ives questioned whether this was an improvement but stated he could support the project.

Ms. Grace supported the project.

Mr. Corey supported the project and the variance.

Ms. Shiverick thought the changes were attractive.

Mr. Kirchhoff was in favor that the owners were remodeling the home. He thought the changes contributed to the vocabulary of the street. He also thought the addition made the west side of the home look better. He was in favor of the changes.

Mr. Floersheimer questioned the hardscape in the back and inquired if they were able to reduce the amount. Mr. Nievera stated he slightly reduced the hardscape. A short discussion ensued.

Mr. Small supported the project and the variance.

Motion made by Ms. Grace and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

Motion made by Ms. Grace and seconded by Mr. Kirchhoff that the project at 167 Seaview Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

6. B-022-2021 Modifications

Address: 237 Brazilian Ave.

Applicant: Brazilian PB Land Trust (Martin V. Katz, Trustee)

Professional: MP Design and Architecture, Inc.

Project Description: Converting a two family residential building into a single family dwelling.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design and Architecture, Inc., presented the architectural modifications proposed for the existing building.

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the landscape and hardscape modifications proposed for the existing building.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna and Mr. Falco provided staff comments. Mr. Perry responded to Mr. Falco's comments.

Mr. Ives supported the project.

Ms. Grace inquired if the signage would be removed from the front site wall. Mr. Perry stated they would be removed. Ms. Grace questioned the new front site wall design. Mr. Perry responded. She suggested adding two ornamental windows on the front façade next to the front door. She also complimented some of the native plantings proposed. Mr. Perry provided a solution for the front entrance to provide a view into the courtyard.

Mr. Corey agreed with Ms. Grace's comments. He was supportive of the windows at the front and suggested adding some rustication on each window. Mr. Corey inquired about the plan for the existing landscaping plan. Mr. Kuo responded. Mr. Corey inquired about the hardscape decks and questioned if they would be matching the existing material. Mr. Perry responded. Mr. Corey thought the steps needed to be refined and studied. He also thought the coral stone wall needed to be restudied. Mr. Corey added that the railings on the two balconies and the wrought iron gate on the front entrance needed to be tied together. Mr. Perry stated the steps would be done correctly and he would be happy to bring back the gate and balconies.

Ms. Shiverick thought the home would be a nice and sophisticated home. She agreed that windows around the front door would be nice. She also agreed with Mr. Corey about the site wall material.

Mr. Floersheimer questioned if a unity of title had been obtained. Mr. Perry responded.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the following items to return to the April 28, 2021 meeting: front façade fenestration, balcony railings and gate, hardscape leading up to the front door and the front landscaping. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

7. B-023-2021 Additions/Modifications

Address: 162 Atlantic Ave.

Applicant: Sam Youneszadeh and Kimberly Honig

Professional: MP Design and Architecture, Inc.

Project Description: 528 SF second floor addition on an existing two story residence. Garage doors and driveway relocation to west side of property.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design and Architecture, Inc., presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments. Mr. Perry responded to Ms. Van Onna's comments.

Mr. Ives supported the project.

Ms. Grace thought the existing garage doors were attractive and charming. She thought the reorientation of the garage would be attractive but wondered if it would lose its distinctiveness.

Mr. Corey thought the project fit into the area. Mr. Corey inquired if the roof would be redone. Mr. Perry responded.

Ms. Shiverick thought the solution was creative for the family and supportive the project.

Mr. Smith was in favor of the new garage orientation.

Mr. Floersheimer was supportive of the project.

Motion made by Ms. Shiverick and seconded by Mr. Ives that the project at 162 Atlantic Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: The meeting stopped at 5:51 p.m. Chair Small announced that the meeting would resume on Thursday, March 25, 2021 at 9 a.m.

The meeting resumed on March 25, 2021 at 9:00 a.m. Upon roll call, Messrs. Smith and Kirchhoff were absent.

8. B-024-2021 Demolition/New Construction
Address: 240 Mockingbird Trail
Applicant: Lee Fensterstock
Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Demolition of existing one story structure. New construction of two story single family house in island style, approximately 5400 s.f. Final landscape and hardscape included.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Mr. Segraves presented the plans proposed for the demolition of the existing residence. He also spoke about the landscape and hardscape plans proposed for the demolition of the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna had no comments at this time.

Mr. Corey inquired if the new construction would begin immediately after demolition. Mr. Segraves confirmed that new construction would begin immediately.

Many of the Commissioners were in favor of the demolition.

Motion made by Mr. Floersheimer and seconded by Ms. Shiverick that the proposed demolition at 240 Mockingbird Trail has met the conditions listed in Sec. 18-206 of the Town's code of ordinances and to approve the request as presented with the following caveats: sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Mr. Segraves presented the architectural plans proposed for the new residence.

Chris Simon, Nievera Williams Design, presented landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey did not believe the proposed was unreasonable in its height but recognized that the street had many one story homes. He added that the scale was reasonable. He questioned the casement windows proposed. He suggested using double hung with shutters as well adding more color on the home. Mr. Corey was in favor of the landscaping plan but questioned why it was so thin, especially the screening for the second story. He provided a landscape suggestion for the south elevation.

Mr. Ives agreed with Mr. Corey's comments. He questioned the design style and said that the style is becoming too similar in the area. He thought the home needed some identity and uniqueness.

Ms. Grace agreed with Messrs. Ives and Corey. She thought the home was taller and larger than other homes in the area. She inquired about the ceiling heights on both floors. Mr. Segraves responded. Ms. Grace suggested reducing the height of the home. She inquired about the material of the exterior of the home. Mr. Segraves responded. Ms. Grace agreed that the home needed some identity and charm and provided some suggestions. Ms. Grace inquired about the second story, door design of the front elevation. Mr. Segraves responded. Ms. Grace asked about the driveway material and asked if the turf proposed was real grass. Mr. Segraves provided confirmation that the turf would be real grass.

Ms. Shiverick agreed with all of the other Commissioners. She recommended double hung windows as well as using the bay windows in the front rather than the rear. She thought the railing above the front door should be painted a wood color along with using a color for the front door. She recommended using thicker landscaping on the south façade as well changing the pedestrian gate from a solid to an open gate, possibly in the Chippendale style.

Ms. Catlin agreed with the double hung windows suggested. She also agreed that a pop of color was a good suggestion. She expressed concern for the large driveway and parking area. She asked if it could be reduced, even slightly.

Mr. Floersheimer expressed concern for the overall height of the home. He inquired if the professional tried a side load garage for the home. Mr. Segraves responded and discussed the options they had in working with the site.

Ms. Catlin inquired if the lot needed to be raised. Mr. Segraves responded. A discussion ensued about the height of the home.

Mr. Small thought the north end was evolving and thought many of the lots would be raised eventually. He thought the house and landscaping could both use some improvements.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the April 28, 2021 meeting, for in accordance with the

comments of the Commissioners as well as a request that the project returns with a north, east, west and south cross section of the landscaping. Motion carried unanimously.

Please note: Commissioner Thomas Kirchhoff joined the meeting at 9:49 a.m.

9. B-025-2021 Landscape/Hardscape

Address: 222 Plantation Rd.

Applicant: Hawthornthwaite Trust (Stephen P. Hawthornthwaite, Trustee)

Professional: Keith Williams/Nievera Williams Design

Project Description: New hardscape and planting throughout the property; except for pool and buffer material.

Call for disclosure of ex parte communication: Disclosure by several members. Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Meyer agreed to the easement.

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

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Ms. Grace inquired if the garage doors were new. Mr. Meyer responded.

Many of the Commissioners were in favor of the project.

Mr. Floersheimer inquired about the vines next to the front door. Mr. Meyer responded.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff that the project at 222 Plantation Road has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

F. MINOR PROJECTS – OLD BUSINESS

1. A-048-2020 Modifications

Address: 230 Atlantic Ave.

Applicant: Linda Saligman

Professional: Kyle B. Fant/Bartholemew + Partners

Project Description: Interior and exterior remodel as defined in the November and December ARCOM meeting. Present new front elevation and pergola in the rear.

Motion carried at the November meeting to defer the project to the December 18, 2020 meeting for a restudy in accordance with the comments from the Commissioners, which many questioned the proposed changes to the front façade. A motion carried at the December meeting to defer the project to the January 27, 2021 meeting to address the comments of the Commissioners, particularly relating to the recommendations on the landscape plan, lanterns, garage doors and front entrance design. A motion carried at the January meeting to defer the project to the February meeting at the request of the professional. A motion carried at the February meeting to defer the project to the March meeting due to lack of presentation materials submitted.

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

Mr. Fant presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey did not feel the changes were working with the design. He questioned the double front facing garage and thought it was too dark. He questioned the front entablature and questioned if the gable and the entablature were clashing. He added he couldn't support the project.

Mr. Ives agreed with Mr. Corey. He thought a lot of work still needed to be done on the design.

Ms. Grace appreciated the efforts but still was not supportive of the front entrance design and the window configuration.

Ms. Shiverick appreciated the efforts but thought the front cornice was extraneous. She made some suggestions for the front façade.

Mr. Kirchhoff agreed with Mr. Corey and thought the design needs more work, particularly the front entry. He was not in favor of the cornice over the garage door and suggested that the three windows to the right of the front door should be linked together.

Ms. Catlin agreed that the front entrance was problematic. She liked Ms. Shiverick's suggestion of adding a Juliette balcony over the single window.

Mr. Floersheimer inquired about the front elevation from the street and wondered if the sculpture element was still proposed for the front site wall. Mr. Fant responded.

Mr. Small thought the cornice on the front entrance was an intrusion.

Mr. Corey suggested that the applicant and the professional come back with a clean start.

Motion made by Mr. Corey and seconded by Ms. Catlin to defer the project for one month, to the April 28, 2021 meeting, for in accordance with the comments of the Commissioners. Motion carried unanimously.

2. A-003-2021 Awning

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 113 Atlantic Ave.

Applicant: Alexandra Murphy

Professional: Jeffrey Brasseur/Brasseur & Drobot Architects, PA

Project Description: Add a fixed awning to the west second story deck and the east second story deck between the garage and main residence.

A motion carried at the January meeting to defer the project to the February 24, 2021 meeting due to the method in which the awning was attached as well as the look of the awning. A motion carried at the February meeting to defer the project to the March meeting due to lack of presentation materials submitted.

ZONING INFORMATION: Section 134-893(b)(13); Request for a variance to allow the construction of a 210 square foot awning on the east side of the existing residence and a 644 square foot awning on the west side of the existing residence which will result in a cubic content ratio of 4.499 cubic feet in lieu of 3.998 existing and the 4.148 maximum allowed.

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

Mr. Brasseur presented the architectural modifications proposed for the existing residence. Mr. Brasseur explained the requested variance related to the project.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey inquired about the details for the columns and how they were attached to the floor. Mr. Brasseur responded. Mr. Corey expressed concern for the attachment of the awnings into the eaves. He also expressed concern for the gutters taking on more water. He suggested both sides of the awning be anchored to the ground.

Ms. Grace was in favor of the color.

Ms. Shiverick thought that in general, awnings complimented the architecture. She suggested investing in some custom poles for the awnings. She liked the choice of color for the awning as well.

Mr. Kirchhoff stated he generally is not a fan of awnings. But he suggested attaching to the awning to the tie beam rather than the eave.

Ms. Catlin did not believe the awnings adding anything to the home. She agreed with Ms. Shiverick's suggestion by using quality poles and materials.

Mr. Small was not a fan of the awnings and believed they did not enhance the beauty of the home. He stated that he could not support the project.

Ms. Catlin inquired if retractable awnings had been investigated. Mr. Brasseur responded.

Motion made by Ms. Shiverick and seconded by Mr. Ives that the project at 113 Atlantic Ave has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented. Motion carried 4-3, with Messrs. Corey, Small and Ms. Catlin opposed.

A second motion made by Ms. Shiverick and seconded by Ms. Grace that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 5-2, with Mr. Small and Ms. Catlin opposed.

3. A-008-2021 Modifications

Address: 202 Onondaga Ave.

Applicant: Mark and Nina Magowan

Professional: Richard F. Sammons/Fairfax & Sammons

Project Description: Construction of new site walls with pedestrian gates.

Installation of new 48K generator. Landscape and hardscape modifications and improvements.

A motion carried at the February meeting to defer the project to the March 24, 2021 meeting in accordance with the comments of the Commissioners, which included concerns about the height of the site walls.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Betsy Shiverick declared a conflict of interest for the project. It was noted that Mr. Floersheimer would be voting in Ms. Shiverick's absence.

Scott Collison, Fairfax & Sammons, presented the architectural modifications proposed for the existing residence.

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

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna provided staff comments.

Mr. Corey inquired if the neighbors were notified. Staff responded. Mr. Corey questioned the driveway material choice and thought it could be restudied.

Mr. Ives was supportive of the project.

Ms. Grace preferred the lower site walls and also stated she would be open to a different driveway material.

Mr. Kirchhoff was in favor of the site walls. He suggested raising the site wall around the generator to protect the neighbors.

Ms. Catlin and Mr. Floersheimer were supportive of the project.

Mr. Collison responded to Mr. Kirchhoff's suggestion about the site wall around the generator.

Motion made by Ms. Catlin and seconded by Mr. Corey that the project at 202 Onondaga has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented with the condition that the driveway material will be honed. Motion carried unanimously.

4. A-020-2021 Modifications

Address: 150 Worth Ave.

Applicant: Wilson 150 Worth LLC (Yvonne Jones)

Professional: Michael Dumala

Project Description: Add 14 new impact windows on south side of building at second floor level. *****Please note: Administrative Site Plan Review*****

A motion carried at the February meeting to defer the project to the March 24, 2021 meeting to allow the applicant to provide notice to the surrounding properties.

Please note: This project was deferred to the April 28, 2021 meeting at the Approval of the Agenda, Item VII.

G. MINOR PROJECTS – NEW BUSINESS

1. A-021-2021 Modifications

Address: 236 Via Las Brisas

Applicant: Esther Carmilani

Professional: MP Design & Architecture, Inc.

Project Description: New door and surround, window changes on north elevation, replacing barrel tile roof.

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

Michael Perry, MP Design & Architecture, Inc., presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Van Onna stated she did not have any comments at this time.

Many of the Commissioners were in favor of the project.

Ms. Shiverick inquired about the door material proposed. Mr. Perry responded. Ms. Shiverick inquired if the new windows would match the existing. Mr. Perry responded.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff that the project at 236 Via Las Brisas has met the criteria for approval listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project as presented. Motion carried unanimously.

2. A-023-2021 Modifications

Address: 22 Middle Road

Applicant: Myrna and Spencer Partrich

Professional: Keith Williams/Nievera Williams Design

Project Description: Proposed site wall on north side of property. Proposed pergola in rear. Hardscape and landscape updates throughout.

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

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

Mr. Small called for public comment. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Falco provided staff comments. Mr. Meyer responded to Mr. Falco's comments.

Mr. Corey thought the plan was fine however questioned if the plan was too tight and rigid.

Ms. Grace agreed with Mr. Corey.

Ms. Shiverick inquired about the color for the pergola. Mr. Meyer responded. Ms. Shiverick agreed with Mr. Corey.

Mr. Kirchhoff agreed with the other Commissioners and questioned if the height of the pergola should be reduced.

Ms. Catlin liked the idea of the louvers but was not in favor of the pergola.

Mr. Floersheimer agreed with Mr. Kirchhoff.

Mr. Small questioned the height of the pergola. Mr. Meyer responded.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the April 28, 2021 meeting, in accordance with the comments of the Commissioners.

Mr. Meyer requested the approval of the site wall on the north property line.

Motion failed 2-5, with Messrs. Ives, Kirchhoff, Small and Meses. Shiverick and Catlin opposed.

Motion made by Ms. Shiverick and seconded by Ms. Catlin to approve the building of the north site wall only and to defer the pergola and remaining landscaping changes to the April 28, 2021 meeting. Motion carried unanimously.

IX. **OTHER**

1. ARCOM Project Designation Manual and Guide

Ms. Van Onna stated that the Commission received the most updated version of the manual and guide, which included suggestions that she had received from the Commissioners. She inquired if the Commissioners had any further recommendations before this is presented to the Town Council.

A few Commissioners provided feedback to Ms. Van Onna.

2. Discussion of Mock Ups

Mr. Bergman introduced the possibility of requesting mock ups for large changes in commercial areas.

Many of the Commissioners were in favor of this idea.

The requirement of models required for new construction over 10,000 was also discussed.

X. **UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Public

Ellen Bogdanoff, Attorney for the owners at 3140 S. Ocean Blvd., wanted to speak about the application that was deferred at the meeting.

Mr. Small asked the Commission if anyone was willing to open the motion to discuss the details the project. There was no one willing to open the motion.

2. Staff

Mr. Bergman stated that Jeffrey Smith declared a conflict for the project at 114 Seaspray Avenue at the February 24, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Jeffrey Smith declared a conflict for the project at 1021 N. Ocean Blvd. at the February 24, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Betsy Shiverick declared a continuing conflict for the project at 202 Onondaga Avenue at the February 24, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission

Ms. Catlin indicated that FEMA was revising the flood maps and that the elevations would be raised again. She thought discussions needed to occur on what the Commission should be looking for in the future plans.

Ms. Catlin also thought that ARCOM training for real estate professionals should be provided.

Ms. Shiverick stated that The Preservation Foundation would be providing training to realtors on Landmark properties but added that other issues relating to ARCOM could be added to the training.

Ms. Shiverick inquired about the number of conflicts were allowed by the Commissioners. Staff replied that 5 conflicts were allowed but that exemptions were being investigated. A discussion ensued on this issue.

Mr. Corey inquired about the Commissioners comments at the beginning of the agenda. He also pointed out the South Florida Water Management District book

where native landscaping could be found. He urged the public to attend the ARCOM meeting and to weigh in on the projects. He also discussed a letter he received from the Town regarding the undergrounding effort and where the mechanical boxes would be located on the midtown streets. Mr. Corey stated he would send the letter to staff so that they could forward it on to the Commission.

Mr. Floersheimer congratulated Mr. Corey on becoming Vice Chairman.

Ms. Grace inquired about the landscape specialist. Mr. Bergman responded. Ms. Grace asked further questions about the undergrounding effort in midtown. Mr. Bergman responded.

XI. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Corey to adjourn the meeting at 11:53 a.m. on Thursday, March 25, 2021. Motion carried unanimously.

The next meeting will be held virtually on Wednesday, April 28, 2021 at 9:00 a.m. via the Zoom platform.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 036-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order For A Single Source Contract With InVeris Training Solutions, Inc. In The Amount Of \$158,237 And Budget Authorization in the Amount of \$166,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 16, 2021, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 036-2021**
- ▣ **Sole Source Letter**
- ▣ **Proposal**
- ▣ **Previous Notification of Intent from Police Chief**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order for a single source contract with InVeris Training Solutions, Inc. in the amount of \$158,237 and budget authorization in the amount of \$166,000, **Resolution No. 036-2021**

DATE: 16 March 2021

STAFF RECOMMENDATION

Staff recommends approval of Resolution 036-2021 for issuance of a purchase order to InVeris Training Solutions, Inc. in the amount of \$158,237 and budget authorization in the amount of \$166,000.

WHY THE PROJECT IS REQUIRED

The Town of Palm Beach's Police Department Shooting Range consists of Meggit bullet trap and target system. Due to wear and tear the system needs upgrade in order to properly serve the purpose.

HOW SERVICE WAS PROCURED

InVeris (formerly Meggit) is the original supplier and maintainer of the PD Range's current bullet trap and target system. The required upgrades are only supplied by InVeris due to compatibility and important and patented safety features. InVeris submitted formal sole source letter confirming being the sole provider of those systems.

FUNDING/FISCAL IMPACT

Funding will be allocated to the Equipment Replacement Fund (\$30,000), and the balance from the Donation Fund.

POLICE DEPARTMENT AND PUBLIC WORKS REVIEW

This item has been reviewed by Police Department and Public Works and is approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney. The Town Attorney has approved the proposal from InVeris Training Solutions, Inc.

Attachments

cc:

Nicholas Caristo, Police Department Chief
Will Rothrock, Lieutenant, Police Department
Paul Brazil, Public Works Director
Dean Mealy, Purchasing Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 036-2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER FOR A SINGLE SOURCE
CONTRACT WITH INVERIS TRAINING SOLUTIONS, INC. IN
AMOUNT OF \$158,237 AND BUDGET AUTHORIZATION IN
THE AMOUNT OF \$166,000.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 036-2021, approving a purchase order for a single source project contract with InVeris Training Solutions, Inc. in the amount of \$158,237 and budget authorization in the amount of \$166,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of April 13, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



SINGLE SOURCE OR SOLE SOURCE PROCUREMENT REQUEST

"Single Source" a purchasing decision whereby purchases are directed to one source because of standardization, warranty, location, or other factors, even though other competitive sources may be available.

"Sole Source" a situation created due to the inability to obtain competition. May result because only one vendor or supplier possesses the unique ability or capability to meet the particular requirements of the solicitation. This decision may be based on lack of competition, proprietary technology, copyright or a supplier's unique capability.

1. Description of Item or Service proposed: BULLET TRAP AND TARGET SYSTEM
UPGRADE OF EXISTING INVERIS (FORMERLY MEGGITT) BULLET TRAP AND TARGET
SYSTEM TO A GRANTRAP MODEL LE-7500-OT BULLET TRAP AND A MODEL XWT
TARGET SYSTEM.

2. Vendor Name: INVERIS Contact HEATH SHAW - 404-663-1149
Address: 296 BROGDON ROAD, SUWANEE, GA 30024

3. The basis for this determination and the reason no other vendor/product service may be suitable: _____
INVERIS (FORMERLY MEGGITT) IS THE ORIGINAL SUPPLIER AND MAINTAINER OF
THE PD RANGE'S CURRENT BULLET TRAP AND TARGET SYSTEM. THE REQUIRED
UPGRADES ARE ONLY SUPPLIED BY INVERIS DUE TO COMPATIBILITY AND IMPORTANT
AND PATENTED SAFETY FEATURES.

Please provide backup to request.

POLICE DEPARTMENT _____

Division _____

Purchasing review and recommendation: _____

Purchasing Manager Approval _____

LT. WILL ROTH ROCK
Will Roth Rock
Requestor's Name/Signature

February 23, 2021

Lieutenant Will Rothrock
Palm Beach Police Department
345 S County Road
Palm Beach, FL 33480
561-227-6352
WRothrock@PalmBeachPolice.com

InVeris Offer No.: **MTS20USL5758 Rev 2**
Re: Shooting Range Upgrade
Offer Type: Open Market

Dear LT Rothrock,

InVeris Training Solutions, Inc.™ (InVeris) (*formerly Meggitt Training Systems*) is pleased to offer a fixed price of **\$119,680.22** (One Hundred and Nineteen Thousand, Six Hundred and Eighty US Dollars and Twenty-Two Cents) for the products and services listed herein, furnished, and delivered CPT jobsite (Palm Beach, FL) in accordance with Incoterms® 2010. In addition to the offer price, the Buyer will be responsible for all Federal, State, and Local Taxes, Licenses, Permits, Bonds and Fees applicable to the sale. This offer is valid for 45 days.

Payment Terms are as defined in the Terms & Conditions Section of this quotation.

Delivery is typically 90-120 days after receipt and acceptance of order and upon return and approval of InVeris Submittal Drawings, whichever occurs last. This offer will be attached to and made part of any forthcoming purchase order. Indication of acceptance shall be by authorized signature in the space provided below. Please also enter the total purchase price, to include any purchased options, if applicable.

Should you have any questions or require additional information, please feel free to contact me. I am personally dedicated to this proposal effort.

