



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

APRIL 9, 2019

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

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. RECOGNITIONS

- A.** Recognition of Page Lee Hufty for her service on the Landmarks Preservation Commission from May 2014 to March 2019
Josh Martin, Director of Planning, Zoning and Building

VI. PRESENTATIONS

- A.** Palm Beach Civic Association Long Range Planning Committee Financial Strategy Study
Harvey Poppel, Palm Beach Civic Association

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by Code Enforcement Board Applicants
Kirk W. Blouin, Town Manager
- B.** Appointments to the Code Enforcement Board Page 8
Kirk W. Blouin, Town Manager
- C.** Presentations by Recreation Advisory Commission Applicants
Kirk W. Blouin, Town Manager
- D.** Appointments to the Recreation Advisory Commission Page 23
Kirk W. Blouin, Town Manager
- E.** Presentations by the Retirement Board of Trustees Applicants
Kirk W. Blouin, Town Manager
- F.** Appointments to the Retirement Board of Trustees Page 45
Kirk W. Blouin, Town Manager

VIII. COMMENTS OF MAYOR GAIL L. CONIGLIO

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

X. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XI. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

- 1.** Town Council Meeting Minutes Page 58
Kathleen Dominguez, Town Clerk
- a. March 19, 2019, Town Council Meeting Minutes
- b. March 19, 2019, Special Town Council Meeting Minutes - Closed Door
- c. March 19, 2019, Development Review Town Council Meeting Minutes
- 2.** Approval of Major Matters Considered by the Architectural Commission at its Meeting of March 27, 2019 Page 87
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 19-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Apply to the Local Initiatives (LI) Construction Program From The Florida Department of Transportation Through the Palm Beach Metropolitan Planning Organization for up to \$650,000 for Implementation of a Fiberoptic Infrastructure to Link the Four (4) Most Critical Signalized Intersections in Palm Beach to Palm Beach County.
H. Paul Brazil, P.E., Director of Public Works Page 112
2. RESOLUTION NO. 20-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation For RFP No. 2019-02, For The Recreation Center Playground Equipment And Awarding A Contract To DW Recreation Services, Inc. In The Amount Of \$392,999.66; And Establishing An Overall Project Budget Of \$400,000.00.
Jay Boodheshwar, Deputy Town Manager Page 126
3. RESOLUTION NO. 21-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Retroactive Award And Purchase Order in the Amount of \$398,589 To D.S. Eakins For Emergency Repair Of Broken Line And Sanitary Lift Station Upgrade.
Dean Mealy, Purchasing Manager Page 145
4. RESOLUTION NO. 22-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$65,350 and a Five Year Contract in the Amount of \$393,699 to Zimmerman Tree Service For Invitation To Bid No. 2019-12 For Tree Trimming For Lot 3, Hardwood Trees As Designated To A Primary, Secondary And Tertiary Vendor.
Dean Mealy, Purchasing Manager Page 151
5. RESOLUTION NO. 23-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order In The Amount Of \$46,283.90 And A Five Year Contract In The Amount Of \$233,730 To Muscart Painting And Decorating, As The Recommendation Of Award Of Invitation To Bid 2019-04, For Annual Curb, Bollard And Tire Stop Painting; Contingent Upon Funding By Approved Budgets.
Dean Mealy, Purchasing Manager Page 156
6. RESOLUTION NO. 24-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A Purchase Order To Alan Jay Chevrolet In The Amount Of \$115,460.55 For Two (2) Chevy Tahoe 1500 SUV Patrol Cars And One (1) Administrative Chevy Tahoe 1500 SUV Utilizing The State Of Florida Sherriff's Association Contract No. FSA18-Vel26.0.
Dean Mealy, Purchasing Manager Page 162

7. **RESOLUTION NO. 25-2019** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order In The Amount Of \$189,200 To APTIM Environmental & Infrastructure, LLC., For Reach 8 Beach Nourishment Permitting, And Establishing A Permitting Budget Of \$217,000. Page 166
Dean Mealy, Purchasing Manager

C. OTHER

1. Request to Consider Ordinance No. 10-2019 and Ordinance 11-2019 at Public Hearings Prior to 5:00 P.M. Page 197
Josh Martin, Director of Planning, Zoning & Building

XII. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Landmarks Preservation Commission Page 199
Edward Cooney, Chair
- B. Annual Report of the Architectural Commission (ARCOM) Page 202
Robert J. Vila, Chair

XIII. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting Held on March 14, 2019 Page 206
Bobbie Lindsay, Chair

XIV. REGULAR AGENDA

A. Old Business

1. Proposed Town Sponsorship of Business Association Special Event during the Veteran's Day Holiday Weekend in November 2019 to be Hosted by the Main Street Association, with the Palm Beach Rotary Foundation as Event Provider. Page 212
Josh Martin, Director of Planning, Zoning and Building
2. Town Marina Project Update. Page 240
H. Paul Brazil, P.E., Director of Public Works
3. Town-wide Undergrounding Project Page 244
Steven N. Stem, Project Manager
- a. Project Status Update.
4. Coastal Update: Page 300
H. Paul Brazil, P.E., Director of Public Works
- a. Shoreline Condition Update
- b. **RESOLUTION NO. 16-2019** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a First Amendment to Interlocal Agreement R2016-0999 Between the Town of Palm Beach and Palm Beach County for Long-Term Operation and Maintenance of the Sand Transfer Plant.

RESOLUTION NO. 17-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reimbursement to Palm Beach County for Sand Transfer Plant Repairs, in the Amount of \$106,724.09.

B. New Business

1. Defined Contribution Plan Liability Coverage and Oversight. Page 331
Danielle Olson, Director of Human Resources
2. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2018 Page 341
Jane Le Clainche, Director of Finance
3. Discussion of Open Carry Laws
Nicholas Caristo, Acting Chief of Police

C. Matters Pulled From Consent Agenda: If needed

XV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, At Article 1, In General, Section 66-2, Definitions; At Article IV, Vegetation, Section 66-212, Purpose And Intent; To Include A New Section 66-285, General Under Division 4, Design Requirements; Amending Section 66-286, Water Conserving Landscape Design; And Amending Section 66-311, Prohibited Plants; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Page 351
Josh Martin, Director of Planning, Zoning & Building
2. ORDINANCE NO. 13-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Article X. - On-Street Parking Permits, At Section 134-2296(C) and Section 134-2327(2); Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 361
Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. ORDINANCE NO. 8-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43, Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Page 365

Effective Date.

Josh Martin, Director of Planning, Zoning & Building

2. ORDINANCE NO. 15-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances By Adopting A New Chapter 88, Property Maintenance Code, As Set Forth Below, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures, By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use, And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Page 375

XVI. ANY OTHER MATTERS

XVII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 12:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually

considered.

Note 6:

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Code Enforcement Board

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated April 1, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Sample Ballot for Regular Member**
- ▣ **Attendance Record**
- ▣ **Application - Cohen**
- ▣ **Application - Matjlis**
- ▣ **Application - Meltzer**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Code Enforcement Board Appointment of Regular Members

DATE: April 1, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Code Enforcement Board in order to fill the vacant seats resulting from Robert Donnelley and Steven Meltzer's expired terms. Please note that only one member out of the two vacant seats is eligible for reappointment. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

The Town Clerk's office has received one application seeking **NEW APPOINTMENT** from the following citizen:

Jack Cohen who resides at 3450 S. Ocean Blvd., #808, Palm Beach, FL.

The Town Clerk's office has received one application seeking **REAPPOINTMENT** from the following member:

Steven Meltzer who resides at 130 Sunrise Avenue, Palm Beach, FL.

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

Bram Majtlis who resides at 2275 S. Ocean Blvd., #207A, Palm Beach, FL.

c.c.: Nicholas Caristo, Acting Chief of Police
Ben Alma, Parking/Code Enforcement Manager

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER
TO THE **CODE ENFORCEMENT BOARD**
Town Council Meeting on **April 9, 2019**

Positions to be filled:

 2 Regular Members

Please circle 2 from the list of names appearing below

Regular Member Applying for Reappointment

(Listed alphabetically)

Steven Meltzer

Alternate Member Applying for Promotion to Regular Member

(Listed alphabetically)

Bram Majtlis

Others Who Have Submitted Applications

(Listed alphabetically)

Jack Cohen

Signature of Town Council Member: _____
Town Council Member

Code Enforcement Board Attendance Record 2018

Member	1/18	2/15	3/15	4/19	5/17	6/21	7/19	8/16	9/20	10/18	11/15	12/20
Matthew Natale, Chair	<i>(Regular Member as of 4/2015, Alternate 12/2013 - 04/2015)</i>											
	P	P	P	P	P	P	P	P	X	P	P	P
Scotch Peloso, Vice Chair	<i>(Regular Member as of 08/2015, Alternate 08/2009 - 08/2015)</i>											
	P	P	P	P	P	P	P	P	X	P	P	P
Robert G. Donnelley	<i>(Regular Member as of 12/2013, Alternate 09/2013 - 12/2013)</i>											
	P	P	P	P	P	P	P	P	X	P	P	P
Daniel McDonnell	<i>(Regular Member as of 04/2017, Alternate 11/2016 - 04/2017)</i>											
	P	P	P	P	P	U	P	P	X	P	P	P
Rosemary G. Carpenter	<i>(Regular Member as of 4/2018, Alternate 04/2017 - 04/2018)</i>											
	P	P	P	P	P	P	P	P	X	P	P	P
Linda K. Wartow	<i>(Regular Member as of 04/2018, Alternate 02/2018 - 04/2018)</i>											
	-	P	P	P	P	P	U	P	X	P	P	P
Steven Meltzer	<i>(Alternate Member as of 4/2018 - Regular Member as of 7/2018)</i>											
	-	-	-	U	P	P	P	P	X	P	P	P
Bram Majtlis	<i>(Alternate Member as of 6/2018)</i>											
	-	-	-	-	-	P	P	P	X	U	P	P
Herbert A. Roemmele	<i>(Alternate Member as of 9/2018)</i>											
	-	-	-	-	-	-	-	-	X	P	P	E
James M. Ballentine, Jr.	<i>(Reached Term Limits 4/2018)</i>											
	P	P	P	-	-	-	-	-	-	-	-	-
Cynthia Van Buren	<i>(Reached Term Limits 4/2018)</i>											
	P	U	E	-	-	-	-	-	-	-	-	-
Jay N. Nisberg, Vice Chair	<i>(Resigned from Board 5/2018)</i>											
	P	E	P	P	P	-	-	-	-	-	-	-

LEGEND: P= Present
 E= Excused
 U= Unexcused Absence
 A= Absence pending classification as excused or unexcused
 X= No meeting date
 - = Not a member at time of meeting
 * = special session, attendance not mandatory
 Q = would have attended, but no meeting due to lack of a quorum

Code Enforcement Board Attendance Record 2019

Member	1/17	2/21	3/21	4/18	5/16	6/20	7/18	8/15	9/19	10/17	11/21	12/19
Matthew Natale, Chair	<i>(Regular Member as of 4/2015, Alternate 12/2013 - 04/2015)</i>											
	P	P	P									
Scotch Peloso, Vice Chair	<i>(Regular Member as of 08/2015, Alternate 08/2009 - 08/2015)</i>											
	U	P	P									
Robert G. Donnelley	<i>(Regular Member as of 12/2013, Alternate 09/2013 - 12/2013)</i>											
	P	P	P									
Daniel McDonnell	<i>(Regular Member as of 04/2017, Alternate 11/2016 - 04/2017)</i>											
	P	P	P									
Rosemary G. Carpenter	<i>(Regular Member as of 4/2018, Alternate 04/2017 - 04/2018)</i>											
	P	P	P									
Linda K. Wartow	<i>(Regular Member as of 04/2018, Alternate 02/2018 - 04/2018)</i>											
	P	P	P									
Steven Meltzer	<i>(Regular Member as of 7/2018, Alternate 4/2018 - 7/2018)</i>											
	P	P	P									
Bram Majtlis	<i>(Alternate Member as of 6/2018)</i>											
	P	P	P									
Herbert A. Roemmele	<i>(Alternate Member as of 9/2018)</i>											
	P	P	P									
James M. Ballentine, Jr.	<i>(Reached Term Limits 4/2018)</i>											
	P	P	P	-	-	-	-	-	-	-	-	-
Cynthia Van Buren	<i>(Reached Term Limits 4/2018)</i>											
	P	U	E	-	-	-	-	-	-	-	-	-
Jay N. Nisberg, Vice Chair	<i>(Resigned from Board 5/2018)</i>											
	P	E	P	P	P	-	-	-	-	-	-	-

LEGEND: P= Present
 E- Excused
 U= Unexcused Absence
 A= Absence pending classification as excused or unexcused
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 Q = would have attended, but no meeting due to lack of a quorum



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

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

Name: JACK D. COHEN Residence Address: 3450 So. OCEAN BLVD. #808

Mailing Address: 3450 So. OCEAN BLVD. #808 Home Telephone: (561) 547 7609

E-mail Address: COHENJACK@ATT.NET Work Telephone: N.A.

