TENTATIVE:
SUBJECT TO
REVISION

# TOWN OF PALM BEACH

**TOWN COUNCIL MEETING**

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

**AGENDA**

**APRIL 9, 2024**

**9:30 AM**

## Welcome

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

**I. CALL TO ORDER AND ROLL CALL**

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie D. Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

**III. MODIFICATIONS TO THE AGENDA**

**IV. APPROVAL OF AGENDA**

## V. CERTIFICATION OF ELECTION RESULTS

**A.** RESOLUTION NO. 036-2024 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 19th Day of March, 2024. Page 9

*Kelly Churney, Acting Town Clerk*

## VI. RECOGNITIONS

**A.** Recognition of Bridget Moran for her Three Years of Service on the Landmarks Preservation Commission from March 2021 to March 2024

*Danielle H. Moore, Mayor*

**B.** Recognition of Margaret A. Zeidman for her Eight Years of Service on the Town Council from February 2016 to April 2024 Including Service as Town Council President Pro Tem from March 2018 to March 2020 and as Town Council President from April 2020 to April 2024.

*Danielle H. Moore, Mayor*

## VII. SWEARING IN OF ELECTED OFFICIALS

**A.** The Honorable Judge Lisa Small

1. Lewis S.W. Crampton
2. Bobbie D. Lindsay
3. Bridget Moran

## VIII. ORGANIZATIONAL ITEMS

**A.** Election of Town Council President Pursuant to Section 3.01 of the Town Charter Page 16

*(Town Council President Becomes Presiding Officer)*

**B.** Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter Page 18

## IX. PRESENTATIONS

**A.** 2024 Summary of Florida Legislative Session Page 20

*Mat Forrest, Lobbyist*

## X. COMMENTS OF MAYOR DANIELLE H. MOORE

## XI. COMMENTS OF TOWN COUNCIL MEMBERS

## XII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

## XIII. APPROVAL OF CONSENT AGENDA

### A. MINUTES

1. Town Council Meeting Minutes Page 50
   *Kelly Churney, Acting Town Clerk*

a. March 12, 2024, Town Council Meeting Minutes
b. March 13, 2024, Local Planning Agency Meeting Minutes
c. March 13, 2024, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 27, 2024. Page 101

*Wayne Bergman, Director of Planning, Zoning and Building*

## B. RESOLUTIONS

1. RESOLUTION NO. 014-2024 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to The Planning, Zoning & Building Department. Page 108

*Wayne Bergman, Director of Planning, Zoning and Building*

2. RESOLUTION NO. 037-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the Amount of $836,987.09 and Establishing a Project Budget of $921,000. Page 130

*Dean Mealy, II Procurement and Contract Manager*

3. RESOLUTION NO. 038-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project in the Amount of $214,020. Page 134

*Dean Mealy, II Procurement and Contract Manager*

4. RESOLUTION NO. 039-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, requesting approval to reject Resolution No. 131-2023 that Town Council deferred at the October 2023 meeting. Page 142

*Dean Mealy, II Procurement and Contract Manager*

5. RESOLUTION NO. 040-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2024-07 for Janitorial Services to Image Janitorial Services, Inc., as the Primary and American Janitorial, Inc. as the Secondary awardee in the Annual Amount of $224,082 and Establishing a Five-Year Award in the Amount of $1,210,000 Based on Satisfactory Performance and Budget Authorization. Page 145

*Dean Mealy, II Procurement and Contract Manager*

6. RESOLUTION NO. 041-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to awarded Resolution No. 082-2021, Tyler Technologies for additional Licenses and Two Years of Maintenance in the Amount of $300,185 for a New Award in the Amount of $975,000. Page 156

*Dean Mealy, II Procurement and Contract Manager*

7. RESOLUTION NO. 042-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the Amount of $157,465. Page 165

   *Dean Mealy, II Procurement and Contract Manager*

8. RESOLUTION NO. 045-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements in the Amount of $215,900 and Establishing a Project Budget in the Amount of $240,000. Page 176

   *Dean Mealy, II Procurement and Contract Manager*

9. RESOLUTION NO. 046-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the Amount of $1,872,490 and Establishing a Project Budget of $2,153,363. Page 189

   *Dean Mealy, II Procurement and Contract Manager*

10. RESOLUTION NO. 047-2024 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Purchase Order To Syzygy Global Inc., For Pergola Project For Mandel Recreation Building In The Amount Of $84,323.33 And Establishing A Project Budget In The Amount Of $90,000. Page 199

    *Dean Mealy, II Procurement and Contract Manager*

**C. OTHER**

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 214

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

**XIV. BOARD/COMMISSION ANNUAL REPORT**

**A.** Annual Report of the Architectural Commission (ARCOM) Page 230

*Jeffery W. Smith, Chair*

**XV. REGULAR AGENDA**

**A. Matters Pulled From Consent Agenda: If needed**

**B. Old Business**

1. Review of Traffic Management Plan Page 232

   *Nicholas Caristo, Chief of Police*

2. RESOLUTION NO. 027-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB Page 262

No. 2024-09, Central Fire Fuel Station Fuel Tank Station Remediation and Replacement to Murray Logan Construction, LLC., in the Amount of $2,224,698 and Establishing a Project Budget of $2,674,698.

*Dean Mealy, II Procurement and Contract Manager*

3. Phipps Ocean Park Update Page 267

a. Capital Grant and Operating Agreement Update
b. Donor Signage Plan Update

*Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture*

### C. New Business

1. 2025 Preservation Foundation of Palm Beach Dinner Permission Request Page 276

*Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture*

## XVI. ORDINANCES

### A. Second Reading

1. Proposed Ordinance to Amend the Town Code Relative to the Deferred Retirement Option Program (DROP) Page 278

ORDINANCE NO. 010-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Joanne O'Connor, Town Attorney*

### B. First Reading

1. Proposed Ordinance to Amend the Town Code at Chapter 74, Section 74-282 to Include All Town-Owned Parks Page 281

ORDINANCE NO. 013-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, at Article VI, Recreational Access Closures, by Amending Section 74-282; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

*Nicholas Caristo, Chief of Police*

2. Proposed Ordinance to Amend Chapter 82 of the Town Code Relative to Personnel and Employee Benefits Page 285

ORDINANCE NO. 014-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-52, Definitions; Amending Subdivision III, Firefighters; Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Amending Section 82-95, Amount Of Pension – Firefighters; Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Amending Subdivision IV, Police Officers; Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Amending Section 82-115, Amount Of Pension – Police Officers; Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Amending Subdivision V, General Employees And Lifeguards; Amending Section 82-135, Amount Of Pension For Benefit Group General And Benefit Group Lifeguard; Amending Section 82-139, Deferred Retirement Option Program For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Jim Linn, Town Attorney - Pension*

3. Proposed Ordinance to Amend the Town Code at Chapter 18 Relative to Regulations Regarding Construction Screening Fences Page 312

ORDINANCE NO. 016-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 54, Historical Preservation, At Article III, Certificate Of Appropriateness, Division 2, Procedures and Effect, Section 54-99, Construction Screening Plan, by Providing Reference to Section 18-353, Construction Screening Required; at Chapter 18, Buildings and Building Regulations, at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-201, Construction Screening, by Providing Reference to Section 18-353, Construction Screening Required; at Article VII, Construction Site Management, by Adding Section 18-353, Construction Screening Required; by Amending Article XVI, Storm Shutter Regulations, at Section 18-1010; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing For Codification; and Providing an Effective Date.

*Wayne Bergman, Director of Planning, Zoning and Building*

4. Proposed Ordinance To Amend the Town Code at Chapter 122 By Providing A Definition of "Public Utility Structures" Page 319

ORDINANCE NO. 018-2024 An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 122, Utilities By Adding Section 122-1, Definitions, Providing A Definition Of Public Utility Structures; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; and Providing An Effective Date.
*Joanne O'Connor, Town Attorney*

## XVII. ANY OTHER MATTERS

## XVIII. ADJOURNMENT

**Procedures for Public Participation:**

**Note 1:** **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com. and select the "View Event" or "Click Here to Listen" button.

**Note 2:** Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. 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. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a public comment virtually (for Town Council Meetings Only), email a request to publiccomment@townofpalmbeach.com and identify the desired agenda item(s) to be addressed

2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.

3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.

4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

**Note 3:** **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a

verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

**Note 4:** Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Certification of Election Results

Agenda Title
RESOLUTION NO. 036-2024 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 19th Day of March, 2024.

Presenter
Kelly Churney, Acting Town Clerk

ATTACHMENTS:

- **Memorandum Dated April 1, 2024 from Kirk Blouin, Town Manager**
- **Resolution No. 036-2024**
- **March 19, 2024 Certified Election Results by Wendy Sartory Link, Supervisor of Elections Palm Beach County**

# TOWN OF PALM BEACH
## Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Kelly Churney, Acting Town Clerk

Re: Calling Election Results of March 19, 2024, General Election Results
**Resolution No. 036-2024**

Date: April 1, 2024

**STAFF RECOMMENDATION**
Staff recommends that the Town Council approve Resolution No. 036-2024, declaring the results of the March 19, 2024, Town of Palm Beach General Election.

**GENERAL INFORMATION**
On December 5, 2023, the Town of Palm Beach held its 112th Town Caucus to nominate candidates for the offices of Town Council Groups 1, 2, and 3. There was only one nomination for Town Council Member Group 1; candidate Lewis S.W. Crampton was declared unopposed for the office of Town Council Member Group 1, effective as of the general election date, March 19, 2024. There was only one nomination for Town Council Member Group 2; candidate Barbara "Bobbie" D. Lindsay was declared unopposed for the office of Town Council Member Group 2, effective as of the general election date, March 19, 2024. Two nominations were received for Town Council Member Group 3: John David Corey and Bridget Moran.

On March 19, 2024, the Town of Palm Beach held a general election to elect candidates for the contested office of Town Council Member Group 3. 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

cc: Joanne O'Connor, Town Attorney
Carolyn Stone, Deputy Town Manager – Business Enterprise and Culture
Bob Miracle, Deputy Town Manager – Finance and Administration

**RESOLUTION NO. 036-2024**

**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 19TH DAY OF MARCH 2024.**

**WHEREAS,** the following incumbents, Council Member Lewis "Lew" S.W. Crampton, Group 1, and Council Member Barbara (Bobbie) D. Lindsay, Group 2, were nominated at the Caucus by the voters of the Town of Palm Beach, Florida, held on December 5, 2023, and were unopposed; and

**WHEREAS,** John David Corey and Bridget Moran were nominated at the Caucus of the voters of the Town of Palm Beach, Florida, held on December 5, 2023, to run for Town of Palm Beach Town Council - Group 3, for the term of two years, and

**WHEREAS,** an election was held in the Town of Palm Beach on March 19, 2024; and

**WHEREAS,** the Palm Beach County Supervisor of Elections certified the result of said Election to be:

**TOWN COUNCIL PERSON - GROUP 3**

| | |
|---|---|
| JOHN DAVID COREY | 1,637 votes |
| BRIDGET MORAN | 1,725 votes |

1,999 votes were cast at the precincts on March 19, 2024, 1,203 votes were cast by Vote By Mail, 160 votes were cast during Early Voting, and 0 were cast by Provisional Ballots, for a total of 3,362 votes for this election.

**WHEREAS,** in accordance with the Town of Palm Beach Code of Ordinances Chapter 34, Article III, Section 121, the Town Council declares the election results as certified by the Supervisor of Elections of Palm Beach County and that the votes cast are a true and correct tabulation.

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

**SECTION ONE:** The preceding recitals are hereby ratified and confirmed.

**SECTION TWO:** The following named candidates are hereby declared to be elected to the office of Town Council Persons – Groups 1, 2, and 3 for a term of two years:

**TOWN COUNCIL PERSON – GROUP 1**

LEWIS "LEW" S.W. CRAMPTON

**TOWN COUNCIL PERSON - GROUP 2**

BARBARA (BOBBIE) D. LINDSAY

**TOWN COUNCIL PERSON - GROUP 3**

BRIDGET MORAN

The terms of office of the elected officials referenced above shall begin from the Town Council meeting on April 9, 2024, for two years until the date after the election upon which they or their successor are sworn in and take office.

**SECTION THREE:** All resolutions or parts of resolutions in conflict are hereby repealed.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Margaret A. Zeidman, Town Council President |
| | _____ |
| | Bobbie D. Lindsay, Council President Pro Tem |
| | _____ |
| ATTEST: | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Lewis S.W. Crampton, Town Council Member |

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

Town of Palm Beach

☆ **Town Council - Group Three - Palm Beach (Vote For 1)**

**Participating Precincts Reporting: 7 / 7**

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 48.69% | 1,637 |
| Bridget Moran | 51.31% | 1,725 |
| | | 3,362 |

Witness my hand and official seal at Palm Beach County, on April 1, 2024.

By: Wendy Sartory Link

Wendy Sartory Link

Supervisor of Elections Palm Beach County

**5601** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 38.61% | 388 |
| Bridget Moran | 61.39% | 617 |
| | | 1,005 |

**5602** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 52.66% | 277 |
| Bridget Moran | 47.34% | 249 |
| | | 526 |

**5603** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 58.73% | 306 |
| Bridget Moran | 41.27% | 215 |
| | | 521 |

**5604** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 36.97% | 78 |
| Bridget Moran | 63.03% | 133 |
| | | 211 |

**5605** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 54.89% | 404 |
| Bridget Moran | 45.11% | 332 |
| | | 736 |

**5607** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 50.76% | 167 |
| Bridget Moran | 49.24% | 162 |
| | | 329 |

**5608** Show Detailed View

| Choice | Percent | Votes |
|---|---|---|
| John David Corey | 50.00% | 17 |
| Bridget Moran | 50.00% | 17 |
| | | 34 |

# TOWN OF PALM BEACH
Town Council Meeting on: April 9, 2024

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:

- **Sample Ballot - Town Council President**

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING APRIL 9, 2024

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**

Bobbie D. Lindsay

Signature of Town Council Member: _____

SAMPLE BALLOT

# TOWN OF PALM BEACH
Town Council Meeting on: April 9, 2024

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 - Town Council President Pro Tem**

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT <u>PRO TEM</u>**

TOWN COUNCIL MEETING APRIL 4, 2024

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 <u>Pro Tem</u>**

Julie Araskog

Edward A. Cooney

Lewis S.W. Crampton

Signature of Town Council Member: _____

# TOWN OF PALM BEACH
Town Council Meeting on: April 9, 2024

Section of Agenda
PRESENTATIONS

Agenda Title
2024 Summary of Florida Legislative Session

Presenter
Mat Forrest, Lobbyist

ATTACHMENTS:

- **2024 End of Session Report**

BALLARD | PARTNERS

# Town of Palm Beach
# End of Session Report

## March 22, 2024

# 2024 End of Session Report

The Legislature has now completed its nine-week Session and passed a budget for Fiscal Year 2024-2025. During the 2024 Legislative Session, several of the proposed bills were similar to legislation in previous years, and many of those bills that would have impacted the operations of local government failed to pass. Bills that did make it through the legislative process include legislation pertaining to affordable housing, vacation rentals, building permits, and public works projects among other issues.

Below are some of the most relevant bills to the Town. In the interest of space this is only a brief summary so please let us know if you have any legislation that you would like more information regarding.

## Policy Decisions within the FY 2024-2025 Budget

**HB 5003 – Preemption of Leaf Blower Ordinances (Passed)**
From time to time, policy decisions are embedded in the state budget and/or within related implementing bills that enact budgetary decisions. This year, during the Budget Negotiating Conference, language was inserted without any prior notice, public comment, or member debate that preempts a county or municipal government from amending or adopting an ordinance that restricts or prohibits the operation of a leaf blower that uses an internal combustion engine or motor.

*HB 5003, Section 74 –*

In order to implement Specific Appropriation 1864 of the 2024-2025 General Appropriations Act, a county or municipal government may not amend or adopt an ordinance that restricts or prohibits the operation of a leaf blower that is powered by an internal combustion engine or motor. This section expires July 1, 2025.

HB 5003 passed the House by a 105-3 vote and passed the Senate by a unanimous 39-0 vote. I know the Town already has an Ordinance in place. I recommend you consult with the Town Attorney to determine how this language impacts your existing ordinance.

The bill will be sent to the Governor for his review and approval.

## Legislation of Note

**SB 1526 Local Regulation of Nonconforming and Unsafe Structures by Sen. Avila (R-Miami-Dade) / HB 1647 by Rep. Roach (R-Lee) (Passed)**

You might recall this bill from last Session. We opposed it throughout most of the 2023 Session until it was amended to exempt the Town. I'm happy to report that this year the House bill contained the exemption language from the start and the Senate bill added it in the 2nd Committee meeting. The bill passed in that form, with the exemption for the Town of Palm Beach, and has been approved by the Governor.

SB 1526 creates the definition of nonconforming structure to mean a structure that does not conform to the requirements for new construction issued by the National Flood Insurance Program, and the bill prohibits a local government from prohibiting, restricting or preventing the demolition

of any nonconforming structure located within one-half mile of the coastline which are also within zones V, VE, AO, or AE as identified on the Flood Insurance Rate Map issued by FEMA.

The bill also prohibits local governments from prohibiting, restricting, or preventing the demolition of any structure determined to be unsafe by a local building official or any structure ordered to be demolished by a local government that has proper jurisdiction. There is an exemption for structures individually listed in the National Register of Historic Places or is a single-family home.

SB 1526 requires a local government to review an application for demolition permit pursuant to this bill only administratively for compliance with Florida Building Code, Florida Fire Prevention Code, the Life Safety Code, and any other local regulation applicable to similarly situated parcels.

A local government must authorize replacement structures to be developed to the maximum height and overall building size authorized by local development regulations, and local governments may not require the replication of the demolished structure or require preservation of any element of the demolished structure.

The bill has two key exemptions for a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, and for a structure or building located on a barrier island in a municipality with a population of less than 10,000 where at least 6 city blocks are not located in flood zones V. VE, AO or AE. The later of which was included specifically for the Town of Palm Beach and was discussed publicly at several meetings.

The bill has already been sent and approved by the Governor.

**HB 157 Governing Body Meetings by Rep. Caruso (R-Broward) / SB 894 by Sen. Bradley (R-Duval) (Failed)**

We worked with Rep. Caruso and Sen. Bradley to file this legislation at the Town's request. HB 157 authorizes governing bodies of municipalities to convene meetings and conducting official business via teleconferencing or other technological means as long as such meeting meet all of the requirements for public notice, public access and public participation.

The bill limited the use of teleconferencing to twice per calendar year, and the meetings could not include formal action on ordinances or are quasi-judicial hearings.

*HB 157, Section 1 –*

(3)(a) The governing body of a municipality may convene meetings and conduct official business via teleconferencing or other technological means as long as such meetings meet all of the requirements for public notice, public access, and public participation. A governing body may not convene meetings via teleconferencing or other technological means more than two times per calendar year. Meetings that include formal action on ordinances or are quasi-judicial hearings may not be conducted via teleconferencing or other technological means.

SB 894 passed its first and second Senate committees of reference unanimously. Unfortunately, the House was opposed conceptually to all changes in how local governments conduct meetings. This bill was never heard in the House and similar changes were removed from other bills. As a result, the bills died.

Both Sponsors were contacted by many local governments supporting the bills and, if directed by the Town, I will work with both of them to file the Legislation again next Session.

**CS/HB 267 Residential Building Permits by Rep. Esposito (R-Lee) / SB 684 by Sen. DiCeglie (R-Pinellas) (Passed)**

For a second consecutive year, there was an effort to reduce the timeframes for building permits. HB 267 and its Senate companion SB 684 shorten notification timeframes for a local government to contact an applicant for residential building permits, but the bills underwent significant revisions since its introduction. In our review, the final version of HB 267 does the following, but we recommend having your appropriate staff review the bill if it is of interest.

HB 267 sets out the following timeframes for a local government to review, approve, approve with conditions, or deny a complete and sufficient permit application:

- Local governments have 5 business days (previously 10 calendar days) to provide written notice to an applicant after receipt of an application advising the applicant what information, if any, is needed to deem the application property completed and in compliance with the filing requirements published by the local government.
- Local governments have 30 business days (previously 120 days) to review a complete and sufficient application for the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Local governments have 60 business days (previously 120 days) to review a complete and sufficient application for the following building permits if the structure is more than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Local governments have 60 business days after receiving a complete and sufficient application for an applicant using local government plans reviewer to obtain building permits for signs or nonresidential buildings that are less than 25,000 square feet.
- Local governments have 60 business days after receiving a complete and sufficient application for an applicant using local government plans reviewer to obtain building permits for multifamily residential not exceeding 50 units, site-plan approvals and subdivision plats not requiring public hearing or public notice, and lot grading and site alteration.
- Local governments have 12 business days after receiving a complete and sufficient application for an applicant using a master building permit to obtain a site-specific building permit.
- Local governments have 10 business days after receiving a complete and sufficient application for an applicant for single-family dwellings utilizing the Community Development Block Grant-Disaster Recovery Program.

HB 267 provides that a local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant by email or U.S. Postal Service within the respective timeframes which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

If the applicant submits revisions within the 10 business days after receiving the written notice, the local enforcement agency has 10 business days to approve or deny the building permit, and if

the local enforcement agency fails to issue or deny the building permit within the 10 business days after receiving the revisions, it must reduce the building permit fee by 20% (current law already allows for 10% fee reduction each business day after failing to meet deadline if no revisions are requested ) for each business day that it fails to meet the deadline.

The bill reduces the timeframe that a local government must issue a building permit to a private provider who seals the plans to 10 days after receipt instead of 20 days. Additionally, the bill prohibits local governments from requiring a waiver of permit approval timeframes as a condition to review an application for a building permit.

HB 267 prohibits a local building code enforcement agency from auditing the performance of building code inspection services by private providers operating within the local jurisdiction until the local building code enforcement agency has created a manual for standard operating audit procedures for the local building code enforcement agency's internal inspection and review staff. At a minimum, the standard operating procedures must include the purpose and scope of the audit, audit criteria, an explanation of audit processes and objectives, and detailed findings of areas of noncompliance. The manual must be publicly available online or the printed manual must be readily accessible in building department offices.

The bill reduces the number of times a local government may audit a private provider from 4 times per month to 4 times per year and prohibits a local government from requiring a waiver of permit approval timeframes as a condition to review an application for a building permit. Additionally, the amendment provides an exemption from permit fee reductions required of local governments for not adhering to the new timeframes if the delay was attributable to a force majeure or other extraordinary circumstances.

HB 267 provides completing an internship program for residential building inspectors as a pathway for licensure as a residential building inspector.

HB 267 directs the Florida Building Commission to modify the Florida Building Code to state that sealed drawings by a design professional are not required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if several conditions are met.

*CS/CS/CS/HB 267, Section 2 –*

(g) The commission shall modify the Florida Building Code to state that sealed drawings by a design professional are not required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if all of the following conditions are met:

1. The replacement windows, doors, or garage doors are installed in accordance with the manufacturer's instructions for the appropriate wind zone.
2. The replacement windows, doors, or garage doors meet the design pressure requirements in the most recent version of the Florida Building Code, Residential.
3. A copy of the manufacturer's instructions is submitted with the permit application in a printed or digital format.
4. The replacement windows, doors, or garage doors are the same size and are installed in the same opening as the existing windows, doors, or garage doors.

HB 267 creates thermal efficiency standards for unvented attics and unvented enclosed rafter assemblies.

*CS/CS/CS/HB 267, Section 7 –*

553.9065 Thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies.—
(1) Unvented attic and unvented enclosed rafter assemblies that are insulated and air sealed with a minimum of R-20 air-impermeable insulation meet the requirements of sections R402 of the Florida Building Code, 8th Edition (2023), Energy Conservation, if all of the following apply:
(a) The building has a blower door test result of less than 3 ACH50.
(b) The building has a positive input ventilation system or a balanced or hybrid whole-house mechanical ventilation system.
(c) If the insulation is installed below the roof deck and the exposed portion of roof rafters is not already covered by the R-20 air-impermeable insulation, the exposed portion of the roof rafters is insulated by a minimum of R-3 air-impermeable insulation unless directly covered by a finished ceiling. Roof rafters are not required to be covered by a minimum of R-3 air-impermeable insulation if continuous insulation is installed above the roof deck.
(d) All indoor heating, cooling, and ventilation equipment and ductwork is inside the building thermal envelope.
(2) The commission shall review and consider this section and any technical changes thereto and report such findings to the Legislature by December 31, 2024.

HB 267 passed each of its House committees of reference with substantial revisions at each committee stop. Two notable changes from the original bill are the use of business days in the final version of the bill as opposed to calendar days in the original bill. Using business days instead of calendar days gives local governments additional time to process building permit applications. Another substantial change is the removal of language in the original bill pertaining to plats which is the subject of HB 665/SB 812 (summarized further below in this report).

HB 267 passed the House by an 83-29 vote and passed the Senate by a 36-0 vote. The bill now heads to the Governor for his signature.

**SB 280 Vacation Rentals by Sen. DiCeglie (R-Pinellas) / HB 1537 Vacation Rentals by Rep. Griffitts (R-Bay) (Passed)**

Another bill that has been filed for many years pertains to vacation rentals. Sen. DiCeglie also sponsored a vacation rentals bill during the 2023 Session which passed the Senate before dying in the House on the last day of Session. Both bills underwent significant revisions since their introduction. Most importantly to the Town, we continued to advocate that any bill maintains the existing "Grandfather Date" which preserves the Town of Palm Beach's existing ordinance. The bill grandfathers all local laws, ordinances, or regulations adopted on or before June 1, 2011.

For local governments that do NOT have an ordinance in place prior to 2011, SB 280 regulates the vacation rental industry across the state. The bill defines an advertising platform and requires

advertising platforms that receive payments from guests for the rental of a vacation rental located in Florida must collect and remit taxes.

*SB 280, Section 1 –*

1. An advertising platform that owns, operates, or manages a vacation rental or that is related within the meaning of s. 267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of 1986, as amended, to a person who owns, operates, or manages the vacation rental shall collect and remit all taxes due under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental.

2. An advertising platform to which subparagraph 1. does not apply shall collect and remit all taxes due from the owner, operator, or manager under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental. Of the total amount paid by the lessee or rentee, the amount retained by the advertising platform for reservation or payment services is not taxable under this section or ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

The bill allows a local government to require the registration of a vacation rental with a local vacation rental registration program, to impose a fine for failure to register under the vacation rental program, and to charge a "reasonable fee" per unit for processing an individual registration application and "reasonable fee" per unit for processing a renewal. A local government may charge a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florid Building Code and the Florida Fire Prevention Code.

Previous versions of both SB 280 and HB 1537 listed a maximum fee (between $150-$300) for registration and a maximum fee for renewal ($50). By allowing a local government to charge a "reasonable fee," local governments will have the ability to set the fee at a price of their choosing as long as the fee can be justified based on measurable expenses such as staff costs, time, equipment among others.

*SB 280, Section 3 –*

(a) A local government may charge a reasonable fee per unit for processing a registration application. A local law, ordinance, or regulation may require annual renewal of a registration and may charge a reasonable renewal fee per unit for processing of a registration renewal. However, if there is a change of ownership, the new owner may be required to submit a new application for registration. Subsequent to the registration of a vacation rental, a local government may charge a reasonable fee to inspect a vacation rental after registration for compliance with the Florida Building Code and the Florida Fire Prevention Code, described in ss. 553.80 and 633.206, 491 respectively.

As a condition of registration, a local law ordinance or regulation may only require the owner or operator of a vacation rental to:

- Submit identifying information about the owner or owner's agent.

- Provide proof of license with a unique identifier issued by the Division of Hotels and Restaurants.
- Obtain all required tax registrations, receipts, or certificates issued by a county, or a municipal government.
- Update required information as necessary to ensure it is current.
- Designate and maintain at all times a responsible party who is capable of responding to complaints including being available by telephone at a provided contact telephone number 24 hours a day, 7 days a week.
- State the maximum occupancy of the vacation rental which does not exceed either two persons per bedroom, plus an additional two persons in one common area; or more than two persons per bedroom if there is at least 50 square feet per person, plus an additional two persons in one common area, whichever is greater.
- Pay in full all recorded municipal or county code liens against the property.

The bill requires a local government within 15 business days to review an application for registration of a vacation rental for completeness and accept the registration of the vacation rental or issue a written notice of denial. If a local government fails to accept or deny a registration within this timeframe, the application is deemed accepted, and a local government cannot prohibit an applicant from reapplying if the applicant cures the identified deficiencies.

A local government is required to assign a unique registration number to the vacation rental unit and provide the registration number or other indicia of registration to the vacation rental operator in writing or electronically.

A local government may fine a vacation rental up to $500 (previously $300 in earlier versions) for failing to meet registration requirements and for operating a vacation rental without registering with the local government. Before a local government can issue a fine for a violation, the local government must provide a vacation rental operator with 15 days to cure the violation.

The bill also outlines how a local government may enforce local law, ordinances, and regulations when a vacation rental owner is found to have committed violations.

*SB 280, Section 3 –*

2. If a code violation related to the vacation rental is found to be a material violation of a local law, ordinance, or regulation as described in subparagraph 1., the code enforcement board or special magistrate must make a recommendation to the local government as to whether a vacation rental registration should be suspended.
3. The code enforcement board or special magistrate must recommend the suspension of the vacation rental registration if there are:
    a. One or more violations on 5 separate days during a 60-day period;
    b. One or more violations on 5 separate days during a 30-day period; or
    c. One or more violations after two prior suspensions of the vacation rental registration.
    4. If the code enforcement board or special magistrate recommends suspension of a vacation rental registration, a local government may suspend such registration for a period of:
        a. Up to 30 days for one or more violations on 5 separate days during a 60-day period;

b. Up to 60 days for one or more violations on 5 separate days during a 30-day period; or

c. Up to 90 days for one or more violations after two prior suspensions of a vacation rental registration.

5. A local government may not suspend a vacation rental registration for violations of a local law, ordinance, or regulation which are not directly related to the vacation rental premises.

Additionally, a local government may revoke or refuse to renew a vacation rental registration if an owner's vacation rental registration has been suspended three times, if after a 60-day grace period – a county or municipal lien remains unsatisfied, or if a court order directs the termination of the premises as a vacation rental.

By July 1, 2025, the Division of Hotels and Restaurants (DHR) shall create and maintain a vacation rental information system that is readily accessible and facilitate prompt compliance, allow local government users to notify DHR of a termination, suspension, or a failure to renew a vacation rental and to verify the status of a vacation rental license.

DHR has the authority to revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a license of a vacation rental for operating a vacation rental that violates a court order or property restriction; or for having a local registration suspended.

The bill grandfathers all local laws, ordinances, or regulations adopted on or before June 1, 2011, and also exempts any county law, ordinance or regulation initially adopted on or before January 1, 2016, that established county registration requirements for rental of vacation rentals and any amendment thereto adopted before January 1, 2024. Such county law, ordinance or regulation may not be amended or altered unless to be less restrictive or adopts this bill's registration requirements.

SB 280 passed each of its Senate committees of reference and passed the Senate by a 27-13 vote. SB 280 then passed the House with amendments by a 61-50 vote and passed the Senate one last time by a 23-16 vote.

The bill now goes to the Governor for his signature.

**SB 328 Development by Sen. Catalayud (R-Miami-Dade) / HB 1239 by Rep. Lopez (R-Miami-Dade) (Passed)**

Following last year's effort to boost affordable housing with the Live Local Act, SB 328 and its House Companion HB 1239 update several provisions of the Live Local Act. **The provisions below are only for development projects that meet the requirements for affordable housing under the Live Local Act.**

Both bills underwent significant revisions since their introduction. In our review, the final version of SB 328 does the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bill prohibits a county or municipality from restricting "floor area ratio" lower than 150% of what is currently allowed under the jurisdiction's current land development regulations. The bill also revises provisions pertaining to height restrictions to prohibit a local government from restricting the height of a proposed development below the highest currently allowed height for a commercial or residential building within 1 mile of the proposed development, and the bill also allows for local government to restrict the building height of a proposed development to 150% of the tallest building adjacent to the property or 3 stories whichever is higher.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height for the property provided in the county's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

The bill gives local governments the authority to not approve a proposed development if that development is located within a quarter mile of a military installation and clarifies that airport-impacted areas are exempt from this legislation.

The bill requires a local government to reduce parking requirements by 20% if the development is located within one-half mile of a major transportation hub that is accessible from the proposed development by "safe, pedestrian-friendly" means such as crosswalks, sidewalks, and bike paths or if there is available parking within 600 feet of the development.

SB 328 requires local governments to eliminate parking requirements for a proposed mixed-use residential development authorized under the Live Local Act within an area recognized as a TOD (this language is from SB 386 by Sen. Osgood).

Local governments must authorize an affordable housing multifamily development in a Transit-Oriented Development (TOD) only if the development is mixed-use residential and complies with other local requirements applicable to a TOD except for heigh, density, parking, and floor area ratio.

SB 328 requires that any development authorized under this Act must be treated as a conforming use even after the development's affordability period notwithstanding the county's comprehensive plan, future land use designation or zoning. And if at any point during the development's affordability period, the development violates the affordability requirement, the development must be allowed a "reasonable time" to cure such violation, but if the violation is not cured within a "reasonable time," the development must be treated as a nonconforming use.

The bill adds a new condition for affordable housing developments to meet in order to be eligible for tax exemption status. The new condition is that the development is a newly constructed multifamily project in an area of critical state concern that contains more than 10 units dedicated to housing natural persons or families that meet the income limitations provided in Florida Statutes.

SB 328 requires property appraisers to exempt 75% of the assessed value of the units in a multifamily project that meet the requirements of this Act and are used to house natural persons or families whose household income is greater than 80% but not more than 120% of the median gross income for households within a metropolitan statistical area.

The bill provides that property appraisers shall review Live Local development applications and determine whether applicants meet all the requirements and are entitled to an exemption. A property appraiser may request and review additional information necessary to make such a determination. Additionally, SB 328 requires property appraisers to include proportionate share of

the residential common areas, including the land, and fairly attributable to such a unit when determining the value of unit for the purpose of an exemption.

*CS/CS/SB 328, Section 5 –*

(7) When determining the value of a unit for purposes of applying an exemption pursuant to this section, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

Lastly, the bill allocates $100 million in non-recurring funds to the State Housing Trust Fund for use by the Florida Housing Corporation to implement the Florida Hometown Hero Program.

SB 328 passed unanimously through each of its Senate committees of reference and on the Senate Floor by a 40-0 vote. SB 328 then passed the House by a 112-1 vote. The bill now goes to the Governor for his signature.

**HB 609 Local Business Taxes by Rep. Botana (R-Lee) / SB 1144 Local Business Taxes by Sen. DiCeglie (R-Pinellas) (Failed)**

HB 609 aimed to eliminate local business taxes. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. The bill in its original form repealed the ability for local governments to levy a local business tax. The effective date for this act if it became law, was July 1, 2024.

The bill was revised and no longer eliminated local business taxes, but instead capped the revenue a local government could receive from a local business tax program to total revenue received for the fiscal year ending September 30, 2024. In addition, HB 609 provided that an ordinance enacted prior to July 1, 2024, could not increase, or otherwise modify the tax rate structure other than repealing the tax rate structure. The amended bill also exempted fiscally constrained counties and municipalities from fiscally constrained counties.

HB 609 passed all of its House committees of reference along party lines but was not heard on the House Floor. SB 1144 was never heard in the Senate, and both bills died at the end of session.

**HB 47 Municipal Water & Sewer Utility Rates by Rep. Robinson (D-Miami-Dade) / SB 104 Sen. Jones (D-Miami-Dade) (Failed)**

HB 47 and a similar bill SB 104 required a municipality that operates a water or sewer utility outside its municipal boundaries to charge consumers outside its boundaries the same rate, fees, and charges if the consumers are located in the municipality where the facility is located. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

*HB 47, Section 1 –*

(2) Any municipality within this state that operates a water or sewer utility providing service to customers in another recipient municipality using a facility or water or sewer plant located in the recipient municipality shall charge consumers in the recipient municipality the same rates, fees, and charges as it charges the consumers within its own municipal boundaries.

HB 47 passed all of its House committees of reference overwhelmingly. The bill was ready for the House Floor but was not heard again.

SB 104 passed its first two Senate committees of reference unanimously but was not heard in the Senate again. As a result, both bills died at the end of Session.

**HB 1277 Municipal Water or Sewer Utility Rates, Fees, and Charges by Rep. Busatta Cabrera (R-Miami-Dade) (Failed)**

HB 1277 is a bill that had been filed during previous legislative sessions. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1277 capped the surcharge municipalities that operates an electric, natural gas or wastewater utility may apply to consumers outside of their jurisdiction to 25% and limited the portion of municipal utility revenues that may be used to fund or finance a municipality's non-utility related government functions.

*HB 1277, Section 1 -*

(2)(a) A municipality that owns and operates an electric, natural gas, water, or wastewater utility may fund or finance general government functions using a portion of the revenues generated from rates, fees, and charges for the provision of such utility service. The portion of utility revenues that may be used during a fiscal year to fund or finance general government functions, after payment of all utility expenses, may not exceed:

1. For revenues generated from electric utility operations, a transfer rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the Public Service Commission for each investor-owned electric utility in the state to the municipal electric utility's revenues.

2. For revenues generated from natural gas utility operations, a transfer rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the Public Service Commission for each investor-owned natural gas utility in the state to the municipal natural gas utility's revenues.

3. For revenues generated from water or wastewater operations, a transfer rate equal to the amount derived by applying the rate of return on equity established by the Public Service Commission under s. 367.081(4)(f) to the revenues of the municipal water or wastewater utility.

(b) Except as provided in paragraph (c), the transfer rate applied to municipal utility revenues under subparagraphs (a)1.

3. shall be reduced as follows:

1. If more than 15 percent of a municipal utility's retail customers, as measured by total meters served, are located outside the municipal boundaries, the transfer rate applied to utility revenues shall be reduced by 150 basis points.

2. If more than 30 percent of a municipal utility's retail customers, as measured by total meters served,

are located outside the municipal boundaries, the transfer rate applied to utility revenues shall be reduced by 300 basis points.

3. If more than 45 percent of a municipal utility's retail customers, as measured by total meters served, are located outside the municipal boundaries, the transfer rate applied to utility revenues shall be reduced by 450 basis points.

(c) The reductions specified in paragraph (b) do not apply to a municipal utility service if the utility service is governed by a utility authority board that, through the election of voting members from outside the municipal boundaries, provides for representation of retail customers located outside the municipal boundaries approximately proportionate to the percentage of such customers, as measured by total meters served, that receive service from the utility.

The bill also included a provision that requires a municipality operating a water or sewer utility that provides that service to consumers within the boundaries of a separate municipality through the use of a water treatment plan or sewer treatment plant located within the boundaries of a separate municipality may charge consumers in the separate municipality no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

In committee, the bill was amended to require a public meeting to solicit public input before a new, extended, renewed, or materially amended agreement for the provision of municipal utility services to customers located in another municipality or unincorporated area.

The amendment also required annual customer meetings to be held in service areas located in another jurisdiction and required that those meetings be held in conjunction with public meetings for the governing bodies where the service is provided. In addition, the amendment limited municipalities from using more than 10% of gross revenues generated from utility services rendered to customers in another jurisdiction towards general government functions and requires the annual reporting of data relating to the provision of municipal utility service to customers located in another jurisdiction.

The bill required that a municipality that offers utility services must be represented by an executive-level leadership employee at the annual customer meeting. The bill also required that excess utility revenues over the 10% cap must be reinvested back into the municipal utility or returned to customers living outside their jurisdiction.

The bill passed all of its House committees of reference overwhelmingly, and while it was ready to be heard on the House Floor, HB 1277 was not heard again. As a result, the bill died at the end of Session.

**SB 472 Sovereign Immunity by Sen. Brodeur (R-Seminole) / HB 569 by Rep. McFarland (R-Sarasota) (Failed)**

For another session, Sovereign Immunity continued to be an issue of discussion. SB 472 and its comparable House Bill HB 569 amended statutory limits on liability for tort claims against the state, its agencies & subdivisions.

In our review, the bills did the following, but we recommend having your appropriate staff review the bill if it was of interest. The bills raised the tort limits set in 2010 from a $200,000 individual limit and a $300,000 limit per occurrence to a $400,000 personal limit and a $600,000 per occurrence.

*SB 472, Section 1 -*

Neither the state nor its agencies or subdivisions are ~~shall be~~ liable to pay a claim or a judgment by any one person which exceeds the sum of $400,000 ~~$200,000~~ or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of $600,000 ~~$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts ~~and may be settled~~ and paid pursuant to this act up to $400,000 or $600,000 ~~$200,000 or $300,000~~, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, and ~~but~~ may be paid in part or in whole only by further act of the Legislature.

The bills also allow for the Department of Financial Services to adjust the limitation of liability to reflect changes in the Consumer Price Index for the Southeast as calculated by the United States Department of Labor.

*SB 472, Section 1 -*

(f) Beginning July 1, 2025, and every July 1 thereafter, the Department of Financial Services shall adjust the limitations of liability in this subsection to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the United States Department of Labor.

The bills are a continuation of the effort in previous years to raise or eliminate a local government's cap on the amount that can be awarded to an individual by a court in a civil action. Even though these bills eventually failed they were moving in both Chambers with almost unanimous votes for most of the Session and died because the Chambers did not agree on how to raise the cap.

This is likely not the last time we will see this issue filed so here is a "play by play" on how the bills changed.

The Senate bill passed its first committee of reference by a 5-1 vote, and the bill was amended to enact the Consumer Price Index rate adjustment as of July 1, 2029, and every 5 years thereafter. The bill also allowed for a pollical subdivision (but not the state or an agency) to agree to settle a claim in excess of the sovereign immunity cap without further action from the state.

In the Senate's second Committee, SB 472 was once again amended to limit a CPI-based rate adjustment to a maximum increase of 3% every five years, and the amendment provided that the determination of liability limits is based on the limitations that are in effect at the time of the incident rather than the date of final judgement. SB 472 passed the Appropriations Committee unanimously by a 15-0 vote.

In its final committee, the Senate Rules Committee unanimously passed it by a 19-0 vote. In this committee the bill was amended to reduce the tort limits to $300,000 per individual and $500,000 per incident (previously the bill had limits of $400,000 per individual and $600,000 per incident).

The House passed its first committee of reference (House Civil Justice Subcommittee) by a 17-1 vote, and its second committee of reference (House Appropriations Committee) unanimously with a 27-0 vote. The bill was amended to keep the current 25% cap on attorney fees, and the bill eliminated the provision requiring a CPI-based rate calculation to determine liability caps.

If passed and approved by the Governor, the bill would have been effective October 1, 2024.

**SB 184 Impeding, Threatening, or Harassing First Responders by Sen. Avila (R-Miami-Dade) / HB 75 by Rep. Rizo (R-Miami-Dade) (Passed)**

SB 184 and its House Companion HB 75 establish a buffer zone (originally 14 feet) between first responders and the public when first responders are performing their duties. In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bills establish criminal penalties (first-degree misdemeanor) for an individual that "interrupt, disrupt, hinder, impede, or interfere" with a first responder's ability to perform their duty after being warned.

*SB 184, Section 1 –*

843.31 Approaching a first responder after a warning with intent to impede, threaten, or harass.—
(1) As used in this section, the term:
(a) "First responder" includes a law enforcement officer as defined in s. 943.10(1), a correctional probation officer as defined in s. 943.10(3), a firefighter as defined in s. 784.07, and an emergency medical care provider as defined in s. 784.07.
(b) "Harass" means to engage in a course of conduct directed at a first responder which causes substantial emotional distress in that first responder.
(2)(a) It is unlawful for a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, to violate such warning and approach or remain within 14 feet of the first responder with the intent to:
1. Interrupt, disrupt, hinder, impede, or interfere with the first responder's ability to perform such duty;
2. Threaten the first responder with physical harm; or
3. Harass the first responder by interfering with the first responder performing such duty.
(b) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

SB 184 passed all of its Senate committees overwhelmingly and passed the Senate by a unanimous 39-0 vote.

HB 75 passed its first committee of reference (House Criminal Justice) by a 17-1 vote and its second committee of reference (House Judiciary) by a 17-4 vote.

In the committee the bill was amended to add a provision that peaceful photographing does not constitute harassment and peaceful audio or video recording, photographing or observing a first responder does not constitute harassment. Additionally, the amendment removed the prohibition against physically preventing a first responder from performing their lawful duties and clarified that a threat to a first responder as defined in the bill means a threat of physical harm.

On the House Floor, SB 184 was substituted for HB 75, and SB 184 was amended and passed by the House by an 85-27 vote. SB 184 was amended to reflect the language of HB 75 with an additional change to the length of the buffer zone between first responders and members of the public from 14 feet to 25 feet, and the amendment changed the level of criminal offense from a first-degree misdemeanor to a second-degree misdemeanor.

SB 184 was sent back to the Senate for a final vote, and the bill passed by a 39-1 vote. The bill now goes to the Governor for his signature.

**HB 465 Postsecondary Education Students by Rep. Temple (R-Sumter) / SB 470 by Sen. Ingoglia (R-Hernando) (Failed)**

HB 465 and its Senate Companion SB 470 required post-secondary educational institutions to report students promoting foreign terrorist organizations to the U.S. Department of Homeland Security. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

*SB 184, Section 1 –*

(3) A public postsecondary educational institution must report through the Student and Exchange Visitor Program of the United States Department of Homeland Security, pursuant to 8 C.F.R. s. 214.3(g)(2)(ii), information relating to the current status of a student who is attending the institution on an F-1 student visa if that student promotes any foreign terrorist organization. For the purposes of this section, the term "foreign terrorist organization" has the same meaning as in s. 1009.01(4).

The bills defined the term “Foreign terrorist organization” to mean organizations designed by the U.S. Department of State as a foreign organization that engages in or has the capability and intent to engage in terrorist activity.

The bills would have assessed students who promoted a foreign terrorist organization during any term of their enrollment the out-of-state fees during that term and any subsequent terms of enrollment.

The bills also would have prohibited students who promoted a foreign terrorist organization from receiving scholarships, grants, and other student aid.

*SB 184, Section 6 –*

1009.8963 Prohibition on awarding of scholarships, grants, and other aid.—A student who promotes a foreign terrorist organization during any term of his or her enrollment may not be awarded any institutional or state grants, financial aid, scholarships, or

tuition assistance under this chapter during that term and any subsequent term of enrollment.

HB 465 passed its first committee of reference (House Postsecondary Education & Workforce Subcommittee) by an 11-4 vote, but the bill was not heard again in the House. SB 470 was never heard in the Senate, and both bills died at the end of session.

**HB 479 Alternative Mobility Systems by Rep. Robinson, W. (R- Manatee) / SB 688 by Sen. Martin (R-Lee) (Passed)**

Bills that underwent multiple revisions this year, HB 479 and its Senate Companion SB 688 seek to keep mobility fees in the jurisdiction impacted by a development or redevelopment. In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bills allow for local governments to create an alternative mobility transportation plan that promotes compact, mixed-use, and interconnected development served by a multimodal transportation system in an area that is deemed urban in character.

Rep. Robinson filed similar legislation the last two years, and the bill was heard twice during the 2022 Legislative Session before dying the House Commerce Committee.

This year, the original bills state, only a local government issuing the building permit may charge for transportation impacts within its jurisdiction. Additionally, the bills prohibit local government from charging a new development or redevelopment for the same transportation impacts.

*HB 479, Section 2 -*

(j) Only the local government issuing the building permit may charge for transportation impacts within its jurisdiction. Such local government must collect and account for any extrajurisdictional impacts pursuant to s. 163.3177(6)(h), regardless of whether it implements a transportation concurrency system or an alternative system. A local government may not charge new development or redevelopment for the same transportation impacts.

HB 479 passed unanimously through its first two committees in the House and passed its third committee of reference (House Commerce Committee) by an 18-3 vote.

SB 688 passed its first committee of reference (Senate Community Affairs) unanimously by an 8-0 vote and passed its second committee (Senate Transportation) by a 4-1 vote.

SB 688 passed its final committee of reference (Senate Rules) by a unanimous 19-0 vote. In this committee the bill was amended substantially to require a county and municipality charging overlapping transportation-related impact fees to execute an interlocal agreement that at a minimum, ensures that any new development or redevelopment is not charged twice for the same transportation capacity impacts, establishes a plan based methodology for determining a permissible fee charged to a new development or redevelopment, requires the local government issuing the building permit to collect the fees unless otherwise agreed to, and provides a method for proportionate distribution of revenue collected by the transportation capacity impact fees.

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.
2. The interlocal agreement must, at a minimum:
a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.
b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.
c. Require the county or municipality issuing the building permit to collect the fee, unless agreed to otherwise.
d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.

If by October 1, 2025, an interlocal agreement between a county and municipality is not in place, the fee charged to a new development or redevelopment will be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer's traffic impact study or the mobility plan adopted by the county or municipality. Additionally, if there is no interlocal agreement, the developer will receive a 10% reduction in the total fee calculated, the county or municipality issuing the building permit must collected the fee charged and distribute the proceeds of such fee to the county and municipality withing 6 days after the developer's payment.

The amendment adds that home rule charter counties and a county and municipality that has entered into or updated an existing interlocal agreement as of October 1, 2024, are exempted from the above changes. But if the existing interlocal agreement is terminated, the affected county and municipality would be subject to the new provisions.

Further, the amendment specifies that the impact fee study is based on data generated within 4 years after adoption of a revised impact fee. The new impact fee study must be adopted by the local government within 12 months after the initiation of the new impact fee study if the local government increases the impact fee.

HB 479 was amended on the House Floor to reflect the changes made to SB 688 in the Senate Rules Committee. HB 479 passed unanimously by a 115-0 vote and was sent over to the Senate for a final vote. HB 479 passed the Senate by a 39-1 vote, and the bill now heads to the Governor for his signature.

**HB 503 Limitation on Local Fees for Virtual Offices by Rep. Fabricio (R-Miami-Dade) / SB 578 by Sen. Ingoglia (R-Hernando) (Failed)**

HB 503 and SB 578 was another effort by the Legislature to reduce fees for local businesses. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. The bill prohibited a county, municipality, or local government from imposing levying or collecting fees relating to the use of a virtual office.

A virtual office was defined in the bill as an office that provides communications services, such as telephone or facsimile services, and address services without providing dedicated office space.

HB 503 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) unanimously by a 14-0 vote and passed its second committee of reference (House Ways & Means) unanimously by a 21-0 vote. HB 503 again passed unanimously through its final committee of reference (House State Affairs) by a 20-0 vote. The bill was ready for the House Floor, but it was never heard again.

SB 578 had three committees of reference in the Senate and was never heard in the Senate. Both bills died at the end of Session.

**HB 12211195 Expedited Approval of Residential Building Permits by Rep. McClain (R-Marion) / SB 812 by Sen. Ingoglia (R-Hernando) (Passed)**

HB 665 aims to expedite the building permitting process across the state. In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest.

In its original form, HB 665 requires a county with 75,000 residents or more and a municipality with 30,000 residents by August 15, 2024, to create a program to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with Florida Building Code before a final plat is recorded with the clerk of circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes that the governing body must issue for the residential subdivision or planned community, not to exceed 50% of the residential subdivision or planned community. The bill does not restrict a local government from issuing building permits that exceed 50% of the residential subdivision or planned community.

If a local government already had a program in place before July 1, 2023, to expedite the building permit process, the local government need only update their program to approve an applicants' written application to issue up to 50% of the building permits for the residential subdivision or planned community.

By December 31, 2028, the local government's expedited processed must contain an application for an applicant to identity the percentage, up to 75% of planned homes that the local government must issue for the residential subdivision or planned community.

In addition, the bill requires a local government to set up a two-step application process that includes the adoption of a preliminary plat and a final plat to expedite the issuance of building permit, and it requires a local government to maximize its administrative processes to expedite the review and approval of applications, plats, and plans. The master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is later. After a new building code is adopted, the applicant may apply for a new master building permit, which upon approval, is valid for 3 consecutive years.

The bill allows for an applicant to use a private provider to review a preliminary plat and building permit for each residential building or structure and allows local governments to work with its agencies to issue an address and a temporary parcel identification number for local lines and lot sizes based on the metes and bounds of the plat contained in the application.

HB 665 requires a local government to issue a certain number or percentage of building permits in their application in accordance with the Florida Building Code provided that the residential buildings or structures are unoccupied, and all of the following conditions are met:

*HB 665, Section 1 -*

(a) The governing body has approved a preliminary plat for each residential building or structure.
(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, water, and wastewater utilities.
(c) The applicant holds a valid performance bond for up to 130 percent of the necessary utilities, roads, and stormwater improvements that have not been completed upon submission of the application under this section. For purposes of master planned communities, as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.

The bill requires an applicant to indemnify and hold harmless the local government and its agents and employees from damages accruing and directly related to the issuance of a building permit for a residential building or structure located in the residential subdivision or planned community before the approval and recording of the final plat by the governing body. This includes damage resulting from fire, flood, construction defects, and bodily injury.

HB 665 passed its first committee of reference (House Regulatory Reform & Economic Development Subcommittee) by a 11-2 vote, and the bill was amended in the committee to make a series of changes. The amendment clarifies that the applicant must commence construction and continue to develop the property in good faith in order to obtain vested rights. The amendment also requires a local government to obtain written consent of the applicant before making substantial changes to the preliminary plat.

The amendment changes the dates by which a local government must allow us to obtain a certain number of permits. The deadline for local governments to allow an applicant to obtain 50% of permits is moved from August 1, 2024, to October 1, 2024, and the deadline for local governments to allow an applicant to obtain 75% of permits is moved one year earlier from December 1, 2028, to December 1, 2027.

The amendment exempts Monroe County from the requirement for local government to issue certain percentages of permits for a preliminary plat, and states that the master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier – not later as was initially written.

HB 665 passed its second committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 10-5 vote and passed its third committee of reference (House Commerce Committee) by a 12-5 vote.

In the Commerce Committee the bill was further amended to define the term “qualified contractor” and requires local governments to establish a registry of at least 3 qualified contractors that the local government may use to supplement staff resources to expedite the review of applications.

SB 812 passed its first committee of reference (Senate Community Affairs) unanimously by an 8-0 vote, and was amended to mirror HB 665. In its second committee (Senate Regulated Industries)

the bill once again passed unanimously by a 6-0 vote. The bill was amended to provide that an application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested so long as the request does not exceed 50% of the planned homes in the residential subdivision or planned community or the number of building permits.

SB 812 passed its last committee of reference (Senate Rules) by a unanimous 17-0 vote. In the committee, the bill was amended to require local governments to establish a registry of at least 3 qualified contractors that the local government may use to supplement staff resources to expedite the review of applications.

SB 812 was amended on the Senate Floor to update the eligibility criteria once again for local municipalities to be a municipality with a population over 10,000 residents or municipalities with 25 or more acres of contiguous land that the local government has designated in a local government comprehensive plan and future land use map as agricultural or to be dedicated for residential purposes.

With the amendment, SB 812 passed unanimously off the Senate floor by a 40-0 vote and was sent to the House.

SB 812 was substituted for HB 665, and SB 812 passed the House by an 89-25 vote. SB 812 now goes to the Governor for his signature.

**HB 1221 Land Use and Development Regulations by Rep. McClain (R- Marion) / SB 1184 by Sen. Ingoglia (R-Hernando) (Failed)**

In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1221 required local government to grant a rezoning to the owner of a parcel of land defined as an agricultural enclave regardless of the future land use map designation of the parcel and any conflicting comprehensive plan goals, objectives or policies if the owner's rezoning request includes land uses, densities and intensities of use that are consistent with the approved uses, densities and intensities of use of the industrial, commercial, or residential areas that surround the parcel.

In the bill, a local government was prohibited from requiring a comprehensive plan amendment related to the application and could not enact or enforce land development regulations for agricultural enclaves that were more burdensome than for other types of applications for uses with comparable site conditions. A local government was prohibited from denying an application if it proposes only single family residential use at a density that did not exceed the average density allowed by future land use designations on those adjacent parcels that allow a density of at least one dwelling unit per acre, and a local government was required to schedule the application for hearing at the next regularly schooled hearing after the application was filed and following proper public notice.

The bill prohibited optional elements of a comprehensive plan from restricting the density or intensity established in the future land use element and provided that a future land use element must discourage the proliferation of urban sprawl by planning for future development as provided in this bill.

The bill required an adopted comprehensive plan to establish minimum lot sizes within single-family, two-family, and single-family townhouse zoning districts to accommodate the maximum density authorized in the comprehensive plan and to provide standards for infill residential development. A local government was required to administratively approve an application for infill

development without needing to amend the comprehensive plan, rezone, provide a variance when the infill development has the same or less gross density as the existing development and is generally consistent with the development standards including lot size and setbacks of the existing development. A development order issued for development pursuant to this bill would have been deemed consistent with all applicable local government comprehensive plans and land development regulations.

HB 1221 passed its first committee of reference (House Federal Affairs & Special Districts Subcommittee) by a 12-5 vote, and in this committee, the bill was amended to remove the provisions related to agricultural enclaves. The amendment also required local governments to not deem the expansion of a self-storage facility that is adjacent to and abutting an existing self-storage facility that is owned in managed by the same person or entity as a new self-storage facility for minimum distance requirements imposed by local ordinances. The amendment also added a severability clause allowing all other parts of this bill to be enacted in the event a portion of the bill was ruled invalid by a court.

HB 1221 passed its second and final committee of reference (House Commerce Committee) by an 11-4 vote. In this committee the bill was amended to add a provision allowing a final order or decision made regarding a historically significant property by a historic preservation board or commission established by a municipal charter or ordinance to be appealed to the board of county commissioners of the county in which the municipality is located. The board of county commissioners would have been required to hold a public hearing on the appeal within 30 days after receipt of notice of the appeal, and the board of county commissioners after the public hearing could approve or reject the final order or decision. The board of county commissioners' decision would have been final.

Another amendment prohibited a local government from mandating a particular professionally accepted methodology or reject a professionally accepted methodology utilized in support of a comprehensive plan amendment.

HB 1221 was not heard again after passing its two committees of reference, and its Senate Companion SB 1184 was not heard in any committee in the Senate. Both bills died at the end of session.

**SB 742 Public Works Projects by Sen. Grall (R-St. Lucie) / HB 705 by Rep. Shoaf (R-Gulf) (Passed)**

SB 742 and its House Companion HB 705 revise the definition of the term "public works project". In our review, the bills do the following, but we recommend having your appropriate staff review the bills if they are of interest.

Presently, the definition of "public works project" means an activity paid for with state-appropriated funds. This legislation adds local funding to the definition.

Currently, the bidding process for projects that receive solely state funding cannot prevent certified, license, or registered contractors, subcontractors, or material suppliers or carries from participating due to geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid.

By changing the definition, public works projects that include both state and local funding would be prohibited from barring certified, license, or registered contractors, subcontractors, or material suppliers or carries from participating due to geographic location. The definition change would also prohibit a local government from requiring a contractor to provide specified pay and benefits.

The bill does not apply to a political subdivision that contracts for a public works project for which the sole source of funding is from that political subdivision.

SB 742 passed its first committee of reference (Senate Community Affairs) by a 6-2 vote. At the committee meeting, the bill was amended to include an exception for the provision of goods, services, or work incidental to the public works project such as security services, janitorial services, landscaping services, maintenance services, and transportation services.

SB 742 passed its second committee of reference (Senate Governmental Oversight and Accountability), by a 4-2 vote, and passed its last committee of reference (Senate Rules) by a 11-5 vote.

HB 705 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 10-5 vote. In its first committee stop, the bill was amended to remove the exception from the bill if a local government was the sole source of funding.

HB 705 passed its second committee of reference (House State Affairs) by a 14-6 vote. HB 705 was amended on the House Floor to match SB 742 by including an exception for the provision of goods, services, or work incidental to the public works project such as security services, janitorial services, landscaping services, maintenance services, and transportation services. HB 705 passed the House by an 80-32 vote and was sent to the Senate.

The Senate substituted HB 705 for SB 742, and HB 705 passed the Senate by a 28-12 vote. The bill will now go to the Governor to await his signature.

**SB 734 Government Accountability by Sen. Ingoglia (R-Hernando) / HB 735 by Rep. Andrade (R-Escambia) (Failed)**

SB 734 and its identical House companion HB 735 was an all-encompassing bill that updated ethics policies statewide. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bill prohibited the contract renewal of a county administrator, county attorney, city chief executive officer, city attorney, school district superintendent, and school board attorney within 8 months of a general election unless the governing body's vote for renewal is unanimous.

The legislation prohibited a public officer, an employee of an agency, a local government attorney, or a candidate for nomination or election from soliciting or accepting anything of value from a foreign country of concern.