Best Regards,

Heath Shaw
Sales Representative
InVeris Training Solutions, Inc.
Tel: 404-663-1149
heath.shaw@inveristraining.com

Prepared by:
Melissa Boltz
Proposal Manager

Base Offer

- **SUPPORT BRIDGING:** (if applicable) is **NOT** included unless explicitly listed as a separate line item in the equipment table below. Please see the Terms & Conditions section, item C under exclusions.
- All products and services offered herein are Open Market items.

PART NO.	DESCRIPTION	QUANTITY	UNIT
CB-D-2'	Containment Baffles – Rifle 3/8" AR500 / Plywood face FTW (5 Rows)	115	SF
SZ-R-S/S	SafeZone™ Shooter's Booth - Rifle, Complete Lane Stalls. Black Frame, Black Top Panel, Black Bottom Panel Inserts. Includes Shooting shelf, Rifle blast shield, Upper Brass Shield, and LED lane stall light.	3	EA
XWT-75	Next Generation 4, Wireless, 360 degree, Self-propelled, Random Turning, Target System. Includes 75' of track, Enhanced ICU's, and down range crossmembers.	3	EA
RM10K	Master PC with wireless tablet	1	EA
Pepp 1"	1" Pepp for Baffles	120	SF
Pepp 1"	1" Pepp for Side Walls in front and behind shooter	320	SF
DEMO	Demo, Clean-up, and Proper Disposal of Baffles, Target System and Shooting Stalls Note: Please provide InVeris with your Federal EPA Identification/USEPA Number upon placement of order.	1	LOT
SPPT-Full	Complete Unload, Installation, and Training - Prevailing Wage Rates Included	1	LOT
MANUALS	Operations and Maintenance Manuals	1	LOT
WRTY	12-Month Warranty	1	LOT
FRT-CPT	Freight & Delivery shall be CPT Jobsite (Palm Beach, FL) in accordance with Incoterms® 2010.	1	LOT

PART NO.	DESCRIPTION	QUANTITY	UNIT
Total Base Offer Price		\$119,680.22	

Options

- All InVeris options include any additional Freight necessary.
- Option pricing is contingent upon being purchased at the same time as the base offer.

☐ **Option 1: Bullet Trap – Demolition and Replacement**
-Please check the Option box, if you wish to purchase this option.

PART NO.	DESCRIPTION	QUANTITY	UNIT
LE7500 OT	GranTrap™ - 9' Height with 3/8" AR500 Angled Armor Plate Upper Replenishment Bin. Open GranTex™ Design. No Rear Access Doors.	11'-9"	LF
DEMO	Demo, Clean-up, and Proper Disposal of Existing Bullet Trap Note: Please provide InVeris with your Federal EPA Identification/USEPA Number upon placement of order.	1	LOT
*Option 1 Total Price <i>In addition to the Total Base Offer Price</i>		\$38,556.44	

***Please note that Option 1 pricing is contingent upon being purchased in conjunction with the Base Offer. If Option 1 is not selected, then additional travel and installation costs shall be added.**

Important Notes & Assumptions

1. Option 1 – Bullet Trap must be purchased with the Base Offer. If Option 1 is not purchased with the Base Offer, then additional travel and installation costs shall be added.
2. **COVID-19:** Supplier (InVeris) shall not be liable to Purchaser if and for so long as it is unable to deliver because Supplier's (InVeris') production is suspended, or it cannot obtain necessary materials, or it cannot make delivery arrangements, due to the COVID-19 pandemic.
3. Full Install: Pricing assumes the InVeris Field Service Technician (FST) and labor crew will be onsite over one (1) continuous trip. All site preparation work must be done prior to the FST's arrival. If additional trips are required due to issues beyond InVeris' control, additional charges will be assessed in the form of a change order.
4. Buyer to verify the ceiling structure within the range is capable of supporting the new range equipment and containing any errant type secondary bullet impacts.
5. All conduit, A.C. wiring, A.C. Electrical Connections, lighting, and any duct work is specifically excluded from this proposal and InVeris scope of work. If conflict with HVAC, Plumbing or Electrical equipment occurs, it will be the owner's/contractor's responsibility to resolve issues in a timely manner. Any delays from these will not extend Tech Assist time and may require a change order for additional Tech Time. Please remember that InVeris wants you to have a successful installation in a safe and timely manner.
6. InVeris FST will provide training on installed systems after installation is complete. FST will perform a QC walk and final acceptance with the owner/contractor.
7. Any / all trademarks mentioned herein are the properties of their respective owners.
8. If InVeris is not authorized by the customer to commence work on the Project within 45 days from the date of the Contract and subject to the economic conditions of metals, InVeris shall be entitled to adjust its prices to account for increased costs to InVeris as a result of said delay.

Terms & Conditions

These Terms and Conditions will be part of any contract, purchase order or signed offer that InVeris enters into with you, your department or company.

Our Terms and Conditions are not limited to those provided herein. The Standard Terms and Conditions [ITSI-DOM-006_08-19-2020] incorporated by reference herein and the enclosed offer shall apply and take precedence over all other project documents. Any earlier offer along with those terms and conditions are immediately null and void. Any subsequent purchase order will be subject to the Standard Terms & Conditions which can be provided upon request. Please contact ITS-ContractsMailUsers@inveristraining.com to request a copy.

Limitation of Liability:

Nothing in this contract shall exclude or limit the Supplier's liability for death or personal injury caused by the Supplier's negligence or for fraudulent misrepresentation or for any liability that cannot legally be excluded or limited.

EXCEPT AS STATED ABOVE, THE TOTAL AGGREGATE LIABILITY OF THE SUPPLIER ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE OF THE CONTRACT, WHETHER FOR NEGLIGENCE OR OTHERWISE, SHALL IN NO EVENT EXCEED 20% OF THE TOTAL CONTRACT VALUE

IN NO EVENT SHALL THE SUPPLIER BE LIABLE FOR LOSS OF PROFIT, LOSS OF USE, LOSS OF BUSINESS, LOSS OF REVENUE OR FOR ANY INCIDENTAL, SPECIAL, INDIRECT, CONSEQUENTIAL LOSS OR DAMAGES, OR PUNITIVE OR EXEMPLARY DAMAGES, HOWSOEVER CAUSED.

These clauses set out the entire liability of the Supplier (including any liability for the acts or omissions of its sub-contractors) in respect of any breach of this contract or orders placed under it and any representation, statement or tortuous act or omission including negligence arising under or in connection with the contract. All warranties, conditions and other terms implied by statute or common law are, to the fullest extent permitted by law, excluded from the contract."

Force Majeure:

Neither party shall be in default of its obligations under this Agreement by reason of delay or failure to perform if such delay or failure arises out of causes beyond the reasonable control and without the fault or negligence of the party including, but not restricted to, acts of God, acts of governments, fires, floods, epidemics, pandemics, quarantine restrictions, terrorism, war, labor unrest and unusually severe weather ("Excusable Delay").

The party experiencing the Excusable Delay shall give prompt written notice to the other party upon such party becoming aware of any circumstance or event which may reasonably be anticipated to cause or constitute an Excusable Delay as described herein. Such notice shall contain a description of the delay and of the affected portion of the Work. In the event that InVeris is the party experiencing the Excusable Delay, InVeris, in its discretion, may delay delivery, cancel delivery, make price adjustments and/or allocate delivery among customers as necessary due to such unexpected event and during the period of such Excusable Delay. If the Excusable Delay continues for a period of 90 days, the party not experiencing the Excusable Delay may terminate this Agreement with no cost or liabilities accruing to either party.

InVeris' pricing excludes the following items unless specifically included as a line item at the end of this paragraph.

- A. Line voltage electrical, connections, line or control conduits (empty or full), electrical boxes, receptacles, target or general lights and any other devices generally considered for high voltage.
- B. All temp utilities for construction (including adequate lighting and 115v power for hand-tools) are the responsibility of the owner/contractor.
- C. Bridging, structural supports or any other material that is required as support for InVeris' baffle, safety ceiling, or target systems. Load points to be verified by owner/contractor to support InVeris equipment.
- D. All coordination for baffle, safety ceiling, and bullet trap (and the associated hanging provisions) is the responsibility of the owner/contractor. InVeris will provide accurate submittal drawings for this purpose.
- E. Unloading and/or moving/placement of InVeris' equipment into the range area.**
- F. Removal / disposal of existing equipment.**
- G. Removal / disposal of lead or other hazardous waste.**
- H. Relocation of existing piping, ventilation ducts, electrical conduit, etc.
- I. Any customer requested special shipping or marking/labeling requirements and any related costs.
- J. Specialty anchors or seismic type hanging devices.
- K. Concrete pads, core cuts and/or masonry patching.

Items listed above that are specifically included with this offer: **E., F. and G.**

InVeris will not be responsible for payment of the following statutory items unless specifically included as a line item at the end of this paragraph:

- | | | |
|------------|-----------------------|------------------|
| A. Taxes | D. Bonds | G. Other Charges |
| B. Permits | E. Licenses | |
| C. Fees | F. Additional Insured | |

Statutory items listed above that are specifically included with this offer: **NONE**

IMPORTANT NOTE: InVeris is responsible for collecting sales tax in the following states: CA, CT, FL, MN, GA, IL, KY, VA, NJ, SD, and WA. If work is to be performed in any of these states under a Purchase order issued as a result of this proposal, any applicable sales tax will be added to the final invoice. If your organization is federal or state tax exempt, provide a copy of the tax exemption certificate. Otherwise, please include the sales tax value on any resulting purchase order.

InVeris does not claim, assert or guarantee in any way that purchased equipment is compliant with all federal, state, county, city or local "trade" or "building" codes. The owner is responsible for compliance with all local jurisdictions and codes.

InVeris is a non-union manufacturer. InVeris will provide prevailing wages (Davis-Bacon) or pay for union workers only if specifically included as a line item below:

Prevailing Wage Rates Included

PREVAILING WAGE RATES	
For the avoidance of doubt, InVeris asserts the following prevailing wage for work to be performed on site:	
Labor Category:	LABORER: Common or General
Rates:	\$12.39
Should the Prevailing Wage Rates required by the Buyer differ, InVeris reserves the right to revise the labor pricing accordingly and update the total base offer price.	

The payment amount included in the attached offer shall be payable to InVeris as follows:

- Payment Terms are 25% with placement of order and signed quotation, 25% with returned approved InVeris submittal drawings, and the remaining 50% of the balance is due ten (10) working days before the scheduled ship date. Delay in payment will invalidate the quoted delivery date. Any deviation must be mutually agreed upon in writing.

This (Proposal/Submittal/Document) contains proprietary information and is submitted for evaluation purposes, and shall not be disclosed, duplicated or reproduced, in whole or in part, without prior written consent of an authorized representative of InVeris.

All drawings, specifications and other design documents prepared by InVeris and its consultants in connection with the Project are the property of InVeris. InVeris shall retain all common law, statutory and other rights, including all copyrights, related to said design documents. The General Contractor shall not use the design documents on other projects without the specific written consent of InVeris.

Note 1: If the Seller is awarded the contract/purchase order by the Buyer, the Seller presumes that the buying agency has followed all required competition justification.

PLEASE SUBMIT SIGNED PROPOSAL BY EMAIL, FAX, OR MAIL TO:		
Email: ITS-ContractsMailUsers@inveristraining.com	Fax: 678.288.1515 Attn: Contracts Dept.	Mail: InVeris Training Systems, Inc. Attn: Contracts Dept. 296 Brogdon Road Suwanee, GA 30024-8615
RECORD OF CHANGES		
Revision No.	Date	Description
2	23 Feb 2021	Pricing revalidated

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 2, 2021

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Accept Donation from the Palm Beach Police & Fire Foundation and Approve the Transfer of Funds from the Town's Equipment Replacement Fund Contingency and Designate the Funds for the Replacement and Renovation of the Police Department Firearms Range in the FY21 Budget

Date: February 11, 2021

STAFF RECOMMENDATION

Staff recommends the Town Council accept a donation of \$228,000 from the Palm Beach Police & Fire Foundation (PBPF), and approve the transfer of \$30,000 from the Town's Equipment Replacement Fund Contingency and designate the funds for the replacement of the Police Department's Firearms Range target retrieval system in the FY21 budget. The purpose of the donation and the request for contingency funds is to fund the purchase of equipment and/or other services for the renovation of the Palm Beach Police Department's Firearms Range, as deemed appropriate and necessary by the Chief of Police and the Town Manager in accordance with the Town's Purchasing Procedures.

GENERAL INFORMATION

The Palm Beach Police Department continues to benefit from the generosity of the residents and businesses of the Town of Palm Beach. The Palm Beach Police Department's aging Firearms Range and associated equipment has presented a need that the Palm Beach Police & Fire Foundation has generously offered to fulfill. The approximate cost of the Firearms Range renovation is \$258,000 based on initial quotes. The Town has previously set aside, through depreciation, \$30,000 in the Equipment Replacement Fund for the replacement of the range target retrieval system (Asset #40966500). The PBPF has offered to provide through a donation (Attachment A) the remainder of the funds necessary to complete the range renovation. The PBPF requested that the funds be utilized, as deemed appropriate and necessary by the Chief of Police and the Town Manager, on equipment and/or services required for the renovation of the Palm Beach Police Department's Firearms Range.

The value of the donation is in excess of \$25,000, therefore, per own Administrative Procedure No. 1-08-08 (Attachment B), any donation with a value over \$25,000, which is not included in the Town's budget, must be approved by Town Council.

FUNDING/FISCAL IMPACT

The donation will be forwarded to the Finance Department for deposit in the Palm Beach Police Department's donation account. The Finance Department will additionally authorize the use of Equipment Replacement Contingency funds for fixed asset #40966500. Equipment and/or other services purchased for this project will be obtained in accordance with established Purchasing Procedures.

NC:wmr

Attachment

cc: Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 037-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Urging All Members Of The Florida Legislature To Oppose Unwarranted Or Overly Broad Preemptions Of Municipal Home Rule Powers; Directing A Copy Of This Resolution Be Transmitted To Members Of The Florida Legislature, The Florida League Of Mayors, The Florida League Of Cities, And Any Other Interested Parties.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▢ **Memorandum Dated April 3, 2021, from Jay Boodheshwar, Deputy Town Manager**
- ▢ **Letter Dated March 22, 2021, from Mayor Gail L. Coniglio, opposing HB 219**
- ▢ **Letter Dated March 19, 2021, from Mayor Gail L. Coniglio, opposing SB 284**
- ▢ **Letter Dated March 22, 2021, from Mayor Gail L. Coniglio, opposing CS/SB 1924 and CS/HB 945**
- ▢ **Resolution No. 037-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Resolution Urging All Members of the Florida Legislature to Oppose Unwarranted or Overly Broad Preemptions of Municipal Home Rule Powers
Resolution 37-2021

Date: April 3, 2021

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution 37-2021, urging all members of the Florida Legislature to oppose unwarranted or overly broad preemptions of Municipal Home Rule powers.

GENERAL INFORMATION

Over the last several years, local governments throughout the State of Florida have been dealing with the adverse effects of proposed and/or approved legislation signed into law by the Governor, which preempt the ability of localities to promulgate regulations that are specific to their municipalities. The Town of Palm Beach has led some of the efforts to push back and have supported other cities through coalition-based lobbying for home rule considerations during annual State legislative sessions.

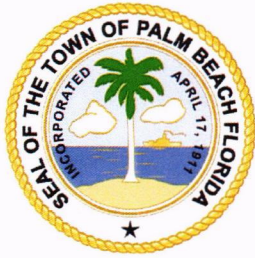
During the current session of the Florida Legislature, Mayor Gail Coniglio has already sent opposition letters to HB 219, SB 284, HB 945, and SB 1924 on behalf of the Town. HB 219 will preempt local regulations for short-term vacation rentals. SB 284 is very concerning, as its broad language would preempt the Town from applying its Architectural Commission and Landmarks Preservation Commission standards that regulates aesthetics - such as color, architectural design, neighborhood similarity, massing, etc. Both HB 945 and SB 1924 address emergency management powers, and if approved would have preemptive restrictions on local governments and allowing the Governor or State Legislature to invalidate emergency orders believed to be too restrictive. Copies of the letters addressing these bills are attached to this memo.

The Florida League of Mayors adopted a resolution on preemption of Home Rule at its March 4, 2021 board meeting and urged all members of the Florida Legislature to oppose unwarranted or overly broad preemptions of municipal Home Rule powers. Town staff agrees with the Florida

League of Mayors belief that these preemptions strip municipalities of their abilities to speak on behalf of their citizens. Should any of these preemption bills become law, and not be overturned, the ability of Florida's municipalities to narrowly address local issues of public concern would be destroyed. The attached Resolution No. 37-2021 is modeled after the resolution approved by the Florida League of Mayors.

Attachments

cc: Department Directors
John C. Randolph, Town Attorney



TOWN OF PALM BEACH

Mayor and Town Council's Office

March 22, 2021

Florida House of Representatives
House Ways and Means Committee
404 South Monroe Street
Tallahassee, FL 32399

Re: Oppose HB 219 Short Term Rentals Preemption

Dear Committee Members,

The Town of Palm Beach strongly opposes House Bill 219 – Short Term Rentals Preemption because the bill will undo any local ordinances the Town of Palm Beach has developed and adopted for our specific community's needs.

Individuals who purchase property in Town are looking for a specific type of lifestyle which includes beauty, tranquility and safety. The Town of Palm Beach has worked alongside our residents and community stakeholders to create local solutions to deter problematic short-term rentals and protecting the property rights of property owners. Unraveling the work we have accomplished turns back the clock and repeats the same mistake that the legislature made previously. Those who support House Bill 219 claim this bill is about property rights; they are correct. The residents next-door to the short-term rental properties and our community have rights also. Investors have already worked within the local laws to achieve their goals. The exponential growth of short-term rentals in Florida is proof that current legislation is effective.

All of Florida's towns and cities are extremely diverse and the solutions to our local issues must be addressed based upon a communities' needs. The Town of Palm Beach supports raising safety standards statewide, but local authorities should retain the right to address local issues. We look forward to the rejection of House Bill 219 which allows local communities to retain our right to Home Rule. The one-size-fits-all approach is not the answer to a diverse state with diverse communities.

Respectfully,


Gail L. Coniglio
Mayor



TOWN OF PALM BEACH

Mayor and Town Council's Office

March 19, 2021

Florida Senate
Committee on Regulated Industries
404 South Monroe Street
Tallahassee, FL 32399

Re: Oppose SB 284 - Building Design

Dear Committee Members,

The Town of Palm Beach strongly OPPOSES Senate Bill 284 – Building Design that will be considered by the Committee on Regulated Industries on March 23, 2021. The companion bill in the House was touted by the bill sponsor as **addressing affordable housing**, citing laws in some Florida Counties that require all roof structures be able to support solar panels and all garages be equipped with electrical vehicle chargers, and only applying to **open lots**. However, SB 284 is so broad that it preempts local governments such as the Town of Palm Beach from applying its Architectural Commission and Landmarks Preservation Commission standards that regulates aesthetics – such as color, architectural design, neighborhood similarity, massing, etc. Our community has gracefully evolved over its last 110 years, and boasts some of the country's most impressive and historic architecture, which is largely due to our protective ordinances that SB 284 would pre-empt. These regulations do *not* impact the cost of a home and would do nothing to make housing in Florida more affordable, especially in the Town of Palm Beach. The one-size-fits-all approach of this bill is misguided and blatantly eliminates the ability of individual communities to maintain their uniqueness and history.

Further, the limitations cited in the House to get support for the bill, **affordable housing** and **open lots**, are nowhere to be found in Senate Bill 284. The Town supports amendments to SB 284 that would include a reference to “affordable housing units” and “open lots.”

Senate Bill 284 – Building Design contains language that is so broad that an unintended consequence would be the eradication of “specialty cities” such as St. Petersburg, Coral Gables, St. Augustine, Town of Palm Beach, and others known for their architectural design, effectively destroying the unique character of some of Florida's most beautiful cities, many of which have come to define Florida for its many seasonal and year-round residents. SB 284 would cause irreparable harm to the Town of Palm Beach and we hope this committee will reject it or make amendments that do not preempt ordinances such as the ones we have in Palm Beach that keep our community special.

Respectfully,

Gail L. Coniglio
Gail L. Coniglio
Mayor



TOWN OF PALM BEACH

Mayor and Town Council's Office

March 22, 2021

Florida Senate

Committee on Military & Veteran Affairs, Space, & Domestic Security

531 Knott Building

404 South Monroe Street

Tallahassee, FL 32399

Re: Oppose CS/SB 1924 & CS/HB 945 Emergency Management Powers of Political Subdivisions

Dear Committee Members,

The Town of Palm Beach strongly OPPOSES Senate Bill 1924 and House Bill 945 – Emergency Management Powers of Political Subdivisions due to the bills providing for preemptive restrictions on local governments and allowing the Governor or State Legislature to invalidate Emergency Orders believed to be too restrictive. Both bills prevent the Town of Palm Beach from governing our community to fit our resident's needs in an emergency.

During the beginning of the Covid-19 pandemic, the Town of Palm Beach was one of the first municipalities to take action in protecting our residents by way of Emergency Orders. We continued to adapt the governing of our community as new information about the virus and safety protocols emerged. Today, we are still providing support to our community and making changes as necessary depending on the current pandemic status and as vaccines become available.

We hope both of these bills will be rejected or revisions made that do not preempt Emergency Management powers such as the ones we used in the Town of Palm Beach. We cannot stress enough that the one-size-fits-all approach will eliminate the ability of local governments to protect our communities effectively in the face of danger.

Respectfully,

Gail L. Coniglio
Mayor

RESOLUTION NO. 37-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE UNWARRANTED OR OVERLY BROAD PREEMPTIONS OF MUNICIPAL HOME RULE POWERS; DIRECTING A COPY OF THIS RESOLUTION BE TRANSMITTED TO MEMBERS OF THE FLORIDA LEGISLATURE, THE FLORIDA LEAGUE OF MAYORS, THE FLORIDA LEAGUE OF CITIES, AND ANY OTHER INTERESTED PARTIES.

WHEREAS, Municipalities are voluntarily created and chartered by their citizens as the embodiment of local self-determination; and

WHEREAS, in 1968, Florida voters amended the state constitution to confer broad “Home Rule” powers to municipal government, under Article VIII, Section 2(b); and

WHEREAS, numerous bills being considered by the Florida Legislature contradict the will of the people of Florida, who expressed an unequivocal desire for broad Home Rule powers in their state constitution; and

WHEREAS, these bills would impair municipal charter and ordinance provisions specifically adopted and approved by local communities to define their preferred form of self-government and safeguard issues of perennial importance to their communities; and

WHEREAS, a municipality’s ability to timely act on local problems and opportunities will be limited by these bills to a state Legislature that holds session only once a year, and whose ability to address local problems will be contingent on the relative effectiveness of its representative in the state Legislature; and

WHEREAS, under these bills, state legislators will find themselves spending increasing amounts of time arbitrating over local problems and legislating on local issues, and less time attending to pressing statewide needs; and

WHEREAS, the Mayor and Town Council of the Town of Palm Beach believes opposing these bills is in the best interests of the residents and businesses of the municipalities in the State of Florida, and ultimately the state itself; and

WHEREAS, the Mayor and Town Council of the Town of Palm Beach would respectfully ask the state legislature to be mindful that regulations enacted by local governments have to be enforced by those same governments and, if excessive or burdensome, the peoples' local elected representatives are quickly made aware of those burdens and any unintended consequences; and

WHEREAS, should these bills become law, and not be overturned, the ability of Florida's municipalities to narrowly address local issues of public concern would be destroyed.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Palm Beach, Palm Beach County, Florida opposes the State of Florida's overbroad attempt to repeal or restrict constitutional municipal home rule powers to protect the health, safety and welfare of citizens and urges all members of the Florida Legislature to oppose the adoption of unwarranted or overly broad preemptions.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to members of the Florida Legislature, the Florida League of Mayors, the Florida League of Cities, and any other interested parties.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of April, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 039-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Supporting and Approving the Application for Funding from the Community Project Program Through the Federal Government Appropriation Process.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated April 1, 2021, from Jane Le Clainche, Director of Finance**
- ▣ **Memorandum Dated March 30, 2021, regarding Grant and Reimbursement Opportunities**
- ▣ **Resolution No. 039-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director

Re: Request for Community Project Appropriations and Update on the American Recovery Act and other COVID-19 Related Funding
Resolution No. 039-2021

Date: April 1, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 039-2021 supporting and approving the Town of Palm Beach applications for funding from the Community Project Program.