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

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

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

AFTER SPENDING 20+ YEARS WORKING FOR THE "PALM BEACH" POLICE DEPT. IN THE "RECORDS" DEPARTMENT I HAVE EXPERIENCED AND PARTICIPATED IN MANY VARIOUS TOWN ASSIGNMENTS AND DUTIES.

2. How many meetings of the Code Enforcement Board have you attended in the last year? 0

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

SERVED AS "SECRETARY" OF "CITIZENS ASSOCIATION" DURING PERIOD HAROLD AKE TOW WAS PRESIDENT. I WAS ALSO RESPONSABLE FOR WORKING WITH "BEACH CLEANING" EMPLOYEE TO DEALING WITH CITIZEN COMPLAINTS.

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

ONLY VACATION OR ILLNESS

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

SEE ENCLOSED !

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

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

7. Present occupation. RETIRED No. of years. 23 YEARS

Employer. PEPPERIDGE FARM COOKIE DIST. OWNER OPERATION

8. Past occupation(s). SUPERMARKET MANAGER - CONSULTANT - BUSINESS OWNER No. of years. 30 YEARS

Employer(s). _____

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

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

10. Please provide details regarding your educational background:

"BACHELOR OF SCIENCE" TRENTON STATE COLLEGE
"MASTER OF EDUCATION" "RUTGERS" THE STATE UNIVERSITY"

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

CONSIDERING MY 23 YEARS LIVING IN PALM BEACH, MY 20 PLUS YEARS
BEING PART OF THE TOWN OPERATIONAL PROGRAMS AND THE DESCRIPTION OF
MY OPERATIONAL METHOD AND RESULTS, I AM CONFIDENT I CAN
PERFORM AT A HIGH STANDARD.

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

Family Member Name	Relationship	Address	Occupation	Employer
ETTA COHEN	WIFE	3450 SO. OCEAN BLVD.	RETIRED NURSE PRACTITIONER	

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

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

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

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

RACE

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

GENDER

- ☐ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☐ No

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

SIGNATURE: Jack D. Coe

DATE: 3-5-19

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

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

CODE ENFORCEMENT BOARD

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

#5 Personal Experience with Code Enforcement

While employed by the "City of Philadelphia" as a Management Consultant, I was assigned to work with the "Korean Business Association of North Philadelphia" and the "Germantown and Lehigh African Business Association".

Problem (s), lack of cooperation and willingness to work together.

My job, bring both business organization to a point of, at least, Listening with open minds.

Slowly, as the weeks passed, I started to accomplish small but Meaningful actions, such as;

- Meeting every week instead of once a month.

- Adhering to basic operational rules by both organizations.

- Setting conduct rules, not temper tantrums.

- Presenting a professional image to the neighborhood and other business districts.

This brief description of my duties and responsibilities took just under one year.

Reason for voluntarily leaving this position was that the new Administration insisted that I move from my home in New Jersey to Philadelphia, which I refused.



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Name: Abram Majtlis Residence Address: 2275 S.Ocean Blvd. #207A

Mailing Address: 2275 S.Ocean Blvd #207A Home Telephone: 404-274-8113

E-mail Address: bmajtlis723@me.com Work Telephone: _____

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

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

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)
I would like to become a regular member of the Code Enforcement Board on which I

serve as an alternate member since June 2018

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

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

N/A

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

once a year in October.

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

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

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

7. Present occupation. retired No. of years. 1

Employer. _____

8. Past occupation(s). Business owner No. of years. 26 years

Employer(s). IMTC, Inc.

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

- | | |
|--|---|
| ☐ Architecture | ☐ Building Construction |
| ☐ Landscape Architecture/Design | ☐ Municipal Planning |
| ☐ Law | ☐ Law Enforcement/Code Enforcement |

10. Please provide details regarding your educational background:

Native of The Netherlands, where I was raised and educated. Was in managerial positions
at companies like KLM Royal Dutch Airlines, Holland America Cruises, Various Hotel
companies

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

I have been an alternate member of the Town of Palm Beach Code Enforcement Board
since June 2018

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

Family Member Name	Relationship	Address	Occupation	Employer
Nick M. Gold	husband	2275 S Ocean Blvd -	Director of -	Eau Palm Beach -
		Apt.207A, Palm Beach	Public Rel.	Resort and Spa

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

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

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member?
☐ Yes ☒ No, as I am already an alternate member mid term.

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

RACE

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

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

DATE: 02-06-2019

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

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

CODE ENFORCEMENT BOARD

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

RECEIVED

MAR 21 2019

TOWN CLERK



RECEIVED

MAR 21 2019

TOWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

RECEIVED

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

Name: Steven Meltzer Residence Address: S Amc

Mailing Address: 130 Sunrise Ave PHB Home Telephone: 561 628 6973

E-mail Address: smeltzer@msn.com Work Telephone:

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

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

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

Have served as a temporary member and found it very rewarding to give back to the Town

2. How many meetings of the Code Enforcement Board have you attended in the last year? 1

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

P.B. Code Enforcement Board

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

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

Code enforcement
yes April 2018 - March 2019

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

- ☐ Palm Beach Chamber of Commerce
☒ Palm Beach Civic Association
☐ Neighborhood Alliance of Palm Beach
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Retired No. of years. 1980

Employer. _____

8. Past occupation(s). Executive No. of years. 30

Employer(s). Self

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

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

10. Please provide details regarding your educational background:

WFL 1961
City of London College 1962-1964.

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

Served as temporary member. then Full member.
Attend All meetings.

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

Family Member Name	Relationship	Address	Occupation	Employer
Jeri	wife	130 Sunrise Ave	Retired	_____

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

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

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member?
☐ Yes ☐ No

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

RACE

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

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

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

SIGNATURE: _____

DATE: _____

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

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

CODE ENFORCEMENT BOARD

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

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Recreation Advisory Commission

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated April 1, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Sample Ballot for Regular Member**
- ▣ **Sample Ballot for Alternate Member**
- ▣ **Attendance Record**
- ▣ **Application - Harris**
- ▣ **Application - McIver**
- ▣ **Application - Pressly**
- ▣ **Application - Schonwald-Vila**
- ▣ **Application - Wytrzes**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Recreation Advisory Commission Appointment of Regular and Alternate Members

DATE: April 1, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Recreation Advisory Commission in order to fill the vacant seats resulting from Matthew Smith, Leslie Wytrzes, Grier Pressly and Kristen Schonwald-Vila's expired terms. Please note that only three out of the four vacant seats are eligible for re-appointment. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

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

- 1) Peter Harris who resides at 173 Peruvian Avenue, #1, Palm Beach, FL.
- 2) Pamela McIver who resides at 695 Island Drive, Palm Beach, FL.

The Town Clerk's office has received one application seeking **REAPPOINTMENT** from the following member:

- 1) Leslie Wytrzes who resides at 130 Sunrise Avenue, Palm Beach, FL.

The Town Clerk's office has received two applications from **ALTERNATES SEEKING PROMOTION TO A REGULAR MEMBER POSITION OR REAPPOINTMENT TO THEIR CURRENT ALTERNATE POSITION** from the following members:

- 1) Grier Pressly who resides at 242 Seaspray Avenue, Palm Beach, FL.
- 2) Kristen Schonwald-Vila who resides at 269 Queens Lane, Palm Beach, FL.

c.c.: Jay Boodheshwar, Deputy Town Manager
Rod Gardiner, Assistant Director of Recreation

**BALLOT FOR APPOINTMENT OF REGULAR MEMBER
TO THE RECREATION ADVISORY COMMISSION
Town Council Meeting on **April 9, 2019****

Positions to be filled:

 2 **Regular Members**

Please circle 2 from the list of names appearing below

Regular Member Applying for Reappointment

(Listed alphabetically)

Leslie Wyrzes

Alternate Members Applying for Promotion to Regular Member

(Listed alphabetically)

Grier Pressly

Kristen Schonwald-Vila

Others Who Have Submitted Applications

(Listed alphabetically)

Peter Harris

Pamela McIver

Signature of Town Council Member: _____
Town Council Member

**BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE RECREATION ADVISORY COMMISSION
Town Council Meeting on April 9, 2019**

Positions to be filled:

 2 **Alternate Members**

Please circle 2 from the list of names appearing below

Alternate Members Applying for Reappointment
(Listed alphabetically)

Grier Pressly

Kristen Schonwald-Vila

Others Who Have Submitted Applications
(Listed alphabetically)

Peter Harris

Signature of Town Council Member: _____
Town Council Member

Recreation Advisory Commission Attendance Record 2018-2019

	2018					2019				
	1/12	3/7	4/18	5/2	11/7	1/7	3/6	5/1	9/4	11/6
Ms. Amy Bahl	P	P	P	P	P	P	P			
Mr. Nicholas Coniglio	P	P	P	P	P	P	P			
Ms. Carla Termini Cove	P	P	P	P	P	P	P			
Mr. John Hartz	P	P	P	P	U	P	P			
Dr. G. Ellen Howe	P	P	P	P	P	P	P			
Mr. Grier Pressly	P	P	P	P	P	P	P			
Mr. Matthew Smith	P	P	P	P	P	P	P			
Ms. Kristan Schonwald-Vila	P	P	P	P	P	P	U			
Mrs. Alexandra Woodfield	P	P	P	P	P	P	P			
Mrs. Leslie Wyrzes	P	P	P	P	P	P	P			

Recreation Advisory Commission Voting Conflicts 2018-2019

	2018					2019				
	1/12	3/7	5/2	4/18	11/7	1/6	3/6	5/1	9/4	11/6
Ms. Amy Bahl										
Mr. Nicholas Coniglio										
Ms. Carla Termini Cove										
Mr. John Hartz										
Dr. G. Ellen Howe										
Mr. Grier Pressly										
Mr. Matthew Smith										
Mrs. Alexandra Woodfield										
Mrs. Leslie Wyrzes										

X = Voting Conflict



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

2019 FEB 25 PM 3:33 TOWN CLERK
RECEIVED

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

Name: Peter W. Harris Residence Address: 173 Peruvian Ave #1

Mailing Address: 173 Peruvian Ave #1 Home Telephone: 781-540-9102

E-mail Address: puharris88@gmail.com Work Telephone: same ↑

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

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

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

See "attachment"

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5

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

N/A

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

I will commit to making all meetings.

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

I have been attending as many of the meetings as I could especially during the new Recreation Facility meetings

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

- ☐ Palm Beach Chamber of Commerce
☒ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Consultant No. of years. 11

Employer. Yankee Foxrot, Inc.

8. Past occupation(s). Senior Executive in Security Industry No. of years. 25

Employer(s). Rapor, AS+E, Analogic, Yankee Foxrot, Inc.

9. Please provide details regarding your educational background:

St. Mark's School 1972

US Naval Academy 1976 BA

Georgetown University 1983 MA School of Foreign Service

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

Family Member Name	Relationship	Address	Occupation	Employer
<u>N/A</u>				

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

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

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

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

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☐ No

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

SIGNATURE: _____

Peter J. Harris

DATE: *25 Feb, 2019*

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

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

RECREATION ADVISORY COMMISSION

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

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

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

#1 – Why do I wish to be appointed?

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

1. I am a Florida resident and have lived in Palm Beach since 2013. I want to give some of my time and energy to the Town.
2. I have had business and leadership positions my entire life and believe I can be of value to the Commission:
 - a. Have been a senior Exec and Board Member at public and private companies, including positions as CEO and President
 - b. Have managed our large Family Company
 - c. Have been President of a large country club outside Boston
 - d. Attained the rank of Captain in the US Navy and had two commands, one being a Commanding Officer of an Attack Jet Squadron during the first Persian Gulf War
 - e. Have been on numerous Company Boards (profit and non-profit)
 - f. Have been President of my local Condo Association here in Palm Beach for the past three years
 - g. Currently, have my own consulting firm with an office at 205 Worth Avenue
3. Love sports and recreation:
 - a. Played tennis and squash in college at the Naval Academy
 - b. Nationally ranked tennis player in the 60's age bracket
 - c. Love golf as well and play locally especially at the Par 3
 - d. Attended many meetings of the new Recreation facility
 - e. Am an avid boater and owner of several boats
4. Finally, am a team player and like to work on problems with Committees



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECEIVED

RECREATION ADVISORY COMMISSION

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

Name: Pamela McIVER Residence Address: 695 Island Dr. -

Mailing Address: PB 33480 Home Telephone: 561-805-5393

E-mail Address: pam180@MAC.com Cell Work Telephone: 561-676-8586

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

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

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

1. want to be of service to the Community
2. Want to bring my professional skills to Town issues
3. Was pt. of the process when Rec. Center approved - would love to stay involved & participate in the thinking, as it takes shape

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

☐ 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5

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

Rec. Commission - 2009-2017
Alternate - 2009-2011 / member, then Chairman - 2011-2017 (MAY)

attended virtually every regularly scheduled meeting (one absence for medical issue) - always stayed for full meeting.