The bill also required lobbyists to register before any local government or agency in the state and requires local governments to institute an electronic and publicly searchable lobbyist registration system whereby lobbyists and their principals are listed. Local governments would have been allowed to use the legislative branch or executive branch lobbying forms in lieu of creating their own.

Lobbyists would have been required to update their registration upon termination of representation of a principal and must file their registration by 11:59 p.m. the day that representation began. Local governments would have also been required to investigate sworn complaints or alleged violations of the lobbyist registration system, and if unable to do so, the Florida Commission on Ethics would assume responsibility for such investigations.

The bill did not preempt a local government's lobbyist registration ordinance established before July 1, 2024, but would have superseded if there are conflicts between the local ordinance and this act.

The bill also allowed local governments to use teleconferencing technology for a public meeting if there were two members of the governing body physically present.

SB 734 passed its first committee of reference (Senate Community affairs) by a unanimous 7-0 vote. In the committee, the bill was amended to remove requirements for local governments to use the executive branch electronic system for lobbyist registrations and allow for local governments to use a system already in place. In addition, the amendment removed a provision that allowed a member of a local governing board to be deemed "present" at official meetings by virtual means.

In its second committee of reference (Senate Ethics and Elections Committee), SB 734 was once again passed unanimously (8-0 vote) and was amended to create a public searchable local lobbyist registration system administered by the Florida Commission on Ethics. The amendment also removed provisions allowing local governments to charge a fee related to the administration of a local lobbyist registration system and would have preempted all already established local ordinances and charter provisions pertaining to a local lobbyist registration system.

SB 734 had one committee of reference remaining and was not heard again in the Senate.

HB 735 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 14-0 vote and passed the House State Affairs Committee by a 14-3 vote.

The bill was amended in this committee to exempt mayors and elected members of a municipality governing body from filing a Form 6 disclosure if the municipality had a population of less than 500 persons. The amended bill also required the Commission on Ethics to administer a system of registration of lobbyists for local governments and required the Commission to investigate violations of lobbyist registration requirements. The amended bill required governing bodies of municipalities to place proposed charter amendments on the ballot of the next general election held in the county, the next municipal election or a special election called for that purpose, whichever is earliest.

HB 735 was amended on the House Floor to remove the Form 6 exemption for mayors and elected members of a municipality governing body whose population was less than 500 people. Following the amendment, both bills were not heard again and died at the end of session.

**HB 791 Development Permit and Orders by Rep. Esposito (R-Lee) / SB 1150 by Sen. Perry (R-Alachua) (Failed)**

HB 791 was another effort to reduce wait times for building permit applicants. In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest.

The bill required counties and municipalities to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exemption or variance. The bill also required counites or municipalities to confirm receipt of an application within 5 business days of submission.

For applications that did not require quasi-judicial hearings, counties and municipalities were required to approve, approve with conditions, or deny an application within 120 days after an application was deemed complete. For applications that required a quasi-judicial hearing,

approval, approval with conditions or a denial would have been required within 180 days after an application is deemed complete.

The bill provided penalties for counties and municipalities for not meeting the deadlines for notification and decision. A county or municipality was required to issue a refund of 10% of an application fee if the local government failed to issue written notification of completeness or deficiency within 30 days after receiving an application.

A refund of 20% of the application fee was required for failure to issue written notification of completion or application deficiency within 10 days after receiving the requested additional information from an applicant.

A refund of 50% of an application fee if a local government failed to approve, approve with conditions or deny an application within 30 days following the 120- or 180-day timeframe for a decision on an application.

A 100% refund was required if a local government failed to approve, approve with conditions, or deny an application 31 days or more after the conclusion of the 120- or 180-day timeframe.

HB 791 passed unanimously by a 14-0 vote through its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee), and passed its second committee of reference unanimously 15-0. The bill passed House State Affairs unanimously by an 18-0 vote. Though the bill was ready for the House Floor, the bill was not heard again.

SB 1150 passed its first committee of reference by a 7-1 vote and was not heard again in the Senate.

Both bills died at the end of session.

**SB 1628 Local Government Actions by Sen. Collins (R-Hillsborough) / HB 1547 Local Government Actions by Rep. McClure (R-Hillsborough) (Passed)**

In an expansion of the previous year's Local Ordinances bill, SB 1628 and its House companion HB 1547 narrow the exemption from the requirement for local government to produce a business impact estimate prior to passing an ordinance. In our review, the bills did the following, but we recommend having your appropriate staff review the bills if they are of interest.

Current state law provides exemptions for ordinances relating to growth policy, and the bill narrows the exemption to specifically development orders and development permits.

*SB 1628, Section 1 -*

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(3)
     (c) This subsection does not apply to:
          1. Ordinances required for compliance with federal or
          state law or regulation;
          2. Ordinances relating to the issuance or refinancing of
          debt;
          3. Ordinances relating to the adoption of budgets or
          budget amendments, including revenue sources necessary
          to fund the budget;
          4. Ordinances required to implement a contract or an
          agreement, including, but not limited to, any federal,
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state, local, or private grant, or other financial assistance accepted by a county government;
5. Emergency ordinances;
6. Ordinances relating to procurement; or
7. Ordinances enacted to implement the following:
    a. ~~Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning,~~ Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243 ~~and development permits;~~

The bill also creates a structure for an "affected entity" defined as a private, for-profit business in several identified sectors (farming, energy and fuel production and transmission, and supply chain points of connection) to submit an impact review to the Florida Department of Agriculture and Consumer Services, the Florida Department of Transportation, or the Florida Public Service Commission, for the agency to review local government actions that are alleged to negatively impact those defined sectors.

The affected entity must submit a request within 15 days of the local government action and is required to share a copy of the request to the local government in question within one business day of submission to the state agency for review. The state agency has 45 days to conduct the review of the local government during which the local government may not enforce the action in question. If the state agency determines that a local government failed to minimize or eliminate impacts of the local government action, the department may recommend changes and the local government must discuss a response to the state agency review at their next its next regularly scheduled meeting. The recommendation from the state agency is not an order to a local government to make changes to the local government action in question.

Local government actions exempted from review include responses to an emergency, procurement, building code, fire prevention code, establishing or terminating Community Development Districts, compliance with federal or state law, financial obligations or issuance and refinancing of debt, budgetary actions.

In its first committee stop (Senate Community Affairs) the bill was amended to eliminate the local government action review process in its entirety and passed its first committee of reference by a 5-3 vote.

During its last committee stop in the Senate (Senate Fiscal Policy) the bill passed unanimously by a 16-0 vote. The bill was amended to add comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the local government as exemptions from the requirement that local governments provide local business impact statements.

SB 1628 was heard on the Senate Floor where it was amended to include a provision requiring bond referendum must take place at a general election if the bond issue amount is greater than $500 million. Following the amendment the bill passed the Senate by a 30-1 vote and was sent to the House.

HB 1547 passed its first committee of reference (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 11-5 vote and passed its second committee of reference (House State Affairs Committee) by a 16-5 vote.

On the House Floor SB 1628 was substituted for HB 1547, and SB 1628 passed the House by an 84-30 vote. The bill now awaits the Governor's signature.

**HB 1195 Millage Rates by Rep. Garrison (R-Duval) / SB 1322 by Sen. Ingoglia (R-Hernando) (Failed)**

In our review, the bill did the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1195 required a 2/3 vote of the membership of a governing body (municipality, county, or independent district) in order to pass any millage rate increase unless the jurisdiction has a higher threshold already in place.

The bill passed its first committee of reference (House Ways & Means Committee) by a 15-7 vote, and passed its second committee (House Local Administration, Federal Affairs & Special Districts Subcommittee) by a 10-4 vote. The bill passed its third committee of reference (House State Affairs Committee) by a 13-4 vote.

On the House Floor, an amendment to HB 1195 provided the Department of Revenue emergency rulemaking authority to implement this act. Additionally, the enacting date was pushed from July 1, 2024, to July 1, 2026. The bill passed the House by an 85-21 vote.

SB 1322 passed its first committee of reference (Senate Community Affairs) by a 5-3 vote and passed its second committee of reference (Senate Finance and Tax) by a 4-2 vote.

SB 1322 was not heard again in the Senate, and at the end of session, both SB 1322 and HB 1195 died.

**HB 1365 Unauthorized Public Camping and Public Sleeping by Rep. Garrison (R-Duval) SB 1530 by Sen. Martin (R-Lee) / (Passed)**

In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 1365 prohibits local government from authorizing or permitting public sleeping or public camping on public property, at public buildings, or on public rights-of-way within a local government's jurisdiction with a lawfully issued temporary permit. The bill does allow local governments the discretion to designate certain government property for public sleeping or public camping subject to conditions measured by the Department of Children and Families (DCF).

Conditions listed in the bill include minimum sanitation levels which includes access to clean and operable restrooms and running water, security present on site at all times, access to behavioral health services including substance abuse and mental health treatment resources, and a prohibition of drugs and alcohol within the designated area.

The designated area may not be in a location where it adversely and materially affects the value or security of existing residential and commercial properties, and a person or business may bring a civil action against any local government to enjoin a violation of the this bill and may recover reasonable expenses incurred in any successful civil action brough pursuant to this bill, including court costs, reasonable attorney fees, investigative costs, witness fees and deposition costs.

SB 1530 passed its first committee of reference (Senate Community Affairs) by a 4-3 vote on, and the bill passed its second committee of reference (Senate Judiciary) by an 8-1 vote.

In Senate Judiciary the bill was amended to restrict to 1 continuous year the duration of the camp in one location, and the amendment requires local government within 30 days of designating an area to provide notice to DCF, post minimum standards and procedures to the local government website and be publicly accessible as long as the property remains designated for this purpose. The amendment requires DCF to inspect the property within 90 days and 180 days of its designation and to issue a report to the local government which includes recommendations to assist the local government to maintain the minimum standards and procedures. The local government is required to post any inspection report to its publicly accessible website within 5 building days of receiving the report.

The amendment exempts local governments within the fiscally restrained counties from the establishment of minimum requirements if the governing body of that jurisdiction finds that compliance with such requirements would result in financial hardship. Other changes include requiring an affected resident or business order to submit an affidavit concerning their petition when applying for an injunction, and the amendment allows for local officers to declare a state of emergency as an exemption to adherence to the bill.

SB 1530 passed its last committee of reference (Senate Fiscal Policy by a 12-5 vote) and was amended to clarify that public camping and sleeping does not include recreational camping or sleeping in a motor vehicle that is registered, insured, and located in a place where it may lawfully be. The amendment permits a county to designate a property owned by the county that is located within the boundaries of a municipality only if the county's governing body approves the designation and the municipality's governing body concurs (previously the bill allowed the county to unilaterally approve a location without municipal approval).

The bill as amended provides that a county's designation is not in effect until the Department of Children and Families (DCF) certifies the designation, and the county must submit a request to the Secretary of DCF that includes documentation that there are not sufficient open beds in homeless shelters in the county for the homeless population of the county, documentation that the designated property is not contiguous to property designated for residential use by the county or municipality in the local government comprehensive plan and future land use map, documentation that the designated property would not adversely and materially affect the property value or safety and security of other existing residential or commercial property in the local government and would not negatively affect the safety of children, and that the county has developed a plan to satisfy the requirements of a designated area. DCF has 45 days to certify a complete submission and the designation is certified on the 45$^{th}$ day if DCF does not act.

The amendment allows DCF to inspect a designated property at any time, and the Department can recommend closure if the requirements are no longer satisfied. The amendment adds that the Attorney General may bring a civil action in any court of competent jurisdiction related to a property designated for public sleeping. The bill as amended provides that the Governor has the authority to suspend the provisions relating to designated areas for public sleeping during a state of emergency (in an earlier version of the bill, the provisions were suspended automatically during a state of emergency).

HB 1365 passed all of its three House committees of reference overwhelmingly, and HB 1365 was amended on the House Floor to push the enacting date for the civil litigation provision from October 1, 2024, to January 1, 2025, and the rest of the bill is enacted on October 1, 2024. With the amendment, HB 1365 passed the House by an 82-26 vote and was sent to the Senate.

The Senate substituted HB 1365 for SB 1530 and passed HB 1365 by a 27-12 vote. The bill was sent to the Governor, and he has until March 27, 2024, to act on the bill.

**HB 7017 Annual Adjustment to Homestead Exemption Value by Rep. Buchanan (R-Sarasota) and the House Ways & Means Committee (Passed)**

In our review, the bill does the following, but we recommend having your appropriate staff review the bill if it is of interest. HB 7017 is a proposed constitutional amendment by the House Ways & Means Committee and its Vice-Chair Rep. Buchanan which requires the $25,000 of assessed value which is exempt from all ad valorem taxes, except school district taxes, to be adjusted annually for positive inflation growth.

The bill passed the Ways & Means Committee by a 16-8 vote, and in its second committee (House State Affairs) the bill passed by a 13-6 vote. In its second committee of reference the bill was amended to clarify that inflation-related changes to the tax exemption must only be adjusted when the inflation growth is positive.

The bill passed off of the House Floor by an 86-29 vote and was referred to the Senate Appropriations Committee for review.

HB 7017 passed (by a 9-5 vote) in the Senate Appropriations Committee, and the bill passed the Senate by a 25-15 vote.

The constitutional amendment now needs at least 60% of the vote in the November 2024 General Election to be ratified, and the changes would go into effect on January 1, 2025.

## What's Next?

The 2025 Regular Session dates are "late" so it is actually 14 months before the next Regular Session will conclude. It will convene on Tuesday, March 4, 2025, and conclude on May 2, 2025.

The next Session will be the start of new leadership teams in both the House and Senate, new committee chairs, and several new members after the November 2024 elections. Pre-Session Committee weeks have not been announced, and probably won't be until after the November election. However, they will likely take place in December 2024, and January to March 2025.

Even though these Leadership teams will change, we anticipate there will be more legislation related to local governments filed next Session.

We will need to begin discussing legislative priorities for 2025 this spring so that we can include them in conversations with legislators we meet with this summer and fall. Further, if any of our goals require a bill to be filed, we'll need to draft that language this spring and identify potential sponsors this summer so bills can be filed in December.

In short, the 2024 Session is over. Advocacy for the 2025 Session starts today.

###

# TOWN OF PALM BEACH
Town Council Meeting on: April 9, 2024

Section of Agenda
Minutes

Agenda Title
Town Council Meeting Minutes
*Kelly Churney, Acting Town Clerk*

a. March 12, 2024, Town Council Meeting Minutes
b. March 13, 2024, Local Planning Agency Meeting Minutes
c. March 13, 2024, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- **March 12, 2024, Town Council Meeting Minutes**
- **March 13, 2024, Local Planning Agency Meeting Minutes**
- **March 13, 2024, Town Council Development Review Meeting Minutes**

# TOWN OF PALM BEACH

**MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 12, 2024**

## I. CALL TO ORDER AND ROLL CALL (01:27)

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 (01:57)

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

## III. MODIFICATIONS TO THE AGENDA (02:55)

The following items were made time certains:

XII.B.4 Phipps Ocean Park Project Update
RESOLUTION NO. 031-2024
**TIME CERTAIN: 4:00 PM**

XII.B.5 Discussion Regarding Traffic Issues and Presentation of Mitigation Plans
**TIME CERTAIN: 3:00 PM**

XII.C.2 Pension Plan Review and Proposal
**TIME CERTAIN: 2:00 PM**

## IV. APPROVAL OF AGENDA (05:40)

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

## V. RECOGNITIONS (06:13)

Mayor Moore announced that March is National Procurement Month. She then recognized Dean Mealy, Procurement and Contract Manager and the Procurement team for receiving the Agency Certification Excellence in Achievement Award from the Universal Public Procurement Certification Council.

Mayor Moore announced Bob Miracle's 55th birthday and wished him a happy one.

**A.** Recognition of John David Corey's Service on the Architectural Commission (ARCOM) from March 2016 to March 2024

Mayor Moore read the inscription on the plaque and presented it to him for his eight (8) years of service on the Architectural Commission.

**B.** Recognition of Thomas Kirchhoff's Service on the Architectural Commission (ARCOM) from March 2021 to March 2024

Mayor Moore read the inscription on the plaque and presented it to him for his three (3) years of service on the Architectural Commission.

Mayor Moore recognized the following employee milestones:

Charles Lee – Firefighter Paramedic (FR) 5 years
Nicholas Potenza - Firefighter Paramedic (FR) 5 years
Gervin Turnbull – Water Resources Technician II (PW) 25 years
Vincent Starling – Equipment Operator II (PW) 25 years
Stephanie Mavigliano – Administrative Specialist (FR) 30 years
Brandon Madison – Equipment Operator I (PW) 10 years
Max Kelly – Police Officer (PD) 10 years

*Clerk's Note: Reconvened from break at 10:00 a.m.*

## VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS (24:38)

**A.** Presentations by the Applicants and Appointments to the Architectural Commission
*Kelly Churney, Acting Town Clerk*

The following applicants presented their applications and answered questions from the Town Council Members:

Katherine "KT" Catlin, 266 Fairview Road
Alicia "Maisie" Grace, 247 Seaspray Avenue
Hillary Masters, 170 Chilean Avenue, #3C
David R. Phoenix, Jr., 434 Chilean Avenue, #2C

Jeffery Smith, 241 Sanford Avenue
Claudia Visconti, 310 Valette Way, WPB

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to appoint Jeffrey W. Smith, Katherine Catlin and Claudia Visconti as regular members to the Architectural Commission. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.**

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to appoint David R. Phoenix, Jr. as an alternate member to the Architectural Commission. On roll call, the Motion passed unanimously.**

**B.** Presentations by the Applicants and Appointments to the Code Enforcement Board (56:43)
*Kelly Churney, Acting Town Clerk*

The following applicants presented their applications and answered questions from the Town Council Members:

John P. Cohen, 2778 S. Ocean Blvd., Apt. 405N
Harris Fried, 250 Seminole Avenue
Herbert Krauss, 100 Sunrise Avenue, Apt. 615
Chris Larmoyeux, 217 Tangier Avenue
Scotch Peloso, 244 Sunset Avenue, Apt. 5
Corinne Lagano, 2840 S. Ocean Blvd., Apt. 112

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to appoint Chris Larmoyeux, Scotch Peloso and Harris Fried as regular members of the Code Enforcement Board. On roll call, the Motion passed unanimously.**

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to appoint John P. Cohen as an alternate member to the Code Enforcement Board. On roll call, the Motion passed unanimously.**

**C.** Presentations by the Applicants and Appointments to the Landmarks Preservation Commission (1:33:48)
*Kelly Churney, Acting Town Clerk*

The following applicants presented their applications and answered questions from the Town Council Members:

Jacqueline Albarran, 11979 Polo Club Road, Wellington
Catherine Brooker, 127 Root Trail

Daniel Clavijo, 17474 Tiffany Trace Drive
Kim Coleman, 555 Island Drive
Brittain Damgard, 117 Wells Road
Isabella Gonzalez, 361 S. County Road, Apt. 4
Hillary Masters, 170 Chilean Avenue, #3C

**Motion was made by Council Member Crampton and seconded by Council Member Cooney to appoint Jacqueline Albarran and Brittain Damgard as regular members to the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.**

**D.** Presentations by the Applicants and Appointments to the Retirement Board of Trustees (2:06:19)
*Kelly Churney, Acting Town Clerk*

The following applicant presented his application and answered questions from the Town Council Members:

David Sabath, 3170 S. Ocean Blvd., Apt. 503S

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to appoint Daniel Stanton as a regular member to the Retirement Board of Trustees. On roll call, the Motion passed unanimously.**

## VII. COMMENTS OF MAYOR DANIELLE H. MOORE (2:20:42)

Mayor Moore reminded residents that the Police Department is available to help them. She encouraged people to call the Police Department to let them know of any potential issues.

## VIII. COMMENTS OF TOWN COUNCIL MEMBERS (2:13:55)

Council President Pro Tem Lindsay brought up an effective way of measuring sea level rising in the lagoon. She asked that Mr. Brazil provide an update. Mr. Brazil said Town Council approved the purchase and installation of tide gauges. Those devices have been installed, and data is being collected. He said the Port Authority has indicated interest in participating. A NOAA station is anticipated, which would result in better data, long-term.

Council President Pro Tem Lindsay, said because the Lake Worth Lagoon is fed by two inlets, Palm Beach Inlet and Boynton Beach Inlet, asked the Mayor if she would reach out to whoever controls the inlet to see if they would be interested in participating with the tide gauges. She thought it would be worthwhile to have both inlets participate. Mayor Moore asked Mr. Brazil and his staff to contact the operators at both inlets about participating.

Council President Zeidman highlighted Brad Gary, who first approached the Town Council and asked for the tide gauges.

Council Member Cooney commented about the legislative bills coming up that would be targeting local historic preservation. He mentioned the importance of keeping up with the legislature's actions.

Council Member Araskog referred to an article in the newspaper about residents complaining about the lack of dress on the beaches. She noted that it is the minority of people who are not dressing appropriately. She said there are many people who use the beaches who do dress appropriately.

## IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE (2:24:03)

Diane Bueller, Friends of Palm Beach, thanked Council President Zeidman for the support she has given. She stated she has been chosen to serve on a NOAA's MERHAB, a research program on sargassum. She gave updates on the condominiums that have been very receptive to bucket stands. She also reported on turtle nesting. Ms. Bueller stated that the thirty-day period ends tomorrow, on the derelict vessel near Lagomar Road. It sits on public property and if left where it is, it will continue to break apart and become a problem. Ms. Bueller sincerely hopes the Town Council will consider a time change for off-leash dogs from Sunset to Wells, to better protect the endangered species.

Fred Wright, Palm Beach Towers, expressed concern about the area under Royal Poinciana Way, under the underpass. He felt that area was the most dangerous place in Palm Beach. He did not want anyone to get hurt on the rocks and he thought a railing would be helpful. He offered to make a donation toward paying for a railing. Mr. Wright also spoke about vehicular traffic in the town. He spoke about water desalination and expressed concern about ongoing construction.

Mr. Brazil said that the Town Council directed staff to see what could be done under Royal Poinciana Way. He said that underpass is under the jurisdiction of the Florida Department of Transportation (FDOT) and they were notified. They have not acted, and Mr. Brazil said staff would reach out to FDOT again.

Council President Pro Tem Lindsay asked if it would be helpful to have the Mayor, Town Manager, Chief of Police, and Director of Public Works to sign on to helping with FDOT to express the importance of the safety hazard presented under the Royal Poinciana underpass. Mr. Brazil said correspondence would be drafted to the District Secretary. Mr. Blouin also commented on this safety issue and the possibility of including the Governor. Mayor Moore felt that the decision to contact the Governor should be carefully considered from a priority perspective.

Robert Maxner, 3120 S Ocean Blvd, spoke about the Bonefish Islands Restoration Project. He supported the project. However, he expressed concern about the waiver being requested for work hours. Mr. Blouin and Mr. Brazil responded to Mr. Maxner.

## X. APPROVAL OF CONSENT AGENDA (2:37:38)

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

The following items were pulled and heard under Item No. XII.A.

RESOLUTION NO. 017-2024

RESOLUTION NO. 018-2024

RESOLUTION NO. 026-2024

RESOLUTION NO. 033-2024

### A. MINUTES

1. Town Council Meeting Minutes
   *Kelly Churney, Acting Town Clerk*

   a. February 13, 2024, Town Council Meeting Minutes
   b. February 14, 2024, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of February 28, 2024
   *Wayne Bergman, Director of Planning, Zoning and Building*

### B. RESOLUTIONS

1. RESOLUTION NO. 017-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Bifurcating the Project Designation Manual or Design Review Matrix for the ARCOM and LPC as referenced in Chapter 18 of the Town Code of Ordinances; Providing an Effective Date.
   *Wayne Bergman, Director of Planning, Zoning and Building*- ***Pulled and Heard as Item No. XII.2***

2. RESOLUTION NO. 018-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Locally Funded Agreement (LFA) Between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Amount of $17,979, and Amendment One to the Maintenance of Memorandum Agreement for the Roadwork Construction Project along State Road-A1A from Lake Avenue to North of Ibis Way Project.
   *H. Paul Brazil, P.E., Director of Public Works*- ***Pulled and Heard as Item No. XII.3***

3. RESOLUTION NO. 024-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to CPZ Architects Inc. for Town of Palm Beach Police Station Renovation of the Bathrooms, Locker Rooms and Aging Sanitary Sewer and Domestic Water Piping in the Amount of $179,906 and Establishing a Project Budget of 198,000 for Design Services.
*Dean Mealy, II Procurement and Contract Manager*

4. RESOLUTION NO. 026-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2024-12, Automated External Defibrillators (AED) and Related Training Material for the Fire Department in an Amount Not-to-Exceed $150,000 to Life Safety Solutions.
*Dean Mealy, II Procurement and Contract Manager*- ***Pulled and Heard as Item No. XII.4***

5. RESOLUTION NO. 029-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Professional Engineering Services for the Sand Transfer Plant in the amount of $99,300 and Establishing a Project Budget of $114,195.
*Dean Mealy, II Procurement and Contract Manager*

6. RESOLUTION NO. 030-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Duval Ford for the Purchase of Two (2) Ford Bronco Sports for the Fire Department in an Amount of $63,184 and Establishing a Project Budget of $70,000.
*Dean Mealy, II Procurement and Contract Manager*

7. RESOLUTION NO. 033-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Beautification Design Plans for the Park Avenue Pocket Parks and Accept a Donation to Construct the Beautification Project. The Donation Amount is to be Determined at the Time of the Final Bid.
*H. Paul Brazil, P.E., Director of Public Works*- ***Pulled and Heard as Item No. XII.1***

## C. OTHER

1. Request to Consider Ordinance Nos. 001-2024; 002-2024; 003-2024; 004-2024; 005-2024; 006-2024 and 009-2024, at the March 13,

2024, Public Hearing Prior to 5:00 PM
*Wayne Bergman, Director of Planning, Zoning and Building*

2. PERC - Extension of Appointment
*Gillian Barth, Director of People & Culture*

3. Request by the City of West Palm Beach for Town Sponsorship for City's 4th on Flagler Event
*Kirk W. Blouin, Town Manager*

4. Endorse Palm Beach County's Bonefish Islands Restoration Project and Approve Waivers to Town Code for Construction Dates, Hours, and Noise in Lake Worth Lagoon
*H. Paul Brazil, P.E., Director of Public Works*

*Clerk's Note: This item was taken out of order and heard after RECOGNITIONS*

## XI. BOARD/COMMISSION ANNUAL REPORT (12:49)

**A.** Annual Report of the Landmarks Preservation Commission
*Sue Patterson, Chair*

Ms. Patterson presented the annual report for 2023. She presented a plaque of appreciation to Council President Zeidman, making her an honorary member of the Landmarks Preservation Commission. She also thanked the rest of the Commission and Town Staff for always being available and supportive.

There were some questions that were answered, and Council President Zeidman recognized the LPC for a job well done in their efforts to correct an error and to bring the community together on an important project for the town.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Annual Report of the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.**

*Clerk's Note: A short break was taken at 9:45 AM*

## XII. REGULAR AGENDA

**A. Matters Pulled From Consent Agenda: If needed**

1. RESOLUTION NO. 033-2024 (2:40:19) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Beautification Design Plans for the Park Avenue Pocket Parks and Accept a Donation to Construct the Beautification Project. The Donation Amount is to be Determined at the Time of the Final Bid.
*H. Paul Brazil, P.E., Director of Public Works*

Mayor Moore stated she was notified that Dr. Nasser, a neighbor to the park, had concerns because she had not been informed and wanted to know was there any public notice of the Resolution. The only notice required for this resolution was notice of the agenda. There were no additional public notice requirements.

Mr. Brazil stated that two parcels along Park Avenue were donated to the town several years ago. A private donor had worked with a designer to prepare plans and agreed to cover the cost of the beautification project. Ms. Ziska, attorney, contacted staff about the donor's desire and stated that the donor was not asking for anything in return. Ms. Strayer added that with regard to Phase 8 undergrounding, the location of transformers would be worked into the park.

There was discussion about notice requirements. Council member Araskog thought, at a minimum, that people on Park Avenue should have been notified about the potential for changes to public park properties.

Corey Myer, Neivera Williams Design, presented the plan for the project.

Mr. Bergman, Director of Planning, Zoning and Building, provided clarification of the process. He said for substantial changes along lot lines, the neighbors will be required to complete a consent form.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 033-2024. On roll call, the Motion failed 2-3 with Council Member Araskog, Council President Pro Tem Lindsay and Council President Zeidman dissenting.**

**Motion was made by Council Member Araskog to approve Resolution No. 033-2024 with the condition that all owners on Park Avenue and abutting properties are noticed and if there is negative feedback, will return to the Town Council at the April 9, 2024 meeting. Motion died for lack of a second.**

Council President Zeidman suggested this item be approved, but the procedure be reviewed and improved as appropriate.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 033-2024. On roll call, the Motion passed 3-2 with Council Member Araskog and Council President Pro Tem Lindsay dissenting.**

2. RESOLUTION NO. 017-2024 (3:11:53) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Bifurcating the Project Designation Manual or Design

Review Matrix for the ARCOM and LPC as referenced in Chapter 18 of the Town Code of Ordinances; Providing an Effective Date.
*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman presented the Resolution and why this item was before the Town Council.

**Motion was made by Council Member Araskog and seconded by Council Member Crampton to defer Resolution No. 017-2024 to the April 9, 2024, Town Council Meeting and to provide a redlined version at said meeting. On roll call, the Motion passed 4-1 with Council Member Cooney dissenting.**

3. RESOLUTION NO. 018-2024 (3:18:35) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Locally Funded Agreement (LFA) Between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Amount of $17,979, and Amendment One to the Maintenance of Memorandum Agreement for the Roadwork Construction Project along State Road-A1A from Lake Avenue to North of Ibis Way Project.
*H. Paul Brazil, P.E., Director of Public Works*

Council Member Crampton asked Mr. Brazil to enumerate the work that would be done under the subject contract. Mr. Brazil responded.

**Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Resolution No. 018-2024. On roll call, the Motion passed unanimously.**

4. RESOLUTION NO. 026-2024 (3:21:44) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2024-12, Automated External Defibrillators (AED) and Related Training Material for the Fire Department in an Amount Not-to-Exceed $150,000 to Life Safety Solutions.
*Dean Mealy, II Procurement and Contract Manager*

Council President Zeidman asked Fire Chief Baker to explain where the Automated External Defibrillators would be placed. Chief Baker talked about the placement of the AED units; he also spoke about training that would be available once the units are installed. He stated there would be a lot of publicity about the AED units and training opportunities.

Mayor Moore asked if residents could get training to use their personal AED

units. Chief Baker said yes.

**Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve Resolution No. 026-2024. On roll call, the Motion passed unanimously.**

*Clerk's Note: A lunch break was taken at 1:30 PM and reconvened at 2:00 PM*

## B. Old Business

1. Verbal Update Regarding Traffic Study Additional Tasks (5:30:37)
*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman stated that The Corradino Group presented the Traffic and Parking Study last month. The Town Council raised nineteen items that were sent back to Mr. Corradino for additional review. He asked the Town Council to confirm that the correct items have been identified and returned to Mr. Corradino for additional study.

**The consensus of the Town Council was to defer discussion of the Traffic Study Additional Tasks to March 13, 2024.**

Mr. Bergman reviewed the next steps with the Town Council.

Anita Seltzer, 44 Cocoanut Row, asked for a copy of the e-mail regarding the traffic study before tomorrow.

2. RESOLUTION NO. 028-2024 (29:25) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Second Amendment and Restated Ground Lease Agreement with CRE Fund at Okeechobee Boulevard, LLC, a Florida Limited Liability Company and is Joined in the Second Amendment by AHS Residential, LLC.
*Kirk W. Blouin, Town Manager*

Mr. Blouin presented the second amendment to the restated ground lease.

Council President Zeidman read the Resolution.

**Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 028-2024. On roll call, the Motion passed unanimously.**

3. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status (28:56)
*H. Paul Brazil, P.E., Director of Public Works*

Ms. Strayer noted that in two months, there should be a GMP for Phase 7 South. There were no other comments or questions about the project.

4. Phipps Ocean Park Project Update (6:33:59)

RESOLUTION NO. 031-2024 A Resolution of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Approving A Guaranteed Maximum Price Construction Contract for the Phipps Ocean Park Improvements to Burkhardt Construction, Inc. In The Amount Of $30,018,930.15 And Establishing an Overall Construction Budget Of $33,027,930.15. Contingent On the Approval of The Phipps Ocean Park Capital Gifts and Operation Agreement.

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

Patricia Strayer, Town Engineer, presented the resolution. There was some discussion about the contents of the resolution.

Corinne Lagano, 2840 S. Ocean Blvd, inquired about seeing the plans for the project.

Mr. Brazil said the Preservation Foundation of Palm Beach said they would donate their share of the project, the town will fund the lifeguard station and tennis courts as planned work.

**Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 031-2024. On roll call, the Motion passed 4-1, with Council Member Araskog dissenting.**

Amanda Skier, Palm Beach Preservation Foundation, expressed gratitude on behalf of the Foundation. She also thanked staff for helping get this project approved.

5. Discussion Regarding Traffic Issues and Presentation of Mitigation Plans (5:44:01) and (6:54:23)

*Nicholas Caristo, Chief of Police*

Chief Caristo recapped the steps that have been taken to mitigate traffic. The Police Department has worked with Palm Beach Traffic Management to open up the lights on the West Palm Beach corridor during peak hours to help traffic flow off the bridges. The United States Coast Guard has been lobbied to allow for delayed bridge openings. Peak times on the bridges have been established, 7:30 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Chief Caristo reviewed the times that bridges will be opened. The information is already on the Town's website.

Mr. Brazil introduced Adam Kerr, Kimley-Horn and Associates, to present the new traffic signal software information. He discussed limits to the system and alternatives available to the town. He gave an overview of the next steps in fine-tuning the system. Mr. Brazil presented data concerning the traffic volume increases experienced in the area of North County Road and Sunset Avenue and at Royal Poinciana Way. There was some discussion about changing the allowable construction hours to reduce traffic during peak hours. Mr. Brazil said the construction and landscape industries would prefer to begin work earlier. There was discussion about traffic in the areas of Publix and Royal Poinciana Way.

Anita Seltzer, 44 Cocoanut Row, made comments regarding traffic mitigation strategies.

(6:54:23) Police Chief Caristo stated that he and Harvey Oyer, Attorney, had been working together to discuss a plan to minimize traffic congestion in and around the Mar-A-Lago area. He said a solid plan has been put into place. Chief Caristo reviewed the details of the traffic mitigation plan.

Council Member Araskog expressed concern that the plan had changed since being published and she thought the public should have an opportunity to review the modified plan. She also thought the Town Council should have more time to review the plan with changes.

Mr. Oyer agreed with Council Member Araskog. He said that right now, Mar-A-Lago is obligated to a lot less stringent traffic management plan than what has been presented. He said everything in the new plan is given by Mar-A-Lago to help with traffic. The reason the Town Council received the plan with changes at the last moment was because the Police Department asked that some changes be made to the plan. Mr. Oyer discussed the concessions made by Mar-A-Lago to protect the Town.

Council President Zeidman shared that she did not want to see this item delayed. She said this item would have been presented to the Town Council earlier if there had not been problems that needed to be addressed before presentation to the Town Council. She said the agreement protects the town. She thanked Mr. Oyer, the Secret Service and the Police Department for making themselves available on a moment's notice to work on the recent issues and provide corrective plans within this current document for Council review and approval.

Mayor Moore brought up double stacking of vehicles at the south gate. Mr. Oyer responded.

Council Member Cooney said when the Town's law enforcement officers manage traffic, he sees a measurable difference compared to when the Palm

Beach Sheriff deputies are in charge. He stressed the importance of effective communication.

**Motion was made by Council Member Araskog and seconded by Council Member Cooney to defer the Mar-A-Lago Traffic Management Agreement to the April 9, 2024, Town Council Meeting. On roll call, the Motion passed 4-1 with Council President Zeidman dissenting.**

## C. New Business

1. GIS Web Application Demonstration (7:34:23)
*Andy Jadoo, Director of Information Technology*

Mr. Jadoo introduced the Town Council agenda mapping project. A demonstration of the project was given by James Murphy, Assistant Director of Planning, Zoning and Building.

2. Pension Plan Review and Proposal (3:47:52)
*Maggie Zeidman, Council President*

Council President Zeidman said she met with Gillian Barth, Director of People & Culture, Bob Miracle, Deputy Town Manager and Kirk Blouin, Town Manager to review high vacancy rates and potential changes to the pension plan to make Palm Beach more market competitive with surrounding municipalities. She said the multiplier for the pension plan is important to employees. She provided a history of changes that had been made to the town pension plan. She said there continues to be challenges with recruitment and retention of employees. She said the employee vacancy rate is 10%, and the Town is not market competitive. She noted that the vacancy rate has continued to be 10% over the last year and a half and that 3.5% is the generally accepted standard. She stated that each Council member has had the opportunity to meet with staff to review all the proposed changes. President Zeidman complimented the Council on taking a deep dive into this issue. She remarked that some Council members had even met twice with staff to familiarize themselves with the changes. She stated that the changes had been reviewed with our Actuary, Pete Strong, and with Dan Stanton, Chair of the Retirement Board. If implemented, the increase in the ADEC will be an average of $1M each year over the next 15 years. The total cost is anticipated to be $15M over the next 15 years. Council President Zeidman stated she was supportive of the proposed changes.

Gillian Barth, Director of People & Culture, stated the Town of Palm Beach is a special place which requires a certain level of education and experience to provide the level of service expected. She said recruitment is intended to attract potential employees from all different sectors because there are

varied positions within the town.

Ms. Barth presented the recommendations for consideration. She explained each option and said that recommendations had been determined with fiscal responsibility in mind.

There was some discussion about the Florida Retirement System and why the town has not chosen to use that pension program.

Bob Miracle, Deputy Town Manager, presented the funding impact of retirement. He compared the current plan to the plan with multiplier being increased to 3% for public safety and 2% for general employees, as proposed. He discussed the added cost to the town. Ms. Barth pointed out the recommendations that would be cost-neutral.

Mayor Moore commented that there is a statewide issue with recruiting and keeping Water Resource Technicians because the State of Florida did not have reciprocity with any other state. The Florida League of Cities has been working on this issue. Ms. Barth responded that the Town is working on an internship program to attract water resource professionals to the credit of Jeff Coleman.

The Town Council discussed the pension plan and the justifications for the recommended changes. Council Member Crampton noted that documentation of the need for the recommended changes was important.

Council Member Araskog asked about reducing the defined pension plan vesting from ten (10) years to five to eight (5-8) years. Ms. Barton explained the averages and why the town would want to change vesting from ten (10) years to five (5) years. Ms. Stone said a lot of research had been done with regard to the younger generations and it would be a challenge to attract those employees with a vesting period of seven (7) to ten (10) years. She noted that recent trending data has been taken into consideration. Mr. Miracle said the difference between a five (5) year and a seven (7) year vesting period was insignificant. Council Member Araskog thought the entire benefit package should be reviewed.

Council Member Araskog raised concern about the interest that would have to be paid on the cost difference between the current plan and the plan with recommended changes. The difference is $15,510,232, of which $7 million would be interest charges. Mr. Miracle said the information provided is an actuary table where assumptions were used. He said he would be concerned about pulling that much money out of different funds and whether or not 6 or 7% would be earned for fifteen years to get the Town to the $5.5 million.

Council Member Cooney asked how many employees were grandfathered

in the earlier pension plan. Ms. Barth said approximately eighty. He asked what percentage of the unfunded liability was related to the older pension. Mr. Miracle would have to check, he was unsure how the actuarial calculates that information. Mr. Blouin noted that everyone employed since 2012 was on a new pension plan.

Council President Pro Tem Lindsay commented that it was high time to restore the multiplier. She said one of the coveted things about Palm Beach is that people feel safe, and that is attributed to the quality of employees recruited and retained by the Town. She said the town needs to be comparable, and she was supportive of the recommended changes.

Mayor Moore asked about the length of time required to recruit an employee. Ms. Barth said part of the time it takes is due to the rigorous background checks conducted on employment candidates.

Mr. Blouin provided supportive comments with regard to the recommendations being made for consideration.

Council Member Araskog said there is a need for additional law enforcement officers. Police Chief Caristo clarified that there are conditional officers still in the training process.

The consensus of the Town Council was to approve the Pension Plan Proposal, with a recommendation that it be reviewed by the Retirement Board of Trustees. President Zeidman requested that she and Ms. Barth take the proposed changes to the March 22 Retirement Board meeting. The Council agreed.

3. Discussion Regarding Time Extensions & Deferrals Related to LPC/ARCOM (35:21)
*Wayne Bergman, Director of Planning, Zoning and Building*

Mr. Bergman was looking for consensus from the Town Council to draft an ordinance that would limit the number of time extensions and deferrals that could be requested by an applicant. Currently, time extensions can last up to 36 months.

Mr. Bergman said that language regarding deferrals needs to be cleaned up, not changed.

James Murphy, Assistant Director of Planning, Zoning and Building, offered additional comments regarding the request for policy direction.

The consensus of Town Council was for staff to further study time extensions and deferrals and return to the April 9, 2024, Town Council

meeting.

4. RESOLUTION NO. 034-2024 (7:44:00) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, To Amend the Town's Fund Balance Policy for the General Fund.

*Bob Miracle Deputy Town Manager - Finance and Administration*

Mr. Miracle presented the General Fund and Retirement policies. He said in April, he will talk about the policies with the Finance & Tax Committee. Those policies will then be presented to the Town Council with feedback from the subcommittee. Mr. Miracle reviewed the changes to the policies. He incorporated information about best practices and trends. He shared comparative information between the old policy and the new policy. Mr. Miracle presented comparisons between Palm Beach and other Palm Beach municipalities.

Mayor Moore said the Town's millage rate is all-inclusive. The other municipalities' millage rates are often broken out differently. Mr. Miracle stated that the other municipalities' regular millage rate, with addition of any debt millage rate, was used in the comparison calculations. Mr. Blouin said the town is full-service, and approximately 60% of the budget is for police and fire. Mr. Miracle said he would include information where other municipalities contract out public safety services for comparative purposes.

Council Member Crampton thought the town residents should know more about the town's finances. Mr. Miracle was hoping to find out the impact on coastal communities when there were hurricanes. He wanted to find out what the lasting impacts were in those scenarios. He also said that GFOA could provide some consulting on this type of estimating and that they would use FEMA-based information.

Mark Zeidman, 229 Barton Avenue, commented about fund balance policy from a long-term perspective. He stated that he liked comparing things to ad valorem tax revenues. Mr. Zeidman said the new policy was an improvement but did not quantify what the town's exposure was to loss from a catastrophic event such as a hurricane.

**Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 034-2024. On roll call, the Motion passed unanimously.**

5. RESOLUTION NO. 035-2024 (20:31) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, To Amend the Town's Funding Policy for the Retirement Fund.

*Bob Miracle, Deputy Town Manager - Finance and Administration*

Council Member Crampton thought amending the Town's Funding Policy for the Retirement Fund needed additional study.

**Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 035-2024. On roll call, the Motion passed 4-1, with Council Member Crampton dissenting.**

### D. Quarterly Litigation Report

1. Litigation Status Report (40:46)
   *Joanne O'Connor, Town Attorney*

   Attorney O'Connor provided the quarterly litigation report.

## XIII. ORDINANCES

### A. First Reading

1. Proposed Ordinance to Amend the Town Code Relative to the Deferred Retirement Option Program (DROP) (43:13)

   ORDINANCE NO. 010-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

   *Joanne O'Connor, Town Attorney*

   Attorney O'Connor presented the ordinance to amend the Town Code relative to the DROP program. This ordinance allows the Town Manager to extend his participation in the DROP by two years for a maximum period of up to twelve (12) years.

   Council Member Cooney read the Ordinance by title only.

   **Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 010-2024. On roll call, the Motion passed unanimously.**

## XIV. ANY OTHER MATTERS - None

## XV. ADJOURNMENT

**Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to adjourn the Town Council Meeting of March 12, 2024 at 7:08 PM. On roll call, the Motion passed unanimously.**

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Pat Gayle-Gordon, Deputy Town Clerk

_____
Date

# TOWN OF PALM BEACH

Minutes of the
Local Planning Agency Meeting
Held on March 13, 2024

I. CALL TO ORDER AND ROLL CALL (00:51)

The Development Review Town Council Meeting was called to order on March 13, 2024, at 9:32 a.m. On roll call, all elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE (02:17)

Council President Zeidman led the Pledge of Allegiance.

III. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (03:54)
Council Member Araskog expressed concern about moving forward with the discussions on Ordinances 005-2024 and 006-2024, as she did not feel she had time to evaluate the proposed changes.

After a short discussion between the Town Council Members, there was a consensus to move forward.

Mr. Bergman gave a brief description of Ordinances 005-2024 and 006-2024.

Council President Zeidman called for public comment.

The following individuals spoke in favor of the Society of the Four Arts' proposal, Ordinances 005-2024 and 006-2024:

Julia Koch, 100 Royal Palm Way
Patrick Henry, 630 Crest Road
John Koch, 100 Royal Palm Way
Michael Ainslie, 200 Arkona Court
Joe Jacobs, 2565 S. Ocean Blvd.
Robert Forbes, 171 Clarke Avenue
Cristina Kepner, 369 S. Lake Drive
Kelly Matthews, 417 Chilean Avenue

Mitra Margolis, 528 N. Lake Way
Barry Hoyt, 133 Banyan Road
Bonnie Hunter, 240 Banyan Road
Wilbur James, 10 Golf View Road
James "Chip" DiPaula, 456 S. Ocean Blvd.
Ronnie Heyman, 150 Bradley Place
Dr. Phillip Rylands, CEO of the Four Arts
Bob Gutherie, 140 El Mirasol
Connie Geisler, 315 S Lake Way

The following individuals expressed concern about the Society of the Four Arts' proposal, Ordinances 005-2024 and 006-2024:

Anne Pepper, 333 Seaspray Avenue

IV. APPROVAL OF AGENDA (53:24)

Mr. Bergman provided modifications to the agenda, which included the applicant's withdrawal of Ordinance No. 001-2024, 002-2024, 003-2024 and 004-2024.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. The motion was carried unanimously, 5-0.**

V. ORDINANCES (54:33)

**A. First Reading**

1. Amending the Future Land Use Map of the Comprehensive Plan by changing the Future Land Use Designations for parcels of land more particularly described in Exhibit A, from "Commercial" and "Single Family" to "Approved PUD" *(Commonly Referred to as the Wells Fargo Site)*

   **ORDINANCE NO. 001-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designations For Parcels Of Land More Particularly Described In Exhibit A, From "Commercial" And "Single Family" To "Approved PUD"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

   ***Clerk's note: The item was withdrawn at the Approval of the Agenda, Item IV.***

2. Rezoning Parcels of Land More Particularly Described in Exhibit A, from "R-B Low-Density Residential" District, "C-TS Town-Serving Commercial" District, and "C-B Commercial" District to "PUD-D" *(Commonly Referred to as Wells Fargo Site)*

**ORDINANCE NO. 002-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit A, From "R-B Low-Density Residential" District, "C-TS Town-Serving Commercial" District, And "C-B Commercial" District To "PUD-D"; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

***Clerk's note: The item was withdrawn at the Approval of the Agenda, Item IV.***

3. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1& Policy 2.2.3 to allow for mixed-use PUDs. Creating a new Policy 11.1.5 to allow for mixed-use PUDs located within the Single Family and Commercial Land Use Categories. *(Commonly known as the Wells Fargo Site)*

**ORDINANCE NO. 003-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1 To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Single Family Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.3 A. To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Commercial Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element To Create A New Policy 11.1.5 To Establish A Type Of Planned Unit Development In The Town Of Palm Beach For Mixed-Use Development Within The Single Family And Commercial Land Use Categories Allowing For A Mix Of Residential Uses Not Exceeding The Maximum Allowable Density Within The Land Use Categories; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

***Clerk's note: The item was withdrawn at the Approval of the Agenda, Item IV.***

4. Amending specific sections within Chapter 134, Zoning Code, to create a new PUD-D Zoning District and provide the associated maximum density, permitted uses, and land development requirements for the proposed new PUD-D Zoning District. *(Commonly known as the Wells Fargo Site)*

**ORDINANCE NO. 004-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, Division 4. R-B Low-Density Residential District; Division 8. C-TS Town-Serving Commercial District; Division 12. C-B Commercial District; Amending Section 134- 616, Districts Where Permitted, To Create A "PUD-D" District As A District Where Planned Unit Developments Are Permitted; Amending Section 134-617, Compliance, To Create A PUD-D District As A District That When Developed As A Permitted Use Must Conform To The Regulations In This Subdivision; Amending Section 134-618, Minimum Area, To Create A PUD-D District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amending Section 134-620, Residential Density, To Create A PUD-D District That When Developed As A Permitted Use Must Conform To A Density Of Four Units Per Acres For The Portion Of The Property With A Single Family Future Land Use Designation And Six Units Per Acre For The Portion Of The Property With A Commercial Future Land Use Designation; Creating Section 134-625, Permitted Land Uses In The PUD-D District; Amending Reserved Sections 134-626 – 134-650; Amending Section 134-651, Establishment Of Special Exception Planned Unit Developments, To Create A Pud-5 Mixed Use Development Special Exception Planned Unit Development District; Amending Section 134-652, Districts Where Permitted, To Create A PUD-5 Mixed Use Development Planned Unit Development District That May Be Permitted By Special Exception Only In The Parcel Of Land More Particularly Described In Exhibit A; Amending Section 134-653, Minimum Area, To Create A PUD-5 Mixed Use District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amend Section 134-654, Residential Density, To Create A PUD-5 Mixed Use District That When Developed As A Permitted Use Must Conform To The Residential Densities Of Four Units Per Acre For The Portion Of The Property Zoned R-B And Six Units Per Acre For The Portion Of The Property Zoned C-TS And C-B; Amending Section 134-656, Permitted Land Use, To Create A PUD-5 District And Outlines The Permitted Uses In The PUD-5 District; Amending Article VI, Divisions 4, Section 134-890, Special Exception Uses To Establish PUD-D As A Special Exception Use In The R-B Low-Density Residential Zoning District; Amending Article VI, Divisions 8, Section 134-1109, Special Exception Uses To Establish PUD-D As A Special Exception Use In The C-TS Town Serving Commercial Zoning District; Amending Article VI, Divisions 12, Section 134-1304, Special Exception Uses To Establish PUD-5 As A Special Exception Use In The C-B Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

***Clerk's note: The item was withdrawn at the Approval of the Agenda, Item IV.***

5. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 related to the Private Group Use

Future Land Use Designation. (54:40)

**ORDINANCE NO. 005-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 Related To The Private Group Use Future Land Use Designation; Amending Policy 2.3.6 To Remove The Maximum Lot Coverage And To Allow, In Limited Circumstances, The Maximum Building Height To Be Three Stories With Town Council Approval; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Harvey Oyer, an attorney on behalf of the Society of the Four Arts, presented the proposal for the creation of the CI Cultural Institutional Zoning District and the change to the Comprehensive Plan Text Amendment. Mr. Oyer displayed letters of support that had been received and had already been submitted to the Town Clerk for the Town's official records.

Council President Zeidman noted that Sean Suder, ZoneCo, was present via Zoom. She asked Mr. Bergman to discuss the intent of Ordinance 005-2024.

Mr. Bergman reviewed the proposed comprehensive plan text amendment.

Mr. Crampton supported the text amendment. He asked about the plans for the Lake Trail, to which Mr. Oyer stated that the trail would not change unless it was at the Town's discretion. He said the Lake Trail was not part of their proposal.

Council Member Araskog asked why cultural group use was included in private group use; she wished they had been separated to reduce confusion. Mr. Oyer responded separating the private and cultural group uses was a staff decision. Mr. Bergman explained that in the Comprehensive Plan Future Land Use designation, there was a private group use, which covered approximately eight properties. He indicated that the designation was acceptable, but there needed to be a corresponding zoning district. Ms. Hoffmeister-Drew was working on the Evaluation and Appraisal Review (EAR), which would continue taking care of the other properties. However, the proposed change was only for the two cultural institutional properties. Council Member Araskog expressed concern about the maximum building height. Mr. Oyer explained why this language was appropriate.

Mr. Bergman understood Council Member Araskog's proposed concern. Council Member Araskog recommended changing "may" to "shall" in section 2.3.6 (b). Town Attorney O'Connor recommended using the word "is" rather than "shall" in that section.

Anne Pepper, 333 Seaspray Avenue, recommended not using the word "shall" in that section. Council Member Araskog stated the word "may" could remain in section 2.3.6 (b).

**A motion was made by Council Member Cooney and seconded by Council Member Pro Tem Lindsay to recommend the approval of Ordinance 005-2024 to the Town Council. The motion was carried unanimously, 5-0.**

6. Text Amendment amending Chapter 134, Zoning, to create a new Division 16. CI Cultural Institutional District. (1:42:39)

**ORDINANCE NO. 006-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations; Amending Sections 134-1482-134-1500. – Reserved, To Create A New Division 16. CI Cultural Institutional District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

Council President Zeidman mentioned that there would be a Declaration of Use (DOU) that would set limits as appropriate.

Mr. Bergman explained that if a Special Exception use was approved, the Town Council may enter into a DOU agreement with the applicant. He said Mr. Oyer had proposed three Special Exception uses with the subject application. He said if the Town Council wanted general issues addressed, the existing DOU would be amended since it applied to the entire campus.

Mr. Oyer said there was an existing DOU Agreement that was outdated but had been used to address parking issues.

Council President Pro Tem Lindsay wanted to ensure that there would not inadvertently be an allowance for more members than the campus could accommodate.

Mayor Moore thought the Four Arts had been on the island for a long time and had historically managed their membership well.

Council Member Cooney raised the issue of outdoor promotional events, although he thought that since it was a Special Exception approval subject to a DOU, the application process provided appropriate safeguards. He suggested striking the language "prohibiting the sale or giving away of an alcoholic beverage" since it could be addressed in a DOU agreement.

Council Member Araskog expressed concern about the use of alcohol and felt it could be difficult to regulate. She expressed concern about not having enough time to review all the changes. She confirmed that under Sec.134-1483 Permitted Uses., changes had been made to reflect the Planning and Zoning Commission's discussion. Mr. Suder added that a not-for-profit cultural and arts institution was defined but was not tied directly to being a 501(c)3 organization.

Mr. Suder said the way the language was drafted, the entire property could have been used for any of the uses set forth. He did not think that was the intent of the applicant or the town. Therefore, one umbrella use, not-for-profit cultural and arts institutions, was created. That was permitted in the subject district, and within the definition and under that umbrella was a list of uses that comprised a not-for-profit cultural and arts institution. That also included permitted accessory uses that directly supported the defined uses. Mr. Suder thought this language more accurately reflected how the applicant wanted to use the property.

Council Member Cooney referred to the section that stated, "side yard of a lot in the campus adjoining a public or private roadway interior to the campus, no minimum side yard required." He asked if there was any other solution. Mr. Oyer said there was no other solution, but he thought the Town was safe because the town staff provided what they considered to be every type of setback. Regarding Council Member Cooney's concern, Mr. Oyer thought the Seaview Avenue neighbors would be considered front setbacks because they all have street frontage that subjected them to a much greater setback than what they were currently subject to in the R-B Zoning District.

Council President Zeidman asked what could be done to prohibit other people from applying for cultural institutions and then applying for zero setbacks. She further clarified that this would carve out the existing non-conformities. Mr. Oyer stated this was addressed in Section 134-1490, non-conforming buildings, and structures.

The Town Council reviewed the document section by section. Changes were suggested and noted by staff.

Mr. Suder clarified that Section 134-1483, regarding residential units, was very precisely written for artists and residents, limited to only three units with a maximum of three bedrooms and 2,300 square feet per unit.

Mr. Oyer reviewed the substantive changes in the side yards. He said they were now dramatically higher than R-B and R-C zoning districts.

Nelo Freijomel spoke about the floor area provision in the amendment language. He said the purpose of the floor area provision was to govern the gross floor area across all floors. He said there were not many one-story buildings on campus, and specifically, three-story buildings were looked at with a 50,000-square-foot floor area. That was the aggregate of all three floors combined. He said the floor area provision was in other commercial zoning districts, which was why it was included in the Cultural Institution district. Mr. Oyer said a two-story building would not be limited to 20,000 square feet on the first floor.

The Town Council reviewed Section 134-1493, Signs. Council President Pro Tem Lindsay wanted to prevent neon and backlit

signage.

Council Member Araskog wanted to see an example of how the built-out environment of the Four Arts campus could be with the new changes. Mr. Oyer responded.

Mr. Murphy suggested that before the second reading, Mr. Oyer should review parking requirements because the new proposal may trigger some parking requirements that had not been carved out. He recalled the existing campus was nonconforming in its required parking. Therefore, adding a use such as an accessory café may require additional parking.

**A motion was made by Council Member Cooney and seconded by Council Member Pro Tem Lindsay to recommend the approval of Ordinance 006-2024 to the Town Council, as amended, to include the changes as discussed. The motion was carried unanimously, 5-0.**

VI. ANY OTHER MATTERS

No comments were heard at this time.

VII. ADJOURNMENT (3:11:50)

**A motion was made by Council Member Cooney to adjourn the meeting at 12:46 p.m. The motion was not seconded. The meeting adjourned without the benefit of a roll call vote.**

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Kelly Churney, Acting Town Clerk
Date: _____

# TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on March 13, 2024

I. CALL TO ORDER AND ROLL CALL (00:18)

The Development Review Town Council Meeting was called to order on March 13, 2024, at 12:52 p.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (00:53)

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

There were no comments heard.

IV. COMMENTS OF TOWN COUNCIL MEMBERS (7:53:28)

At the end of the meeting, Council Member Cooney reminded everyone to be kind, civil, and respectful after witnessing personal attacks in a recent Planning and Zoning Commission Meeting.

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

There were no comments heard.

VI. APPROVAL OF AGENDA (2:01)

Council Member Araskog requested the addition of a discussion on 247-251 Worth Avenue under Any Other Matters, as she felt the site plan approved at Town Council had subsequent changes to the second story.

Wayne Bergman, Director of Planning, Zoning, and Building, offered the following amendments to the agenda: the withdrawal of Ordinances 001-2024, 002-2024, 003-2024, 004-2024, and the addition of the Verbal Update Regarding the Traffic Study Additional Tasks from March 12, 2024, Town Council Meeting.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. The motion was carried unanimously, 5-0.**

***Clerk's note: A lunch break was taken at 12:58 p.m. The meeting resumed at 1:41 p.m.***

After the lunch break, the Town Council immediately heard the Verbal Update Regarding the Traffic Study Additional Tasks.

Verbal Update Regarding the Traffic Study Additional Tasks (09:32)

Eric Czerniejewski, from the Corradino Group, discussed the 19 items to be reviewed.

Council Member Araskog thought the Alef School should be configured in the future. She also thought the Royal Poinciana Playhouse and restaurant should be included in future estimates.

Council President Pro Tem Lindsay commented that the traffic signals at two separate entrances off County Road, leading into The Breakers, routinely stop traffic and cause backup to Royal Poinciana. She thought someone should investigate the traffic signal timing. The Police and Public Works Departments would be tasked with evaluating the traffic signals.

Council Member Cooney thought The Breakers should be included in future calculations, because of development opportunities, of right, included in their Planned Unit Development (PUD).

Mr. Czerniejewski confirmed that The Breakers would be included in the updated growth rate evaluation.

The time of day for study indicated 7:30 am – 9:30 am. After a discussion, there was a consensus of the Town Council to change the time of study to 2:30 pm to 5:30 pm.

The study of Mar-A-Lago was removed from the list with the direction that the Palm Beach Police Department would address Mar-A-Lago during events.

Review items 8 and 9 will be addressed by Kimley Horn.

Council Member Araskog noted that the Town Council had asked for a study to evaluate the difference between one-way and two-way traffic on Sunset.

Mr. Czerniejewski confirmed that numbers 4, 5, and 7 were being done by someone other than The Corradino Group. He stated that the Corradino Group would look at all fourteen road segments for a road segment link analysis. Council President Zeidman asked that the Town Council Members be provided a copy of the fourteen road segments.

Council President Zeidman asked Mr. Czerniejewski to explain the Roadway Link Analysis.

Council Member Araskog said the study should include North Lake Way from Wells through Royal Poinciana Way and Saint Edwards Church to Royal Poinciana Way.

Mayor Moore noted a bottleneck in the 300 block of Peruvian. The Town Council agreed that the Police Department should review this area of Peruvian.

Council President Zeidman asked what could be done at Sunset and Bradley. Public Works Director Paul Brazil stated that staff was working around Sunset and Bradley.

Deputy Town Manager Bob Miracle spoke about the financial implications. He said from the clarification, staff would be able to work with the professionals on the contract.