GENERAL INFORMATION

Congresswoman Lois Frankel has reached out to local governments and non-profits to submit applications for projects to fund through Community Project Funding. Each member of Congress may request funding for up to 10 Community Projects through all 12 appropriation bills. We are preparing applications for major repairs to the sand transfer plant and for public safety camera surveillance infrastructure. They suggest Resolutions from local governments to support these projects. The applications are due on April 9th and we were advised that we can submit a Resolution after the deadline to add to the applications.

In addition to these potential funding opportunities, a memorandum dated March 30, 2021, is attached that provides an update on grant and reimbursement opportunities that the Town has received, applied for and may seek in the future.

FUNDING/FISCAL IMPACT

The application packages currently being prepared to submit by the deadline. The public safety surveillance camera infrastructure improvement project is estimated to cost \$100,000 and the sand transfer repair project is estimated to cost \$3,100,000.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed and approved Resolution No. 039-2021 for legal form and sufficiency.

cc: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Public Works Director
Nicholas Cristo, Police Chief



Town of Palm Beach

MEMORANDUM

To: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director

Date: March 30, 2021

Subject: Grant and Reimbursement Opportunities

Since the start of the pandemic, the Town has been tracking COVID-19 related expenses and actively pursuing reimbursement opportunities and posting opportunities for our business community on our website. The recent approval of the American Recovery Act has created additional funding opportunities as well as the potential for additional funding in a future Federal infrastructure bill. This memorandum will attempt to summarize our efforts to-date as well as funding opportunities we will be reviewing and applying for in the future.

CARES Act Funding

Since the pandemic began in March 2020, the Town has spent a total of \$227,038 on PPE, technology improvements, remote communication software and equipment, Plexiglas dividers, regular sanitizing and cleaning of Town offices and buildings, signage, employee COVID testing, public notices, and other critical costs. We have applied for Palm Beach County CARES act funding, and are expecting reimbursement for a significant portion of these costs.

In addition, the Fire-Rescue Department has been involved in vaccination efforts and some of the costs associated with this effort are reimbursable through FEMA. We are compiling the required documentation and will be submitting a claim for reimbursement for these costs.

We also qualified for reimbursement for payroll taxes related to paid leave by employees who were unable to work due to quarantine or isolation related to COVID-19 including caring for family members or dependents. This reimbursement amounted to \$7,379.82.

American Rescue Plan (ARP)

The Federal Government recently approved a \$1.9 trillion stimulus package with \$350 billion in direct relief for State, County and Local governments and of this \$130.2 billion will go to County and local governments. Current estimates indicate that the Town may receive \$3.7 million in direct relief.

The funds will be divided into two equal tranches – within 60 days after enactment, the US Treasury is required to release the first tranche allocated to a city, county, or state; the second tranche cannot be released earlier than 12 months after the first payment. The states will receive the funding for nonentitlement communities (the Town is a nonentitlement community) and have 30 days to distribute these funds.

Local governments will be required to provide periodic reports providing a detailed accounting of the use of funds.

Eligible uses include:

- ✓ For the provision of government services to the extent of the reduction in revenue due to the public health emergency.
- ✓ To make necessary investments in water, sewer or broadband infrastructure,
- ✓ Include premium pay for eligible workers performing essential work during the pandemic, or
- ✓ Respond to the public health emergency or its negative economic impacts, including assistance to households, small business and nonprofits or aid to impacted industries such as tourism, travel and hospitality.

Ineligible uses include:

- ✓ These funds are not to be used to either directly or indirectly offset a reduction in the net tax revenue that results from a change in law, regulation or administrative interpretation during the covered period of March 3, 2021 to the end of the fiscal year in which the local government last uses these funds, that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit or otherwise) or delays the imposition of any tax or tax increase.
- ✓ No funds shall be deposited into any pension fund

The Town recorded revenue losses in a few areas, but overall the General Fund revenues for FY20 came in slightly over budget. These individual revenue losses may be eligible and if so, we could use the funding for any local government cost or purpose, such as the purchase of new technology systems. The Town's Par 3 golf course revenues were \$436,314 less than budget and the ARP funds could be used to offset these losses.

The Town has several sanitary sewer projects and a long-term pipe lining project planned. The ARP funds could be used for these sewer projects.

The ARP also provides that as of April 1st, the Town will receive reimbursement for up to 80 hours and a maximum of \$511 per day of paid leave by any employee who is unable to work due to quarantine or isolation related to COVID-19 including caring for family members or dependents.

Once the Federal Government issues guidance and final numbers we will work with the directors to develop a plan for use of the ARP funds. These funds need to be spent by December 31, 2024.

State of Florida ARP Funding

The State of Florida will receive funding from the ARP and the legislature will be considering a program by Governor Ron DeSantis to create a Resiliency Florida Plan. This plan will help local and state agencies tackle the challenges posed by flooding intensified storm events, and sea-level rise. The DeSantis' plan would help local governments through grants, (those with matching dollars or assistance would get more attention) to cover work involving wastewater and stormwater treatment, water supplies, public facilities used for emergency response management, transportation infrastructure, health care, affordable housing and public education facilities. Money would also allow coastal and inland counties to complete sea-level vulnerability assessments. Staff will be watching this State legislation closely for funding related to mitigation efforts related to sea-level rise and potential wastewater and stormwater projects.

Other Potential Funding Sources in ARP

Each state will receive a \$100 million minimum payment for the Coronavirus Capital Project Fund to be used for critical capital projects directly enabling work, education and health monitoring including remote options in response to the public health emergency with respect to the coronavirus disease including broad band infrastructure. The Department of Treasury will establish a process to apply for these funds by May 11, 2021 and states will administer these funds. We will be closely monitoring these funds for potential grants related to software purchases related to PZB, Finance and HR and IT infrastructure improvements.

Within the ARP, there are grants for establishing, expanding and sustaining a public health workforce. Funding for community health services to distribute, administer and track COVID-19 vaccines, detect, trace and monitor infections, to modify, enhance & expand health care services and infrastructure; and to conduct community outreach and education activities. We will also be watching for guidance on these grants.

There are a significant amount of programs available to small business, restaurants, arts organizations, cultural organizations, and nonprofits. We will provide information regarding these programs on the Town's website for local businesses.

Community Projects – “Earmarks”

Another potential source of funding will be the Community Projects program that will be part of a future infrastructure bill. Members of Congress must submit projects by April 30. Representative Lois Frankel held a meeting with local community leaders to discuss the details of this process. She is allowed to submit 10 requests for projects. These projects, if approved, would be a part of the Moving Forward Act which is a \$1.5 trillion bill for infrastructure projects. She is looking for projects that would have community wide support. Her office has provided forms to complete for projects to be considered. The deadline for submitting requests is April 9th. In speaking with Paul Brazil, we believe a sand transfer plant rehabilitation project would provide the most community support. We are requesting support from Palm Beach County, the Port of Palm Beach, FIND, ACOE, Palm Beach Shores and of course the Town of Palm Beach. He is obtaining letters from these groups, and working with the County to obtain a scope for the project.

There is also a Public Safety category that would include funding for COPS technology and Equipment. The police department plans to submit an application for funding for additional surveillance infrastructure.

We are continuously monitoring the situation for any news and guidance and looking for additional opportunities for grant funding. We will apply for Community Project funding for the sand transfer plant and the surveillance infrastructure by the April 9th deadline, and we will make application for the Town's initial portion of the ARP funding.

Cc: Department Directors

RESOLUTION NO. 039-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA SUPPORTING AND APPROVING THE APPLICATION FOR FUNDING FROM THE COMMUNITY PROJECT PROGRAM THROUGH THE FEDERAL GOVERNMENT APPROPRIATION PROCESS.

WHEREAS, the Congress of the United States has approved Community Project Funding for projects for local governments and nonprofits; and

WHEREAS, the Town of Palm Beach has a need for major repairs to the Sand Transfer Plant; and

WHEREAS, the Town of Palm Beach has a need for additional surveillance infrastructure for public safety; and

WHEREAS, the Town of Palm Beach is submitting these projects to Congresswoman Lois Frankel for potential funding through Community Project Funding appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town Council hereby supports and authorizes the submittal of the requests for funding for the repairs at the sand transfer plant and additional surveillance infrastructure.

Section 3. This Resolution shall be provided to Congresswoman Lois Frankel to include with the Town of Palm Beach applications for funding.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of April 2021.

Danielle Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Committee Reports

Agenda Title

1. Report of the Business and Administrative Committee Meeting Held on February 19, 2021.

TIME CERTAIN: 11:30 AM

Lew Crampton, Chair

2. Recommendations from the Business and Administrative Committee, Relative to Parking.

Jay Boodheshwar, Deputy Town Manager

Presenter

ATTACHMENTS:

- ▣ **1. February 19, 2021, Business and Administrative Committee Meeting Report**
- ▣ **2. Memorandum Dated April 5, 2021, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **2. Placard Program Recommendations**
- ▣ **2. Emails from John David Corey**
- ▣ **2. February 19, 2021, BAC Meeting Backup**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON FRIDAY, FEBRUARY 19, 2021

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee Meeting of February 19, 2021, was called to order at 9:30 a.m. All committee members were found to be present.

Chair Crampton welcomed all and made comments regarding the past meetings and the parking issues being handled.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Chair Crampton requested that the following items be added to the Potential Action Items for Town Council Consideration:

6. Possibility of lowering cost of parking in Midtown to be consistent with the "Sea" streets.
7. Make the 100 block of Brazilian Avenue consistent with all the other streets including the "Sea" streets.

Member Moore suggested that item no.7 could be heard under IV.C.4 so there was no need to add it as a separate item.

Member Moore commented that it was a pleasure serving with Chair Crampton and she hoped that the Town Council would be open to the recommendations.

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

IV. REGULAR AGENDA

A. Recap of Community Input Sessions Regarding Potential Regulation Changes to On-Street Parking

Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager gave an overview of the past input sessions. He summarized as follows:

- December 11, 2020 - County Road focus group took place whereby suggestions regarding loading zones on County Road, concerns regarding the newly installed kiosks which were adjacent to residential properties, and centralized valet options particularly in the Town Hall Square area (south of Royal Palm Way).
- January 7th – Royal Poinciana Way Business area comments included kiosks being unsightly, unintentional consequences such as paid parking on County Road pushing people onto Dunbar Road, and residents petitioned for permit only parking. Announcement that An RFP for a Retail Study Consultant was approved by the Town Council.
- January 26th – Worth Avenue area (Hammon Avenue to Royal Palm Way). Unsightly kiosks on Worth Avenue, favorability for centralized valet parking, provide short term free parking – 30 minutes, revisit supplemental off-site parking Ordinance, placard parking on Worth Avenue, and employee parking on street.

Chair Crampton thanked the staff for their analysis of current parking issues and also for the aerial surveys carried out which provided a lot of data. He assured the staff that the data will be put to good use as it will be used in the recommendations being made to the Town Council.

Mr. Boodheshwar thanked Ben Alma and the parking enforcement staff, for their help.

B. Review Results of Peak and Off-Peak Space Utilization Studies

Jay Boodheshwar, Deputy Town Manager

Mr. Boodheshwar compared the off-peak study that was done in late September, 2020 vs. the study done during the last week of January, 2021. He explained that a count was taken of the cars parked in the street in all the commercial areas at 10:00 a.m. and 2:00 p.m. There was not a significant difference in usage for those times during the off peak season. During the summer, Midtown areas along the beach were higher utilized. On Worth Avenue, it is suspected that a lot of the usage during the off-season were either construction related or employee related. This winter study was carried out at 10:00 a.m. and 2:00 p.m. There was higher usage at 2:00 p.m. than at 10:00 a.m., the time seemed to be getting busier after lunch which was not the case during the fall. Similar to the off-peak study, during the peak study it was noticed that the ocean blocks along midtown were highly used as well as North County and Worth Avenue but there was much higher use on Cocoanut Row, Sunrise Avenue and Royal Poinciana Way.

Chair Crampton commented that it seemed that the main attraction was the ocean

for both residents and non-residents and shopping was number 2.

Ben Alma, Parking/Code Enforcement Manager, commented that the ocean was number 1 with restaurant/valets being number 2 and after that would be retail.

Responding to Member Moore's question regarding parking in the 400 block of Coconut Row (at the Chesterfield) being filled, Manager Alma explained that the issue was the valets and Uber drivers. The Uber drivers park in the free spots to wait for customers.

C. Potential Action Items for Town Council Consideration

Jay Boodheshwar, Deputy Town Manager

1. RFP for Implementation of Centralized Curbside Valet Parking Services

Mr. Boodheshwar spoke regarding this option (centralized valet parking) as an easy, convenient way for users in the overall parking management plan. He spoke about the Town partnering with the valet companies to develop a Town sponsored program. The valet stands would be strategically placed during daytime shopping hours and possibly into evening hours, if necessary. He suggested creating an RFP specific to Palm Beach.

Member Moore recommends sending the valet parking to the Town Council for approval

Motion was made by Member Moore and seconded by Chair Crampton to recommend sending the centralized valet parking program to the Town Council for their approval. On roll call, the Motion passed unanimously.

2. Additional Amendment to Supplemental Off-Site Parking Section of Code to Include Above Ground Lots Not Adjacent to Residential Properties

Mr. Boodheshwar reminded the committee that Ordinance No. 1-2021 was approved on second reading last Wednesday which allowed the use of underground parking garages, not to exceed 50% of the entire inventory for supplemental off-site parking. This aided in getting cars off the street, especially cars that would be sitting for long periods of time. He recommended development of a second ordinance that expands the off-site supplemental parking to include surface and garage lots with a provision to exclude lots that are directly adjacent to residential properties. He explained that there were concerns regarding slamming of doors, lights, etc. so he would suggest time limits so it would not be 24 hours. He would like to have something for Council to review at the April meeting.

Member Moore spoke regarding the different lots along Royal Palm Way such as the one next to the REC center, the ECHO building and the Wells Fargo lot.

Mr. Boodheshwar showed a map with different parking options.

Chair Crampton made comments regarding the plethora of private parking lots with the potential of easing the street parking problem.

Paul Castro, Zoning Manager, responded to Member Moore that each entity is looked at on a case-by-case basis whenever they come in for the BTR (Business Tax Receipt). The uses that are specifically within each property are looked at to ensure there is not going to be a parking conflict. He gave examples of Bricktops and the Palm House.

Discussion ensued regarding the various parking requirements for businesses.

Motion was made by Member Moore and seconded by Chair Crampton to move this concept of supplemental parking to the Town Council as expeditiously as possible for approval. On roll call the Motion passed unanimously.

3. Modifications to Placard Parking Program

Mr. Boodheshwar gave an overview of the Placard Parking program. He mentioned that it was very popular. The program is included in the commercial areas and provides employees, businesses and others an opportunity to buy placards which are transferable. Mr. Boodheshwar referred to the spreadsheet showing the different types of parking on certain blocks of Bradley Place, Brazilian, Cocoanut, Hammon, Hibiscus, Main Street, N. County Road, Peruvian Avenue, Royal Poinciana Way, S. Lake Drive, S. Ocean Blvd. and Sunrise Avenue.

After lengthy discussion, the following recommendations were made:

200 Block Brazilian Ave (north and south) allocate 8 placards
300 Block Cocoanut Row (east and west) allocate 23 placards
100 Block Hammon Ave (north and south) allocate 10 more placards
300 Block Hibiscus Ave (east and west) allocate 10 more placards
100 Block Main Street (south) allocate 10 placards
300 Block S. Lake Drive (west) eliminate 40 placards (marina operations)
400 Block Peruvian (south) allocate 9 placards
400 (north) /500 (east) Blocks Worth Ave allocate 4 placards

Mr. Boodheshwar spoke regarding the Worth Avenue focus group meeting. He mentioned the number of placard parking spaces around the Worth Ave area and the waiting lists for placards. Discussion ensued regarding the number of parking spaces being utilized/underutilized in the 400/500 block of Worth and Peruvian Avenues.

Motion was made by Member Moore and seconded by Chair Crampton to move the placard parking program as amended and discussed to the Town Council for discussion as expeditiously as possible. On roll call, the Motion passed unanimously.

4. Increase Hourly Rate for Kiosk Parking on 100 Block of Royal Palm Way

Mr. Boodheshwar reported that there were inconsistencies in the parking rates in the 100 blocks of Royal Palm Way, Sunrise Ave and N. County Road. He suggested making it consistent by charging \$5/hour. Member Moore suggested making it \$4/hour as a compromise. She stated residents would rather have the lower the prices on S. Ocean Blvd. to get more beachgoers to that area. Chair Crampton explained his understanding of the situation is that residents in the N. County/ Wells Road area felt it would be helpful if we kept Royal Palm Way at \$3/hour and change the S. Ocean Blvd. to \$3/hour, it would act as an incentive to keep people away from the Wells Road area. He mentioned that he was not sure a \$2 difference would change people's decisions. He stated that the problem in the Wells Road/Sunset area seemed to be more an enforcement issue. Mr. Boodheshwar shared his observations that in the Wells Road/Sunset area, a lot of people were arriving by Uber, so the parking rate was a non-issue. He mentioned that some people are actually seeking a beach location that is unguarded as it has less restrictions than Mid-Town Beach.

Ben Alma, Parking/Code Enforcement Manager, stated that a lot of families will get dropped off at the beach, then the driver will park in the West Palm Beach garage for cheap and Uber back (paying about \$8/9/10) to the Town vs. paying for a whole day of parking along the beach. He mentioned this was a common practice for beachgoers and also surfers.

After further discussion, it was suggested that there should be no change to the parking rate at this time.

5. Changes to On-Street Parking Regulations on Four Arts Plaza

Mr. Boodheshwar reported that he had a meeting with the Four Arts President and staff regarding the on-street parking spaces at the Four Arts Plaza. He mentioned that there were 13 spaces – five on the west side and eight on the east side of the street, which are all regulated with two-hour free time limit. It has been noticed that during the pandemic, there was an increase in use of the Lake Trail, whereby bikers will unload bikes and then access the trail. This has caused an issue for visitors to the Four Arts who are either going to the King Library, the main office or the garden. The Four Arts has proposed changing the parking regulations from two-hour to one-hour free parking.

Member Moore stated she had no problem with accommodating the Four Arts' request for the change in parking regulations.

Chair Crampton also stated he had no issues with the request.

Mr. Alma stated the Police Department had no issue with the request. Paul Colby, Facilities Manager stated the Public Works Department also had no issue with the request and the signage change would be included in work currently being carried out by the Department.

Julie Araskog asked if the spaces are used for the Recreation Center parking and the response was no.

Motion was made by Member Moore and seconded by Chair Crampton to recommend to the Town Council to allow the 13 two-hour free parking spaces at the Four Arts Plaza to become one-hour free parking. On roll call, the Motion passed unanimously.

6. Possibility of lowering cost of parking in Midtown to be consistent with the “Sea” streets.

Mr. Boodheshwar explained that on the 100 block of Brazilian Avenue there were several residential permit parking spaces in the center of the block, time limited spaces on the far west end of the block and on the east side there were one-hour time limited spaces. He mentioned that in November, the initial recommendation whether short or long term was to convert the spaces on the east end to paid parking as it was mostly used by beachgoers. Currently, it is suggested that any major regulation change should wait until the Retail Study is completed.

Chair Crampton stated that the concerns expressed to him was the consistency of what is being done on Brazilian Avenue compared to the other streets. Mr. Boodheshwar explained that the 100 block of the “Sea Streets” (Brazilian, Australian, Chilean and Peruvian Avenues) are purely residential with no beach access and are all similar with a mix of RPP and time limited spaces. It was proposed to convert these time-limited spaces on the ocean blocks to paid parking as studies had shown they are significantly used during the offseason and peak season. He stated the 100 block of Brazilian Avenue was not being treated differently from Australian or Chilean Avenues.

Member Moore questioned if it was converted to paid parking if kiosks would have to be installed and stated that she found them to be ugly. Mr. Boodheshwar responded that the existing kiosks on S. Ocean could be utilized instead with proper signage or paid by ParkMobile. Mr. Alma responded that that was a possibility.

Motion made by Member Moore and seconded by Chair Crampton to convert all the free parking spaces contiguous to South Ocean Boulevard to paid parking. On roll call, the Motion passed unanimously.

Member Moore requested that she would like this to be a Time Certain item when it comes up for hearing by the Town Council.

V. ANY OTHER MATTERS - None

VI. ADJOURNMENT

The Business and Administrative Committee Meeting of February 19, 2021, was adjourned at 11:27 a.m. by Motion made by Member Moore and seconded by Chair Crampton.

APPROVED:

Lewis S.W. Crampton, Chair

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Recommendations of the Business and Administrative Committee, Relative to
Parking Regulations

Date: April 5, 2021

STAFF RECOMMENDATION

Staff recommends the Town Council give consideration to the recommendations of the Business and Administrative Committee (BAC), relative to various public parking related issues itemized below.

GENERAL INFORMATION

At the November 3, 2020, BAC meeting, staff provided a comprehensive overview of existing parking regulations and preliminary recommendations for all commercial areas of the Town. After much discussion, it was determined that the next step of the committee's review would be to receive community input from both residents and members of the business community. It was determined that three separate meetings should be scheduled to focus individually on the County Road Corridor, Royal Poinciana Way, and the Worth Avenue to Royal Palm Way Business Areas.

The County Road Corridor was the first area reviewed by the BAC. This meeting occurred on December 11, 2020, and included some overlap with the Royal Poinciana Way and Worth Avenue areas. The Royal Poinciana Way Area was reviewed on January 7, 2021, and the final area reviewed was the Worth Avenue to Royal Palm Way Business Area, which occurred on January 26, 2021. No actions were taken at any of the review meetings, as these meetings were intended to be community feedback sessions only. At each community feedback meeting, and prior to receiving public input, staff reviewed spreadsheets that includes lists of business area specific streets, number of parking spaces, the current regulation, the proposed regulation (if any change), the current placard program, and proposed placard program changes (if any). Staff also reviewed maps, relative to paid and placard parking areas, to help visualize the potential regulation changes outlined in the spreadsheets provided.

In an effort to make some progress on the parking management issues being tackled by this committee, members felt it would be beneficial to address "low hanging fruit" items at their February 19, 2021, BAC meeting, in advance of additional regulation changes in the future, which may have more significant consequences. The committee referenced the reports from the three feedback sessions, as well as the results of two (off-peak and peak season) space utilizations

studies, to help inform their discussion and decision making on the list of action items considered at said meeting. Below is the list of action items the BAC reviewed and unanimously advanced to the Town Council for consideration and approval.

RFP for Implementation of Centralized Curbside Valet Parking Services

One of the main themes ascertained during the 3 community inputs sessions was the desire to see a centralized valet program to provide motorists a convenient parking option, while eliminating the need to circle blocks to find open spaces. Many communities have such programs, and the Town experimented with one on Worth Avenue 2 years ago. This program could play an important role in the overall solution to the Town's parking management challenges and could potentially be either cost neutral or possibly revenue producing.