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

Gone from June - October - but available as needed - Have always returned just to attend Sept. meeting.

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

Have played tennis at Seaview & Higgs
over many years. (Was Team Capt. for Seaview
Yrs. at Seaview.)

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

- ☐ Palm Beach Chamber of Commerce ☐ Preservation Foundation of Palm Beach
☒ Palm Beach Civic Association husband-on ☐ North End Property Owners Association
☐ Citizens' Association of Palm Beach Exec. Comm. ☐ Other _____

7. Present occupation. Retired No. of years. c. 15

(Employer) past chair/now Chair, Advancement Committee,

8. Past occupation(s). The Lord's Place No. of years. c. 20 yrs.
Sr. Vice President -

Employer(s). Burson Marsteller Public Relations, NYC.
Young & Rubicam Global Communications, NYC

9. Please provide details regarding your educational background:

Univ. of Pennsylvania - B.A.

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

Family Member Name	Relationship	Address	Occupation	Employer
Brian McIver	husband	695 Island Dr PB	Retired corp. exec.	Kraft General Foods

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

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

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

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

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

Donela M. Sher

DATE: _____

3/18/19

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

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

RECREATION ADVISORY COMMISSION

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

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



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

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

Name: Grier Pressly Residence Address: 242 Seaspray Ave.

Mailing Address: 242 Seaspray Ave. Home Telephone: (561) 309-7468

E-mail Address: grier@pprplaw.com Work Telephone: (561) 659-4040

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

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

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

- 1) To continue my service as a RAC member for a second term.
- 2) To provide ideas and advice as the new Rec Center develops its programming.
- 3) As a father of an 11 year old, to support RAC initiatives to continue to make Palm Beach a fun, recreationally rich place to raise a family.

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5+

I have attended all RAC meetings as an alternate member of RAC since my appointment in 2017.

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

RAC - 2017 - present (I attended all meetings as an alternate member)
 President, Palm Beach County Bar Assoc. (2015-16)
 Chairman of Board, Historical Society of PB County (2014-18)
 Trustee, PB Chamber of Commerce (2018-present)

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

N/A

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

Frequent user of Rec Center, tennis courts, & Par 3
PAC alternate member 2017 - present

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

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

7. Present occupation. Attorney No. of years. 20

Employer. Pressly, Pressly, Randolph & Pressly, P.A.

8. Past occupation(s). N/A No. of years. _____

Employer(s). _____

9. Please provide details regarding your educational background:

University of Florida, B.A. with Highest Honors
University of Florida, J.D. with Honors

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

Family Member Name	Relationship	Address	Occupation	Employer
Kristy Pressly	wife	242 Seagrass Ave.	Attorney	The Breakers
Parker Pressly	Daughter	242 Seagrass Ave.	Student (11)	N/A
Jamie Pressly	Father	133 Seagrass Ave.	Attorney	Pressly, Pressly, Randolph & Pressly, P.A.
Katie Pressly	mother	133 Seagrass Ave.	N/A	N/A
Page Pressly	sister		Designer	self-employed

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

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

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

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

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

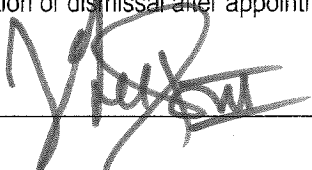
☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____



DATE: _____

3/10/19

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

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

RECREATION ADVISORY COMMISSION

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

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



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

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

Name: KRISTEN SCHONWALD-VILA Residence Address: 269 QUEENS LN.

Mailing Address: 269 QUEENS LN. PALM BEACH Home Telephone: 917-548-4311

E-mail Address: KSV@Vilabuilt.com Work Telephone: _____

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

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

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

SEE ATTACHED

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5

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

RECREATION ADVISORY COMMISSION 2017-2019

RECREATION CENTER PLAYGROUND COMMITTEE CURRENT

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

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

SEE ATTACHED

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

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. CREATIVE DIRECTOR GRANDVIEU PUBLIC No. of years. 2

Employer. SELF

8. Past occupation(s). DIRECTOR OF SALES, AQUARIUS LTD. No. of years. 12

Employer(s). AQUARIUS LTD.

9. Please provide details regarding your educational background:

BA NEW YORK UNIVERSITY 2003

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

Family Member Name	Relationship	Address	Occupation	Employer
CHRISTOPHER VILA	SPOUSE	269 QUEENS LN.	PRESIDENT	GRANDVIEU PUBLIC
ROBERT VILA	FATHER IN LAW	690 ISLAND DR.		
DIANA BARRETT	MOTHER IN LAW	690 ISLAND DR.	PRESIDENT	FLEDGLING FUND
SHERA, HOPE, REX VILA	CHILDREN	269 QUEENS LN.		

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

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

☒ I will resign from the RECREATION ADVISORY COMMISSION if I am appointed to the position I am seeking in this application.
ALTERNATE MEMBER
board/commission/committee

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

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: H. Schomura-Vila

DATE: 3/9/19

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

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

RECREATION ADVISORY COMMISSION

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

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

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

Over the past two years I have deeply enjoyed getting involved in the Town of Palm Beach. It has been an honor to serve on the Recreation Advisory Commission as an alternate member and help make suggestions as to how we can improve town services for it's residents. As my children grow older, now ranging from eight to two years old, I feel I have a broader view of the needs of our residents and their families. The Recreation Advisory Commission is unique in that it speaks directly to many of the year round residents and the families in similar life stages as my own. It is my hope to continue serving the Town of Palm Beach as a voting member on the Recreation Advisory Commission as it embarks on an exciting path with new facilities and goals.

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

For the last two years I have served as an alternate member on the Recreation Advisory Commission. Additionally I am on the Recreation Center Playground Committee. I am an avid tennis player and spent two years playing on the Seaview tennis team. During this time I spent countless hours on the court and used the facilities. In addition I have signed up for and participated in educational resident's programing offered through the recreation center. I am looking forward to the new Recreation Center and being an active participant in all of the programming offered. My eldest daughter plays golf at the Par 3 course every week and I have gotten to know the facilities on property as well as spend time with it's staff. It is with great enthusiasm that I routinely use and participate in the town's facilities that fall under the guidance of the Recreation Advisory Commission.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

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

Name: LESLIE WYTRZES Residence Address: 444 SEABREEZE AVE.
Mailing Address: 444 SEABREEZE AVE. Home Telephone: 561-653-0029
E-mail Address: lesliewyta@gmail.com Work Telephone: CELL: 561-596-6785
I am a registered voter of the Town of Palm Beach Yes (please initial) P.G.

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

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

I WOULD LIKE TO BE RE-APPOINTED AS A REGULAR MEMBER SO THAT I CAN CONTINUE TO PARTICIPATE IN DECISIONS THAT MAKE LIFE BETTER HERE IN PALM BEACH. IT IS A PERFECT FIT FOR ME. I AM A LIFE LONG GOLFER AND TENNIS PLAYER (AND WORKED IN BOTH TENNIS & GOLF PRO SHOPS ALONG WITH TEACHING BOTH SPORTS - (PLEASE SEE BELOW))

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 10 PLUS SPECIAL MEETINGS

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

1. APPOINTED AS REGULAR MEMBER OF THIS COMMISSION ON APRIL 12, 2016
2. I HAVE BEEN A MEMBER OF THE REC. ADVISORY COM. SINCE BEING APPOINTED AS AN ALTERNATE MEMBER ON FEB. 10, 2015. I WAS RE-APPOINTED ON APRIL 14, 2015. I ATTENDED ALL OF THE MEETINGS INCLUDING ALL OF THE SPECIAL MEETINGS.

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

I WILL ALWAYS BE AVAILABLE.

*1. MOST IMPORTANTLY MY 15-YEAR-OLD TWINS GREW UP PLAYING AT THE PALM BEACH RECREATION CENTER. I KNOW WHAT A WONDERFUL ASSET IT IS TO PALM BEACH.

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

MY ENTIRE FAMILY PARTICIPATES IN TOWN TENNIS TOURNAMENTS & EVENTS
 2007 - PRESENT DIVISION 1 PLAYER AT SEAVIEW CAPTAIN FOR
 2019 - PLAYER ON Phipps Senior Team (PBCWTA) SEVEN YEARS
 PAST ORGANIZER OF PALM BEACH DAY SCHOOL ACADEMY TENNIS TEAM AT SEAVIEW

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

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

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

Employer. N/A

8. Past occupation(s). JOURNALIST NEWS REPORTER, TV ANCHOR, PA, No. of years. 20

PRODUCTION MANAGER & DIRECTOR OF DEVELOPMENT
 Employer(s). KMGH - DENVER, COLO., KREX - GRAND JUNCTION, COLO.,
ORION TELEVISION, DAVID SOUTHE PRODUCTIONS (L.A., CALIFORNIA)

9. Please provide details regarding your educational background: ABC TELEVISION - NYC
(SPORTS)

BS - UNIV. OF COLORADO (BOULDER) - JOURNALISM
MS - UNIV. OF COLORADO (DENVER) PSYCHOLOGY

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

Family Member Name	Relationship	Address	Occupation	Employer
WAYNE WYTKES	SPOUSE	444 SEABREEZE	ECONOMIST	SELF
LILLIAN WYTKES	DAUGHTER (15)	444 SEABREEZE	N/A	
WILLIAM WYTKES	SON (15)	444 SEABREEZE	N/A	

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

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

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

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

I AM APPLYING FOR RE-APPOINTMENT AS A REGULAR MEMBER

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

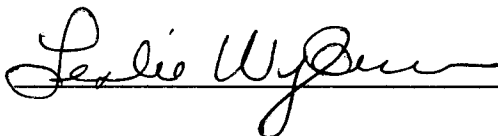
GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: 

DATE: 3-22-19

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

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

RECREATION ADVISORY COMMISSION

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

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Retirement Board of Trustees

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated April 1, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Sample Ballot for Regular Member**
- ▣ **Attendance Record**
- ▣ **Application - Amling**
- ▣ **Application - Kaufman**
- ▣ **Application - Parker**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Retirement Board of Trustees Appointment of Regular Members

DATE: April 1, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Retirement Board of Trustees in order to fill the vacant seats resulting from Jeffrey Amling and Bradford Kaufman's expired terms. Please note that the members whose terms are expiring are eligible for reappointment. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

The Town Clerk's office has received one application seeking **NEW APPOINTMENT** from the following citizen:

Thomas Parker who resides at 215 Jamaica Lane, Palm Beach, FL.

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

- 1) Jeffrey Amling who resides at 161 Seagate Road, Palm Beach, FL.
- 2) Bradford Kaufman who resides at 151 Seagate Road, Palm Beach, FL.

c.c.: Jane Le Clainche, Director of Finance
William Hanes, Pension Administrator

BALLOT FOR APPOINTMENT OF REGULAR MEMBER
TO THE **RETIREMENT BOARD OF TRUSTEES**
Town Council Meeting on **April 9, 2019**

Positions to be filled:

 2 **Regular Members**

Please circle 2 from the list of names appearing below

Regular Members Applying for Reappointment

(Listed alphabetically)

Jeffrey Amling

Bradford Kaufman

Others Who Have Submitted Applications

(Listed alphabetically)

Thomas Parker

Signature of Town Council Member: _____
Town Council Member

Retirement Board Attendance Sheet

Meeting Date	Board Members	Attendance	Meeting Date	Board Members	Attendance
3/2/2018	Dan Stanton Gerald Goldsmith Brett Madison Kirk Blouin Brad Kaufman Jeffrey Amling Ed Carter Michael Marx Dan Wilkinson	Present Present Present Present Present Present Present Present Present	12/7/2018	Dan Stanton Gerald Goldsmith Brett Madison Jane LeClainche Brad Kaufman Jeffrey Amling Ed Carter Michael Marx Dan Wilkinson	Present Present Present Present Present Present Present Present Present
5/18/2018	Dan Stanton Gerald Goldsmith Brett Madison Kirk Blouin Brad Kaufman Jeffrey Amling Ed Carter Michael Marx Dan Wilkinson	Present Present Absent Present Present Present Present Present Present	3/15/2019	Dan Stanton Gerald Goldsmith Brett Madison Jane LeClainche Brad Kaufman Jeffrey Amling Ed Carter Michael Marx Dan Wilkinson	Present Present Present Present Present Present Present Absent Present
8/24/2018	Dan Stanton Gerald Goldsmith Brett Madison Jane LeClainche Brad Kaufman Jeffrey Amling Ed Carter Michael Marx Dan Wilkinson	Present Present Present Present Present Absent Present Present Present			



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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

Name: Jeffrey S. Amling Residence Address: 161 Seagate Rd. P.B.

Mailing Address: 161 Seagate Rd. P.B. Home Telephone: 561-882-9770

E-mail Address: jeffreyaamling@aol.com Work Telephone: _____

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

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

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

To continue in present role to put this
experience along with other investment
heritage to good use for town of P.B.