Council President Zeidman urged Mr. Czerniejewski to look at West Palm Beach and the number of condominiums and businesses being developed. Mr. Czerniejewski said the professionals would meet with the West Palm Beach Planning Department to review all active projects. Traffic studies would be included, and the growth rate would be re-evaluated in the future.

**After the Town Council reviewed the 19 additional tasks for the traffic study, there was a consensus among the Town Council Members to proceed with the scope of work items provided by the Corradino Group, with the following modifications: In item 3, change the afternoon time from 2:30 p.m. to 5:30 p.m. and items 4, 5, 7, 8, 9, 11, 16, 17, and 18 would be removed from the list.**

VII. RESOLUTIONS

**A.** A resolution to landmark the property at **262 Sunset Ave. (5:49:57)**

**RESOLUTION NO. 148-2023:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **262 Sunset Ave.** 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. *The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 to recommend the property for designation as a landmark.*

Council Members Cooney and Crampton disclosed ex parte communications.

Jamie Crowley, the attorney for the owner, stated he was requesting a deferral to the fall, at the request of his client. He stated that his client was opposed to the designation. However, Mr. Crowley stated he was hoping to have some time to work with his client to determine if they could make the property work if it were to be designated as a landmark. He indicated he would waive the public hearing requirement.

**A motion was made by Council Member Cooney and seconded by Council Member Crampton to defer the resolution to the meeting on November 13, 2024, at the request of the applicant, with the applicant's agreement to waive the public hearing requirement within 90 days of the Landmarks Preservation Commission's decision. The motion was carried unanimously, 4-0.** ***Clerk's note: Council Member Araskog was not in the room for this vote.***

VIII. DEVELOPMENT REVIEWS

**A. Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

a. **ZON-23-020 (COA-23-003) 139 N COUNTY RD - THE PARAMOUNT THEATER (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES (37:25)** The

applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage greater than 3,000 SF in the C-TS district, (3) for Outdoor café seating use associated with a private club in the C-TS district, (5) for two stories in the C-TS district, (6) for shared parking in the C- TS district, and (7) for a modification to a previously approved Special Exception for Churches, synagogues or other houses of worship to allow for a flexible event space. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involves more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard setback, (2) front side street yard setback, (3) and to reduce the required rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the require overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) to reduce the front side street yard setback for the subterranean parking level, (14) to permit mechanical lift parking in the parking garage, (15) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, (16) to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, (17) to allow generators on a roof(s), (18) to exceed the maximum height of a screening wall for mechanical equipment on a roof, (19) to exceed the maximum height of mechanical equipment on a roof, and (20) to exceed the maximum height of chimneys, in conjunction with the renovation and adaptive reuse of an existing Landmarked theater structure and the construction of four connected residences with ground floor retail components with two levels of subterranean parking. The Landmarks Preservation Commission will perform the design review.

**TIME CERTAIN 2:00PM**

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

Jamie Crowley, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

Dan Lobitz, from Robert A.M. Stern Architecture, presented the architectural plans for the project.

Cory Meyer from Nievera Williams Design presented landscape and hardscape plans for the site. He noted that the amount of green space was being increased.

Mr. Crowley spoke about the principle of equivalency, set forth in the Town Code, Section 134-2175(d). This section addresses the provision of parking for a project. He referred to additional language in 2175(e), which talks about commercially zoned landmarked buildings and provides a complete exemption for parking where interior renovations are done, where use is intensified, or where there is an increase in the internal square footage. He stated that code provision was not being relied on to produce vested parking. Specifically, and limited to the principle of equivalency, there was adequate parking. He said neither his team nor staff disputed the same.

Council President Zeidman stated there were 46 parking spaces, and the question was, if the Town Council was to grant anything being requested, how was it going to work on a roadway that was constantly congested in season and at certain times of the day? Mr. Crowley said there was a legal concern about parking and there was a practical concern about parking. He said operationally, the valet system had to work and that any valet plan would prohibit the stacking of vehicles. That requirement would be in the Declaration of Use. The applicant had the right to park up to 150 spaces on Royal Palm Way, which was not ideal, but it was not required. Mr. Crowley said there were peak hours for traffic in town, and this application did not impact traffic during peak hours.

Chris Heggen from Kimley-Horn and Associates discussed the traffic in relation to the Paramount building.

Mr. Crowley noted that the application was submitted in October 2022. Since that time, Sunset has changed from two-way to one-way. He did not believe his client should be penalized for traffic issues that resulted from the change. Council President Zeidman explained why Sunset was changed to a one-way street.

Council Member Crampton confirmed that employees would park off the island. He asked about construction vehicles. Mr. Crowley said employees would park off the island, and there was a staging plan for construction vehicles. He said the modifications being made to the building were comparatively minor. He would be willing to present a construction management plan when the timing was appropriate.

Council President Pro Tem Lindsay asked how many seats would be provided for diners. Mr. Crowley said the club would not be strictly food and dining. The applicant had agreed to limit occupancy during morning hours to 150, during lunch to 250, and reduce it back to 150 for evening hours. At night, full occupancy would be allowed before 12:00 a.m. There was additional discussion about the total number of people who would use the club. Council President Pro Tem Lindsay was concerned about an iconic building, such as the Paramount Theater, being taken away from general public access.

Jeff Brophy, a planning expert from WGI, weighed in on the special exception requirements.

Owner Tony Cummings discussed sanitation, utilities, and delivery issues. Mr. Cummings discussed his efforts to reach out to the neighbors.

Council Member Crampton had concerns about the capacity number proposed to ensure the correct details were added to the Declaration of Use and the valet operations.

Council President Zeidman discussed the number of variances that had been eliminated and acknowledged the applicant's intent to do the right thing for the neighborhood and the Town.

Council Member Cooney acknowledged the loss of the street front retail. He thought retail would enhance the area and create engagement with the street.

Owner Lester Woerner discussed the amount of money being spent on the restoration. He would be open to retail, but with the opposition next door, he did not want an addition that would delay the project.

Council Member Araskog asked if the staff requested the applicant to propose the two variances. Mr. Murphy explained the two variances that were requested and explained why they were reasonable. Council Member Araskog asked if the proposed use was an intensification of use, to which Mr. Bergman replied that it was an intensification of a zoning use and was not by right.

Council President Pro Tem Lindsay and Council Member Araskog disclosed additional ex parte communication.

Jamie Gavigan, an attorney representing neighbors at the Sun and Surf, asked if the public could be heard prior to the lawyers.

Council President Zeidman called for public comment.

The following individuals spoke in opposition or expressed concern for the project:

Jerry Zaro, 100 Sunrise Avenue and President of the Sun and Surf
KT Catlin, 265 Fairview Road
Beryl Simonsen, 130 Sunrise Avenue
Staci Barber, 100 Sunrise Avenue
President of Leverett House, 110 Sunset Avenue
Gary Lockman, 110 Sunset Avenue
Burt Manning, 100 Sunrise Avenue
Rick Smith, 130 Sunrise Avenue
Anne Pepper, 333 Seaspray Avenue
Jonathan Auerbach, 100 Sunrise Avenue
John Golden, 150 N. Ocean Blvd.
Elaine Bedell, 130 Sunrise Avenue
Dr. Jane Day, Boca Raton, and previous Landmark Consultant
Vincent Cloud, 146 Sunset Avenue
Denise Sandell, 100 Sunrise Avenue

The following individuals offered supportive comments about the project:

Richard Burnstein, 235 Sanford Avenue
Adam Platzner, S. Ocean Blvd.
Martin Klein, 1050 N. Ocean Blvd.
Angie McNamara, 127 Kings Road

Maura Landers, representing Scott Snyder at 343 Chilean Avenue
Kristin Lopopolo, 3560 S. Ocean Blvd.
Rick Gonzalez, 120 S. Olive Avenue, on behalf of the Babbitts
Aimee Sunny, Preservation Foundation of Palm Beach
Skip Aldridge, 2295 S. Ocean Blvd.

***Clerk's note: A short break was taken at 4:09 p.m. The meeting resumed at 4:14 p.m.***

Jamie Gavigan, an attorney representing the neighbors at the Sun and Surf, recognized the work that had been done on the subject project. He stated there are still concerns that need to be addressed and resolved. He said most of the issues were with parking and traffic. He introduced Shaun MacKenzie, a traffic engineer.

Shaun MacKenzie, an engineer with MacKenzie Engineering, discussed the traffic safety issues in and around the site. He said the driveway exit did not have adequate site distance to safely exit the project onto Sunrise Avenue. Council President Pro Tem Lindsay noted that vehicle users presently get to the parking lot by going through Sunset, onto Sunset Avenue, and then exiting onto Sunrise Avenue. Mr. MacKenzie said if someone was driving out of the driveway trying to look left toward North County Road, the building obscured the safe site distance based on FDOT standards. He spoke about the traffic analysis and the criteria used in collecting data. He then stated that his team conducted their own traffic analysis. They placed traffic cameras out for one entire day in December. He said the cameras were at the intersections of Sunset and North County, Sunrise and North County, and both sides of the Royal Poinciana and North County intersections. He noted the traffic was predominantly found on North County Road. They found the highest volumes on North County Road were at midday. He stated the transportation impacts of the project were not known. He opined that comparing cars on the road to a vehicular standard was counter-productive in determining the actual level of service.

Council President Zeidman asked if some other type of information should be obtained from some other type of traffic study.

Ms. Hoffmeister-Drew explained that the staff followed the requirements of the Town Code. She said there may be different questions that must be asked, which would be done through the Town's peer review traffic consultant. She said that Mr. Czerniejewski, from the Corradino Group, was still available to answer questions.

James Green, an attorney representing Lee and Pam Dunston, Tony Stepanski, Richard Hirsch, and Gene Bernstein, addressed traffic, parking, and defects in the traffic study. Mr. Green provided additional information about his clients and the relationship of those parties to the project. Mr. Green said three of them were abutters, and the remaining clients resided on Monterey Road and were not abutting property owners. He believed his clients who abut the property fell within the range of aggrieved parties identified in various standing decisions and the comprehensive plan. Mr. Crowley

rebutted, citing case law.

Attorney O'Connor advised that the decision to allow Mr. Green to cross-examine the applicant's traffic expert was with the Town Council.

Mr. Green asked Chris Heggen about the traffic counts in February 2024. He asked Mr. Heggen about the building directly across the street. Mr. Heggen responded it was a synagogue and a restaurant. He also thought there were a couple of boutiques. Mr. Green asked if Mr. Heggen had looked at the Lent, Easter, and Mass schedules for St. Edwards Catholic Church. Mr. Heggen said the mass schedules were not taken into consideration.

James E. Spinks, an engineer with Volkert, provided his findings on the traffic study that had been prepared by the applicant. Mr. Spinks gave a brief biography. He discussed the critical points of his review. He agreed with the last traffic expert that the project trip generation was underestimated in the study. He thought clarity was needed regarding occupancy versus memberships and guests. It should also be noted that they were using fine dining to generate trips and that posed a problem. Most fine dining establishments did not serve breakfast, and some did not serve lunch. He pointed out what he believed were discrepancies and inconsistencies in the report. There were several issues with the project trip distribution and assignment that the applicant had used in their study. It did not match with the site plan. He discussed changes made between submittals for the project. Mr. Spinks also talked about proportionate fair share. He questioned the improvements on which proportionate fair share would be paid. Mr. Spinks said a separate analysis for St. Edwards Catholic Church was not included.

John Eubanks, the attorney representing the residents at the Sun and Surf Condominium, encouraged the Town Council to look at what they believed to be a strict violation of the comprehensive plan under the transportation element and the land use element. He spoke about the traffic and parking issues. He quoted language in the comprehensive plan and expanded upon that language. He did not think the principle of equivalency met the requirements of the comprehensive plan. Mr. Eubanks reiterated the two different violations of the comprehensive plan. Once there are violations of the comprehensive plan, the standards for special exceptions are not met. He referred to Mr. Heggen's comment that traffic counts were taken on Saturday, December 24, 2023. Mr. Crowley said the study was conducted on December 27, 2023. He said his clients would like to see the application denied.

Mr. Crowley provided rebuttal comments.

Council Member Araskog asked Town Attorney O'Connor about competent substantial evidence being the information received on the comprehensive plan as to why it violated the plan. She said the Town Council had knowledge of the comprehensive plan. Ms. O'Connor said the competent substantial evidence was what the planner testified to and what the law was, and she thought the Town Council

members could use their understanding of the comprehensive plan, which was the town's constitution, and apply that in considering the testimony presented.

Chris Heggen, with Kimley-Horn and Associates, provided a rebuttal for the statements made by Messrs. MacKenzie and Spinks. He advised that the trip generation calculations were reviewed by The Corradino Group and Palm Beach County. Palm Beach County issued a Traffic Performance Standards Letter to confirm the findings of the Kimley-Horn study. The study was also confirmed by The Corradino Group. He discussed the reports.

Mr. Crowley stated he had spoken to both the Police and Fire Departments, who had no concerns with regard to the proposed plans.

Wayne Bergman, Director of the Planning, Zoning and Building Department, provided staff comments.

James Murphy, Assistant Director of the Planning, Zoning and Building Department, explained the principle of equivalency. He answered the questions from the members on this calculation.

Council Member Crampton thought the tangible benefits of this project were undeniable. He said the club traffic would take place during off times rather than during peak times. He suggested the Carriage House model be followed because it was a good framework for making decisions. He stated that with that project, the Town Council set the parameters through the Declaration of Use, which set some pretty strict standards for regulating and modifying the impacts of the facility on the neighborhood. He further discussed how the Carriage House was approved and had operated successfully. Council Member Crampton said the owner had demonstrated a willingness to work with the Town, and if he were willing to reduce the number of people by approximately 20%, he would be willing to approve the request.

Mayor Moore stated she was worried about the condition of the building; or what the building could be used for in the future if not with the current owner. She thought a 30% reduction in membership should be considered. She also expressed concerns about traffic and parking. She thought more study was needed.

Council President Pro Tem Lindsay discussed the traffic and congestion in the Town. She talked about her concerns with the lack of parking around the project. She thought a club membership of around 220 would be more appropriate, with the addition of a small restaurant for the public. She thought a construction management agreement and a declaration of use agreement would be required if this project were approved.

Council Member Cooney aligned his thoughts with Council President Pro Tem Lindsay. He asked about the location for overflow parking and if diagrams were available to demonstrate it. He also thought retail spaces needed to be added back into the plan.

Council Member Araskog agreed with Council President Pro Tem Lindsay and Council Member Cooney. She thought a club membership of around 220 would be more appropriate. She expressed concerns about parking around the site. She thought there was a compromise, but that compromise should include something other than the residents' quality of life.

Council President Zeidman discussed the traffic issues. She agreed with Mayor Moore about the condition of the building. She thought the applicant needed to find additional parking. She was in favor of returning retail spaces for the first floor. She provided thoughts on the starting number of seats and hours for restaurant use.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to defer the project to the meeting on April 10, 2024, with the direction for the applicant and the three opposing parties to hold discussions about the project. The motion was carried unanimously, 5-0.**

Mr. Woerner expressed his frustrations and talked about occupancy and parking. He said the area was not congested after 5:30 p.m. He felt his rights as a property owner were being infringed upon.

***Clerk's note: A short break was taken at 7:28 p.m. The meeting resumed at 7:31 p.m. to hear the requested deferral of Resolution No. 148-2023. After this item was heard, an additional break was taken at 7:34 p.m. The meeting resumed at 7:46 p.m. Council Member Araskog left the meeting at 7:28 p.m.***

b. **ZON-23-109 (COA-23-040) 134 EL VEDADO RD (COMBO) - VARIANCE (5:53:40)** The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project. Motion carried, 7-0.]*

There were no ex parte communications declared at this time.

Mayor Moore asked about the variance because, in the past, a request for gates on El Vedado Road was denied because the house was too close to County Road and would have presented a queuing issue.

Cory Meyer with Nievera Williams Design stated that this home was in the middle of the block.

Mr. Bergman provided staff comments.

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

**A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance**

**No. ZON-23-109 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7, have been met. The motion was carried 3-1, with Council Member Cooney dissenting.**

c. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)— SPECIAL EXCEPTION AND VARIANCES** The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3-6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application. *[This project has been deferred to the April 10, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to April 10, 2024, meeting at the Approval of the Agenda, Item VI.***

d. **ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO) - VARIANCES** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[The variances for this project are no longer needed; therefore, Town Council will not be hearing this project.]*

***Please note: This item was withdrawn at the Approval of the Agenda, Item VI.***

e. **ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)— SPECIAL EXCEPTION AND VARIANCES (5:57:35)** The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana structure. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried 7-0.] [The Architectural Review Commission approved this project with conditions. Motion Carried, 5-2.]*

Council Member Cooney declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project. Ms. Ziska said the hardship was due to the nonconforming property.

Patrick Segraves with SKA Architect + Planner presented the architectural plans for the project.

Mr. Bergman provided staff comments.

Council President Zeidman asked if the project received any objections from the neighbors. Mr. Segraves responded.

**A motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Special Exception and Site Plan Review No. ZON-23-113 as said applications meet the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of Section 134-329. The motion was carried, 4-0.**

**A motion made by Council Member Cooney and seconded by Council Member Crampton that Variance No ZON-23-113 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7, have been met. The motion was carried, 4-0.**

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

f. **ZON-23-092 (ARC-23-052) 300 COLONIAL LN (COMBO)—VARIANCE(S)** The applicants, Dragana & Richard Connaughton, have filed an application requesting Town Council review and approval for seven (7) variances including (1-2) to construct an accessory slat house structure in the south rear-yard and west street side-yard setback, (3) to exceed maximum angle of vision, (4) to exceed maximum lot coverage, (5-6) to construct a new- single family residence with reduced one-story and two-story east side-yard setbacks, and (7) to exceed the maximum number of pieces of air-conditioning equipment permitted in the east side- yard setback. The Architectural Commission shall perform design review of the application. *[The variances for this project are no longer needed; therefore, Town Council will not be hearing thisproject.]*

***Please note: This item was withdrawn at the Approval of the Agenda, Item VI.***

g. **ZON-23-117 (COA-23-043) 235 BANYAN RD (COMBO) - VARIANCES** The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: 1. building height plane requirement found in Section 134-843(7) which would allow relief from a building height

plane requirement of two feet of front setback for each one foot of building height per the R-A Zoning District., 2. exemption of the building height of approximately 32.13' NAVD proposed vs. 25' NAVD permitted per Section 134-841(b)(1), and 3. exemption of the number of guest houses permitted per property Section 134-841 (5). The Landmarks Preservation Commission shall provide design review of the application. *[This project shall be deferred to the May 15, 2024, Town Council meeting, pending review by the Landmarks Preservation Commission.]*

***Please note: This item was deferred to May 15, 2024, meeting at the Approval of the Agenda, Item VI.***

***Clerk's note: Council Member Araskog returned at 8:09 p.m.***

2. **New Business**

a. **ZON-23-095 (HSB-23-007) 124 PARC MONCEAU (COMBO) - SITE PLAN REVIEW AND VARIANCES (6:04:41)** The applicant, Parc Monceau Ltd (Peter Brooks, Representative), has filed an application requesting town council review and approval for site plan review to revest the development of an existing nonconforming parcel in the R-A zoning district, and (8) total variances: (variances 1 – 2) to revest nonconforming south side- yard and west rear-yard setbacks, (variance 3) to revest nonconforming lot coverage, (variances 4 – 5) to revest nonconforming overall and front yard landscape open space, (variance 6) to forgo the requirement of providing 2 garage parking spaces, and (variances 7– 8) for north and south site walls to exceed maximum heights permitted; due to the demolition of more than 50% of a façade of the existing structure. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions. Motion Carried 7-0.]*

Council Member Cooney declared ex parte communication.

Maura Ziska, the applicant's attorney, outlined the zoning requests and provided an overview of the project.

Michael Perry with MP Design and Architecture presented the architectural plans for the project.

Council Member Araskog asked about the approval of the equipment. Mr. Perry responded.

Mr. Murphy provided staff comments.

Council Member Araskog asked about the hardship with the variances; Ms. Ziska responded.

Council President Zeidman called for public comment.

James Green, an attorney representing the owners at 1739 S. Ocean Blvd., stated that his clients' concerns were variances 1 and 2.

Wes Blackman, a certified urban planner on behalf of the owners at 1739 S. Ocean Blvd., outlined and explained the objections to

variances 1 and 2. Mr. Blackman submitted many items that were placed on the overhead projector.

Council Member Araskog asked Mr. Green about the hardships indicated by the applicant's attorney. Mr. Green stated that the pool did not need to be rebuilt.

Council Member Cooney confirmed that Mr. Green had no issues with variances 3-8, which Mr. Green affirmed.

Mr. Murphy provided further comments. He said the applicants were looking to reconstruct the façade and massing in a similar manner.

Council President Pro Tem Lindsay asked what would occur if variances 1 and 2 were denied. Mr. Perry said it would change the symmetry of the rear façade and compromise the location of the swimming pool. Ms. Ziska shared that the neighbors had lived with the nonconforming house for the past twenty years. She said her clients were trying to repair a structurally unsound house.

Mayor Moore thought the symmetry in the site plan was important. She thought if 7 feet were removed from the rear of the home, the same treatment should be done on the front side of the structure.

Council Member Araskog asked Mr. Green how the project impacted his client. She wondered if the real complaint from the neighbor was about the proposed improvements. Mr. Green stated that the neighbors could see the pool deck, which they thought looked like an additional story.

Council Member Cooney was familiar with the structural issues in the home. He did not think the demolition of the pool deck was a choice of the owner; he knew the extent of the lack of structural integrity of the pool deck. He thought the variances were appropriate and allowed for a re-vesting in the residence.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Site Plan Review No. ZON-23-095 be approved based upon the finding that the Site Plan will not adversely affect the public interest, and that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.**

**A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-23-095 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 5-0.**

b. **ZON-24-002 219-221 WORTH AVE AND 220 PERUVIAN AVE TABOO—SPECIAL EXCEPTIONS WITH SITE PLAN REVIEW (6:54:32)** The applicant, 219 Worth Avenue Holdings LLC, has filed an application requesting Town Council review and approval for (1) a Special Exception request for a renovation of an existing restaurant

with new operator within the space of a former restaurant space (Taboo) on Worth Avenue and the interior renovation of same, expansion into adjacent ground floor retail space and renovation of existing second floor storage area, and renovation of detached annex building, and (2) for a Special Exception request to allow a use contain greater than 4,000 square feet GLA gross leasable area in the C-WA zoning district.

Council Member Cooney declared ex parte communication.

Maura Ziska, the applicant's attorney, outlined the zoning requests and provided an overview of the project.

Jennifer Oatman, East Coast Director of Operations, Thomas Keller Restaurant Group, discussed the restaurant concept.

Council Member Cooney asked if the concept was similar to The Surf Club concept; Ms. Oatman said yes, in terms of formality and style of service.

Mr. Bergman provided staff comments.

Council Member Araskog asked Mr. Murphy if parking could be required. Mr. Murphy stated that a parking plan would be included in the valet plan, which would be required in the declaration of use agreement.

Council Member Cooney expressed his pleasure that the name "Taboo" was kept and that a Thomas Keller restaurant was the replacement.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Special Exception and Site Plan Review No. ZON-24-002 as said applications meet the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of Section 134-329, and conditioned upon the passage of a Declaration of Use (DOU) Agreement, which will include hours of operation and a valet plan. The motion was carried unanimously, 5-0.**

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

c. **ZON-24-047 (ARC-24-008) 264 DUNBAR RD (COMBO) – VARIANCE** The applicant, 264 Dunbar LLC (Lee Fensterstock, Manager), has filed an application requesting Town Council review and approval of (1) variance to exceed maximum equipment screening wall height in the south rear yard setback, as part of the construction of a new single-family residence. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the April 10, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to April 10, 2024, meeting at the Approval of the Agenda, Item VI.***

d. **ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE** The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review and approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to forgo required garage parking. The Architectural Commission shall perform design review of the application. *[This project has been deferred to the April 10, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to April 10, 2024, meeting at the Approval of the Agenda, Item VI.***

e. **ZON-24-028 (COA-24-007) 124 VIA BETHESDA (COMBO) - VARIANCES (7:11:31)** The applicant, Smith Architectural Group, Inc. design professional and represented by Maura Ziska, Esq., has filed an application requesting Town Council approval for one (1) variance to reduce the required vehicular backup driveway space to install sliding driveway gates at the two (2) north entryways with an approximately 10'-3.5" setback from the edge of pavement in lieu of the 18'-0" minimum required on the western north gate and an approximately 9'-5" setback from the edge of pavement in lieu of the 18'-0" minimum required on the eastern north gate. The Landmarks Preservation Commission shall provide a design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project. Motion carried 7-0.]*

Council Member Cooney and Mayor Moore declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

Sophia Bacon with Smith Architectural Group presented the architectural plans for the project.

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

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that Variance No. ZON-24-028 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 5-0.**

f. **ZON-24-033 (ARC-24-021) 224 SANDPIPER DR. (COMBO) – VARIANCES (7:15:45)** The applicant, 224 Sandpiper LLC, has filed an application requesting Town Council review and approval for construction of an outdoor terrace and installation of a retractable awning with variances. (1) for reduced open space requirements and (2) for reduced side yard setback. The Architectural Commission shall perform the design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried, 5-0.]*

*[The Architectural Review Commission approved this project with conditions. Motion Carried, 5-0.]*

Council Members Cooney and Araskog declared ex parte communication.

Jaime Torres-Cruz, with Fairfax and Sammons, presented the architectural plans for the project.

Mr. Bergman provided staff comments.

Council Member Araskog did not understand the open space. Mr. Torres-Cruz said the landscape open space area was already nonconforming.

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

**A motion was made by Council Member Cooney and seconded by Council Member Crampton that Variance No. ZON-24-033 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried 4-1, with Council Member Araskog dissenting.**

g. **ZON-24-034 (ARC-24-022) 726 HI MOUNT ROAD (COMBO) – VARIANCE (7:21:23)** The applicant, Jaime Torres-Cruz with Fairfax and Sammons on behalf of owner Irimar Ocean Properties LLC, has filed an application requesting Town Council approval for one (1) variance to reduce the required south side yard setback for a one- story (approximately 400SF) roofed porch added onto an existing terrace. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion Carried, 4-2.] [The Architectural Review Commission approved this project with conditions. Motion Carried, 4-2.]*

Council Members Cooney and Araskog declared ex parte communication.

Jaime Torres-Cruz, with Fairfax and Sammons, presented the architectural plans for the project.

Council Member Araskog was bothered by the request for variance. Many of the other members did not see the need for the request.

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

**A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-24-034 shall be denied for the reason that the request does not meet the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7, and the hardship has been created by the owner due to unreasonable use of the property. The motion was carried unanimously, 5-0.**

h. **ZON-24-041 241 SANFORD AVE - VARIANCE (34:37)** The applicant, 241 Sanford Avenue Realty Trust has filed an application requesting

Town Council review and approval of a variance to reduce the required side (east) setback for the installation of a new elevator.

Council Member Cooney, Council President Pro Tem Lindsay, and Mayor Moore declared ex parte communication.

Jeff Smith with Smith Architectural Group presented the architectural plans for the project.

Council Member Araskog asked about the hardship for the variance request. Mr. Smith responded with the hardship.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. 24-041 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(A), items 1 through 7 have been met. The motion was carried unanimously, 5-0.**

**B. Time Extensions and Waivers**

1. Waiver of Town Code Section 18-237, For Building Permit Extension for 249 Royal Palm Way (7:29:58)

   Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

   Jamie Gavigan, the attorney for the homeowner, provided the reasons for the extension request.

   **A motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the extension, as requested, until September 30, 2024. The motion was carried unanimously, 5-0.**

2. Waiver of Town Code Section 18-237, For Building Permit Extension for 991 N Lake Way (7:32:01)

   Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

   Lauren with Sciame Homes provided the reasons for the delays.

   **A motion was made by Council Member Cooney and seconded by Council Member President Pro Tem Lindsay to approve the extension as requested. The motion was carried unanimously, 5-0.**

3. Waiver of Town Code Section 18-237, For Building Permit Extension for 200 Ocean Terrace. (7:27:57)

   Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

   Aubrey Ballard, with Thomas Melhorn, provided the reasons for the delays.

   **A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the extension as requested. The motion was carried unanimously, 5-0.**

4. Waiver of Town Code Section 18-237, For Building Permit Extension for 223 Monterey Rd. (7:35:27)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Joshua McAlees with Seagate Capital Construction provided the reasons for the delays.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the extension as requested. The motion was carried unanimously, 5-0.**

## IX. ORDINANCES

### A. First Reading

1. Amending the Future Land Use Map of the Comprehensive Plan by changing the Future Land Use Designations for parcels of land more particularly described in Exhibit A, from "Commercial" and "Single Family" to "Approved PUD" *(Commonly Referred to as the Wells Fargo Site)*

**ORDINANCE NO. 001-2024**: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designations For Parcels Of Land More Particularly Described In Exhibit A, From "Commercial" And "Single Family" To "Approved PUD"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

***Please note: This item was withdrawn at the Approval of the Agenda, Item VI.***

2. Rezoning Parcels of Land More Particularly Described in Exhibit A, from "R-B Low-Density Residential" District, "C-TS Town-Serving Commercial" District, and "C-B Commercial" District to "PUD-D" *(Commonly Referred to as Wells Fargo Site)*

**ORDINANCE NO. 002-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit A, From "R-B Low-Density Residential" District, "C-TS Town- Serving Commercial" District, And "C-B Commercial" District To "PUD-D"; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

***Please note: This item was withdrawn at the Approval of the Agenda, Item VI.***

3. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1& Policy 2.2.3 to allow for mixed use PUDs. Creating a new Policy 11.1.5 to allow for mixed us PUDs located within the Single Family and Commercial Land Use Categories. *(Commonly known as the Wells Fargo Site)*

**ORDINANCE NO. 003-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.2.1 To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Single Family Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.3 A. To Incorporate Mixed-Use PUDs As Set Forth In Policy 11.1.5 As An Appropriate Use In The Commercial Future Land Use Designation; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element To Create A New Policy 11.1.5 To Establish A Type Of Planned Unit Development In The Town Of Palm Beach For Mixed-Use Development Within The Single Family And Commercial Land Use Categories Allowing For A Mix Of Residential Uses Not Exceeding The Maximum Allowable Density Within The Land Use Categories; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

***Please note: This item was withdrawn at the Approval of the Agenda, Item VI.***

4. Amending specific sections within the Chapter 134, Zoning Code, to create a new PUD-D Zoning District and provide the associated maximum density, permitted uses, and land development requirements for the proposed new PUD-D Zoning District.

**ORDINANCE NO. 004-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, Division 4. R-B Low-Density Residential District; Division 8. C-TS Town-Serving Commercial District; Division 12. C-B Commercial District; Amending Section 134- 616, Districts Where Permitted, To Create A "PUD-D" District As A District Where Planned Unit Developments Are Permitted; Amending Section 134-617, Compliance, To Create A PUD-D District As A District That When Developed As A Permitted Use Must Conform To The Regulations In This Subdivision; Amending Section 134-618, Minimum Area, To Create A PUD-D District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amending Section 134-620, Residential Density, To Create A PUD-D District That When Developed As A Permitted Use Must Conform To A Density Of Four Units Per Acres For The Portion Of The Property With A Single Family Future Land Use Designation And Six Units Per Acre For The Portion Of The Property With A Commercial Future Land Use Designation;

Creating Section 134-625, Permitted Land Uses In The PUD-D District; Amending Reserved Sections 134-626 – 134-650; Amending Section 134-651, Establishment Of Special Exception Planned Unit Developments, To Create A Pud-5 Mixed Use Development Special Exception Planned Unit Development District; Amending Section 134-652, Districts Where Permitted, To Create A PUD-5 Mixed Use Development Planned Unit Development District That May Be Permitted By Special Exception Only In The Parcel Of Land More Particularly Described In Exhibit A; Amending Section 134-653, Minimum Area, To Create A PUD-5 Mixed Use District As A District Whose Minimum Area Requirement Shall Be At Least Six (6) Contiguous Acres; Amend Section 134-654, Residential Density, To Create A PUD-5 Mixed Use District That When Developed As A Permitted Use Must Conform To The Residential Densities Of Four Units Per Acre For The Portion Of The Property Zoned R-B And Six Units Per Acre For The Portion Of The Property Zoned C-TS And C-B; Amending Section 134-656, Permitted Land Use, To Create A PUD-5 District And Outlines The Permitted Uses In The PUD-5 District; Amending Article VI, Divisions 4, Section 134-890, Special Exception Uses To Establish PUD-D As A Special Exception Use In The R-B Low-Density Residential Zoning District; Amending Article VI, Divisions 8, Section 134-1109, Special Exception Uses To Establish PUD-D As A Special Exception Use In The C-TS Town Serving Commercial Zoning District; Amending Article VI, Divisions 12, Section 134-1304, Special Exception Uses To Establish PUD-5 As A Special Exception Use In The C-B Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

***Please note: This item was withdrawn at the Approval of the Agenda, Item VI.***

5. Amending the Town of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 related to the Private Group Use Future Land Use Designation. (7:37:50)

**ORDINANCE NO. 005-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan, Pursuant To Chapter 163, Florida Statutes; Amending The Goals, Objectives, And Policies Of The Comprehensive Plan Future Land Use Element Within The Comprehensive Plan; Amending The Town Of Palm Beach Comprehensive Plan Future Land Use Element Policy 2.3.6 Related To The Private Group Use Future Land Use Designation; Amending Policy 2.3.6 To Remove The Maximum Lot Coverage And To Allow, In Limited Circumstances, The Maximum Building Height To Be Three Stories With Town Council Approval; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Mr. Bergman read Ordinance No. 005-2024 by title only.

Harvey Oyer, Attorney, was available to answer any questions on

Ordinances 005-2024 and 006-2024.

**A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 005-2024. The motion was carried unanimously, 5-0.**

6. Text Amendment amending Chapter 134, Zoning, to create a new Division 16. CI Cultural Institutional District. (7:40:33)

**ORDINANCE NO. 006-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article VI, District Regulations; Amending Sections 134-1482-134-1500. – Reserved, To Create A New Division 16. CI Cultural Institutional District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewith; Providing For Codification; Providing An Effective Date.

Mr. Bergman read Ordinance No. 006-2024 by title only.

**A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the first reading of Ordinance No. 006-2024, as amended in the Local Planning Agency Meeting. The motion was carried unanimously, 5-0.**

7. Amending Town Code related to Docks and Marine Structures (7:42:00)

**ORDINANCE NO. 009-2024:** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures; Amending Article III, Bulkheads And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; And At Section 62-75, Construction Specifications, To Describe The Term Marginal Dock And Provide Specifications For A Marginal Dock, To Eliminate Reference To Town Of Palm Beach Bulkhead Line And Replace With Mean High Water Line, To Prescribe Maximum Gangway Width, To Prescribe Maximum Terminal Platform Width, To Include Specifications For Dock Lighting, And To Provide Specifications For Docks On Certain Areas Of Everglades Island And Ibis Isle; Providing for Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Mr. Bergman read Ordinance No. 009-2024 by title only.

**A motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve the first reading of Ordinance No. 005-2024. The motion was carried unanimously, 5-0.**

X. ANY OTHER MATTERS (7:44:05)

Council Member Araskog raised the issue of the site plan for 247-251 Worth Avenue. She said since the second and third stories were being amended, there were conflicts between the site plan approved by the Town Council and the one approved by the Architectural Review Commission (ARCOM).

Council President Zeidman said the Town Council sent the site plan to ARCOM for their advice. It was then presented to the Town Council and was approved by a vote of 3-2. It went back to ARCOM for additional changes. Mr. Bergman said the site plan was approved by the Town Council and was amended by ARCOM.

Mayor Moore preferred not to have the entire presentation returned to the Town Council. Council Member Araskog said she just wanted to clear up the confusion of having two different site plans.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to reconsider the motion made for the project at 247-251 Worth Avenue. The motion was carried unanimously, 5-0.**

**Motion made by Council Member Cooney and seconded by Council Member Crampton to allow the Director of Planning, Zoning and Building to administratively review and approve the amended site plan for the project. The motion was carried unanimously, 5-0.**

XI. ADJOURNMENT (7:55:54)

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to adjourn the meeting at 9:58 p.m. The meeting adjourned on the consent of the Town Council.**

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Kelly Churney, Acting Town Clerk
Date: _____

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 27, 2024.

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated March 29, 2024 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of March 27, 2024**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

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 27, 2024

Date: March 29, 2024

## STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting on March 27, 2024.

## BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve major items considered at the regularly scheduled meeting on March 27, 2024.

## GENERAL INFORMATION

These action 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**

**SUMMARY OF THE ACTIONS TAKEN AT THE ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MARCH 26, 2024**

Please be advised that in keeping with a 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 once it has concluded may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **ELECTION OF CHAIR**
**ACTION: JEFFREY SMITH ELECTED AS CHAIR (7-0)**

V. **ELECTION OF VICE-CHAIR**
**ACTION: RICHARD SAMMONS ELECTED AS VICE CHAIR (7-0)**

VI. **APPROVAL OF MINUTES**
**ACTION: APPROVED, AS PRESENTED (7-0)**

VII. **APPROVAL OF THE AGENDA**
**ACTION: APPROVED, AS AMENDED (7-0)**

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

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

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

XI. **PROJECT REVIEW**

A. **CONSENT AGENDA**

1. **ARC-22-027 (ZON-22-034) 127 EL BRAVO WAY – EXTENSION OF TIME**
An application has been filed requesting an Architectural Commission review and approval for a One (1) year Extension of Time for a previously

issued Architectural Commission Approval for the construction of a new two-story residence. (THE ITEM WAS APPROVED AT THE FEBRUARY 23, 2022, ARCOM MEETING AND PREVIOUSLY RECEIVED A ONE-YEAR EXTENSION OF TIME AT THE MARCH 29, 2023, MEETING).

**ACTION: APPROVED ON CONSENT (7-0)**

2. **ARC-23-051 310 POLMER PARK RD – EXTENSION OF TIME** The applicant, Jennifer O'Scannlain, has filed an application requesting an Extension of Time for a previously issued Architectural Commission approval for window, door, and garage door replacement to impact resistant, the redesign of a rear garden to include a new spa, paving, breakfast terrace, outdoor bar area, generator rotation, and new landscaping. (ORIGINALLY APPROVED AT THE APRIL 26, 2023, MEETING)

**ACTION: APPROVED ON CONSENT (7-0)**

3. **ARC-24-014 340 SEAVIEW AVE** The applicant, the Town of Palm Beach, has filed an application requesting Architectural Commission approval for the installation of an operable aluminum trellis on an existing porch terrace.

**ACTION: PULLED FROM CONSENT (7-0)**

4. **ARC-23-142 318 SEASPRAY AVE.** The applicants, Robert and Elizabeth Russell, have filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence with sitewide landscape and hardscape improvements.

**ACTION: PULLED FROM CONSENT (7-0)**

5. **ARC-24-024 223 ORANGE GROVE RD.** The applicant, Kameron Glasgow with Nievera Williams on behalf of the owner Reid Boren, has filed an application requesting Architectural Commission review and approval for a revision to a previously approved ARCOM project including window frame color, front door, balcony details, roof pitch, and landscape and hardscape modifications.

**ACTION: APPROVED ON CONSENT (7-0)**

6. **ARC-24-025 143 REEF RD.** The applicant, Kameron Glasgow with Nievera Williams on behalf of the owner John Criddle, has filed an application requesting Architectural Commission review and approval for a revision to a previously approved ARCOM project for new site-wide landscape plant materials, hardscape materials, changes to the pool and outdoor shower configuration, and a new outdoor fireplace.

**ACTION: APPROVED ON CONSENT (7-0)**

*Clerk's note: The following consent item was pulled from consent and heard immediately.*

3. **ARC-24-014 340 SEAVIEW AVE** The applicant, the Town of Palm Beach, has filed an application requesting Architectural Commission approval for the installation of an operable aluminum trellis on an existing porch terrace.

**ACTION: APPROVED, WITH THE CONDITION THAT THE RAFTER TAILS ARE MODIFIED AT THE SUGGESTION OF MR. SAMMONS. (7-0)**

4. **ARC-23-142 318 SEASPRAY AVE.** The applicants, Robert and Elizabeth Russell, have filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence with sitewide landscape and hardscape improvements.

**ACTION: APPROVED, WITH THE DIRECTION TO REDUCE THE STONE SURROUND ON THE FRONT DOOR AND FOR THE DESIGN TO RETURN TO THE STAFF FOR APPROVAL IN COORDINATION WITH THE CHAIR. (7-0)**

B. **MAJOR PROJECTS - OLD BUSINESS**

3. **ARC-23-075 389 S LAKE DR.** The applicant, Cooperative Apartments of Three Eighty-Nine Corporation, has filed an application requesting Architectural Commission review and approval for the permanent removal of the decorative concrete brise soleil architectural feature of an existing six-story residential building, and other exterior building modifications including window opening enhancements and the addition of a new decorate metal grilles and associated improvements.

**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

4. **ARC-23-166 1150 N OCEAN WAY** The applicant, 1150 N Ocean Way LLC (Michael Burns, Authorized Member), has filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence with sitewide landscape and hardscape improvements.

**ACTION: APPROVED, WITH THE CONDITIONS OF SHIFTING THE BALCONY OUT OF THE NORTH SETBACK, THE ADDITION OF HINGED BLINDS ON THE NORTH SIDE, AND THE ADDITION OF ONE SHADE TREE. (4-3, BS, KC, DF)**

5. **ARC-24-007 (ZON-24-017) 222 WORTH AVE (COMBO)** The applicants, Louis Vuitton America, has filed an application requesting Architectural Commission review and approval for exterior façade alterations, including a new ground floor storefront system, awnings, and new signage. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

6. **ARC-24-015 (ZON-24-025) 153 AUSTRALIAN AVE (COMBO)** The applicant, Rabbi Zalman Levitin, has filed an application requesting Architectural Commission review and approval for construction of a new, two-story single-family residence with final hardscape, landscape, and swimming pool, with a variance required to forgo required garage parking. Town Council shall review the application as it pertains to zoning relief/approval.

**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

7. **ARC-24-009 260 MIRAFLORES DR.** The applicant, KEAN Development of Palm Beach, Inc. (Giorgio Citarella, Agent), has filed an application requesting Architectural Commission review and approval for construction

of a new two-story single-family residence with final hardscape, landscape, swimming pool and spa.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

8. **ARC-24-008 (ZON-24-047) 264 DUNBAR RD (COMBO)** The applicant, 264 Dunbar LLC (Lee Fensterstock, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape, landscape, and swimming pool, with a variance to exceed to equipment screening wall height. The Town Council shall review the application as it pertains to zoning relief/approval.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

C. **MAJOR PROJECTS - NEW BUSINESS**

1. **ARC-24-040 (ZON-24-046) 227 ANGLER AVE (COMBO)** The applicant, Bryan and Mary Thomas, has filed an application requesting Architectural Commission review and approval for construction of a new pergola structure and outdoor fireplace with two variances 1) exceeding allowable lot coverage a 2) exceeding allowable cubic content ratio. The Town Council shall review the application as it pertains to zoning relief/approval.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

2. **ARC-24-038 (ZON-24-045) 207 PENDLETON AVE (COMBO)** The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Architectural Commission review and approval for the demolition of the existing front entry porch and removal of the front door to be replaced with the construction of a new front entry porch and installation of a new front door, replacement of all fixed shutters with new operable shutters, and removal of the existing driveway and installation of a new paver driveway with grass joints. The Town Council shall review the application as it pertains to zoning relief/approval.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

3. **ARC-24-031 (ZON-24-044) 1181 N LAKE WAY (COMBO)** The applicant, Sage Andrew G C III Trust (Gregg Sage, Trustee), has filed an application requesting Architectural Commission review and approval for the construction of a new, two-story single-family residence with final hardscape, landscape and swimming pool on an existing nonconforming parcel. The Town Council shall review the application as it pertains to zoning relief/approval.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

4. **ARC-24-037 146 AUSTRALIAN AVE.** The applicant, Elizabeth J Hubbell Rev Trust, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing residence, hardscape, and pool improvements with the installation of a generator.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

D. **MINOR PROJECTS - OLD BUSINESS**

1. **ARC-24-012 212 WORTH AVE.** The applicant, Mauro Brothers on behalf of

212 Worth Avenue LLC, has filed an application requesting Architectural Commission review and approval for a minor project for the replacement of existing storefronts and windows with an aluminum product.
**ACTION: APPROVED, WITH THE CONDITION THAT THE FIVE FRONT-FACING WINDOWS SHALL BE REPAIRED AND RESTORED, AND THE REMAINING WINDOWS SHALL BE REPLACED WITH ALUMINUM IMPACT WINDOWS. (7-0)**

2. **ARC-24-006 249 SEABREEZE AVE.** The applicant, Joseph & Elizabeth Berger, has filed an application requesting Architectural Commission review and approval for new vehicular and pedestrian gates and modifications to previously approved landscape and hardscape, including driveway reductions and change in perimeter site walls as well as modifications to the previously approved design of the front door and balconyrailings.
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

E. **MINOR PROJECTS-NEWBUSINESS**

1. **ARC-24-032 200 EL VEDADO RD.** The applicant, Bartholemew + Partners (Kyle Bartholemew Fant, Architect), has filed an application requesting Architectural Commission review and approval for the construction of an addition, new driveway material, new covered grill area, new site wall & gate, garage doors and site wall modifications. *(This project has been deferred to April 24, 2024, Architectural Review Commission.)*
**ACTION: DEFERRED TO APRIL 24, 2024 (7-0)**

XII. **Unscheduled Items**

A. **Public**

B. **Staff**

C. **Commission**

XIII. **NEXT MEETING DATE:** Wednesday, April 24, 2024

XIV. **ADJOURNMENT**

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 014-2024 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related to The Planning, Zoning & Building Department.

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated March 22, 2024, From Wayne Bergman, Director of Planning, Zoning, & Building**
- **Resolution No. 014-2024**
- **Revised Master Fee Schedule**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: **April 9, 2024**

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Resolution 014-2024 – Master Fee Schedule

Date: March 22, 2024

## STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council review the proposed changes to the Master Fee Schedule involving Planning, Zoning & Building and Special Event fees. Staff further recommends that the Town Council approve Resolution No. 014-2024 to implement the revised fees.

## GENERAL INFORMATION

The PZB Department is recommending several minor changes to the Master Fee Schedule, which is updated on a regular basis. Many fees and processes have been reviewed as part of the setup and coming implementation of EnerGov / EPL, the department's new software. Fees have been created or collapsed for this implementation. With the addition of an online payment portal, a new Technology Fee is being proposed to offset the costs of credit card processing as well as the required software licensing fees.

## FUNDING/FISCAL IMPACT

No detectable change to revenue is expected with the proposed changes.

## REQUESTED ACTION

Resolution No. 014-2024 is ready for your consideration and approval.

Attachments: Draft Resolution No. 014-2024 w/ Revised Master Fee Schedule

**RESOLUTION NO. 014-2024**

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

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

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

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

Section 1. The Master Fee Schedule is revised with the changes found in Exhibit "A" (attached).

Section 2. This Resolution shall become effective immediately.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April, 2024.

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| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

# Town of Palm Beach Master Fee Schedule

## Fee Categories


Business Tax Receipts
Data Processing Services (Labels)
Development Review Fees (Includes Architectural and Landmark Reviews)
Environmental & Sanitation Fees
Liens & Open Permit Searches
Notarization Services
Parking Meter Fees
Permits, Construction (Includes Dune Construction)
Permits, Parking & Transportation (Includes Parking Placards)
Permits, Other
Public Safety Services, Alarms (Fire and Burglar)
Public Safety Services, Fire-Rescue
Public Safety Services, Police
Records Request Fees
Recreation Fees
Returned Check Fees
Rights-of-Way Fees
Violations, Fines, Penalties, & Late Fees (All)


## Department Codes & Contact Information

| | |
|---|---|
| Code Enforcement Department (CE) | (561) 227-7080 |
| Finance Department (FIN) | (561) 838-5444 |
| Fire-Rescue Department (FR) | (561) 838-5420 |
| Police Department (PD) | (561) 838-5454 |
| Public Works Department (PW) | (561) 838-5440 |
| Planning, Zoning, & Building Department(PZB) | (561) 838-5430 |
| Town Clerk's Office (TCO) | (561) 838-5416 |

| Fee Category | Fee | Dept. |
|---|---|---|
| **BUSINESS TAX RECEIPTS** | | |
| **BUSINESS TYPE:** | | |
| Abstractors of Title | $489.00 | PZB |
| Accountant/Auditor/C.P.A., Firm (includes one professional) | $489.00 | PZB |
| Accountant/Auditor/C.P.A. | $489.00 | PZB |
| Adult Entertainment | $1,413.00 | PZB |
| Administrative Office | $396.00 | PZB |

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|---|---|---|
| Answer Phone (support business services) | $489.00 | PZB |
| Apartments (see Rental Dwellings) | | |
| Architect | $489.00 | PZB |
| Art Gallery, up to 400 sq ft | $208.00 | PZB |
| Art Gallery, 401 - 2,000 sq ft | $489.00 | PZB |
| Art Gallery, 2,001 - 4,000 sq ft | $564.00 | PZB |
| Art Gallery, 4,001 - 8,000 sq ft | $1,129.00 | PZB |
| Art Gallery, over 8,000 sq ft | $1,697.00 | PZB |
| Artist | $376.00 | PZB |
| Astrologer, Phrenologist, Crystal Reading, Palm Reader, Soothsayer, Fortune Teller and Clairvoyant | $512.00 | PZB |
| Bakery | $245.00 | PZB |
| Bank, Trust Company | $1,415.00 | PZB |
| Barber | $187.00 | PZB |
| Barber, Shop (includes one Barber) | $187.00 | PZB |
| Beauty, Shop (see Cosmetology Salon) | | |
| Bicycle Shop Rentals | $187.00 | PZB |
| Bicycle Shop, Sales (see Merchants) | | |
| Boat Dealer (Yacht Broker) | $376.00 | PZB |
| Broadcasting Station (Radio or TV) | $543.00 | PZB |
| Broker | $489.00 | PZB |
| Brokerage/Investment Company (includes one Broker) | $1,415.00 | PZB |
| Business Office Only (two people maximum) | $245.00 | PZB |
| Car Rental Agency | $753.00 | PZB |
| Catering | $245.00 | PZB |
| Chiropractor | $489.00 | PZB |
| Coin-Operated Machines (inside, exclusive of news racks) | $130.00 | PZB |
| Consultant | $489.00 | PZB |
| Contractor Office (Construction) | $543.00 | PZB |
| Cosmetologist | $187.00 | PZB |
| Cosmetology Salon (includes one Cosmetologist) | $187.00 | PZB |
| Dance Instructor | $245.00 | PZB |
| Dance Studio/School | $489.00 | PZB |
| Dentist | $489.00 | PZB |
| Dining Room, 40 chairs or less (hotel, business, etc.) | $245.00 | PZB |
| *Plus, for each chair up to 40* | $3.83 | PZB |
| Dining Room, over 40 chairs (hotel, business, etc.) | $489.00 | PZB |
| *Plus, for every chair* | $3.83 | PZB |

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|---|---|---|
| Dining, Club (see Dining Room) | | |
| Electric Light Company | $424.00 | PZB |
| Employment Agency | $489.00 | PZB |
| Engineer | $489.00 | PZB |
| Facialist, Registered (FA) or Specialist (FB) | $55.25 | PZB |
| Full Specialist | $55.25 | PZB |
| Full Registration | $55.25 | PZB |
| Gas Company | $424.00 | PZB |
| Golf Course | $543.00 | PZB |
| Health Studio | $489.00 | PZB |
| Hotel, 10 rooms or less | $74.00 | PZB |
| Hotel, more than 10 rooms | $74.00 | PZB |
| *Plus, each additional room* | $9.00 | PZB |
| Insurance Broker, Company/Agency | $489.00 | PZB |
| Insurance Salesperson | $245.00 | PZB |
| Interior Decorator | $489.00 | PZB |
| Interior Designer | $489.00 | PZB |
| Jeweler | $850.00 | PZB |
| Law Firm (includes one Lawyer) | $489.00 | PZB |
| Lawyer | $489.00 | PZB |
| Massage Therapist | $489.00 | PZB |
| Massage Establishment (includes one Massage Therapist) | $489.00 | PZB |
| Merchant, up to 400 sq ft | $208.00 | PZB |
| Merchant, 401 - 2,000 sq ft | $489.00 | PZB |
| Merchant, 2,001 - 4,000 sq ft | $564.00 | PZB |
| Merchant, 4,001 - 8,000 sq ft | $1,129.00 | PZB |
| Merchant, over 8,000 sq ft | $1,697.00 | PZB |
| Mortgage Broker | $489.00 | PZB |
| Mortgage Company | $489.00 | PZB |
| Motor Scooter and Motorcycle Rental | $1,530.00 | PZB |
| Music Service | $489.00 | PZB |
| Nail Registration (FV) or Nail Specialist (FT) | $55.25 | PZB |
| Newspaper (see Publisher) | | |
| Nightclub, with Dance Floor | $1,412.00 | PZB |
| Nightclub, without Dance Floor | $925.00 | PZB |
| Nurse | $489.00 | PZB |
| Nursing Agency (includes one Nurse) | $489.00 | PZB |

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|---|---|---|
| Optician | $489.00 | PZB |
| Optometrist | $489.00 | PZB |
| Parking Garage | $489.00 | PZB |
| Parking Lot (see Chapter 22, Article VI, Parking Lots for further provisions) | $245.00 | PZB |
| Pharmacist (Individual) | $489.00 | PZB |
| Pharmacy (includes one Pharmacist) | $489.00 | PZB |
| Photographer | $245.00 | PZB |
| Physician | $489.00 | PZB |
| Printing Company | $489.00 | PZB |
| Profession, Not Listed | $489.00 | PZB |
| Property Management | $245.00 | PZB |
| Public Relations | $489.00 | PZB |
| Publisher | $489.00 | PZB |
| Real Estate Broker | $489.00 | PZB |
| Rental Dwellings, per unit (minimum two units) | $48.00 | PZB |
| Repair Shop (other than Auto Repair) | $489.00 | PZB |
| Restaurant, 40 chairs or less | $245.00 | PZB |
| *Plus, for each chair up to 40* | $4.00 | PZB |
| Restaurant, more than 40 chairs | $489.00 | PZB |
| *Plus, for each chair* | $4.00 | PZB |
| Savings and Loan Association | $1,415.00 | PZB |
| School, Private | $489.00 | PZB |
| Security Agency, Private (includes one Security Officer) | $245.00 | PZB |
| Security Officer, Private | $36.00 | PZB |
| Service Station (includes Auto Repair) | $543.00 | PZB |
| Services, Not Listed | $245.00 | PZB |
| Swimming Pools, Public | $489.00 | PZB |
| Talent Agency | $489.00 | PZB |
| Taxicabs, each Company or Stand | $376.00 | PZB |
| Telecommunications Company (formerly Telegraph) | $424.00 | PZB |
| Telephone Company | $424.00 | PZB |
| (nothing in this chapter will be construed as requiring a license tax for coin-operated telephones) | | |
| Theater | $1,697.00 | PZB |
| *Plus, for each seat* | $2.60 | PZB |
| Travel Bureau/Agency | $489.00 | PZB |
| Trust Agency | $1,415.00 | PZB |

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|---|---|---|
| Unclassified, Business Not Listed | $397.00 | PZB |
| Veterinarian | $489.00 | PZB |
| Veterinary Establishment | $489.00 | PZB |
| **TRANSFER FEE:** | | |
| Transfer BTR to New Owner or Location | 10% of Fee, Max. $25.00 | PZB |
| **DATA PROCESSING SERVICES (LABELS)** | | |
| Data Processing/Address Labels Services | $50.00 | PZB |
| Labels | $5.00/sheet | PZB |
| eRecording Fee (up to 6 pages) | $100 + $10/pg thereafter | PZB |
| **DEVELOPMENT REVIEW FEES** | | |
| **ARCHITECTURAL REVIEW FEES:** | | |
| ARCOM Application, Major | $2,750.00 | PZB |
| ARCOM Application, Minor | $1,500.00 | PZB |
| ARCOM Application, Administrative Review | $350.00 | PZB |
| ARCOM Application deferral, Major or Minor | $500.00 | PZB |
| ARCOM Resubmittal Fee | $1,000.00 | PZB |
| ARCOM Appeal of Board Determination | $2,000.00 | PZB |
| ARCOM Appeal of Staff Determination | $2,000.00 | PZB |
| Historically Significant Building Application | $750.00 | PZB |
| Historically Significant Building Resubmittal | $250.00 | PZB |
| Historically Significant Building, Administrative Review | $150.00 | PZB |
| Landmark Application | $750.00 | PZB |
| Landmark COA Amendment | $750.00 | PZB |
| Landmark Application Deferral | $500.00 | PZB |
| Landmark Resubmittal Fee | $250.00 | PZB |
| Landmark Application, Staff Approval | $150.00 | PZB |
| Landmarks Appeal of Board Determination | $2,000.00 | PZB |
| Landmarks Commission Appeal of Staff Determination | $2,000.00 | PZB |
| Landmark Tax Abatement Fee | $1,500.00 | PZB |
| **DEVELOPMENT REVIEW FEES:** | | |
| Address Change | $500.00 | PZB |
| Appeal, Administrative Decision | $2,000.00 | PZB |
| Clarification Hearing Request, by Applicant | $1,000.00 | PZB |
| Comp Plan, FLUM Amendment, Small-Scale | $5,000.00 | PZB |
| Comp Plan, FLUM Amendment, Large-Scale | $6,000.00 | PZB |
| Comp Plan, Text Amendment | $5,000.00 | PZB |
| DEP Permit Zoning Determination Letter Request | $500.00 | PZB |

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| Development Review Consultant Reports & Escrow | As Quoted | PZB |
| Kitchen Agreement | $500.00 | PZB |
| Lot Split Application | $3,000.00 | PZB |
| Outdoor Café Permit, Annual, Plus Per Seat Below | $1,000.00 | PZB |
| Outdoor Café - Per Seat | $50.00 | PZB |
| Plat | $5,000.00 | PZB |
| PUD Application | $6,000.00 | PZB |
| Replat | $5,000.00 | PZB |
| Site Plan Review, Administrative | $1,500.00 | PZB |
| Site Plan Review, All SFD; and PUD/MFD/Commercial, 200 sq ft or less | $2,250.00 | PZB |
| Site Plan Review, PUD, MFD/Commercial, over 200 sq ft | $5,000.00 | PZB |
| Site Plan Review, Resubmittal | $1,000.00 | PZB |
| Special Exception | $3,000.00 | PZB |
| Special Exception, MFD/Commercial | $3,500.00 | PZB |
| Special Exception, Resubmittal | $1,000.00 | PZB |
| Special Exception, Use, Modification, and/or Expansion | $2,000.00 | PZB |
| Subdivision, Preliminary | $5,000.00 | PZB |
| Subdivision, Final | $5,000.00 | PZB |
| Subdivision, Impact Study | Minimum 2% of Estimate of Sub-Division Improvements Plus Either $300/Platted Lot or $10/FF/Lot, Whichever is Greater | PZB |
| Waiver of Construction Hours | $500.00 | PZB |
| Town Council Resubmittal | $1,000.00 | PZB |
| Town Council Deferral | $500.00 | PZB |
| Traffic Concurrency Determinations and Escrow | As Quoted | PZB |
| Unity of Title Agreement | $750.00 | PZB |
| Variance, SFD | $1,250.00 | PZB |
| Variance, Flood | $2,500.00 | PZB |
| Variance, MFD/Commercial | $3,000.00 | PZB |
| Variance, Resubmittal | $1,000.00 | PZB |
| Variance, Uses or Structures | $2,000.00 | PZB |
| Waiver, Dimensional | $2,000.00 | PZB |
| Zoning Code, Text Amendment-Proposed | $1,500.00 | PZB |
| Zoning Code, Text Amendment-Studied | $5,000.00 | PZB |