The BAC unanimously recommended Town Council approve the preparation and issuance of an RFP for the implementation of a centralized curbside valet parking services program, with valet stands in strategic locations.

Amendment to Supplemental Off-Site Parking Section of Code to Include Above Ground Lots Not Adjacent to Residential Properties

Town Council approved Ordinance No. 01-2021 on second reading at the February 10, 2021, Council meeting, paving the way for the supplemental use of underground parking garages, not to exceed 50% of total inventory. The Planning and Zoning Commission and Town Council previously considered code modifications that would have included surface lots, but ultimately decided to exclude them in the ordinance due to potential concerns with adjacent residential properties. Staff participated in additional discussion on this matter with the BAC and recommended re-consideration to include surface lots and parking garages, not directly adjacent to residential properties, to be included in the recently approved code amendments. One of the ideas presented was a limitation of supplemental use to business hours only.

The BAC unanimously recommended Town Council consider the request and provide direction to staff in the preparation of approve the preparation of a subsequent ordinance to effectuate additional code modifications.

Modifications to Placard Parking Program

The current Placard Parking Program is inclusive of 280 on-street placard allocations on various streets throughout the Town's business areas. There is a waiting list of 156 people who would like to participate in the placard program, with most interested in the areas closer to Worth Avenue. Understanding there is a placard parking supply/demand imbalance in the Worth Avenue area, staff conducted a space utilization study on the 400 block of Peruvian from February 3 – 9 and discovered that the 43 residential permit parking (RPP) spaces on this block are rarely more than 50% occupied between the hours of 9:00am and 6:00pm. Staff reviewed these findings with the BAC and determined that it makes sense to reallocate some of the underutilized RPP spaces on this block to a 2 hour time limited regulation and expand the Peruvian Avenue placard program to this block.

The attached spreadsheet describe the current locations and proposed areas for expansion. There is one area recommended for deletion. If approved, 34 net spaces will be added to the program, bringing the total number to 314 allocations. A summary of the recommendations of the BAC is below.

- 200 Block of Brazilian Ave (north and south): allocate 8 placards
- 300 Block of Coconut Row (east and west): allocate 23 placards
- 100 Block Hammon Ave (north and south): allocate 10 more placards
- 300 Block of Hibiscus Ave (east and west): allocate 10 more placards
- 100 Block of Main Street (south): allocate 10 placards
- 300 Block of S. Lake Drive (west): eliminate 40 placards (spaces needed for Town Marina)
- 400 Block of Peruvian Ave (south): allocate 9 placards
- 400 (north) /500 (east) Blocks of Worth Ave: allocate 4 placards

Subsequent to the February 19 BAC meeting, staff researched the records of the streetscape project for this block and could not find any memorialized parking conditions that were linked to the approval of the project. Staff did, however, learn that the implementation of RPP only for the entire block was discussed with residents and completed during the streetscape project.

Changes to On-Street Parking Regulations on Four Arts Plaza

At the request of the Society of the Four Arts, staff presented a request to the BAC to modify the on-street parking regulations on Four Arts Plaza in response to the increased usage of these spaces by motorists looking for parking to access the Lake Trail. This has caused a displacement of visitors to the King library and the garden.

There are a total of 13 on-street spaces on Four Arts Plaza (5 on the west side and 8 on the east side), all previously regulated with a 2-hour time limit for parking. See aerial map below. The Four Arts requested a change in regulation to a 1-hour time limit, which staff did not object to. They feel this will provide sufficient time for library and garden visitors. The BAC unanimously agreed with the request. Subsequent to the February 19 BAC meeting but prior to a Council level discussion, staff completed the signage change to implement a 1-hour time restriction. After learning about the premature change during the March 2 Town Council meeting, it was decided to leave the new 1-hour signs in place until Council formally reviewed the BAC's recommendation.



Subsequent to the March 2 Council meeting, staff has learned from the Four Arts that they are very satisfied with the regulation changes and library/garden visitors are having an easier time finding on-street spaces. Staff has also received communications from one resident, John David Cory, indicating that the change of regulation on Four Arts Plaza has pushed bikers to the 400 block street east of S. Lake Drive, including his street, Australian Avenue. Staff seeks direction on the request of the Four Arts to maintain the new 1-hour regulation on Four Arts Plaza.

Convert Free Time Limited Spaces on Mid-Town Ocean Blocks to Paid Parking

At the request of Committee Chair, Crampton, a discussion took place regarding resident concerns that all of the on-street parking on the 100 Block of Brazilian Avenue was not RPP. Staff explained that on the 100 block of Brazilian Avenue there were several RPP spaces in the center of the block and free time limited spaces on the far west end and on the east end of the block. After a lengthy discussion it was unanimously recommended by the BAC to convert the free spaces on the east end of the ocean blocks (with the exception of Worth Avenue) to paid parking. If approved by Town Council, these spaces would be regulated the same way the spaces on the west side of South Ocean Blvd. are (ParkMobile Zone 4607) but no new kiosks would be installed. Instead signage would give motorists the option to pay by phone or use one of the existing kiosks on South Ocean to complete their parking transaction.

The spaces in question include 14 one-hour spaces on Brazilian Ave, 5 one-hour spaces on Australian Ave, 7 one-hour spaces on Chilean Ave, 2 one-hour spaces on Peruvian Ave, and 9 two-hour spaces on Hammon Ave. See map below.



Attachments

cc: Department Directors
Parking Committee

STREET NAME	BLOCK	STREET SIDE	SPACES	UNDERLYING REGULATION	CURRENT PLACARD PROGRAM	PROPOSED PLACARD PROGRAM
Bradley Pl	100	East	23	2 Hour Parking	(26 Allocated, inclusive of RPW 300 block)	No Change
Bradley Pl	200	East	16	2 Hour Parking	(83 Allocated, w/ N. County)	No Change
Bradley Pl	200	West	13	2 Hour Parking		
Brazilian Ave	200	North	16	2 Hour Parking	None	Allocate 8 placards
Brazilian Ave	200	South	7	1 Hour Parking		
Cocoanut Row	300	West	3	2 Hour Parking	None	Allocate 23 placards
Cocoanut Row	300	East	24	2 Hour Parking		
Cocoanut Row	300	West	1	2 Hour Parking		
Cocoanut Row	400	East	9	1 Hour Parking		
Cocoanut Row	400	East	3	2 Hour Parking		
Cocoanut Row	400	West	6	1 Hour Parking		
Hammon Ave	100	North	17	2 Hour Parking	(2 Allocated)	Allocate 10 more placards for 12 total
Hammon Ave	100	South	9	2 Hour Parking		
Hibiscus Ave	300	West	8	1 Hour Parking	(2 Allocated)	Allocate 10 more placards for 12 total
Hibiscus Ave	300	West	9	2 Hour Parking		
Main St	100	South	15	2 Hour Parking	None	Allocate 10 placards
N County Rd	100	East	6	Metered Parking \$5/hr (2 hour limit)	(83 Allocated, inclusive of Bradley Pl)	No Change
N County Rd	100	West	6	Metered Parking \$5/hr (2 hour limit)		
N County Rd	200	East	19	Metered Parking \$5/hr (2 hour limit)		
N County Rd	200	West	23	Metered Parking \$5/hr (2 hour limit)		
N County Rd	300	East	9	Metered Parking \$5/hr (2 hour limit)		
N County Rd	300	West	4	Metered Parking \$5/hr (2 hour limit)		
Peruvian Ave	200	North	19	Metered Parking \$3/hr	(12 Allocated)	No Change
Peruvian Ave	200	South	20	Metered Parking \$3/hr		
Peruvian Ave	300	North	19	Metered Parking \$3/hr	(12 Allocated)	No Change
Peruvian Ave	300	South	18	Metered Parking \$3/hr		
Peruvian Ave	400	South & North	43	Current: RPP Only. Proposed: Convert 9 spaces on southeast side to 2-hr	None	Allocate 9 placards
Royal Palm Way	100	North	25	Metered Parking \$3/hr	(25 Allocated)	No Change
Royal Palm Way	100	South	14	Metered Parking \$3/hr		
Royal Poinciana Way	300	North	18	2 Hour Parking	(26 Allocated, inclusive of Bradley Pl 100 block)	No Change
S Lake Dr	300	West	62	Metered Parking \$3/hr	(40 Allocated)	Eliminate
S Ocean Blvd	300	West	18	Metered Parking \$5/hr	(53 Allocated)	No Change
S Ocean Blvd	400	West	34	Metered Parking \$5/hr		
Sunrise Ave	100	North	25	Metered Parking \$5/hr (2 hour limit)	(25 Allocated)	No Change
Sunrise Ave	100	South	28	Metered Parking \$5/hr (2 hour limit)		
Worth Ave	400	North	8	2 Hour Parking	None	Allocate 4 placards
Worth Ave	500	East	3	2 Hour Parking		
			600	TOTAL	280	Net Increase of 34 (314 total)

Jay Boodheshwar

From: John David Corey <johncorey84@gmail.com>
Sent: Saturday, April 03, 2021 11:40 AM
To: Jay Boodheshwar
Cc: Danielle Hickox Moore; Miguel Angel Rosales, AIA; lewcrampton@gmail.com
Subject: Re: Lake Trail Users Parking in Residential Areas of Town

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Jay:

The non-resident Lake Trail users continue to park all throughout the neighborhood. It's a quality of life burden to the residents with the noise and extra traffic not to mention the unpleasantness of watching users change in and out of their spandex.

Who would change the parking along Lake Drive park from metered spaces to only construction without thinking about where those cars would go? Shouldn't the changes be done in tandem with measures to protect the residential areas from increased burden? Let's put in protections in the residential areas so that commercial/transient uses do not bleed into and negatively affect our residential areas.

"Residents will just have to come first"

Thank you,
JDC

PS: I did not feel comfortable taking photos today with the people half naked.

On Mon, Mar 15, 2021 at 9:32 PM Jay Boodheshwar <JBoodheshwar@townofpalmbeach.com> wrote:

Thanks, JDC. I will include this communication in the April TC meeting back-up for consideration when this item is discussed. Jay

Jay Boodheshwar
Deputy 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 David Corey <johncorey84@gmail.com>
Sent: Thursday, March 11, 2021 8:21 AM
To: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>
Cc: lewcrampton@gmail.com; Danielle Hickox Moore <dukie85@aol.com>; Miguel Angel Rosales, AIA <mrosales@rosalespartners.com>
Subject: Lake Trail Users Parking in Residential Areas of Town

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Jay:

I want to let you know that due to the recent changes at the parking at the Four Arts and Lake Drive Park, the residential neighborhoods are getting an influx of transient parking in the 2 hour zones to use the Lake Trail. Not good to have this type of transient parking bleed into the residential neighborhoods. We should rethink the recent changes. I understand the Four Arts desire to have 1 hour parking for library turnover, but constricting parking in commercial areas without proper safeguards in the residential areas is not working. I have lived on the 400 Block of Australian for a total of 5 years and never saw this activity even during the height of the COVID pandemic. It is the direct result of removing parking along Lake Drive Park and the Four Arts. We must always put the residents quality of life first and I am happy to weigh in at a future Business and Administrative Committee Meeting.

I copied both Mr. Crampton and Ms. Moore as members of that committee.

Thank you very much,

JDC

John David Corey

[426 Australian Avenue](#)

[Palm Beach, FL 33480](#)

H (561) 408-2880



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](#).

--

John David Corey



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

**BUSINESS AND ADMINISTRATIVE
COMMITTEE MEETING
(MEETING HELD VIA ZOOM)
Zoom Link: <https://zoom.us/j/97685814772>**

AGENDA

**Friday, February 19, 2021
9:30 a.m.**

I. CALL TO ORDER AND ROLL CALL

Lew Crampton, Committee Chair
Danielle Hickox Moore, Committee Member

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. REGULAR AGENDA

A. Recap of Community Input Sessions Regarding Potential Regulation Changes to On-Street Parking

Jay Boodheshwar, Deputy Town Manager

B. Review Results of Peak and Off-Peak Space Utilization Studies

Jay Boodheshwar, Deputy Town Manager

C. Potential Action Items for Town Council Consideration

Jay Boodheshwar, Deputy Town Manager

1. RFP for Implementation of Centralized Curbside Valet Parking Services in Specific Areas of Town
2. Additional Amendment to Supplemental Off-Site Parking Section of Code to Include Above Ground Lots Not Adjacent to Residential Properties
3. Modifications to Placard Parking Program
4. Increase Hourly Rate for Kiosk Parking on 100 Block of Royal Palm Way
5. Changes to On-Street Parking Regulations on Four Arts Plaza

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

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

Disabled persons who need an accommodation in order to participate in the 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.

TOWN OF PALM BEACH

Information for Business & Administrative Committee Meeting on: February 19, 2021

To: Business & Administrative Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Recap of Community Input Sessions Regarding Potential Regulation Changes to On-Street Parking

Date: February 16, 2021

STAFF RECOMMENDATION

Staff recommends the Business and Administrative Committee (BAC) of the Town Council review the summaries provided below, relative to the community input sessions held to receive feedback from the three primary business areas of the Town.

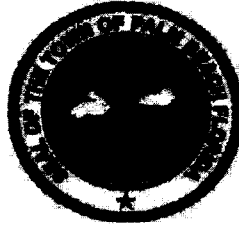
GENERAL INFORMATION

At the November 3, 2020, BAC meeting, staff provided a comprehensive overview of existing parking regulations and preliminary recommendations for all commercial areas of the Town. After much discussion, it was determined that the next step of the committee's review would be to receive community input from both residents and members of the business community. It was determined that three separate meetings should be scheduled to focus individually on the County Road Corridor, Royal Poinciana Way, and the Worth Avenue to Royal Palm Way Business Areas.

The County Road Corridor was the first area reviewed by the BAC. This meeting occurred on December 11, 2020, and included some overlap with the Royal Poinciana Way and Worth Avenue areas. The Royal Poinciana Way Area was reviewed on January 7, 2021, and the final area reviewed was the Worth Avenue to Royal Palm Way Business Area, which occurred on January 26, 2021. No actions were taken at any of the review meetings, as these meetings were intended to be community feedback sessions only. At each community feedback meeting, and prior to receiving public input, staff reviewed spreadsheets that includes lists of business area specific streets, number of parking spaces, the current regulation, the proposed regulation (if any change), the current placard program, and proposed placard program changes (if any). Staff also reviewed maps, relative to paid and placard parking areas, to help visualize the potential regulation changes outlined in the spreadsheets provided. A copy of the meeting report for all three community input sessions are attached to this memo.

Attachments

cc: Mayor and Town Council
Kirk Blouin, Town Manager
Department Directors
Parking Committee



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON FRIDAY, DECEMBER 11, 2020

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee Meeting was called to order at 9:30 a.m. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion to approve the agenda was made by Committee Member Moore and seconded by Chair Crampton. On roll call the Motion passed unanimously.

IV. REGULAR AGENDA

Chair Crampton gave an overview of the various parking issues that the committee would be handling and mentioned the goals which will be guiding any deliberations. He spoke regarding residential vs. commercial parking and mentioned that this meeting is specifically regarding parking along County Road from Wells Road to Hammon Avenue. He informed all that the next meeting on January 7, 2021 would be dealing with issues regarding Worth Avenue.

A. Recap of Preliminary Regulation Options Related to Parking in the County Road Corridor

Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager acknowledged the staff members who have assisted in handling the parking issues: Paul Colby (PW), Ben Alma (PD) and his staff, Wayne Bergman (PZB), Amy Wood (Finance), and Mark Bresnahan (REC). He explained that since there was not a large commercial area in Town, it

was decided to focus on the different commercial areas individually. He mentioned that reminders will be sent out regarding the two meetings to be held in January. He reported that at last Tuesday's council meeting, the Town Council had reviewed the proposed modifications to the supplemental shared parking section of the Town's Code of Ordinances and directed staff to prepare an Ordinance regarding underground private parking garages to be heard on first reading at the January 12th Town Council Meeting. Mr. Boodheshwar also mentioned that the Town Council had approved preparation of a Request for Proposal (RFP) to solicit a consultant to examine and make recommendations regarding the Town's retail strategy in all commercial areas.

Mr. Boodheshwar spoke regarding the parking issues along the County Road corridor and referred to the spreadsheet in the backup. He mentioned the different parking rates on certain streets and suggested that for consistency, parking rates should be the same. He presented several maps showing the different paid parking programs in the County Road area.

Discussion ensued regarding the different types of paid parking in the County Road corridor such as paid, time-limited, etc.

B. Community Input Related to Existing and/or Potential Parking Regulations in the County Road Corridor (3 Minutes Please)

Chair Crampton spoke regarding the reasons for handling the parking situation and mentioned that the Palm Beach is projected to have over 120K people in a few years making it the fourth or fifth largest city in Florida and that the County growth rate is exceedingly high.

The following residents/business owners spoke:

Dr. Richard Lynn, spoke regarding the block of South County Road between Royal Palm Way and Brazilian Avenue, paid parking and parking kiosks.

Kerry Wood, 183 N. County Road spoke regarding getting a loading zone space at her place of business.

Pat Cooper, 3920 North Flagler Drive, West Palm Beach, inquired about time limits on metered parking spaces.

Laurel Baker, Palm Beach Chamber of Commerce, inquired about recommendations from past parking studies. Mr. Boodheshwar responded that those recommendations will be used as a reference point for staff. Ms. Baker then spoke regarding parking rates, free parking and the impact of growth in West Palm Beach on the Town.

Lynne Minsky, 222C North County Road, spoke regarding her disappointment with the installation of parking kiosks on N. County Road and with the Council for not acknowledging that N. County Road is also a residential area.

Bill Metzger, 277 Esplanade Way, Palm Beach Town Square Commission (formerly the Centennial Commission) thanked the Committee for continuing to try to handle the parking issues.

Dr. Richard Lynn mentioned the perceptions of some business owners regarding the parking revenue goal of the Town.

C. Committee Discussion and Q&A with Staff and Meeting Participants

Mr. Boodheshwar thanked all the participants for their input and acknowledged that there were unintended consequences to some decisions that were made and which will be revisited. He mentioned some ideas such as the centralized valet program in the commercial areas which was piloted on Worth Avenue about two years ago and again thanked everyone for their input.

Chair Crampton thanked the staff for the research and resources provided to the committee regarding the parking issue.

Member Moore also thanked the staff and participants for their input. She stated that after all three meetings, the recommendations will go through another public hearing before being submitted to the Town Council.

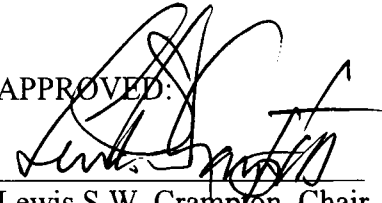
Chair Crampton thanked the business community for their participation and announced that the next meeting will be held on January 7, 2021. Member Moore mentioned that the meeting will be held via Zoom as the Council Chambers will be undergoing a technology upgrade.

V. ANY OTHER MATTERS - None

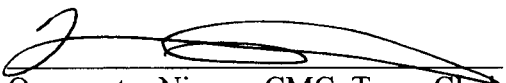
VI. ADJOURNMENT

Motion was made by Committee Member Moore and seconded by Chair Crampton to adjourn the Business and Administrative Committee Meeting of December 11, 2020 at 10:58 a.m.

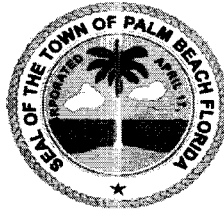
APPROVED:


Lewis S.W. Crampton, Chair

ATTEST:


Queenester Nieves, CMC, Town Clerk
2/5/2021
Date





TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON THURSDAY, JANUARY 7, 2021

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee Meeting was called to order at 9:30 a.m. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion to approve the agenda was made by Committee Member Moore and seconded by Chair Crampton. On roll call the Motion passed unanimously.

IV. COMMUNICATION BY MEMBERS

Ms. Moore indicated she was saddened by what was taking place and disturbed by watching the events in Washington DC. She remarked that this was a sad day for our nation and commended Congress for returning to session. She stated that as a representative and an elected official of the Town of Palm Beach she would do her best to maintain civility and listen to both sides of the aisle to try and come up with a solution regarding issues related to the Town of Palm Beach.

V. REGULAR AGENDA

Chair Crampton gave an overview of the various parking issues the committee would be handling and mentioned the goals which will be guiding any deliberations. He indicated this was the second of three public sessions scheduled. He mentioned that there is a mandate from the Town Council to prepare recommendations regarding parking, which is a controversial issue. The Town has asked businesses and individuals for their opinion. Last month the focus was on County Road. Today the discussion would be potential parking regulations in the Royal Poinciana Way area. Next month the discussion would be on Worth

Avenue businesses. The meeting will address residential vs. commercial parking and mentioned that this meeting is specifically regarding parking along Royal Poinciana Way. There has been a number of recommendations which are before the committee, such as expanding paid parking and placard parking. The goal of the meeting is to enhance the Town of Palm Beach quality of life.

A. Recap of Preliminary Regulation Options Related to Parking in the Royal Poinciana Way Area.

Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager acknowledged the Committee and staff members who have assisted in handling the parking issues, as well as the residential and business community who participated in the first session for the County Road corridor on December 11, 2020, which included some overlap from Royal Poinciana Way. Mr. Boodheshwar described the geographical area as consisting of all east/west and north/south commercial or quasi-commercial roads between Atlantic Avenue and Royal Poinciana Way. He provided three attachments: attachment A is a spreadsheet listing of all the streets in that area which is being discussed today; attachment B includes the Aerial map, shows the existing paid parking areas; and attachment C includes an aerial map indicating locations of paid and placard parking. He explained that it was decided to focus on the different commercial areas individually.

Mr. Boodheshwar stated that the town was not pushing for immediate changes. The focus is to look at potential changes in regulations or free time limited parking spaces, whether for hours and converting to paid parking at an hourly rate, such as exists in other areas of the town. He explained that in the 100 block of Bradley Place, a section of the block has metered parking and there is an opportunity for expansion. This would include conversion to the metered parking, also there is a placard program in place. The town is proposing to allocate an additional 15 placard parking spaces which would make a total of 23. This would be on a first come first serve basis. The next is Main Street, which is the area behind the old post office. There is a small parking area which is town owned. He noted that staff had mentioned this area at the last meeting. This area overlaps with County Road Corridor and has become the site for parking for Uber and Lyft drivers. This area is being used for free. Staff is proposing paid parking in this area. Most of the area in North County was recently converted to metered parking.

Mr. Boodheshwar spoke regarding the parking issues and referred to the spreadsheet provided in the backup. He mentioned the different parking rates on certain streets and suggested that for consistency, parking rates should be the same. He presented several maps showing the different paid parking programs.

Royal Poinciana Way is a bifurcated road with the median in the middle, with many parking spaces, there is a combination of one and two hour parking, with some handicapped spaces as well as loading zone spaces. Mr. Boodheshwar stated the consideration is to convert the free time limited spaces to a metered pay parking to create turnover. Mr. Boodheshwar continued to review the spreadsheet and noted

that the 100 block of Sunrise Avenue was recently converted from limited to metered parking at \$5/hour with a time limit of two hours which could be purchased, this would create a turnover. The 200 block of Sunrise is a busy area, with many time limited one hour parking, and there is free parking on this block. Staff suggests changing to metered parking. Sunset Avenue has many parking spaces. Mr. Boodheshwar showed an aerial view of the parking.

Discussion ensued regarding the different types of parking, kiosks, placards, metered and time-limited. Beach access was discussed as well as the look of the kiosks, underground parking lots and space sharing.

Benjamin Alma, indicated the completion of the survey will begin the end of January.