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0

☐ 1

☐ 2

☐ 3

☒ 4

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

Retirement Board - Trustee
past 2.5 years

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

August

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

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

6. Present occupation: Consultant No. of years. 10
 Employer: FTI Consulting

7. Past occupation(s): Invest. Banker No. of years. 25
 Employer(s): Alex. Brown / DB

8. Please provide details regarding your educational background:

Deerfield Academy - Secondary
U Va. - BA
Univ. of Md. - JD

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

N/A

Family Member Name	Relationship	Address	Occupation	Employer

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

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

☒ I will resign from the Retirement Board if I am appointed to the position I am seeking in this application.

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

RACE

- | | |
|--|---|
| ☐ African American | ☐ Native American |
| ☐ Asian American | ☒ Caucasian |
| ☐ Hispanic American | ☐ Not Known |

GENDER

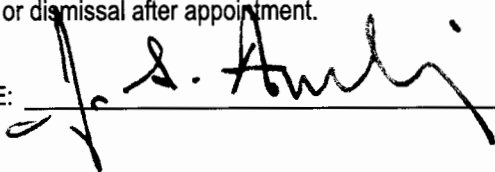
☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____



DATE: _____

2.20.19

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

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

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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

Name: Bradford D. Kurlman

Residence Address: 151 Secgok Rd Palm Beach FL 33480

Mailing Address: 151 Secgok Rd

Home Telephone: 561-628-8800

E-mail Address: Kurlmanbg@tlow.com

Work Telephone: 561-650-7901

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

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

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

I have been on the Board for some time and want to
continue to contribute all that I can to the town and its
employees

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0

☐ 1

☐ 2

☐ 3

☒ 4+

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

I have been on the Retirement Board of Trustees for
three years and have a perfect attendance record

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

N/A

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

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

6. Present occupation: Ally No. of years: 33
Employer: Greenberg Training

7. Past occupation(s): Steel Headers : Davis Ally No. of years: 11
Employer(s): ↓

8. Please provide details regarding your educational background:

I hold a B.S. and a J.D.

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

Family Member Name	Relationship	Address	Occupation	Employer
Jill Kasma	Wife	151 Seagrass Rd	N/A	N/A

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

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

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

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

RACE

- | | |
|--|---|
| ☐ African American | ☐ Native American |
| ☐ Asian American | ☒ Caucasian |
| ☐ Hispanic American | ☐ Not Known |

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

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

SIGNATURE: _____

DATE: _____

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

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

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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

Name: Thomas F. X. Parker

Residence Address: 215 Jamaica Lane, Palm Beach, FL 33480

Mailing Address: 215 Jamaica Lane, Palm Beach, FL 33480

Home Telephone: (561) 848-3240

E-mail Address: teexparker@gmail.com

Work Telephone: (561) 440-6280

I am a resident of the Town of Palm Beach

TP

(please initial)

TD

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

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

MY SERVICE ON OUTF HAS BEEN A PRIVILEGE. I HAVE
WORKED DILIGENTLY AND COOPERATED WITH FELLOW
BOARD MEMBERS AND TOWN STAFF AND RESIDENTS.
MY CAREER EXPERIENCE IS DIRECTLY RELEVANT.

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0

☐ 1

☒ 2

☐ 3

☐ 4+

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

UNDERGROUND UTILITIES TASK FORCE, SINCE INCEPTION, MAY 2015.

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

N.A.

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☒ Other <u>St. Edward's Church, Lector</u> |

6. Present occupation: Managing Director and Principal No. of years: 2
 Employer: PDS Wealth Management, LLC; a Registered Investment Advisor

7. Past occupation(s): Financial Advisor, CFP No. of years: 16
 Employer(s): Merrill Lynch, Morgan Stanley Smith Barney, Eastbridge Capital, Bear Stearns, Citigroup

8. Please provide details regarding your educational background:

JMM SCHOOL AND CARDINAL NEWMAN HIGH SCHOOL, WPB
UNIVERSITY OF VIRGINIA, B.A. ENGLISH 1974
CERTIFIED FINANCIAL PLANNER, 2008

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

Family Member Name	Relationship	Address	Occupation	Employer
Mary V Parker	Spouse	215 Jamaica Lane, Palm Beach, FL	Retired	
Paul D Spencer	Son in Law		Principal, Director	PDS Wealth Management

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

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

☒ I will resign from the Underground Utilities Task Force if I am appointed to the position I am seeking in this application.

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

RACE

- | | |
|--|---|
| ☐ African American | ☐ Native American |
| ☐ Asian American | ☒ Caucasian |
| ☐ Hispanic American | ☐ Not Known |

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: Thom Parker

DATE: 2-15-2019

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

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

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Minutes

Agenda Title

Town Council Meeting Minutes

Kathleen Dominguez, Town Clerk

- a. March 19, 2019, Town Council Meeting Minutes
- b. March 19, 2019, Special Town Council Meeting Minutes - Closed Door
- c. March 19, 2019, Development Review Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **March 19, 2019 Regular Town Council Meeting Minutes**
- ▣ **March 19, 2019, Special Town Council Meeting Minutes**
- ▣ **March 19, 2019, Town Council Development Review Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING

HELD ON TUESDAY, MARCH 19, 2019

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, March 19, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- Item XVI.B.1. Consideration of a Closed Door Session was to be heard at 2:45 p.m.
- Item XVI.A.1. Proposed Palm House Settlement Agreement, was moved up to be heard immediately after Item VIII. Presentations.

IV. APPROVAL OF AGENDA

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

V. CERTIFICATION OF ELECTION RESULTS

- A. RESOLUTION NO. 12-2019 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 12th Day of March 2019.
Kathleen Dominguez, Town Clerk

Town Clerk Dominguez provided an overview of the election results.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 12-2019. On roll call, the motion carried unanimously.

VI. SWEARING IN OF ELECTED OFFICIALS

- A. The Honorable Judge Lisa Small

1. Gail L. Coniglio
2. Danielle Hickox Moore
3. Julie Araskog

Judge Small performed the swearing in of Town Council Members: Gail L. Coniglio - Mayor, Danielle H. Moore - Group 1, and Julie Araskog - Group 2.

(Clerk's Note: Mayor Coniglio and Council Members Moore and Araskog assumed their seats on the dais and the Mayor became the Presiding Officer.)

VII. ORGANIZATIONAL ITEMS

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

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

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

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

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

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

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

VIII. PRESENTATIONS

- A. Presentation by Lisa De La Rionda, Palm Beach County Public Affairs Director,
Regarding the Upcoming Census.
Gail L. Coniglio, Mayor

Ms. De La Rionda spoke regarding how the data derived from the Census directs the distribution of funds to states, counties, and cities and the various ways each household member can participate in the 2020 Census. She reported the annual tax dollar value at \$1,145 per person.

Heather Shirm, Palm Beach County Digital Marketing and Communications Manager, presented the communication plans for educating the community on the upcoming Census.

(Clerk's Note: Item XVI. A.1. was taken out of order and heard immediately following this item.)

IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by Architectural Commission Applicants
Kirk W. Blouin, Town Manager

(Clerk's Note: This item was heard immediately after Item XVIII. A. 1.)

The following applicants presented their qualifications to the Town Council:

Karen Butler
Katherine "KT" Catlin
Daniel Floersheimer
Alexander Ives
Betsy Shiverick
Michael Small

(Clerk's Note: Item XVI.B.1. was taken out of order and heard immediately following this item)

- B. Appointments to the Architectural Commission
Kirk W. Blouin, Town Manager

(Clerk's Note: This item was heard immediately after Item XVIII. B.1.)

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to ratify the appointments of Alexander Ives and Michael Small as Regular Members and Katherine Catlin, Daniel Floersheimer, and Betsy

Shiverick as Alternate Members to the Architectural Commission. On roll call, the motion passed unanimously.

- C. Presentations by Landmarks Preservation Commission Applicants
Kirk W. Blouin, Town Manager

The following applicants presented their qualifications to the Town Council:

Jacqueline Albarran
Marcia Cini
Jacqueline Weld Drake
Jamie Gordon
Anne Metzger
Sue Patterson
Richard Rene Silvin

- D. Appointments to the Landmarks Preservation Commission
Kirk W. Blouin, Town Manager

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to ratify the appointments of Jacqueline Albarran, Sue Patterson and Rene Silvin as Regular Members and Marcia Cini and Anne Metzger as Alternate Members to the Landmarks Preservation Commission. On roll call, the motion passed unanimously.

X. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio announced the upcoming retirement of Keith Golden from the Fire Department. She commented on the large amount of sargassum seaweed blooms that have reappeared on the Town's beaches and explained the Town Council's decision to remove funding for cleaning up the public beaches. She mentioned the South End residents privately fund their own beach clean ups and encouraged the development of public-private partnerships in the Midtown and the North-end areas for taking care of the Town's private beaches.

XI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Zeidman spoke regarding the cost to the Town for removing stranded vessels from public beaches. She asked the Town Council for direction to address the issues with abandoned vessels through an emergency ordinance.

Council Member Lindsay spoke in support of passing a local law that will give municipalities the power to remove derelict vessels.

Town Manager Blouin spoke regarding the Town's response to the recently stranded boat that appeared on the near shore near Mar-a-Lago and that staff will research their legal options for addressing these matters in the future.

Discussion ensued regarding the need for local laws that do not supersede state law as it relates to the removal of derelict vessels.

Council Member Araskog spoke regarding the current state law for removing derelict vessels. She stated that 90 days is a long waiting period to remove an abandoned boat and that it is unsafe to the residents and harmful to the water. She also mentioned that she plans to address the sargassum seaweed and other items brought to her attention by the residents in future Town Council meetings.

Council President Moore thanked the council members and the residents for their support in her role on the Town Council. She reminded everyone that the Town Council works as a team and personal attacks against each other and the residents towards the Town Council is uncivilized. She commented on the need to work together and move forward with kindness.

XII. COMMUNICATIONS FROM CITIZENS

Peter Kleeman, 100 Worth Ave., expressed his dissatisfaction of the Town Council's decision to remove the beach clean-up program from the budget.

(Clerk's Note: Item IX. D. was heard immediately following this item.)

XIII. APPROVAL OF CONSENT AGENDA

The following item was pulled from the Consent Agenda and placed under Item XVI.C.1.:

- Item XIII.B.3. Resolution No. 13-2019

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

A. MINUTES

1. Town Council Meeting Minutes.
Kathleen Dominguez, Town Clerk
 - a. February 13, 2019, Local Planning Agency Meeting Minutes
 - b. February 13, 2019, Development Review Town Council Meeting Minutes
 - c. February 14, 2019, Town Council Meeting Minutes - Will be available by close of business on Monday, March 18, 2019

d. February 14, 2019, Special Town Council Meeting Minutes - Closed Door Session

2. Approval of Major Matters Considered by the Architectural Commission at its Meeting of February 27, 2019.
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 08-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$118,450, to Kimley-Horn for Construction Phase Engineering Services for the E-3, E-4 and G-9 Sanitary Pump Station Rehabilitation Improvement Project, and Establishing a Construction Phase Budget of \$118,450, including Contingency.
Dean Mealy, II, Purchasing Manager
2. RESOLUTION NO. 11-2019 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.
Josh Martin, Director of Planning, Zoning and Building
3. RESOLUTION NO. 13-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award Recommendation for Invitation to Bid 2019-08 for the 400 Block of Worth Avenue for Infrastructure Improvements to C & W Pipeline in the Amount of \$1,397,989, with an Overall Project Budget of \$1,610,000. – ***PULLED FROM CONSENT***
Dean Mealy, II, Purchasing Manager
4. RESOLUTION NO. 14-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$164,070, to Chen Moore and Associates, for Construction Phase Engineering Services for the Worth Avenue Infrastructure Improvement Project, 400 Block from Cocoanut Row to Peruvian Avenue, and Establishing a Construction Phase Budget of \$164,070.
Dean Mealy, II, Purchasing Manager

C. OTHER - None

XIV. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Landmarks Preservation Commission

(Clerk's Note: This item was taken out of order and heard immediately after Item XV. B.1)

It was the consensus of the Town Council to defer this item to the April 9, 2019, Town Council Agenda.

XV. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on February 7, 2019.

Chair Araskog provided an overview of the meeting.

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

XVI. REGULAR AGENDA

A. Old Business

1. Proposed Palm House Settlement Agreement
Cary Glickstein, Receiver

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

Mr. Glickstein provided an update on the bankruptcy procedures for the Palm House and requested approval of the proposed changes to the previously approved settlement agreement with the Town. He added that timely payment of the supplemental amount shall be an expressed condition precedent to the continued abatement of the violation assessment.

Town Attorney Randolph spoke regarding the status of the current settlement agreement and stated that it is a fair agreement considering the circumstances.

Neil Deplika, L&R Properties CIO, provided background information on the London and Regional Properties Company and spoke regarding their interest in the property.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve the Amended Palm House Settlement agreement. On roll call, the motion passed unanimously.

2. Final Report on the Compensation and Benefits Study Prepared by Evergreen Solutions.

TIME CERTAIN: 11:00 A.M.