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| Zoning Code, Zoning District Change | $5,000.00 | PZB |
| Zoning Verification Letter (per parcel or address) | $500.00 | PZB |
| **MISCELLANEOUS FEES:** | | |
| Landmark Manual, Owner, first one | No Charge | PZB |
| Landmark Manual, Owner, all subsequent ones | Actual Cost | PZB |
| Landmark Manual, Non-Owners | Actual Cost | PZB |
| Landmark Plaque, Owner, first one | No Charge | PZB |
| Landmark Plaque, Owner, all subsequent ones | Actual Cost | PZB |
| **ENVIRONMENTAL & SANITATION FEES** | | |
| **HISTORIC TREES:** | | |
| Annual Inspection and Maintenance, per tree | $221.00 | PW |
| **INDUSTRIAL WASTE SURCHARGE RATES**:** | | |
| BOD (biochemical oxygen demand in mg/L) | $0.40/pound | PW |
| TSS (total suspended solids in mg/L) | $0.40/pound | PW |
| OG (oil and grease in mg/L) | $7.30/pound | PW |
| **Monthly surcharges shall be calculated as follows:<br>IWS= 8.34(V)($0.40x(BOD-400)=$0.40y(TSS- 400)+$7.30z(OG-100)<br>IWS= Monthly industrial surcharge rate<br>V= Volume of industrial flow in million gallons per month based on metered water X= Capital and operating costs per pound of BOD greater than 400 mg/L<br>Y= Capital and operating costs per pound of TSS greater than 400 mg/L<br>Z= Capital and operating costs per pound of oil and grease greater than 100 mg/L | | |
| **SANITARY SEWER CAPITAL CONNECTION FEES (Based on Water Meter Size):** | | |
| 5/8" | $550.00 | PW |
| 3/4" | $825.00 | PW |
| 1" | $1,375.00 | PW |
| 1 1/2" | $2,750.00 | PW |
| 2" | $4,400.00 | PW |
| 3" | $8,250.00 | PW |
| 4" | $13,750.00 | PW |
| 6" | $27,500.00 | PW |
| 8" | $44,000.00 | PW |
| **SEWER CONNECTION FEES (SANITARY OR STORM):** | | |
| Connections: | | |
| *Up to 5" pipe* | $150.00 | PW |
| *Up to 12" pipe* | $180.00 | PW |
| *13" to 18" pipe* | $225.00 | PW |
| *Larger than 18"* | $300.00 | PW |

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| *Connection Re-inspections (post failed inspections):* | $300.00 | PW |
| Construction Catch Basin | $150.00 | PW |
| Construct Manhole | $150.00 | PW |
| De-Watering to Gravity System: | | |
| *Up to 2" Discharge, per month* | $150.00 | PW |
| *Up to 6" Discharge, per month* | $180.00 | PW |
| *Larger than 6" discharge, per month* | $225.00 | PW |
| De-watering to Pump Station (cost per 1000 gallons; contractor must submit pumping calculations) | Rate TBD by Public Works PW | PW |
| Initial Cap-off and connection fee | $150.00 | PW |
| Cap-off and connection re-inspection fee | $300.00 | PW |
| Disconnect or Cap Off | $150.00 | PW |
| Inspection of Building Sewer Lateral Flushing Operation for Discontinuing the Use of Detention and Screening Chambers, Where Required | $150.00 | PW |
| Re-Inspection Fee | $300.00 | PW |
| Occupancy Fee, if required | Rate TBD by Town Council | PW |
| Private Sanitary Sewer Lateral Locate (Existing) | $250.00 | PW |
| **SPECIAL TRASH PICK-UPS (White Goods, etc.):** | | |
| 1/4 Truck | $105.60 | PW |
| 1/2 Truck | $211.20 | PW |
| 3/4 Truck | $316.80 | PW |
| Full Truck | $420.00 | PW |
| **SPECIAL VEGETATIVE TRASH PICK-UPS (Ficus Hedge Collection & Disposal):** | | |
| Collection & Disposal Fee - First 100' of Hedge Material (3-hour crew minimum) | $700.00 | PW |
| Collection & Disposal Fee - Each Additional Hour | $300.00 | PW |
| **SPECIAL GARBAGE COLLECTION (Multi-Family Weekend Service):** | | |
| Weekend Service (Fee for Condo Weekend Service is Based on Assessment Rate Set by the Town Council Every September) | | PW |
| **LIENS & OPEN PERMIT SEARCHES** | | |
| Lien Searches (within 7 days) | $100.00 | FIN |
| Lien Searches, expedited (within 2 days) | $200.00 | FIN |
| Open Permit Searches (within 7 days) | $100.00 | PZB |
| Open Permit Searches, expedited (within 2 days) | $200.00 | PZB |
| **NOTARIZATION SERVICES** | | |
| Notarization, per document, Residents, Employees, & Town Project or Contract Documents | No Charge | Notaries |
| Notarization, per document, All Other Individuals & Documents | $10.00 | Notaries |
| **PARKING METER FEES** | | |

| | | |
|---|---|---|
| Bradley Place (100 Block), Peruvian (200 and 300 Blocks), Phipps Ocean Park | $5.00/hour | FIN |
| Royal Palm Way (100 Block), North County (100, 200 & 300 Blocks), Sunrise (100 Block), South Ocean Blvd (Mid-Town Beach), 100 Blocks of Brazilian, Australian, Chiliean, Peruvian and Hammon | $7.00/hour | FIN |
| Royal Palm Way/Recreation Center Lot | $3.00/hour | FIN |
| **PERMITS, CONSTRUCTION** | | |
| Agreement, Mechanical Equipment Screening | $250.00 | PZB |
| Annual License/Registration Fee - Private Providers, Contract Plan Reviewers/Inspectors for EPL Access | $2,500.00 | PZB |
| Technology Fee | 2% of Permit Fee | PZB |
| (BCAIF) Building Code Administrators & Inspectors Fund Surcharge (F.S. 468.631) | 1.5% of Permit Fee, Minimum $2.01 | PZB |
| Building Board of Adjustments, Appeal of Building Official Determination | $1,000.00 | PZB |
| Certificate of Completion | $200.00 | PZB |
| Construction Permit Fee, including Conservation, Tent and Landscape Permits | **Town plan review and Town inspections** - 2.8% of Construction Value, Minimum $100.00; | PZB |
| | **Private Provider plan review and Town inspections** - 2.59% of Construction Value, Minimum $100.00 | |
| | **Town plan review and Private Provider inspections** - 2.1% of Construction Value, Minimum $100.00; | |
| | **Private Provider plan review and Private Provider inspections** - 1.89%, Minimum $100.00 | |
| Waiver of Construction Hours | $500.00 | PZB |
| Project/Permit Time Extension | 1% of remaining value of work to complete project | PZB |
| Construction Permit, Reactivation Fee, Processing Fee, Re-inspection Fee, Re-issuance Fee, and Renewal Fee | $200.00 | PZB |

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|---|---|---|
| Construction Permit, Issuance Fee | 70% of Permit Fee Calculation | PZB |
| Construction Permit, Plan Review Fee, each permit | 30% of Permit Fee Calculation, Min. $75.00 | PZB |
| Construction Permit, Refund Processing Fee | $200.00 | PZB |
| Construction, Permit Revision Fee (includes one page) | $150 + $50/pg. thereafter | PZB |
| Construction Permit, Transfer Fee | $200.00 | PZB |
| Construction Product Approval Review | $2,000.00 | PZB |
| Electrical Release Agreement | $150.00 | PZB |
| Flood Zone Certification (FIRM) Letter | $100.00 | PZB |
| Department of Business and Professional Regulation Surcharge (F.S. 553.721) | 1.0% of Permit Fee, Minimum $2.00 | PZB |
| Preliminary Plan Review Fee (separate from Plans Examination Fee) | $1,500.00 | PZB |
| Special Inspector Overtime (up to 4 hours) | $300.00 | PZB |
| Tent Permit, Extension Fee (Use over 15 days) | $1,500/month, or portion thereof | PZB |
| Tent Permit, Re-inspection Fee for Multiple Events, Per Event | $100.00 | PZB |
| Work Completion Bond | 135% of Construction Value | PZB |
| Work Completion Bond Processing Fee | $200.00 | PZB |
| **PERMITS, PARKING & TRANSPORTATION (Includes Parking Placards)** | | |
| Parking, Construction (see Rights-of-Way Fees section) | | |
| Parking Permit, Residential | $50.00 | FIN |
| Parking Permit, Group, Temporary (required to have 2 visitor/service permits before issuance) | No Charge | CE |
| Parking Permit, Valet, annual permit application fee, for each staging area | $400.00 | FIN |
| Parking Permit, Valet, Temporary, application fee, for each staging area | $50.00 | FIN |
| Parking Permit, Valet, transfer fee for revocable annual valet permit | $300.00 | FIN |
| Parking Permit, Visitor/Service | $50.00 | FIN |
| Parking Placard, 1 month period | $165.00 | FIN |
| Parking Placard, 4 month period | $554.00 | FIN |
| Parking Placard, 6 month period | $777.00 | FIN |
| Parking Placard, 12 month period | $1,454.00 | FIN |
| Vehicle Permit, Limousine, per vehicle | $225.00 | FIN |
| Vehicle Permit, Taxi Cab, per vehicle (also requires certificate of public convenience permit) | $225.00 | FIN |
| Vehicle Permit, Taxi Cab, Transfer Fee, per vehicle (see above condition) | $225.00 | FIN |
| **PERMITS, OTHER** | | |

| | | |
|---|---|---|
| Auction Permit | $200.00 | TCO |
| Charitable Solicitation Permit | | |
| Application Fee, 60 days or greater from event | $500.00 | TCO |
| Application Fee, less than 60 days from event | $750.00 | TCO |
| Closing Out/Distress Sale Permit | $30.00 | TCO |
| Commercial Motion Picture Filming Permit | $1,500.00, in addition to $1,000.00/day filming fee | TCO |
| Door-to-Door Solicitation (requires Livescan fingerprinting, additional $50 fee) | $50.00 | CE |
| Erection and Display of Unattended Symbols Relating to Religious Holidays Permit | $150.00 | TCO |
| Garage Sale Permit | $30.00 | FIN |
| Newsrack Administration Fee | $25.00 | FIN |
| Parade Permit | $360.00 | CE |
| Temporary Animal Permit | | |
| Application Fee, 60 days or greater from event | $300.00 | TCO |
| Application Fee, less than 60 days from event | $500.00 | TCO |
| Special Events Permits | | |
| Application Fee, 60 days or greater from event | $500.00 | TCO |
| Application Fee, less than 60 days from event | $750.00 | TCO |
| ~~Damage Deposit Fees - Bradley and Phipps South Ocean Park~~ | ~~$2,000.00~~ | ~~TCO~~ |
| Damage Deposit Fees - ~~Other~~ All Locations | ~~$500.00~~ $2,500.00 | TCO |
| Usage Fees, residents-all locations | $500.00/hour | TCO |
| Usage Fees, non-residents - all locations | $750.00/hour | TCO |
| **PUBLIC SAFETY SERVICES, ALARMS (FIRE & BURGLAR)** | | |
| **REGISTRATION FEES:** | | |
| Security Alarms, per year | $50.00 | FIN |
| Direct Connect Business, Under 1000 sq ft, per year | $100.00 | FIN |
| Direct Connect Business, 1000+ sq ft, per year | $250.00 | FIN |
| Direct Connect Residential, annual fee (service available 10/1/2014) | $100.00 | FIN |
| Direct Connect Residential, one-time Administrative Fee for initial set-up | $100.00 | FIN |
| **FALSE ALARM FEES, BURGLAR:** | | |
| 3-4 times, each instance | $150.00 | FIN |
| 5-10 times, each instance | $300.00 | FIN |
| 11-15 times, each instance | $750.00 | FIN |
| 16 or more times, each instance | $1,000.00 | FIN |
| **FALSE ALARM FEES, DIRECT CONNECT BURGLAR:** | | |

| | | |
|---|---|---|
| 16-17 times, each instance | $150.00 | FIN |
| 18-23 times, each instance | $300.00 | FIN |
| 24-28 times, each instance | $750.00 | FIN |
| 29 or more times, each instance | $1,000.00 | FIN |
| **FALSE ALARM FEES, FIRE:** | | |
| 3-4 times, each instance | $250.00 | FIN |
| 5-10 times, each instance | $500.00 | FIN |
| 11-15 times, each instance | $1,000.00 | FIN |
| 16 or more times, each instance | $1,750.00 | FIN |
| **PUBLIC SAFETY SERVICES, FIRE-RESCUE** | | |
| **ANNUAL FIRE & LIFE SAFETY INSPECTION FEES:** | | |
| Educational Schools and Day Care | | |
| *Small 50 students or less* | $125.00 | FR |
| *Large 51 students or greater* | $250.00 | FR |
| Lodging, Rooming Houses, Hotels, Dormitories, and Condominiums | | |
| *Condo Small 20 units or less* | $125.00 | FR |
| *Condo Large 21 units or greater* | $250.00 | FR |
| *Hotel, Transient Lodging Small 10 rooms or less* | $125.00 | FR |
| *Hotel, Transient Lodging Large 11 rooms or more* | $250.00 | FR |
| Marinas and Docks | $75.00 | FR |
| Mercantile, Business and Retail | | |
| *Business Small 4,000 sq ft or less* | $125.00 | FR |
| *Business Large 4,001 sq ft or greater* | $250.00 | FR |
| *Retail Small 4,000 sq ft or less* | $125.00 | FR |
| *Retail Large 4,001 sq ft or greater* | $250.00 | FR |
| Restaurants, Cafes, Public Eating Places, Dining, Nightclub, Theater, Assembly | | |
| *Small 40 chairs or less* | $150.00 | FR |
| *Large 41 chairs or greater* | $250.00 | FR |
| Unclassified Businesses or Properties | $125.00 | FR |
| Re-inspection Fee | $125.00 | FR |
| **EMS TRANSPORTATION FEES:** | | |
| Basic Life Support Transportation Fee | $750.00 | FR |
| Advanced Life Support-Level 1 Transportation Fee | $750.00 | FR |
| Advanced Life Support-Level 2 Transportation Fee | $850.00 | FR |
| Ambulance Ground Mileage, in Addition to Transportation Fee | $12.00/mile | FR |
| **FIRE PREVENTION FEES:** | | |
| Technical Fire Inspections | $250.00 | FR |

| | | |
|---|---|---|
| Fixed Fire Suppression Systems | $250.00 | FR |
| Hazardous, Flammable or Explosive Materials | | |
| *Fire hydrant flow test witness* | $275.00 | FR |
| *Bonfire permit* | $300.00 | FR |
| *Fireworks and pyrotechnic displays Permit Fee* | $2,000.00 | FR |
| *Hot work operation permit* | $100.00 | FR |
| Public assembly plans review and inspection | $75.00 | FR |
| **MISCELLANEOUS FEES:** | | |
| Meeting Room Rental-South Fire Station | $28.00/hr. | FR |
| Meeting Room Rental Deposit-South Fire Station (required for rental) | $200.00 | FR |
| **SPECIAL ASSIGNMENT (OFF-DUTY) DETAILS FEE:** | | |
| Special Assignment Details (3 hour minimum) | $80.00/hr. | FR |
| Special Assignment Details (3 hour minimum) - Premium Days (as defined by Res. No. 176-2015) | $110.00/hr. | FR |
| **PUBLIC SAFETY SERVICES, POLICE** | | |
| **FINGERPRINTING FEES:** | | |
| Fingerprinting-physical card, Town Resident Civilians (except employee applicants) | $30.00 | PD |
| Fingerprinting-Livescan, Town Required (except employee applicants) | $50.00 | PD |
| Fingerprinting, Children | No Charge | PD |
| **MISCELLANEOUS FEES:** | | |
| Identification Cards, each (good for 1 year) | $50.00 | PD |
| Passport Photos, for 2 photos | $15.00 | PD |
| **SPECIAL ASSIGNMENT (OFF-DUTY) DETAILS FEE:** | | |
| Special Assignment Details (3 hour minimum) | $80.00/hr. | PD |
| Special Assignment Details (3 hour minimum) - Premium Days (as defined by Res. No. 176-2015) | $110.00/hr. | PD |
| **RECORDS REQUEST FEES** | | |
| These costs vary by department and scope of the request. | Based on actual costs | TC |
| NOTE: All Duplication Fees are Subject to F.S. Ch. 119, as May be Amended From Time to Time | | |
| **RECREATION FEES** | | |
| The Town of Palm Beach is proud to offer the best recreational programs and facilities around! As our recreation programs and fees fluctuate, please check out www.palmbeachrecreation.com, www.golfonthecean.com, or www.townofpalmbeachmarina.com | | |
| **RETURNED CHECK FEES** | | |
| Check Amount $0.01 to $50.00 | $25.00 | FIN |
| Check Amount $50.01 to $300.00 | $30.00 | FIN |
| Check Amount $300.01 to $800.00 | $40.00 | FIN |
| Check Amount Greater than $800.00 | 5% of check | FIN |

| | | |
|---|---|---|
| If payment is not received within 30 days, the Town may file a civil action against the check writer for three times the amount of the check. | | |
| **RIGHTS-OF-WAY FEES** | | |
| **ABANDONMENTS & EASEMENTS:** | | |
| Abandonment of Streets Rights of Way & Easements Application | $1,200.00 | PW |
| **PUBLIC WORKS AGREEMENTS:** | | |
| Preparation and/or Review (Stormwater Management, Stormwater Management Recertifications, Driveway/Walkway) | $100.00 | PW |
| Preparation and/or Review (Easement Installation & Removal, Wall Maintenance, ROW Installation & Maintenance, etc.) | $250.00 | PW |
| Recordation (up to 6 pages) | $100 + $10/pg. thereafter | PW |
| **CONSTRUCTION PARKING - METERED SPACES (Excludes Worth Avenue):** | | |
| Per Vehicle (3 vehicles maximum) | $48.00 | PW |
| Per Month (3 vehicles maximum) | $1056.00/vehicle | PW |
| **CONSTRUCTION PARKING - MID-TOWN BEACH & PHIPPS OCEAN PARK:** | | |
| Per Vehicle (3 vehicles maximum) | $48.00/day | PW |
| Per Month (3 vehicles maximum) | $1056.00/vehicle | PW |
| **CONSTRUCTION PARKING - NON-METERED SPACES (Excludes Worth Avenue):** | | |
| Up to 3 Days, per vehicle (3 vehicles maximum) | $180.00 | PW |
| 4 or More Days, per vehicle | $36.00/per day | PW |
| Per Month | $540.00/per vehicle | PW |
| **CONSTRUCTION PARKING - NON-METERED SPACES, ADDITIONAL PERMITS (Excludes Worth Avenue):** | | |
| During 3 Week Close-Out Period, per vehicle | $90.00/per week | PW |
| Owner's Permit, per month, (1 vehicle maximum) | $90.00/per vehicle | PW |
| **CONSTRUCTION PARKING - WORTH AVENUE ONLY:** | | |
| Per Space, Per Month or Any Lesser Period (2 spaces max., active loading/unloading and essential construction activities only) | $360.00 | PW |
| **DRIVEWAY APPROACH, USE, & EXCAVATION PERMIT FEES:** | | PW |
| Driveway Approach, up to 20 lineal ft width | $180.00 | PW |
| Driveway Approach, 20+ lineal ft width, per lineal ft | $3.60 | PW |
| Delivery of Materials (2 hours or less, will not block a major roadway or a moving lane of traffic.) | $30.00 | PW |
| ROW Use, up to 3 days | $180.00 | PW |
| ROW Use, 4 or more days, per day | $36.00 | PW |
| ROW Use, per month | $540.00 | PW |
| ROW Excavation*, up to 3 days | $180.00 | PW |

| | | |
|---|---|---|
| ROW Excavation*, 4 or more days, per day until ROW is completely restored to original or better condition | $36.00 | PW |
| * ROW Restoration Includes Sidewalks, Medians, and Roads. | | |
| **VIOLATIONS, FINES, PENALTIES, & LATE FEES (ALL)** | | |
| **BUSINESS TAX RECEIPT, ANNUAL CAFE SEATING PERMIT and FIRE PREVENTION & LIFE SAFETY LATE FEES:** | | |
| 1 - 31 Days Late | 10% of Annual Fee | PZB |
| 32 - 61 Days Late | 15% of Annual Fee | PZB |
| 62 - 92 Days Late | 20% of Annual Fee | PZB |
| 93 Days Or More Late | 25% of Annual Fee | PZB |
| Failure to Pay Within 150 Days of Initial Notice of Tax Due (Owner may also be subject to code enforcement board actions relating to violation of this section and may also be subject to civil actions and penalties, including court costs, reasonable attorney's fees, and additional administrative costs incurred as a result of collection efforts.) | $250.00 in Addition to any other Penalty | PZB |
| **CHARITABLE SOLICITATION PERMIT LATE FEES:** | | |
| ~~Late Application, 31-59 Days Before Event:~~ | | |
| ~~*- Events Estimated to Raise $5,000 or less*~~ | ~~125% of permit fee~~ | ~~TCO~~ |
| ~~*- First Event Estimated to Raise over $5,000*~~ | ~~125% of permit fee~~ | ~~TCO~~ |
| ~~*- Second Event Estimated to Raise over $5,000*~~ | ~~125% of permit fee~~ | ~~TCO~~ |
| ~~Late Application, 16-30 Days Before Event:~~ | | |
| ~~*- Events Estimated to Raise $5,000 or less*~~ | ~~150% of permit fee~~ | ~~TCO~~ |
| ~~*- First Event Estimated to Raise over $5,000*~~ | ~~150% of permit fee~~ | ~~TCO~~ |
| ~~*- Second Event Estimated to Raise over $5,000*~~ | ~~150% of permit fee~~ | ~~TCO~~ |
| ~~Late Application, 15-8 Days Before Event:~~ | | |
| ~~*- Events Estimated to Raise $5,000 or less*~~ | ~~175% of permit fee~~ | ~~TCO~~ |
| ~~*- First Event Estimated to Raise over $5,000*~~ | ~~175% of permit fee~~ | ~~TCO~~ |
| ~~*- Second Event Estimated to Raise over $5,000*~~ | ~~175% of permit fee~~ | ~~TCO~~ |
| ~~Late Application, 7 Days or Less Before Event:~~ | | |
| ~~*- Events Estimated to Raise $5,000 or less*~~ | ~~200% of permit fee~~ | ~~TCO~~ |
| ~~*- First Event Estimated to Raise over $5,000*~~ | ~~200% of permit fee~~ | ~~TCO~~ |
| ~~*- Second Event Estimated to Raise over $5,000*~~ | ~~200% of permit fee~~ | ~~TCO~~ |
| ~~Permit Issued After the Fact (fee is in addition to base permit fee and any Code Enforcement Board Fees):~~ | | |
| ~~*- Events Estimated to Raise $5,000 or less*~~ | ~~$600.00~~ | ~~TCO~~ |
| ~~*- First Event Estimated to Raise over $5,000*~~ | ~~$1,260.00~~ | ~~TCO~~ |
| ~~*- Second Event Estimated to Raise over $5,000*~~ | ~~$600.00~~ | ~~TCO~~ |
| **CODE VIOLATION FINES:** | | |

| | | |
|---|---|---|
| Class I Violations: | | |
| *First Offense* | $75.00 | CE |
| *Second Offense* | $125.00 | CE |
| *Third Offense* | $250.00 | CE |
| *Fourth and subsequent offense* | $500.00 | CE |
| Class II Violations: | | |
| *First Offense* | $125.00 | CE |
| *Second Offense* | $250.00 | CE |
| *Third Offense* | $400.00 | CE |
| *Fourth and subsequent offense* | $500.00 | CE |
| Class III Violations: | | |
| *First Offense* | $250.00 | CE |
| *Second Offense subsequent offense* | $500.00 | CE |
| Class IV Violations: | | |
| *First and Subsequent Offenses* | $500.00 | CE |
| **CONSTRUCTION PERMIT (AFTER THE FACT) CONSTRUCTION:** | | |
| Construction Without a Permit | 300% of Permit Fee PZB | PZB |
| **CONSTRUCTION WORK IN RIGHTS-OF-WAY EXCEEDING TIME PERMITTED PENALTY FEE:** | | |
| Work Performed After the Time Allowed in the Applicable Permit | $1,000.00/per day PZB | PZB |
| **DEMOLITION PERMIT VIOLATIONS:** | | |
| Violations of Conditions Placed Upon Granting of Demolition Permit, per violation | $250.00/per day PZB | PZB |
| **FIRE & LIFE SAFETY INSPECTION LATE FEE:** | | |
| Late Payments Finance Charge | 10% of Inspection Fee FR | FR |
| **PARKING FINES - COMMERCIAL ZONING DISTRICTS:** | | |
| Overtime Parking as Referenced in Section 118-92 (a)(1) | $60.00 | FIN |
| Parking on Wrong Side of Street as Referenced in Section 118-92 (a)(2) | $60.00 | FIN |
| Parking at Yellow Curb as Referenced in Section 118-92 (a)(3) | $60.00 | FIN |
| Blocking Driveway as Referenced in Section 118-92 (a)(4) | $60.00 | FIN |
| Parking on Sidewalk as Referenced in Section 118-92 (a)(5) | $60.00 | FIN |
| Trespassing by Vehicle as Referenced in Section 118-92 (a)(6) | $60.00 | FIN |
| No Parking (designated hours) as Referenced in Section 118-92 (a)(7) | $60.00 | FIN |
| Parking Too Close to Fire Hydrant as Referenced in Section 118-92 (a)(8) | $60.00 | FIN |
| No Parking Anytime as Referenced in Section 118-92 (a)(9) | $60.00 | FIN |
| Double Parking as Referenced in Section 118-92 (a)(10) | $60.00 | FIN |
| Obstructing Traffic as Referenced in Section 118-92 (a)(11) | $60.00 | FIN |
| Parking in Loading Zone as Referenced in Section 118-92 (a)(12) | $60.00 | FIN |
| Residential Parking as Referenced in Section 118-92 (a)(13) | $60.00 | FIN |

| | | |
|---|---|---|
| Vehicle Parked Across Lines Designating Parking Space as Referenced in Section 118-92 (a)(14) | $60.00 | FIN |
| Vehicle Parked in Wrong Direction on One-Way Street as Referenced in Section 118-92 (a)(15) | $60.00 | FIN |
| Parking at Curbs Designated in Red as Referenced in Section 118-92 (a)(16) Expired Meter as Referenced in Section 118-92 (a)(17) | $60.00 | FIN |
| Official Parking Only as Referenced in Section 118-92 (a)(18) | $60.00 | FIN |
| Parking in Crosswalk as Referenced in Section 118-92 (a)(19) | $60.00 | FIN |
| Parking in Passenger Loading Zone as Referenced in Section 118-92 (a)(20) | $60.00 | FIN |
| Overtime Parking in a Designated Parking Zone (in addition to any other parking regulation violation noted at the time of fine issuance) as Referenced in Section 118-92 (a)(21) | $60.00 | FIN |
| All Other Parking Violations as Prescribed by Appropriate State Statue or Other Town Ordinance as Referenced in Section 118-92 (b) | $60.00 | FIN |
| **PARKING FINES - RESIDENTIAL ZONING DISTRICTS:** | | |
| Overtime Parking as Referenced in Section 118-92 (a)(1) | $75.00 | FIN |
| Parking on Wrong Side of Street as Referenced in Section 118-92 (a)(2) | $75.00 | FIN |
| Parking at Yellow Curb as Referenced in Section 118-92 (a)(3) | $75.00 | FIN |
| Blocking Driveway as Referenced in Section 118-92 (a)(4) | $75.00 | FIN |
| Parking on Sidewalk as Referenced in Section 118-92 (a)(5) | $75.00 | FIN |
| Trespassing by Vehicle as Referenced in Section 118-92 (a)(6) | $75.00 | FIN |
| No Parking (designated hours) as Referenced in Section 118-92 (a)(7) | $75.00 | FIN |
| Parking Too Close to Fire Hydrant as Referenced in Section 118-92 (a)(8) | $75.00 | FIN |
| No Parking Anytime as Referenced in Section 118-92 (a)(9) | $75.00 | FIN |
| Double Parking as Referenced in Section 118-92 (a)(10) | $75.00 | FIN |
| Obstructing Traffic as Referenced in Section 118-92 (a)(11) | $75.00 | FIN |
| Parking in Loading Zone as Referenced in Section 118-92 (a)(12) | $75.00 | FIN |
| Residential Parking as Referenced in Section 118-92 (a)(13) | $75.00 | FIN |
| Vehicle Parked Across Lines Designating Parking Space as Referenced in Section 118-92 (a)(14) | $75.00 | FIN |
| Vehicle Parked in Wrong Direction on One-Way Street as Referenced in Section 118-92 (a)(15) | $75.00 | FIN |
| Parking at Curbs Designated in Red as Referenced in Section 118-92 (a)(16) Expired Meter as Referenced in Section 118-92 (a)(17) | $75.00 | FIN |
| Official Parking Only as Referenced in Section 118-92 (a)(18) | $75.00 | FIN |
| Parking in Crosswalk as Referenced in Section 118-92 (a)(19) | $75.00 | FIN |
| Parking in Passenger Loading Zone as Referenced in Section 118-92 (a)(20) | $75.00 | FIN |
| Overtime Parking in a Designated Parking Zone (in addition to any other parking regulation violation noted at the time of fine issuance) as Referenced in Section 118-92 (a)(21) | $75.00 | FIN |
| All Other Parking Violations as Prescribed by Appropriate State Statue or Other Town Ordinance as Referenced in Section 118-92 (b) | $75.00 | FIN |
| **PARKING FINES - RIGHT-OF-WAY CONSTRUCTION PARKING:** | | |

| | | |
|---|---|---|
| First Offense, per day, per vehicle | $150.00 | CE & PW |
| Second Offense, per day, per vehicle | $250.00 | CE & PW |
| Third and All Subsequent Offenses, per day, per vehicle (may also result in a stop work order) | $500.00 | CE & PW |
| **PARKING FINES - FAILURE TO PAY CITATION (Does Not Include ROW Parking Violations):** | | |
| Failure to Pay Penalties for Violations of Sections 118-91 and 118-92 Within Seven Days from the Time of Issuance of the Violation Shall Result in an Additional Delinquency Penalty to the Violator as | $20.00 | FIN |
| Failure to Pay Penalties and Delinquency Assessments for Violations of Sections 118-91 and 118-92 and in Accordance with Section 118-93 within 60 Days of Issuance of the Parking Violation Shall Result in a Service Charge to the Violator per Citation in Addition to the Cost of the Violation and Delinquent Penalty as Referenced in Section 118-94 | $20.00 | FIN |
| Failure to pay penalties and delinquency assessments for violations of Sections 118-91 and 118-92 and in accordance with Section 118-93 within 90 days of issuance of the parking violation shall result in an | $25.00 | FIN |
| Failure to pay penalties and delinquency assessments for violations of Sections 118-91 and 118-92 and in accordance with Section 118-93 within 120 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation of the | $25.00 | FIN |
| Fee for Removal of an Immobilizing Device as Referenced in Section 118-95(2) | $350.00 | FIN |
| **PUBLIC SAFETY SPECIAL ASSIGNMENT (Off-Duty) DETAILS FEES - FAILURE TO PAY BILL WITHIN 30 DAYS:** | | |
| In the event said fees are not paid within 30 days of billing, an automatic ten percent penalty per month shall be assessed for nonpayment of said delinquent fees (Applies to both regular and premium day assignments) | 10% per month delinquent | PD or FR, based on detail |
| **SEWAGE DISPOSAL VIOLATION FINES:** | | |
| Failure to Comply with the 24 Hour Notification Requirement for the Industrial User Out of Compliance as Referenced in Section 122-118 (2) | $100.00 | PW |
| Failure to comply with resampling rules as referenced in Section 122-118 (3) | $150.00 | PW |
| Failure to Comply with Waste Water Facility (WWF) Monitoring and 45 Day Compliance Schedule as Referenced in Section 122-118 (4) | $250.00 | PW |
| Fine for significant noncompliance for industrial user in violation as referenced in Section 122-118 (5) | $400.00 | PW |
| Failure to Respond within 15 Days to Formal Notice of Significant Non-Compliance for Industrial User as Referenced in Section 122-118 (6) | $500.00 | PW |
| Failure to Respond within 15 Days for Failure to Demonstrate Compliance with Notice of Significant Violation (NOSV) During the 90 Day Schedule for Industrial User as Referenced in Section 122-118 (7) | $500.00 | PW |

| | | |
|---|---|---|
| Construction of Pretreatment Facilities Does Not Achieve Compliance as Referenced in Section 122-118 (8) | $500.00 | PW |
| Industrial User Failure to Show Cause to Comply as Referenced in Section 122-118 (8) | Up to $500.00/day | PW |
| ~~**SPECIAL EVENT/TEMPORARY ANIMAL PERMIT LATE FEE:**~~ | | |
| ~~Late Application, less than 30 days before event~~ | ~~$100.00~~ | ~~TCO~~ |
| ~~Permit Issued After the Fact (fee is in addition to any Code Enforcement Board Admin Fees)~~ | ~~$75.00~~ | ~~TCO~~ |
| **WATER CONSERVATION/RESTRICTIONS VIOLATION FINES:** | | |
| First Offense, within any 180-day period | $75.00 | CE |
| Second Offense, within any 180-day period | $125.00 | CE |
| Third Offense, within any 180-day period | $250.00 | CE |
| Fourth and Subsequent Offenses, within any 180-day period | $500.00 | CE |
| **WATER CONSERVATION/RESTRICTIONS VIOLATION FINES: CURTAILMENT AUTHORIZED (Emergency Order):** | | |
| First Offense | $125.00 | CE |
| Second Offense | $250.00 | CE |
| Third Offense | $400.00 | CE |
| Fourth and subsequent offense | $500.00 | CE |
| **VEHICLE PERMIT PENALTIES:** | | |
| Late Annual Renewal | $100.00 | FIN |
| | | |

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 037-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the Amount of $836,987.09 and Establishing a Project Budget of $921,000.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024 from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 037-2024**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution approving a change order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the amount of $836,987.09 and establishing a project budget of $921,000

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 037-2024, approving a change order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the amount of $836,987.09 and establishing a project budget of $921,000.

## SUMMARY EXPLANATION/BACKGROUND

Public Works requested a proposal from Burkhardt Construction, Inc. to address Clarke Alley Paving and Drainage Project.

The alley between the 200 block of Clarke Avenue and Seabreeze Avenue has many of the same drainage issues as many streets in the Town of Palm Beach. There are very limited options to provide improved drainage. But the primary feature of this project will not only improve the drainage on the alley way but should also reduce drainage impacts on Clarke Avenue. Presently, runoff from the alley is collected in catch basins and then has to flow east to South County Road then north to Clarke Avenue and then back west to Cocoanut Row before continuing to the D-14 Pump Station. This project will construct a connection from the alley going east to Cocoanut Row and then flowing to D-14. This will improve the ability to move runoff more directly to the pump station from the alley way and reduce the amount of runoff the drainage system will have to convey on Clarke Avenue. This project will reduce the duration of standing water, but it will not eliminate localized ponding.

The Public Works Department and Procurement and Contract Management reviewed the proposal from Burkhardt Construction, Inc. and were satisfied with the submittal.

## FUNDING/FISCAL IMPACT

Funding for this award will be from the Pavement Management Program.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 037-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CHANGE ORDER TO BURKHARDT CONSTRUCTION INC. FOR CLARKE ALLEY PAVING AND DRAINAGE PROJECT IN THE AMOUNT OF $836,987.09 AND ESTABLISHING A PROJECT BUDGET OF $921,000**

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. 037-2024, approving a change order to Burkhardt Construction, Inc. for Clarke Alley Paving and Drainage Project in the amount of $836,987.09 and establishing a project budget of $921,000.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 038-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project in the Amount of $214,020.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024 from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 038-2024**
- **ATM Proposal**

# TOWN OF PALM BEACH
Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution approving a purchase order to Applied Technology & Management for 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project in the amount of $214,020

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 038-2024, approving a purchase order to Applied Technology & Management for 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project in the amount of $214,020.

## SUMMARY EXPLANATION/BACKGROUND

Public Works requested a proposal from Applied Technology & Management (ATM) for coastal surveying, analysis and reporting services to support 2024 Town-wide physical monitoring efforts.

The physical monitoring field surveys will be conducted by a sub-contractor (TER) in close coordination with the consultant under a separate Scope. This Scope includes all efforts required to collect and analyze physical monitoring survey data consistent with the Beach Management Agreement (BMA). This proposal includes a storm response survey task though it is acknowledged that this task is not specifically authorized under the annual monitoring and would be initiated only on an as needed basis as directed by the Town.

There are two identified tasks for the proposal as follows:

Task 1 – Physical Monitoring Surveys and Aerial Photography
Task 2 – Town-wide Survey Analysis and Reporting

The Town has engaged ATM and their subconsultant, Terraquatic, Inc. on numerous occasions and have had excellent performance for both.

## FUNDING/FISCAL IMPACT

Funding for this award will be from the Coastal Program Fund.

**TOWN ATTORNEY REVIEW**

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

**RESOLUTION NO. 038-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO APPLIED TECHNOLOGY & MANAGEMENT FOR 2024 TOWN WIDE ANNUAL BEACH PHYSICAL MONITORING AND BEACH MANAGEMENT PROJECT IN THE AMOUNT OF $214,020**

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. 038-2024, approving a purchase order to Applied Technology & Management for 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project in the amount of $214,020.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April, 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

March 21, 2024

Patricia Strayer, PE
Town Engineer
Public Works Department
P.O. Box 2029
Palm Beach, FL 33480-2029

**RE: 2024 Town Wide Annual Beach Physical Monitoring and Beach Management Project Proposal**

Dear Ms. Strayer:

Please find attached our proposal for the above referenced project. This effort will be conducted with primary support provided by Terraquatic, Inc. (TER) for surveys and Aerial Cartographics of America (ACA) for aerial photography. Their proposal is provided as an attachment to this letter in addition to ATM's cost summary.

This Work Order, when executed, shall be incorporated in, and become an integral part of the Agreement for professional services between the Town of Palm Beach (TOWN), Florida and Applied Technology & Management (CONSULTANT), hereafter referred to as the Agreement.

## Introduction

At the request of the TOWN, the CONSULTANT shall provide coastal surveying, analysis and reporting services to support 2024 Town-wide physical monitoring efforts. The physical monitoring field surveys will be conducted by a sub-contractor (TER) in close coordination with the CONSULTANT under a separate (attached) Scope. This Scope includes all efforts required to collect and analyze physical monitoring survey data consistent with the Beach Management Agreement (BMA). This proposal includes a storm response survey task though it is acknowledged that this task is not specifically authorized under the annual monitoring and would be initiated only on an as needed basis as directed by the TOWN.

This effort will be conducted on a Time and Materials Not to Exceed Basis at rates consistent with the CONSULTANT's General Services Agreement with the TOWN.

**Scope of Services**

The following is a description of the Scope of Services to be provided under this Work Proposal. The CONSULTANT shall provide the following services:

**Task 1 – Beach Profiles, Bathymetric Surveys and Aerial Photography**

Survey data will be collected as defined within the proposal letter from TER dated March 2, 2024 (included in whole by reference). ATM will coordinate survey execution and provide QA/QC of all survey data prior to submission to the Town. Survey tasks include the collection of profile data north of the Lake Worth Inlet in addition to Town-wide beach profile surveys and aerial photography.

Specific Sub-Tasks are as follows:

Task 1.1 Physical Monitoring Surveys (Beach Profiles)

Under this sub-task beach profiles will be collected along established profile lines from the landward limit of change (dune or seawall line) seaward to an approximate depth of (-40ft. MTL).

Task 1.2 Aerial Photography

Under this sub-task up to two aerial photography campaigns will be conducted to delineate nearshore hardbottom extent adjacent to the Town. Flights will be implemented under appropriate protocols for nearshore delineation and will be deferred if conditions are not nominal or if PBC-ERM are able to execute a county wide aerial effort.

Task 1.3 Post Storm Beach Profile Surveys (Beach Profiles)

If directed by Town staff additional surveys of the Phipps and Mid-Town project areas will be conducted to document impacts from a storm event to support possible FCCE or FEMA claims. This task will only be conducted if a storm event of sufficient impact warrants a post storm survey and will only be conducted under direction by Town staff.

**Task 1 Deliverables:** ATM will submit task deliverables to the Town as defined within the proposal letter from TER dated March 2, 2024.

**Task 2 – Town-Wide Physical Monitoring Analysis**

Under this task, the CONSULTANT shall perform Town-wide physical monitoring data analysis and reporting efforts consistent with previous annual monitoring efforts, the Beach Management

Agreement (BMA) and TOWN Staff consultation. This will include the evaluation of erosion and accretion trends along the extent of the TOWN's beaches. The CONSULTANT will update the TOWN's sediment budget in a manner consistent with previous studies and provide a summary of shoreline and volumetric performance. No specific geomorphic change plots will be prepared. The analysis will include volumetric changes for beach area north of Lake Worth Inlet including the expanded settling basin. Results of this analysis will be presented in tables and figures suitable for inclusion within the annual Town-wide report. Results of the study will be presented at the BMA annual update meeting and to the Shore Protection Board.

**Task 2 Deliverable:** Results of this analysis will be summarized within an annual physical monitoring report and PowerPoint document which will be presented to the Shore Board and at the BMA annual status update meeting.

The CONSULTANT will submit a draft report to the TOWN within 90 days of data receipt from TER. Upon receipt of comments from the TOWN regarding the draft report, ATM will incorporate these comments into the document and submit the final report to the TOWN.

**Compensation**

This effort will be conducted on a Time and Materials Not to Exceed Basis for a total cost of **$214,020**. Task costs are summarized below, and a detailed cost breakdown is provided as an attachment.

**Table 1**
**Cost Breakdown by Task**

| | Task Description and Breakdown | ATM Total Labor | Sub-consultant* | Internal Direct Expenses* | Total Task Budget |
|---|---|---|---|---|---|
| | | | | | |
| **Task 1** | **Physical Monitoring Surveys and Aerial Photography** | | | | |
| 1.1 | Physical Monitoring Surveys (Beach Profiles) | $1,430 | $81,750 | $0 | $83,180 |
| 1.2 | Aerial Photography (2 Events) | $1,040 | $49,100 | $0 | $50,140 |
| 1.3 | Post Storm Survey Contingency | $2,200 | $33,100 | $0 | $35,300 |
| | **Total Cost - Task 1** | **$4,670** | **$163,950** | **$0** | **$168,620** |
| **Task 2** | **Town-Wide Survey Analysis and Reporting** | | | | |
| 2.1 | Physical Monitoring Survey Analysis | $27,810 | $0 | $0 | $27,810 |
| 2.2 | Report and Exhibit Preparation and Presentation | $17,340 | $0 | $250 | $17,590 |
| | **Total Cost - Task 2** | **$45,150** | **$0** | **$250** | **$45,400** |
| | **Total Task Order Costs** | **$49,820** | **$163,950** | **$250** | **$214,020** |

**Project Contingency**

The TER proposal includes optional, additional post storm surveys (subtask 1.3) that may be implemented at the direction of the Town should there be a significant storm event.

**Project Schedule**

Physical monitoring surveys will be conducted (weather permitting) within the June timeframe or as directed by Town Staff. The physical monitoring report will be provided to the Town within 90 days of receipt of the survey data by ATM.

Should you have any questions regarding this proposal, please feel free to contact me at your convenience.

Sincerely,

***Applied Technology & Management – A Geosyntec Company***



Michael G. Jenkins, Ph.D., P.E.
Senior Principal

cc: Terraquatic, Inc. (TER)

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 039-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, requesting approval to reject Resolution No. 131-2023 that Town Council deferred at the October 2023 meeting.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum Dated March 28, 2024, from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 039-2024**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution requesting approval to reject Resolution No. 131-2023 that Town Council deferred at the October 2023 Town Council Meeting
**Resolution No. 039-2024**

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 039-2024, requesting approval to reject Resolution No. 131-2023 that Town Council deferred at the October 10, 2023, Town Council Meeting.

## SUMMARY EXPLANATION/BACKGROUND

The Town Council deferred action on Resolution No. 131-2023, that was presented at the October Town Council Meeting to award the Traffic Engineering Consultant from RFQ No. 2023-47.

Pursuant to the Procurement Manual, the Town Council must formally reject an item that was deferred so that further consideration for a possible new solicitation can be issued.

It is the intent to resolicit for a Traffic Engineering Consultant after this is approved.

## FUNDING/FISCAL IMPACT

There is no fiscal impact for this item.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 039-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING APPROVAL TO REJECT RESOLUTION NO. 131-2023 THAT TOWN COUNCIL DEFERRED AT THE OCTOBER 2023 MEETING**

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. 039-2024, requesting approval to reject Resolution No. 131-2023 that Town Council deferred at the October 10, 2023 meeting.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 040-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2024-07 for Janitorial Services to Image Janitorial Services, Inc., as the Primary and American Janitorial, Inc. as the Secondary awardee in the Annual Amount of $224,082 and Establishing a Five-Year Award in the Amount of $1,210,000 Based on Satisfactory Performance and Budget Authorization.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 040-2024**
- **Proposal**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution Awarding RFP No. 2024-07 for Janitorial Services to Image Janitorial Services, Inc, as the primary and American Janitorial, Inc. as the secondary awardee in the annual amount of $224,082 and Establishing a Five-Year Award in the Amount of $1,210,000 based on Satisfactory Performance and Budget Authorization

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 040-2024, Awarding RFP No. 2024-07 for Janitorial Services to Image Janitorial Services, Inc, as the primary and American Janitorial, Inc. as the secondary awardee in the annual amount of $224,082 and Establishing a Five-Year Award in the Amount of $1,210,000 based on Satisfactory Performance and Budget Authorization.

## SUMMARY EXPLANATION/BACKGROUND

The Procurement and Contract Management Division issued RFP No. 2024-07 for Janitorial Services to support Townwide facilities. The previous contract was awarded to Kleen-Tech Services, LLC and was terminated for cause on December 2, 2023. The Town has experienced numerous performance issues with the incumbent. The incumbent was placed on a performance improvement plan. The vendor has failed to meet the performance improvement plan and therefore, The Procurement and Contract Management Division engaged the previous incumbent, Overtime Building Maintenance, to provide Townwide Janitorial Services in the interim, while a new RFP was issued out.

The Procurement and Contract Management Team broadcast this solicitation on Bonfire and DemandStar to 945 firms. This project was also advertised on the Public Purchase Website, the Town Website, and the Palm Beach Post.

The Town received ten (10) submissions of which eight (8) were found to be responsive and responsible for the solicitation documents.

The selection committee was charged with evaluating eight (8) firms. The selection committee

consisted of:

| Voting | Non-Voting |
|---|---|
| Jess Savidge | Robert Miracle, CPA |
| Mark Bresnahan | Alisa Cox |
| Paul Colby | Ryan Canterbury, Duke Basha, and Dean Mealy, Facilitators |
| Chief Sean Baker | |
| Captain Rothrock | |

The selection committee recommended requesting presentations from and conducting oral interviews with the three (3) top ranked firms. After interviews were conducted, the selection committee recommended awarding to a primary and secondary in the event that the primary awardee could not meet the expectations set forth in the solicitation.

It will be the goal of the newly awarded contract to establish firm expectations for deliverables. Monthly performance monitoring will be a requirement of the award.

## FUNDING/FISCAL IMPACT

Funding for this contract will be from the Public Works and Recreation Department's Operating Budgets.

## USER DEPARTMENT CONCURRENCE

The Public Works Department and the Recreation Department are in full concurrence with this recommendation.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 040-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING RFP NO. 2024-07 FOR JANITORIAL SERVICES TO IMAGE JANITORIAL SERVICES, INC, AS THE PRIMARY AND AMERICAN JANITORIAL, INC. AS THE SECONDARY AWARDEE IN THE ANNUAL AMOUNT OF $224,082 AND ESTABLISHING A FIVE-YEAR AWARD IN THE AMOUNT OF $1,210,000 BASED ON SATISFACTORY PERFORMANCE AND BUDGET AUTHORIZATION**

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. 040-2024, Awarding RFP No. 2024-07 for Janitorial Services to Image Janitorial Services, Inc, as the primary and American Janitorial, Inc. as the secondary awardee in the annual amount of $224,082 and Establishing a Five-Year Award in the Amount of $1,210,000 based on Satisfactory Performance and Budget Authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order(s) on behalf of the Town of Palm Beach for these services.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

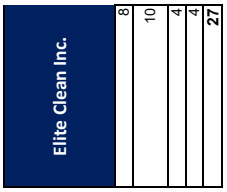
**Town of Palm Beach**
**RFP No. 2024-07**
**Janitorial Services**
**Proposal Tabulation**

| Evaluation Factors | Image Janitorial Services, Inc | American Janitorial, Inc. | Overtime Building Maintenance | LGC Global Energy FM LLC | Clean Space inc | General Building Maintenance | TECHNOLOGIES LINK BUSINESS AND SERVICES CORPORATION | Elite Clean Inc. |
|---|---|---|---|---|---|---|---|---|
| Cost-Proposal Total Amount | $207,808.78 | $222,913.98 | $182,280.00 | $278,560.00 | $213,985.20 | $285,647.40 | $179,250.36 | $310,704.00 |
| Cost score Max 20 (20%) | 17.25 | 16.08 | 19.67 | 12.87 | 16.75 | 12.55 | 20.00 | 11.54 |
| Quality Score Max 80 (80%) | 57 | 58 | 50 | 53 | 47 | 46 | 28 | 27 |
| Total Score Max 100 (100%) | 73.85 | 73.68 | 69.27 | 66.27 | 63.55 | 58.15 | 48.10 | 38.14 |
| | Recommended for Award | Recommended for Award | | | | | | |

# Town of Palm Beach

**RFP No. 2024-07**
**Janitorial Services**
**Proposal Tabulation**

| Non-Cost Based Evaluation Factors | Maximum Points | Image Janitorial Services, Inc | American Janitorial, Inc. | Overtime Building Maintenance | LGC Global Energy FM LLC | Clean Space inc | General Building Maintenance | TECHNOLOGIES LINK BUSINESS AND SERVICES CORPORATION |
|---|---|---|---|---|---|---|---|---|
| Detailed Technical Proposal (30%) | 30 | 20 | 24 | 22 | 23 | 17 | 19 | 11 |
| Experience of Firm and Personnel/ Ability of Personnel/ Past Performance (25%) | 25 | 20 | 18 | 13 | 14 | 15 | 14 | 8 |
| Workload and Scheduling (15%) | 15 | 11 | 10 | 9 | 8 | 8 | 8 | 3 |
| Financial/Other (10%) | 10 | 6 | 6 | 6 | 9 | 6 | 6 | 6 |
| **Total Quality Points** | **80** | **57** | **58** | **50** | **53** | **47** | **46** | **28** |


Elite Clean Inc.
8
10
4
4
27

| # | Items | Quantity Required |
|---|---|---|
| 1 | Basis of Award (16) | |
| #1-1 | Town Hall Complex – 5 day service | 12 |
| #1-2 | Recreation Center – 7 day service | 12 |
| #1-3 | Seaview Park Tennis Center | 12 |
| #1-4 | Phipps Ocean Park Tennis Center | 12 |
| #1-5 | Police Facility – 7 day services | 12 |
| #1-6 | North Fire Station – 1 day service (Currently under construction) | 12 |
| #1-7 | Public Works – 5 day service | 12 |
| #1-8 | Central Fire Station – 7 day service | 12 |
| #1-9 | Phipps Ocean Park South – 7 day service | 10 |
| #1-10 | Phipps Ocean Park South – twice a day service, 7 days service | 2 |
| #1-11 | Phipps Ocean Park North – 7 day service | 10 |
| #1-12 | Phipps Ocean Park North – twice a day service, 7 days service | 2 |
| #1-13 | Midtown Beach – 7 day service | 10 |
| #1-14 | Midtown Beach - twice a day service, 7 days service | 2 |
| #1-15 | Bradley Park – 7 day service | 12 |
| #1-16 | Marina - 7 day service | 12 |
| 2 | As-Needed/As-Required Services (2) | |
| #2-1 | Emergency Janitorial Services | 120 |
| #2-2 | Janitorial Services | 60 |

**Note:** The Town of Palm Beach Proccurement Division received two (2) other proposals which were rejected due to inadeqaute or excessive cost proposals.

| | Milclean usa | | TECHNOLOGIES LINK BUSINESS AND | | Overtime Building Maintenance | |
|---|---|---|---|---|---|---|
| **Total Cost** | $65,760.00 | | $179,250.36 | | $182,280.00 | |
| Unit of Measure | Unit Cost | Extended Cost | Unit Cost | Extended Cost | Unit Cost | Extended Cost |
| | | | | | | |
| Months | $900.00 | $10,800.00 | $1,872.39 | $22,468.68 | $2,115.00 | $25,380.00 |
| Months | $700.00 | $8,400.00 | $1,684.06 | $20,208.72 | $2,200.00 | $26,400.00 |
| Months | $120.00 | $1,440.00 | $729.52 | $8,754.24 | $300.00 | $3,600.00 |
| Months | $120.00 | $1,440.00 | $817.35 | $9,808.20 | $440.00 | $5,280.00 |
| Months | $1,350.00 | $16,200.00 | $2,395.36 | $28,744.32 | $3,230.00 | $38,760.00 |
| Months | $200.00 | $2,400.00 | $0.00 | $0.00 | $350.00 | $4,200.00 |
| Months | $1,000.00 | $12,000.00 | $2,196.30 | $26,355.60 | $2,150.00 | $25,800.00 |
| Months | $120.00 | $1,440.00 | $931.04 | $11,172.48 | $1,575.00 | $18,900.00 |
| Months | $120.00 | $1,200.00 | $791.76 | $7,917.60 | $440.00 | $4,400.00 |
| Months | $120.00 | $240.00 | $1,205.22 | $2,410.44 | $440.00 | $880.00 |
| Months | $150.00 | $1,500.00 | $799.57 | $7,995.70 | $440.00 | $4,400.00 |
| Months | $150.00 | $300.00 | $1,192.70 | $2,385.40 | $440.00 | $880.00 |
| Months | $250.00 | $2,500.00 | $690.04 | $6,900.40 | $450.00 | $4,500.00 |
| Months | $250.00 | $500.00 | $942.81 | $1,885.62 | $450.00 | $900.00 |
| Months | $150.00 | $1,800.00 | $978.54 | $11,742.48 | $450.00 | $5,400.00 |
| Months | $500.00 | $6,000.00 | $875.04 | $10,500.48 | $1,400.00 | $16,800.00 |
| | | | | | | |
| Hours | $20.00 | $2,400.00 | $25.40 | $3,048.00 | $75.00 | $9,000.00 |
| Hours | $20.00 | $1,200.00 | $22.42 | $1,345.20 | $21.75 | $1,305.00 |
| | Eliminated | | | | | |

| Image Janitorial Services, Inc | | Clean Space inc | | American Janitorial, Inc. | | LGC Glob FM |
|---|---|---|---|---|---|---|
| $207,808.78 | | $213,985.20 | | $222,913.98 | | $278,! |
| Unit Cost | Extended Cost | Unit Cost | Extended Cost | Unit Cost | Extended Cost | Unit Cost |
| | | | | | | |
| | | | | | | |
| $2,189.06 | $26,268.72 | $3,023.50 | $36,282.00 | $2,859.21 | $34,310.52 | $3,750.00 |
| $1,951.42 | $23,417.04 | $2,737.90 | $32,854.80 | $2,650.61 | $31,807.32 | $2,675.00 |
| $298.86 | $3,586.32 | $752.90 | $9,034.80 | $368.41 | $4,420.92 | $300.00 |
| $342.54 | $4,110.48 | $328.20 | $3,938.40 | $370.55 | $4,446.60 | $300.00 |
| $4,494.87 | $53,938.44 | $4,839.20 | $58,070.40 | $5,843.80 | $70,125.60 | $6,500.00 |
| $0.00 | $0.00 | $247.90 | $2,974.80 | $0.00 | $0.00 | $0.00 |
| $2,378.34 | $28,540.08 | $2,185.10 | $26,221.20 | $2,888.60 | $34,663.20 | $4,000.00 |
| $856.69 | $10,280.28 | $1,403.00 | $16,836.00 | $1,053.10 | $12,637.20 | $1,325.00 |
| $783.71 | $7,837.10 | $433.70 | $4,337.00 | $296.93 | $2,969.30 | $650.00 |
| $1,567.42 | $3,134.84 | $433.70 | $867.40 | $583.16 | $1,166.32 | $1,300.00 |
| $1,150.62 | $11,506.20 | $440.40 | $4,404.00 | $304.07 | $3,040.70 | $650.00 |
| $2,301.24 | $4,602.48 | $440.40 | $880.80 | $590.30 | $1,180.60 | $1,300.00 |
| $626.46 | $6,264.60 | $430.80 | $4,308.00 | $293.87 | $2,938.70 | $640.00 |
| $1,252.92 | $2,505.84 | $430.80 | $861.60 | $580.10 | $1,160.20 | $1,280.00 |
| $638.29 | $7,659.48 | $468.10 | $5,617.20 | $762.84 | $9,154.08 | $1,200.00 |
| $1,179.74 | $14,156.88 | $789.30 | $9,471.60 | $741.06 | $8,892.72 | $900.00 |
| | | | | | | |
| $32.00 | $3,840.00 | $25.00 | $3,000.00 | $28.00 | $3,360.00 | $45.00 |
| $25.00 | $1,500.00 | $20.00 | $1,200.00 | $25.00 | $1,500.00 | $30.00 |

| ɔal Energy LLC | | General Building Maintenance | | Elite Clean Inc. | | Property Works | |
|---|---|---|---|---|---|---|---|
| 560.00 | | $285,647.40 | | $310,704.00 | | $1,484,686.80 | |
| Extended Cost | Unit Cost | Extended Cost | Unit Cost | Extended Cost | Unit Cost | Extended Cost | |
| | | | | | | | |
| $45,000.00 | $4,519.89 | $54,238.68 | $3,517.00 | $42,204.00 | $17,696.79 | $212,361.48 | |
| $32,100.00 | $415.82 | $4,989.84 | $3,863.00 | $46,356.00 | $9,172.84 | $110,074.08 | |
| $3,600.00 | $387.22 | $4,646.64 | $400.00 | $4,800.00 | $2,665.82 | $31,989.84 | |
| $3,600.00 | $387.22 | $4,646.64 | $400.00 | $4,800.00 | $2,665.82 | $31,989.84 | |
| $78,000.00 | $7,408.05 | $88,896.60 | $8,565.00 | $102,780.00 | $32,051.12 | $384,613.44 | |
| $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | |
| $48,000.00 | $4,886.07 | $58,632.84 | $4,350.00 | $52,200.00 | $23,796.54 | $285,558.48 | |
| $15,900.00 | $1,416.59 | $16,999.08 | $1,246.00 | $14,952.00 | $15,869.38 | $190,432.56 | |
| $6,500.00 | $377.92 | $3,779.20 | $400.00 | $4,000.00 | $2,038.27 | $20,382.70 | |
| $2,600.00 | $755.84 | $1,511.68 | $800.00 | $1,600.00 | $3,762.77 | $7,525.54 | |
| $6,500.00 | $377.92 | $3,779.20 | $400.00 | $4,000.00 | $2,038.27 | $20,382.70 | |
| $2,600.00 | $755.84 | $1,511.68 | $800.00 | $1,600.00 | $3,762.77 | $7,525.54 | |
| $6,400.00 | $377.92 | $3,779.20 | $400.00 | $4,000.00 | $2,038.27 | $20,382.70 | |
| $2,560.00 | $755.84 | $1,511.68 | $800.00 | $1,600.00 | $3,762.77 | $7,525.54 | |
| $14,400.00 | $1,277.06 | $15,324.72 | $915.00 | $10,980.00 | $3,762.77 | $45,153.24 | |
| $10,800.00 | $1,783.31 | $21,399.72 | $1,236.00 | $14,832.00 | $9,065.76 | $108,789.12 | |
| | | | | | | | |
| $5,400.00 | $23.30 | $2,796.00 | $50.00 | $6,000.00 | $50.00 | $6,000.00 | |
| $1,800.00 | $28.51 | $1,710.60 | $35.00 | $2,100.00 | $35.00 | $2,100.00 | |
| | | | | | Eliminated | | |

# TOWN OF PALM BEACH
Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 041-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to awarded Resolution No. 082-2021, Tyler Technologies for additional Licenses and Two Years of Maintenance in the Amount of $300,185 for a New Award in the Amount of $975,000.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024, from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 041-2024**
- **Proposal**
- **Previously Awarded Resolution**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution approving a approving a change order to awarded Resolution No. 082-2021, Tyler Technologies for additional licenses and two years of maintenance in the amount of $300,185 for a new award in the amount of $975,000

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 041-2024, approving a change order to awarded Resolution No. 082-2021, Tyler Technologies for additional licenses and two years of maintenance in the amount of $300,185 for a new award in the amount of $975,000.

## SUMMARY EXPLANATION/BACKGROUND

In ongoing efforts to configure and deploy the Town's new Enterprise Permitting & Licensing system (EP&L), the project team has identified a need to expand the originally procured quantity of system user licenses. The purpose and focus of increasing available licensing is to accommodate for both the growth of internal Town Staff utilizing the EP&L system in addition to also providing system licensed seats to external Private Providers scheduling and resulting Town inspections. The licensing requested accommodates 50 additional seats for online system access in addition to 8 mobile licenses for inspectors utilizing the EP&L mobile application while resulting inspections in the field. This will bring EP&L system user capacity to a total of 100 web users and 16 mobile users, enabling the Town and PZB team to grant system accessibility and visibility to the internal and external users facilitating the Town's Permitting and Licensing business process.