B. Community Input Related to Existing and/or Potential Parking Regulations in the Royal Poinciana Way Area (3 Minutes Please)

Chair Crampton opened to public comment.

The following residents/business owners spoke:

Francis Frisbee, representing the Main Street Association, expressed appreciation to the council for arranging the meeting and mentioned that she was encouraged by the different studies being evaluated.

Chair Crampton stated the committee is waiting for the retail study as well at the survey, and this will be shared once received.

C. Committee Discussion and Q&A with Staff and Meeting Participants

Mr. Boodheshwar thanked all the participants for their input

Chair Crampton thanked the staff for the research and resources provided to the committee regarding the parking issue. He suggested that the next workshop should focus on Worth Avenue.

Member Moore also thanked the staff and participants for their input, and stated she would like to get to a conclusion before the March meeting, and have a report and recommendations to submit to the Town Council. She would like to have the consistency of the same team members.

Mr. Boodheshwar announced there have been questions regarding the North County corridor and the pressures they have been getting from the beach area. There is one block of Dunbar which had unrestricted parking. The parking enforcement team carried out a study to see if this block qualified for residential permit parking (RPP). The neighbors petitioned the town to convert to the RPP, which passed, neighbors have been advised they were qualified for the RPP.

Chair Crampton thanked the business community for their participation and announced that the next meeting will be held on January 26, 2021.

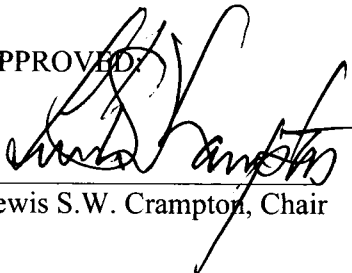
Member Moore mentioned that the meeting will be held via Zoom as the Council Chambers will be undergoing a technology upgrade.

VI. ANY OTHER MATTERS - None

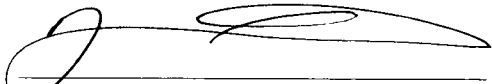
VII. ADJOURNMENT

Motion was made by Committee Member Moore and seconded by Chair Crampton to adjourn the Business and Administrative Committee Meeting of January 7, 2021 at 10:15 a.m.

APPROVED:


Lewis S.W. Crampton, Chair

ATTEST:


Queenester Nieves, CMC, Town Clerk
2/10/21
Date





TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON TUESDAY, JANUARY 26, 2021

COMMUNITY INPUT SESSION REGARDING PARKING IN THE WORTH AVENUE TO ROYAL PALM WAY BUSINESS AREA

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee Meeting was called to order at 9:30 a.m. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion to approve the agenda was made by Committee Member Moore and seconded by Chair Crampton. On roll call the Motion passed unanimously.

IV. REGULAR AGENDA

Chair Crampton gave a few opening comments and reiterated that the Committee's role is to make recommendations to the Town Council. He stated that this was the third hearing to review parking issues in Town, as they had already dealt with Royal Poinciana Way and South County Road, today's meeting will be regarding Worth Avenue. He mentioned the backup material provided by staff and stated that they would be viewed in the context of residents' needs and convenience and also in the context of businesses in the area.

Member Moore again stated that the recommendations from the Committee will be taken to Town Council for further discussion as the Committee does not make any decisions. She stated that she looked forward to a robust and vibrant discussion today regarding parking in the Worth Avenue District. She was notified by Deputy Town Manager Jay Boodheshwar that there were 26 participants on the meeting call.

Chair Crampton stated that the Committee does expect to make some recommendations to the Council at the February meeting. He reminded all that the committee had already made recommendations regarding shared parking and underground lots. Chair Crampton stated that the Committee intended to produce useful results after these meetings. Compromises might be

made, but benefits would be expected to accrue to residents, businesses and the Town.

A. Recap of Preliminary Regulation Options Related to Parking in the Worth Avenue to Royal Palm Way Business Area

Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager gave an historical overview of the past meetings, starting with November last year with a review of all the existing parking regulations in the Town's commercial areas. It was agreed at that time to break the main commercial areas into three (3) areas: County Road corridor, Royal Poinciana Way area and Worth Avenue. No action has been taken at this time. Mr. Boodheshwar spoke regarding the Retail Strategy Consultant selection process.

B. Community Input Related to Existing and/or Potential Parking Regulations in the Worth Avenue to Royal Palm Way Business Area

Mr. Boodheshwar explained that the Worth Avenue business area included all roads, east, west, north and south between Hammond Avenue to Royal Palm Way, which overlaps with the South County Road business area. He presented several spreadsheets highlighting preliminary recommendations for commercial streets in the area, on-street regulations, number of parking spaces, current regulations, and potential regulation changes. He mentioned the following areas which are being recommended for metered parking and/or increased parking rates:

Australian Ave (100 block) South side
Brazilian Ave (100 block) North and South sides
Chilean Ave (100 block) North and South sides
Cocoanut Row (200 and 400 blocks)
Hammon Ave (100 block) North and South sides
Peruvian Ave (100 block) North and South sides
Royal Palm Way (100 block) North and South sides
S. County Rd (200 block) East and West sides
S. County Rd (300 block) East and West sides
S. County Rd (400 block) East side
Worth Ave (100 block) North and South sides
Worth Ave (200 block) North and South sides
Worth Ave (300 block) North and South sides
Worth Ave (400 block) North side

Chair Crampton commented that the numbers being shown on the charts were the result of aerial surveys of parking and data searches of parking enforcement. Results of these surveys, will be available for review by the February 19th meeting.

Mr. Boodheshwar mentioned that S. Lake Drive (300 block), the west side is being recommended for Marina parking only; and Brazilian Ave (200 block), Hammon Ave,

Cocoanut Row and Hibiscus Ave are being recommended for placard parking. He showed aerial maps of the areas for the paid and placard parking programs.

Member Moore inquired about employees parking in front of the stores to which Mr. Boodheshwar responded that the store owners would be better able to respond to that question. He deferred to Ben Alma, Parking/Code Enforcement Manager, who reported that from November 1 to date, 317 parking citations were issued in the Worth Avenue area. He then explained that some of their resources had to be redeployed to assist with COVID-19 vaccination traffic and the former President being in Town. He mentioned that he had spoken with several business owners who informed him that parking is used as an incentive for their employees – high-end salesperson gets a privileged parking spot in the parking lot and the person who sells the least will have to park on the street. Some business owners have one employee who moves the cars every hour and if they receive a ticket, the cost is split between all the staff or it is paid from tips if they are tipped employees.

Chair Crampton commented that the Town was trying to promote turnover in the parking spaces. He suggested getting the number of employees from each business owner on Worth Avenue and mentioned that the Town was open to getting a sequestered area for employees as a first step towards resolving the situation. Co-operation with the Worth Avenue Association is a must for this project to succeed.

C. Committee Discussion and Q & A with Staff and Meeting Participants

The following residents spoke:

Dr. Richard Lynn, President of Palm Beach Midtown Business Association and husband of Salon Margrit's owner. He reported that he had spoken with Josh Martin of the Frisbee Group, that had recently purchased several buildings on S. County Road. The group now owns the parking lot which was previously owned by the Bank. He stated that the Group was committed to meeting with the Committee and working with the Association. He mentioned that in some areas patrons just need to park for 5 or 10 minutes to pick up food orders.

Mr. Boodheshwar added that recommendation would be made to have the first 30 or 60 minutes free on the parking meters.

Jane Holzer spoke regarding the valet service on Worth Avenue and stated that they didn't want parking meters there. She also spoke about ownership changes on the Avenue.

Mr. Boodheshwar suggested two dates for the next Committee meeting of which February 19, 2021 at 9:30 a.m. was selected.

Kristin Fries, President of Worth Avenue Association and Manager of Bottega Venetta spoke regarding the parking challenges on the Avenue and offered assistance from the

Association in obtaining the total number of employees and spaces available for employees to purchase in the Apollo parking.

Mr. Boodheshwar announced that the public may send thoughts/comments to Chair Crampton at lcrampton@townofpalmbeach.com, Member Moore at dmoore@townofpalmbeach.com or to himself at jboodheshwar@townofpalmbeach.com.

V. ANY OTHER MATTERS - None

VI. ADJOURNMENT

The Business and Administrative Committee meeting of Tuesday, January 26, 2021, was adjourned at 10:40 a.m.

APPROVED:

Lewis S.W. Crampton, Chair

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date

TOWN OF PALM BEACH

Information for Business & Administrative Committee Meeting on: February 19, 2021

To: Business & Administrative Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Results of Peak and Off-Peak Parking Space Utilization Studies

Date: February 16, 2021

STAFF RECOMMENDATION

Staff recommends the Business and Administrative Committee (BAC) of the Town Council review the information provided below and attached, relative to the final results of the peak and off-peak parking space utilization studies.

GENERAL INFORMATION

As reported at the November 3, 2020, BAC meeting, a space utilization study was conducted from September 25 to October 2 during the off-peak season, documenting on-street parking space usage at 10:00 AM and 2:00 PM for time limited spaces only (1 hour and 2 hour) on the Town commercial streets. Said study indicated several things including: (1) There wasn't a significant difference in usage at 10:00 AM and 2:00 PM for most areas. (2) The higher utilized areas included the ocean blocks along Mid-Town Beach, which consist of free 1 hour and 2 hour parking, as well as N. County Road and Worth Avenue.

A second space utilization study was completed during the peak season, from January 23 to February 1, 2021, to give the BAC secondary reference data to assist in potential regulation changes. As expected, on-street parking usage is much higher during the peak season. The study indicated a few interesting things, as compared to the off-peak data, including: (1) utilization at 2:00pm was noticeable more than 10:00am, as compare to the little difference noticed during the off-peak study. (2) Like the off-peak study, the higher utilized areas included the ocean blocks along Mid-Town Beach, N. County Road and Worth Avenue, but the peak season study much higher usage on Coconut Row, Hammon Avenue, Royal Poinciana Way, and Sunrise Avenue.

Attachments

cc: Mayor and Town Council
Kirk Blouin, Town Manager
Department Directors
Parking Committee

Time	ICM Block															Overall % Occupied for the 10 day period	
	STREET NAME	BLOCK	STREET SIDE	CURRENT REGULATION	SPACES	23rd	24th	25th	26th	27th	28th	29th	30th	31st	1st		total
10:00 AM	Australian Ave	100	South	1 hour parking	11	9%	18%	27%	18%	45%	27%	27%	9%	27%	36%	243%	24%
2:00 PM	Australian Ave	100	South	1 hour parking	11	45%	36%	27%	64%	27%	27%	18%	45%	45%	27%	361%	36%
10:00 AM	Bradley Pl	100	East	2 hour parking	23	52%	43%	43%	48%	43%	65%	61%	43%	100%	35%	533%	53%
2:00 PM	Bradley Pl	100	East	2 hour parking	23	65%	52%	52%	57%	52%	52%	26%	65%	74%	65%	560%	56%
10:00 AM	Bradley Pl	100	West	2 hour parking	5	20%	60%	80%	100%	100%	80%	60%	80%	60%	60%	700%	70%
2:00 PM	Bradley Pl	100	West	2 hour parking	5	100%	60%	100%	100%	100%	100%	100%	80%	100%	100%	940%	94%
10:00 AM	Brazilian Ave	100	North	1 hour parking	7	0%	57%	57%	29%	57%	29%	86%	100%	71%	14%	500%	50%
2:00 PM	Brazilian Ave	100	North	1 hour parking	7	100%	57%	71%	100%	29%	86%	43%	100%	29%	71%	686%	69%
10:00 AM	Brazilian Ave	100	North	2 hour parking	3	0%	0%	100%	100%	100%	67%	100%	67%	100%	0%	634%	63%
2:00 PM	Brazilian Ave	100	North	2 hour parking	3	100%	33%	100%	100%	100%	67%	67%	100%	100%	100%	867%	87%
10:00 AM	Brazilian Ave	100	South	1 hour parking	7	71%	86%	86%	43%	57%	29%	71%	71%	43%	71%	628%	63%
2:00 PM	Brazilian Ave	100	South	1 hour parking	7	100%	57%	86%	71%	86%	57%	29%	71%	0%	43%	600%	60%
10:00 AM	Brazilian Ave	100	South	2 hour parking	5	100%	20%	40%	80%	100%	80%	100%	100%	40%	100%	760%	76%
2:00 PM	Brazilian Ave	100	South	2 hour parking	5	100%	40%	80%	80%	100%	100%	60%	100%	20%	40%	720%	72%
10:00 AM	Chilean Ave.	100	North	1 hour parking	14	79%	50%	71%	64%	64%	50%	50%	79%	64%	57%	628%	63%
2:00 PM	Chilean Ave.	100	North	1 hour parking	14	86%	79%	100%	50%	100%	64%	79%	64%	64%	79%	765%	76%
10:00 AM	Chilean Ave.	100	South	1 hour parking	2	50%	100%	100%	100%	100%	100%	100%	100%	0%	50%	800%	80%
2:00 PM	Chilean Ave.	100	South	1 hour parking	2	50%	100%	100%	100%	100%	100%	100%	100%	100%	50%	900%	90%
10:00 AM	Cocoanut Row	400	East	1 hour parking	9	67%	56%	100%	67%	33%	67%	44%	67%	33%	100%	634%	63%
2:00 PM	Cocoanut Row	400	East	1 hour parking	9	100%	56%	100%	67%	100%	100%	67%	89%	56%	100%	835%	83%
10:00 AM	Cocoanut Row	400	East	2 hour parking	3	100%	100%	67%	100%	100%	100%	100%	100%	100%	100%	967%	97%
2:00 PM	Cocoanut Row	200	East	2 hour parking	3	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	1000%	100%
10:00 AM	Cocoanut Row	200	West	1 hour parking	6	100%	33%	50%	100%	100%	67%	67%	100%	100%	100%	817%	82%
2:00 PM	Cocoanut Row	400	West	1 hour parking	6	100%	0%	33%	100%	100%	100%	67%	67%	67%	100%	734%	73%
10:00 AM	Hammon Ave	100	North	2 hour parking	17	59%	82%	65%	88%	65%	35%	82%	88%	71%	71%	706%	71%
2:00 PM	Hammon Ave	100	North	2 hour parking	17	100%	59%	47%	100%	76%	59%	94%	59%	94%	35%	723%	72%
10:00 AM	Hammon Ave	100	South	2 hour parking	9	100%	89%	56%	44%	89%	89%	100%	100%	44%	67%	778%	78%
2:00 PM	Hammon Ave	100	South	2 hour parking	9	100%	100%	33%	67%	100%	100%	56%	44%	67%	44%	711%	71%
10:00 AM	Main St.	100	south	2 hour parking	15	20%	13%	13%	13%	7%	27%	13%	27%	13%	13%	159%	16%
2:00 PM	Main St.	100	South	2 hour parking	15	33%	0%	40%	33%	40%	13%	27%	33%	13%	13%	245%	24%

10:00 AM	S. County Road	300	East	1 hour parking	12	92%	33%	58%	33%	58%	50%	50%	33%	42%	92%	541%	54%
2:00 PM	S. County Road	300	West	1 hour parking	12	75%	58%	33%	33%	58%	83%	83%	67%	58%	58%	598%	60%
10:00 AM	S. County Road	400	East	1 hour parking	5	40%	100%	100%	60%	80%	100%	100%	80%	0%	100%	760%	76%
2:00 PM	S. County Road	400	East	1 hour parking	5	80%	60%	40%	60%	60%	100%	100%	40%	0%	2%	542%	54%
10:00 AM	Sunrise Ave.	100	North	2 hour parking	25	32%	52%	56%	60%	84%	36%	44%	16%	24%	68%	472%	47%
2:00 PM	Sunrise Ave.	100	North	2 hour parking	25	32%	64%	56%	36%	68%	36%	60%	28%	40%	44%	464%	46%
10:00 AM	Sunrise Ave.	100	South	2 hour parking	28	14%	43%	57%	46%	54%	18%	29%	11%	29%	43%	344%	34%
2:00 PM	Sunrise Ave.	100	South	2 hour parking	28	25%	54%	75%	39%	32%	18%	39%	18%	21%	43%	364%	36%
10:00 AM	Worth Ave.	100	North	2 hour parking	18	61%	94%	83%	100%	39%	100%	100%	56%	83%	78%	794%	79%
2:00 PM	Worth Ave.	100	North	2 hour parking	18	100%	94%	73%	83%	100%	100%	100%	78%	56%	100%	884%	88%
10:00 AM	Worth Ave.	100	South	2 hour parking	27	85%	78%	63%	93%	33%	56%	96%	67%	81%	78%	730%	73%
2:00 PM	Worth Ave.	100	South	2 hour parking	27	100%	85%	44%	93%	100%	96%	96%	78%	52%	78%	822%	82%
10:00 AM	Worth Ave.	200	North	2 hour parking	23	65%	78%	65%	70%	52%	39%	100%	43%	78%	100%	690%	69%
2:00 PM	Worth Ave.	200	North	2 hour parking	23	100%	91%	61%	61%	100%	100%	100%	78%	43%	87%	821%	82%
10:00 AM	Worth Ave.	200	South	2 hour parking	22	82%	64%	64%	86%	68%	91%	100%	64%	50%	100%	769%	77%
2:00 PM	Worth Ave.	200	South	2 hour parking	22	100%	82%	77%	95%	100%	100%	100%	64%	50%	82%	850%	85%
10:00 AM	Worth Ave.	300	North	2 hour parking	24	54%	71%	75%	88%	42%	79%	96%	79%	67%	100%	751%	75%
2:00 PM	Worth Ave.	300	North	2 hour parking	24	100%	50%	54%	79%	100%	100%	71%	88%	38%	83%	763%	76%
10:00 AM	Worth Ave.	300	South	2 hour parking	18	78%	72%	100%	94%	78%	94%	94%	50%	39%	78%	777%	78%
2:00 PM	Worth Ave.	300	South	2 hour parking	18	94%	50%	89%	94%	94%	94%	78%	61%	61%	89%	804%	80%
10:00 AM	Worth Ave.	400	North	2 hour parking	8	25%	50%	75%	63%	100%	88%	88%	63%	100%	63%	715%	71%
2:00 PM	Worth Ave.	400	North	2 hour parking	8	100%	50%	75%	63%	100%	100%	63%	63%	100%	88%	802%	80%

TIME	STREET NAME	BLOCK	STREET SIDE	CURRENT REGULATION	SPACES	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	28-Sep	29-Sep	30-Sep	1-Oct	2-Oct	Avg. Occupancy for the 10 day period
10:00 AM	Australian Ave	100	South	1 hour parking	11	9%	18%	36%	36%	45%	9%	9%	9%	9%	18%	20%
2:00 PM	Australian Ave	100	South	1 hour parking	11	27%	27%	27%	45%	36%	27%	36%	27%	18%	9%	28%
10:00 AM	Bradley PI	100	East	2 hour parking	23	78%	35%	26%	35%	22%	26%	39%	35%	65%	39%	40%
2:00 PM	Bradley PI	100	East	2 hour parking	23	43%	48%	48%	35%	39%	26%	26%	30%	39%	52%	39%
10:00 AM	Bradley PI	100	West	2 hour parking	5	80%	0%	60%	20%	20%	0%	100%	60%	100%	80%	52%
2:00 PM	Bradley PI	100	West	2 hour parking	5	40%	80%	100%	100%	100%	20%	100%	60%	80%	100%	78%
10:00 AM	Brazilian Ave	100	North	1 hour parking	7	71%	0%	0%	29%	29%	0%	14%	43%	14%	14%	21%
2:00 PM	Brazilian Ave	100	North	1 hour parking	7	43%	43%	0%	86%	57%	0%	43%	100%	14%	0%	37%
10:00 AM	Brazilian Ave	100	North	2 hour parking	3	0%	67%	67%	100%	100%	67%	33%	33%	100%	0%	57%
2:00 PM	Brazilian Ave	100	North	2 hour parking	3	0%	100%	100%	100%	100%	67%	0%	67%	67%	67%	67%
10:00 AM	Brazilian Ave	100	South	1 hour parking	7	43%	0%	0%	0%	29%	0%	43%	100%	0%	14%	23%
2:00 PM	Brazilian Ave	100	South	1 hour parking	7	29%	29%	14%	71%	86%	0%	43%	100%	14%	0%	27%
10:00 AM	Brazilian Ave	100	South	2 hour parking	5	0%	0%	40%	60%	100%	60%	20%	0%	60%	40%	38%
2:00 PM	Brazilian Ave	100	South	2 hour parking	5	0%	100%	100%	100%	100%	100%	0%	20%	80%	40%	64%
10:00 AM	Chilean Ave.	100	North	1 hour parking	14	71%	14%	86%	43%	64%	86%	86%	64%	64%	57%	63%
2:00 PM	Chilean Ave.	100	North	1 hour parking	14	71%	36%	100%	50%	43%	86%	43%	50%	64%	71%	61%
10:00 AM	Chilean Ave.	100	South	1 hour parking	2	0%	0%	100%	100%	100%	100%	50%	100%	50%	100%	70%
2:00 PM	Chilean Ave.	100	South	1 hour parking	2	50%	100%	100%	100%	100%	100%	50%	100%	100%	0%	80%
10:00 AM	Cocoanut Row	400	East	1 hour parking	9	56%	0%	11%	0%	44%	11%	67%	67%	89%	0%	34%
2:00 PM	Cocoanut Row	400	East	1 hour parking	9	100%	0%	56%	56%	22%	0%	67%	67%	22%	0%	39%
10:00 AM	Cocoanut Row	400	East	2 hour parking	3	100%	100%	100%	100%	0%	0%	0%	100%	0%	100%	60%
2:00 PM	Cocoanut Row	200	East	2 hour parking	3	100%	100%	100%	100%	0%	67%	0%	100%	0%	100%	67%
10:00 AM	Cocoanut Row	200	West	1 hour parking	6	17%	33%	50%	67%	0%	17%	33%	0%	17%	100%	33%
2:00 PM	Cocoanut Row	400	West	1 hour parking	6	83%	17%	33%	33%	0%	17%	33%	83%	33%	100%	43%
10:00 AM	Hammon Ave	100	North	2 hour parking	17	53%	29%	29%	88%	71%	53%	24%	65%	53%	18%	48%