Danielle Olson, Director of Human Resources

(Clerk's Note: Due to its time certain, this item was heard immediately following Item IX.D.)

Director Olson provided an overview of the results of the compensation and benefits study by Evergreen Solutions. She went over the five (5) specific subject areas for the Town Council to consider during today's presentation for further discussion. The five discussion topics were: market placement, pay-plan structure (merit, STEP or hybrid), addressing compression, pay progression, retirement and other benefits.

Nancy Berkley, Evergreen Solutions Representative, provided an overview of the report, which included the study process, the Town's compensation philosophy.

Sam Wilburn, Evergreen Solutions Representative, went over each section of the report: current pay conditions, the compensation and salary range data from the selected market peers, proposed pay plans and implementation options, the cost and benefits comparison for the general, police and fire employees.

Discussion ensued regarding the Town's policy for a 75th percentile market position for pay structure, implementation options and the cost to bring employees to the current and mid-range penetration, ways to deal with compression, addressing the amount of weekly work hours for the Firefighters, and rescheduling the April 1st meeting in order to give staff more time to present the data in the desired format.

In response to a question from Mayor Coniglio, Mr. Wilburn clarified the quartile system used to analyze the distribution of employees' salaries with the fourth quartile representing staff employed with the Town for the longest period and the first quartile representing staff employed with the Town for the shortest period.

Mr. Wilburn reported the Town's market position for midpoint compensation structure when compared to their selected peers falls behind by -11.6% for the General classifications, -11.9% for the Police classifications, and -0.1% for Fire classifications. Mr. Wilburn defined the term "midpoint" as it relates to salary-survey market percentiles.

In response to questions from Council Members, Director Olson clarified the LAG market position results for the various benefits assigned to Police and Fire. She also explained the reason why the Defined Contribution (DC) retirement benefit was not included in the market study for police and fire since it is not a mandatory plan requirement.

Council Member Crampton requested additional scenarios for market placement options at the 65th, 75th and 85th percentiles and the impact to the taxpayer.

Council Member Lindsay requested to see the raw data from the most competitive agencies within the County particularly for Firefighters and Police. She requested breaking down the raw data by each municipality.

Council Member Araskog expressed concerns with the way the information was presented.

In response to Council Member Araskog's concerns, Town Manager Blouin stated that the information being presented today will be reformatted and presented again at the Special Town Council meeting in April based on the input the Town Council provides today.

Council Member Zeidman spoke regarding the salary results reported for the Firefighters and pointed out that their typical work week hours differ greatly from other peer cities. She also mentioned the variables studied in the Mercer Report and requested similar information from the Evergreen report.

In response to a question from Council President Pro Tem Zeidman, Director Olson spoke regarding the quartile analysis used in the report for salary pay ranges and how they compare to the selected peers with employees with similar quartiles.

Town Manager Blouin spoke regarding the important data points that factor into the Town's recruiting and budget process and provided input on the preferred merit plan and benefits for police.

Allen Wyett, 1145 North Lake Way, urged the Town Council to bring the Town's salary market back to number 1 or 2 rating.

It was the consensus of the Town Council to direct staff to provide further analysis on the following topics:

- **Market Placement:** present pay range options using the 65th, 75th and 85th percentiles of the market
- **Pay Plan Structure:** present a pay system using a hybrid merit step plan
- **Address Compression:** present a model using a (3 tier) & closest step in revised pay plan approach
- **Pay Progression:** present pay range options with an added element of Cost of Living Adjustments (C.O.L.A.) that will avoid future pay compression
- **Retirement And Other Benefits:** present provisions for a retirement age of 56 with 25 years of service for Police And Fire

It was the consensus of the Town Council to reschedule the April 1, 2019 Special Town Council Meeting to April 5, 2019, for further review and discussion of the report and to schedule a second Special Town Council Meeting for April 12, 2019 for further review and discussion of the report, if needed.

(Clerk's Note: The April 5th meeting was rescheduled to April 4, 2019 at 10:30am subsequent to this discussion under Item XVIII. Any Other Matters)

3. Town Marina Project Update.
H. Paul Brazil, P.E., Director of Public Works

Gordon Thomson, Baird and Associates, presented a status report on the bidding, permit and design process for the Town Marina Project.

Rick Gonzalez, AIA, REG Architects, presented architectural plans, which included input from the Architectural Review Commission (ARCOM) during their February meeting.

In response to a question from Council Member Araskog, Town Manager Blouin spoke regarding the Town's policy for selection and review committees.

Discussion ensued regarding the permit application process, the Florida Power and Light (FPL) cable conflict, ARCOM's review of the design, and the safety and security design components.

4. Town-wide Undergrounding Project:

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

Project Manager Stern provided an overview of the monthly progress report, which included communication efforts and the construction progress for Phases 1 to 3 North and South and the design and easement progress for Phases 2 to 5 North and South.

In response to a question from Council Member Crampton, Town Attorney Randolph provided an update on the Kosberg/Scharf lawsuit.

Patricia Strayer, Town Engineer, spoke regarding the new decorative LED streetlights recently installed in the North end.

5. Coastal Update

- a. Shoreline Condition Update

Rob Weber provided a shoreline update for each reach.

In response to a question from Mayor Coniglio, Mr. Weber provided historical background on the Town's beach clean-up activities and the Town's current policy for raking the seaweed from the public beaches.

Discussion ensued regarding the large deposit of sargassum seaweed on the public and private beaches and the Town's responsibility to clean it.

Council Member Araskog expressed concerns with the garbage pick-up on public beaches and requested to add this matter to a future agenda.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to proceed with the clean-up of sargassum seaweed from the Town owned beaches on an as-needed basis at the Town Manager's discretion. On roll call, the motion passed 4 to 1, with Council Member Araskog dissenting.

- b. RESOLUTION NO. 18-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Resolution Supporting a Florida Inland Navigation District Waterways Assistance Program Grant Application for the Town Marina Project.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Resolution No. 18-2019. On roll call, the motion passed unanimously.

B. New Business

1. Consideration of Scheduling an Attorney/Client Session immediately following the regular Town Council meeting on Tuesday, March 19, 2019, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to discuss the following matter: PBT Real Estate, LLC, a limited liability company vs. Town of Palm Beach, a Florida municipal corporation, Dorothy Jacks, as Property Appraiser of Palm Beach County, Florida and Anne M. Gannon, as Tax Collector of Palm Beach County, Florida, Case No. 9:17-CV-81254. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members Julie Araskog, Lewis S.W. Crampton, Bobbie Lindsay, Danielle H. Moore, Margaret A. Zeidman; Town Manager Kirk Blouin; Town Attorney John C. Randolph and Pleasanton, Greenhill, Meek & Marsaa Court Reporters. *John C. Randolph, Town Attorney*

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

Town Attorney Randolph requested approval to meet in a closed-door session after the Town Council reconvenes from their lunch recess in order to discuss the above matter.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve the scheduling of the Closed-Door Session at 2:45 p.m. On roll call, the motion passed unanimously.

2. Consideration of Approval of a Navy Seal Demonstration Using a Helicopter in Conjunction with a Charitable Solicitation Permit.

Town Manager Blouin provided an overview of the request to waive Sections 14-31 and 14-33 of the Town Code, as it relates to the aircraft activity during the Navy Seal's fundraising event.

Rebecca Williams, 233 Arabian Road, introduced Rick Kaiser, a retired Navy Seal Master Chief and the Executive Director of the Navy Seal Museum. Mr. Kaiser provided an overview of the Navy Seal organization and the aircraft activities related to their fundraiser. Ms. Williams and Chief Kaiser requested permission for a helicopter demonstration for the Navy Seal Evening of Tribute event on April 1, 2019.

Elizabeth DeMoss, Woodbridge Road, requested the Navy Seal event organizers to refrain from using loud explosions during the demonstration.

In response to the request and concerns expressed by Mrs. DeMoss, Ms. Williams and Chief Kaiser confirmed the noise level would be kept to a minimum and there will be no explosions during the event.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve the request to waive Sections 14-31 and 14-33 of the Town Code in order to allow the Navy Seal Demonstration to occur. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda

1. RESOLUTION NO. 13-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award Recommendation for Invitation to Bid 2019-08 for the 400 Block of Worth Avenue for Infrastructure Improvements to C & W Pipeline in the Amount of \$1,397,989, with an Overall Project Budget of \$1,610,000.

– PULLED FROM CONSENT

Dean Mealy, II, Purchasing Manager

In response to a question from Council Member Araskog, Town Engineer Strayer provide the project timeline.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 13-2019. On roll call, the motion passed unanimously.

XVII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 06-2019 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.

Kirk W. Blouin, Town Manager

Town Attorney Randolph read the Ordinance into the record.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to adopt Ordinance No. 06-2019 upon second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, At Article 1, In General, Section 66-2, Definitions; At Article IV, Vegetation, Section 66-212, Purpose And Intent; To Include A New Section 66-285, General Under Division 4, Design Requirements; Amending Section 66-286, Water Conserving Landscape Design; And Amending Section 66-311, Prohibited Plants; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Josh Martin, Director of Planning, Zoning and Building

Director Martin provided an overview of the changes to Chapter 66.

Council Member Araskog spoke regarding the 25% native vegetation requirement and to address specific instances where the removal of 25% of a continuous ficus benjamina hedge is necessary for the installation of an underground utility transformer box.

Council Member Crampton requested the alteration of the Ordinance to reflect language that addresses the prohibition of any “new” plantings for the required landscaping section that addresses ficus benjamina.

Discussion ensued regarding the definitions provided in the section.

It was the consensus of the Town Council to include the term of “Pollarding” and to leave out the term “Cultivar” from the definitions section of the Ordinance.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 21-2018 on first reading, with the added definition of “pollarding” and the word “new” to the 25% native vegetation

requirement as it relates to the standard for new landscaping requirements. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 09-2019 An Emergency Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Extending The Temporary Moratorium Established In Ordinance No. 20-2018 For A Period Of Ninety (90) Days From April 9, 2019, Said Moratorium To Be Effective Through And Including July 8, 2019. Based Upon A Finding By The Town Council That The Issue Giving Rise To The Need For The Temporary Moratorium Established Therein Continues To Exist. In Order To Allow An Opportunity For The Town To Develop Regulations For The Submittal, And Processing Of Applications, And Issuance Of Any Permits Or Franchises Pertaining To Scooter Sharing And/Or Personal Transportation Vehicles, And For Other Purposes; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; And Providing An Effective Date.

Josh Martin, Director of Planning, Zoning, and Building

Director Martin provided an overview of the Ordinance extending the temporary moratorium on the processing of business permit applications for scooter sharing businesses within the Town.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to adopt Emergency Ordinance 09-2019, on first and final reading. On roll call, the motion passed unanimously.

3. ORDINANCE NO. 13-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Article X. – On-Street Parking Permits, At Section 134-2296(C) And Section 134-2327(2); Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the Ordinance and its intent to provide more flexibility to the residents who participate in the Town's on-street permit parking program.

Discussion ensued regarding how the modifications to the program will benefit the residents.

Council Member Araskog expressed concerns with individuals who might overuse their parking permits by allowing parked cars to remain on the streets for more than two days, which may have the potential to limit parking during the daytime hours.

Mayor Coniglio recommended the passing of the Ordinance with a revisit date.

Maisie Grace, 247 Seaspray Avenue, spoke regarding the need for more residential parking permits and asked for clarification on the parking enforcement of identified service vehicles.

In response to Ms. Grace's comments, Town Manager Blouin explained how the parking enforcement staff handles parking issues with identified service vehicles.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to approve Ordinance No. 13-2019, with a revisit date of December 31, 2019. On roll call, the motion passed unanimously.

XVIII. ANY OTHER MATTERS

Deputy Town Manager Boodheswar announced that the Town Council Chambers will not be available for the April 5, 2019 Special Town Council Meeting and presented two tentative dates and times for rescheduling the meeting.

It was the consensus of the Town Council to reschedule the April 5, 2019 Special Town Council meeting to begin at 10:30 a.m. on April 4, 2019 and to move the April 4, 2019 Ordinances, Rules and Standards Committee (ORS) meeting start time up to 9:00 a.m.

XIX. ADJOURNMENT

There being no further business, the March 19, 2019 Town Council Meeting adjourned at 5:00 p.m.

APPROVED:

Danielle H. Moore, Town Council
President

ATTEST:

Kathleen Dominguez
Town Clerk

Date: _____



**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, MARCH 19, 2019**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 2:45 p.m. on Tuesday, March 19, 2019, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. PBT Real Estate, LLC, A Limited Liability Company vs. Town of Palm Beach, A Florida Municipal Corporation, Dorothy Jacks, as Property Appraiser of Palm Beach County, Florida and Anne M. Gannon, as Tax Collector of Palm Beach County, Florida, Case No. 9:17-CV-81254

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Settlement Negotiations and/or Strategy Relating to Litigation and Expenses.