Resolution No. 082-2021 was approved for Permitting Software for Planning, Zoning, and Building in August of 2021.

The change order is to accommodate the purchase of additional licenses and to support on-going annual maintenance for the system.

## FUNDING/FISCAL IMPACT

Funding for this project will be from the Building Enterprise Fund.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 041-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CHANGE ORDER TO AWARDED RESOLUTION NO. 082-2021, TYLER TECHOLOGIES FOR ADDITIONAL LICENSES AND TWO YEARS OF MAINTENANCE IN THE AMOUNT OF $300,185 FOR A NEW AWARD IN THE AMOUNT OF $975,000**

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. 041-2024, approving a change order to awarded Resolution No. 082-2021, Tyler Technologies for additional licenses and two years of maintenance in the amount of $300,185 for a new award in the amount of $975,000.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April, 2024.

| | |
|---|---|
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | Edward A. Cooney, Town Council Member |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | Bobbie D. Lindsay, Town Council Member |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

| | |
|---|---|
| Quoted By: | Christina Young |
| Quote Expiration: | 09/08/24 |
| Quote Name: | Palm Beach-ERP-Additional EPL Users |
| Saas Term | 1.00 |

**Sales Quotation For:**

Town of Palm Beach
360 S County Rd
Palm Beach FL 33480-6735

**Shipping Address:**

**Tyler SaaS and Related Services**

| Description | Qty | Imp. Hours | Annual Fee |
|---|---|---|---|
| Civic Services | | | |
| Business Management Suite | 23 | 0 | $ 40,825.00 |
| Community Development Suite | 27 | 0 | $ 47,925.00 |
| Enterprise Permitting & Licensing Mobile | 16 | 0 | $ 9,472.00 |
| Additional | | | |
| GIS | 50 | 0 | $ 14,800.00 |
| **TOTAL** | | **0** | **$ 113,022.00** |

| Summary | One Time Fees | Recurring Fees |
|---|---|---|
| Total Tyler License Fees | $ 0.00 | $ 0.00 |
| Total SaaS | $ 0.00 | $ 113,022.00 |
| Total Tyler Services | $ 0.00 | $ 0.00 |
| Total Third-Party Hardware, Software, Services | $ 0.00 | $ 0.00 |
| **Summary Total** | **$ 0.00** | **$ 113,022.00** |
| **Contract Total** | **$ 113,022.00** | |

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held
For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: _____ Date: _____

Print Name: _____ P.O.#: _____

*All Primary values quoted in US Dollars*

**Comments**

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
- Fees for hardware are invoiced upon delivery;
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available

for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.

- Fees for services included in this sales quotation shall be invoiced as indicated below.
  - Implementation and other professional services fees shall be invoiced as delivered.
  - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
  - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion module, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion module.
  - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
  - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
  - Notwithstanding anything to the contrary stated above, the following payment terms shall apply to services fees specifically for migrations: Tyler will invoice Client 50% of any Migration Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Unless otherwise indicated on this Sales quotation, annual services will be invoiced in advance, for annual terms commencing on the date this sales quotation is signed by the Client. If listed annual service(s) is an addition to the same service presently existing under the Agreement, the first term of the added annual service will be prorated to expire coterminous with the existing annual term for the service, with renewals to occur as indicated in the Agreement.
- Expenses associated with onsite services are invoiced as incurred.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the scope, level of engagement, and timeline as defined in the Statement of Work (SOW) for your project. The actual amount of services required may vary, based on these factors.

Tyler's pricing is based on the scope of proposed products and services contracted from Tyler. Should portions of the scope of products or services be altered by the Client, Tyler reserves the right to adjust prices for the remaining scope accordingly.

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting. Installations are completed remotely but can be done onsite upon request at an additional cost.

In the event Client cancels services less than four (4) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by

Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

The Implementation Hours included in this quote assume a work split effort of 70% Client and 30% Tyler.

Implementation Hours are scheduled and delivered in four (4) or eight (8) hour increments.

Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

04/09/24 TCM Backup

**RESOLUTION NO. 082-2021**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF RFP NO. 2021-16, PERMITTING SOFTWARE FOR THE BUILDING ENTERPRISE FUND TO TYLER TECHNOLOGIES, INC. IN THE AMOUNT OF $249,785 FOR IMPLEMENTATION AND TRAINING, $74,030 FOR ONE-TIME LICENSE FEES AND FIVE YEAR ANNUAL MAINTENANCE CONTRACT OF $351,000 FOR A TOTAL FIVE YEAR CONTRACT AWARD OF $674,815, PENDING SUCCESSFUL VENDOR PERFORMANCE AND BUDGET AUTHORIZATION.**

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. 082-2021, approving the award of RFP No. 2021-16, Permitting Software for the Planning, Zoning and Building to Tyler Technologies, Inc. in the amount of $249,785 for implementation and training, and $74,030 for one-time license fees. Annual maintenance costs are $70,200 for a five year contract total budget authorization of $351,000 pending successful vendor performance and budget authorization. Total contract award including the five year maintenance contract is $674,815.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of August, 2021.

Danielle H. Moore, Mayor

ATTEST:

~~Queenester Nieves, CMC~~, Town Clerk
PATRICIA GAYLE-GORDON, Dep

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 042-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the Amount of $157,465.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024 from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 042-2024**
- **Exhibit of Location**
- **Proposal**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution approving a purchase order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the amount of $157,465

DATE: March 28, 2024

**STAFF RECOMMENDATION**

Staff recommends the Town Council approve Resolution No. 042-2024, approving a Purchase Order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the amount of $157,465.

**SUMMARY EXPLANATION/BACKGROUND**

Public Works requested a proposal from Applied Technology & Management (ATM) for design, permitting and construction of a "living shorelines" shoreline stabilization and enhancement project in the vicinity of North Lake Road immediately west of the Palm Beach County Club along the shoreline of the Lake Worth Lagoon. The project will include both engineering and environmental elements generally consisting of a nearshore rock breakwater system fronting an area for mangrove restoration and stabilized slope transition into the upland with enhanced native vegetation.

ATM will complete the following tasks:

Task 1 – Site Assessment
Task 2 – Design Development
Task 3 – Regulatory Review
Task 4 – Plans, Specifications and Bidding
Task 5 – Meetings and Consultation
Task 6 - Memorandum, presentations and other relevant information and documentation as required

## FUNDING/FISCAL IMPACT

Funding for this award will be from the Coastal Program Fund.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 042-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO APPLIED TECHNOLOGY & MANAGEMENT FOR NORTH LAKE LIVING SHORELINE DESIGN AND PERMITTING IN THE AMOUNT OF $157,465**

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. 042-2024, approving a Purchase Order to Applied Technology & Management for North Lake Living Shoreline Design and Permitting in the amount of $157,465.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie D. Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

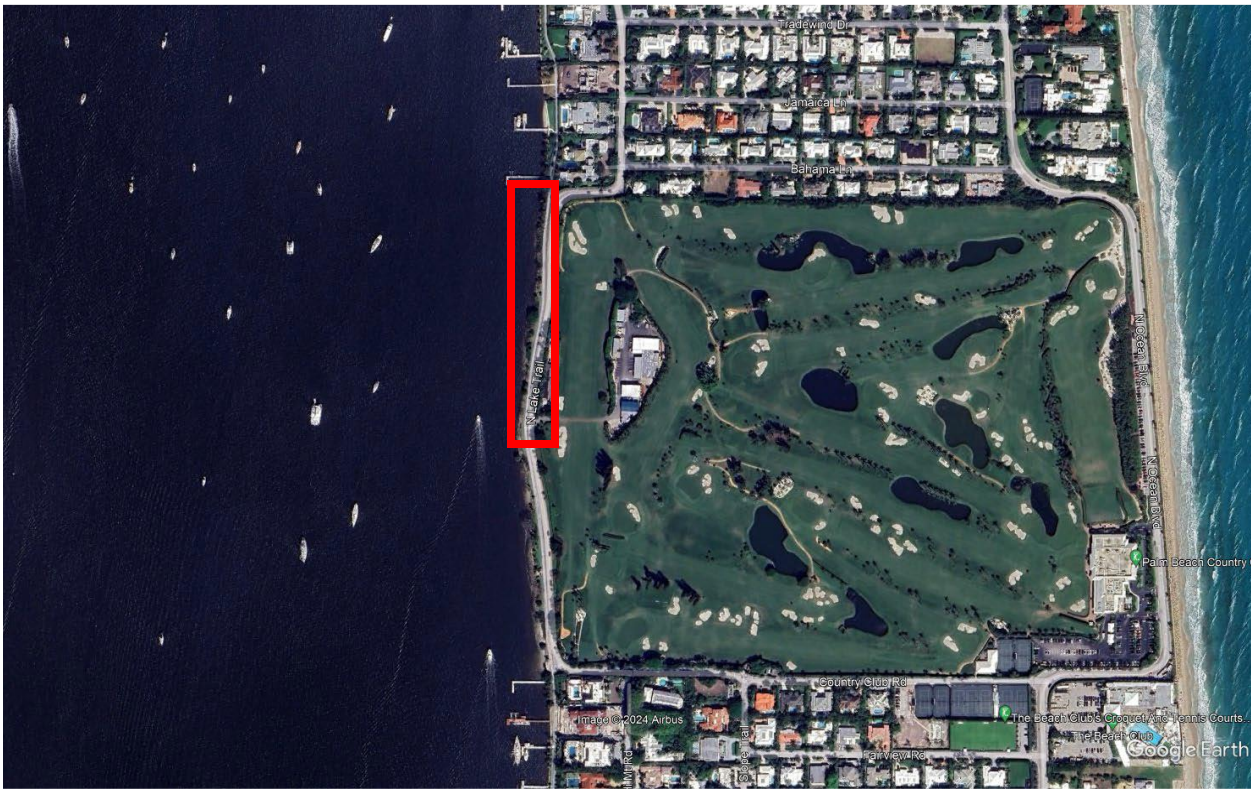



Figure 1. General location of proposed living shorelines project

March 15, 2024

Patricia Strayer, PE
Town Engineer
Public Works Department
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

**RE: North Lake Trail Living Shoreline Project Proposal**

Dear Ms. Strayer:

This correspondence is provided as a formal proposal for the above referenced project.

This Work Order, when executed, shall be incorporated in, and become an integral part of the existing Agreement for Professional Services between the Town of Palm Beach (TOWN), Florida and Applied Technology & Management (CONSULTANT), hereafter referred to as the Agreement.

Introduction

It is our understanding that the Town wishes to pursue the design, permitting and construction of a 'living shorelines' shoreline stabilization and enhancement project in the vicinity of North Lake Trail along the shoreline of the Lake Worth Lagoon (see Figure 1). The project will include both engineering and environmental elements generally consisting of a nearshore rock breakwater system fronting an area for mangrove restoration and a stabilized slope transition into the upland with enhanced native vegetation. This proposal provides for planning, engineering, regulatory and construction support to implement this project.

This effort will be conducted on a Time and Materials Not to Exceed Basis at rates consistent with the CONSULTANT's General Services Agreement with the TOWN.

**Scope of Services**

The following is a description of the Scope of Services to be provided under this Work Proposal. The CONSULTANT shall provide the following services:

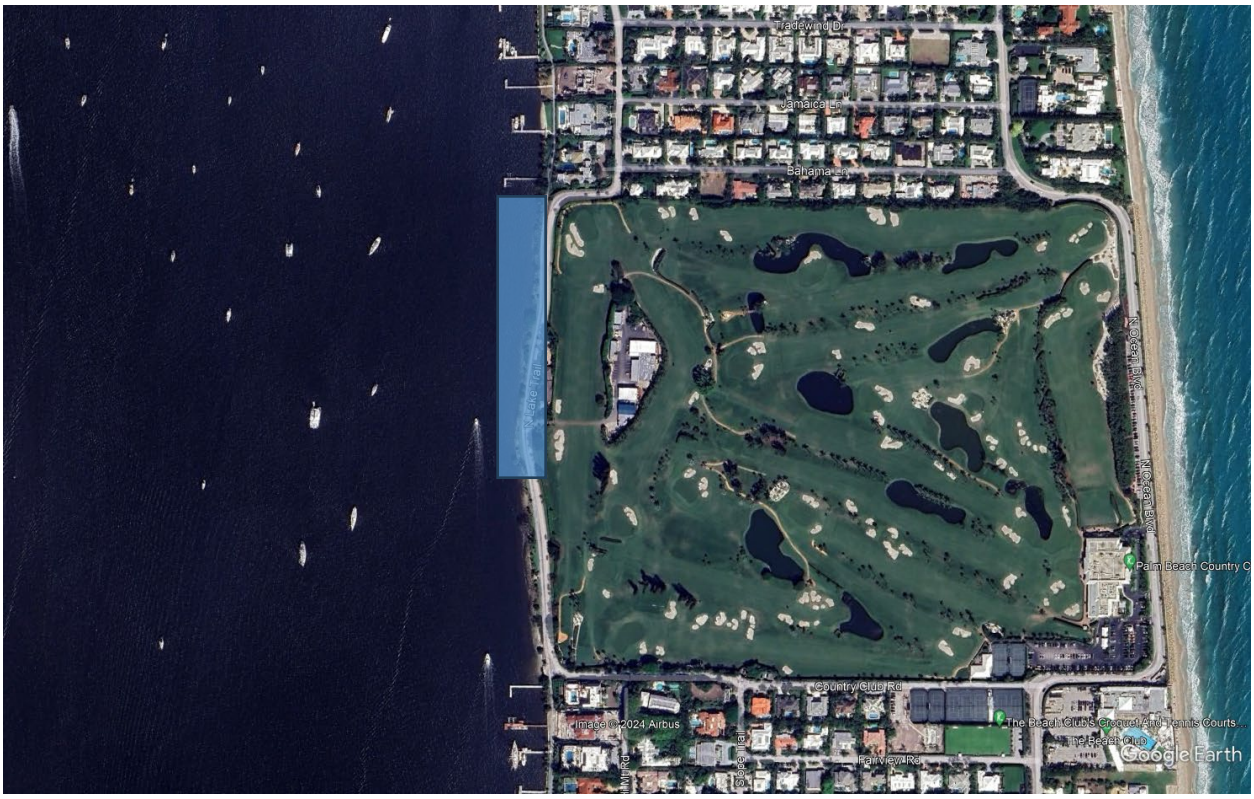


Figure 1. General location of proposed living shorelines project

**Task 1 – Site Assessment**

A field assessment of the project area will be conducted consisting of the following two major elements:

1.1 Bathymetric and Topographic Surveys

Bathymetric and topographic survey (elevation) data will be collected to wading depth using RTK GPS equipment. This will provide a dataset of elevations and depths within the project vicinity. Items of interest (utilities, etc.) will be geolocated within the dataset.

1.2 Environmental and Seagrass Surveys

An assessment of upland and nearshore habitats will be conducted to delineate habitats and provide details of species present. This will include upland areas in the project vicinity and nearshore habitats within the project area of influence. The nearshore surveys will be conducted within the established seagrass growing season (June through September) to determine the presence and location of seagrass in the vicinity. In addition a list of species observed in the project vicinity during the field effort will be developed.

**Task 1 Deliverable:** The data collected will be utilized to develop a project basemap of elevation and habitat information that will be superimposed on available aerial imagery. This dataset will survey as a basis for further project development. A summary memorandum will be prepared discussing salient aspects of the site relative to further project development. This will include discussion of the presence of any critical habitat (most notably seagrasses) or listed species within the project vicinity.

**Task 2 – Design Development**

ATM will utilize the data collected in Task 1 as a basis for further project development. The design effort will be divided into two main sub-task:

Task 2.1 Conceptual Design

Under this task the design will be developed to a conceptual level which will include the general concepts and project elements. This design will be further developed through engagement with the Town to develop the plan to a sufficient basis to support project permitting. An estimate of project areas and quantities with be developed at this point including a Rough order Magnitude (ROM) cost estimate.

Task 2.2 Detailed Design

The design developed in Task 2.1 will be further developed to include engineering analysis and design elements to produce a design which can serve as a basis for project construction. This will include development of detailed project drawings and engineering calculations of structure performance. Additional detail will be developed regarding project landscaping and planting. The cost estimate developed in Task 2.1 will be updated to reflect the detailed design.

**Task 2 Deliverable:** ATM will prepare a memorandum summarizing the results of Tasks 2.1 and 2.2. Conceptual and detailed drawings will be developed. Engineering analysis will be conducted and summarized in a Basis of Design (BD) memorandum.

**Task 3 – Regulatory Review**

This project will require both state and federal regulatory permits. Under this task ATM will submit permit applications to facilitate the state and federal regulatory review processes. ATM will engage with the regulatory agencies throughout the process including a pre-application meeting with both. ATM will respond to up to two Requests for Additional Information (RAI) for each process.

**Task 3 Deliverable:** ATM will prepare permit drawings and applications for State and Federal regulatory review. ATM will respond to up to two RAI's for each process. Copies of all relevant correspondence will be provided to the Town and ATM will coordinate regulatory responses with Town staff prior to submittal.

**Task 4 – Plans, Specifications and Bidding**

Upon receipt of regulatory permits ATM will prepare a set of plans and specifications to support project bidding and construction. It is assumed ATM will prepare documents delineating the technical requirements for the project that will be merged with the Town's 'front end' general specifications to complete the project bid package. ATM will participate in a pre-bid conference with potential bidders and will prepare responses to bid questions within the bid process. ATM will review bids received including the lowest responsive bid and will prepare a recommendation for bid award.

**Task 4 Deliverables:** Under this task ATM will prepare the following: Plans and specifications, responses to bidder questions, bid review and recommendation memorandum.

**Task 5 – Meetings and Consultation**

Under this task ATM will support meeting and coordination with project stakeholders as required and requested by Town staff. This may include in person or virtual meetings with project stakeholders, town staff, Town boards or council or other engagement as deemed necessary by Town staff. Effort may include the development of presentations or exhibits to facilitate further engagement as required.

**Task 6 Deliverable:** Memorandum, presentations and other relevant information and documentation as required.

**Compensation**

This effort will be conducted on a Time and Materials Not to Exceed Basis for a total cost of **$154,210**. Task costs are summarized in Table 1, and a detailed cost breakdown is provided as an attachment.

**Table 1**
**Cost Breakdown by Task**

| | Task Description and Breakdown | ATM Total Labor | Internal Direct Expenses* | Total Task Budget |
|---|---|---|---|---|
| | | | | |
| **Task 1** | **Site Assessment** | | | |
| 1.1 | Bathy/Topo Surveys | $8,330 | $1,500 | $9,830 |
| 1.2 | Environmental and Seagrass Surveys | $10,470 | $500 | $10,970 |
| | **Total Cost - Task 1** | **$18,800** | **$2,000** | **$20,800** |
| **Task 2** | **Design Development** | | | |
| 2.1 | Conceptual Design | $25,110 | $0 | $25,110 |
| 2.2 | Detailed Design | $21,420 | $0 | $21,420 |
| | **Total Cost - Task 2** | **$46,530** | **$0** | **$46,530** |
| **Task 3** | **Regulatory Review** | | | |
| 3.1 | FDEP ERP Permitting | $22,480 | $500 | $22,980 |
| 3.2 | USACE Permitting | $22,480 | $500 | $22,980 |
| | **Total Cost - Task 3** | **$44,960** | **$1,000** | **$45,960** |
| **Task 4** | **Plans, Specifications and Bidding** | | | |
| 4.1 | Plans and Specifications | $24,180 | $0 | $24,180 |
| 4.2 | Bid support and Review | $7,860 | $250 | $8,110 |
| | **Total Cost - Task 4** | **$32,040** | **$250** | **$32,290** |
| **Task 6** | **Meetings and Coordination** | | | |
| 6.1 | Meetings and Coordination | $11,880 | $0 | $11,880 |
| | **Total Cost - Task 6** | **$11,880** | **$0** | **$11,880** |
| | **Total Task Order Costs** | **$154,210.00** | **$3,250.00** | **$157,460.00** |

**Project Schedule**

The following project schedule is proposed:

| Task | Description | Completion (Days from Receipt of Notice to Proceed) |
|---|---|---|
| Task 1 | Site Assessment | 60 Days |
| Task 2.1 | Conceptual Design | 120 Days |
| Task 2.2 | Detailed Design | 210 Days |
| Task 3 | Regulatory Review | 300 Days |
| Task 4 | Plans, Specifications and Bidding | 360 Days |
| Task 5 | Meetings and Coordination | *as needed* |

Should you have any questions regarding this proposal, please feel free to contact me at your convenience.

Sincerely,

***Applied Technology & Management – A Geosyntec Company***



Michael G. Jenkins, Ph.D., P.E.
Senior Principal

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 045-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements in the Amount of $215,900 and Establishing a Project Budget in the Amount of $240,000.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024 from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 045-2024**
- **Proposal**

# TOWN OF PALM BEACH
Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution approving a purchase order to Kimley-Horn and Associates, Inc. for Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements in the amount of $215,900 and establishing a project budget of $240,000

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 045-2024, approving a Purchase Order to Kimley-Horn and Associates, Inc. (KHA) for Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements in the amount of $215,900 and establishing a project budget of $240,000.

## SUMMARY EXPLANATION/BACKGROUND

The Town requested a proposal from KHA for Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements. KHA submitted a proposal to address two (2) tasks as follows:

- Remediation Phase Services in the amount of $17,900
- Construction Phase Services in the amount of $198,000

Town Engineering Staff has reviewed the proposal and is in concurrence for award recommendation.

The construction contract is being recommended for award in Resolution No. 027-2024 to Murray Logan Construction, LLC.

## FUNDING/FISCAL IMPACT

Funding for this project will be from the Capital Improvement Program.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 045-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. FOR REMEDIATION SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE CENTRAL FIRE FUEL TANK IMPROVEMENTS IN THE AMOUNT OF $215,900 AND ESTABLISHING A PROJECT BUDGET IN THE AMOUNT OF $240,000**

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. 045-2024, approving a purchase order to Kimley-Horn and Associates, Inc. for Remediation Services and Construction Phase Services for the Central Fire Fuel Tank Improvements in the amount of $215,900 and establishing a project budget in the amount of $245,000.

Section 2. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie D. Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

February 16, 2024

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

**RE:** ***Construction Phase Services Proposal – Fuel Tank Improvements at Central Fire Station, Police Station, and Town Hall***

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the Fuel Tank Improvements at Central Fire Station, Police Station, and Town Hall in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

## Project Understanding

The Town has recently advertised the Fuel Tank Improvements at Central Fire Station, Police Station, and Town Hall project and has requested Kimley-Horn to provide construction phase services for the project. The project is expected to begin in April 2024 and have a duration of approximately forty (40) weeks.

## Scope of Services

*Task 1 - Remediation Phase Services*

Kimley-Horn will engage a subconsultant to provide the services described in the attached proposal.

*Task 2 - Construction Phase Services*

We will provide construction phase services for the project for the purpose of providing assistance to the Town during construction. We believe this to be the level of services required to provide the required regulatory certifications at the end of the project and determine if the project is being constructed in general accordance with the plans and specifications. Our construction phase services and fees are based on a project duration of forty (40) weeks.

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

***Progress Meetings.*** Kimley-Horn will attend up to twenty (20) bi-weekly progress meetings during the anticipated 40-week project construction duration.

***Visits to Site and Observation of Construction.*** Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during

the expected 40-week construction duration in order to observe the progress of the Work (up to 80 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

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

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

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

***Shop Drawings and Samples.*** Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. It is anticipated that 20 submittals will be required for review. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

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

***Inspections and Tests.*** Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the

Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- We will provide field assistance during start-up of the Central Fire Station Fuel Tank and Pump and the Town Hall Fuel Pump.

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

***Applications for Payment.*** Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that eleven (11) applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

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

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

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

Kimley-Horn will notify the Town and Contractor. We anticipate completing the following items once the project is deemed substantially complete:

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

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

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

## Additional Services

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

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

## Information Provided by the Town

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

- Access to the site.

## Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. We have assumed a project duration of 40 weeks in the preparation of this scope of services. If the project duration extends beyond 40 weeks, we can continue providing construction phase support as an additional service.

## Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on a lump sum basis for the amount of $215,900.00 in accordance with our Contract with the Town. Fees will be invoiced monthly based on a percentage of services performed as of the invoice date.

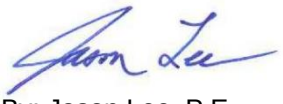
| | |
|---|---|
| Task 1 – Remediation Phase Services | $17,900 |
| Task 2 – Construction Phase Services | $198,000 |
| Total | $215,900 |

## Closure

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

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**



By: Jason Lee, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\Central Fire Station Construction Phase\Fuel Tank Improvements at Central Fire Station Police Station and Town Hall - Construction Phase Services 20240216.docx

Jason Lee, PE
Kimley- Horn.
1920 Wekiva Way, Suite 200,
West Palm Beach, FL 33411

**Reference**: Proposal for Remediation Oversight During Construction Phase of an Underground Storage Tank
Town of Palm Beach Central Fire Station
355 S. County Road
Palm Beach, Palm Beach County, Florida
Fac ID # 9806629

ECS Proposal No. 55:

Dear Mr. Lee:

**Background**

ECS Florida, LLC (ECS) is pleased to provide Kimley-Horn (KH) with our proposal for environmental tasks associated with remediation oversight of the diesel fuel release and new construction oversight activities for the underground storage tank installation at the referenced facility. The activities stem from a diesel fuel release from a 6,000-gallon double wall fiberglass underground storage tank at the referenced property. This proposal was requested from the Town of Palm Beach and KH.

**Scope of Work**

**Remediation Oversight**

Based upon our discussions, the following tasks were identified to support these efforts:

1. Task 1
   ECS will have a senior representative on sight during the tank removal activities to assist in directing free product skimming work during and after the tank removal task. This will occur prior to the deployment of the open hole sparging system. ECS is proposing 16 hours of senior engineer time for this work. ECS will provide email reports to KH and the Town of Palm Beach on these activities.

2. Task 2
   ECS will provide senior oversight during the deployment of the open hole air sparging system and make a weekly site visit to monitor the air sparging activities. ECS will provide weekly email reports to KH and the Town of Palm Beach.

It is assumed that this will require 8 hours during open hole sparging construction and 4 hours per week oversight over a 4 week period (24 hrs total).

**New Construction UST**

3. Task 3

ECS will provide period inspections during installation of the new fuel tank on an as needed basis to monitor if any additional remedial or environmental measures are warranted before backfilling the tank. This assumes 8 hours of senior engineer time.

**Fees**

The scope of services discussed above will be performed on a time and materials basis with estimated fees shown on the table below:

| Tasks | Total Fee | Estimated Hours | Sub/Exp |
|---|---|---|---|
| Task 1 Remediation | $4,500 | 16hrs | $500 |
| Task 2 Remediation | $6,625 | 24hrs | $625 |
| Task 3 New Construction | $2,500 | 8hrs | $500 |
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| | | | |
| **Total Estimated Fees** | **$13,625** | | |
| *Including 15% Contingency* | | *$15,700* | |

## Schedule

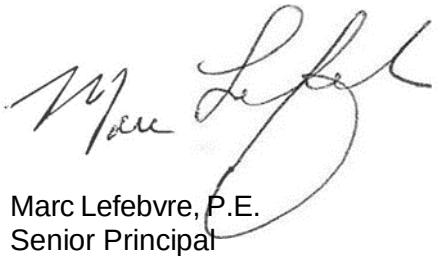
ECS is prepared to begin work upon at the appropriate time based on the project schedule. The project duration is uncertain at this time.

**Acceptance**

We appreciate the opportunity to submit this proposal and look forward to working with you and others involved in this important project. If this proposal is acceptable to you, please complete and sign the Acceptance Form and return it to our office. If you have questions, please contact the undersigned at 954 520-3766.

Sincerely,

**ECS Florida, LLC**



Marc Lefebvre, P.E.
Senior Principal



Alex Chatham, P.E.
Environmental Principal

Enclosures: **Proposal Acceptance Form**

## ESTIMATE FOR ENGINEERING SERVICES

| | | | |
|---|---|---|---|
| PROJECT: | Fuel Tank Improvements at Central Fire Station, Police Station and Town Hall - Construction Phase | SHEET | 1 of 1 |
| CLIENT: | Town of Palm Beach | FILE NO. | |
| ESTIMATOR: | JRL | DATE: | 02/16/24 |
| | | ALLOCA | 0.0000 |

| DESCRIPTION: See Scope of Services | DIRECT LABOR ( MAN-HOURS ) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Principal Engineer | Chief Engineer | Senior Engineer | Senior Prof. Engineer | Registered Prof. Engineer | Eng. Int. | Analyst | Admin/Clerical | Sr. Designer | SUB | EXP | LINE TOTAL |
| ***Remediation Phase Services*** | | | | | | | | | | | | |
| Environmental Reviews | | 4.0 | | | 6.0 | | | | | 15700.00 | $37 | $17,900 |
| ***Construction Phase Services*** | | | | | | | | | | | | |
| Attend Town Precon Meeting Const Phase | | 3.0 | | | 4.0 | | | 1.0 | 3.0 | | $97 | $2,216 |
| Site Visits (up to 80 visits) | 4.0 | 40.0 | | | 60.0 | | | 40.0 | 240.0 | | | $65,487 |
| Progress Meetings (up to 20 total meetings) | 8.0 | 40.0 | | | 60.0 | | | 20.0 | 60.0 | | | $35,673 |
| Recommendation to defective work | 10.0 | 20.0 | | | 32.0 | | | | | | | $14,217 |
| Clarifications, Recommendations, Substitutes | 6.0 | 2.0 | | | 8.0 | | | | | | | $3,749 |
| Review Shop Drawings (up to 20 submittals) | 4.0 | 28.0 | | | 70.0 | | | 20.0 | 30.0 | | | $27,705 |
| Review Payment Applications, Change Order Requests | | 10.0 | | | 34.0 | | | 10.0 | 10.0 | | | $11,088 |
| Start up and testing Central Fire Station | | 4.0 | | | 8.0 | | | | 8.0 | | | $3,790 |
| Start up and testing Town Hall | | 4.0 | | | 8.0 | | | | 8.0 | | | $3,790 |
| Start up and testing Police Station | | 4.0 | | | 8.0 | | | | 8.0 | | | $3,790 |
| Substantial Completion Site Visit Punchlist | | 2.0 | | | 8.0 | | | 2.0 | 6.0 | | | $3,064 |
| Final Completion | 1.0 | 1.0 | | | 8.0 | | | | 6.0 | | | $2,892 |
| Review record drawings and O&M Manuals | | 2.0 | | | 8.0 | | | | 6.0 | | | $2,878 |
| Submit Construction Completion Certifications (DERM) | | 4.0 | | | 16.0 | | | 2.0 | | | | $3,997 |
| Electrical Reviews | | 4.0 | | | 6.0 | | | | | 11500.00 | | $13,663 |
| **TOTAL HOURS** | **33.0** | **172.0** | **0.0** | **0.0** | **344.0** | **0.0** | **0.0** | **95.0** | **385.0** | **27200** | **134** | **$215,900.00** |
| **LABOR ($/HOUR)** | **307.28** | **293.55** | **231.09** | **200.85** | **164.80** | **131.84** | **114.55** | **92.80** | **162.15** | **1.00** | **1.0** | |
| **ALLOCATION** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | **0.00** | |
| **TOTALS** | **10,140.24** | **50,490.60** | **0.00** | **0.00** | **56,691.20** | **0.00** | **0.00** | **8,816.00** | **62,427.75** | **27,200.00** | **134.21** | **$215,900.00** |

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 046-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the Amount of $1,872,490 and Establishing a Project Budget of $2,153,363.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated April 1, 2024, from Dean Mealy, II Procurement and Contract Manager**
- **Resolution No. 046-2024**
- **Proposal**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the amount of $1,872,490 and establishing a project budget of $2,153,363

DATE: April 1, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 046-2024, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the amount of $1,872,490 490 and establishing a project budget of $2,153,363.

## SUMMARY EXPLANATION/BACKGROUND

Town Procurement and Contract Management issued RFQ No. 2023-01 for Construction Manager at Risk for Phipps Ocean Park Improvement Project, which was awarded to Burkhardt Construction, Inc. The Town Council approved this award on November 8, 2022.

For all construction projects, an engineering firm is then engaged to provide Construction Phase Services. This project was estimated to have a value greater than $400,000. Although the Town has three firms under agreement for Professional Engineering Services, the Town was obligated to issue a separate solicitation due to the threshold greater than $400,000 as outlined by State Statue.

Kimley-Horn and Associates, Inc. (KHA) was awarded the RFQ by the Town Council to serve for Construction Phase Services. Once all elements of the project are reviewed, KHA then submits a proposal which is attached.

It has been understood that the Lifeguard Facility improvements will be funded separately from the other improvements being performed at Phipps Park, so fees related to the Lifeguard improvements have been separated accordingly to be paid by the Town.

The Town Manager's Office, the Public Works Department and Procurement and Contract Management reviewed the proposal from KHA and were satisfied with the submittal.

## FUNDING/FISCAL IMPACT

Funding for this award will be from both the Preservation Foundation and from the Town. The total proposed by KHA is $1,872,490. Of this amount, the Town will be responsible for $129,517 for the lifeguard improvements. The Preservation Foundation of Palm Beach will be responsible for $1,742,973.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 046-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. FOR CONSTRUCTION PHASE SERVICES AT PHIPPS OCEAN PARK IN THE AMOUNT OF $1,872,490 AND ESTABLISHING A PROJECT BUDGET OF $2,153,363**

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. 046-2024, awarding a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Services at Phipps Ocean Park in the amount of $1,872,490 490 and establishing a project budget of $2,153,363.

Section 2. The Town will be responsible for $127,517 and the Preservation Foundation will be responsible for $1,742,973 of the proposal amount.

Section 3. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

March 29, 2024

Dean Mealy, II NIGP-CPP, CPPO
Town of Palm Beach – Procurement and Contracts Management
951 Okeechobee Road, Suite D
West Palm Beach, FL 33401

**RE:** ***Phipps Ocean Park - Construction Phase Services***

Dear Dean,

The Kimley-Horn and Associates, Inc. team ("Kimley-Horn") is pleased to submit this proposal to the Town of Palm Beach ("Town") for providing engineering services related to the Phipps Ocean Park construction phase. Our project understanding, scope of services, schedule, and fee follow.

## Project Understanding

The design phase of Phipps Ocean Park is nearing completion and the Town's construction manager has prepared the Guaranteed Maximum Price. The Town has requested that Kimley-Horn perform construction phase engineering services to support the Town during the construction of the project. It is understood that the Lifeguard Facility improvements will be funded separately from the other improvements being performed at Phipps Park so fees related to the Lifeguard improvements have been separated accordingly.

Based on this understanding, our detailed scope of services is provided below.

## Scope of Services

***Permitting Assistance***
Kimley-Horn will assist the Town in modifying previously-submitted permit applications listed below as needed to reflect the most recent plan set. Kimley-Horn will maintain issuance dates for issued permits.

- Town of Palm Beach
  - Site
  - Building – Little Red Schoolhouse
  - Building – Coastal Restoration Center
  - Building – North Restroom
  - Building – South Restroom
  - Building – Lifeguard Station
- Florida Department of Environmental Protection
  - Coastal Construction Control Line
- Florida Department of Transportation
  - Access
  - Drainage
  - Utility
  - Landscape

- Palm Beach Health Department
    - Water Utilities

***Construction Phase Services***

Kimley-Horn will perform the following services during the 15-month construction duration. A more detailed description of each of the services follows.

- Pre-Construction Meeting
- Project Management and Subconsultant Coordination
- Site Visits and Construction Observation (approximately 2-3 per week, up to 160)
- Construction Meetings (up to 65)
- Clarifications and Interpretations
- Change Orders
- Shop Drawings and Samples
- Inspections and Tests
- Applications for Payment (up to 16)
- Substantial Completion
- Final Notice of Acceptability of the Work
- Record Drawings
- Stakeholder Meetings (up to 6)

The following is a more detailed description of the services that will be performed.

*Pre-Construction Meeting*. Kimley-Horn will attend a Pre-Construction Meeting before the start of construction.

*Project Management and Subconsultant Coordination.* Kimley-Horn will provide overall project management and coordination of the design team during the construction phase. Project management includes activities related to initiating, planning, executing, controlling, and closing the Project. Activities specific to this project include the follow:

- Attend construction progress meetings, review and prepare reports, and invoicing.
- Management of design team and subconsultants including compiling technical drawings for permit submittals, shop drawing reviews, site visits, construction RFIs and coordination of specific requests/activities of the design team/subconsultant team members.
- Monitoring and updating schedule or services as needed.

*Site Visits and Construction Observation.* Kimley-Horn will make visits to observe the progress of the work. Observations will not be exhaustive or extend to every aspect of Contractor's work, but will be limited to spot checking, and similar methods of general observation. Based on the site visits, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Document and keep the Town informed of the general progress of the work.

Kimley-Horn will not supervise, direct, or control Contractor's work, and will not have authority to stop the Work or responsibility for the means, methods, techniques, equipment choice and use, schedules, or procedures of construction selected by Contractor, for safety programs incident to Contractor's work, or for failure of Contractor to comply with laws. Kimley-Horn does not guarantee Contractor's performance and has no responsibility for Contractor's failure to perform in accordance with the Contract Documents.

Kimley-Horn is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement.

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

*Clarifications and Interpretations.* Kimley-Horn will respond to reasonable and appropriate Contractor requests for information made in accordance with the Contract Documents and issue necessary clarifications and interpretations. Any orders authorizing variations from the Contract Documents will be made only by the Town.

*Change Orders.* Kimley-Horn may recommend Change Orders to the Town and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.
*Shop Drawings and Samples.* Kimley-Horn will review Shop Drawings and Samples and other data which Contractor is required to submit, but only for general conformance with the Contract Documents. Such review and any action taken in response will not extend to means, methods, techniques, equipment choice and usage, schedules, or procedures of construction or to related safety programs. Any action in response to a shop drawing will not constitute a change in the Contract Documents, which can be changed only through the Change Orders.

*Substitutes and "or-equal/equivalent."* Kimley-Horn will evaluate the acceptability of substitute or "or-equal/equivalent" materials and equipment proposed by Contractor in accordance with the Contract Documents.

*Inspections and Tests.* Kimley-Horn may require special inspections or tests of Contractor's work, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility. Kimley-Horn's review will be solely to determine that the results indicate compliance with the Contract Documents and will not be an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the Contract Documents. Kimley-Horn is entitled to rely on the results of such tests.

*Disputes between the Town and Contractor.* Kimley-Horn will, if requested by the Town, render written decision on all claims of the Town and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents. In rendering decisions, Kimley-Horn shall be fair and not show partiality to the Town or Contractor and shall not be liable in connection with any decision.

*Applications for Payment.* Based on its observations and on review of applications for payment and supporting documentation, Kimley-Horn will recommend amounts that Contractor be paid. Recommendations will be based on Kimley-Horn's knowledge, information and belief, and will state whether in Kimley-Horn's opinion Contractor's work has progressed to the point indicated, subject to any qualifications stated in the recommendation. Kimley-Horn's recommendations will not be a representation that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work, or involved detailed inspections.

*Substantial Completion.* When requested by Contractor and the Town, Kimley-Horn will conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list.

*Final Notice of Acceptability of the Work.* Kimley-Horn will conduct a final site visit to evaluate whether the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend final payment to Contractor.

*Record Drawings.* Kimley-Horn will review record drawings prepared by Contractor showing significant changes reported by the Contractor or made to the design by Kimley-Horn. Record drawings are not guaranteed to be as-built, but will be based on information made available.

## Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town or extensions to the project schedule noted below, will be considered additional services and will be performed based on proposals approved prior to performance of the additional services. An allowance of $35,000 has been included in the Architectural Subconsultant's fee for services that may be required of the Structural Engineer of Record during the project. Should additional structural services be required, these can be performed as an additional service.

## Information and Services Provided by the Town

The following information and services shall be provided to Kimley-Horn by the Town:

- Access to the project site

## Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually-agreed-upon schedule. It is anticipated that services will begin in June 2024. Construction is expected to be complete in August 2025. Fees for engineering services are based on this duration. Services performed beyond these durations will be considered additional services.

## Fee and Billing

Kimley-Horn will perform the scope of services, excluding sub-consultant services, for the total lump sum fee listed below. All permitting, application, and similar project fees will be paid directly by the Town. Lump sum fee will be invoiced monthly based upon the overall percentage of services performed.

| | | |
|---|---|---|
| Permitting Assistance | $ | 34,070 |
| Construction Phase Services | $ | 641,928 |
| Construction Phase Services – Lifeguard Station | $ | 11,467 |
| Total Lump Sum Fee | $ | 687,465 |

Kimley-Horn will perform sub-consultant services on a labor fee plus expense basis with the estimated labor and expense fee shown below. Kimley-Horn will not exceed the total maximum labor and expense fee shown without authorization from the Town.

| | | |
|---|---|---|
| Construction Phase Services – Sub-Consultants | $ | 1,066,975 |
| Construction Phase Services – Sub-Consultants – Lifeguard Station | $ | 118,050 |
| Maximum Labor and Expense Fee | $ | 1,185,025 |

## Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated July 10, 2019, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you! Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Senior Vice President / Principal

# ESTIMATE FOR ENGINEERING SERVICES

| | |
|---|---|
| PROJECT: | Phipps Ocean Park - Construction Phase Services |
| CLIENT: | Town of Palm Beach |
| ESTIMATOR: | TCR 3/29/2024 |

| DESCRIPTION: See Scope of Services | DIRECT LABOR (HOURS) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Principal Engineer | Chief Engineer | Project Manager | Eng. Intern | LA Intern | Sr. Designer | Sr. Admin / Technician | SUB RJI F&S PGAL | EXP | LINE TOTAL |
| **Permitting Assistance** | | | | | | | | | | |
| Permitting | | | 80.0 | | 160.0 | | | | | $34,070 |
| | | | | | | | | | | |
| **Construction Phase Services** | | | | | | | | | | |
| Pre-Construction Meeting | 6.0 | 3.0 | 4.0 | 3.0 | 4.0 | 3.0 | 6.0 | | | $5,771 |
| Site Visits and Construction Observation (up to 160) | 80.0 | | 200.0 | | 200.0 | 80.0 | 822.0 | | | $223,938 |
| Construction Meetings (up to 65) | 15.0 | | 150.0 | 80.0 | 150.0 | 80.0 | 132.0 | | | $95,382 |
| Clarifications and Interpretations | 130.0 | 40.0 | 210.0 | 120.0 | 250.0 | 160.0 | | | | $164,312 |
| Change Orders | 20.0 | 10.0 | 35.0 | 24.0 | 75.0 | 32.0 | | | | $32,886 |
| Shop Drawings and Samples | | | 30.0 | 10.0 | 35.0 | 20.0 | 8.0 | | | $15,804 |
| Inspections and Tests | | | 35.0 | 24.0 | 75.0 | 32.0 | 8.0 | | | $25,003 |
| Applications for Payment (up to 16) | | | 20.0 | 22.0 | 20.0 | 22.0 | 30.0 | | | $17,291 |
| Substantial Completion | 8.0 | 4.0 | 22.0 | 24.0 | 22.0 | 22.0 | 20.0 | | | $20,324 |
| Final Notice of Acceptability of the Work | 4.0 | 2.0 | 10.0 | 10.0 | 10.0 | 10.0 | 12.0 | | | $9,719 |
| Record Drawings | | | 35.0 | 12.0 | 12.0 | 12.0 | 30.0 | | $250.00 | $16,837 |
| Stakeholder Meetings (up to 6) | 6.0 | 6.0 | 18.0 | 6.0 | 18.0 | 6.0 | 24.0 | | | $14,661 |
| Landscape Architect Subconsultant (RJI) | | | | | | | | $834,600.00 | | $834,600 |
| Architecture Subconsultant (F&S) | | | | | | | | $232,375.00 | | $232,375 |
| Lifeguard Stand Subconsultant (PGAL/CMA) | | | 24.0 | | 32.0 | | 20.0 | $118,050.00 | | $129,517 |
| | | | | | | | | | | |
| **TOTAL HOURS** | **269.0** | **65.0** | **873.0** | **335.0** | **1063.0** | **479.0** | **1112.0** | **$1,185,025.00** | **$250.00** | |
| **LABOR ($/HOUR)** | **$307.28** | **$293.55** | **$207.34** | **$131.84** | **$109.27** | **$162.15** | **$149.71** | **1.0** | **1.0** | |
| **TOTALS** | **$82,658** | **$19,081** | **$181,008** | **$44,166** | **$116,154** | **$77,670** | **$166,478** | **$1,185,025** | **$250** | **$1,872,490** |

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 047-2024 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Purchase Order To Syzygy Global Inc., For Pergola Project For Mandel Recreation Building In The Amount Of $84,323.33 And Establishing A Project Budget In The Amount Of $90,000.

Presenter
Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024 from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 047-2024**
- **Approved Pergola for Mandel with Revised Submittal**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution requesting approval to award a Purchase Order to Syzygy Global, Inc. for Pergola for Mandel Recreation Building in the amount of $84,323.33 and establishing a project budget in the amount of $120,000

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 047-2024, requesting approval to award a Purchase Order to Syzygy Global, Inc. for Pergola for Mandel Recreation Building in the amount of $84,323.33 and establishing a project budget in the amount of $120,000.

## SUMMARY EXPLANATION/BACKGROUND

The Pergola Project for the Mandel Recreation Building was presented to the Town Council at the June 13, 2023, Town Council Meeting. There was discussion that the item needed to be reviewed by ARCOM and then brought for final review and approval.

Although the bid amount is within the Town Manager's discretion, the item is being submitted for final review and approval.

ACROM provided final approval of the project on March 27, 2024.

## FUNDING/FISCAL IMPACT

Funding for this project is from the Recreation Enterprise Fund.

## TOWN ATTORNEY REVIEW

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

**RESOLUTION NO. 047-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER TO SYZYGY GLOBAL INC., FOR PERGOLA PROJECT FOR MANDEL RECREATION BUILDING IN THE AMOUNT OF $84,323.33 AND ESTABLISHING A PROJECT BUDGET IN THE AMOUNT OF $120,000**

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. 047-2024, awarding a Purchase Order to Syzygy Global, Inc. for Pergola Project for Mandel Recreation Building in the amount of $84,323.33 and establishing a project budget in the amount of $120,000.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order(s) on behalf of the Town of Palm Beach for these services.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

RECEIVED
By yfigueroa at 1:19 pm, Jan 16, 2024

SPINAOROURKE
+ PARTNERS

KEITH SPINA
TAMMY O'ROURKE
WILLIAM CALDWELL
JESSICA GOMES

January 12, 2024

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Project: 340 Seaview Avenue
ARCOM: ARC-24-014

We are pleased to submit the accompanying drawings for a pre-application review of our project at 330 Seaview Avenue, Palm Beach, FL. The proposed work includes a new pre-fabricated operable aluminum trellis on existing porch. There are no modifications to lot coverage. Details to match existing trellis on West side of Gymnasium.

Please note the following as it relates to this application:

A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
   a. Not Applicable.

B. Architectural Review in accordance with Section 18-205 and/or Section 18-206.
   a. We consider the proposed project to be consistent with Spanish Revival architecture within the Town of Palm Beach, with symmetrical, balanced elevations and details that subscribe to the principles of classicism and the architectural style.

      i. We consider the plan for the proposed modifications to the existing building to be in conformity with good taste and traditional design principles and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

      ii. The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

      iii. The exterior materials and detailing proposed is consistent with the quality and character of the existing and surrounding structures.

      iv. The proposed composition and massing of the proposed work is consistent with the existing building.

      v. The proposed work is not excessively similar to any other structure existing or for which a permit has been issued.

      vi. The proposed work is not excessively dissimilar to any other structure existing or for which a permit has been issued.

      vii. The proposed work remains subservient in style and massing to the main structure.

      viii. The proposed work preserves the established character of the existing building and replicates existing details.


285 Banyan Blvd. • West Palm Beach, FL 33401 • 561.684.6844 • f 561.684.5594 • Lic.AA26002399/IB26001356 • spinaorourke.com

ix. The proposed work is in conformity with the standards of the Town of Palm Beach zoning code.

x. The proposed modifications do not impact the surrounding unique site characteristics.

C. Special Exception in accordance with Section 134-229.
   a. Not Applicable.

D. Site Plan Review Approval in accordance with Section 134-329.
   a. Not Applicable.

E. Variance (s) in accordance with Section 134-201.
   a. Not Applicable.

Other
   a. None

Very truly yours,

KEITH M. SPINA
CEO

# Mandel Recreation Center Shade Canopy

## 340 Seaview Avenue, Palm Beach FL 33480

**RECEIVED**
*By yfigueroa at 3:29 pm, Mar 11, 2024*

04/09/24 TCM Backup

| SHEET NUMBER | SHEET NAME |
|---|---|
| CVR | COVER SHEET |
| A101 | SITE PLAN |
| A102 | EXISTING PHOTOGRAPHS |
| A2.01 | EXISTING & PROPOSED FLOOR PLAN & ELEVATIONS |
| A2.02 | ENLARGED DETAILS & PRODUCT DATA |

SCOPE OF WORK INCLUDES A NEW OPERABLE ALUMINUM TRELLIS ON EXISTING PORCH. NO MODIFICATIONS TO LOT COVERAGE. DETAILS TO MATCH EXISTING TRELLIS ON WEST SIDE OF GYMNASIUM.



# REVISED SUBMITTAL 03-11-24

ARCOM # ARC-24-014

SPINA O'ROURKE + PARTNERS
Architecture + Interior Design
Keith M. Spina # AR13419

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WEST PALM BEACH, FLORIDA 33401
ph: 561.684.6844 • spinaorourke.com
FL Lic. # AA26002399

204

285 Banyan Blvd
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spinaorourke.com
FL Lic # AA26002399

SPINA O'ROURKE + PARTNERS
Architecture + Interior Design
Keith M. Spina # AR13419

Mandel Recreation Center Shade Canopy
340 Seaview Avenue, Palm Beach FL 33480

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Revisions:

Date: 08.11.2023
Drawn by: NRF
Project Manager: NRF

COVER SHEET

CVR

STAFF APPROVAL

Architecture • Interior Design
285 Banyan Blvd
West Palm Beach Florida 33401
561.684.6644 • Fax 561.684.5594
spinaourke.com

SPINA O'ROURKE + PARTNERS

Mandel Recreation Center Shade Canopy
340 Seaview Avenue, Palm Beach FL 33480

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Revisions

Date: 08.11.2023
Drawn By: Author
Project Manager: Checker

A1.0.1
STAFF APPROVAL

SITE PLAN




1 TRELLIS - SITE PLAN

EXISTING PHOTOGRAPHS

| | |
|---|---|
| Mandel Recreation Center Shade Canopy | |
| 340 Seaview Avenue, Palm Beach FL 33480 | |
| THESE DRAWINGS ARE FOR THE EXCLUSIVE USE OF SPINA GROUP, P.A. AND ARE NOT TO BE USED IN WHOLE OR IN PART BY ANY PERSON OR ENTITY FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF SPINA GROUP, P.A. ALL RIGHTS RESERVED | |
| Revisions: | |
| Date: 08.11.2023<br>Drawn By: AMC<br>Project Manager: Checker | |
| | A1.0.2 |
| | STAFF APPROVAL |


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West Palm Beach, Florida 33401
561.684.9844 • Fax 561.684.5594
spinaarch@aol.com
FL LC # AA26002491




EXISTING SOUTH ELEVATION



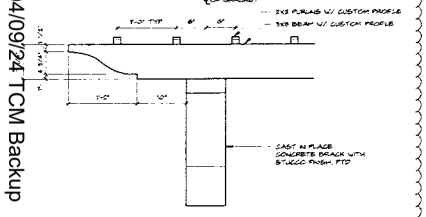
EXISTING PORCH



EXISTING WEST ELEVATION (TRELLIS PROFILE REFERENCE)



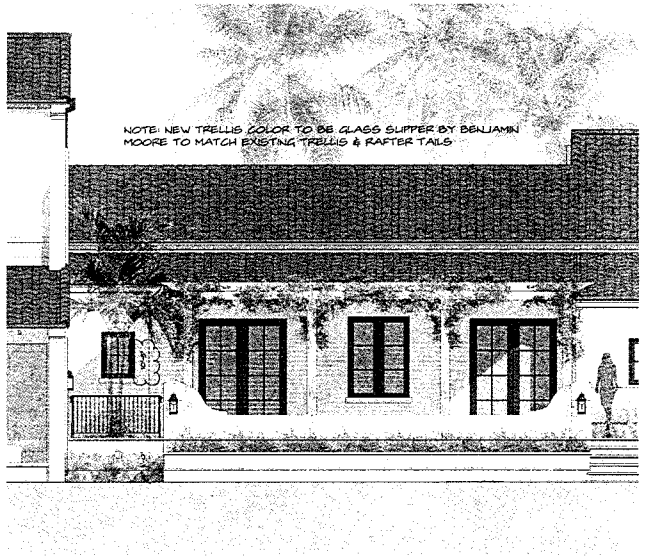
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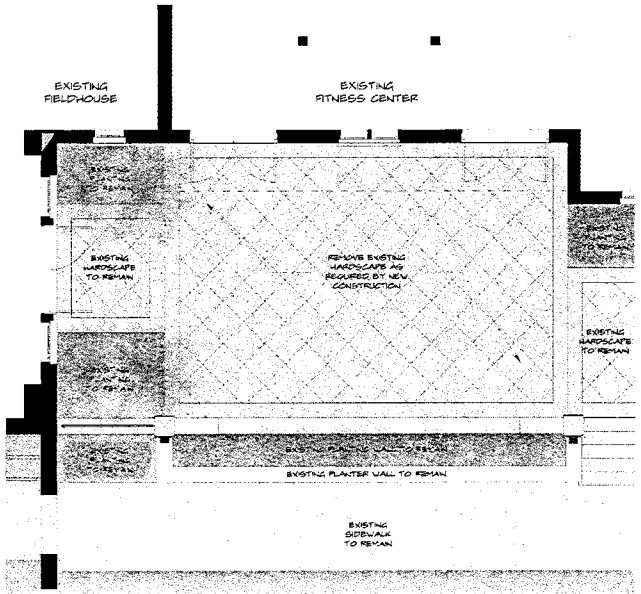

TRELLIS DETAILS



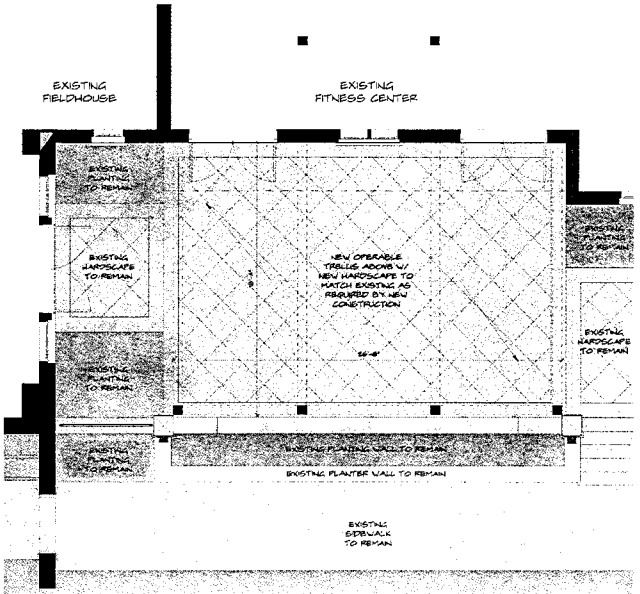
TRELLIS - SOUTH ELEVATION - EXISTING




TRELLIS - SOUTH ELEVATION - PROPOSED




TRELLIS - EXISTING FLOOR PLAN




TRELLIS - PROPOSED FLOOR PLAN

SPINA DESIGN + PARTNERS
Architecture Interior Design
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West Palm Beach Florida
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spinadesigns.com
AA 26001264

TOPB Mandel Recreation Center
340 Seaview Avenue, Palm Beach FL 33480

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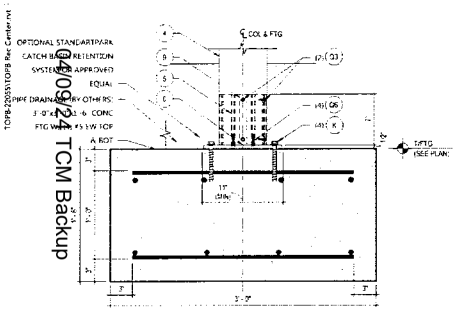
Revisions

Date: 08.17.2023
Drawn by: Author
Project Manager: Checker

EXISTING & PROPOSED FLOOR PLAN & ELEVATIONS

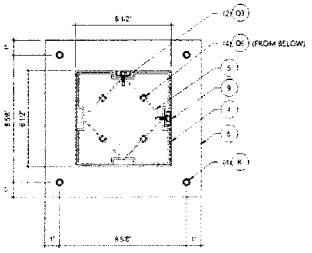
A2.0.1

STAFF APPROVAL



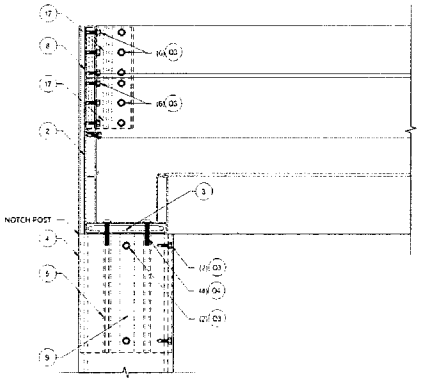

TYPICAL FOOTING

SECTION



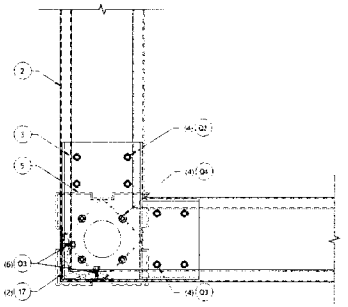
COLUMN POST AND BASE PLATE

2 DETAIL



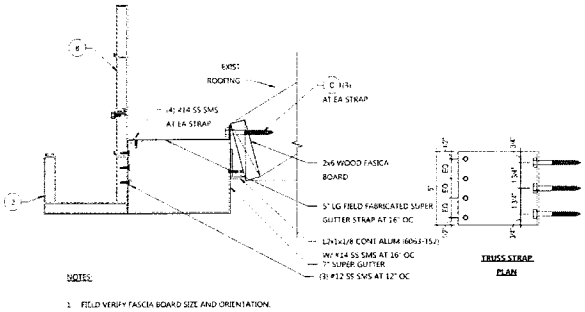

POST TO BEAM AT CORNER

3 SECTION



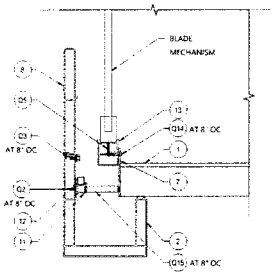
BEAM CORNER ASSEMBLY

4 DETAIL



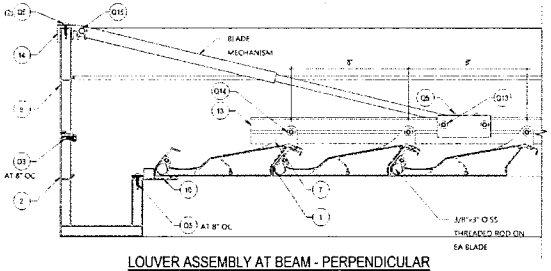

BEAM TO SUPER GUTTER CONNECTION

SECTION



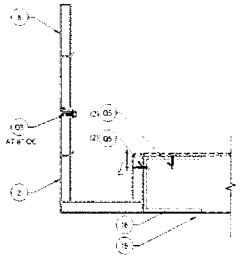

LOUVER ASSEMBLY AT BEAM - PERPENDICULAR

6 SECTION



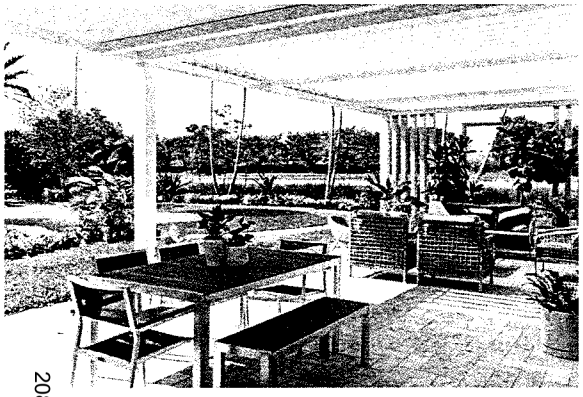

LOUVER ASSEMBLY AT BEAM - PERPENDICULAR

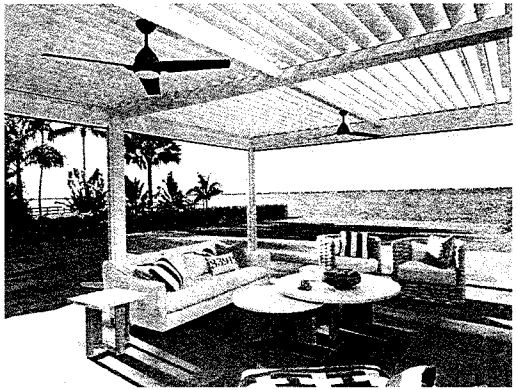
7 DETAIL



FAN BEAM TO MAIN BEAM CONNECTION

8 SECTION







REFERENCE IMAGES

SPINA ORQUINA PARTNERS
285 Banyan Blvd
West Palm Beach Florida 33401
561.684.6844 • Fax 561.684.5594
spinaorquina.com
CA - 6662
Architecture Interior Design
Keith M Spina AR 12170

Mandel Recreation Center Shade Canopy
340 Seaview Avenue, Palm Beach FL 33480

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Revisions:

Date: 08.11.2023
Drawn by: Author
Project Manager: Checker

ENLARGED DETAILS & PRODUCT DATA

A2.0.2

STAFF APPROVAL

208 2023-0002 TCM Backup

**TOWN OF PALM BEACH**
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Architectural Commission

FROM: Wayne Bergman, MCP, LEED-AP WRB
Director PZ&B

SUBJECT: ARC-24-014 340 SEAVIEW AVE

MEETING: MARCH 27, 2024

**ARC-24-014 340 SEAVIEW AVE.** The applicant, Town of Palm Beach, has filed an application requesting Architectural Commission approval for the installation of an operable aluminum trellis on an existing porch terrace.