TIME	STREET NAME	BLOCK	STREET SIDE	CURRENT REGULATION	SPACES	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	28-Sep	29-Sep	30-Sep	1-Oct	2-Oct	Avg. Occupancy for the 10 day period
2:00 PM	Hammon Ave	100	North	2 hour parking	17	59%	35%	53%	47%	47%	41%	71%	29%	29%	35%	45%
10:00 AM	Hammon Ave	100	South	2 hour parking	9	22%	22%	44%	22%	44%	56%	11%	22%	56%	44%	34%
2:00 PM	Hammon Ave	100	South	2 hour parking	9	78%	22%	33%	67%	89%	22%	56%	44%	33%	78%	52%
10:00 AM	Main St.	100	south	2 hour parking	15	13%	27%	40%	40%	13%	27%	13%	13%	7%	13%	20%
2:00 PM	Main St.	100	South	2 hour parking	15	47%	40%	40%	20%	7%	20%	27%	33%	27%	47%	30%
10:00 AM	N. County Rd.	100	East	2 hour parking	6	100%	67%	83%	100%	83%	83%	100%	100%	100%	100%	92%
2:00 PM	N. County Rd.	100	East	2 hour parking	6	100%	100%	100%	100%	33%	67%	100%	83%	83%	100%	87%
10:00 AM	N. County Rd.	100	West	2 hour parking	6	50%	50%	0%	17%	0%	0%	33%	83%	100%	33%	37%
2:00 PM	N. County Rd.	100	West	2 hour parking	6	67%	50%	33%	100%	0%	0%	50%	50%	17%	0%	37%
10:00 AM	N. County Rd.	200	East	2 hour parking	19	21%	11%	16%	84%	84%	11%	5%	16%	11%	11%	27%
2:00 PM	N. County Rd.	200	East	2 hour parking	19	32%	37%	5%	21%	26%	26%	32%	11%	42%	26%	26%
10:00 AM	N. County Rd.	200	West	2 hour parking	23	26%	4%	13%	39%	43%	13%	4%	13%	22%	9%	19%
2:00 PM	N. County Rd.	200	West	2 hour parking	23	17%	13%	4%	22%	26%	22%	13%	4%	13%	22%	16%
10:00 AM	N. County Rd.	300	East	2 hour parking	9	67%	44%	11%	100%	100%	67%	0%	22%	11%	0%	42%
2:00 PM	N. County Rd.	300	East	2 hour parking	9	67%	56%	100%	56%	100%	22%	33%	0%	22%	67%	52%
10:00 AM	N. County Rd.	300	West	2 hour parking	4	100%	50%	0%	100%	100%	25%	0%	25%	25%	0%	42%
2:00 PM	N. County Rd.	300	West	2 hour parking	4	75%	75%	100%	100%	100%	75%	0%	0%	75%	50%	65%
10:00 AM	Peruvian Ave.	100	North	1 hour parking	2	100%	100%	100%	0%	0%	0%	0%	0%	50%	0%	35%
2:00 PM	Peruvian Ave.	100	North	1 hour parking	2	0%	100%	100%	100%	100%	100%	0%	100%	100%	50%	75%
10:00 AM	Peruvian Ave.	100	South	1 hour parking	10	0%	0%	30%	0%	20%	20%	20%	20%	10%	20%	14%
2:00 PM	Peruvian Ave.	100	South	1 hour parking	10	20%	10%	100%	50%	30%	20%	20%	70%	100%	30%	45%
10:00 AM	Royal Poinciana Way	200	North	1 hour parking	18	100%	17%	0%	67%	72%	83%	83%	100%	78%	89%	69%
2:00 PM	Royal Poinciana Way	200	North	1 hour parking	18	83%	6%	39%	28%	11%	22%	72%	56%	33%	100%	45%
10:00 AM	Royal Poinciana Way	200	North	2 hour parking	38	11%	53%	47%	47%	47%	0%	0%	16%	0%	0%	21%
2:00 PM	Royal Poinciana Way	200	North	2 hour parking	38	0%	32%	29%	0%	0%	0%	0%	0%	0%	5%	7%

TIME	STREET NAME	BLOCK	STREET SIDE	CURRENT REGULATION	SPACES	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	28-Sep	29-Sep	30-Sep	1-Oct	2-Oct	Avg. Occupancy for the 10 day period
10:00 AM	Royal Poinciana Way	200	South	1 hour parking	34	32%	18%	0%	76%	56%	29%	41%	0%	41%	32%	32%
2:00 PM	Royal Poinciana Way	200	South	1 hour parking	34	38%	3%	12%	0%	0%	29%	18%	0%	26%	50%	18%
10:00 AM	Royal Poinciana Way	200	South	2 hour parking	37	3%	54%	54%	8%	3%	0%	0%	30%	0%	0%	15%
2:00 PM	Royal Poinciana Way	200	South	2 hour parking	37	0%	38%	35%	24%	22%	0%	0%	27%	0%	0%	15%
10:00 AM	S. County Road	200	East	1 hour parking	16	44%	0%	0%	0%	0%	19%	0%	19%	0%	13%	9%
2:00 PM	S. County Road	200	East	1 hour parking	16	44%	13%	0%	0%	0%	6%	0%	75%	0%	0%	14%
10:00 AM	S. County Road	200	East	2 hour parking	18	0%	28%	22%	11%	22%	0%	0%	0%	28%	0%	11%
2:00 PM	S. County Road	200	East	2 hour parking	18	0%	28%	22%	28%	11%	0%	0%	0%	33%	0%	12%
10:00 AM	S. County Road	200	West	1 hour parking	21	19%	0%	10%	10%	10%	19%	10%	33%	0%	38%	15%
2:00 PM	S. County Road	200	West	1 hour parking	21	19%	0%	14%	0%	5%	0%	43%	33%	0%	14%	13%
10:00 AM	S. County Road	200	West	2 hour parking	4	0%	50%	100%	50%	100%	25%	0%	0%	100%	0%	42%
2:00 PM	S. County Road	200	West	2 hour parking	4	0%	100%	100%	25%	100%	100%	0%	0%	75%	0%	50%
10:00 AM	S. County Road	300	East	1 hour parking	17	47%	41%	35%	71%	41%	29%	53%	59%	35%	47%	46%
2:00 PM	S. County Road	300	East	1 hour parking	17	18%	6%	18%	29%	18%	18%	65%	12%	12%	35%	23%
10:00 AM	S. County Road	300	East	1 hour parking	12	42%	25%	58%	100%	8%	83%	67%	67%	75%	33%	56%
2:00 PM	S. County Road	300	West	1 hour parking	12	33%	42%	17%	42%	8%	8%	17%	33%	42%	58%	30%
10:00 AM	S. County Road	400	East	1 hour parking	5	0%	0%	60%	20%	60%	40%	20%	40%	0%	100%	34%
2:00 PM	S. County Road	400	East	1 hour parking	5	0%	20%	20%	40%	40%	40%	60%	40%	20%	40%	32%
10:00 AM	Sunrise Ave.	100	North	2 hour parking	25	36%	20%	20%	64%	32%	12%	32%	12%	12%	4%	24%
2:00 PM	Sunrise Ave.	100	North	2 hour parking	25	32%	20%	20%	28%	28%	12%	36%	16%	16%	0%	20%
10:00 AM	Sunrise Ave.	100	South	2 hour parking	28	50%	21%	14%	93%	54%	18%	14%	18%	25%	14%	32%
2:00 PM	Sunrise Ave.	100	South	2 hour parking	28	32%	29%	32%	39%	32%	29%	57%	11%	32%	29%	32%
10:00 AM	Worth Ave.	100	North	2 hour parking	18	67%	72%	83%	94%	94%	78%	56%	78%	78%	61%	76%
2:00 PM	Worth Ave.	100	North	2 hour parking	18	67%	67%	83%	61%	56%	67%	89%	78%	61%	78%	70%
10:00 AM	Worth Ave.	100	South	2 hour parking	27	74%	89%	78%	85%	85%	74%	81%	74%	89%	48%	78%

TIME	STREET NAME	BLOCK	STREET SIDE	CURRENT REGULATION	SPACES	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	28-Sep	29-Sep	30-Sep	1-Oct	2-Oct	Avg. Occupancy for the 10 day period
2:00 PM	Worth Ave.	100	South	2 hour parking	27	74%	52%	37%	59%	63%	89%	89%	56%	26%	67%	61%
10:00 AM	Worth Ave.	200	North	2 hour parking	23	74%	48%	65%	83%	4%	48%	61%	65%	83%	57%	59%
2:00 PM	Worth Ave.	200	North	2 hour parking	23	96%	91%	70%	61%	48%	57%	87%	65%	52%	96%	72%
10:00 AM	Worth Ave.	200	South	2 hour parking	22	86%	68%	77%	91%	27%	86%	68%	82%	91%	82%	76%
2:00 PM	Worth Ave.	200	South	2 hour parking	22	95%	55%	50%	64%	73%	82%	77%	68%	41%	95%	70%
10:00 AM	Worth Ave.	300	North	2 hour parking	24	63%	63%	54%	75%	29%	79%	67%	50%	83%	38%	60%
2:00 PM	Worth Ave.	300	North	2 hour parking	24	96%	38%	33%	50%	46%	46%	21%	54%	58%	83%	52%
10:00 AM	Worth Ave.	300	South	2 hour parking	18	56%	56%	61%	72%	39%	83%	61%	78%	78%	39%	62%
2:00 PM	Worth Ave.	300	South	2 hour parking	18	67%	83%	56%	72%	83%	78%	94%	61%	39%	89%	72%
10:00 AM	Worth Ave.	400	North	2 hour parking	8	25%	100%	50%	50%	50%	25%	75%	63%	63%	63%	56%
2:00 PM	Worth Ave.	400	North	2 hour parking	8	75%	100%	75%	50%	13%	100%	100%	100%	75%	88%	78%

TOWN OF PALM BEACH

Information for Business & Administrative Committee Meeting on: February 19, 2021

To: Business & Administrative Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Proposed Action Items for Town Council Consideration

Date: February 16, 2021

STAFF RECOMMENDATION

Staff recommends the Business and Administrative Committee (BAC) of the Town Council review the list of potential action items outlined below and provide direction to staff, relative to moving some or all forward to Town Council for consideration.

GENERAL INFORMATION

Below is a list of potential action items the BAC could act upon if it desires to advance some or all of them to the Town Council for consideration. In an effort to make some progress on the parking management issues being tackled by this committee, members felt it would be beneficial to address “low hanging fruit” items in advance of potential regulation changes in the future.

RFP for Implementation of Centralized Curbside Valet Parking Services

One of the main themes ascertained during the 3 community inputs sessions was the desire to see a centralized valet program to provide motorists a convenient parking option, which will not require circling blocks to find open spaces. Many communities have such programs, and the Town experimented with one on Worth Avenue 2 years ago. This program could play an important role in the overall solution to the Town’s parking management challenges and could potentially be either cost neutral or possibly revenue producing.

Staff is seeking input from the BAC on its recommendation to prepare an RFP for the implementation of a centralized curbside valet parking services program. If this recommendation is met with favorability, staff will work with the selected vendor to develop the program, identify viable valet stands, and promote this new service.

Amendment to Supplemental Off-Site Parking Section of Code to Include Above Ground Lots Not Adjacent to Residential Properties

Town Council approved Ordinance No. 01-2021 on second reading at the February 10, 2021, Council meeting, paving the way for the supplemental use of underground parking garages, not to exceed 50% of total inventory. The Planning and Zoning Commission and Town Council considered code modifications that would have included surface lots in the changes approved in

Ord. 01-2021, but ultimately decided to exclude them due to potential concerns with adjacent residential properties. Staff believes it is important to have further discussion on this matter and recommends re-consideration to include surface lots and parking garages, not directly adjacent to residential properties, to be included in the recently approved code amendments. Alternatively, consideration could be given to allowing these changes to include lots and garages adjacent to residential properties but limit the supplemental use to business hours only. This would require a subsequent ordinance to effectuate additional code modifications.

Modifications to Placard Parking Program

The current Placard Parking Program is inclusive of 280 on-street placard allocations on various streets throughout the Town's business areas. The attached spreadsheet and corresponding maps describe the current locations and proposed areas for expansion. There is one area recommended for deletion. If approved, 41 net spaces will be added to the program, bringing the total number to 321 allocations. As a point of information, there is a waiting list of 156 people who would like to participate in the placard program, with most interested in the areas closer to Worth Avenue.

Understanding the demand vs. supply imbalance in the Mid-Town area, staff conducted a space utilization study on the 400 block of Peruvian from February 3 – 9 and discovered that the 43 residential permit parking (RPP) spaces on this block are rarely more than 50% occupied between the hours of 9:00am and 6:00pm. Staff would like to review the possibility of reallocating some of the RPP spaces on this block to a 2 hour time limited regulation and expand the Peruvian Avenue placard program to this block.

Increase Hourly Rate for Kiosk Parking on 100 Block of Royal Palm Way

The current hourly rate for parking on the 100 block of Royal Palm Way is \$3/hr. The rate on South Ocean Blvd, the 100 block of Sunrise and N. County Road is \$5/hr. Staff would like the BAC's feedback, relative to the recommendation that the rate be increased to \$5/hr for consistency purposes.

Changes to On-Street Parking Regulations on Four Arts Plaza

The final item on this list was not previously discussed with the BAC, but staff would like to present a request from the Society of the Four Arts, relative to a proposed change to the current regulations on Four Arts Plaza. Over the past year, this street has seen a new influx of motorists looking for parking to access the Lake Trail. This has caused a displacement of visitors to the King library.

There are a total of 13 on-street spaces on Four Arts Plaza (5 on the west side and 8 on the east side), all regulated with a 2-hour time limit for parking. See aerial map below. The Four Arts is requesting a change in regulation to a 1-hour time limit, which staff does not object to. They feel this will provide sufficient time for library and garden visitors, but perhaps the BAC may feel an incremental approach would be better by making this change to the 8 spaces on the east side of the street and leave the 5 spaces on the west side at 2 hours. Staff will seek direction on this request.



Attachments

cc: Mayor and Town Council
Kirk Blouin, Town Manager
Department Directors
Parking Committee

Palm Beach Off-Street Parking Lots

Write a description for your map.

Legend







[illegible]

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

[illegible][illegible][illegible]

Midtown Off-Street Parking Lots

Write a description for your map.

This figure is an aerial map of Midtown, showing various off-street parking lots. The map is overlaid with red pins, each labeled with a parking type: 'Surface', 'Surface/Covered', 'Covered', 'Underground/Covered', 'Rooftop', and 'Surface'. The map includes street names such as Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, and Hibiscus Ave. A legend in the top right corner explains the pin colors: red for 'Surface', orange for 'Surface/Covered', green for 'Covered', blue for 'Underground/Covered', and purple for 'Rooftop'. A scale bar at the bottom right indicates a distance of 500 feet. The map is sourced from Google Earth, as indicated by the logo in the bottom left corner.

Legend

- Surface
- Surface/Covered
- Covered
- Underground/Covered
- Rooftop

500 ft

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface
- Surface/Covered
- Underground/Covered

Google Earth

2021 Google

500 ft

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface
- Surface/Covered
- Underground/Covered

Google Earth

© 2021 Google

Scale: 500 ft

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface
- Surface/Covered
- Underground/Covered

Google Earth

© 2021 Google

Scale: 500 ft

[illegible]

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

[illegible]

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

[illegible]

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface
- Surface/Covered
- Covered
- Underground/Covered
- Rooftop

The map displays an aerial view of a residential and commercial area in San Francisco. Numerous parking lots are marked with red pins and labeled with their types. The labels include 'Surface', 'Surface/Covered', 'Covered', 'Underground/Covered', and 'Rooftop'. The map also shows street names such as Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, and Hibiscus Ave. A scale bar indicates 500 ft. The Google Earth logo is visible in the bottom left corner.

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

Midtown Off-Street Parking Lots

Write a description for your map.

Legend

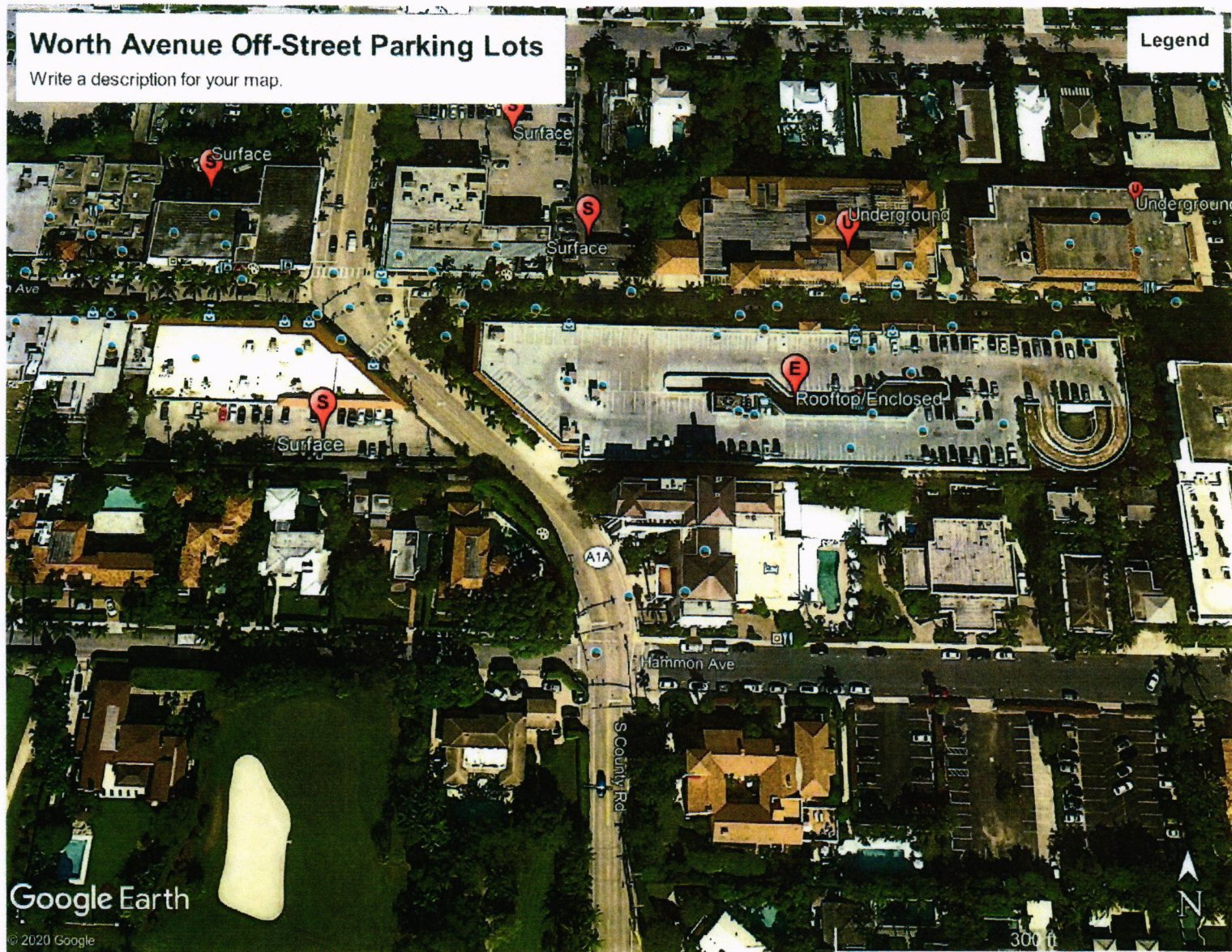
- Surface/Covered
- Surface
- Underground/Covered

Streets shown: Brazilian Ave, Australian Ave, Chilean Ave, Peruvian Ave, Hibiscus Ave, S County Rd.

Scale: 500 ft.

Google Earth

TCM Backup 4-13-21



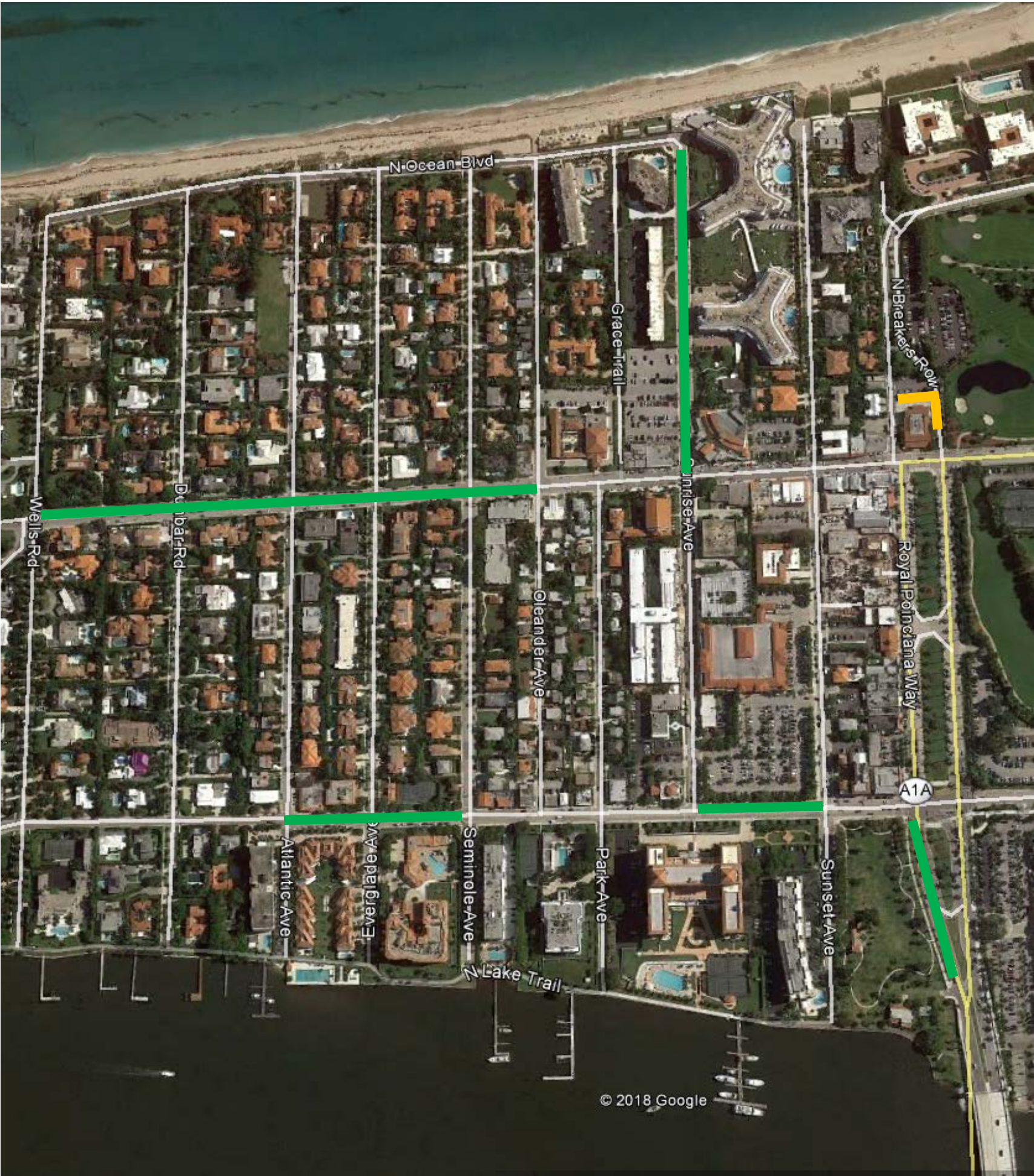
Palm Beach South Off-Street Parking Lots

Write a description for your map.