Town Council President Moore announced the following:

- a) The Attorney/Client Closed-Door Session
- b) The estimated time is forty-five minutes
- c) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Danielle H. Moore, Town Council President
 - Margaret A. Zeidman, Town Council President Pro Tem
 - Julie Araskog, Town Council Member
 - Lewis Crampton, Town Council Member
 - Bobbie Lindsay, Town Council Member
 - Kirk W. Blouin, Town Manager
 - John C. Randolph, Town Attorney

Pleasanton & Marsaa, Court Reporting

The persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

IV. RECONVENE SPECIAL TOWN COUNCIL MEETING IN THE TOWN HALL COUNCIL CHAMBERS

The Special Town Council meeting was reconvened at 3:15 p.m., in the Town Council Chambers.

Town Council President Moore announced the termination of the Attorney/Client Session.

V. ANY OTHER MATTERS – *None*

VI. ADJOURNMENT

There being no further business, the Special Town Council meeting of Tuesday, March 19, 2019, was adjourned at 3:20 p.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on March 19, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order March 19, 2019, at 5:09 p.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - None

III. PRESENTATIONS

A. An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida

Josh Martin, Director of Planning, Zoning & Building

Item was deferred to the April 10, 2019 Town Council meeting.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

VI. COMMUNICATIONS FROM CITIZENS

VII. APPROVAL OF AGENDA

The following changes were made to the agenda:

Item III.A. An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida, was deferred to the April 10, 2019 Town Council meeting.

Item VIII.A. Resolution 11-2019 was removed from this agenda as it was heard at the Regular Town Council meeting.

Item IX.D.2.d. Was moved to the beginning of the agenda

Item IX.C.1. Was moved to follow Item IX.D.2.d.

Item IX C.2. Was moved to follow Item IX D.2.d.

Item IX.D.1.a. Was deferred indefinitely.

Item IX D.2.a. Was moved to follow IX.A.1

VIII. RESOLUTIONS

- A. RESOLUTION 11-2019 - 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

Item removed from agenda as it was heard at Regular Town Council meeting.

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

IX. DEVELOPMENT REVIEWS

- A. Declaration of Use Agreements

1. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 248 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 67 seats, which is the same number of seats 264 Grill restaurant had when owned by Peter Pulitzer in the 1970s. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. A request for a special exception to provide 68 night-time (after 6pm) supplemental off-site shared parking spaces at 230/240 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Araskog, President Pro Tem Zeidman, and Council Member Lindsay. All council members received letters and E-mails associated with this project that were included in their backup.

Discussion took place on proper procedure moving forward with Declaration of Use Agreement and the Phipps Plaza use.

Attorney Ziska provided clarification.

Anita Seltzer, Coconut Row, inquired about Town policy for someone calling into a Town Council meeting.

Director Martin provided details of Declaration of Use revisions.

Motion was made by Council Member Crampton, and seconded by Council President Moore, to approve the Declaration of Use Agreement. A vote was not called.

Maisy Grace, 247 Seaspray Avenue, voiced her concerns on various items in the Declaration of Use Agreement.

Gigi Tylander, 225 South County Road, voiced her concern with the Declaration of Use Agreement.

Bradley Geist, 234 Phipps Plaza, voiced his concern with Phipps Plaza Park usage.

Discussion took place on events in Phipps Plaza Park and second floor usage.

Attorney Ziska and Michael McCarty asked that if the Declaration of Use is going to be modified, that it include revision to item 12 with regard to parking.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay to reconsider the Declaration of Use for the Carriage House. On roll call the motion called 4-1 with Council President Moore dissenting.

Carole LeCates, 212 Seabreeze Avenue, expressed her concern with uses in CTS district and other items in the Declaration of Use Agreement.

Discussion took place on the alternative parking plan.

Ann Pepper, 333 Seaspray Avenue, expressed her concern with the Declaration of Use Agreement.

Bradford Winston, 231 Coconut Row, expressed his concern with the Declaration of Use Agreement.

Marcia Fick, 230 Seaspray Avenue, expressed her concern with notifications to Sea Street residents.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve the Declaration of Use for the Carriage House with amendments to Items 1, *add after 12:00 am and 12:30 am "(closing time)"* Item 2 *"There shall be no use by the club of 2nd floor of the 270 building except for storage, office or residential use;* Item 12 to read *"Pick up and drop off for a maximum of 90 days or as may be extended by the Town Council"* Item 14 remove line *"or within Phipps Plaza Park"* and removing *"whether"*; Item 27 to read *"The Club shall not use Phipps Plaza for any use"*. On roll call, the motion carried unanimously.

Town Council recessed at 6:45 p.m. and reconvened at 6:50 p.m.

B. Appeals

1. Administrative Appeals relative to the Tennis Courts, Supplemental Parking and Required 10-Foot High Tennis Court Perimeter Fencing on the Lot at 1236 South Ocean Boulevard

Attorney Hand, provided details of the appeal.

Zoning Administrator Castro provided Staff comments.

Attorney Hanlon, provided comments on behalf the owners of 1236 South Ocean Boulevard.

Discussion took place on code provisions, the time line, timeliness of the appeal, the timing of building permit issuance, and the Architectural Commission decision and what laws to apply going forward.

Motion was made by Council Member Crampton, and seconded by Council President Moore to deny the Administrative Appeal for the two special exceptions because it the appeal was not filed in a timely manner. Motion carried 4-1 with Council Member Araskog dissenting.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to deny appeal for the variance. On roll call, the motion carried unanimously.

Council recessed at 7:04 p.m. and reconvened at 9:09 p.m.

C. Time Extensions and Waivers

1. Waiver of Town Code Section 42-199, For Extended Working Hours 301 Worth Avenue – Chanel

Attorney Oyer provided details of the project.

Director Martin provided Staff comments.

Assistant Director Bergman provided Staff comments.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, to approve Town Code Section 42-199 For Extended Working Hours for Chanel, located at 301 Worth Avenue. On roll call, the motion carried unanimously.

2. Waiver of Town Code Section 42-199, For Extended Working Hours at the Temporary Space for Chanel, Located at 150 Worth Avenue

Attorney Oyer provided details of the project.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Town Code Section 42-199 For Extended Working Hours at the Temporary Space for Chanel, located at 150 Worth Avenue. On roll call, the motion carried unanimously.

D. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission withdrew this project from their agenda at the December 12, 2018 meeting due to the excessive number of deferral requests. Carried 5-2.]

Item was deferred to the April 10, 2019 Town Council meeting.

2. New Business

a. Z-19-00170 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District R-B Low Density Residential The application of PALM BEACH TOWN OF, Owner, relative to property located at 320 S LAKE DR SUITE: SITE, legal description on file, is described below. The Town is requesting a special exception with site plan review to reconstruct and expand the Town dock facilities. The reconstruction of the docks include adding additional dock lengths, larger slips; an additional dock; the redesign and reconstruction of the three existing dock buildings; the resurfacing and restriping of the associated parking lots; minimum relocation of driveway entrances, and the building a new seawall in front of the old one. [Applicant's Representative: John Randolph, Esq] [The Architectural Review Commission approved the demolition of the current docks and buildings. Carried 4-3. The Architectural Review Commission deferred the project for one month to the April meeting. Carried 7-0].

This item was heard before item IX.A.B.1.

Engineer Thomson provided details of the project.

Ex-parte communications were declared by Council Member Araskog, Council Member Crampton, and Council Member Lindsay.

Pat Seagraves, 2500 South Ocean Boulevard voiced his concern about this project.

Director Martin clarified separation of site plan from architecture.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Special Exception No. Z-19-00170 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan Review Z-19-00170 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

b. Z-19-00171 VARIANCE(S) Zoning District R-B Low Density Residential
The application of Basil Vasiliou, Applicant, relative to property located at 114 SEASPRAY AVE, legal description on file, is described below. The applicant is proposing to construct a two-story infill addition comprising of 49.6 square feet on the first floor for a butler's pantry and 56.6 square feet on the second floor for an office for a total of 106.2 square feet. The following variances are being requested: 1) a cubic content ratio ("CCR") of 4.38 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District for a lot that is 12,060 square feet in area. 2) a lot coverage of 33.3 percent in lieu of the 32.9 percent existing and the 30 percent maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Deputy Clerk Ruderman swore in all those would be testifying.

Architect Bacon provided details of the project.

Director Martin recommended approval.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Variance No. Z-19-00171 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

c. Z-19-00172 VARIANCE(S) Zoning District R-A Estate Residential The application of 3200 Washington, LLC, Applicant, relative to property located at 1055 N OCEAN BLVD, legal description on file, is described below. The applicant is proposing to add a 450 sq. feet addition onto the north side of the second story to balance the roof line to correspond to the south side of the previously approved application to create a symmetrical design and is requesting a north side yard setback of 8 feet in lieu of the 15 foot minimum setback required to add the second story addition. [Applicant's Representative: Joel P Koeppel Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission approved the project as presented. Carried 6-1.]

No ex-parte communications were declared.

Deputy Clerk Ruderman swore in all those would be testifying.

Attorney Koeppel provided details of the project.

Architect Seagraves provided additional details.

Director Martin recommended approval.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance No. Z-19-00172 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

d. Z-19-00173 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District C-TS Town-Serving Commercial The application of Chanel, Inc. (Ken Ellmer, Treasurer), Applicant, relative to property located at 301 WORTH AVE, legal description on file, is described below. The Applicant seeks approval of a Special Exception with Site Plan Review to renovate and expand the existing Chanel boutique from 9,995 sq. ft. to 12,959 sq. ft. Specifically, there is 2,964 sq. ft. of floor area adjacent to the boutique

on both the first and second floor that is vacant. The property owner is requesting to renovate and expand the Chanel store into the vacant retail space. [Applicant's Representative: Harvey E Oyer III Esq]

No ex-parte communications were declared.

Attorney Oyer provided details of the project.

Director Martin recommended approval of the project.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Special Exception No. Z-19-00173 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Site Plan Review Z-18-00173 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

This item was moved to the beginning of agenda.

3. Other

a. Expired Permits – 70 Middle Road

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

Assistant Director Bergman provided details of this property.

Discussion took place about whether or not Town may take action on a property such as this and a property maintenance ordinance. Town Council requested that Planning, Zoning & Building assemble an ordinance as soon as possible.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 02-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Adding

A Definition Of Public Structure; Modifying The Definition Of Essential Services To Include Town-Owned Municipal Buildings And Structures, And Modifying The Definition Of Lot To Exclude Town-Owned Or Town-Leased Property; At Article IV, Nonconformities, Section 134-416, Continuation; Definition; Intent, To Exempt Town-Owned Municipal Buildings And Structures Which Are At Least Fifty (50) Years Old From Article IV, Nonconformities, Division 3, Buildings And Structures; At Article VI, District Regulations, Sections 134-790, 134-840, 134-890, 144-945, 134-1000, 134-1055, 134-1109, 134-1159, 134-1209, 134-1259, 134-1304 And 134-1354 To Add Essential Services Related To Town-Owned Municipal Buildings And Structures In All Zoning Districts As A Special Exception Use And Renumbering The Special Exception Uses In Those Sections; Article VIII, Supplementary District Regulation, Section 134-1697, Structures Over Lake Worth By Adding "Buildings" Into The Title And To Allow "Essential Services Related To Town-Owned Buildings And Structures" Over Lake Worth; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance 02-2019 on second reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 03-2019 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, Town Code Of Ordinances, At Article VIII, Section 106 – 290 By Amending The Definition Of "Moveable Fixture" And At Section 106 – 292 By Amending The Title Of The Section And By Adding A New Subsection 106 – 292(17), Temporary Signs / Podiums Designating Passenger Loading Zones; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance 03-2019 on second reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 04-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to adopt Ordinance 04-2019 on second reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 05-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter

134, Zoning, Town Code Of Ordinances, At Article XI, Signs, Section 134 – 2372, General Regulations Applicable To Permitted Signs, By Adding New Subsections (12) And (13) Relating To The Nailing And Posting Of Signage And Blocking Ingress And Ingress With Signage; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to adopt Ordinance 05-2019 on second reading with the amendment that verbiage be changed from “Ingress and Ingress” to “Ingress and Egress”. On roll call, the motion carried unanimously.

A. First Reading

1. ORDINANCE NO. 12-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan By Adding Subsection (D); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Assistant Director Bergman provided details.

Director Martin provided additional details.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Ordinance 12-2019 on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE 14-2019 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, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, By Adding Section 54-99, Construction Screening Plan; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Ordinance 14-2019 on first reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

- A. Andrew Roddy, 213 Kenlyn Road, suggested that negligent properties take care of the front of a home first to appease neighbors.
- B. Council Member Araskog suggested that sent to ARCOM and LPC or ORS that if you are going to do drastic changes to the landscape plan that ARCOM has approved that you need to go back for approval.

XII. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of March 19, 2019 was adjourned at 9:51 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of March 27, 2019

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 3, 2019, from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of March 27, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of March 27, 2019

Date: April 3, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of March 27, 2019.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of March 27, 2019.