Applicant: Town of Palm Beach
Professional: Spina O'Rourke

## HISTORY:

The Morton and Barbar Mandel Recreation Center was approved in 2017 under ARCOM application numbers (B-066-2016 & B-089-2017) with a unanimous vote. At the February ARCOM meeting the project was presented to the Commission deferred (4-3) after comments regarding the style and height of the proposed structure.

## THE PROJECT:

The applicant has submitted plans, entitled "Mandel Recreation Center Shade Canopy", as prepared by Spina O'Rourke, date stamped by the Town March 11, 2024

| **Site Data** | | | |
|---|---|---|---|
| **Zoning District** | R-B | **Lot Size (SF)** | 198,118 SF |
| **Landscape Open Space** | ***Existing: 100,253 SF***<br>***Proposed: No Change*** | **Total Building Size (SF)** | 14,923 SF (Main Building)<br>+ Loggia 17,229 SF |
| **Surrounding Properties / Zoning** | | | |
| **North** | 241 Seaview Ave / Palm Beach Day Academy / R-B | | |
| **South** | Royal Palm Way / C-OPI | | |
| **East** | 241 Seaview Avenue / Palm Beach Day Academy / C-OPI | | |
| **West** | 239 Cocoanut Way / Palm Beach Public Elementary School / R-B | | |

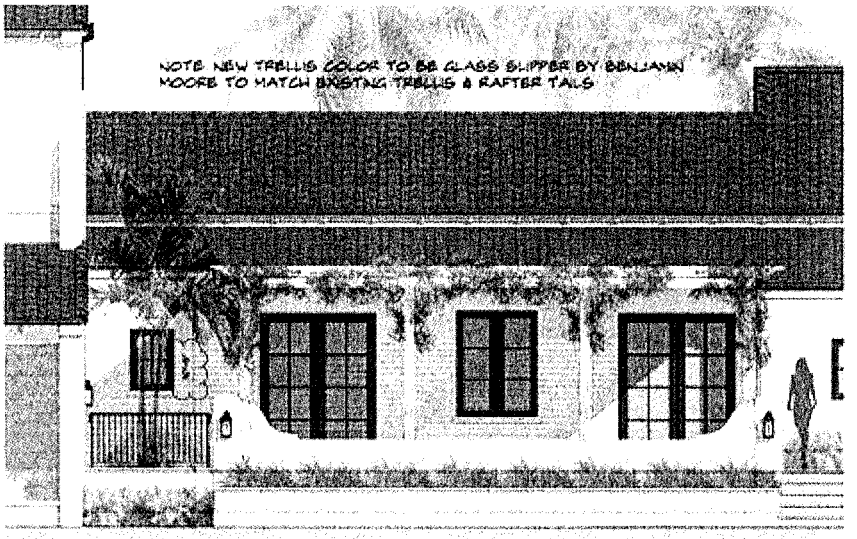
## STAFF ANALYSIS

The Town of Palm Beach is requesting installation of a trellis on the south elevation of the building of the Mandel Recreation Center to shade the existing terrace. The Town engaged the original design professional from the construction of the Recreation Center to submit plans for the addition of the trellis. The proposed work will match the existing trellis on the West side of the gymnasium.

The Recreation Center serves the residents of Palm Beach as well as the two adjacent schools (Palm Beach Public and Palm Beach Day Academy). The southern terrace overlooks the sports field and has a high level of sun exposure. The Town seeks to install the shade structure to provide more adequate shelter from the sun and with an operable feature can also allow for light to come in. The trellis matches the existing trellis located on the west side of the gymnasium in both design and color.

Town of Palm Beach staff and design professionals have had discussions following the February ARCOM deferral. Modifications have been made to reflect comments of the commissioners as well as the Recreation Advisory Commission and Friends of Recreation Board. The trellis has been lowered to align with the roof, additionally bougainvillea will be planted to grow up the trellis. Friends of Recreation board voted unanimously for the installation of the trellis and gifted the Town a $25,000 grant to complete the package.

Staff is in full support of the Town's application as presented.




TRELLIS - SOUTH ELEVATION - PROPOSED

## CONCLUSION:

This application is presented to the Commission to consider whether all the criteria in Sec. 18-205 have been met. Approval of the project will require one (1) motion to be made:

(1) for the overall design of the project in accordance with Sec. 18-205 criteria.

WRB: JGM: SCP

**TOWN OF PALM BEACH**
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Architectural Commission

FROM: Wayne Bergman, MCP, LEED-AP WRB
Director PZ&B

SUBJECT: ARC-24-014 340 SEAVIEW AVE

MEETING: MARCH 27, 2024

**ARC-24-014 340 SEAVIEW AVE.** The applicant, Town of Palm Beach, has filed an application requesting Architectural Commission approval for the installation of an operable aluminum trellis on an existing porch terrace.

Applicant: Town of Palm Beach
Professional: Spina O'Rourke

## HISTORY:

The Morton and Barbar Mandel Recreation Center was approved in 2017 under ARCOM application numbers (B-066-2016 & B-089-2017) with a unanimous vote. At the February ARCOM meeting the project was presented to the Commission deferred (4-3) after comments regarding the style and height of the proposed structure.

## THE PROJECT:

The applicant has submitted plans, entitled "Mandel Recreation Center Shade Canopy", as prepared by Spina O'Rourke, date stamped by the Town March 11, 2024

| Site Data | | | |
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| **Zoning District** | R-B | **Lot Size (SF)** | 198,118 SF |
| **Landscape Open Space** | ***Existing: 100,253 SF***<br>***Proposed: No Change*** | **Total Building Size (SF)** | 14,923 SF (Main Building)<br>+ Loggia 17,229 SF |
| **Surrounding Properties / Zoning** | | | |
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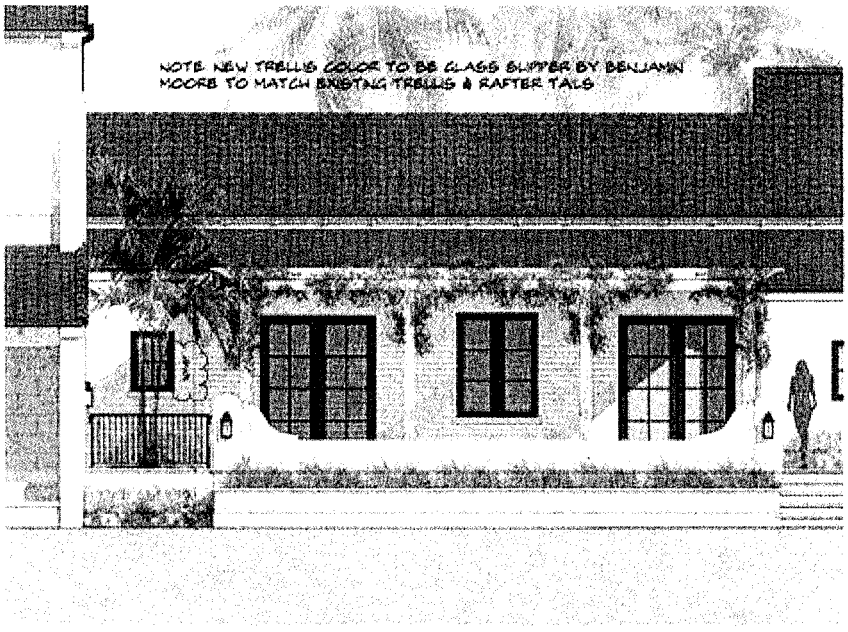
## STAFF ANALYSIS

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Staff is in full support of the Town's application as presented.




TRELLIS - SOUTH ELEVATION - PROPOSED

## CONCLUSION:

This application is presented to the Commission to consider whether all the criteria in Sec. 18-205 have been met. Approval of the project will require one (1) motion to be made:

(1) for the overall design of the project in accordance with Sec. 18-205 criteria.

WRB: JGM: SCP

Beach Parking Valet Violations

*Nicholas Caristo, Chief of Police*

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

   *John C. Randolph, Town Attorney*

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

   *Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture*

### C. New Business

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

   *Nicholas Caristo, Chief of Police*

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

   *Mark Bresnahan, Director of Recreation*

## XIV. ORDINANCES

### A. Second Reading

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

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

   *John C. Randolph, Town Attorney*

### B. First Reading

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

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

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Consent - Other

Agenda Title
Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

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

ATTACHMENTS:

- **Memorandum dated March 21, 2024 from H. Paul Brazil, P..E., Director of Public Works**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

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 21, 2024

## I. COMMUNICATIONS:

### A. Community Meetings:

None to report

### B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

## II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, thirteen (13) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N, 5S, 6N, 6S and 7N.

### A. Construction Progress:

**Phase 1 North:**
From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

**Phase 1 South:**
From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

**Phase 2 North Construction:**
From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

**Phase 2 South Construction:**
From Sloan's' Curve to the intersection of South Ocean Blvd and South County Road

- Completed September 2023.

**Phase 3 North Construction:**
From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021.

**Phase 3 South:**
From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue

- Phase 3 South construction is 91% complete.
- Conversion are about 60% complete with the remaining being commercial sites which will be converted after May 1, 2024.
- At this time, we are unsure when poles will be removed.

**Phase 4 North:**
From south-side of La Puerta Way to north-side of List Road

- Poles are in the process of being removed.

**Phase 4 South:**
From Peruvian Avenue to Royal Palm Way

- Construction is 76% complete.

**Phase 5 North:**
From Country Club Road to Southland Road

- Construction phase is 83% complete.
- Comcast has started installation.
- Energizing the underground network has begun.

**Phase 5 South:**
From South Lake Drive/Hibiscus Avenue & Peruvian Avenue/Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is 82% complete.
- Contractor has requested FPL begin to energize the underground network.
- Poles will come down by June 2024.

**Phase 6 North:**
From Chateaux Drive and Kawama Lane to the south-side of Plantation Road

- Construction phase is 71% complete.
- Poles should be removed mid 2024 if we stay on schedule and do not have any significant storms that may divert resources away from FPL switching and conversions.

**Phase 6 South:**
Seaspray Avenue to the south of Royal Poinciana Way

- Construction is 27%complete.
- Poles should come down in 2025.

**Phase 7 North:**
Palm Beach Country Club north to the south side of List Road

- Construction phase is 8% completed.
- 79 of 79 (100%) easements approved.

**Phase 7 South:**
Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Design is 93% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 30 days.
- 55 of 55 (100%) easements approved.

**Phase 8:**
Royal Poinciana Way north to Everglade Avenue

- Design is 78% complete and on schedule.
- 97 of 114 (85%) easements approved.

## III. FINANCIAL SUMMARY:

### A. FEMA Grant Update:

FEMA has granted the request for an extension of the completion deadline.

### B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The table below shows the latest construction cost summary which has been updated to include Phase 7 North.

| Phase Area | Construction Cost Proposal | Master Plan OPC | Difference | % Difference |
|---|---|---|---|---|
| 3S | $8,029,384.83 | $7,710,000.00 | $319,384.83 | 4.1% |
| 4N | $4,843,009.99 | $5,360,000.00 | ($516,990.01) | -9.6% |
| 4S | $8,803,506.00 | $6,400,000.00 | $2,403,506.00 | 37.6% |
| 5N | $7,347,435.31 | $6,960,000.00 | $387,435.31 | 5.6% |
| 5S | $8,102,327.89 | $8,940,000.00 | ($837,672.11) | -9.4% |
| 6N | $7,867,296.00 | $5,620,000.00 | $2,247,296.00 | 40.0% |
| 6S | $8,149,565.00 | $10,040,000.00 | ($1,890,435.00) | -18.8% |
| 7N | $10,472,977.00 | $5,980,000.00 | $4,492,977.00 | 75.1% |
| **Totals** | **$63,615,502.02** | **$57,010,000.00** | **$6,605,502.02** | **11.6%** |

cc: Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

**Underground Utility Project Budget**
**Project Financial Summary**
**February 29, 2024**

| Expenditures | Original OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| **Phase 1** | $ 12,620,000 | $ 12,910,000 | $ 12,773,514 | $ 12,718,730 | 99.6% |
| **Phase 2** | $ 9,170,000 | $ 13,470,000 | $ 13,669,545 | $ 13,515,025 | 98.9% |
| **Phase 3** | $ 10,910,000 | $ 15,400,000 | $ 18,447,002 | $ 14,969,951 | 81.2% |
| **Phase 4** | $ 10,370,000 | $ 15,220,000 | $ 19,081,845 | $ 16,013,401 | 83.9% |
| **Phase 5 (Includes** $8.5 Million FEMA Grant Offset**)** | $ 14,090,000 | $ 11,694,645 | $ 18,517,330 | $ 14,855,905 | 80.2% |
| **Phase 6** | $ 16,820,000 | $ 20,800,000 | $ 19,966,261 | $ 8,726,159 | 43.7% |
| **Phase 7** | $ 11,730,000 | $ 15,910,000 | $ 12,957,949 | $ 2,433,569 | 18.8% |
| **Phase 8** | $ 12,300,000 | $ 14,500,000 | $ 1,576,574 | $ 1,304,694 | 82.8% |
| **Total Project Costs To Date** | $ 98,010,000 | $ 119,904,645 | $ 116,990,019 | $ 84,537,435 | 72.3% |
| **Other Costs Associated Directly with the Project (Page 8)** | $ 570,000 | $ 2,957,405 | $ 2,957,405 | $ 2,833,247 | 95.8% |
| **Grand Total of Costs Related to Project** | $ 98,580,000 | $ 122,862,050 | $ 119,947,424 | $ 87,370,682 | 72.8% |
| **Debt Service and Related Debt Issuance Costs (Page 8)** | | | $ 19,420,699 | $ 19,420,409 | 100.0% |
| **Total Other Costs Outside Underground Budget (Page 8)** | | | $ 690,317 | $ 1,683,839 | 243.9% |
| **Grand Total of All Costs Related to the Project** | $ 98,580,000 | $ 122,862,050 | $ 120,637,741 | $ 108,474,930 | 89.9% |

| | | |
|---|---|---|
| **Total Project Budget - Opinion of cost for construction** | | $ 122,862,050 |
| **% Budgeted/Encumbered To Date Project Costs** | | 97.63% |
| **% Spent to Date - Project Costs** | | 71.11% |

**Project Revenues Received**

| Revenues | Budget | Actual | % of Budget |
|---|---|---|---|
| **Revenues** | | | |
| Prepaid Assessments | $ 18,329,914 | $ 18,329,914 | 0.0% |
| Assessment Revenue | $ 25,280,000 | $ 28,698,359 | 113.5% |
| Commercial Paper | $ - | $ - | 0.0% |
| Town Owned Property Prepaid Assessments | $ 2,797,291 | $ 2,797,291 | 100.0% |
| Interest | $ 1,667,009 | $ 5,414,355 | 324.8% |
| GO Bond Proceeds 2018 | $ 60,500,000 | $ 60,499,897 | 100.0% |
| GO Bond Proceeds 2021 | $ 9,198,896 | $ 9,198,896 | 100.0% |
| 1 Cent Sales Tax (CIP Pay go) | $ 5,000,000 | $ 3,500,000 | 70.0% |
| FPL | $ 450,246 | $ 450,246 | 100.0% |
| FEMA Grant | $ 8,500,000 | $ 3,919,184 | 46.1% |
| **Other** | | | |
| Kevin McGann - CO #9 | $ - | $ 34,900 | 0.0% |
| Donations - Civic Association | $ 49,250 | $ 49,250 | 100.0% |
| Transfer from (307) Fund CIP | $ 760,200 | $ 1,426,867 | 187.7% |
| Transfer from (401) Fund Marina | $ 5,200,000 | $ 6,908,333 | 132.9% |
| Transfer from (001) General Fund - PM Salary | $ 942,116 | $ 1,209,157 | 128.3% |
| **Total Project Revenues** | $ 138,674,922 | $ 142,436,650 | 102.7% |

**Underground Utility Project Budget**
**Phase 1 Project Costs**
**February 29, 2024**

| | Original OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Project Engineering** | | | | | |
| Task 2.1 - Detailed Design North End | 590,000 | | **472,063** | 472,063 | 100.0% |
| Task 2.2 - Detailed Design South End | 740,000 | | **619,411** | 619,411 | 100.0% |
| Task 2.3 - Permitting Assistance | | | **17,790** | 17,790 | 100.0% |
| Task 2.4 - Bid Phase Assistance | | | **42,166** | 42,166 | 100.0% |
| Task 2.5 - Meetings - Design Phase | | | **125,399** | 125,383 | 100.0% |
| | | | | | |
| ***Subtotal Design Phase*** | ***$ 1,330,000*** | ***$ 1,280,000*** | ***$ 1,276,829*** | ***$ 1,276,813*** | **100.0%** |
| | | | | | |
| | | | | | |
| **Construction Costs** | | | | | |
| **Phase 1 North Construction** | | | | | |
| Preconstruction | | | **$ 19,720** | 19,720 | **100.0%** |
| Burkhardt Construction | | | **$ 3,598,144** | 3,606,916 | **100.2%** |
| Street Light Conversion | | | **$ 135,322** | 135,322 | **100.0%** |
| Change Order for AT&T and Comcast Conduit | | | **$ 500,655** | 491,883 | **98.2%** |
| Utlity Design Costs | | | **$ 15,595** | 79,767 | **511.5%** |
| Utility Construction Costs (FPL, Comcast, AT&T) | | | **$ 476,776** | 325,523 | **68.3%** |
| Construction Engineering (KH) | | | **$ 207,771** | 205,818 | **99.1%** |
| | **$ 4,210,000** | **$ 4,930,000** | **$ 4,953,984** | **$ 4,864,949** | **98.2%** |
| | | | | | |
| **Phase 1 South Construction** | | | | | |
| Preconstruction | | | **$ 22,200** | 22,200 | **100.0%** |
| Whiting Turner Construction | | | **$ 4,450,977** | 4,518,572 | **101.5%** |
| Utlity Design Costs | | | **$ 33,013** | 119,725 | **362.7%** |
| Utility Construction Costs (FPL, Comcast, AT&T) | | | **$ 1,374,193** | 1,250,395 | **91.0%** |
| Construction Engineering (KH) | | | **$ 317,963** | 317,483 | **99.8%** |
| | **$ 6,800,000** | **$ 6,350,000** | **$ 6,198,347** | **$ 6,228,375** | **100.5%** |
| Easement Recording Fees | | | **$ 740** | $ 740 | **100.0%** |
| **Legal Costs/Easement Acquisition - Jones Foster** | **$ 280,000** | **$ 350,000** | **$ 301,359** | **$ 306,723** | **101.8%** |
| Legal Sketch and Description - Easements | | | **34,000** | 33,215 | **97.7%** |
| **Easement Abandonment** | | | **$ 8,256** | 5,120 | **62.0%** |
| Legal Advertising | | | | 2,795 | |
| | | | | | |
| **Total Phase 1 Costs** | **$ 12,620,000** | **$ 12,910,000** | **$ 12,773,514** | **$ 12,718,730** | **99.6%** |

# Underground Utility Project Budget
## Phase 2 Project Costs
## February 29, 2024

| | Original OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Phase 2 Design** | | | | | |
| **Kimley Horn** | | | | | |
| Task 1.1 Phase 2 North Design | 335,000 | | **$ 281,304** | $ 281,304 | 100.0% |
| Task 1.2 Phase 2 South Design | 400,000 | | **$ 335,353** | $ 335,353 | 100.0% |
| Task 1.3 Permitting Assistance North and South | | | **$ 12,674** | $ 12,674 | 100.0% |
| Task 1.4 Bid Phase Assistance North and South | | | **$ 40,565** | $ 40,565 | 100.0% |
| Task 1.6 Meetings North and South | | | **$ 136,617** | $ 131,510 | 96.3% |
| **Total Phase 2 Design** | **$ 735,000** | **$ 807,000** | **$ 806,513** | **$ 801,406** | **99.4%** |
| | | | | | |
| | | | | | |
| **Construction Costs** | | | | | |
| **Phase 2 North Construction** | | | | | |
| Preconstruction | | | **$ 35,000** | 31,970 | 91.3% |
| Burkhardt Construction | | | **$ 3,932,792** | 3,932,792 | 100.0% |
| Owner Purchased Supplies | | | **$ 253,631** | 253,631 | 100.0% |
| FPL Design Cost | | | **$ 34,936** | 34,936 | 100.0% |
| ATT Design Cost | | | **$ 10,000** | $ 10,000 | 100.0% |
| Comcast Design Cost | | | **$ 5,000** | $ 4,582 | 91.6% |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 496,307** | $ 423,898 | 85.4% |
| FPL - Additional Vista Switches | | | **$ 55,000** | $ 54,938 | 99.9% |
| Construction Engineering (KH) | | | **$ 248,121** | $ 246,227 | 99.2% |
| **Total Phase 2 North Construction** | **3,800,000** | **5,020,000** | **$ 5,070,787** | **$ 4,992,974** | **98.5%** |
| | | | | | |
| **Phase 2 South Construction** | - | | | | |
| Preconstruction | | | **$ 35,000** | 87,667 | 250.5% |
| Burkhardt Construction | | | **$ 6,419,862** | 6,264,521 | 97.6% |
| Owner Supplied Materials | | | **$ 175,898** | 175,898 | 100.0% |
| FPL Design Cost | | | **$ 34,936** | 34,936 | 100.0% |
| ATT Design Cost | | | **$ 5,000** | $ 5,000 | 100.0% |
| Comcast Design Cost | | | **$ 5,000** | $ 4,582 | 91.6% |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 601,448** | $ 601,448 | 100.0% |
| Reimburse John Moran | | | | $ 39,240 | |
| Construction Engineering (KH) | - | | **$ 325,280** | $ 319,791 | 98.3% |
| **Total Phase 2 South Construction** | **4,435,000** | **7,424,000** | **$ 7,602,424** | **$ 7,533,082** | **99.1%** |
| | | | | | |
| **Easement Acquisition/Abandonment** | **200,000** | **219,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| Task 1.5 Easement Assistance North | | | **$ 64,936** | $ 64,935 | 100.0% |
| Task 1.5 Easement Assistance South | | | **$ 77,466** | $ 77,467 | 100.0% |
| *Surveys* | | | | | |
| Task 1.7 Legal Sketch North | | | **$ 14,020** | $ 14,020 | 100.0% |
| Task 1.7 Legal Sketch South | | | **$ 21,725** | $ 20,689 | 95.2% |
| Advertising | | | **$ 1,200** | $ 1,101 | 91.7% |
| Recording Costs | | | **$ 3,605** | $ 3,359 | 93.2% |
| Easement Abandonment | | | **$ 6,870** | $ 5,994 | 87.2% |
| **Total Easement Acquisition Costs** | **200,000** | **219,000** | **$ 189,822** | **$ 187,564** | **98.8%** |
| | | | | | |
| **Total Phase 2 Costs** | **$ 9,170,000** | **$ 13,470,000** | **$ 13,669,545** | **$ 13,515,025** | **98.9%** |

# Underground Utility Project Budget
## Phase 3 Project Costs
## February 29, 2024

| | Original OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Phase 3 Design** | | | | | |
| **Kimley Horn** | | | | | |
| Task 1.1 Phase 3 North Design | $ 325,000 | | $ 280,189 | $ 280,189 | 100.0% |
| Task 1.2 Phase 3 South Design | $ 535,000 | | $ 486,333 | $ 486,323 | 100.0% |
| Task 1.3 Permitting Assistance | | | $ 13,739 | $ 13,739 | 100.0% |
| Task 1.4 Bid Phase Assistance | | | $ 36,834 | $ 36,834 | 100.0% |
| Task 1.5 Meetings | | | $ 77,411 | $ 76,626 | 99.0% |
| **Total Phase 3 Design** | **$ 860,000** | **$ 895,000** | **$ 894,505** | **$ 893,710** | **99.9%** |
| | | | | | |
| | | | | | |
| **Construction Costs** | | | | | |
| **Phase 3 North Construction** | **$ 3,700,000** | **$ 5,300,000** | | | |
| Preconstruction | | | **$ 24,580** | $ 24,580 | 100.0% |
| Construction - Burkhardt | | | **$ 4,100,697** | $ 4,100,697 | 100.0% |
| Owner supplied materials | | | **$ 2,797** | $ 3,456 | 123.6% |
| FPL Design Cost | | | **$ 12,850** | $ 2,700 | 21.0% |
| ATT Design Cost | | | **$ 5,000** | $ 5,000 | 100.0% |
| Comcast Design Cost | | | **$ 3,128** | $ 3,128 | 100.0% |
| FPL Construction | | | **$ 87,101** | $ 87,101 | 100.0% |
| Street Light Conversion | | | **$ 4,249** | $ 7,012 | 165.0% |
| Utility Costs (Comcast & ATT) | | | **$ 409,387** | $ 428,207 | 104.6% |
| Construction Engineering (KH) | | | **$ 236,976** | $ 224,829 | 94.9% |
| Daniella Construction - Nightingale/LaPuerta - Townwide portion | | | **$ 457,851** | $ 457,851 | 100.0% |
| FPL Nightingale/LaPuerta - Townwide Portion | | | **$ 85,796** | $ 85,796 | 100.0% |
| Comcast Nightingale/LaPuerta - Townwide Portion | | | **$ 8,885** | $ 8,885 | 100.0% |
| AT&T Nightingale/LaPuerta Townwide Portion | | | **$ 30,555** | $ 30,555 | 100.0% |
| Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan | | | **$ (17,647)** | **(17,647)** | **100.0%** |
| **Total Phase 3 North Construction** | **$ 3,700,000** | **$ 5,300,000** | **$ 5,452,205** | **$ 5,452,150** | **100.0%** |
| | | | | | |
| **Phase 3 South Construction** | **$ 6,090,000** | **$ 8,875,000** | | | |
| Preconstruction | | | **$ 33,400** | 33,400 | 100.0% |
| Construction | | $ 8,029,385 | **$ 9,937,101** | 6,264,916 | 63.0% |
| Owner supplied Pipe | | | **$ 153,809** | 138,366 | 90.0% |
| FPL Construction | | | **$ 562,000** | 562,905 | 100.2% |
| FPL Design Cost | | | **$ 11,359** | 17,159 | 151.1% |
| FPL - 101 El Brillo | | | **$ 10,875** | 10,875 | 100.0% |
| ATT Design and Construction Cost | | | **$ 537,254** | 631,371 | 117.5% |
| Comcast Design and Construction Cost | | | **$ 195,128** | 335,723 | 172.1% |
| Construction Engineering (KH) | | | **$ 322,540** | 296,587 | 92.0% |
| **Total Phase 3 South Construction** | **$ 6,090,000** | **$ 8,875,000** | **$ 11,763,466** | **$ 8,291,301** | **70.5%** |
| | | | | | |
| **Easement Acquisition/Abandonment** | **$ 260,000** | **$ 330,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| Task 1 Easement Assistance North and South | | | **$ 273,390** | $ 271,913 | 99.5% |
| Easement Amendment | | | **$ 49,285** | $ 49,198 | 99.8% |
| *Surveys* | | | | | |
| Recording Costs | | | **$ 6,000** | $ 5,137 | 85.6% |
| Easement Abandonment | | | **$ 8,150** | $ 6,542 | 80.3% |
| **Total Easement Acquisition Costs** | **$ 260,000** | **$ 330,000** | **$ 336,825** | **$ 332,791** | **98.8%** |
| | | | | | |
| **Total Phase 3 Costs** | **$ 10,910,000** | **$ 15,400,000** | **$ 18,447,002** | **$ 14,969,951** | **81.2%** |

# Underground Utility Project Budget
## Phase 4 Project Costs
## February 29, 2024

| | Original OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Phase 4 Design** | | | | | |
| **Kimley Horn** | | | | | |
| Task 1.1 Phase 4 North Design | $ 402,000 | | $ 312,317 | 312,317 | 100.0% |
| Task 1.2 Phase 4 South Design | $ 413,000 | | $ 451,284 | 451,284 | 100.0% |
| Task 1.3 Permitting Assistance | | | $ 14,468 | 14,468 | 100.0% |
| Task 1.4 Bid Phase Assistance | | | $ 37,899 | 37,899 | 100.0% |
| Task 1.6 Meetings | | | $ 77,911 | 77,383 | 99.3% |
| **Total Phase 4 Design** | **$ 815,000** | **$ 894,000** | **$ 893,879** | **893,351** | **99.9%** |
| | | | | | |
| | | | | | |
| **Construction Costs** | | | | | |
| **Phase 4 North Construction** | **4,605,000** | **6,275,000** | | | |
| Preconstruction | | | **$ 22,270** | 22,270 | 100.0% |
| Construction Costs | | | **$ 5,016,315** | 4,923,217 | 98.1% |
| Owner Supplied Pipe and Vaults | | | **$ 156,238** | 156,238 | 100.0% |
| FPL BCE | | | **$ 91,543** | 91,543 | 100.0% |
| FPL Design Cost | | | **$ 12,757** | 12,850 | 100.7% |
| ATT Design Cost | | | **$ 5,000** | 5,000 | 100.0% |
| Comcast Design and Construction Cost | | | **$ 173,151** | 3,128 | 1.8% |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 353,715** | 353,715 | 100.0% |
| Street Light Conversion FPL | | | **$ 4,222** | 4,222 | 100.0% |
| Construction Engineering (KH) | | | **$ 324,309** | 324,023 | 99.9% |
| **Total Phase 4 North Construction** | **$ 4,605,000** | **$ 6,275,000** | **$ 6,159,520** | **5,896,206** | **95.7%** |
| | | | | | |
| **Phase 4 South Construction** | **4,710,000** | **7,640,000** | | | |
| Preconstruction | | | **$ 34,800** | 34,800 | 100.0% |
| Construction | | | **$ 8,909,957** | 6,199,301 | 69.6% |
| Construction with Lake Drive Park | | | **$ 320,311** | 363,499 | 113.5% |
| Owner Supplied Pipes | | | **$ 2,170** | 2,170 | 100.0% |
| Reimbursement from Preservation Foundation | | | **$ (102,500)** | (102,500) | 100.0% |
| Street Light Conversion (FPL) | | | **$ 7,098** | 7,098 | 100.0% |
| FPL Design Cost | | | **$ 13,160** | 1,350 | 10.3% |
| ATT Design Cost | | | **$ 5,000** | 5,000 | 100.0% |
| Comcast Design Cost | | | **$ 3,128** | 3,128 | 100.0% |
| Kimley Horn - Design services Hibiscus Ave | | | **$ 12,047** | 11,940 | 99.1% |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 2,013,298** | 2,013,298 | 100.0% |
| Construction Engineering (KH) | | | **$ 333,659** | 212,873 | 63.8% |
| **Total Phase 4 South Construction** | **$ 4,710,000** | **$ 7,640,000** | **$ 11,552,128** | **8,751,956** | **75.8%** |
| | | | | | |
| **Easement Acquisition/Abandonment** | **$ 240,000** | **$ 411,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| Easement Assistance (KH) | | | **$ 280,270** | 280,254 | 100.0% |
| Easement Assistance (KH) -- Switches | | | **$ 67,747** | 67,481 | 99.6% |
| Easement Assistance (KH) | | | **$ 59,369** | 60,956 | 102.7% |
| *Surveys* | | | | | |
| Legal Sketch | | | **$ 38,230** | 38,092 | 99.6% |
| Legal Sketch - Switches | | | **$ 4,967** | | |
| Jones Foster - Legal | | | | | |
| Recording Costs | | | **$ 7,000** | 6,371 | 91.0% |
| Easement Abandonment | | | **$ 18,735** | **18,735** | 100.0% |
| **Total Easement Acquisition Costs** | **$ 240,000** | **$ 411,000** | **$ 476,318** | **471,889** | **99.1%** |
| | | | | | |
| **Total Phase 4 Costs** | **$ 10,370,000** | **$ 15,220,000** | **$ 19,081,845** | **16,013,401** | **83.9%** |

# Underground Utility Project Budget
## Phase 5 Project Costs
## February 29, 2024

| | Original OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Phase 5** | | | | | |
| **Kimley Horn** | | | | | |
| Task 1.1 Phase 5 North Design | $ 520,000 | | $ 454,210 | $ 454,210 | 100.0% |
| Task 1.2 Phase 5 South Design | $ 600,000 | | $ 606,951 | $ 606,951 | 100.0% |
| Task 1.3 Permitting Assistance North/South | | | $ 17,100 | $ 17,100 | 100.0% |
| Task 1.4 Bid Phase Assistance North/South | | | $ 37,899 | $ 37,899 | 100.0% |
| Task 1.6 Meetings North/South | | | $ 77,911 | $ 77,905 | 100.0% |
| **Total Phase 5 Design** | **$ 1,120,000** | **$ 1,195,000** | **$ 1,194,071** | **$ 1,194,065** | **100.0%** |
| | | | | | |
| | | | | | |
| **Construction Costs** | | | | | |
| **Phase 5 North Construction** | **$ 5,890,000** | **$ 8,055,000** | | | |
| Preconstruction | | | **$ 59,100** | 59,100 | 100.0% |
| Construction | | | **$ 6,456,367** | 5,697,130 | 88.2% |
| Construction Manager - Burkhardt | | | **$ 940,702** | 903,074 | 96.0% |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 333,639** | 333,639 | 100.0% |
| AT&T Design | | | **$ 5,000** | 5,000 | 100.0% |
| FPL Design Costs | | | **$ 16,223** | 30,330 | 187.0% |
| Reimburse Caren and Gary Marder work performed | | | **$ 6,100** | 6,100 | 100.0% |
| Construction Engineering (KH) | | | **$ 334,147** | 289,474 | 86.6% |
| **Total Phase 5 North Construction** | **$ 5,890,000** | **$ 8,055,000** | **$ 8,151,279** | **$ 7,323,848** | **89.8%** |
| | | | | | |
| **Phase 5 South Construction** | **$ 6,750,000** | **$ 10,545,000** | | | |
| Preconstruction | | | **$ 59,100** | 59,100 | 100.0% |
| Construction | | | **$ 6,629,361** | 4,156,205 | 62.7% |
| Infrastructure from Phase 4 south bid - Not part of Grant | | | **$ 163,350** | 57,460 | 35.2% |
| Construction Manager - Burkhardt | | | **$ 979,098** | 783,278 | 80.0% |
| Four Arts Reimbursement | | | **$ (8,493)** | (8,493) | |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 641,597** | 676,082 | 105.4% |
| AT&T Design | | | **$ 5,000** | 5,000 | 100.0% |
| FPL Design Costs | | | **$ 21,043** | 21,043 | 100.0% |
| Construction Engineering (KH) | | | **$ 334,159** | 251,679 | 75.3% |
| **Total Phase 5 South Construction** | **$ 6,750,000** | **$ 10,545,000** | **$ 8,824,214** | **$ 6,001,354** | **68.0%** |
| | | | | | |
| **Easement Acquisition/Abandonment** | **$ 330,000** | **$ 365,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| *Easement Assistance* | | | **$ 218,600** | $ 218,536 | 100.0% |
| Easement Assistance | | | **$ 81,086** | $ 78,699 | 97.1% |
| *Surveys* | | | | | |
| Legal Sketch | | | **$ 41,080** | $ 32,927 | 80.2% |
| | | | | | |
| Legal Ads | | | **$ 1,000** | $ 585 | 58.5% |
| Recording Costs | | | **$ 6,000** | $ 5,891 | 98.2% |
| Easement Abandonment | | | | $ - | |
| **Total Easement Acquisition Costs** | **$ 330,000** | **$ 365,000** | **$ 347,766** | **$ 336,638** | **96.8%** |
| | | | | | |
| **FEMA Grant** | | **$ (8,465,355)** | | | |
| | | | | | |
| **Total Phase 5 Costs** | **$ 14,090,000** | **$ 11,694,645** | **$ 18,517,330** | **$ 14,855,905** | **80.2%** |

# Underground Utility Project Budget
## Phase 6 Project Costs
## February 29, 2024

| | OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Phase 6 Design** | | | | | |
| **Kimley Horn** | | | | | |
| Task 1.1 Phase 6 North Design | **$ 420,000** | | **$ 475,019** | $ 475,019 | 100.0% |
| Task 1.2 Phase 6 South Design | **$ 940,000** | | **$ 826,551** | $ 826,551 | 100.0% |
| Task 1.3 Permitting Assistance North/South | | | **$ 17,694** | $ 17,694 | 100.0% |
| Task 1.4 Bid Phase Assistance North/South | | | **$ 35,938** | $ 35,938 | 100.0% |
| Task 1.6 Meetings North | | | **$ 84,791** | $ 84,765 | 100.0% |
| **Total Phase 6 Design** | **$ 1,360,000** | **$ 1,440,000** | **$ 1,439,993** | **$ 1,439,967** | **100.0%** |
| | | | | | |
| **Utility and Construction Costs** | | | | | |
| **Phase 6 North Construction** | **$ 4,790,000** | **$ 6,615,000** | | | |
| Preconstruction | | | **$ 24,270** | 24,270 | 100.0% |
| Construction | | | **$ 7,867,296** | 3,823,985 | 48.6% |
| Approved Change Orders | | | | | |
| FPL Design Cost | | | **$ 15,868** | 29,198 | 184.0% |
| ATT Design Cost | | | | | |
| Comcast Design Cost | | | | | |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 295,632** | 554,193 | 187.5% |
| Construction Engineering (KH) | | | **$ 344,177** | 225,249 | 65.4% |
| **Total Phase 6 North Construction** | **$ 4,790,000** | **$ 6,615,000** | **$ 8,547,243** | **$ 4,656,895** | **54.5%** |
| | | | | | |
| **Phase 6 South Construction** | **$ 10,270,000** | **$ 12,298,000** | | | |
| Preconstruction | | | **$ 24,270** | 24,270 | 100.0% |
| Construction | | | **$ 8,400,000** | **1,295,978** | 15.4% |
| Approved Change Orders | | | | | |
| FPL Design Cost | | | **$ 29,924** | 29,924 | 100.0% |
| ATT Design Cost | | | **$ 10,000** | 10,000 | 100.0% |
| Comcast Design Cost | | | | | |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 754,815** | 754,815 | 100.0% |
| Construction Engineering (KH) | | | **$ 344,007** | 100,310 | 29.2% |
| **Total Phase 6 South Construction** | **$ 10,270,000** | **$ 12,298,000** | **$ 9,563,016** | **$ 2,215,297** | **23.2%** |
| | | | | | |
| **Easement Acquisition/Abandonment** | **$ 400,000** | **$ 447,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| Easement Assistance | | | **$ 351,594** | $ 371,979 | 105.8% |
| *Surveys* | | | | | |
| Legal Sketch | | | **$ 58,415** | $ 38,011 | 65.1% |
| Legal Ads | | | **$ 1,000** | $ 113 | 11.3% |
| Recording Costs | | | **$ 5,000** | $ 3,897 | 77.9% |
| Easement Abandonment | | | | $ - | |
| **Total Easement Acquisition Costs** | **$ 400,000** | **$ 447,000** | **$ 416,009** | **$ 414,000** | **99.5%** |
| | | | | | |
| **Total Phase 6 Costs** | **$ 16,820,000** | **$ 20,800,000** | **$ 19,966,261** | **$ 8,726,159** | **43.7%** |

# Underground Utility Project Budget
## Phase 7 Project Costs
## February 29, 2024

| | OPC | Dec 2019 OPC | Budget | Actual | % Expended |
|---|---|---|---|---|---|
| | | | | | |
| **Phase 7 Design** | | | | | |
| **Kimley Horn** | | | | | |
| Task 1.1 Phase 7 North Design | $ 450,000 | | $ 492,488 | $ 492,488 | 100.0% |
| Task 1.2 Phase 7 South Design | $ 480,000 | | $ 630,830 | $ 624,522 | 99.0% |
| Task 1.3 Bid Phase Assistance North and South | | | $ 35,938 | $ 24,797 | 69.0% |
| Task 1.4 Meetings North and South | | | $ 77,616 | $ 77,535 | 99.9% |
| **Total Phase 7 Design** | **$ 930,000** | **$ 1,237,000** | **$ 1,236,872** | **$ 1,219,342** | **98.6%** |
| | | | | | |
| **Utility and Construction Costs** | | | | | |
| **Phase 7 North Construction** | **$ 5,140,000** | **$ 7,005,000** | | | |
| Preconstruction | | | **$ 47,500** | 11,515 | **24.2%** |
| Construction | | | **$ 10,472,977** | 407,847 | **3.9%** |
| Chicane Demonstrations | | | **$ 47,500** | 19,558 | **41.2%** |
| FPL Design Cost | | | **$ 15,806** | 27,165 | **171.9%** |
| ATT Design Cost | | | | | |
| Comcast Design Cost | | | | | |
| Utility Costs (FPL, Comcast, AT&T) | | | **$ 245,460** | **245,460** | **100.0%** |
| Construction Engineering (KH) | | | **$ 354,458** | **30,714** | **8.7%** |
| **Total Phase 7 North Construction** | **$ 5,140,000** | **$ 7,005,000** | **$ 11,183,701** | **$ 742,259** | **6.6%** |
| | | | | | |
| **Phase 7 South Construction** | **$ 5,380,000** | **$ 7,320,000** | | | |
| Preconstruction | | | **$ 47,500** | 11,515 | **24.2%** |
| Construction | | | | | |
| Chicane Demonstrations | | | **$ 47,500** | 19,558 | **41.2%** |
| FPL Design Cost | | | **$ 19,953** | 19,953 | **100.0%** |
| ATT Design Cost | | | | | |
| Comcast Design Cost | | | | | |
| Utility Costs (FPL, Comcast, AT&T) | | | | | |
| Construction Engineering (KH) | | | | | |
| **Total Phase 7 South Construction** | **$ 5,380,000** | **$ 7,320,000** | **$ 114,953** | **$ 51,026** | **44.4%** |
| | | | | | |
| **Easement Acquisition/Abandonment** | **$ 280,000** | **$ 348,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| Easement Assistance | | | **$ 346,459** | $ 346,356 | 100.0% |
| Easement Assistance | | | **$ 69,964** | $ 69,919 | 99.9% |
| *Surveys* | | | | | |
| Legal Sketch | | | | | |
| Legal Ads | | | **$ 1,000** | $ 113 | 11.3% |
| American Acquisition Group | | | | | |
| Temp Services | | | | | |
| Legal Advertising | | | | | |
| Recording Costs | | | **$ 5,000** | $ 4,555 | 91.1% |
| **Total Easement Acquisition Costs** | **$ 280,000** | **$ 348,000** | **$ 422,423** | **$ 420,942** | **99.6%** |
| | | | | | |
| **Total Phase 7 Costs** | **$ 11,730,000** | **$ 15,910,000** | **$ 12,957,949** | **$ 2,433,569** | **18.8%** |

# Underground Utility Project Budget
## Phase 8 Project Costs
## February 29, 2024

| | 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 | $ 864,374 | 84.0% |
| 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 | $ 55,098 | 61.4% |
| Task 1.5 Easement Assistance | | | $ 129,997 | $ 103,439 | 79.6% |
| **Total Phase 8 Design** | **$ 1,010,000** | **$ 1,151,000** | **$ 1,280,916** | **$ 1,022,911** | **79.9%** |
| | | | | | |
| **Utility and Construction Costs** | | | | | |
| **Phase 8 Construction** | **$ 10,990,000** | **$ 13,107,000** | | | |
| Preconstruction | | | | | |
| Construction | | | | | |
| Approved Change Orders | | | | | |
| FPL Design Cost | | | **$ 13,160** | 13,160 | 100.0% |
| ATT Design Cost | | | | | |
| Comcast Design Cost | | | | | |
| Utility Costs (FPL, Comcast, AT&T) | | | | | |
| Construction Engineering (KH) | | | | | |
| **Total Phase 8 North Construction** | **$ 10,990,000** | **$ 13,107,000** | **$ 13,160** | **$ 13,160** | **100.0%** |
| | | | | | |
| | | | | | |
| **Easement Acquisition/Abandonment** | **$ 300,000** | **$ 242,000** | | | |
| *Kimley Horn Easement Assistance* | | | | | |
| Easement Assistance | | | **$ 227,724** | $ 226,073 | 99.3% |
| *Surveys* | | | | | |
| Legal Sketch | | | | | |
| Legal Ads | | | | $ 56 | |
| American Acquisition Group | | | | | |
| Kimley Horn Grant Assistance BRIC Grant | | | **$ 49,774** | $ 41,587 | 83.6% |
| Temp Services | | | | | |
| Recording Costs | | | **$ 5,000** | $ 907 | 18.1% |
| **Total Easement Acquisition Costs** | **$ 300,000** | **$ 242,000** | **$ 282,498** | **$ 268,623** | **95.1%** |
| | | | | | |
| **Total Phase 8 Costs** | **$ 12,300,000** | **$ 14,500,000** | **$ 1,576,574** | **$ 1,304,694** | **82.8%** |

# Underground Utility Project Budget
## Other Project Costs
## February 29, 2024

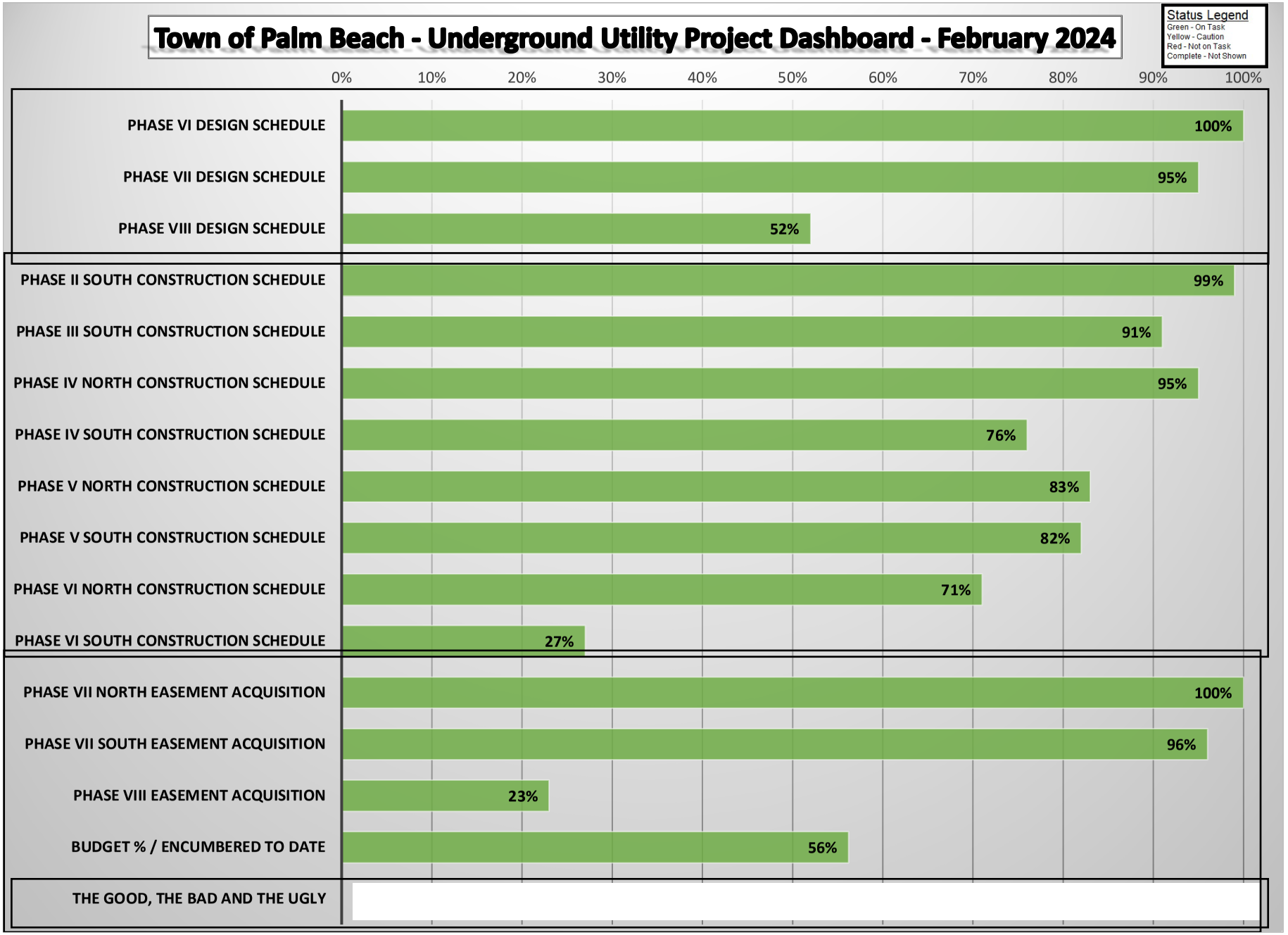
| Master Plan | Budget | Actual | % Expended |
|---|---|---|---|
| Task 1.1 - Data Collection & GIS Base Mapping | $ 88,021 | $ 88,021 | 100.0% |
| Tash 1.1a Data Collection for Future Communications | $ 23,511 | $ 23,511 | 100.0% |
| Task 1.2 - Conceptual Design and Master Plan | $ 161,756 | $ 161,756 | 100.0% |
| Task 1.3 - Project Sequencing and Phasing | $ 31,244 | $ 31,244 | 100.0% |
| Task 1.4 - Assessment of Traffic Impacts | $ 77,660 | $ 77,660 | 100.0% |
| Task 1.5 - Project Delivery Methods | $ 17,448 | $ 17,448 | 100.0% |
| Task 1.6 - Master Plan Document | $ 45,053 | $ 45,053 | 100.0% |
| Task 1.7 - Meetings Master Planning Phase | $ 113,135 | $ 113,123 | 100.0% |
| Task 1.8 - Master Plan Second Half | $ 40,067 | $ 40,067 | 100.0% |
| ***Subtotal Master Planning*** | ***$ 597,895*** | **$ 597,883** | 100.0% |
| **Comcast Preplanning - Master Plan** | **$ 12,015** | $ 12,015 | 100.0% |
| **Assessment Costs, Legal, Fees and Discounts** | **$ 950,000** | $ 948,097 | 99.8% |
| **Project Manager -Pay and benefits** | **$ 840,000** | $ 786,590 | 93.6% |
| **Temp Services - Easement Acquisition** | **$ 150,000** | $ 106,050 | 70.7% |
| **Other Miscellaneous Expenses** | | $ 30,100 | |
| **General Easement Assistance** | **$ 24,976** | $ 24,838 | 99.4% |
| **Community Outreach** | **$ 282,519** | $ 227,674 | 80.6% |
| **Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)** | **$ 100,000** | $ 100,000 | 100.0% |
| **Total Other Project Costs** | **$ 2,957,405** | **$ 2,833,247** | **95.8%** |

## Debt Service and Related Debt Issuance Costs

| | Budget | Actual | % Expended |
|---|---|---|---|
| **Commercial Paper Issuance Cost** | **$ 260,116** | $ 260,116 | 100.0% |
| **Commercial Paper Interest** | **$ 243,096** | $ 243,096 | 100.0% |
| **Arbitrage Rebate Calculation** | **$ 2,500** | $ 4,300 | 172.0% |
| **Debt Service Fees** | **$ 2,000** | $ 500 | 25.0% |
| **GO Bond Closing Costs 2018** | **$ 488,271** | $ 487,471 | 99.8% |
| **GO Bond Closing Costs 2021** | **$ 202,169** | $ 202,380 | 100.1% |
| **GO Bond Debt Service** | **$ 18,222,547** | $ 18,222,547 | 100.0% |
| **Total Debt Service and Related Debt Issuance Costs** | **$ 19,420,699** | **$ 19,420,409** | **100.0%** |

## Related Costs Outside of the Underground Project Budget

| | Budget | Actual | % Expended |
|---|---|---|---|
| **Costs paid from (307) Fund CIP** | | | |
| **Underground City of Lake Worth Section** | | | |
| **Project Design** | **$ 25,231** | $ 24,430 | 96.8% |
| **Project Construction** | **$ 351,081** | $ 351,081 | 100.0% |
| **Project Construction Engineering** | **$ 11,607** | $ 12,849 | 110.7% |
| **Utility Cost (FPL, Comcast, AT&T)** | **$ 134,333** | $ 127,531 | 94.9% |
| **Project Meeting Attendance** | **$ 3,334** | $ 2,914 | 87.4% |
| **Total Lake Worth Section** | **$ 525,586** | $ 518,805 | 98.7% |
| **Ibis Way PGD Improvements** | **$ 14,583** | $ 14,583 | 100.0% |
| **Crosswalk Spare Conduits** | **$ 26,148** | $ 22,226 | 85.0% |
| | | | |
| **General Fund Costs** | | | |
| **Goldmacher v TPB Legal and Other Costs** | | $ 183,701 | |
| **Kosberg v TPB Legal and Other Costs** | | $ 615,602 | |
| **PBT Real Estate v TPB** | | $ 197,178 | |
| **Gardner, Bist Bowden, Bush (Shef Wright)** | | $ 24,799 | |
| **Telecommunications Consultant** | **$ 89,000** | $ 83,210 | 93.5% |
| **Peter Brandt (Contract Negotiations)** | **$ 35,000** | $ 23,735 | 67.8% |
| **Total Related Costs Outside of the Budget** | **$ 690,317** | **$ 1,683,839** | **243.9%** |


Town of Palm Beach - Underground Utility Project Dashboard - February 2024
Status Legend
Green - On Task
Yellow - Caution
Red - Not on Task
Complete - Not Shown
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
PHASE VI DESIGN SCHEDULE
100%
PHASE VII DESIGN SCHEDULE
95%
PHASE VIII DESIGN SCHEDULE
52%
PHASE II SOUTH CONSTRUCTION SCHEDULE
99%
PHASE III SOUTH CONSTRUCTION SCHEDULE
91%
PHASE IV NORTH CONSTRUCTION SCHEDULE
95%
PHASE IV SOUTH CONSTRUCTION SCHEDULE
76%
PHASE V NORTH CONSTRUCTION SCHEDULE
83%
PHASE V SOUTH CONSTRUCTION SCHEDULE
82%
PHASE VI NORTH CONSTRUCTION SCHEDULE
71%
PHASE VI SOUTH CONSTRUCTION SCHEDULE
27%
PHASE VII NORTH EASEMENT ACQUISITION
100%
PHASE VII SOUTH EASEMENT ACQUISITION
96%
PHASE VIII EASEMENT ACQUISITION
23%
BUDGET % / ENCUMBERED TO DATE
56%
THE GOOD, THE BAD AND THE UGLY

# TOWN OF PALM BEACH
Town Council Meeting on: April 9, 2024

Section of Agenda
Board/Commission Annual Report

Agenda Title
Annual Report of the Architectural Commission (ARCOM)

Presenter
Jeffery W. Smith, Chair

ATTACHMENTS:

- **ARCOM Annual Report 2023**

# Architectural Review Commission

# Report of Activities for 2023 Calendar Year

The Architectural Review Commission is comprised of 10 members in 2023.
(7 regular members and 3 alternates)
In 2024, three regular members were licensed architects:

Jeffrey Smith, Thomas Kirchhoff, and Richard Sammons

One regular member was a certified Master Gardner: John David Corey

In February of 2023, Alicia Grace's term expired. Town council appointed Elizabeth Connaughton full voting member from alternate member and added KT Catlin as alternate member. At the March 29, 2023 meeting Jeffrey Smith was reappointed as Chair and Richard Sammons as Vice Chairman.

## Attendance by Commissioners

There was a total of 17 absences by Commission members (8 Excused and 9 Unexcused).
The 12 monthly meetings consisted of 75 hours for members of ARCOM.

## Staff Level Applications

Staff level applications submitted to the Town increased by 16% from the 2022 year.

| Received By Department | Approved | Denied* |
|---|---|---|
| 711 | 592 | 110 |

*Applications denied by staff can pursue full ARCOM review at the discretion of the applicant.

With the adoption of the Town's Project Designation Manual Matrix several of staff level applications were reviewed by the Chairman of ARCOM. 2023 was the first full calendar year with the implementation of the design matrix. Town staff as well as applicants have benefitted greatly from the addition of the Commission Chair Review which has streamlined ARCOM agendas.

## Project Review

| | |
|---|---|
| New Projects – *advertised in 2023* | 121 |
| Number of agenda items* | 286 |
| Approvals | 118 |
| Deferrals | 82 |
| Time extensions | 7 |
| Variances recommended to town council | 32 |
| Projects withdrawn | 11 |
| Denials | 8 |

*Please note that this number includes projects deferred more than once.

The 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 9, 2024

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Review of Traffic Management Plan

Presenter
Nicholas Caristo, Chief of Police

ATTACHMENTS:

- **Memorandum dated March 29, 2024, from Nicholas Caristo, Chief of Police**
- **Proposed Traffic Management Plan - Redlined**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Review and Discussion of Revised Mar a Lago Traffic Management Plan

Date: March 29, 2024

## STAFF RECOMMENDATION

Staff recommends that the Town Council review a revised Traffic Management Plan submitted by Mar a Lago staff, provide input, and further direction when they would like to reconsider approval of an amended Declaration of Use for the property. This approval was previously tabled pending a revised Traffic Management Plan that was acceptable to the Town Council and Town staff.

## GENERAL INFORMATION

This agenda item was deferred from the March 12, 2024, regular Town Council meeting. The Police Department has been working with the Town Council, Mar a Lago staff, and our federal law enforcement partners on an amended Traffic Management Plan for events at Mar a Lago. We had productive meetings, which resulted in the attached Mar a Lago proposed Traffic Management Plan. Mar a Lago has been abiding by the amended plan since December of 2023, and the Police Department has seen improved traffic conditions during events in the area.

Attachment

cc: Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager
Wayne Bergman, Director of Planning, Zoning, and Building

SIMMONS & WHITE
CIVIL & TRAFFIC ENGINEERING

# MAR-A-LAGO

## Palm Beach, Florida

# TRAFFIC MANAGEMENT PLAN

**PREPARED FOR:**

**Mar-a-Lago Club**
**1100 S. Ocean Boulevard**
**Palm Beach, Florida 33480**

**JOB NO. 23-050**

**DATE: April 27, 2023**
**REVISED: May 5, 2023**
**REVISED: March 8, 2024**

| | |
|---|---|
| Bryan G. Kelley, Professional Engineer, State of Florida, License No. 74006<br><br>This item has been digitally signed and sealed by Bryan G. Kelley, P.E., on 03/08/2024.<br><br>Printed Copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies. | |

2581 Metrocentre Blvd. West, Ste 3 | West Palm Beach, FL 33407
561.478.7848 | simmonsandwhite.com | Certificate of Authorization #3452

# APPENDICES

## APPENDIX A

TRAFFIC CIRCULATION EXHIBITS

## APPENDIX B

95TH PERCENTILE QUEUING CALCULATIONS

The Traffic Management Plan (TMP) documented herein is provided to serve as an update to the 1999 Traffic Management Plan and 2023 Traffic Management Plan. The Mar-a-Lago Club (The Club) received ~~is requesting~~ approval for a security guardhouse at the main entry gate on S. Ocean Boulevard on May 10, 2023 which was the reason for the 2023 TMP update. ~~The guardhouse is proposed to be located 31 feet west of the existing gate and approximately 60 feet from S. Ocean Boulevard. At the request of the Town Council, the Traffic Management Plan has been updated to document the existing and proposed traffic operations of The Club.~~ The purpose of this update is to make additional modifications to the TMP to further reduce traffic congestion on S. Ocean Boulevard. Representatives from the Town Council, Mar-a-Lago staff, Secret Service, and the Town Police Department met on December 4, 2023 and have had a number of subsequent communications that have led to these agreed on modifications to the TMP. All parties agree to continue to work together cooperatively on an on-going basis to minimize traffic disruptions to the public while allowing Mar-a-Lago to continue utilizing The Club for all permitted purposes while simultaneously providing Secret Service protection of the former president and his family.