Legend



STREET NAME	BLOCK	STREET SIDE	SPACES	UNDERLYING REGULATION	CURRENT PLACARD PROGRAM	PROPOSED PLACARD PROGRAM
Bradley Pl	100	East	23	2 Hour Parking	(26 Allocated, inclusive of RPW 300 block)	No Change
Bradley Pl	200	East	16	2 Hour Parking	(83 Allocated, w/ N. County)	No Change
Bradley Pl	200	West	13	2 Hour Parking		
Brazilian Ave	200	North	16	2 Hour Parking	None	Allocate 10 placards
Brazilian Ave	200	South	7	1 Hour Parking		
Cocoanut Row	300	West	3	2 Hour Parking	None	Allocate 46 placards
Cocoanut Row	300	East	24	2 Hour Parking		
Cocoanut Row	300	West	1	2 Hour Parking		
Cocoanut Row	400	East	9	1 Hour Parking		
Cocoanut Row	400	East	3	2 Hour Parking		
Cocoanut Row	400	West	6	1 Hour Parking		
Hammon Ave	100	North	17	2 Hour Parking	(2 Allocated)	Allocate 10 more placards for 12 total
Hammon Ave	100	South	9	2 Hour Parking		
Hibiscus Ave	300	West	8	1 Hour Parking	(2 Allocated)	Allocate 10 more placards for 12 total
Hibiscus Ave	300	West	9	2 Hour Parking		
Main St	100	South	15	2 Hour Parking	None	Allocate 5 placards
N County Rd	100	East	6	Metered Parking \$5/hr (2 hour limit)	(83 Allocated, inclusive of Bradley Pl)	No Change
N County Rd	100	West	6	Metered Parking \$5/hr (2 hour limit)		
N County Rd	200	East	19	Metered Parking \$5/hr (2 hour limit)		
N County Rd	200	West	23	Metered Parking \$5/hr (2 hour limit)		
N County Rd	300	East	9	Metered Parking \$5/hr (2 hour limit)		
N County Rd	300	West	4	Metered Parking \$5/hr (2 hour limit)		
Peruvian Ave	200	North	19	Metered Parking \$3/hr	(12 Allocated)	No Change
Peruvian Ave	200	South	20	Metered Parking \$3/hr		
Peruvian Ave	300	North	19	Metered Parking \$3/hr	(12 Allocated)	No Change
Peruvian Ave	300	South	18	Metered Parking \$3/hr		
Royal Palm Way	100	North	25	Metered Parking \$3/hr	(25 Allocated)	No Change
Royal Palm Way	100	South	14	Metered Parking \$3/hr		
Royal Poinciana Way	300	North	18	2 Hour Parking	(26 Allocated, inclusive of Bradley Pl 100 block)	No Change
S Lake Dr	300	West	62	Metered Parking \$3/hr	(40 Allocated)	Eliminate
S Ocean Blvd	300	West	18	Metered Parking \$5/hr	(53 Allocated)	No Change
S Ocean Blvd	400	West	34	Metered Parking \$5/hr		
Sunrise Ave	100	North	25	Metered Parking \$5/hr (2 hour limit)	(25 Allocated)	No Change
Sunrise Ave	100	South	28	Metered Parking \$5/hr (2 hour limit)		
			523	TOTAL	280	Net Increase of 41 (321 total)



Current Placard Parking Locations

Proposed Placard Parking Expansion Areas

Placard Issuance and Availability by Location



Printed On: 2/4/2021 11:02 AM

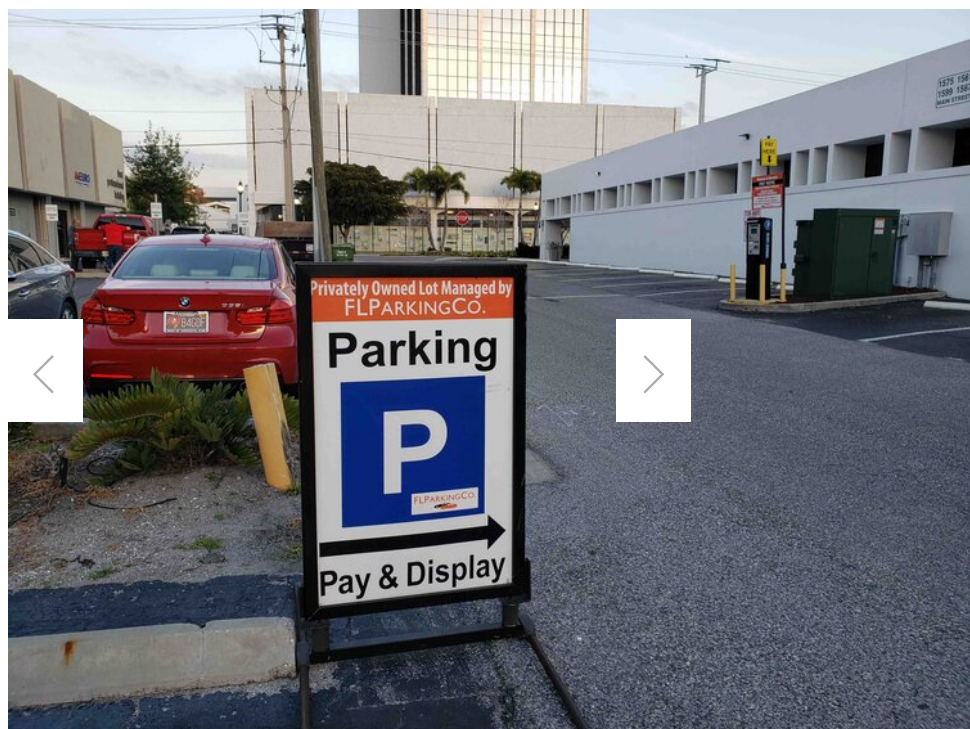
Section:	Location:	Location Description:	Capacity:	Active:	Waiting:	Notified:
PLACARD	PL-HA	Hammon Ave	2	2	0	0
PLACARD	PL-HI	300 Hibiscus	2	2	41	0
PLACARD	PL-NCB	N County Rd/Bradley Pl	83	57	0	0
PLACARD	PL-PE2	200 Peruvian	12	12	58	1
PLACARD	PL-PE3	300 Peruvian	12	12	34	1
PLACARD	PL-PO	Phipps Ocean N Lot	100	6	0	0
PLACARD	PL-RP	Royal Palm Way	25	25	7	0
PLACARD	PL-SB	S Bradley Park	26	24	0	1
PLACARD	PL-SL	South Lake Meters Only	40	31	4	3
PLACARD	PL-SO	S Ocean West Meters	53	53	6	0
PLACARD	PL-SU1	Sunrise, 100 Block	25	25	6	1
Total :			380	249	156	7

There Are Problems the Market Can't Solve. Parking Isn't One of Them.

Daniel Herriges · February 11, 2020

I live in a mid-sized city that's undergoing a construction boom. We have plenty of privately-owned surface parking lots in our downtown, but we also have fewer than we did ten years ago, as a good number have been sold and built upon.

And an interesting thing has started happening to the remaining parking lots in the last two or three years: these signs keep cropping up.



These are all lots that are owned by private businesses—a law firm, a credit union, a gym. Now the public can pay to use them—through a simple electronic pay station, with cash or a credit card, all managed by a middleman company who takes a cut of the proceeds. No attendant is on site.

Technology has made this arrangement easier than ever for anyone who owns a patch of asphalt.

hand, a huge number of empty parking spaces existed that were off-limits to that public, owned by businesses that were not open at 7 p.m. on Saturday (or at 7 p.m. on Tuesday, for that matter).

This wasteful situation is common in cities across North America, and it's particularly maddening if you're someone invested in having a walkable place, or just in seeing your city's land used in value-generating and appealing ways.

Fortunately, a solution is presenting itself.

An Answer to a Common Objection

The most common objection to the idea of removing minimum parking requirements for businesses and residential buildings goes like this. The short version:

'But how can we make sure there'll be enough parking if we don't mandate it?'

The longer, more charitable version (I believe in only ever arguing with the most reasonable, generous interpretation of your opponent's view) is that not requiring parking creates a tragedy-of-the-commons problem with regard to public parking:

'If you stop mandating parking, every individual business or developer will have the incentive to be a freeloader by skimping on parking and just making their tenants/customers park on the street. The problem is that when everyone does this, pretty soon there won't be enough street parking, and then this will cause traffic jams and hurt businesses.'

This is not an unreasonable thing to expect, *if* you view on-street parking as a commons. It will tend to be overexploited, and the eventual shortage may result in queueing—that is, tons of people circling block after block looking for an open space, which is a miserable experience for all involved.

Of course, there's a simple solution to that problem from the city's point of view:

Charge for street parking.

Experiment with the price, and charge whatever price seems to balance supply and demand, in order to maintain an average of about one open space per block, as [Donald Shoup famously recommends](#). This is exactly what my city began doing recently, and the result has been to greatly accelerate the trend of privately-owned parking lots, *and* to greatly reduce the obnoxious phenomenon of cruising for a parking space.

People who come downtown now mostly expect to pay for parking. But because of this expectation, they go straight to a lot (often one of these privately-owned ones) or garage or metered street

space, instead of circling for ten minutes. Cheapskates like me who don't mind walking a few blocks

What will happen if we reach a point where all of those private surface lots have been developed? (I'd *love* to see us get there, because it would mean a much improved walking experience and a

livelier downtown.) I expect larger office buildings that own their own garages will start doing the same thing: renting out their excess space for a bit of profit.

What happens if even that is no longer sufficient to meet parking demand? Simple: someone will build a garage and charge people to park in it, at a price that makes this a profitable endeavor. This is what already happens in large cities' downtowns. (Including for their permanent residents: if you live in an apartment building that doesn't have its own parking, it's not uncommon to rent space by the month in a garage a block or two away. If you live in this kind of environment, you're probably not taking your car out every day or relying on it for most errands, so it's not a hardship.)



A parking garage offering monthly rates in an urban area where many buildings do not provide their own on-site parking.

The great thing about this is that it exposes the trade-off that is using valuable downtown land for the low-value use of parking. The market will provide parking, but only where it's a profitable endeavor, which means the price of that parking is determined by the opportunity cost of using the land for something else (like housing or office space). In places where land is cheap, it may be profitable to provide parking for next to nothing. In places where land is incredibly expensive, parking will cost a lot more. So be it.

I have literally never been anywhere where there was, in fact, "not enough parking." What people really mean when they fear that there won't be enough parking is that there won't be enough *free* parking exactly where they want to go.

I get it: when you're used to having something subsidized for you, taking the subsidy away feels like an imposition. But it's a necessary step toward reclaiming our cities. We'll get over it. And I bet we'll even like the results.

(Cover photo via Pigsels.)

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules and Standards Committee Meeting Held on March 11, 2021.

Presenter

Julie Araskog, Chair

ATTACHMENTS:

- ▣ **March 11, 2021, Ordinances, Rules and Standards Committee Meeting Report**



1 I. CALL TO ORDER AND ROLL CALL

2
3 The Ordinances, Rules and Standards Committee (ORS) meeting was called to order on
4 Thursday, March 11, at 9:30 a.m., via Zoom. On roll call, all committee members were
5 found to be present.

6 II. PLEDGE OF ALLEGIANCE

7
8 Chair Araskog led the Pledge of allegiance.

9 III. APPROVAL OF AGENDA

10
11 Chair Araskog asked for the addition of the Truck Study to be included in the items
12 prioritized for the next meetings.
13

14 **Motion was made by Committee Member Crampton, and seconded by Chair Araskog, to**
15 **approve the Agenda with the addition of the Truck Study to item B. New Business, 1.**
16 **Prioritization of Pending Items to be studied by ORS at Future Meetings. On roll call the**
17 **motion passed unanimously.**

18 IV. COMMUNICATIONS FROM CITIZENS – None.

19
20 V. REGULAR AGENDA

21 A. Old Business

22
23
24 1. Review of Chapter 42 of the Town Code, Relative to Construction Hours
25

26 Chair Araskog provided an overview of previous Committee discussions regarding
27 construction hours in their trying to strike a balance between our residents' rights
28 to their quiet enjoyment of their property and those wanting to complete their
29 construction. She discussed the purpose then included a more equitable approach
30 to fulltime residents who bore the brunt of construction in summer months with
31 extended construction hours. She also provided comments regarding residents
32 being construction weary and that our community having a 68.7 age mean was a
33 place of retirement making the quiet enjoyment of one's property even more
34 important, unlike other communities. She discussed the close proximity of
35 residential properties to their neighbors and the noise that is created on Saturdays,
36 despite allowing only interior work, due to cars and vans driving up and coming
37 and going, the slamming of doors, workers talking on cell phones and to each other

1 in loud voices and having lunch outside creating noise that disturbs the neighbors
2 who are not enjoying their Saturdays inside or outside. She discussed the decision
3 of the last Committee to look at Montecito, Beverly Hills, Atherton, and Fisher
4 Island who all do not allow Saturday work because these communities seemed to
5 be most similar to us.
6

7 Chair Araskog discussed the many resident complaints she receives on most
8 Saturdays from residents who do not want to call the police or code enforcement
9 because they do not want to have an issue with their neighbors. Residents are tired
10 of the noise, being awakened early by cars, sometimes as many as 15, pulling in
11 and out, the parking not on site near their homes, the workers who go in and out all
12 day and talk on their cell phones or have lunch and breaks outside disturbing the
13 neighbors' peaceful Saturday outdoor lunches and the quiet enjoyment of their
14 weekends. She also discussed the lack of enforcement of the quiet work only on
15 Saturdays and the prohibition of deliveries on Saturdays which occurs frequently
16 both of which she has personally witnessed when attending to the residents who
17 called or just in her own experience driving or walking around town.
18

19 Chair Araskog expressed that she would like to see no work on Saturdays.
20

21 Jay Boodheshwar, Deputy Town Manager, provided a review of previous research
22 and actions taken by the ORS Committee relative to construction hours, including
23 providing clarification on Saturday construction hours and the discrepancies in
24 Section 43-198 of the code. He mentioned then that only quiet work was permitted
25 on Saturdays during season and the focus of the changes to the code were to allow
26 more restricted work in the off-season. He also discussed the uniqueness of Palm
27 Beach and stated that we did not need to follow what other communities do, but we
28 need to find what is right for Palm Beach.
29

30 Chair Araskog agreed with Mr. Boodheshwar on the uniqueness of Palm Beach and
31 discussed the four municipalities as being similar in that they tend to be much more
32 quiet communities and like us, Beverly Hills has residential areas where the homes
33 are closer together. She discussed the incredible amount of construction taking over
34 our town with many residents experiencing 2-5 homes being under construction at
35 one time in their neighborhood making Saturdays an issue.
36

37 Committee member Crampton thanked Chair Araskog for her research and
38 commented on the uniqueness of Palm Beach and disagreed that any of those
39 communities were like Palm Beach. He discussed all of the activity with Palm
40 Beach's Housing market and the desire those people have to complete construction.
41 He agreed with all of the restrictions presently in the code including but not limited
42 to no outdoor construction on Saturdays, no heavy equipment or deliveries on
43 Saturday, and the hours. Council Member Crampton did not see us banning interior
44 work on Saturday, but would keep an open mind. He discussed the need for
45 proactive enforcement of construction sites to alleviate issues the residents are
46 having on Saturdays with noisy outdoor construction and deliveries.
47
48

1 Council Member Crampton discussed the issue of right-of-way parking and stated
2 it should not be allowed on Saturdays. Chair Araskog agreed.

3
4 Public comment was provided by the following meeting attendees.

5
6 John David Corey, 426 Australian Ave., provided comments expressing his thanks
7 to the Committee and staff for discussing this issue. He discussed the pressures of
8 construction that he feels living in Midtown. He mentioned there certainly is a
9 balance but asked the Committee to keep the residents' quality of life in mind while
10 doing so. He thanked the Committee for fighting for the residents and thanked staff
11 and the committee for all of their hard work on this issue.

12
13 Susan Gary, Onondaga Ave., thanked the committee and staff for studying this
14 issue. She commented on several active construction projects on her street and five
15 that are within 2-300 feet of her. She expressed concern on the lack of policing
16 around the construction sites. She expressed the constant noise from the slamming
17 of doors, constant noise outside from workers being on their cell phones, the trash,
18 the destruction of surrounding property, and deliveries on Saturdays. She is a full
19 time resident and agreed that with all of the turnover that things are only going to
20 get worse. She said she was pleading with the Committee and council to please
21 completely curtail Saturday construction.

22
23 Discussion ensued regarding whether or not to permit interior construction work on
24 Saturdays during season and a recap of the Committee's previous discussions
25 including more restrictions which could potentially create a delay in project
26 timelines but would provide a quiet weekend for surrounding residents.
27 Suggestions were provided to alleviate issues surrounding Saturday work. These
28 included looking into specific restrictions on neighborhoods vs. restrictions on the
29 town in its entirety or perhaps as Planning, Building and Zoning Director Wayne
30 Bergman recommended sectioning off the Town into maybe two or three sections
31 to delineate where Saturday Interior Construction would and would not be
32 permitted. Restricting hours even further was another suggestion and limiting the
33 size of trucks for Saturdays.

34
35 Code Enforcement Manager Alma discussed the enforcement strategy. The
36 Committee Members asked if there was one person dedicated solely to construction
37 site monitoring. Manager Alma explained that there was one Code Enforcement
38 Officer to handle all of town issues, including construction. He stated that the code
39 officer could handle checks on early arrivals and on time departures at construction
40 sites, but with the 509 projects under construction, he could not patrol those sites
41 exclusively for violations. Manager Alma discussed code enforcement's approach
42 in regard to the 44 Saturday violations and the 137 violations for the past year.

43
44 The Committee agreed that they needed enforcement to use a more proactive
45 approach. Information was provided by key staff members of how similar
46 communities handle neighborhood construction restrictions and how Code
47 Enforcement currently handle weekend enforcement. The main concern of the
48 Committee was the Town presently does have not enough resources to manage the

1 construction and any additional issues during weekend hours. There is currently
2 only one code enforcement officer working on Saturdays.

3
4 Director Bergman discussed the Construction Monitor he hired part time to monitor
5 fencing and other issues on construction sites Monday through Friday. There was
6 discussion to perhaps add Saturdays to the Construction Monitor's schedule. A
7 discussion ensued regarding the potential cost and whether there was enough in the
8 budget. Director Bergman stated it could come out of the application or permitting
9 fees.

10
11 Chair Araskog stated that even with enforcement, that does not solve the problem
12 of the noise that inside work creates for the neighbors and that perhaps they could
13 compromise and not allow Saturday work in season and allow it out of season.
14 Member Crampton disagreed and stated at this point he believes interior Saturday
15 work should be allowed.

16
17 Discussion ensued as to whether to present ideas to the Council to receive direction
18 from them, but it was decided that a little more information could help for the
19 Committee to make a recommendation to the Council in May.

20
21 **It was the consensus of the Committee to defer recommendations to the Town Council until**
22 **staff researched the following: recommendations to partition the town into perhaps two or**
23 **three sections with one or two sections restricting interior Saturday construction hours**
24 **during season; and for Wayne, Ben and Jay to gather ideas on how the Town can provide a**
25 **more proactive approach on enforcement during the weekend hours.**

26
27 Chair Araskog called for any additional public comments.

28
29 Warren Belmar, 130 Sunrise Ave., commented on noticing the meeting to the
30 public, the use of a bulldozer during turtle season north of Wells Road and asked
31 the Committee to have Code Enforcement take a closer look at this area.

32
33 B New Business

- 34
35 1. Prioritization of Pending Items to be Studied by ORS at Future Meetings,
36 including (1) Height Limitations of Vegetation Adjacent to Neighboring
37 Structures, (2) Landscape Buffers, (3) Synthetic Turf, (4) Noise, and (5)
38 Truck Study *[no written back-up]*
39 *Jay Boodheshwar, Deputy Town Manager*

40
41 Deputy Town Manager Boodheshwar reviewed the five (5) pending items the ORS
42 Committee directed staff to research. He requested that the Committee prioritize
43 the pending issues for planning purposes.

44
45 Chair Araskog expressed her following items were most time sensitive: Landscape
46 Buffers, Noise, Truck Study, Synthetic Turf, and Height Limitations.

47
48 Discussion ensued regarding what staff believed to be the most time sensitive items

1 to review.

2
3 Committee Member Crampton expressed the following items were most time
4 sensitive to him: Landscape Buffers, Truck Study, Noise, Height Limitations, and
5 Synthetic Turf.
6

7 **It was the consensus of the Committee to have the following items on the next agenda: Truck**
8 **Study, Construction Hours, Landscape Buffers, and Noise. The subsequent meetings will**
9 **include the remaining discussion items, which are Height Limitations of Vegetation Adjacent**
10 **to Neighboring Structures and Synthetic Turf.**

11
12 VI. ANY OTHER MATTERS

13
14 1. Next Meeting Date

15
16 Discussion ensued regarding the next meeting date and availability.

17
18 **It was the consensus of the Committee that the next meeting date will be Tuesday, April 27,**
19 **2021, at 9:30 a.m.**
20

21 VII. ADJOURNMENT

22
23 The meeting was adjourned at 11:02 a.m.
24
25
26
27

28 _____
29 Julie Araskog, Committee Chair

30
31 _____
32 Antonette Fabrizi, Committee Clerk
33
34

35 _____
36 Queenester Nieves, CMC, Town Clerk
37
38

38 _____
Date

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

COVID-19 Update

Kirk W. Blouin, Town Manager

TIME CERTAIN: 11:00 AM

a. Report on COVID-19 Infections, Hospitalizations and Vaccines

Darrel Donatto, Fire Rescue Chief

b. Compliance with Emergency Order and Mandates

Nicholas Caristo, Police Chief

c. Discussion About Town-Wide Curfew

d. Discussion about Public Meetings

e. RESOLUTION NO. 038-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To May 11, 2021, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Time Certain

11:00 AM

Presenter

ATTACHMENTS:

▣ **e. Resolution No. 038-2021**

RESOLUTION NO. 038-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA CONCURRING WITH THE REQUEST OF THE TOWN'S CHIEF OF POLICE, TO EXTEND THE CHIEF'S DECLARATION OF THE EXISTENCE OF A STATE OF EMERGENCY WITHIN THE CORPORATE LIMITS OF THE TOWN TO MAY 11, 2021, UNLESS EARLIER TERMINATED BY THE CHIEF OF POLICE, AT WHICH TIME THE TOWN COUNCIL WILL ADDRESS THE NEED FOR ANY EXTENSION OF THE DECLARATION OF EMERGENCY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 2019 Novel Coronavirus Disease (COVID-19) is a severe, acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as "high", both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, the President of the United States has declared a State of Emergency for the Country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, a threat of impact from COVID-19 exists throughout the corporate limits of the Town of Palm Beach and elsewhere; and

WHEREAS, COVID-19 poses a danger to life and the economic well-being of Palm Beach residents; and

WHEREAS, the Chief of Police of the Town of Palm Beach, pursuant to the authority of Section 58-41 of the Town Code of Ordinances, has declared a state of emergency exists within the corporate boundaries of the Town; and

WHEREAS Florida Statute Section 870.042 provides that the designated official, in this case the Chief of Police, has the authority to exercise the emergency powers conferred in Sections 870.041 through 870.047 of the Florida Statutes; and

WHEREAS, Section 870.047, Florida Statutes, provides for the duration and termination of a State of Emergency and provides that the emergency declaration shall terminate at the end of the period of seventy-two (72) consecutive hours unless prior to the end of the seventy-two (72) hour period, the declaration of emergency has been terminated; and

WHEREAS, any extension of the seventy-two (72) hour time limit must be accomplished by request from the public official and the concurrence of the Town Council by duly enacted resolution in regular or special session; and

WHEREAS, the Town Council approved Resolution No. 122-2020 on November 10, 2020, granting the Chief of Police's request that the seventy-two (72) hour time limit be extended to December 8, 2020; and

WHEREAS, the Town Council approved Resolution No. 145-2020 on December 8, 2020, granting the Chief of Police's request that the declaration of emergency be extended to January 12, 2021; and

WHEREAS, the Town Council approved Resolution No. 008-2021 on January 12, 2021, granting the Chief of Police's request that the declaration of emergency be extended to February 9, 2021; and

WHEREAS, the Town Council approved Resolution No. 021-2021 on February 9, 2021, granting the Chief of Police's request that the declaration of emergency be extended to March 2, 2021; and

WHEREAS, the Town Council approved Resolution No. 030-2021 on March 2, 2021, granting the Chief of Police's request that the declaration of emergency be extended to April 13, 2021; and

WHEREAS, the Chief of Police has requested that the time limit for the declaration of emergency be extended again to May 11, 2021, unless earlier terminated by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, AS FOLLOWS:

Section 1. The request of the Chief of Police to further extend the time period for the declaration of emergency is hereby granted.

Section 2. The declaration of emergency shall remain in effect until May 11, 2021, unless earlier terminated by the Chief of Police, at which time the Town Council will address the need for any extension of the declaration of the emergency.

Section 3. During this period of time, the Chief of Police has the authority to extend or amend any of the emergency measures declared in the initial declaration of emergency as provided

by the terms of Florida Statute Section 870.045.

Section 4. This resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk and delivered to the appropriate news media and by posting on the Town's website.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of April, 2021.