GENERAL INFORMATION

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

Attachment

JM:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MARCH 27, 2019

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Vila called the meeting to order at 9:00 a.m.

II. ROLL CALL

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT (left at 5:10 p.m.)
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator
Josh Martin, Director of Planning, Zoning and Building
Kelly Churney, Secretary to the Architectural Review Commission
Paul Castro, Zoning Administrator
John Randolph, Town Attorney

III. ELECTION OF OFFICERS

Mr. Small nominated Mr. Vila for Chairman and Mr. Ives seconded the nomination. Mr. Corey nominated Mr. Small for Chairman. Mr. Small declined the nomination. **After a unanimous vote, Mr. Vila was elected as Chairman.**

Mr. Garrison nominated Mr. Small as Vice Chairman and Mr. Corey seconded the nomination. **After a unanimous vote, Mr. Small was elected as Vice Chairman.**

IV. **PLEDGE OF ALLEGIANCE**

Chairman Vila led the Pledge of Allegiance.

V. **APPROVAL OF THE MINUTES FROM THE FEBRUARY 27, 2019 MEETING**

Motion made by Mr. Ives and seconded by Mr. Corey to approve the minutes from the February 27, 2019 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Small inquired about the renovation of the property at 288 S County Rd. He further asked if the Architectural Review Commission had any jurisdiction over the renovations. Mr. Lindgren stated that the building was a landmarked building and the renovations had been heard at the Landmarks Preservation Commission. Mr. Small expressed his concerns about the unsightly western façade, the second story was not proposed to be clad as well as the overall disrepair of the building. He advocated for the Commission to have a voice in the renovations. Mr. Lindgren stated he would take Mr. Small's concerns to the Landmarks Preservation Commission.

Motion made by Mr. Small and seconded by Mr. Ives to approve the agenda as presented. Motion carried unanimously.

VII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

There were no public comments heard at this time.

IX. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

B-016-2019 Demolition

Address: 280 El Pueblo Way

Applicant: Thomas Frankel

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of two-story residence, one story guesthouse, landscape, hardscape, spa and pool.

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

Molly Mitchell, Dailey Janssen Architects, presented the proposed demolition for the buildings.

Mr. Ives expressed disappointment in the proposed demolition and thought the home could have been landmarked. Mr. Vila agreed.

Ms. Catlin thought it was a shame to see a charming piece of history demolished.

Dustin Mizell, Environment Design Group, presented the proposed demolition plan for the existing landscape and hardscape.

Mr. Corey expressed concern for the condition of the Ficus and suggested placing a condition on the motion to remove the material within a set timeframe. Mr. Corey also asked the architect to respect the size and scale of the neighborhood when designing the new residence.

Mr. Garrison stated he agreed with Mr. Corey's assessment on the Ficus and requested a guarantee that the hedge would be maintained. Mr. Mizell stated he would maintain the hedge.

Mr. Floersheimer inquired about the Banyan trees. Mr. Mizell responded.

Mr. Corey asked about the proposed Banyan trees and their species. Mr. Mizell responded.

Mr. Lindgren requested that the Commission ask the owner if they would be amenable to dedicate a utility easement. He also stated that the proposed landscape plan would be the plan that would buffer the other properties during demolition. Mr. Lindgren added that staff would be bringing a new landscape demolition ordinance to the Commission and that this ordinance would be a requirement for future demolition requests.

Mr. Vila asked the professionals if the owner would be willing to accept the conditions stated by staff. Mr. Mizell stated that they would accept the conditions.

Motion made by Mr. Zukov and seconded by Mr. Garrison to approve the project as presented with the following conditions: maintain the existing Ficus hedge during demolition, remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 5-2, with Messrs. Ives and Corey opposed.

B-020-2019 Demolition

Address: 980 N. Ocean Blvd.

Applicant: Edward T. Holt, Trustee of Mary Hulitar Trust Agreement Dated 7/3/1968 as amended and restated

Professional: Keith Williams/Nievera Williams Design

Project Description: Demolition of existing residence and associated accessory structures and swimming pool and associated landscaping.

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

Mr. Williams presented the proposed demolition for the buildings.

Mr. Ives stated he was sad to see the residence proposed for demolition.

Mr. Floersheimer expressed concern for the potential location of a new residence.

Mr. Small asked about the landscape buffer to remain along N. Ocean Blvd. Mr. Williams responded. Mr. Small expressed his concern for the lack of buffering for the neighbors along N. Ocean Blvd.

Mr. Vila asked if the professional if they would consider a chain link and mesh fence to buffer the demolition. A discussion ensued about a possible condition of approval.

Mr. Corey thought the Commission should ask for a Clusia hedge for screening in conjunction with a tall silt screen when the construction commences.

Ms. Grace stated she was disappointed that the house was to be demolished. She also thought a vegetation buffer should be installed.

Greg Kino, attorney representing the trustee of the home, indicated that the home was for sale for one year and did not sell. He requested that the Commission approve the demolition request.

Ms. Shiverick recommended relocating the holding area for the trees to North Ocean Blvd. as a buffer. Mr. Williams agreed with the suggestion.

Ms. Catlin agreed with Mr. Corey and expressed concern for the length of time that the property could be in transition and under construction.

Mr. Lindgren asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Williams agreed to the easement agreement.

Motion made by Mr. Corey and seconded by Mr. Zukov to approve the demolition as requested with the following conditions: the holding area for the salvage vegetation is to be located along N. Ocean Blvd., additional sand and dirt barriers are installed, remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. This application was approved with the condition that prior to the issuance of a

building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 6-1, with Mr. Ives opposed.

B. MAJOR PROJECTS – OLD BUSINESS

B-008-2019 Demolition/New Construction

Address: 320 S. Lake Dr. (a.k.a. Australian Ave.)

Applicant: Town of Palm Beach

Professional: Gordon Thomson/W.F. Baird & Associates Ltd.

Project Description: The Town of Palm Beach is proposing to demolish the existing Town Docks and three accessory buildings, expand the dock structures, construct a new bulkhead, and reconstruct the accessory buildings. The proposed project follows the Master Plan approved by Town Council on March 20, 2018. Building “A” is located at the Australian Dock. It is currently a two-story building and located west (waterward) of the bulkhead. The building has 496 s.f. of interior space but sits on a 640 s.f. concrete pad, which is pile supported. It is proposed to demolish the building, the pad and the piles due to deterioration of the concrete and poor condition and layout of the building. A new building will be constructed on an identically shaped 640 s.f. concrete pad will be installed 24 feet north of the existing pad. The new building will be reduced to one story and have 474 s.f. of interior space. It will have two toilets, a lounge and a storage area. It will have a Mediterranean Revival style architecture.

Building “B” is located at the Brazilian Dock. It is currently a one-story building and located west (waterward) of the bulkhead. The building sits on a 528 s.f. concrete pad, which is pile supported, and has 505 s.f. of interior space. It is proposed to demolish the building, the pad and the piles due to deterioration of the concrete and poor condition of the building. A new 528 s.f. concrete pad will be installed 5 feet north of the existing pad. There will be 550 s.f. of interior space. The new building will house the Dock Masters office, general office, police office, two toilets, and a storage area. It will have a Mediterranean Revival style architecture.

Building “C” is located at the Peruvian Dock. It is currently a one-story building and located east (landward) of the bulkhead. The building is 160 s.f. There is a sitting area to the north of the building with a metal framed canopy, and garbage storage area to the east. It is proposed to demolish the building due to the poor condition of the building and replace it with a 558 s.f. building that has 255 s.f. of interior space. The remainder of the building will be a covered patio to replace the metal canopy. The new building will have a toilet, storage area and mechanical room. It will have a Mediterranean Revival style architecture.

We request a special exception from Sec 134-1697 that restricts the construction of structures, except docks, west of the established bulkhead.

The existing docks are fixed and will be replaced with floating docks. The existing docks have 80 slips and 606 feet of marginal side tie (equivalent to 3 slips). The proposed docks will have 83 slips and 1,611 feet of marginal side tie (equivalent to 7 slips). The parking lots will be repaved and striped to follow the

existing layout. FOB operated arm gates will be installed to better control parking.

A motion carried at the February meeting to approve the demolition of the Town docks as requested. A second motion carried to defer the project for one month to the March 27, 2019 meeting.

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

Mr. Martin introduced the project and stated that the architects had addressed the comments from the Commissioners since the last meeting. He told the Commission that the Town Council approved the site plan at their last meeting.

Rick Gonzalez, REG Architects, presented the proposed modifications for the three accessory buildings.

Mr. Vila inquired about the grate material. Mr. Gonzalez responded.

Mr. Zukov asked about the size of the columns. Mr. Gonzalez responded.

Mr. Corey stated that the pilasters and columns at the Peruvian dock were too heavy and suggested changing them to pecky cypress columns.

Ms. Grace agreed with Mr. Corey and preferred the pecky cypress columns at the Peruvian dock. Ms. Grace also suggested using a color other than black for the window frames. Mr. Gonzales stated that the color was actually bronze.

Mr. Vila made a suggestion for the columns. Mr. Gonzales responded.

Ms. Catlin stated she preferred the pecky cypress but added she was not offended with one building different from the other two.

Mr. Zukov suggested adding a third column in the middle of the two columns. Mr. Gonzales responded and stated he would change the columns to whatever the Commission preferred.

A discussion ensued about the options for the columns.

Motion made by Mr. Zukov to approve the project as presented with the following condition: change the columns on the Peruvian dock building to pecky cypress; add an additional column in the middle of the two columns.

Ms. Shiverick thought the changes were a great improvement.

Motion seconded by Mr. Corey. Motion carries 5-2, with Messrs. Ives and Garrison opposed.

Mr. Thompson presented the proposed landscape and hardscape plans for the site.

Mr. Vila asked if Clusia could be used in place of the Podocarpus proposed. Mr. Thompson agreed.

Mr. Corey confirmed that the Clusia would be consistent throughout all three dock locations. Mr. Thompson provided confirmation. Mr. Corey asked about the ADA handrails. Mr. Thompson responded.

Mr. Small inquired if any of the walls, fences or landscaping would hinder the view of the docks from the lake trail. Mr. Thompson responded.

A second motion made by Mr. Corey and seconded by Mr. Zukov to approve the landscaping as presented with the following condition: all of the proposed Podocarpus are replaced with a 6-foot Clusia hedge. Motion carried unanimously.

B-046-2017 Modifications

Address: 1236 S. Ocean Blvd.

Applicant: John L. and Margaret B. Thornton

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of two tennis courts. One court will be a hard court and the other a grass court. The courts will be surrounded by a fence approximately 10' tall and various landscaping at or above the height of the fence. Additional landscaping will be provided to buffer courts accordingly. Separate staff parking area is also included.

A motion carried at the June 2017 meeting to approve the project as presented. This project was brought back to the January meeting for reconsideration due to a court ruling. A motion carried at the January meeting to defer the project to the March 27, 2019 meeting to allow the Town Council to make their decision on the administrative appeal.

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

Mr. Randolph provided an explanation to the Commission on the court's rulings to remand the project back to them for review and asked them to make a new decision based on the criteria in the Code. Mr. Randolph answered all of the questions asked by the Commissioners.

M. Timothy Hanlon, attorneys for Mr. and Mrs. Thornton, told the Commission that the Town Council denied the three appeals submitted at their March 19, 2019 meeting by the opposing attorney. These denials were based on Mr. Castro's decisions that no special exceptions were required for the tennis court or the parking area and that no variances were required for the screening or the fencing

for the tennis court. Mr. Hanlon advocated for an approval from the Commission.

Mr. Randolph clarified that the Town Council denied the appeals because they determined that the appeals were not filed in a timely fashion.

Mr. Mizell presented the architectural, landscape and hardscape plans for the proposed tennis courts.

Mr. Hanlon introduced Margaret Thornton, owner of the property, so she could speak about the reasons that she would like to have the proposed tennis courts. Ms. Thornton discussed the reasons she installed the tennis courts and provided contrary arguments to items raised by the opposing attorney.

Mr. Hanlon discussed how the proposed project met the criteria in the Code.

Ms. Grace asked about existing site and inquired which items had been built. Mr. Hanlon responded.

Mr. Hanlon resumed reviewing the project relating to the criteria in the Code.

Please note: The commission took a short break at 10:52 a.m. The meeting resumed at 11:03 a.m.

Mr. Randolph provided a further clarification regarding the court's rulings.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Hanlon agreed to the condition.

Mr. Hanlon stated that the owner would compromise and reduce the parking spaces to eliminate the need for supplemental parking spaces if the Commission felt it was necessary.

Amanda Hand, attorney for 100 Emerald Beach Way, provided rebuttal arguments for the proposed project. Ms. Hand presented pictures of the Thornton's existing site.

The property manager of 100 Emerald Beach Way explained how he took the pictures presented by Ms. Hand. He discussed his personal observations for the property's conditions.

Ms. Hand continued with her rebuttal and continued to provide arguments on how the project did not meet the criteria in the Code. She requested that the Commission deny or defer the application to revise the plans so that they conform

to the Code. She showed photos of the residence and stated her objections. She answered all of the questions asked by the Commissioners.