Mar-a-Lago shall contact the Palm Beach Police Department for every special event of any size under Scenarios 1, 2, and 3. It is the responsibility of the Director of Mar-a-Lago Security to ensure all law enforcement officers hired for an event understand and implement this Traffic Management Plan.

For consistency purposes, the format and methodology of the updated TMP is similar to the previous 1999 TMP. The 1999 TMP included a list of objectives to evaluate that were agreed upon between the Town Staff and traffic consultants. The list included the following:

1. Address external impacts on the adjacent roadways. All efforts should be made not to interfere with traffic already on Southern Boulevard and South Ocean Boulevard.
2. Provide appropriate access for emergency vehicles.
3. Provide a routing plan for limousines.
4. Discuss access plan for Southern Boulevard gate.
5. Demonstrate how The Club's planning for events can alleviate traffic congestion (i.e., "spreading out the peak").
6. Explain valet parking operations and any problems related to its efficient operation.
7. Describe operations, including valet parking, during special events.
8. Discuss other traffic considerations, including drop-offs.

The 1999 TMP never contemplated a Donald Trump becoming President of the United States. The 2016 election of Mr. Trump to President created additional security measures including the increased presence of United States Secret Service during presidency and a modified presence as a former president. The above items will be readdressed as part of this updated TMP. A total of three scenarios (3) will be presented that will show various levels of Club operations and uses. The first scenario includes mostly daily Club operations and smaller events with less than 200 guests. The second scenario will describe the traffic operations for events with between 200 and ~~399~~ 299 guests. The final scenario will include larger events with ~~400~~ 300 to 740 guests. The existing traffic management and operations are designed to minimize traffic congestion on the surrounding roadway network. It should be noted the frequency of events decreases as the number of guests increase.

**Roadway Characteristics**

Southern Boulevard (SR 80) is a two-lane undivided roadway owned and maintained by the Florida Department of Transportation (FDOT) with a posted speed limit of 35 mph. Bike lanes and sidewalk are present on both sides of Southern Boulevard west of the Mar-a-Lago driveway. The right of way varies on Southern Boulevard due to the roundabout on the east side and the bridge on the west side.

S. Ocean Boulevard (SR A1A) is a two-lane undivided roadway owned and maintained by the FDOT with a posted speed limit of 30 mph. No bike lanes or sidewalks are present on S. Ocean Boulevard fronting Mar-a-Lago. The right of way on S. Ocean Boulevard is 40 feet along the frontage of the property.

**Scenario #1 – Events up to 199 Guests**

This scenario represents the majority of Mar-a-Lago activity. During daily operations, Club members can use the Southern Boulevard gate or main gate on S. Ocean Boulevard. Members tend to use the gate closest to their destination. Members going to the beach club or tennis area generally use the Southern Boulevard entrance and members going to the spa or main house generally use the S. Ocean Boulevard entrance. Club members have the option to self-park or use the valet service. When leaving the site, Club members are strongly encouraged to use the exit only gate on S. Ocean Boulevard.

Events up to 199 people can represent dinner parties, birthday parties, weddings, and other celebrations. Daily regular activity at The Club includes dining, spa, and tennis activities and can be easily accommodated when events of less than 200 guests are ongoing. The Club will utilize later dinner reservations on weeknights except for Friday.

All guests are emailed guidance instructions for arriving at site, security requirements, and Club policies. The guidance includes the arrival locations and informs guests to have ID's and QR codes ready upon arrival in order to expedite the check in process.

Guest traffic enters at the main driveway from S. Ocean Boulevard. The Southern Boulevard access is restricted to members, vendors, and staff. Staff arrive earlier than guest traffic. Guest traffic is restricted to northbound left turn only on S. Ocean Boulevard at the main entrance. For smaller events and when traffic is minimal, southbound right turns into the main entrance may be permittable. When southbound right turns are restricted, all guests arriving from the north are directed to travel around the corner and then make a U-turn at the roundabout on Southern Boulevard on the south side of The Club. The purpose of this restriction is to eliminate or minimize vehicular spillover and queuing on S. Ocean Boulevard. South Ocean Boulevard along the site frontage is a two-lane undivided roadway with an exclusive northbound left turn lane. Any vehicle stacking on southbound S. Ocean Boulevard would block through traffic not traveling to Mar-a-Lago. The northbound left turn lane is approximately 200 feet in length and can accommodate approximately 8 vehicles. Additionally, the existing chevron striping prior to the turn lane can accommodate approximately another 5 vehicles for a total of 13 vehicles. United States Secret Service is staged immediately inside the gate. Once motorists are cleared through security, they continue to the front of The Club to turn their vehicle over to valet. Valet

then parks their vehicle starting at the parking lots to the east and moving west. Once the parking lots are filled, the grass lot is used for valet parking.

The Mar-a-Lago security team has implemented measures to improve vehicle operational efficiency and reduce traffic impact to S. Ocean Boulevard. First, off-duty police officers are hired to assist with traffic flow for all events 150 guests or larger. The police officers assist with traffic flow before events. At times, the security team and with police assistance position themselves on S. Ocean Boulevard to verify proper clearance onto the site. They will then inform the inside security/United States Secret Service team which vehicles have been cleared for quicker entry. Mar-a-Lago has recently implemented a QR code system check in for guests. The QR code has allowed for a much quicker processing time in identifying reservations and getting vehicles off of S. Ocean Boulevard. If credentials are not able to be verified, motorists are moved just to the north of the main entrance on S. Ocean Boulevard in the existing chevron striping area (center lane) to not cause any additional delay. If credentials are still unable to be confirmed, guests are asked to leave and return once they have sufficient credentials. If there is an issue or malfunction scanning the QR code, a physical copy of attendees is kept by the security team and can be utilized.

Once through security, motorists will continue to the front of The Club to the designated valet drop off area. Approximately 10 vehicles can stack (20 if double stacked) between the valet drop off area and S. Ocean Boulevard. The vehicles are then parked by valet staff in available parking spaces on the north side of The Club. The vehicles are generally parked east to west and begin at the parking lot closest to S. Ocean Boulevard. The grass field parking is the last parking area to be utilized.

At the conclusion of the event, guests pick up their vehicles at the same valet location as drop off if event is held in the main house area. Motorists utilize the exit only gate to S. Ocean Boulevard to exit the property. If the event is located in the Grand Ballroom, guests will generally pick up their vehicle ~~behind~~ near the Grand Ballroom and exit onto Southern Boulevard.

Emergency vehicles can access any of the three driveways as needed. A paramedic is always onsite for events with 150 guests or more. Limousines, Uber, Lyft, and other ridesharing services are not permitted on the property per United States Secret Service security requirements. This procedure has not caused traffic issues. Personal~~nnel~~ drivers (employed by a family) and shuttle buses are allowed on property.

Staffing for valet personnel varies pending event size. Valet staff is present at The Club during all days The Club is open even during non-events to allow for regular Club use valet services.

The plan described above for events of less than 200 guests is the majority of the events at the Mar-a-Lago. The number and size of events is detailed later in the report. The procedures described above unless otherwise noted carry over and are the same for larger events. A Traffic Circulation Exhibit documenting the ingress and egress circulation is provided in Appendix "A" of this report.

**Scenario #2 – Events from 200 to ~~399~~ 299 Guests**

Events between 200 to ~~399~~ 299 guests can include charitable functions, luncheons, cocktail parties, weddings, or other forms of celebrations. The Club schedules events of this size to take place when minimal other activity is happening on the property. The Club does not schedule two or more events of this size or larger at the same time. The Club will have no special events during the afternoon peak hours of the Town of Palm Beach which occurs from 3:00 to 5:30 P.M. on a Monday through Thursday. On Friday, no special events will occur between 3:00 to 5:00 P.M. One or two police officers are always used for events of this size. The Club notifies the police department well in advance of any event and informs them of the number of attendees expected and the duration of the event. The Club pays for the off-duty police officers. The Director of Mar-a-Lago Security shall ensure that whatever off-duty police officers are hired will be instructed to not utilize their vehicle's overhead emergency lights during events to improve traffic flow efficiency. The arrival and departure procedure are nearly identical to Scenario #1.

The previous TMP stated staffing for valet personnel typically started at 7 people for an event of 200 guests and increased by two additional valet staff for every 100 guests. Therefore, a ~~400~~299-guest event would generally have ~~11~~ 9 valet staff members. Currently, The Club utilizes approximately 5 to 6 valet personnel for every 50 vehicles which exceeds the previous TMP assumptions. For purposes of this updated TMP, the traffic and queuing analysis will assume the previous valet staffing assumptions to be conservative.

**Scenario # 3 – Events from ~~400~~ 300 to 740 Guests**

Events between ~~400~~ 300 to 740 guests represent a small percentage of the overall events held at the Mar-a-Lago Club. A minimum of two police officers are used for all events with 400 or more anticipated guests. The police officers also generally assist with vehicle departure in addition to arrival for large events. The traffic management procedures are similar to the first two scenarios with a couple of ~~additional options as further~~notable differences detailed below. The valet personnel will typically range from ~~11~~ 9 staff members for a ~~400~~300-guest event up to 18 staff members for a 740-guest event.

~~**Optional Traffic Management Measures**~~

For large events (300 to 740 guests), The Club will ~~generally~~ make best efforts to utilize the Bath and Tennis Club's west parking lot across from The Club on the south side of Southern Boulevard to pre-screen guests. If the Bath and Tennis Club's parking lot is utilized, ~~G~~guests ~~are~~shall be notified prior to the event they must arrive at the Bath and Tennis Club. The Club security team is staged at both the entrance to Mar-a-Lago and within the Bath and Tennis Club parking lot. The Club security team will ensure the Bath and Tennis Club parking lot is staged and ready for incoming guests a minimum of 45 minutes prior to the event time. All vehicles arrive at the Bath and Tennis Club's west parking lot via the driveway on S. Ocean Boulevard. Once guests have arrived at the parking lot, a pre-screen queuing line is formed that can accommodate approximately 17 vehicles single stacked and additional lanes can be created to allow for additional vehicles. The security team gives vehicles an entrance pass once they have been pre-screened. Once several vehicles have been pre-screened, the police officer will stop eastbound and westbound Southern Boulevard traffic and allow vehicles to the enter Mar-a-Lago using the south gate. This procedure dramatically reduces vehicle congestion on S. Ocean Boulevard and Southern Boulevard since all queuing is occurring within the Bath and Tennis Club. ~~The Bath and Tennis Club is used for large events and when available. However, the Bath and Tennis Club~~

~~is not always available due to other planned events.~~ The Club will have no special events during the afternoon peak hours of the Town of Palm Beach which occurs from 3:00 to 5:30 P.M. on a Monday through Thursday. On Friday, no special events will occur between 3:00 to 5:00 P.M.

In the event the Bath and Tennis Club parking lot is not available, the Club will notify the Town Police Department and the S. Ocean Boulevard entrance will be used along with shuttle buses from offsite. The shuttle buses will be required to shuttle a minimum of 200 guests and will utilize the Southern Boulevard entrance to minimize queuing conflicts with the S. Ocean Boulevard. Shuttle buses from offsite locations will also be used and are recommended for all large events even when using the Bath and Tennis Club's parking lot and Southern Boulevard entrance.

Temporary wayfinding signage including sandwich signs, illuminated signs, and multiple signs may be used within the public right of way for all special events.

Once inside the Southern Boulevard gate, guests proceed to the valet drop off area which is approximately 250 feet inside the gate near the Grand Ballroom driveway. The valet stacking can accommodate approximately 10 vehicles single stacked or 20 vehicles double stacked. For red carpet events, the valet drop off is approximately 450 feet north (18 vehicles single stacked capacity) of the Southern Boulevard gate just south of the parking lot on the north side of the property. Numerous valet attendants are ready as soon as vehicles arrive so queueing is typically not an issue. Further, security can hold vehicles at the Bath and Tennis Club if needed to allow the vehicles at the valet to clear.

For these events, guests will pick up their vehicles ~~behind~~ near the ballroom and exit onto Southern Boulevard when the event is over. A police officer is always present for these events at the entrance for arrival and for departure of large events. Guests are notified prior to the event if the Southern Boulevard gate is to be used. The Club will also limit reservations for different times to balance the peak demand.

To help reduce traffic congestion for larger events (approaching 740 guests), at times The Club will stagger arrival times for guests. Guests will be notified the arrival times on the guest guidance sheet that is sent out prior to all events. A Traffic Circulation Exhibit documenting the ingress and egress circulation for large events and using the Bath and Tennis Club parking lot is provided in Appendix "A" of this report.

**Event Summary (October 31, 2022 – April 20, 2023)**

The number and types of events documented below were provided by Mar-a-Lago Catering & Events and Dining Services for the time period from October 31, 2022 through April 20, 2023. There is ~~a small~~ some discrepancy in the event threshold used in the reporting below was for 500 guests instead of ~~400~~ 300 guests. However, the data provides insight to the frequency and size of events.

- Number of days in 2022-2023 season as noted above: 171 days
- Number of banquet events: 95 (56% of seasonal days)
- Number of banquet events with less than 200 total guests: 59 (62% of total events/ 35% of seasonal days)
- Number of banquet events with 200-499 guests: 22 (23% of events/ 13% of seasonal days)

- Number of banquet events with 500 or more guests: 14 (15% of events/ 8% of seasonal days)
- Average number of guests per event: 172

A summary of the Traffic Management Plan characteristics for each of the scenarios is provided below in Table 1.

**Table 1 – Traffic Management Plan Summary Table**

| Scenario Type | Scenario # 1 - Events up to 199 Guests | Scenario # 2 - Events from 200 to ~~399~~ 299 Guests | Scenario # 3 - Events from ~~400~~ 300 to 740 Guests |
|---|---|---|---|
| ~~Previous Season Frequency (Percentage of all Events)~~ | ~~62%~~ | ~~23%~~ | ~~15%~~ |
| Points of Entry | S. Ocean Blvd Main Entrance | S. Ocean Blvd Main Entrance | ~~S. Ocean Blvd,~~ Southern Blvd gate |
| Vehicle Drop Off Point | Main Entrance door | Main Entrance door | ~~Main Entrance door,~~ Ddrive aisle near ball room ~~(if Southern Blvd is used)~~ |
| Points of Exit | S. Ocean Blvd exit gate, Southern Blvd (pending event location) | S. Ocean Blvd exit gate, Southern Blvd (pending event location) | S. Ocean Blvd exit gate, Southern Blvd (pending event location) |
| Length of Security Queue Capacity | 15 vehicles (2 onsite and 13 within turn lane and striping area) | 15 vehicles (2 onsite and 13 within turn lane and striping area) | 17 vehicles minimum and more if needed (using Bath and Tennis Club) |
| Length of Valet Queue on Property | 10 vehicles single stacked, 20 vehicles double stacked | 10 vehicles single stacked, 20 vehicles double stacked | 10 vehicles single stacked, 20 vehicles double stacked |
| Police Department Notification | Yes, if over 150 guests | Yes | Yes |
| Special Detail Assignment Police Present | Yes, if over 150 guests | Yes | Yes, 2 police officers if more than 400 guests |
| Non-Event Club Operations | Yes | Yes, limited | Yes, limited |
| Valet Staffing | 2 to 8 | 7 to ~~11~~9 | ~~11~~9 to 18 |
| Temporary Signage | No | No | Yes ~~(if Bath and Tennis Club is used)~~ |
| Guest Guidance Email | Yes | Yes | Yes |
| QR Code Check In | Yes | Yes | Yes |

**Queuing Calculations**

The queuing calculations were prepared based on the methodology outlined within the ITE Transportation and Land Development, Application of Queueing Analysis. Separate queuing calculations were provided for both the security checkpoint and valet operations since both have different procedures. A valet and security queue calculations were also provided for a 200-guest event, a 400-guest event, and a 740-guest event. It should be noted the number of valet personnel used in the calculations is lower than the typical procedure in order to be conservative. The detailed queuing calculations for each of the scenarios are provided in Appendix "B" attached to this report.

The queue calculations had the following assumptions:

- All traffic would arrive within a one-hour span for a given event.
- The average vehicle occupancy rate is 2.5 guests per vehicle.
- The valet would consist of the following staff members:
    1. 200-guest event: 7 valet staff with minimum 6 valet runners (2 valet runners available at all times)
    2. 400-guest event: 11 valet staff with minimum 9 valet runners (3 valet runners available at all times)
    3. 740-guest event: 18 valet staff with minimum 16 valet runners (4 valet runners available at all times)
- It would take on average 2.5 minutes from when the vehicle arrives at the service point until the valet attendant parks the vehicle and is back at the service point for the next vehicle. The 2.5 minutes is based on 20 seconds at the service point for the valet attendant to get keys and get into the vehicle and an average parking distance of 800 feet which is just into the grass area. This distance can be considered conservative since vehicles are parked east to west and would only occur once the easterly spots are filled and may not occur during smaller event sizes. At an average vehicle speed of 15 mph and an average jogging speed of 6 mph, it would take the valet attendants approximately 35 seconds to park the vehicle and 90 seconds to get back to the valet stand. The 2.5 minutes (or 150 seconds) is rounded. Note the average parking distance of 800 feet is based on the S. Ocean Boulevard entrance and is less for the Southern Boulevard entrance.
- The security team would have the following minimum staffing dedicated to confirming credentials (QR code, ID, etc.):
    1. 200-guest event: 1 security team member
    2. 400-guest event: 2 security team members
    3. 740-guest event: 3 security team members

  Note the security team members dedicated to credentials is understated for queuing calculations to be conservative. The Club typically has 2 security members for a 200 guest event, 3 security members for a 400 guest event, and 6 security members for a 740 guest event.

- It would take on average 30 seconds to scan QR code and check ID per vehicle.

Additional assumptions related to the queuing operations and the calculations for all six scenarios are attached to this report. The calculations shown below document the 740-guest valet and security queuing calculations.

The queuing analysis was based on the following ratio:

Coefficient of utilization (ρ) = Average Demand Rate / Average Service Rate

The required queue storage (M) is determined based on the following equation:

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

A 95% confidence rate was used for this analysis. Therefore, the P(x > M) was set to 5%. Demand is approximately 296 vehicles/hour during a 740-guest event based on a vehicle occupancy of 2.5 guests per vehicle.

**Valet Queue – 740-Guest Event**

Q = Processing rate = 96 processes per hour
q = Demand rate = 296 vehicles per hour
N = 4 valet attendants (processing simultaneously)
ρ = Utilization factor = q/(NQ) = 296/(4*96) = 0.771
$Q_m$ = Table value = 0.547
M = (ln(0.05) - ln(0.547))/ ln(0.771) - 1 = 8.19, or 8 vehicles.

The queue for the valet stand is conservatively estimated at 8 vehicles. At the valet service point at the Southern Boulevard and S. Ocean Boulevard gates, approximately 10 vehicles can be accommodated in the queuing area single stacked prior to reaching the gate. Stacking capacity can increase to 20 vehicles at each gate if double stacked but generally is not needed. Thus, the valet queueing capacity at this site is adequate. Note the number of valet attendants will fluctuate based on anticipated demand. The valet area will be monitored and additional valet attendants will be utilized if needed to ensure efficient queuing operations. Note The Club currently uses approximately 5 to 6 valet staff for every 50 vehicles which exceeds the 18 valet staff used in the calculations to be conservative.

**Security Queue – 740-Guest Event**

Q = Processing rate = 120 processes per hour
q = Demand rate = 296 vehicles per hour
N = 3 security attendants (processing simultaneously)
ρ = Utilization factor = q/(NQ) = 296/(3*120) = 0.822
$Q_m$ = Table value = 0.685
M = (ln(0.05) - ln(0.685))/ ln(0.822) - 1 = 12.37, or 12 vehicles.

The queue for the security check in is conservatively estimated at 12 vehicles. At the Bath and Tennis Club's west parking lot, approximately 17 vehicles can be single stacked and more if needed. At the security service point at the S. Ocean Boulevard main gate, approximately 2 vehicles can be accommodated onsite and an additional 13 vehicles can be accommodated within the northbound left turn lane and chevron striped area on S. Ocean Boulevard. Therefore, the security queueing capacity at this site is adequate. Note the number of security staff dedicated to credential check-in will fluctuate based on anticipated demand. The area will be monitored and additional security staff will be utilized if needed to ensure efficient queuing operations.

As previously stated, the queuing calculations for the 200-guest and 400-guest events are attached to this report. The 200-guest event is anticipated to have a 95$^{th}$ percentile queue of 3 vehicles for the valet and 5 vehicles for the security check in. The 400-guest event is anticipated to have a 95$^{th}$ percentile queue of 7 vehicles for the valet and 5 vehicles for security check in. These calculations are based on the assumptions documented including the processing time of vehicles and the number of staff members present to assist with traffic management operations. The Club will continuously monitor operations and adjust staffing levels if necessary to ensure a safe and efficient process that minimizes disruptions to the surrounding roadway network.

BK/dh: x:\Documents\TrafficDrainage&Structural\tes.23050.revI

# APPENDIX A

## TRAFFIC CIRCULATION EXHIBITS

04/09/24 TCM Backup

N

50 25 0 50 100

SCALE IN FEET
1"=50'

WOODBRIDGE RD.

EXIT ONLY GATE

VALET DROP-OFF LOCATION

PROPOSED SECURITY GUARDHOUSE LOCATED 31 FEET FROM GATE AND 60 FEET FROM ROADWAY. 2-3 VEHICLES CAN BE ACCOMMODATED BETWEEN THE SECURITY GUARDHOUSE AND S. OCEAN BLVD.

GENERAL GUESTS ARE NOT PERMITTED TO MAKE A SOUTHBOUND RIGHT TURN AT THE MAIN GATE DURING EVENT ARRIVAL PENDING EVENT SIZE. MOTORISTS ARE DIRECTED TO MAKE A U-TURN AT THE ROUNDABOUT

GUESTS ARRIVE VIA THE EXISTING NORTHBOUND LEFT TURN LANE ON S. OCEAN BLVD. APPROXIMATELY 14 VEHICLES CAN BE ACCOMMODATED WITHIN THE TURN LANE AND ADDITIONAL CHEVRON STRIPING

SOUTHERN BLVD. ENTRANCE RESTRICTED TO VENDORS AND EMPLOYEES ONLY WHICH ARRIVE PRIOR TO EVENTS. MEMBERS MAY ALSO ENTER THIS GATE PENDING EVENT SIZE.

SOUTHERN BLVD.

OCEAN BLVD.

OCEAN BLVD.




LOCATION MAP
NOT TO SCALE

## TRAFFIC MANAGEMENT STAFF:

1 POLICE OFFICER:
A POLICE OFFICER IS USED FOR ALL EVENTS WITH A MINIMUM OF 150 GUESTS. 2 POLICE OFFICERS ARE USED FOR EVENTS WITH A MINIMUM OF 400 GUESTS. POLICE OFFICER DIRECTS TRAFFIC ON S. OCEAN BLVD. AND THE MAIN GATE. AS NEEDED, THE POLICE OFFICER WILL STOP SOUTHBOUND TRAFFIC TO ALLOW GUEST TO ENTER THE SITE FROM THE SOUTH.

2 SECURITY STAFF:
SECURITY STAFF IS LOCATED INTERNAL TO THE GATE AND AT TIMES WILL BE LOCATED WITHIN THE EXISTING S. OCEAN BLVD. TURN LANE TO VERIFY RESERVATIONS. THE NUMBER OF SECURITY STAFF IS DEPENDENT ON EVENT SIZE.

3 VALET STAFF:
VALET VEHICLE DROP-OFF IS LOCATED APPROXIMATELY 200 FEET WEST OF THE GATE. VALET PARKS VEHICLES FROM THE EAST TO THE WEST ON THE NORTH SIDE OF THE CLUB. THE GRASS PARKING IS USED LAST. THE NUMBER OF VALET STAFF IS DEPENDENT ON EVENT SIZE.

5/3/2023

# EVENT INGRESS CIRCULATION PLAN STANDARD PROCEDURE

REVISIONS

SIMMONS & WHITE
ENGINEERING | PLANNING | CONSULTING | SINCE 1982
Authorization No. 3452
2581 Metrocentre Blvd West ● Suite 3 ● West Palm Beach, Florida 33407 ● (561) 478-7848

| DESIGN | DRAWN | CHECKED | APPROVED | DATE |
|---|---|---|---|---|
| B.K. | D.B. | | | |

MAR-A-LAGO
SECTION 35, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
TRAFFIC CIRCULATION EXHIBIT

| JOB NO. | DRAWING NO. | SHEET | OF |
|---|---|---|---|
| 23-050 | 23050Z01 | 1 | 4 |

248

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04/09/24 TCM Backup

N

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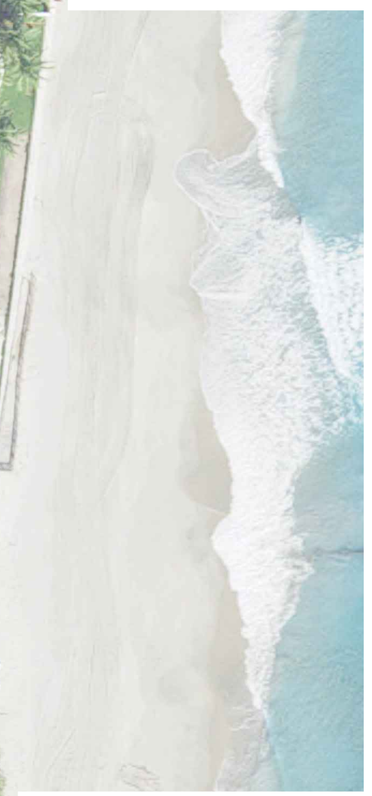
SCALE IN FEET
1"=50'







LOCATION MAP
NOT TO SCALE



TRAFFIC MANAGEMENT STAFF:

1 VALET STAFF:
VALET STAFF RETRIEVE VEHICLES AND ARRIVE BACK TO VALET PICK-UP LOCATION. ALL VEHICLES WILL EXIT ONTO S. OCEAN BLVD. THE NUMBER OF VALET STAFF MEMBERS IS DEPENDENT ON EVENT SIZE.

5/3/2023

# EVENT EGRESS CIRCULATION PLAN
# STANDARD PROCEDURE

REVISIONS

SIMMONS & WHITE
ENGINEERING | PLANNING | CONSULTING | SINCE 1982
Authorization No. 3452
2581 Metrocentre Blvd West ● Suite 3 ● West Palm Beach, Florida 33407 ● (561) 478-7848

| DESIGN | DRAWN | CHECKED | APPROVED | DATE |
|---|---|---|---|---|
| B.K. | D.B. | | | |

MAR-A-LAGO
SECTION 35, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
TRAFFIC CIRCULATION EXHIBIT

| JOB NO. | DRAWING NO. | SHEET | OF |
|---|---|---|---|
| 23-050 | 23050Z01 | 2 | 4 |



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04/09/24 TCM Backup

VALET DROP-OFF LOCATION
FOR RED CARPET EVENTS

VALET DROP-OFF LOCATION
NON-RED CARPET EVENTS

APPROXIMATELY 10 VEHICLES CAN
STACK INTERNALLY BETWEEN
VALET DROP-OFF AND SOUTH GATE
SINGLE STACKED

SECURITY PERSONNEL CONFIRM CREDENTIALS
AND RESERVATION STATUS AT BATH AND
TENNIS CLUB. ONCE SEVERAL VEHICLES HAVE
BEEN CLEARED, POLICE OFFICER WILL STOP
SOUTHERN BLVD. TRAFFIC TO ALLOW
VEHICLES TO CROSS INTO THE SOUTH GATE.

GUESTS ARRIVE VIA THE WESTERN BATH AND
TENNIS CLUB PARKING LOT ON S. OCEAN BLVD.
APPROXIMATELY 17 VEHICLES CAN STACK
INTERNALLY USING A SINGLE LANE. IF NEEDED
ADDITIONAL LANES CAN BE USED TO INCREASE
INTERNAL STACKING CAPACITY.

SOUTHERN BLVD.

OCEAN BLVD.

OCEAN BLVD.

OCEAN BLVD.




LOCATION MAP
NOT TO SCALE

N

50 25 0 50 100
SCALE IN FEET
1"=50'

## TRAFFIC MANAGEMENT STAFF:

1 **POLICE OFFICER:**
A POLICE OFFICER IS USED FOR ALL EVENTS WITH A MINIMUM OF 150 GUESTS. 2 POLICE OFFICERS ARE USED FOR EVENTS WITH A MINIMUM OF 400 GUESTS. POLICE OFFICER STOPS TRAFFIC ON SOUTHERN BLVD. AS NECESSARY TO ALLOW GUESTS TO ENTER SITE.

2 **SECURITY STAFF:**
SECURITY STAFF IS LOCATED INTERNAL TO THE GATE AND AT BATH AND TENNIS CLUB. SECURITY CHECKS CREDENTIALS AND RESERVATIONS USING QR CODE AT BATH AND TENNIS CLUB BEFORE SENDING VEHICLES TO MAR-A-LAGO.

3 **VALET STAFF:**
VALET VEHICLE DROP-OFF IS LOCATED APPROXIMATELY 450 FEET NORTH OF THE SOUTHERN BLVD. VALET PARKS VEHICLES FROM THE EAST TO THE WEST ON THE NORTH SIDE OF THE CLUB. THE GRASS PARKING IS USED LAST. THE NUMBER OF VALET STAFF IS DEPENDENT ON EVENT SIZE.

5/3/2023

# LARGE EVENT INGRESS CIRCULATION PLAN
# STANDARD PROCEDURE

REVISIONS

SIMMONS & WHITE
ENGINEERING | PLANNING | CONSULTING | SINCE 1982
Authorization No. 3452
2581 Metrocentre Blvd West ● Suite 3 ● West Palm Beach, Florida 33407 ● (561) 478-7848

| DESIGN | DRAWN | CHECKED | APPROVED | DATE |
|---|---|---|---|---|
| B.K. | D.B. | | | |

MAR-A-LAGO
SECTION 35, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
TRAFFIC CIRCULATION EXHIBIT

| JOB NO. | DRAWING NO. | SHEET | OF |
|---|---|---|---|
| 23-050 | 23050Z01 | 3 | 4 |



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04/09/24 TCM Backup

N

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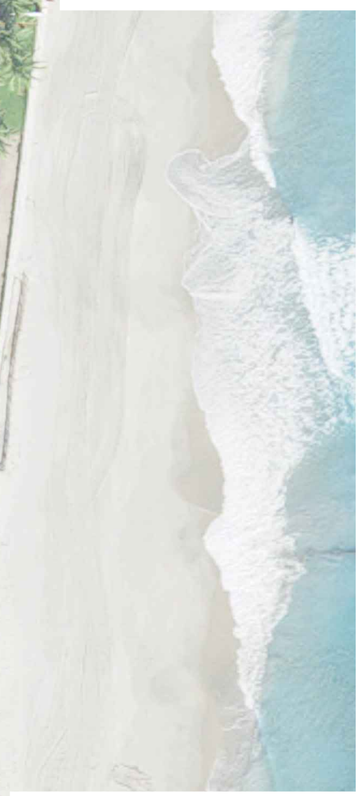
SCALE IN FEET
1"=50'







LOCATION MAP
NOT TO SCALE



## TRAFFIC MANAGEMENT STAFF:

1 **POLICE OFFICER:**
POLICE OFFICER ASSISTS WITH EVENT DEPARTURE FOR LARGE EVENTS AND WILL STOP VEHICLES AS NECESSARY ON SOUTHERN BLVD. TO ALLOW GUESTS TO EXIT.

2 **VALET STAFF:**
VALET STAFF RETRIEVE VEHICLES AND ARRIVE BACK TO SAME LOCATION AS DROP-OFF. ALL VEHICLES WILL EXIT ONTO SOUTHERN BLVD. THE NUMBER OF VALET STAFF MEMBERS IS DEPENDENT ON EVENT SIZE.

5/3/2023

# SOUTHERN BLVD. EGRESS CIRCULATION PLAN STANDARD PROCEDURE

| | | | | | | |
|---|---|---|---|---|---|---|
| REVISIONS | DESIGN B.K. | DRAWN D.B. | CHECKED | APPROVED | DATE | |

SIMMONS & WHITE
ENGINEERING | PLANNING | CONSULTING | SINCE 1982
Authorization No. 3452
2581 Metrocentre Blvd West ● Suite 3 ● West Palm Beach, Florida 33407 ● (561) 478-7848

MAR-A-LAGO
SECTION 35, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
TRAFFIC CIRCULATION EXHIBIT

| JOB NO. | DRAWING NO. | SHEET | OF |
|---|---|---|---|
| 23-050 | 23050Z01 | 4 | 4 |



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# APPENDIX B

## 95TH PERCENTILE QUEUING CALCULATIONS

# 200-GUEST EVENT

## Valet Queuing Calculations - 200 Guest Event

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

| | | |
|---|---|---|
| Q = | 72 | Processing rate (processes per hour) |
| q = | 80 | Demand rate (vehicles per hour) |
| N = | 2 | Service positions (attendants) |
| ρ = | 0.556 | Utilization factor (q/(NQ)) |
| $Q_m$ = | 0.398 | Table Value |
| M = | 2.53 | |

| | N = 1 | 2 | 3 | 4 | 6 | 8 | 10 |
|---|---|---|---|---|---|---|---|
| 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 0.1 | 0.1000 | 0.1820 | 0.0037 | 0.0080 | 0.0000 | 0.0000 | 0.0000 |
| 0.2 | 0.2000 | 0.0666 | 0.0247 | 0.0096 | 0.0015 | 0.0002 | 0.0000 |
| 0.3 | 0.3000 | 0.1385 | 0.0700 | 0.0370 | 0.0111 | 0.0036 | 0.0011 |
| 0.4 | 0.4000 | 0.2286 | 0.1411 | 0.0907 | 0.0400 | 0.0185 | 0.0088 |
| 0.5 | 0.5000 | 0.3333 | 0.2368 | 0.1739 | 0.0991 | 0.0591 | 0.0360 |
| 0.6 | 0.6000 | 0.4501 | 0.3548 | 0.2870 | 0.1965 | 0.1395 | 0.1013 |
| 0.7 | 0.7000 | 0.5766 | 0.4923 | 0.4286 | 0.3359 | 0.2706 | 0.2218 |
| 0.8 | 0.8000 | 0.7111 | 0.6472 | 0.5964 | 0.5178 | 0.4576 | 0.4093 |
| 0.9 | 0.9000 | 0.8526 | 0.8172 | 0.7878 | 0.7401 | 0.7014 | 0.6687 |
| 1 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |

| Interpolate | X | Y |
|---|---|---|
| Low Number = | 0.5000 | 0.3333 |
| High Number = | 0.6000 | 0.4501 |

Assumptions:

1. 200 guests with average vehicle occupancy of 2.5 guests per vehicle
2. 7 valet staff members with 6 runners
3. A minimum of 2 runners would be available at all times to take cars at valet stand.
4. A total processing time of 2.5 minutes for each valet runner to pick up vehicle and return to stand
5. Processing rate = 2.5 minutes / 3 groups of runners times) = 50 seconds or 72 processes p
6. 3 groups of runners = 6 runners / 2 available at all times

## Security Queuing Calculations - 200 Guest Event

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

| | | |
|---|---|---|
| Q = | 120 | Processing rate (processes per hour) |
| q = | 80 | Demand rate (vehicles per hour) |
| N = | 1 | Service positions (attendants) |
| ρ = | 0.667 | Utilization factor (q/(NQ)) |
| $Q_m$ = | 0.534 | Table Value |
| M = | 4.84 | |

| | N = 1 | 2 | 3 | 4 | 6 | 8 | 10 |
|---|---|---|---|---|---|---|---|
| 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 0.1 | 0.1000 | 0.1820 | 0.0037 | 0.0080 | 0.0000 | 0.0000 | 0.0000 |
| 0.2 | 0.2000 | 0.0666 | 0.0247 | 0.0096 | 0.0015 | 0.0002 | 0.0000 |
| 0.3 | 0.3000 | 0.1385 | 0.0700 | 0.0370 | 0.0111 | 0.0036 | 0.0011 |
| 0.4 | 0.4000 | 0.2286 | 0.1411 | 0.0907 | 0.0400 | 0.0185 | 0.0088 |
| 0.5 | 0.5000 | 0.3333 | 0.2368 | 0.1739 | 0.0991 | 0.0591 | 0.0360 |
| 0.6 | 0.6000 | 0.4501 | 0.3548 | 0.2870 | 0.1965 | 0.1395 | 0.1013 |
| 0.7 | 0.7000 | 0.5766 | 0.4923 | 0.4286 | 0.3359 | 0.2706 | 0.2218 |
| 0.8 | 0.8000 | 0.7111 | 0.6472 | 0.5964 | 0.5178 | 0.4576 | 0.4093 |
| 0.9 | 0.9000 | 0.8526 | 0.8172 | 0.7878 | 0.7401 | 0.7014 | 0.6687 |
| 1 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |

| Interpolate | X | Y |
|---|---|---|
| Low Number = | 0.6000 | 0.4501 |
| High Number = | 0.7000 | 0.5766 |

Assumptions:

1. 200 guests with average vehicle occupancy of 2.5 guests per vehicle
2. 1 security guard checking clearance credentials.
3. A total processing time of 30 seconds per vehicle to scan QR code and check ID

# 400-GUEST EVENT

## Valet Queuing Calculations - 400 Guest Event

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

| | | |
|---|---|---|
| Q = | 72 | Processing rate (processes per hour) |
| q = | 160 | Demand rate (vehicles per hour) |
| N = | 3 | Service positions (attendants) |
| ρ = | 0.741 | Utilization factor (q/(NQ)) |
| $Q_m$ = | 0.555 | Table Value |
| M = | 7.02 | |

| | N = 1 | 2 | 3 | 4 | 6 | 8 | 10 |
|---|---|---|---|---|---|---|---|
| 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 0.1 | 0.1000 | 0.1820 | 0.0037 | 0.0080 | 0.0000 | 0.0000 | 0.0000 |
| 0.2 | 0.2000 | 0.0666 | 0.0247 | 0.0096 | 0.0015 | 0.0002 | 0.0000 |
| 0.3 | 0.3000 | 0.1385 | 0.0700 | 0.0370 | 0.0111 | 0.0036 | 0.0011 |
| 0.4 | 0.4000 | 0.2286 | 0.1411 | 0.0907 | 0.0400 | 0.0185 | 0.0088 |
| 0.5 | 0.5000 | 0.3333 | 0.2368 | 0.1739 | 0.0991 | 0.0591 | 0.0360 |
| 0.6 | 0.6000 | 0.4501 | 0.3548 | 0.2870 | 0.1965 | 0.1395 | 0.1013 |
| 0.7 | 0.7000 | 0.5766 | 0.4923 | 0.4286 | 0.3359 | 0.2706 | 0.2218 |
| 0.8 | 0.8000 | 0.7111 | 0.6472 | 0.5964 | 0.5178 | 0.4576 | 0.4093 |
| 0.9 | 0.9000 | 0.8526 | 0.8172 | 0.7878 | 0.7401 | 0.7014 | 0.6687 |
| 1 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |

| Interpolate | X | Y |
|---|---|---|
| Low Number = | 0.7000 | 0.4923 |
| High Number = | 0.8000 | 0.6472 |

Assumptions:

1. 400 guests with average vehicle occupancy of 2.5 guests per vehicle
2. 11 valet staff members with 9 runners
3. A minimum of 3 runners would be available at all times to take cars at valet stand.
4. A total processing time of 2.5 minutes for each valet runner to pick up vehicle and return to stand
5. Processing rate = 2.5 minutes / 3 groups of runners times) = 50 seconds or 72 processes p
6. 3 groups of runners = 9 runners / 3 available at all times

## Security Queuing Calculations - 400 Guest Event

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

| | | |
|---|---|---|
| Q = | 120 | Processing rate (processes per hour) |
| q = | 160 | Demand rate (vehicles per hour) |
| N = | 2 | Service positions (attendants) |
| ρ = | 0.667 | Utilization factor (q/(NQ)) |
| $Q_m$ = | 0.534 | Table Value |
| M = | 4.84 | |

| | N = 1 | 2 | 3 | 4 | 6 | 8 | 10 |
|---|---|---|---|---|---|---|---|
| 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 0.1 | 0.1000 | 0.1820 | 0.0037 | 0.0080 | 0.0000 | 0.0000 | 0.0000 |
| 0.2 | 0.2000 | 0.0666 | 0.0247 | 0.0096 | 0.0015 | 0.0002 | 0.0000 |
| 0.3 | 0.3000 | 0.1385 | 0.0700 | 0.0370 | 0.0111 | 0.0036 | 0.0011 |
| 0.4 | 0.4000 | 0.2286 | 0.1411 | 0.0907 | 0.0400 | 0.0185 | 0.0088 |
| 0.5 | 0.5000 | 0.3333 | 0.2368 | 0.1739 | 0.0991 | 0.0591 | 0.0360 |
| 0.6 | 0.6000 | 0.4501 | 0.3548 | 0.2870 | 0.1965 | 0.1395 | 0.1013 |
| 0.7 | 0.7000 | 0.5766 | 0.4923 | 0.4286 | 0.3359 | 0.2706 | 0.2218 |
| 0.8 | 0.8000 | 0.7111 | 0.6472 | 0.5964 | 0.5178 | 0.4576 | 0.4093 |
| 0.9 | 0.9000 | 0.8526 | 0.8172 | 0.7878 | 0.7401 | 0.7014 | 0.6687 |
| 1 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |

| Interpolate | X | Y |
|---|---|---|
| Low Number = | 0.6000 | 0.4501 |
| High Number = | 0.7000 | 0.5766 |

Assumptions:

1. 400 guests with average vehicle occupancy of 2.5 guests per vehicle
2. 2 security guards simultaneously checking clearance credentials.
3. A total processing time of 30 seconds per vehicle to scan QR code and check ID

# 740-GUEST EVENT

## Valet Queuing Calculations - 740 Guest Event

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

| | | |
|---|---|---|
| Q = | 96 | Processing rate (processes per hour) |
| q = | 296 | Demand rate (vehicles per hour) |
| N = | 4 | Service positions (attendants) |
| ρ = | 0.771 | Utilization factor (q/(NQ)) |
| $Q_m$ = | 0.547 | Table Value |
| M = | 8.19 | |

| | N = 1 | 2 | 3 | 4 | 6 | 8 | 10 |
|---|---|---|---|---|---|---|---|
| 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 0.1 | 0.1000 | 0.1820 | 0.0037 | 0.0080 | 0.0000 | 0.0000 | 0.0000 |
| 0.2 | 0.2000 | 0.0666 | 0.0247 | 0.0096 | 0.0015 | 0.0002 | 0.0000 |
| 0.3 | 0.3000 | 0.1385 | 0.0700 | 0.0370 | 0.0111 | 0.0036 | 0.0011 |
| 0.4 | 0.4000 | 0.2286 | 0.1411 | 0.0907 | 0.0400 | 0.0185 | 0.0088 |
| 0.5 | 0.5000 | 0.3333 | 0.2368 | 0.1739 | 0.0991 | 0.0591 | 0.0360 |
| 0.6 | 0.6000 | 0.4501 | 0.3548 | 0.2870 | 0.1965 | 0.1395 | 0.1013 |
| 0.7 | 0.7000 | 0.5766 | 0.4923 | 0.4286 | 0.3359 | 0.2706 | 0.2218 |
| 0.8 | 0.8000 | 0.7111 | 0.6472 | 0.5964 | 0.5178 | 0.4576 | 0.4093 |
| 0.9 | 0.9000 | 0.8526 | 0.8172 | 0.7878 | 0.7401 | 0.7014 | 0.6687 |
| 1 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |

| Interpolate | X | Y |
|---|---|---|
| Low Number = | 0.7000 | 0.4286 |
| High Number = | 0.8000 | 0.5964 |

Assumptions:

1. 740 guests with average vehicle occupancy of 2.5 guests per vehicle
2. 18 valet staff members with 16 runners
3. A minimum of 4 runners would be available at all times to take cars at valet stand.
4. A total processing time of 2.5 minutes for each valet runner to pick up vehicle and return to stand
5. Processing rate = 2.5 minutes / 4 groups of runners times) = 37.5 seconds or 96 processes
6. 4 groups of runners = 16 runners / 4 available at all times

## Security Queuing Calculations - 740 Guest Event

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

| | | |
|---|---|---|
| Q = | 120 | Processing rate (processes per hour) |
| q = | 296 | Demand rate (vehicles per hour) |
| N = | 3 | Service positions (attendants) |
| ρ = | 0.822 | Utilization factor (q/(NQ)) |
| $Q_m$ = | 0.685 | Table Value |
| M = | 12.37 | |

| | N = 1 | 2 | 3 | 4 | 6 | 8 | 10 |
|---|---|---|---|---|---|---|---|
| 0 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 0.1 | 0.1000 | 0.1820 | 0.0037 | 0.0080 | 0.0000 | 0.0000 | 0.0000 |
| 0.2 | 0.2000 | 0.0666 | 0.0247 | 0.0096 | 0.0015 | 0.0002 | 0.0000 |
| 0.3 | 0.3000 | 0.1385 | 0.0700 | 0.0370 | 0.0111 | 0.0036 | 0.0011 |
| 0.4 | 0.4000 | 0.2286 | 0.1411 | 0.0907 | 0.0400 | 0.0185 | 0.0088 |
| 0.5 | 0.5000 | 0.3333 | 0.2368 | 0.1739 | 0.0991 | 0.0591 | 0.0360 |
| 0.6 | 0.6000 | 0.4501 | 0.3548 | 0.2870 | 0.1965 | 0.1395 | 0.1013 |
| 0.7 | 0.7000 | 0.5766 | 0.4923 | 0.4286 | 0.3359 | 0.2706 | 0.2218 |
| 0.8 | 0.8000 | 0.7111 | 0.6472 | 0.5964 | 0.5178 | 0.4576 | 0.4093 |
| 0.9 | 0.9000 | 0.8526 | 0.8172 | 0.7878 | 0.7401 | 0.7014 | 0.6687 |
| 1 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |

| Interpolate | X | Y |
|---|---|---|
| Low Number = | 0.8000 | 0.6472 |
| High Number = | 0.9000 | 0.8172 |

Assumptions:

1. 740 guests with average vehicle occupancy of 2.5 guests per vehicle
2. 3 security guards simultaneously checking clearance credentials.
3. A total processing time of 30 seconds per vehicle to scan QR code and check ID

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 027-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2024-09, Central Fire Fuel Station Fuel Tank Station Remediation and Replacement to Murray Logan Construction, LLC., in the Amount of $2,224,698 and Establishing a Project Budget of $2,674,698.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 28, 2024 from Dean Mealy, II, Procurement and Contract Manager**
- **Resolution No. 027-2024**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

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

RE: Resolution approving the Award of ITB No. 2024-09, Central Fire Fuel Tank Station Remediation and Replacement to Murray Logan Construction, LLC, in the amount of $2,224,968 and establishing a project budget of $2,674,698

DATE: March 28, 2024

## STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 027-2024, approving the Award of ITB No. 2024-09, Central Fire Fuel Tank Station Remediation and Replacement to Murray Logan Construction, LLC, in the amount of $2,224,968 and establishing a project budget of $2,674,698.

## SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2024-09 for the Central Fire Fuel Tank Station Remediation and Replacement.

The Scope entails removal and replacement of the existing fuel tank, limited site remediation, to include; removal of existing damaged tank, removal of contaminated soils, installation of new tank, minor mechanical, electrical and low voltage improvements to the adjacent Town buildings generator facilities, and restoration of the area. The new fuel tank will involve a “wet” installation. The project also includes fuel system improvements at the Police Station and Town Hall. The successful bidder must have a minimum of ten (10) years of experience in underground petroleum storage tank removal and wet installation method within the State of Florida. The bidders are required to have an active Florida General Contractor License. Either the General Contractor or a subcontractor on the team shall have an active Pollutant Storage System Contractor’s License and Electrical Contractor License. The awarded bidder must furnish all labor and materials necessary to construct all improvements at the Central Fire Station, Police Station, and Town Hall as depicted on the plans and in the specifications to provide a complete and functional system.

Public Works and Procurement and Contract Management issued a purchase order for the Central Fire Sation Underground Fuel Tank Environmental Assessment Services to Kimley-Horn and Associates, Inc. (KHA) in September 2023. Resolution No. 111-2023 awarded the purchase order to KHA. This was charged to insurance claim 417042.

A separate purchase order was issued to Cliff Berry, Inc. in the amount of $60,000 to provide fuel recovery, contaminate removal, and disposal services. This was charged to insurance claim 417042.

ITB No, 2024-09 attracted two bids which have been evaluated by KHA and Town staff. The low bid was rejected by KHA for a variety of reasons. The firm indicated that they were going to protest the award recommendation to Murray Logan Construction, LLC., however, they failed to meet the requirements of the bid protest procedures.

The contractor's intent is to maintain the work hours during the off-season, May through November 8:00am to 6:00pm Monday through Friday. The contractor would like the flexibility to request, if approved by the Public Works Director and communicated with adjacent properties, extended work hours, night-time, and Saturday work to expedite the project should there be delays due to acts of God or unforeseen conflicts. The contractor and Public Works staff will communicate with adjacent properties prior to any requests to change the work hours to minimize any confusion or conflicts with residents.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours on Saturday, and night-time work hours as necessary, and approved by Public Works.

Staff also recommends a waiver to the Noise Ordinance for pumping, air sparging or those same Saturday and night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

## FUNDING/FISCAL IMPACT

For this project, we will be receiving funds from an insurance claim with our carrier. Funding for this award is still being determined between Capital Improvement Fund and Insurance Risk Claim.

## TOWN ATTORNEY REVIEW

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

# RESOLUTION NO. 027-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2024-09, CENTRAL FIRE FUEL TANK STATION REMEDIATION AND REPLACEMENT TO MURRAY LOGAN CONSTRUCTION, LLC. IN THE AMOUNT OF $2,224,968 AND ESTABLISHING A PROJECT BUDGET OF $2,674,698**

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. 027-2024, approving the Award of ITB No. 2024-09, Central Fire Fuel Tank Station Remediation and Replacement to Murray Logan Construction, LLC, in the amount of $2,224,968 and establishing a project budget of $2,674,698.

Section 2. The contractor's intent is to maintain the work hours during the off-season, May through November 8:00am to 6:00pm Monday through Friday. The contractor would like the flexibility to request, if approved by the Public Works Director and communicated with adjacent properties, extended work hours, night-time, and Saturday work to expedite the project should there be delays due to acts of God or unforeseen conflicts. The contractor and Public Works staff will communicate with adjacent properties prior to any requests to change the work hours to minimize any confusion or conflicts with residents.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours on Saturday, and night-time work hours as necessary, and approved by Public Works.

Staff also recommends a waiver to the Noise Ordinance for pumping, air sparging or those same Saturday and night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

Section 3. The Town Manager is hereby authorized to execute the Contract and 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 9th day of April 2024.

| | |
|---|---|
| _____ | _____ |
| Danielle H. Moore, Mayor | Julie Araskog, Town Council Member |
| | _____ |
| | Edward A. Cooney, Town Council Member |
| | _____ |
| ATTEST: | Lewis S.W. Crampton, Town Council Member |
| | _____ |
| | Bobbie D. Lindsay, Town Council Member |
| _____ | _____ |
| Kelly Churney, Acting Town Clerk | Bridget Moran, Town Council Member |

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Phipps Ocean Park Update

a. Capital Grant and Operating Agreement Update
b. Donor Signage Plan Update

Presenter
Carolyn Stone, Deputy Town Manager- Business Enterprise and Culture

ATTACHMENTS:

- **a. Memorandum Dated April 2, 2024, from Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture**
- **a. POP Maintenance Responsibilities List**
- **a. POP Project Costs**
- **b. Phipps Ocean Park Naming Opportunities**

# TOWN OF PALM BEACH

## Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Carolyn S. Stone, Deputy Town Manager, Business Enterprise and Culture

Re: Phipps Ocean Park Update on Capital Grant and Operating Agreement and Foundation Proposed Donor Naming Opportunities

Date: April 2, 2024

---

**STAFF RECOMMENDATION**

That the Town Council consider, prior to any staff recommendation for approval and their finalization, certain terms of the following proposed agreements with The Preservation Foundation of Palm Beach ("Foundation"): (i) Capital Grant and Operating Agreement along with its updated Donor Proposed Naming Opportunities, (ii) the associated new Coastal Restoration Lease, and (iii) the new Little Red Schoolhouse Lease (replacing the existing lease for the Little Red Schoolhouse).

**GENERAL INFORMATION**

The staff has been preparing the Phipps Ocean Park Capital Grant and Operating Agreement (Agreement) with the Foundation. This memorandum highlights certain terms of the Agreement and its two associated leases that will govern improvements to Phipps Ocean Park ("Park Improvements"). Park Improvements to the public service areas of the Park are the Town's sole obligation, provided that the Park Improvements include landscape enhancements.

PROJECT BACKGROUND

At the September 13, 2022 meeting, the Town Council accepted a $250,000 donation from the Foundation to establish a project account and allow for the solicitation of a Construction Manager At Risk to perform the Park Improvements. Burkhardt Construction was selected by the RFQ committee and ratified by Town Council at the November 8, 2022, meeting. The project was presented and approved by the Landmarks Preservation Commission for a Certificate of Appropriateness (COA) and nine variances on November 16, 2022. On February 14, 2023, Town Council was presented the estimated cost of the Park Improvements and future operating costs for the Town. On January 9, 2024, the Town Council approved the Site Plan Modifications and a seventy-five (75) year naming right to a lead donor of the Foundation for the Coastal Conservancy component of the Park Improvements. The project Guaranteed Maximum Price (GMP) from Burkhardt Construction was presented and approved at the March 12, 2024 Town Council meeting.

The Foundation is committing to raise approximately $30 million to refurbish the park.

CAPITAL GRANT AND OPERATING AGREEMENT SUMMARY

1. Grant Funding - The Foundation will provide substantially all the funding for soft and hard costs of the Park Improvements (approximately $30 million); the Town's contribution will be $2 million. The funding shall be to a separate capital project account.
2. Foundation's Delivery of Funds– The Foundation will provide proof of funds as a condition of the Agreement, which also includes quarterly draw procedures and a required $7 million prepayment to the separate capital project account.
3. Separate Accounting –The Town will establish a designated Phipps Ocean Park Revenue and Expense operating account that will be required to maintain adequate reserves before the reallocation of funds.
4. Playground – The Foundation will directly purchase the playground equipment from Monstrum meeting ATSM's technical manufacturing standards for public use playground equipment. The Foundation will pay for all associated design, construction, and installation costs for the Monstrum equipment.
5. Donor Proposed Naming Opportunities– The Foundation will present the Proposed Donor Naming Opportunities included as an attachment to this Memo for Town Council approval. (No donor signage will take precedence over the more prominent display of "Phipps Ocean Park".)
6. Donor Naming Rights. The agreement permits naming rights with a maximum term of 75 years. Naming rights are limited to the actual life of the named improvement, with the Foundation having the right to contribute required restoration funds to allow naming rights to persist up to a maximum 75-year term. Any revocation of a naming right that would cast dispute or adversely affect the Town would be accomplished by the Town Council at a regularly scheduled meeting at least 30 days after notice to the Foundation.
7. Media Communications- The Town and Foundation will issue a joint press release following Town Council's approval of the final agreements.
8. Educational Programming. The Foundation will operate the relocated and restored Little Red Schoolhouse, under a new lease that will replace the existing lease, as a public educational facility. The Foundation will also be primarily responsible for educational events in the adjacent outdoor classroom.
9. Coastal Restoration Center. The Park Improvements include construction of a Coastal Restoration Center and Coastal Restoration Center Nursery to be leased and operated by the Foundation as a source of native landscaping for the Park, as an educational facility, and as a home base for the botanical curator, educator and gardener to be employed by the Foundation (each of whom shall be subject to designated employment criteria including, for example, equal opportunity.) Landscaping not needed by the Park may be used in other Town facilities or be donated by the Foundation to properties within the Town.
10. Special Events – Subject to the Town's issuance of special events permits, the Foundation can hold two special events per year in the park, including its annual dinner dance. The Foundation will have the first right to have a February special event in the park.
11. Landscaping Maintenance. The Agreement requires that the Foundation designate a voting member for the landscape maintenance contractor selection committee. The Agreement also requires the Town to coordinate the services of the landscape maintenance contractor with the Foundation.

12. Landscape Buffers. The Park Improvements include installing a dense landscape buffer composed of trees and understory plantings at the north end of the park and installing a 30-foot-wide landscaping buffer and 6-foot concrete wall at the south end of the Park.
13. Other Maintenance. – A matrix listing the Town's and Foundation's respective ongoing maintenance obligations is attached to this Memo.
14. Repair and Replacement. – The Agreement limits the Town's obligation for capital repairs and replacements to Town standard options unless the Foundation donates funds to repair or replace the original Park Improvements.
15. Future Redevelopment- The Agreement grants the Foundation a right of first offer to donate funds for the redevelopment of the Park or any material component if the Town determines that such redevelopment is required within 40 years.
16. Public Purpose and Town Authority. The Agreement recognizes the primacy of the public purpose of the Park and the conditions of the Phipps family's donation of the Park. Likewise, the Agreement is subject to the Town Charter and the municipal requirements of the Town, including the Town's authority to make decisions with respect to the operation and use of the Park in the best interest of the Town and its citizens.
17. Other Provisions. The Agreement includes other terms including those governing indemnification and insurance.

PROPOSED DONOR NAMING OPPORTUNITIES

Notwithstanding lengthy value engineering, the cost of the Park Improvements has increased from its initial budget as reflected in the total project cost summary included as an attachment. As a result, the Foundation has increased its donor outreach to obtain the additional required funds and is requesting additional naming opportunities in the Park. The donor naming opportunities submitted by the Foundation is attached and would include additional donor recognition signage. The Foundation will be responsible for the installation and maintenance of its signage materials and format, which must be approved by Town Council.

GROUND LEASES

Please refer to Items 8 and 9 above. These ground leases will be for a proposed 75-year term commencing on substantial completion of the respective Park Improvements.

## FUNDING/FISCAL IMPACT

The Foundation will raise the approximate $30 million projected project cost and establish an endowment fund of $5 million. The Agreement includes an annual Town contribution of $100,000, inflation-adjusted, for the Park's landscape maintenance. The Agreement requires the following Town budget commitments:

- $100,000 annually for general maintenance
- $100,000 for the Park's landscape contract
- Park staffing (3 FTEs at an approximate cost of $300,000)
- Police (1 FTE at approximately $120,000)
- Parking enforcement (.5 FTE at an approximate cost of $40,000)
    - Totaling approximately $660,000 annually for fiscal year 2026, subject to inflation adjustments.
- Liability and property insurance coverage and claims (cost TBD)

- Beach renourishment (an existing annual budgeted amount that is separate from the Phipps Ocean Park maintenance).
- Increased parking revenue and park rentals are anticipated to offset some of these costs.