Danielle H. Moore, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

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

Presenter

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

ATTACHMENTS:

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

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: March 24, 2021

I. COMMUNICATIONS:

A. Community Meetings:

Coffee with the Crew meetings are postponed until further notice.

B. Significant Postal Mail or E-mail

Letters to all property owners in Phases 4 South and 5 South were sent out with an exhibit of right-of-way equipment locations.

II. PROGRESS SUMMARY:

Overall Town-wide Construction Progress. Seven (7) of 15 construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S and 4N.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's' Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 50% complete.
- Drilling continues with FPL equipment being set. Currently drilled up to Mar-A-Lago and will continue drilling north of this construction zone. The crews are now contacting properties along N. Ocean Blvd and the side streets.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Phase 3 North, the project is 92% complete.
- FPL energizing and conversions are in progress.
- ATT & Comcast conversions are in progress.

Phase 3 South:

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 7% complete.
- All easements have been verbally committed except one.
- One chicane remains.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road.

- Construction for Phase 4 North is 14% complete.
- All chicanes have been eliminated.
- All easements have been granted.

Phase 4 South:

From Peruvian Ave. north to Royal Palm Way & the Town Docks.

- Design is 78% complete.
- 60 of 61 easements are recorded or verbally approved.
- Easement acquisition is behind schedule – Master Plan start was May 2020.
- All right-of-way equipment locations will be marked the first week in April.
- Plans will be submitted to CMAR in April to begin bid process.

Phase 5 North:

From Country Club Road to Southland Road.

- Design is 71% complete and falling behind schedule due to slow easement acquisition progress.
- 52 of 87 (60%) easements are recorded or verbally approved.
- Start of construction planned for September 2021, originally May 2021.

Phase 5 South:

From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Design is 66% complete and falling behind schedule due to slow easement acquisition progress.
- 42 of 70 (60%) easements are recorded or verbally approved.
- Start of construction planned for September 2021, originally May 2021.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road.

- Design is 26% complete and on schedule.
- Easement acquisition has started, December 2020. Four (4) of 56 easements have been verbally approved.

Phase 6 South:

Seaspray Ave. to the south of Royal Poinciana Way.

- Design is 24% complete and on schedule.
- Easement acquisition has started, December 2020. Five (5) of 84 easements have been verbally approved.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road.

- Design is 12% complete and on schedule.
- Easement acquisition has not started.

Phase 7 South:

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 12% complete and on schedule.
- Easement acquisition has not started.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 9% complete and on schedule.
- Easement acquisition has not started.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- The 2021 Q1 and Milestones/Activities Reports will be submitted to FEMA by April 15th.
- Based on an initial review by FEMA, both Burkhardt Construction Inc. and LaConte Engineering should qualify for the Subrecipient Management Cost (SRMC) reimbursement (up to 5% of project budget) for grant related functions.
- The Town is waiting for the amendment/modification to the contract for the previously approved Period of Performance time extension. When questioned about an estimated date, representatives have indicated that, as a result of the unprecedented number of event declarations (including COVID), FEMA is struggling to respond.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design, direct material purchases, and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached.

cc: Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates

**Underground Utility Project Budget
Project Financial Summary
March 31, 2021**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,886,095	100.5%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 7,986,636	61.9%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,016,430	\$ 6,717,545	41.9%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 6,873,781	\$ 1,382,411	20.1%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,698,543	\$ 1,126,463	66.3%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 527,055	28.0%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 297,668	18.8%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 105,306	7.6%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 55,167,881	\$ 31,029,179	56.2%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 980,414	\$ 980,414	\$ 928,901	94.7%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,885,059	\$ 56,148,295	\$ 31,958,080	56.9%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 9,699,369	\$ 8,107,281	83.6%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,343,876	\$ 2,196,973	163.5%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 120,885,059	\$ 57,492,171	\$ 34,155,053	59.4%

Total Project Budget - Opinion of cost for construction	\$ 120,885,059
% Budgeted/Encumbered To Date Project Costs	46.45%
% Spent to Date - Project Costs	26.44%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 18,323,570	0.0%
Assessment Revenue	\$ 17,580,000	\$ 16,895,500	96.1%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 396,389	0.0%
Interest	\$ 1,312,000	\$ 2,344,082	178.7%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 8,996,728	\$ 8,996,728	
1 Cent Sales Tax	\$ 5,000,000	\$ 2,250,000	45.0%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 574,450	\$ 491,950	85.6%
Total Project Revenues	\$ 106,069,919	\$ 114,290,003	107.7%

Underground Utility Project Budget
Phase 1 Project Costs
March 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	113,399	431.6%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Other Change orders			\$ 130,415	130,415	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	483,548	101.4%
Construction Engineering (KH)			\$ 230,532	205,818	89.3%
	\$ 4,210,000	\$ 4,930,000	\$ 4,868,657	\$ 4,937,840	101.4%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,450,977	100.0%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders			\$ 12,749	12,749	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,362,028	99.1%
Construction Engineering (KH)			\$ 316,498	316,396	100.0%
	\$ 6,800,000	\$ 6,350,000	\$ 6,334,777	\$ 6,322,510	99.8%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	8,256	100.0%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,886,095	100.5%

Underground Utility Project Budget
Phase 2 Project Costs
March 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 129,348	94.7%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 799,244	99.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	3,961,886	98.7%
Approved Change Orders			\$ -	-	
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 496,307	100.0%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 243,705	98.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,818,925	99.7%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	33,400	95.4%
Burkhardt Construction			\$ 6,494,596	1,746,879	26.9%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Construction Engineering (KH)	-		\$ 282,973	\$ 207,820	73.4%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,055,899	\$ 2,155,097	30.5%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 19,939	91.8%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 23,933	95.7%
Postage			\$ -	\$ 491	
Recording Costs			\$ 3,605	\$ 2,990	82.9%
Easement Abandonment			\$ 6,870	\$ 8,495	123.7%
Total Easement Acquisition Costs	200,000	219,000	\$ 213,622	\$ 213,371	99.9%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 7,986,636	61.9%

Underground Utility Project Budget
Phase 3 Project Costs
March 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,042,171	\$ 3,624,525	89.7%
Approved Change Orders					
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 4,249	100.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 409,387	100.0%
Construction Engineering (KH)			\$ 236,976	\$ 215,822	91.1%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 243,470	\$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 74,900	\$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,183,252	\$ 4,732,951	91.3%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction					
Construction			\$ 8,029,385	133,750	1.7%
Approved Change Orders					
FPL Construction			\$ 562,000	562,905	100.2%
FPL Design Cost			\$ 11,359	6,950	61.2%
FPL - 101 El Brillo				10,875	
ATT Design and Construction Cost			\$ 425,000	5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	3,128	1.6%
Construction Engineering (KH)			\$ 322,540	21,876	6.8%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,545,412	\$ 744,484	7.8%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 270,913	99.1%
Legal Advertising				\$ 1,076	
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		0.0%
Jones Foster - Legal			\$ 25,000	\$ 21,018	84.1%
Recording Costs				\$ 4,194	
Easement Abandonment			\$ 8,150	\$ 1,244	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 393,261	\$ 346,400	88.1%
Total Phase 3 Costs	\$10,910,000	\$15,400,000	\$ 16,016,430	\$ 6,717,545	41.9%

Underground Utility Project Budget
Phase 4 Project Costs
March 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	406,156	90.0%
Task 1.3 Permitting Assistance			\$ 14,468	-	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	18,950	50.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	814,805	91.2%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction			\$ 5,043,010		
Approved Change Orders					
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			\$ 324,309	8,860	2.7%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 5,493,889	130,800	2.4%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 35,430	31,748	89.6%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,231	99.2%
Easement Assistance (KH)			\$ 59,369	18,456	31.1%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	35,211	92.1%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				3,905	
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 450,583	405,058	89.9%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 6,873,781	1,382,411	20.1%

Underground Utility Project Budget
Phase 5 Project Costs
March 31, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 304,321	67.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 394,518	65.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899		0.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 72,492	93.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 771,331	64.6%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100		
Construction					
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	17,573	108.3%
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 80,323	\$ 22,573	28.1%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100		
Construction					
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 83,383	\$ 25,633	30.7%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600	\$ 218,536	100.0%
Easement Assistance			\$ 81,086	\$ 70,041	86.4%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 17,704	43.1%
Jones Foster - Legal					
Recording Costs				\$ 646	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 340,766	\$ 306,927	90.1%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$14,090,000	\$11,694,645	\$ 1,698,543	\$1,126,463	66.3%

Underground Utility Project Budget
Phase 6 Project Costs
March 31, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 166,257	35.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 264,496	32.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938		0.0%
Task 1.6 Meetings North			\$ 84,791	\$ 29,807	35.2%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 460,560	32.0%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,868	15,868	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 15,868	\$ 15,868	100.0%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 19,394	19,394	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 19,394	\$ 19,394	100.0%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 30,408	8.6%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 403	0.7%
Jones Foster - Legal					
Recording Costs				\$ 422	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 410,009	\$ 31,233	7.6%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 527,055	28.0%

Underground Utility Project Budget
Phase 7 Project Costs
March 31, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 152,671	31.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 138,783	22.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938		0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 693	0.9%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 292,146	23.6%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ -	\$ -	0.0%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 5,271	1.5%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 250	
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 346,459	\$ 5,522	1.6%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 297,668	18.8%

Underground Utility Project Budget
Phase 8 Project Costs
March 31, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 102,902	10.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 346	0.4%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 103,248	9.0%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 2,023	0.9%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 34	
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 227,724	\$ 2,058	0.9%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 105,306	7.6%

Underground Utility Project Budget
Other Project Costs
March 31, 2021

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 219,003	77.5%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 980,414	\$ 928,901	94.7%

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		\$ 195,366	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs 2018		\$ 488,271	
GO Bond Closing Costs 2021	\$ 202,169	\$ 96,242	47.6%
GO Bond Debt Service	\$ 9,497,200	\$ 7,032,056	74.0%
Total Debt Service and Related Debt Issuance Costs	\$ 9,699,369	\$ 8,107,281	83.6%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 603,207	
PBT Real Estate v TPB		\$ 159,408	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Temp Services - Easement acquisition	\$ 80,000	\$ 99,606	124.5%
Project Manager -Pay and benefits	\$ 599,707	\$ 490,877	81.9%
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	\$ 1,343,876	\$ 2,196,973	163.5%

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update on Outdoor Seating - Under Review by the Planning and Zoning Commission

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **a. Memorandum Dated April 1, 2021, from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

CC: Chief Nicholas Caristo, Police Department; James Murphy, Asst. Director of PZB

Re: Outdoor Seating Regulations Update

Date: April 1, 2021

BACKGROUND

PZB staff made a presentation to the Town Council on February 10, 2021, regarding the strong community support for the temporary Covid-19 Outdoor Seating and Display Program, which was approved by the Town Council last year in an effort to assist restaurants and retail stores deal with the state and federal guidelines that limited the indoor use of space. Jay Boodheshwar joined in the discussion and provided the number of local restaurants that took advantage of the program, which allows moving approved indoor seats to the outside. He also quantified the number of seats that have been temporarily added to the areas just outside of the restaurants.

PZB staff then highlighted the currently restrictive regulations for outdoor seating, and suggested that if the Council liked the idea of outdoor seating to continue after the pandemic recedes, that changes to the Town zoning code are needed. The current codes would preclude most of the temporary seating now approved from continuing once the Covid-19 Outdoor Seating and Display Program ends. Finally, staff proposed the concept of developing a “sidewalk café” style program, where the outdoor seating would be approved annually, with fees paid to the Town to cover the cost of enforcement. The Council supported the idea of studying the regulations and were interested to see if the outdoor seating codes could be modified to allow more restaurants to offer this seating. They did desire to bifurcate the outdoor seating program to regulate seating on private property differently from seating on public sidewalk areas. With these thoughts, they sent the matter along to the Planning & Zoning Commission.

At the March 16, 2021 Planning & Zoning Commission meeting, the Commission reviewed the request made by the Town Council and began their study of the matter. Prior to the meeting, the Commission received several letters of support to continue the outdoor seating in the Town. At this meeting, the Commission members also believed generally that outdoor seating is a good thing for the Town, and they focused on the methods in which to expand the outdoor seating program;

they questioned what actual percentage of seating expansion was reasonable; they discussed the possible need to provide a covered area to block the sun and light rain (awnings, maybe retractable); and to limit any accepted changes to a one year test program. They wanted these discussion matters to be relayed to the Town Council.

GENERAL INFORMATION

Staff would like to ask a few more threshold questions of the Town Council before returning this matter to the Planning & Zoning Commission's next meeting. These questions are:

- Should outdoor café seating (on both private and public property) be administratively approved, provided certain regulations and limitations are met via a conditional use permit? Or should outdoor dining be subject to a special exception conditional use procedure by Town Council?
- Should only a percentage of the seating capacity indoors be allowed as outdoor café seating, i.e. 10% of inside capacity, if a restaurant has 100 seat indoors, 10 outdoor seats are permitted outside with no change to parking or capacity allowances. Whereby, any additional seating that exceeds this percentage undergoes review as a special exception conditional use procedure by Town Council subject to additional conditions and the parking requirement must be met.
- Should outdoor café seating on the sidewalk be limited to the area abutting the boundary lines of the property on which the business owned by the applicant or should the seating be allowed to extend over to an adjoining tenant space sidewalk areas, i.e. jewelry or clothing retail stores sidewalk frontage?
- Should the Landmarks or Arcom Commissions review and approve the table and chairs to be used in the outdoor café s? Or would a staff approval review be sufficient, with any concerns raised by staff to be sent to the Commissions for resolution?
- Should the furniture used in the sidewalk outdoor café s remain outside overnight, or should the furniture be moved inside at the closing of the restaurant?

TOWN OF PALM BEACH

Town Council Meeting on: April 13, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion on Traffic Calming of N. Ocean Blvd. in the North End.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated April 1, 2021, from Nicholas Caristo, Chief of Police**
- ▣ **Town Council Memorandum dated October, 1, 2012 from Paul Brazil, Director of Public Works - Attachment A**
- ▣ **Town Council Meeting Minutes from December 12, 2012 - Attachment B**

TOWN OF PALM BEACH

Information for Town Council Meeting: April 13, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Nicholas Caristo, Chief of Police

RE: Discussion on Traffic Calming N. Ocean Blvd. North End

DATE: April 1, 2021

GENERAL INFORMATION

A recent crash involving a vehicle and a pedestrian in the north end of Town prompted community discussions about the design of roadways and traffic control, which exists on the roadways, particularly in the area directly north of the 1000 block of North Ocean Blvd.

Currently, the speed limit on N. Ocean Blvd., north of 760 N. Ocean Blvd., is 30 mph with the exception of lower speeds on the curves and a recently reduced speed (25 mph) area north of Via Manana. North County Road, which converts to North Ocean Blvd., is consistently a no passing zone until the 1100 block of North Ocean Blvd., where it converts to a passing zone.

According to the Town Code of Ordinances and ordinarily, the Town Engineer, Director of Public Works and Chief of Police will consult on changes and submit to the Town Manager for approval before implementation. As Town Council has previously addressed portions of this issue (2012), this memorandum and associated back-up documents are intended to provide facilitating and historical information, the use of which may assist in Town Council's discussion on this issue, and any subsequent direction given to Town Staff.

Historical actions in regards to double yellow (no passing zone) striping:

- October 2012 – Town Council Memorandum regarding a contract award to mill and resurface N. Ocean Blvd. (Attachment A)
- November 2012 – Milling and resurfacing work was completed to include double yellow striping (no passing).
- December 2012 – Town Council addressed the new double yellow striping (no passing) and ultimately voted to remove the double yellow striping between Queens Lane and Reef Road (December 12, 2012 Minutes – Attachment B)
- August 2013 – Road marking changes were completed.

The Chief of Police, Director of Public Works and Town Manager have met to discuss the citizen concerns raised, and recommend the Town Council allow the roadways north of 1100 block of North Ocean Blvd. be designed according to state standards detailed in the Manual of Uniform Traffic Control Devices (MUTCD). This will allow this area to be in compliance and consistent with the standards set in other areas of Town. The substantial rise in activity (motorists, bicyclists and pedestrian traffic) has increased the level

of concern for safety in this area. Paul Brazil, Director of Public Works, and myself will be available for questions as needed.

Attachments

cc: Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 9, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for North Ocean Boulevard Roadway Milling and Resurfacing
Resolution No. 139-2012

Date: October 1, 2012

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 139-2012 authorizing the award of the North Ocean Boulevard Roadway Milling and Paving to Ranger Construction, in the amount of \$211,974.25 per the Village of Wellington Contract ITB#077-12/ENR. The project budget will also include an allowance of \$25,000 for striping and pavement marking, a 15% contingency of \$36,025.75 for a total budget of \$273,000. This contract will be awarded under the condition that Ranger Construction receives a signed contract from the Village of Wellington.

GENERAL INFORMATION

At the September 11, 2012 Town Council meeting, Town Council directed staff to bring back a plan to pave North Ocean Boulevard from Fairview to the Inlet as a result of the ongoing utility work by Florida Public Utilities (FPU). The plan is for the Town to pave those sections of North Ocean Boulevard that would remain after FPU restores the roadway per the Town Right of Way Standards, resulting in a fully restored roadway with no patch work appearance. Since the last Town Council meeting, staff has negotiated with FPU regarding the road restoration responsibilities.

FPU completed the replacement of their gas main over a two year period. The Town's roadway restoration standards changed between the first and second year of work. The first year work only needs to have a suitable pavement patch on the excavated areas. The second year work requires that a minimum of 50 feet of milling and resurfacing be completed on each side of a roadway cut.

In negotiating with Town staff, FPU has agreed to repair those patches from the first year's work under the new Right Of Way standards for utility cuts. On side streets that require milling and resurfacing where the Town has already planned to micro resurface these roadways, FPU has agreed to apply this quantity to milling and resurfacing on North Ocean Boulevard. We believe FPU has been very cooperative in determining what they would be willing to mill and resurface on North Ocean Boulevard and that the Town will receive a net benefit from this collaborative effort.

Using the new Right of Way pavement restoration standards, and applying a credit to the Town for work on the side streets, the quantity of all the FPU required milling and resurfacing on North Ocean Boulevard from Fairview Road to the Inlet equates to approximately 25% of the total roadway surface. This means the Town would be responsible for the remaining 75% of milling and resurfacing for a uniform pavement appearance.

If Town Council approves the paving of the entire North Ocean Boulevard roadway between Fairview Road and the Inlet, the proposed paving work would commence on or about October 29, 2012, and is planned to be completed on or about November 21, 2012, weather conditions permitting.

Town staff recommends that the paving work be accomplished via a “piggy-back” contract that was awarded by the Village of Wellington. Ranger Construction has successfully completed paving projects in Palm Beach and is currently paving South Ocean Boulevard on the A-39 to A-7 Force Main Replacement project.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Capital Improvement Program (CIP) Annual Paving Program budget for FY 2013 to complete this work.

SPECIAL CONSIDERATIONS

The impacts to the Town’s annual milling and paving program with the addition of North Ocean Boulevard from Fairview Road to the Inlet, resulted in the postponement of four (4) streets that were identified to be paved in FY2012/2013. Those streets are the 100, 200, 300, and 400 blocks of Peruvian Avenue; Cocoanut Row from Royal Palm Way to Peruvian Avenue; Hibiscus Avenue from Royal Palm Way to Peruvian Avenue; and South Ocean Boulevard from Royal Palm Way to Hammon and El Bravo to Via Marina. Staff had estimated the cost of the four streets to be between \$280,000 and \$300,000. The Town Council has directed staff to prioritize paving work based on the condition of the roadways as opposed to the original plan that worked from north to south regardless of condition. North Ocean Boulevard is now in worse condition than the streets that have been deferred to next year’s program.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This proposed 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
James M. Bowser, P.E., Town Engineer
Brett Madison, Facilities Division Manager
Mike Roach, P.E., Project Engineer

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON DECEMBER 12, 2012

Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to build a one-story accessory pool cabana containing 520 sq. ft. which will result in a lot coverage of 35.98% in lieu of 32.67% existing and 30% maximum allowed. The proposed pool cabana would also result in a landscaped open area of 34.66% in lieu of 37.98% existing and 45% minimum required.

[Attorney: M. Timothy Hanlon]

[ARCOM Recommendation: ARCOM deferred the application to the January ARCOM meeting by a vote of 7-0.]

Request for Deferral to the January 9, 2013 Town Council Meeting. – This item was deferred to the January 9, 2013, Town Council meeting.

D. Other – None

X. ANY OTHER MATTERS

1. Time Extension to Saturday, December 15, 2012, to Complete Punch List Items on Drainage Improvement Project at Nightingale Trail.

Director of Public Works Brazil provided an overview of the request.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve a time extension to Saturday, December 15, 2012, to complete punch list items on a drainage improvement project at Nightingale Trail. On roll call, the motion carried unanimously.

2. Review of No Passing Zone on North Ocean Boulevard.

Director of Public Works Brazil provided an overview of the State standards in the Manual of Uniform Traffic Control Devices (MUTCD), and why the no passing zone was created. He stated that the passing zone was not in compliance with the MUTCD, and that the Town's policy has been to correct any non-conformity during restoration.

Discussion ensued regarding safety, traffic, liability, speed limits, and other non-conforming streets.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve reestablishing the passing zone on North Ocean Boulevard between Queen's Lane and Reef Road, and to double stripe along that stretch an appropriate distance from the curves. On roll call, the motion carried 4-1, with Council President Pro Tem Wildrick dissenting.

1 Motion was made by Council Member Diamond, and seconded by Council President Pro
2 Tem Wildrick, to approve reestablishing the passing zone on North Ocean Boulevard from
3 north of the Palm Beach Country Club entrance to an appropriate distance from the curve,
4 as determined by Staff, and to keep the double striping north of said location and south of
5 Queen's Lane. On roll call, the motion carried unanimously.

6
7 Mr. Brazil requested that the Town wait until summer to implement the requested
8 changes to minimize the impact on traffic.

9
10 Council consensus was to wait until the Summer of 2013 to implement the above changes.

11
12 3. Review of Temple Emanu-El's Valet Parking Impacts.

13
14 Parking/Code Enforcement Manager Houston, on behalf of Major Howe,
15 provided an overview of Major Howe's original proposal for handling the
16 Temple's traffic, the issues that have arisen since the proposal was implemented,
17 and how the Police Department is working with the Temple, the valet company,
18 and the neighbors towards an acceptable compromise. The Police Department is
19 also working with the Public Works Department to identify additional parking
20 spaces. She stated that managing the issue has been a constant work in progress.

21
22 Discussion ensued regarding the Temple providing adequate notice to the
23 residents, briefing the SAO detail officers on the regulations, valet operations,
24 equity, and the additional issues that have arisen from the changes.

25
26 Joanne Warshaver, 223 Seminole Avenue, expressed her concerns regarding the
27 valet operations at the Temple.

28
29 Sophia Burnichon, 231 Seminole Avenue, expressed her concerns regarding the
30 valet operations at the Temple.

31
32 Robert Sheff, 219 Seminole Avenue, expressed his concerns regarding the valet
33 operations at the Temple.

34
35 Leslie Evans, 135 Seminole Avenue, expressed his concerns regarding
36 harassment of the Temple by the neighbors.

37
38 Etonella Christlieb, 200 Everglade Avenue, expressed her concerns regarding the
39 valet operations at the Temple.

40
41 Discussion ensued regarding options to create additional parking spaces.

42
43 Council Member Pucillo expressed concern that there was not a representative
44 from the Temple present. He stated that discussion of the matter should be
45 revisited when the Temple has the opportunity to be heard.