Attachments – Matrix of Maintenance Allocations – Town and Foundation
Foundation Donor Naming Opportunities
Schedule of Budgeted Total Project Costs

cc: Bob Miracle, Deputy Town Manager – Finance and Administration
H. Paul Brazil, Director of Public Works
Nicholas Caristo, Police Chief
Mark Bresnahan, Recreation Director
Sean Baker, Fire-Rescue Chief
Wayne Bergman, Planning, Zoning, and Building Director
Dean Mealy, Procurement and Contract Manager
Amanda Skier, Executive Director and CEO of the Preservation Foundation of Palm Beach

| Phipps Ocean Park Working Draft of Responsibilities/Maintenance (subject to the terms as outlined in the Capital Grant and Operations Agreement) | Town | PFPB | Comments |
|---|---|---|---|
| **Maintenanace of Native Plants/lawns/vegetative screening/invasives** | | | |
| application of organic material | | x | |
| health and appearance of native plants | | x | |
| removal and replacement of plant material | | x | |
| Horizon Plateau | | x | |
| Great Lawn | | x | |
| Connector Lawns | | x | |
| vegetative screening around tennis, fire station | | x | |
| dense buffers between condos on north and south side of park | | x | |
| mangrove restoration area | | x | |
| oudoor classroom | | x | |
| wildflower garden | | x | |
| invasive animal removal (iguanas) | x | | |
| | | | |
| **Maintenance of Pathways** | | | |
| Nature/Pedestrian Paths | x | | |
| Sand Paths to Beach | x | | |
| ADA accessible paths | x | | |
| Dunecrest pathways | x | | |
| pathway lighting | x | | |
| **Maintenance of Structures/appurtenant (adjoining) land areas/equipment** | | | |
| Little Red School House | | x | |
| Coastal Restroation Center | | x | |
| Outdoor Classroom | | x | |
| Schoolyard garden | | x | |
| Playground | x | | |
| Beach Pavillions | x | | |
| restrooms and showers | x | | |
| wall around public works building | x | | |

Town will pay first $100,000 of these costs of the native plant landscape maintenance. The PFPB will reimburse the Town for the remainder of the costs associated with the maintenance of items as indicated by the 'x' in the column C.

Terms for the maintenance of LRS and CRC are indicated via lease

| Phipps Ocean Park Working Draft of Responsibilities/Maintenance (subject to the terms as outlined in the Capital Grant and Operations Agreement) | Town | PFPB | Comments |
|---|---|---|---|
| firehouse | x | | |
| PW area | x | | |
| tennis center and pickleball courts | x | | |
| drinking fountains | x | | |
| lifeguard stand and area | x | | |
| low level lighting | x | | |
| security cameras outside of leased areas | x | | |
| gates and fencing | x | | |
| water features | | x | |
| benches (40) | x | | |
| | | | |
| | | | |
| **Maintenance of Hardscape/semi permeable parking** | | | |
| parking areas | x | | |
| parking entry ways - main entrance and exits | x | | |
| grass overflow area | | x | |
| access for beach renourishment access path | x | | |
| Dune Crest path | x | | |
| Art installation | | x | |
| rock features | | x | |
| park signage (wayfinding, donor, entry) | | x | |
| park signage for restrooms (town standard signage) | x | | |
| | | | |
| **Other items** | | | |
| mitigation efforts for soil remdiation (if needed) | x | | |
| maintenance of Town standard signage | x | | |
| employment of native plant expert | | x | |
| reservations for park rentals | x | | |
| park event policies and procedures | x | | |
| trash collection removal (outside of lease areas) | x | | |
| parking polices | x | | |
| beach management and policies | x | | |
| Park Monitors and Evening patrol | x | | |
| determining and enforcing park hours | x | | |
| irrigation | | x | |
| utilities | x | | Lease dictates utitlites costs for LRS and CRC. All other utilities will be paid for by the Town |

Schedule of Budgeted Total Project Costs

| | |
|---|---|
| CMAR Total Project Cost | $30,018,930.15 |
| Less Town contribution (Public Service Areas) | $ (936,615.87) |
| less Town contribution (Renovation Improvements) | $(2,000,000.00) |
| **total Burkhardt construction cost that PFPB is responsible for** | **$27,082,314.28** |
| plus Foundation direct purchase of Monstrum Playground | $1,100,000 |
| plus Kimley Horn construction administration | 1,742,973 |
| **Total project costs for the Preservation Foundation** | **$29,925,287.28** |




## Naming Opportunities

1. Phipps Ocean Park Entrance

*Entry portal celebrating the park's scale and beauty. Clear view of School House.*

2. Coastal Conservancy
3. Wildflower Garden
4. Great Lawn

*Open space that accomodates groups of all sizes and community special events programming.*

5. New Pickleball Courts
6. South Rain Garden
7. New South Pedestrian Entrance
8. Beach Pavilion
9. Beach Showers/Drinking Fountains
10. Sand Paths to Beach
11. Beach Dune Restoration
12. Picnic Tables
13. Sculpture at Horizon Plateau
14. Horizon Plateau

*Gathering area with open views to the horizon line over the Atlantic Ocean. Location of donor recognition.*

15. Maritime Hammock Restoration Area
16. Remodeled Lifeguard Stand
17. Dune Crest Path
18. ADA Access to Beach
19. Custom Playground Designed by MONSTRUM
20. New Restrooms for Little Red Schoolhouse and Coastal Restoration Center
21. Schoolyard Garden
22. Little Red Schoolhouse

*Relocated Schoolhouse in the heart of the park, nestled in a grove of legacy strangler fig trees.*

23. Outdoor Classroom
24. Entrance Plaza
25. Coastal Restoration Center
26. North Rain Garden
27. Mangrove Restoration Area
28. Crescent Path
29. Ocean Terrace Steps
30. Schoolhouse Steps

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Regular Agenda - New Business

Agenda Title
2025 Preservation Foundation of Palm Beach Dinner Permission Request

Presenter
Carolyn Stone, Deputy Town Manager - Business Enterprise and Culture

ATTACHMENTS:

- **Letter Dated March 28, 2024, from Amanda Skier, President and CEO, Preservation Foundation of Palm Beach**

PRESERVATION FOUNDATION OF PALM BEACH

**Executive Committee**
Mrs. Paul Shiverick, *Chairman*
Mr. Daniel E. Ponton, *Vice-Chairman*
Mr. Thomas C. Quick, *Secretary*
Mr. Erik T. Waldin, *Treasurer*
Mr. Jeffrey A. Marcus
Mrs. Pauline B. Pitt, *Chairman Emeritus*
Mr. Charles M. Royce
Mrs. Lynne M. Wheat

**President & CEO**
Amanda H. Skier

**Board of Trustees**
Mrs. Rand V. Araskog
Mr. and Mrs. Manucher Azmudeh
Mrs. Walter F. Ballinger
Mrs. Alan D. Bleznak
Mrs. T. Dennie Boardman
Mr. and Mrs. Martin Brand
Mrs. Edwin M. Burke
L. Frank Chopin, Esquire
Mr. Edward A. Cooney
Mr. and Mrs. Philippe Dauman
Dr. Jane S. Day
Mrs. Ashton de Peyster
Mr. and Mrs. Thompson Dean
Mrs. John J. Dowdle
Mr. and Mrs. E. Llwyd Ecclestone
Ambassador and Mrs. Edward E. Elson
Mrs. Jennifer M. Fischer
Ms. Kristen Kelly Fisher
Mr. and Mrs. James C. Flores
Mr. and Mrs. J. Christopher Flowers
Mr. and Mrs. Mark E. Freitas
Mr. William J. Gilbane III
Mr. and Mrs. Avram Glazer
Mrs. Martin D. Gruss
Mrs. Jessica Guff
Dr. and Mrs. Ben Han
Mrs. J. Ira Harris
Mr. James Held
Dr. Peter N. Heydon
Mrs. Katherine B. Horgen
The Honorable and Mrs. Robert W. Johnson IV
Mr. and Mrs. Gerald R. Jordan, Jr.
Mr. Kenn Karakul
Mr. and Mrs. Howard J. Kessler
Mrs. Laura Landro
Mr. Leonard A. Lauder
The Honorable and Mrs. Howard H. Leach
Mrs. Joseph W. Luter III
Mrs. David J. Mahoney
Mrs. Jeffrey A. Marcus
Mrs. Talbott B. Maxey
Mrs. Leigh A. McMakin
Ms. Audrey McNiff
Mr. and Mrs. Joseph Meyer
Mr. and Mrs. Donald K. Miller
The Honorable Danielle Hickox Moore
Mr. and Mrs. Dudley L. Moore, Jr.
Mr. David G. Ober
Mrs. William G. Pannill
Mr. and Mrs. Gary Patsley
Mrs. Sallie B. Phillips
Mrs. Wilbur L. Ross, Jr.
Mrs. Charles M. Royce
Mrs. Jeannie Rutherfoord
Mr. Richard E. Salomon
Mr. Jorge A. Sanchez
Mrs. Vera Serrano
Mr. Paul Shiverick
Mr. and Mrs. Brian Simmons
Mr. Jeffery W. Smith
The Honorable Lesly S. Smith
Mr. Thomas S. Smith, Jr.
Mrs. Electra Toub
Mr. Mish Tworkowski
Mrs. Leo A. Vecellio, Jr.

**Emeritus Trustee**
Mrs. Nathan Appleman
Mrs. F. Eugene Dixon, Jr.
Mrs. Robert M. Grace
Mrs. Frances G. Scaife

March 28, 2024

Town Council
Town of Palm Beach
Post Office Box 2029
Palm Beach, Florida 33480

Dear President Zeidman, Mayor Moore, and Town Council Members:

On behalf of our Chairman and Executive Committee, thank you for your past approval of our requests to hold our Dinner Dance at Bradley Park in 2020, 2022, 2023, and 2024. I am writing now to once again request your approval to hold our Annual Dinner Dance in Bradley Park on Friday, February 28, 2025.

The 2024 Dinner Dance, this past year, was a great success. We were grateful to have the opportunity to gather our supporters at Bradley Park and celebrate our mission to protect the island's architectural and cultural heritage. Bradley Park exemplifies our legacy of town-serving projects and is therefore the ideal location to hold our only fundraiser each season. We look forward to doing so once again with your permission.

We will make any and all accommodations for approval of our request while working closely with Town Staff to develop a detailed plan that can be successfully executed. As we did this year, we are requesting to use the same larger tent structure and to begin set-up on Thursday, February 20, 2025. The Foundation will cover the cost of any grass replacement, irrigation repairs or other damage that needs to be addressed following event breakdown. Replicating our previous parking arrangement, we are grateful to the Flagler Museum for graciously agreeing to allow our use of their parking lot once again.

Thank you in advance for your consideration of this matter. Please let me know if I may answer any questions or provide further information.

Sincerely,

Amanda H. Skier
President and CEO

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Ordinances - Second Reading

Agenda Title
Proposed Ordinance to Amend the Town Code Relative to the Deferred Retirement Option Program (DROP)

ORDINANCE NO. 010-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter
Joanne O'Connor, Town Attorney

ATTACHMENTS:

- **Ordinance No. 010-2024**

# ORDINANCE NO. 010-2024

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION IV, POLICE OFFICERS, BY AMENDING SECTION 82-119, DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-119 to read as follows:

Sec. 82-119. – Deferred retirement option program for police officers.

* * *

(j) Notwithstanding any other provision of this section, for any member who is appointed town manager while participating in the DROP, participation in the DROP may not exceed a maximum of ~~120~~ 144 months from the date of DROP entry, and any application or other document concerning such member's DROP participation shall be revised accordingly.

**Section 2. Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 3. Repeal of Ordinances in Conflict.**

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 4.** **Codification.**

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**Section 5.** **Effective Date**.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of March, 2024, and for second and final reading on this 9th day of April, 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie D. Lindsay, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend the Town Code at Chapter 74, Section 74-282 to Include All Town-Owned Parks

ORDINANCE NO. 013-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, at Article VI, Recreational Access Closures, by Amending Section 74-282; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter
Nicholas Caristo, Chief of Police

ATTACHMENTS:

- **Memorandum dated March 29, 2024, from Nicholas Caristo, Chief of Police**
- **Ordinance No. 013-2024**

# TOWN OF PALM BEACH
## Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Proposed Ordinance to Amend Chapter 74 of the Town Code, Relative to Parks and Recreation, to Modify Closures of Recreational Areas
**Ordinance No. 013-2024**

Date: March 29, 2024

**GENERAL INFORMATION**

During the regular Town Council Meeting on June 14, 2022, the Police Department brought forth the topic of codifying closure hours for Bradley Park and the Lake Trail as a proactive measure to increase community safety through crime prevention efforts. The Town Council asked that this endeavor be continued through the presentation of a proposed ordinance. Ordinance 014-2022 was approved by Town Council on July 12, 2022, and provided for closure of Bradley Park and the Lake Trail, with the addition of Lake Drive Park from 11:00 p.m. to 5:00 a.m. Exceptions were created for deeded property owners on the Lake Trail immediately adjacent to their properties, for Town Marina customers accessing the Marina docks, and for Town staff or those working on their behalf.

This previous amendment has been successfully used by the Police Department as a proactive measure to deter criminal activity in these locations during the overnight hours. In light of the increases in beautification projects of Town-owned parks and the increased pressures of population growth in our neighboring municipalities, the Police Department is suggesting that these previously amended park closure hours be extended to all Town-owned parks. This proposed ordinance would not alter closure hours for other public spaces specifically addressed elsewhere in the Town's Code of Ordinances (e.g. Phipps Ocean Park, Clarke Beach, Inlet Dock).

**STAFF RECOMMENDATION**

Staff recommends the Town Council approve Ordinance 013-2024, amending Chapter 74 of the Town Code, relative to Parks and Recreation, to modify closures of recreational areas.

**TOWN ATTORNEY REVIEW**

The Town Attorney has reviewed this ordinance and approved for legal form and sufficiency.

NC/wmr

cc: Joanne O'Connor, Town Attorney
Carolyn Stone, Deputy Town Manager
Robert Miracle, Deputy Town Manager
Paul Brazil, Director of Public Works

**ORDINANCE NO. 013-2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION, AT ARTICLE VI, RECREATIONAL ACCESS CLOSURES, BY AMENDING SECTION 74-282; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents: and

**WHEREAS**, in the interest of public safety and the protection of the public, the Town deems it important that access to all Town-owned parks be curtailed between the hours of 11:00 p.m. and 5:00 a.m. subject to certain necessary exceptions.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

**Section 1.** The recitations set forth above are incorporated herein.

**Section 2.** Chapter 74, Parks and Recreation, is hereby amended at Article VI.-Recreational Area Closures, by amending Section 74-282 as follows:

***Sec. 74-282. Closure of ~~Bradley Park and Lake Drive Park~~ Parks.***

*It shall be unlawful for any person to enter or go upon the grounds of ~~Bradley Park and Lake Drive Park~~ Town owned parks between the hours of 11:00 p.m. and 5:00 a.m. The town manager or the town manager's designee is authorized to post signs setting forth the prohibition set forth above. Any person found guilty of a violation of this section by being present during the closure shall be subject to the terms of section 1-14 of this Code or, alternatively, the provisions of Chapter 2, Article V, Code Enforcement.*

*The following exceptions apply to this section: (1) Town personnel within the scope of their employment and other persons working on the behalf of the town may enter and go upon ~~Bradley Park and Lake Drive Park~~ Town owned parks when said grounds are not open for public use. (2) The holder of a special event permit issued by the Town of Palm Beach granting specific authorization for such after-hours use. (3) Registered Town Marina customers and guests shall*

*be allowed travel through Lake Drive Park as necessary for dock or vessel access when said park is not open for public use.*

**Section 3.** Severability**.** If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 4.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 5.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 6.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April, 2024, and for second and final reading on this 14th day of May, 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

ATTEST:

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie D. Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend Chapter 82 of the Town Code Relative to Personnel and Employee Benefits

ORDINANCE NO. 014-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-52, Definitions; Amending Subdivision III, Firefighters; Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Amending Section 82-95, Amount Of Pension – Firefighters; Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Amending Subdivision IV, Police Officers; Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Amending Section 82-115, Amount Of Pension – Police Officers; Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Amending Subdivision V, General Employees And Lifeguards; Amending Section 82-135, Amount Of Pension For Benefit Group General And Benefit Group Lifeguard; Amending Section 82-139, Deferred Retirement Option Program For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter
Jim Linn, Town Attorney - Pension

ATTACHMENTS:

- **Memorandum Dated March 29, 2024, from Gilian Barth, Director of People and Culture**
- **Ordinance No. 014-2024**

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Gillian Barth, Director of People & Culture

Re: Revised Town of Palm Beach Pension Plan Ordinance

Date: March 29, 2024

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**STAFF RECOMMENDATION**

That the Town Council approve the attached Ordinance No. 014-2024 based upon the approval of Management's proposal for changes to the Town of Palm Beach Pension Plan at the Town Council Meeting of March 12, 2024.

**GENERAL INFORMATION**

At its meeting on March 12, 2024, the Town Council approved recommendations made by Management to make changes in the Town's Pension Plan as follows:

- Increase of Public Safety Defined Pension Multiplier from 2.75 to 3.0 prospectively
- Increase of General and Lifeguard Staff Defined Pension Multiplier from 1.7 to 2.0 prospectively
- Reduce Defined Pension vesting period from ten years to five years for General/Lifeguard Staff and to eight years for Public Safety
- Reduce Defined Contribution Plan vesting from ten years to one year prospectively
- Increase DROP period from five years to eight years
- In addition to current hybrid pension model, offer new General employees option of fully Defined Contribution Plan (401a) in lieu of hybrid model. Public Safety employees will have the option of either a Fully Defined Pension or a Defined Contribution (401a).
- Revise retirement eligibility to match FRS for Public Safety personnel (age 55 if vested or 25 years of service)

These approved changes were subsequently endorsed by the Retirement Board at its meeting on March 22, 2024.

The attached Ordinance outlines those changes as appropriate.

**FUNDING/FISCAL IMPACT**

As presented at the Town Council Meeting of March 12, 2024, estimated at $15,510,232 over a fifteen year period (present value of $8.1M).

**TOWN ATTORNEY REVIEW**

These changes have been reviewed by the Town Attorneys (Primary and Pension)

Attachments

GB

**ORDINANCE NO. 014-2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-52, DEFINITIONS; AMENDING SUBDIVISION III, FIREFIGHTERS; AMENDING SECTION 82-94, RETIREMENT AGE AND SERVICE CONDITIONS FOR FIREFIGHTERS; AMENDING SECTION 82-95, AMOUNT OF PENSION – FIREFIGHTERS; AMENDING SECTION 82-99, DEFERRED RETIREMENT OPTION PROGRAM FOR FIREFIGHTERS; AMENDING SUBDIVISION IV, POLICE OFFICERS; AMENDING SECTION 82-114, RETIREMENT AGE AND SERVICE CONDITIONS FOR POLICE OFFICERS; AMENDING SECTION 82-115, AMOUNT OF PENSION – POLICE OFFICERS; AMENDING SECTION 82-119, DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS; AMENDING SUBDIVISION V, GENERAL EMPLOYEES AND LIFEGUARDS; AMENDING SECTION 82-135, AMOUNT OF PENSION FOR BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; AMENDING SECTION 82-139, DEFERRED RETIREMENT OPTION PROGRAM FOR MEMBERS OF BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I. – In General; by amending Section 82-52 to read as follows:

Sec. 82-52. Definitions.

* * *

Vesting or vested status means the attainment of ten or more years of credited service. Notwithstanding the preceding sentence, all members of the retirement system who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date shall be 100 percent vested in their frozen accrued benefit as of May 1, 2012, regardless of length of credited

service. Notwithstanding the preceding sentences, vesting or vested status for firefighters and police officers employed by the Town on June 1, 2024 or hired on or after that date means the attainment of eight or more years of credited service. Vesting or vested status for general employees and lifeguards employed by the Town on June 1, 2024 or hired on or after that date means the attainment of five or more years of credited service.

**Section 2.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-94 to read as follows:

Sec. 82-94. Retirement age and service conditions for firefighters.

* * *

(b) The age and service conditions for normal retirement are as follows:

(1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month at termination of service plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.

(2) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.

(3) Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service.

(4) Notwithstanding the provisions of paragraphs (2) and (3) above, effective October 1, 2016, non-bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that

date, and non-bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service. The provisions of this paragraph shall apply to non-bargaining unit members who are participating in the DROP on October 1, 2016, and to non-bargaining unit members who retire or enter the DROP on or after that date, but shall not apply to non-bargaining unit members who retired or separated from employment before October 1, 2016.

(5) Notwithstanding the provisions of paragraphs (2) and (3) above, effective August 12, 2017 bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service.

(6) Notwithstanding the provisions of subsections (2), (3) and (4) above, effective October 1, 2019, non-bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with ten or more years of credited service, or age 52 with 25 years of credited service. The preceding sentence shall apply to non-bargaining unit members who are participating in the DROP on October 1, 2019, and to non-bargaining unit members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2019.

(7) Notwithstanding the provisions of subsections (2), (3) and (5) above, effective November 2, 2019, bargaining unit firefighter members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighter members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with ten or more years of credited service, or age 52 with 25 years of credited service. The preceding sentence shall apply to bargaining unit firefighter members who are participating in the DROP on November 2, 2019, and to bargaining unit firefighter members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before November 2, 2019.

(8) Notwithstanding the provisions of subsections (2), (3), (4) and (6) above, effective June 1, 2024, non-bargaining unit firefighter members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit firefighter members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with eight or more years of credited service or attaining 25 years of credited service regardless of age. The preceding sentence shall apply to non-bargaining unit firefighter members who are participating in the DROP on June 1, 2024, and to non-bargaining unit firefighter members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before June 1, 2024.

(9) Notwithstanding the provisions of subsections (2), (3), (5), and (7) above, effective June 1, 2024, bargaining unit firefighter members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighter members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with eight or more years of credited service or attaining 25 years of credited service regardless of age. The preceding sentence shall apply to bargaining unit firefighter members who are participating in the DROP on June 1, 2024, and to bargaining unit firefighter members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before June 1, 2024. Notwithstanding the preceding sentences, the provisions of this subsection shall not apply to bargaining unit firefighters until such time as the provisions of this section are implemented through the collective bargaining process.

**Section 3.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-95 to read as follows:

Sec. 82-95. Amount of pension—Firefighters.

* * *

(c) The benefit formula for firefighters is:

(1) For pension payments payable after October 1, 2005 to firefighters who were actively employed on and after October 1, 2005 and who retired, entered the DROP, or terminated employment with ten or more years of credited service prior to May 1, 2012, and to firefighters who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date,

the benefit formula shall be, average final compensation multiplied by the sum of 3.5 percent of credited service to a maximum of 87.5 percent, plus two percent of average final compensation for credited service, if any, in excess of 43.75 years. The standard form of payment for such benefit shall be life and ten years certain (i.e., unless a retirant chooses an optional form of payment under section 82-96, payments for the benefit of a retirant who dies within ten years of retirement shall continue to the retirant's designated beneficiary until the tenth anniversary of the retirant's retirement date.

(2) For firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be 3.5 percent of average final compensation on April 30, 2012, multiplied by credited service on that date. The accrued benefit of all such firefighters shall be frozen on May 1, 2012. The standard form of payment for the frozen accrued benefit shall be life and ten years certain.

(3) For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under subsection 82-95(c)(1) above, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service on and after that date. The standard form of payment for benefits based on credited service on and after May 1, 2012 shall be a straight life annuity, payable for the member's lifetime.

(4) Firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012 shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service prior to May 1, 2012, payable upon entry into the DROP or termination of employment and attaining eligibility for receipt of retirement benefits under the provisions of the system in effect on April 30, 2012; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with ten or more years of credited service and entry into the DROP or termination of employment.

(5) Notwithstanding the provisions of paragraphs (3) and (4) above, effective October 1, 2016, the benefit formula for non-bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit firefighters hired on or after May 1, 2012, shall be 2.75% of average final compensation multiplied by credited service on and after October 1, 2016, payable upon attaining age 56 with ten or more years of credited service and entry into the DROP or termination of employment.

(6) Notwithstanding the provisions of paragraphs (3) and (4) above, effective August 12, 2017, the benefit formula for bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighters hired on or after May 1, 2012, shall be 2.75 percent of average final compensation multiplied by credited service on and after August 12, 2017, payable upon attaining age 56 with ten or more years of credited service and entry into the DROP or termination of employment.

(7) Notwithstanding the provisions of paragraphs (3), (4) and (5) above, effective June 1, 2024, the benefit formula for non-bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit firefighters hired on or after May 1, 2012, shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and September 30, 2016; ~~and~~ 2.75 percent of average final compensation multiplied by years of credited service between October 1, 2016 and April 30, 2024; and 3.0 percent of average final compensation multiplied by years of credited service on and after May 1, 2024, payable upon attaining age 55 with eight (8) or more years of credited service or upon attaining 25 years of service regardless of age, and entry into the DROP or termination of employment.

(8) Notwithstanding the provisions of paragraphs (3), (4) and (6) above, effective June 1, 2024, the benefit formula for bargaining unit firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighters hired on or after May 1, 2012, shall b e1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and September 30, 2016; ~~and~~ 2.75 percent of average final compensation multiplied by years of credited service between October 1, 2016 and April 30, 2024; and 3.0 percent of average final compensation multiplied by years of credited service on and after May 1, 2024], payable upon attaining age 55 with eight (8) or more years of credited service or upon attaining 25 years of service regardless of age, and entry into the DROP or termination of employment. Notwithstanding the preceding sentences, the provisions of this subsection shall not apply to bargaining unit firefighters until such time as the provisions of this section are implemented through the collective bargaining process.

**Section 4.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; III. – Firefighters; by amending Section 82-99 to read as follows:

Sec. 82-99. Deferred retirement option program for firefighters.

* * *

(b) Eligibility of member to participate in the DROP. Retirement system members are eligible to elect participation in the DROP provided that they elect to retire as of a date certain and provided that:

(1) Election to participate may be made when the member first reaches normal retirement date or age, as follows:

a. Members who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon attaining age 50; or the date on which the member's age to last completed month plus credited service totals 65 years or more; or 20 years of credited service regardless of age. Upon entry into the DROP the benefit payable to such member's DROP account shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 65. Such member who fails to make an election within 84 months after the member has 20 years of credited service shall forfeit all rights to participate in the DROP. Notwithstanding the preceding two sentences, effective October 1, 2019 for non-bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, and effective November 2, 2019 for bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, the accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account upon attaining age 55 with ten years of service or age 52 with 25 years of service, and such members who fail to make an election within 84 months after the member attains 20 years of credited service shall not forfeit the right to participate in the DROP. Notwithstanding the preceding three sentences, effective June 1, 2024 for non-bargaining unit members and bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, the accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account upon attaining age 55 with 8 years of credited service or attaining 25 years of credited service regardless of age, and such members who fail to make an election within 84 months after the member attains 20 years of credited service shall not forfeit the right to participate in the DROP. Notwithstanding the preceding sentences, the provisions of this subsection shall not apply to bargaining unit firefighters until such time as the provisions of this section are implemented through the collective bargaining process.

b. Members hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age 55 with ten or more years of service or age 52 with 25 years of service. Notwithstanding the preceding sentence, effective June 1, 2024, members hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age 55 with eight or more years of credited service or 25 years of credited service regardless of age.

(2) There is no break in service to the town between the member's last working day prior to DROP participation and the member's first day as a DROP participant.

(c) Participation in the DROP.

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. ~~Except as provided in subsection (c)(4) below, participation in the DROP may not exceed a maximum of 60 months.~~ For those members who enter to DROP prior to June 1, 2024, the maximum DROP period is 60 months unless extended as provided in subsection (c)(4). For members who enter the DROP on or after June 1, 2024, the maximum DROP period is 96 months. No DROP participant may participate in the DROP for more than ~~60 months~~ 96 months or for any time after 120 months following the date on which the member first reaches normal retirement age or date, ~~except as provided in subsection (c)(4) below,~~ unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives. Notwithstanding the preceding sentence, effective October 1, 2016 for non-bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, the maximum DROP participation period shall be 60 months unless extended under subsection (c)(4) below, or 96 months on or after June 1, 2024, but such members may continue to participate in the DROP beyond 120 months following the date on which the member first reaches normal retirement age or date.

(2) Submission of required information. Upon electing to participate in the DROP, the member shall submit on forms required by the retirement system:

a. A written election to retire effective no more than ~~60 months~~ 96 months after entering participation in the DROP;

b. A written election to participate in the DROP;

c. An irrevocable resignation from service to the town and withdrawal from the DROP, both effective after no more than ~~60 months~~ 96 months participation in the DROP;

d. A properly completed DROP application for service retirement as provided in this section; and

e. Any other information required by the retirement system.

(3) Re-employed retirants. Re-employed retirants of the town's retirement system are not eligible to participate in DROP.

(4) Effective on and after January 1, 2019 until January 1, 2022, Members who are participating in the DROP may, if authorized by the Town Manager, extend their DROP participation for up to 36 months, in 12 month increments, beyond the 60 month maximum DROP participation period. Effective June 1, 2024, members who are participating in the DROP may extend their DROP participation for up to 36 months beyond the 60 month maximum DROP participation period. Members who seek to extend their DROP participation must submit, at least 30 days before the termination of the current DROP period, the following information ~~to the town manager~~ on forms provided by the town:

a. A revised, written election to retire effective up to ~~12~~ 36 months after the end of the current DROP period;

b. A written election to extend DROP participation by up to ~~12~~ 36 months;

c. The member's new DROP termination date (not more than ~~12~~ 36 months after the end of the current DROP period);

d. The member's new DROP termination date;

e. A revised, irrevocable resignation from service to the town and withdrawal from the DROP, effective on or before the new DROP termination date; and

f. Any other information required by the town or retirement system.

The town manager's decision to authorize the extension of a member's DROP period prior to January 1, 2022 shall be based on the operational needs of the town, and shall not be subject to grievance or other review. Extended DROP participation is not a guarantee of continued employment for any specified period. ~~DROP participants who have not been approved for the 36-month extended DROP participation period pursuant to this subsection (c)(4) by January 1, 2022 are not eligible for extended DROP.~~ All provisions of the DROP shall continue to apply during any period of extended DROP participation.

(5) The provisions of this section (c) shall not apply to bargaining unit firefighters until such time as the provisions of this section are implemented through the collective bargaining process.

(d) Compensation for work performed while participating in the DROP. Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by

the town council and the town manager. ~~The base pay rate for DROP participants who are authorized by the town manager to extend DROP participation for up to 36 calendar months beyond the 60-month period shall be the rate of pay in effect at the end of 60-month DROP period; and that rate shall not be eligible for performance pay increase, general pay increases approved by the town council, or future Longevity Pay or Longevity Bonuses.~~ Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-95 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system. Interest under the system investment method only shall accrue at an effective quarterly rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded quarterly, on the prior quarter's accumulated ending balance, up to the end of the quarter coincident with/or immediately following the DROP or death.

(2) The monthly pension benefits calculated upon entry into the DROP (minus any reduction as determined by the board of trustees as provided by subsection (h)) and interest thereon, if any, shall continue to accrue in the DROP until the established termination date of the DROP, or until the DROP participant terminates employment or dies prior to such date, but not to exceed ~~60~~ 96 months.

(3) Except as otherwise provided in this subsection (d), employee benefits, other than benefits under the retirement system, which are normally granted to employees, will be provided to DROP participants. Such DROP participants are members of the retirement system.

(4) At the conclusion of the participant's DROP, any credits made to a DROP participant's account will cease. Membership in the DROP will automatically terminate ~~60~~ 96 months after the effective date of participation in the DROP, except as provided in subsections (c)(1) and (c)(4) above. DROP participants may elect to discontinue membership in the DROP at any time, provided a two-week written notice of termination of employment has been submitted to the town and notice has been submitted to the plan administrator.

* * *

**Section 5.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-114 to read as follows:

Sec. 82-114. Retirement age and service conditions for police officers.

* * *

(b) The age and service conditions for normal retirement are as follows:

(1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month at termination of service plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.

(2) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Effective October 1, 2016, such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service. The preceding sentence shall apply to members who are participating in the DROP on October 1, 2016, and to members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2016.

(3) Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 56 with ten or more years of credited service.

(4) Notwithstanding the provisions of subsections (1), (2) and (3) above, effective October 1, 2019, members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon

attaining age 55 with ten or more years of credited service, or age 52 with 25 years of service. The preceding sentence shall apply to members who are participating in the DROP on October 1, 2019, and to members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2019.

(5) Notwithstanding the provisions of subsections (1), (2), (3), and (4) above, effective June 1, 2024, members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with 8 or more years of credited service, or 25 years of credited service regardless of age.

**Section 6.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-115 to read as follows:

Sec. 82-115. Amount of pension—Police officers.

* * *

(c) The benefit formula for police officers is:

(1) For pension payments payable after October 1, 2005 to police officers who were actively employed on and after October 1, 2005 and who retired, entered the DROP, or terminated employment with ten or more years of credited service prior to May 1, 2012, and to police officers who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be average final compensation multiplied by the sum of 3.5 percent of credited service rendered to a maximum of 87.5 percent, plus two percent of average final compensation for credited service, if any, in excess of 43.75 years. The standard form of payment for such benefit shall be life and ten years certain (i.e., unless a retirant chooses an optional form of payment under section 82-96, payments for the benefit of a retirant who dies within ten years of retirement shall continue to the retirant's designated beneficiary until the tenth anniversary of the retirant's retirement date.

(2) For police officers who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be 3.5 percent of average final compensation on April 30, 2012 multiplied by credited service on that date. The accrued benefit of all such

police officers shall be frozen on May 1, 2012. The standard form of payment for the frozen accrued benefit shall be life and ten years certain.

(3) For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under subsection 82-115(c)(1) above, the benefit formula shall be: 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and September 30, 2016; and 2.75 percent of average final compensation multiplied by years of credited service ~~on and after~~ between October 1, 2016 and April 30, 2024; and 3.0 percent of average final compensation multiplied by years of credited service on and after May 1, 2024. The standard form of payment for benefits based on credited service on and after May 1, 2012 shall be a straight life annuity, payable for the member's lifetime.

(4) Police officers who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012 shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation prior to May 1, 2012, payable upon entry into the DROP or termination of employment and attaining eligibility for receipt of retirement benefits under the provisions of the system in effect on April 30, 2012; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable, effective October 1, 2016, upon attaining age 56 with ten or more years of credited service, and termination of employment or entry into the DROP. Effective June 1, 2024, the accrued benefit based on credited service on and after May 1, 2012, shall be payable upon attaining age 55 with eight (8) or more years of credited service or 25 years of credited service regardless of age, and termination of employment or entry into the DROP.

**Section 7.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-119 to read as follows:

Sec. 82-119. Deferred retirement option program for police officers.

* * *

(b) Eligibility of member to participate in the DROP. Retirement system members are eligible to elect participation in the DROP provided that they elect to retire as of a date certain and provided that:

(1) Election to participate may be made when the member first reaches normal retirement date or age as follows:

a. Members who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate

in the DROP upon attaining age 50; or the date on which the member's age to last completed month plus credited service totals 65 years or more; or 20 years of credited service regardless of age; and upon entry into the DROP the benefit payable to such member's DROP account shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 55. Such member who fails to make an election within 84 months after the member has 20 years of credited service shall forfeit all rights to participate in the DROP. Notwithstanding the preceding two sentences, effective October 1, 2019 for members who are participating in the DROP on that date or who enter the DROP after that date, the accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account upon attaining age 55 with ten years of service or age 52 with 25 years of service, and such members who fail to make an election within 84 months after the member attains 20 years of credited service shall not forfeit the right to participate in the DROP. Notwithstanding the preceding sentences, effective June 1, 2024 for members who are participating in the DROP on that date or who enter the DROP after that date, the accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account upon attaining age 55 with eight (8) years of credited service or 25 years of credited service regardless of age, and such members who fail to make an election within 84 months after the member attains 20 years of credited service shall not forfeit the right to participate in the DROP.

b. Members hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age 55 with ten or more years of service or age 52 with 25 years of service. Notwithstanding the preceding sentence, effective June 1, 2024, members hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age 55 with eight (8) or more years of credited service or 25 years of credited service regardless of age.

(2) There is no break in service to the town between the member's last working day prior to DROP participation and the member's first day as a DROP participant.

(c) Participation in the DROP.

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. ~~Except as provided in subsection (c)(4) below, participation in the DROP may not exceed a maximum of 60 months.~~ For those members who entered to DROP prior to June 1, 2024, the maximum DROP period is 60 months unless extended as provided in subsection (c)(4). For members who enter the DROP on or after June 1, 2024, the maximum DROP period is 96 months. No DROP participant may

participate in the DROP for more than ~~60~~ 96 months or for any time after 120 months following the date on which the member first reaches normal retirement age or date, ~~except as provided in subsection (c)(4) below,~~ unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives. Notwithstanding the preceding sentence, effective October 1, 2016 for members who are participating in the DROP on that date or who enter the DROP after that date, the maximum DROP participation period shall be 60 months, or 96 months on or after [effective date of ordinance], but such members may continue to participate in the DROP beyond 120 months following the date on which the member first reaches normal retirement age or date.

(2) Submission of required information. Upon electing to participate in the DROP, the member shall submit on forms required by the retirement system:

a. A written election to retire effective no more than ~~60~~ 96 months after entering participation in the DROP;

b. A written election to participate in the DROP;

c. An irrevocable resignation from service to the town and withdrawal from the DROP, both effective after no more than ~~60~~ 96 months participation in the DROP;

d. A properly completed DROP application for service retirement as provided in this section; and

e. Any other information required by the retirement system.

(3) Re-employed retirants. Re-employed retirants of the town's retirement system are not eligible to participate in DROP.

(4) Effective on and after January 1, 2019 until January 1, 2022, Members who are participating in the DROP may, if authorized by the town manager, extend their DROP participation for up to 36 months, in 12 month increments, beyond the 60 month maximum DROP participation period. Effective June 1, 2024, members who are participating in the DROP may extend their DROP participation for up to 36 months beyond the 60 month maximum DROP participation period. Members who seek to extend their DROP participation must submit, at least 30 days before the termination of the current DROP period, the following information ~~to the town manager~~ on forms provided by the town:

a. A revised, written election to retire effective upon termination of the member's participation in the DROP;

b. A written election to extend DROP participation~~, approved and signed by the town manager~~;

c. The maximum term of the extended DROP participation;

d. The member's new DROP termination date;

e. A revised, irrevocable resignation from service to the town and withdrawal from the DROP, effective on or before the end of the maximum DROP participation period as extended; and

f. Any other information required by the retirement system. The town manager's decision to authorize the extension of a member's DROP period prior to [effective date of ordinance] shall be based on the operational needs of the town, and shall not be subject to grievance or other review. Extended DROP participation is not a guarantee of continued employment for any specified period. ~~DROP participants who have not been approved for the 36-month extended DROP participation period pursuant to this subsection (c)(4) by January 1, 2022 are not eligible for extended DROP.~~ All provisions of the DROP shall continue to apply during any period of extended DROP participation.

(d) Compensation for work performed while participating in the DROP. Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. ~~The base pay rate for DROP participants who are authorized by the town manager to extend DROP participation for up to 36 calendar months beyond the 60-month period shall be the rate of pay in effect at the end of 60-month DROP period; and that rate shall not be eligible for performance pay increase, general pay increases approved by the town council, or future Longevity Pay or Longevity Bonuses.~~ Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-115 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system. Interest under the system investment method only shall accrue at an effective quarterly rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded quarterly, on the prior quarter's accumulated ending balance, up to the end of the quarter coincident with/or immediately following the DROP or death.

(2) The monthly pension benefits calculated upon entry into the DROP (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section) and interest thereon, if any, shall continue to accrue in the DROP until the established termination date of the DROP, or until the DROP participant terminates employment or dies prior to such date, but not to exceed ~~60~~ 96 months. Although individual DROP accounts shall not be established under the system investment method described above in subsection (a)(1), a separate accounting of each DROP participant's accrued benefits under the DROP shall be calculated and provided to DROP participants annually.

(3) Except as otherwise provided in this subsection (d), employee benefits, other than benefits under the retirement system, which are normally granted to employees, will be provided to DROP participants. Such DROP participants are members of the retirement system.

(4) At the conclusion of the participant's DROP, any credits made to a DROP participant's account will cease. Membership in the DROP will automatically terminate ~~60~~ 96 months after the effective date of participation in the DROP, except as provided in subsections (c)(1) and (c)(4) above. DROP participants may elect to discontinue membership in the DROP at any time, provided a two-week written notice of termination of employment has been submitted to the town, and notice has been submitted to the plan administrator.

* * *

**Section 8.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V. – General Employees and Lifeguards; by amending Section 82-135 to read as follows:

Sec. 82-135. Amount of pension for benefit group general and benefit group lifeguard.

* * *

(c) The benefit formulas are:

(1) For benefit group general.

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date: average final compensation multiplied by the sum of 2.75 percent of credited service rendered after September 30, 1990, to a maximum of 82.5 percent, plus 2.35 percent of credited service rendered prior to October 1, 1990, plus 1.0 percent of credited service, if any, in excess of 30 years, provided that years of credited service under the first two clauses of this subsection shall not exceed 30 and

provided further that the second clause shall apply only to the extent that years of credited service under the first clause are less than 30.

b. Effective May 1, 2012, the accrued benefits of all members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be frozen. The value of each member's frozen accrued benefit shall be calculated in accordance with subparagraph a., above, based on credited service and average final compensation on April 30, 2012.

c. For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under subsection 82-135(c)(1)a. above, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and April 30, 2017; ~~and~~ 1.70 percent of average final compensation multiplied by years of credited service ~~on and after~~ between May 1, 2017 and April 30, 2024; and 2.0 percent of average final compensation multiplied by years of credited service on and after May 1, 2024.

d. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation on April 30, 2012, payable upon attaining age 55 or completion of 30 years of credited service regardless of age, and termination of town employment or entry into the DROP; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 62 with ~~ten~~ five or more years of credited service, and termination of town employment or entry into the DROP.

e. For benefits based on credited service prior to May 1, 2012, an early retirement reduction of 0.3 percent (0.3%) shall apply for each month that early retirement under subsection 82-134(b)(1)b. precedes a date the member would have met age and service conditions for normal retirement under subsection 82-134(b)(1)a., if the member had not elected early retirement.

f. For benefits based on credited service prior to May 1, 2012, an early retirement reduction of 0.6 percent (0.6%) shall apply for each month that early retirement under subsection 82-134(b)(1)c. precedes a date the member would have met age and service conditions for normal retirement under subsection 82-134(b)(1)a., if the member had not elected early retirement.

g. An early retirement reduction equal to the full actuarial cost of each month that early retirement under subsection 82-134(b)(1)d.

precedes a date the member would have met the applicable age and service conditions for normal retirement under subsection 82-134(b)(1)a., if the member had not elected early retirement.

(2) For benefit group lifeguard.

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date: average final compensation multiplied by the sum of 2.85 percent of credited service to a maximum of 71.25 percent, plus 1.0 percent of credited service, if any, in excess of 25 years for benefit group lifeguard.

b. Effective May 1, 2012, the accrued benefits of all members who did not attain normal retirement eligibility based on credited service as of that date, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be frozen. The value of each member's frozen accrued benefit shall be calculated in accordance with subparagraph a., above, based on credited service and average final compensation on April 30, 2012.

c. For credited service on and after May 1, 2012, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and April 30, 2017; ~~and~~ 1.70 percent of average final compensation multiplied by years of credited service ~~on and after~~ between May 1, 2017 and April 30, 2024; and 2.0 percent of average final compensation multiplied by years of credited service on and after May 1, 2024.

d. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation on April 30, 2012, payable upon attaining age 50 or the date on which the member's age to last completed month plus credited service totals 65 years or more, and termination of town employment or entry into the DROP; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 62 with ~~ten~~ five or more years of credited service, and termination of town employment or entry into the DROP.

e. Benefit group lifeguard age 60 early retirement option. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect to retire at age 60 and receive a benefit based on credited service on and after May 1, 2012, subject to an early retirement reduction equal to the

full actuarial cost of each month that early retirement precedes the date the member would have met the applicable age and service conditions for normal retirement under subsection 82-134(b)(2)d., if the member had not elected early retirement.

**Section 9.** The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V. – General Employees and Lifeguards; by amending Section 82-139 to read as follows:

Sec. 82-139. Deferred retirement option program for members of benefit group general and benefit group lifeguard.

* * *

(b) Eligibility of member to participate in the DROP. Retirement system members are eligible to elect participation in the DROP provided that they elect to retire as of a date certain and provided that:

(1) Election to participate may be made at any time following the date on which the member first reaches normal retirement date or age as follows:

a. Members of benefit group general who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon attaining age 55 or upon completion of 30 years of credited service regardless of age. The benefit payable to such member shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012, shall be payable to such member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 62.

b. Members of benefit group lifeguard who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon attaining age 50 or the date on which the member's age to last completed month plus credited service totals 65 years or more. The benefit payable to such member shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012, shall be payable to such member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 62.

c. Members of benefit group general and benefit group lifeguard hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age 62 with ~~ten~~ five or more years of credited service.

(c) Participation in the DROP.

(1) ~~Except as provided in subsection (c)(4) below, participation in the DROP may not exceed a maximum of 60 months.~~ For those members who enter to DROP prior to June 1, 2024, the maximum DROP period is 60 months unless extended as provided in subsection (c)(4). For members who

enter the DROP on or after June 1, 2024, the maximum DROP period is 96 months.

(2) Submission of required information. Upon electing to participate in the DROP, the member shall submit on forms required by the retirement system:

a. A written election to retire effective no more than ~~60~~ 96 months after entering participation in the DROP;

b. A written election to participate in the DROP;

c. An irrevocable resignation from service to the town and withdrawal from the DROP, both effective after no more than ~~60~~ 96 months participation in the DROP;

d. A properly completed DROP application for service retirement as provided in this section; and

e. Any other information required by the retirement system.

(3) Re-employed retirants. Re-employed retirants of the town's retirement system are not eligible to participate in DROP.

(4) Effective on and after January 1, 2019 until January 1, 2022, Members who are participating in the DROP may, if authorized by the town manager, extend their DROP participation for up to 36 months, in 12 month increments, beyond the 60 month maximum DROP participation period. Effective June 1, 2024, members who are participating in the DROP may extend their DROP participation for up to 36 months beyond the 60 month maximum DROP participation period. Members who seek to extend their DROP participation must submit, at least 30 days before the termination of the current DROP period, the following information ~~to the town manager~~ on forms provided by the town:

a. A revised, written election to retire effective upon termination of the member's participation in the DROP;

b. A written election to extend DROP participation~~, approved and signed by the town manager~~;

c. The maximum term of the extended DROP participation;

d. The member's new DROP termination date;

e. A revised, irrevocable resignation from service to the town and withdrawal from the DROP, effective on or before the end of the maximum DROP participation period as extended; and

f. Any other information required by the retirement system.

The town manager's decision to authorize the extension of a member's DROP period prior to January 1, 2022 shall be based on the operational needs of the town, and shall not be subject to grievance or other review. Extended DROP participation is not a guarantee of continued

employment for any specified period. ~~DROP participants who have not been approved for the 36-month extended DROP participation period pursuant to this subsection (c)(4) by January 1, 2022 are not eligible for extended DROP.~~ All provisions of the DROP shall continue to apply during any period of extended DROP participation.

(d) Compensation for work performed while participating in the DROP. Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. ~~The base pay rate for DROP participants who are authorized by the Town Manager to extend DROP participation for up to 36 calendar months beyond the 60-month period shall be the rate of pay in effect at the end of 60-month DROP period; and that rate shall not be eligible for performance pay increase, general pay increases approved by the town council, or future Longevity Pay or Longevity Bonuses.~~ Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-135 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system or the individual investment account as applicable. Interest under the system investment method only shall accrue at an effective annual rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded monthly, on the prior month's accumulated ending balance, up to the month of termination of the DROP or death. Provided, however the monthly pension benefit payable to members of benefit group general or benefit group lifeguard who entered the DROP before May 1, 2012, or who were employed on that date and attained normal retirement based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who elect to become DROP participants shall be reduced by two percent to fund the probability of increased cost to the retirement system of members of such employment group electing to participate in DROP, which reduced amount shall thereafter be such participants' normal retirement or pension benefits, The monthly pension benefit payable to members of benefit group general or

benefit group lifeguard who did not attain normal retirement based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who enter the DROP on or after May 1, 2012, shall not be reduced, The reduction in the DROP benefit provided in this paragraph will be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed and may be modified by the town council.

(2) The monthly pension benefits calculated upon entry into the DROP (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section) and interest thereon, if any, shall continue to accrue in the DROP until the established termination date of the DROP, or until the DROP participant terminates employment or dies prior to such date, but not to exceed ~~60~~ 96 months.

(3) Except as otherwise provided in this subsection (d), employee benefits, other than benefits under the retirement system, which are normally granted to employees, will be provided to DROP participants. Such DROP participants are members of the retirement system.

(4) At the conclusion of the participant's DROP, any credits made to a DROP participant's account will cease. Membership in the DROP will automatically terminate ~~60~~ 96 months after the effective date of participation in the DROP, except as provided in subsections (c)(1) and (c)(4) above. DROP participants may elect to discontinue membership in the DROP at any time, provided a two-week written notice of termination has been submitted to the plan administrator.

**Section 10.** Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 11.** Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 12.** Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**Section 13.** Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April, 2024, and for second and final reading on this 14th day of May, 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Bobbie D. Lindsay, Town Council Member

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Kelly Churney, Acting Town Clerk

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Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance to Amend the Town Code at Chapter 18 Relative to Regulations Regarding Construction Screening Fences

ORDINANCE NO. 016-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 54, Historical Preservation, At Article III, Certificate Of Appropriateness, Division 2, Procedures and Effect, Section 54-99, Construction Screening Plan, by Providing Reference to Section 18-353, Construction Screening Required; at Chapter 18, Buildings and Building Regulations, at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-201, Construction Screening, by Providing Reference to Section 18-353, Construction Screening Required; at Article VII, Construction Site Management, by Adding Section 18-353, Construction Screening Required; by Amending Article XVI, Storm Shutter Regulations, at Section 18-1010; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing For Codification; and Providing an Effective Date.

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated March 26, 2024 from Joanne O'Connor, Town Attorney**
- **Ordinance No. 016-2024**

# TOWN OF PALM BEACH
# Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Joanne O'Connor, Town Attorney

Re: Safety and Security of Buildings and Construction Sites: Construction Screening Requirements/Hurricane Shutters
**Ordinance No. 016-2024**

Date: March 29, 2024

## GENERAL INFORMATION

Town Staff and the Town Attorney received direction to address the construction site at 70 Middle Road, including the ornamental decorations appended to the construction screening fence and the hurricane shutters that have remained long after hurricane season at that site. After reviewing the Town's Code with respect to construction site management, it was found to be deficient in addressing these issues, each of which implicate safety and security as well as the aesthetic interests of the Town and all of its residents.

This ordinance amends the Town Code to detail the requirements of construction screening at construction sites in the Town. It cross-references these construction screening requirements in both the LPC and ARCOM ordinances, at Sections 54-99 and 18-201, respectively.

This ordinance also ensures that the existing Town regulations that currently govern when shutters or hurricane protection devices may be closed/secured govern not only commercial buildings, but all buildings in the Town.

## FUNDING/FISCAL IMPACT

There is no funding/fiscal impact.

## TOWN ATTORNEY REVIEW

This Ordinance has been prepared, reviewed and approved by the Town Attorney, working closely with the Director of Planning, Zoning & Building.

Attachment

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

**ORDINANCE NO. 016-2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 54, HISTORICAL PRESERVATION, AT ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT, SECTION 54-99, CONSTRUCTION SCREENING PLAN, BY PROVIDING REFERENCE TO SECTION 18-353, CONSTRUCTION SCREENING REQUIRED; AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, AT ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 3, PROCEDURE AND REQUIREMENTS, SECTION 18-201, CONSTRUCTION SCREENING, BY PROVIDING REFERENCE TO SECTION 18-353, CONSTRUCTION SCREENING REQUIRED; AT ARTICLE VII, CONSTRUCTION SITE MANAGEMENT, BY ADDING SECTION 18-353, CONSTRUCTION SCREENING REQUIRED; BY AMENDING ARTICLE XVI, STORM SHUTTER REGULATIONS, AT SECTION 18-1010; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapters 163 and 166, Florida Statutes, to adopt such land development regulations as it deems appropriate to further the health, safety, and welfare of tis residents: and

**WHEREAS**, the Town wishes to promote safety and security and improve the aesthetic appearance of building sites that are under construction and buildings that may require the protection of hurricane protection devices like storm shutters;

**WHEREAS**, the Town Council through the adoption of this ordinance seeks to develop a consistent procedure and design for construction barriers; and,

**WHEREAS**, the Town Council through the adoption of this ordinance also seeks to provide for the hurricane protection of all structures certified for occupancy in the town and the duration of such protection.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

**Section 1.** The recitations set forth above are incorporated herein.

**Section 2.** Chapter 54, Historical Preservation, of the Town Code of Ordinances, is hereby amended at Article III, Certificate of Appropriateness, Division 2, Procedures and Effect, Section 54-99, Construction Screening Plan, by providing reference to Section 18-353, Construction Screening Required, as follows:

*"Sec. 54-99. - Construction screening plan.*

*Depending upon the size and scope of a project, staff may request a construction screening plan to be submitted as part of Certificates of Appropriateness (COA) applications that demonstrates how the adjacent neighbors and public right-of-ways will be screened from the construction activity through the use of landscape, hardscape, and construction fencing/gates. For those projects where existing landscape and hardscape will remain in place during construction, which provide the necessary screening, this should be identified on the construction screening plan, and photographs of said landscape and/or hardscape screening shall also be provided. The construction screening plan must be approved by the Landmarks Preservation Commission, and the applicant must submit a permit for the approved additional landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major COA application. See Section 18-353, Construction Screening Required for detailed construction screening requirements."*

**Section 3.** Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-201, Construction Screening, by providing reference to Section 18-353, Construction Screening Required, as follows:

*"Sec. 18-201. - Construction screening.*

*A construction screening plan shall be submitted as part of all major ARCOM projects that demonstrates how the adjacent neighbors will be screened from the construction activity through the use of landscaping and construction fencing/gates. Said construction screening plan must be approved by ARCOM, and the applicant must submit a permit for the approved landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major ARCOM application. See Section 18-353, Construction Screening Required for detailed construction screening requirements."*

**Section 4.** Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article VII, Construction Site Management, by adding Section 18-353, Construction Screening Required, as follows:

*"Sec. 18-353.- Construction screening required.*

*The provisions of this section shall apply to residential and nonresidential development as follows:*

(a) *"Construction site" shall mean any site upon which construction or demolition work is occurring or upon which such work has commenced but has not been completed. The provisions of this section shall apply from the time earth is disturbed or raw building materials are placed on the site until the installation of all building fixtures is completed.*

(b) *All construction sites shall be secured and screened with a barrier of existing and/or new screening fence, site walls, and dense landscaping material to prevent public viewing of the construction project, unless otherwise exempted by this section. The entire construction site shall be screened except that a fence shall not be required on the side where the property abuts the Atlantic Ocean of intracoastal waterway, unless specifically requested by the Director of Planning, Zoning & Building or his designee.*

(c) *Temporary construction barriers shall be installed and maintained at ground level on a construction site no sooner than ten days before commencement of construction.*

(d) *Construction barriers that are visible from the right-of-way are subject to the following design requirements:*
   (1) *Construction barriers shall be between 6 to 12 feet in height, or a height approved by either the Architectural Review Commission or the Landmark Preservation Commission.*
   (2) *Fencing shall not contain barbed wire, razor wire, razor ribbon or similar features.*
   (3) *If a chain link fence is used as part of the construction screening, it must incorporate a fabric mesh creating a minimum opacity of 90%. The mesh fence panel shall be securely and tightly attached to the fence to prevent dust and debris intrusion upon adjacent properties. The screening must be substantial enough to avoid rips or tears due to wind or sun.*
   (4) *Screening fences shall be of one color, either green or black, with the entire fence consisting of the same shade of green or black.*
   (5) *Signage, murals, graffiti and other decorative elements of any nature are prohibited on the construction barrier.*
   (6) *Construction barriers shall be maintained in good condition at all times.*
   (7) *The number of access points onto the construction site shall be minimized.*

(e) *The following activities are exempt from installing a construction barrier:*

   (1) *Emergency repairs necessary to protect the health, safety, and welfare of the community.*
   (2) *Construction activities that occur within an existing, completely enclosed, opaque fence or wall.*
   (3) *Landscape improvements.*
   (4) *Plant removal.*
   (5) *Exterior painting or cosmetic material repairs.*
   (6) *Street and infrastructure improvements.*
   (7) *Any improvements that take place within the public right-of-way.*

*(f) All construction materials, dumpsters and portable toilets shall be placed within the area enclosed by the construction barrier; and construction sites shall be secured (gates closed) at night and on weekends when no work is being performed on the structure. The area outside the construction barrier, especially between the fence and the street pavement, must be kept clean, level, and free of any debris or construction material.*

*(g) Temporary construction barriers shall be built and maintained in place in accordance with the Florida Building Code for the substantial completion of the project or until their removal is approved by the Director of Planning, Zoning & Building or his designee.*

*(h) Prior to the installation of the construction barrier, the applicable building permits must be issued by the Building Division of the Planning, Zoning & Building Department. In addition, a site plan depicting the materials, location and access gates must be submitted.*

*Secs. 18-353~~4~~—18-400. - Reserved."*

**Section 5.** Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended at Article XVI, Storm Shutter Regulations, by amending Section 18-1010, Periods during which storm shutters may remain in place, as follows:

*"ARTICLE XVI. - STORM SHUTTER REGULATIONS*

*Sec. 18-1010. - Periods during which storm shutters may remain in place.*

*(a) During the period from December 1 to May 31, no storm shutters or hurricane protection devices on ~~commercial~~ buildings shall remain in a closed/secured position so as to block windows or doors except in the event of storm conditions.*

*(b) During the period of June 1 to November 30, protection from windborne debris through the use of shutters and hurricane protection devices is encouraged for all structures certified for occupancy in the town. During said period, however, it is prohibited ~~in commercial buildings~~ to allow shutters or hurricane protection devices to remain in a closed/secured position except in preparation for an impending storm or hurricane for a period in excess of 14 days unless a hurricane or tropical storm watch occurs during the 14-day period at which point the 14-day period begins anew upon the posting of hurricane or tropical storm warnings. This section shall not apply to personal residences located within commercial buildings."*

**Section 6.** Severability**.** If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 7.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 8.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 9.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April, 2024, and for second and final reading on this _____ day of _____, 2024.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

ATTEST:

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Lewis S.W. Crampton, Town Council Member

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Bobbie D. Lindsay, Town Council Member

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Kelly Churney, Acting Town Clerk

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Bridget Moran, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2024

Section of Agenda
Ordinances - First Reading

Agenda Title
Proposed Ordinance To Amend the Town Code at Chapter 122 By Providing A Definition of "Public Utility Structures"

ORDINANCE NO. 018-2024 An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 122, Utilities By Adding Section 122-1, Definitions, Providing A Definition Of Public Utility Structures; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; and Providing An Effective Date.

Presenter
Joanne O'Connor, Town Attorney

ATTACHMENTS:

- **Memorandum Dated April 3, 2024, from Joanne O'Connor, Town Attorney**
- **Ordinance No. 018-2024**

# TOWN OF PALM BEACH
# Information for Town Council Meeting on: April 9, 2024

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Joanne O'Connor, Town Attorney

Re: Proposed Ordinance Defining "Public Utility Structures" in Section 122-1
Ordinance No. 018-2024

Date: April 3, 2024

## GENERAL INFORMATION

Section 1.03 of the Town Charter requires a referendum election if certain town owned, open green spaces designated therein are improved by way of placing structures thereon. Section 1.03 excludes from the referendum requirement "the construction of public utility structures deemed necessary by the Town." At a Town Council meeting in late 2023, it was noted that neither the Charter nor the Town's Code of Ordinances define "public utility structures." The addition of a definition of "public utility structures" by the addition of Section 122-1.-Definitions to Chapter 122-Utilities is intended to address and clarify the intent of this phrase.

## FUNDING/FISCAL IMPACT

There is no funding/fiscal impact.

## TOWN ATTORNEY REVIEW

This Ordinance was prepared and approved by the Town Attorney. In put was provided by the Director of Public Works.

Attachments

JO:

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

**ORDINANCE NO. 018-2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 122, UTILITIES BY ADDING SECTION 122-1, DEFINITIONS, PROVIDING A DEFINITION OF PUBLIC UTILITY STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1**. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 122, Utilities, by adding Section 122-1. – Definitions to read as follows:

"***Sec. 122-1. – Definitions*.**

*The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:*

*Public utility structures mean structures appropriate for producing, transmitting, distributing, storing or disposing of electrical power; telecommunications, video, cable television, internet, broadband, and similar services; water and stormwater; gas, oil, and crude products; and solid waste that directly or indirectly benefit the general public. "Utility structures" include, but are not limited to, sanitary lift and collection stations, power substations, electrical transformers, fuel tanks, garbage and recycling receptacles and compactors, and hardscape associated with the same.*

**Section 3.** Severability**.** If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 4.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 5.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 6.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April, 2024, and for second and final reading on this 14th day of May, 2024.

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Danielle H. Moore, Mayor

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Lewis S.W. Crampton, Town Council Member

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Bobbie Lindsay, Town Council Member

ATTEST:

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Kelly Churney, Acting Town Clerk

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Bridget Moran, Town Council Member