Mr. Vila asked if any other abutting neighbors have sent in objections letters for the proposed tennis courts. Mr. Lindgren stated that the Town had not received any other letters.

Ms. Catlin asked Ms. Hand if she would still have an objection if there were a driveway from the house to the tennis court. Ms. Hand stated she could not answer the question without looking at the plans. Ms. Catlin stated that many of Ms. Hand's objections related to Code Enforcement rather than the Architectural Commission. Ms. Catlin also stated that she objected to Ms. Hand classifying the project as a tennis compound. Ms. Catlin asked Mr. Mizell if landscape still needed to be installed after looking at the photograph shown by Ms. Hand. Mr. Mizell responded.

Mr. Ives discussed how he did not think that the proposed tennis courts were dissimilar to the surrounding properties. He also felt that many of the arguments made against the project had nothing to do with the Architectural Commission's Ordinances.

Mr. Randolph pointed out that there was an Ordinance relating to noise under the purview of the Architectural Review Commission.

Mr. Castro spoke about the required zoning of the project and the decisions he had made regarding the project. Mr. Randolph asked Mr. Castro if the project required a variance. Mr. Castro stated that the project did not require a variance and stated the reason.

Mr. Hanlon stated he would be prepared to provide arguments in response to Ms. Hand's and the property manager's statements in the Commission was interested.

Ms. Grace inquired about Ms. Hand's comment regarding the lack of striping in the parking lot. Ms. Hand responded. Ms. Grace thought the parking was more attractive without the stripes.

Mr. Floersheimer expressed concern for the gate, as he felt it did not screen the parked vehicles. He also expressed concern for the no parking signs on the street.

Mr. Corey asked questions regarding the landscape plans, specifically the fence. Mr. Mizell responded. Mr. Corey recommended changing the chain link fence. Mr. Corey inquired about the tennis structure. Mr. Mizell discussed the tennis structure materials. Mr. Corey recommended enhancing the tennis structure and changing the chain link fence but generally was in favor of the project.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented having considered and determined that the project as proposed complies with the criteria in Section 18-205 (a) (b) (c) Town of Palm Beach Ordinances and subject to applicant's willingness and agreement to dedicate and record the requested utility easement. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 6-1, with Mr. Corey opposed.

Please note: The Commission took a lunch break at 12:00 p.m. The meeting resumed at 1:02 p.m.

B-006-2019 Additions/Modifications

Address: 166 Everglade Ave.

Applicant: Douglas Fabick and Lori Jo Hines

Professional: David J. Gengler

Project Description: Major renovation of and addition to an existing two-story single family residence including: new fenestration, new exterior impact doors and windows, new flat tile roof, new garage doors, new cast stone and stucco ornamentation, new covered terrace with outdoor fireplace and chimney, new mechanized drive gates and exterior site wall.

A motion carried at the February meeting to defer the project for one month to the March 27, 2019 meeting for a restudy to allow the architect to return with detailing, a roof plan, sections and samples.

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

Mr. Ives returned to the meeting at 1:08 p.m. Ms. Grace returned to the meeting at 1:17 p.m.

Mr. Gengler presented the modifications proposed for the existing residence. He showed the Commission material samples proposed for the modifications.

Mr. Zukov expressed concern with the proposed roof plan because he believed that water would not properly drain from the roof. Mr. Gengler responded. Mr. Zukov asked about the fenestration details on west elevation. Mr. Gengler responded. Mr. Zukov suggested changing the bathroom window on the west elevation to a square shape to match the other two windows. Mr. Gengler agreed with the suggestion.

Mr. Ives thought some of the details were still too formal and stately for the home and suggested to pull back a bit in the design.

Ms. Shiverick agreed with Mr. Ives' assessment. She was in favor of the color choices and material samples. She recommended using gaslights next to the front

door rather than the front piers. She recommended removing the cartouches and the lights on the piers.

Mr. Corey was in favor of the material samples. Mr. Corey suggested cleaning up the design and made a few suggestions. He questioned the columns and entablature on the loggia. Mr. Gengler responded. Mr. Corey stated he did like the project.

Ms. Grace thought the design needed to be simplified. She thought if simplified, it would offset the home from many of the other homes on the street. Mr. Gengler responded.

Mr. Vila thought the changes proposed were a good response to the Commissioner's comments. Mr. Vila was in favor of the material choices. He believed that Ms. Shiverick had a good suggestion regarding the lanterns. He questioned the roof design and roof load. Mr. Vila stated he was in favor of the project.

Motion made by Mr. Garrison and seconded by Mr. Small to approve the project as presented with the following conditions: to use the color choice presented, remove the lights on the piers, remove the cartouches and change the bathroom window to a square shape. Motion carried 4-3, with Messrs. Zukov, Corey and Ms. Grace opposed.

C. MAJOR PROJECTS – NEW BUSINESS

B-010-2019 New Construction

Address: 216 and 224 Angler Avenue

Applicant: Alexander and Amanda Coleman

Professional: Clemens Bruns Schaub

Project Description: The proposal combines lots 216 and 224 in a Caribbean West Indies style home, pool, gardens and fountains. No variances or exceptions are requested.

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

Mr. Schaub presented the architectural plans proposed for the new residence. He presented material samples for the proposed home.

Ms. Grace was in favor of the project and liked the material samples presented.

Mr. Ives was in favor of the use of one and two story segments of the home and supported the project.

Ms. Shiverick was in favor of the style and the design of the home. She stated she would support the blue or the wood proposed for the shutters.

Ms. Catlin was in favor of the proposed design but expressed concern that the proposed home was at the maximum allowed for the site. She stated that this home was also twice the size of the neighboring homes. Mr. Schaub responded.

Mr. Corey agreed with Ms. Catlin in her assessment. Mr. Corey inquired about the roof pitch proposed for the different rooflines. Mr. Schaub responded. Mr. Corey suggested lowering the roof pitch of the connecting building. Mr. Schaub responded and further explained his design.

Mr. Vila thought the design was successful. He was in favor of the materials proposed for the new residence.

Mr. Schaub presented the landscape and hardscape plans proposed for the design. Mr. Schaub stated he would change the proposed Ficus to Clusia.

Mr. Corey thought the landscape plans were good.

Mr. Vila was in favor of the landscape plans.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Schaub agreed.

Mr. Floersheimer asked about the detail for the front door. Mr. Schaub responded.

Motion made by Ms. Grace and seconded by Mr. Garrison to approve the project as presented. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried unanimously.

B-014-2019 Additions/Modifications

Address: 212 Cherry Lane

Applicant: Richard McCready

Professional: MP Design & Architecture

Project Description: Renovations and additions to existing one story residence modifying existing front elevation (north) with new entry.

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

Michael Perry, MP Design & Architecture, presented the architectural modifications proposed for the existing residence.

Ms. Grace was in favor of the proposed changes. Mr. Corey agreed.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Perry agreed to the condition.

This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

B-015-2019 Modifications

Address: 130 Clarendon Ave.

Applicant: Mr. & Mrs. Harry Slatkin

Professional: MP Design & Architecture

Project Description: New front gate and service gate.

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

Michael Perry, MP Design & Architecture, presented the plans proposed for the new gates.

Ms. Grace was in favor of the proposed gates.

Mr. Corey thought the gates worked well for the street.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented.

Mr. Vila stated he could not support the proposed gates.

Ms. Grace asked if the hedges would be lowered. Mr. Perry responded.

The clerk noted that Mr. Small left the Chambers and added that Ms. Shiverick would need to vote in his absence.

Motion carried 5-2, with Messrs. Vila and Zukov opposed.

B-017-2019 New Construction

Address: 1616 S. Ocean Blvd.

Applicant: Land Trust Service Corporation, Trustee of Trust No. 1616 SOB (Mark Warda, President)

Professional: M. Mark Marsh/Bridges Marsh & Associates, Inc.

Project Description: Proposal of a new two-story residence with pool, landscape and hardscape.

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

Mr. Marsh presented the architectural plans proposed for the new residence. He presented material samples for the proposed home. Mr. Marsh also brought a large model of the proposed new residence.

Mr. Vila asked about a proposed detail on the window above the front door. Mr. Marsh explained the design.

Ms. Grace questioned the architectural element at the front. She stated she was in favor of the curved pavilion on the rear of the home. She suggested a restudy of the winter porch.

Mr. Ives thought it was a nice project overall.

Mr. Floersheimer questioned the eclectic window placement on the north elevation. Mr. Marsh responded.

Ms. Catlin thought the design was beautifully executed and liked the way the architects worked with the topography of the land.

Mr. Garrison agreed with his Commissioners but questioned the front door design.

Ms. Shiverick agreed with Mr. Garrison. She was in favor of most of the home but expressed concern for the box design for the front door element. She also questioned a window on the east elevation. Mr. Marsh explained the window design.

Mr. Zukov agreed and thought the front entrance was strange.

Mr. Vila disagreed with his fellow Commissioners. He thought the front door design was different and made the home interesting.

Mr. Small agreed with Messrs. Zukov and Garrison's opinion of the front door design.

Mr. Ives stated he was in favor of the front door design and explained the reasons he supported the design.

Ms. Shiverick stated she was in favor of using different design features but questioned whether this front door design was appropriate.

Ms. Catlin and Mr. Corey both expressed their views of why the front door design was successful.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the new residence

Mr. Corey thought the plant selection was wonderful. He questioned the buffer at the southeast property line near the motor court.

Mr. Vila agreed and was in favor of the plant selection. Mr. Vila asked how the professional would treat the landscape in terms of pesticides and fertilizers. Mr. Mizell responded.

Mr. Ives asked if the professional would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Marsh stated that their easement is in the rear of the property. Mr. Marsh stated he has spoken to Steven Stern about this easement.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the project as presented. Motion failed 3-4, with Messrs. Zukov, Garrison, Small and Ms. Grace opposed.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the exception of the front door entrance design, which was deferred for one month to the April 24, 2019 meeting for restudy. Motion carried 6-1, with Mr. Ives opposed.

B-018-2019 Modifications

Address: 341 Hibiscus Ave.

Applicant: Roy and Vanessa Carroll

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of vehicular gate. Revisions to the entry courtyard and associated landscape changes.

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

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

Mr. Small inquired about the operation of the proposed gate. Mr. Mizell responded.

Mr. Ives asked about the width of the proposed gate. Mr. Mizell responded. Mr. Ives expressed concern for the proposed width and gate design.

Ms. Grace inquired if the Ficus hedge was remaining. Mr. Mizell responded.

Mr. Shiverick stated she was not in favor of the gate design. Mr. Corey agreed with Ms. Shiverick and stated he could not support the project.

Ms. Catlin thought the proposal was a mistake for the home.

Mr. Vila agreed with Ms. Catlin and expressed concern for the removal of pedestrian access.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month to the April 24, 2019 meeting for restudy. Motion carried unanimously.

B-019-2019 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 910 S. Ocean Blvd.

Applicant: Tom Campbell

Professional: Jose Luis Gonzalez-Perotti/Portuondo-Perotti Architects

Project Description: Construction of a new two-story, single-family residence with basement. Construction of beach cabana, access tunnel, and related pools, landscape and hardscape elements.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) INFORMATION:

1. Request Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. 2. Request a variance to allow a point of measurement of 21.5 NAVD ("North American Vertical Datum") in lieu of the 18.34 NAVD maximum allowed for properties east of the Coastal Construction Control Line. 3. Request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. 4. Request for a special exception to permit the construction of a pedestrian tunnel for access under South Ocean Boulevard to the beach parcel. Maintenance of Traffic Plan is attached hereto. 5. Request a variance to allow a retaining wall along the west property line in the side yard and front yard setbacks to be a range of 11.4 feet to 11.8 feet in height in lieu of the 6 and 7 foot maximum allowed in the front yard and side yard setbacks.

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

Maura Ziska, attorney for the owner, explained the proposed zoning request and advocated for a positive recommendation to the Town Council.

Carlos Portuondo, Portuondo-Perotti Architects, presented the architectural plans proposed for the new residence. He presented material samples for the proposed home. Mr. Portuondo also brought a model of the proposed new residence.

Mr. Small thought the design was majestic. Mr. Small inquired about the space with the fireplace. Mr. Portuondo explained the design.

Mr. Ives supported the design and thought it would be a nice addition to the Town.

Mr. Corey thought the house was well designed, however he questioned if the home would look better on a larger lot. He suggested using less cladding and recommended the design with less detail and ornamentation.

Mr. Garrison thought this house would be nice on the visible corner of S. Ocean Blvd. He thought the home was well detailed and stated he was in favor of the project.

Ms. Catlin thought the proposed home respected the lot.

Ms. Shiverick thought the design was stellar but questioned if the home was too fancy. She agreed with Mr. Corey and questioned if some of the details and ornamentation could be reduced. Mr. Portuondo responded.

Mr. Zukov thought the home design was one of the best he had seen. He stated his support for the project.

Mr. Corey inquired about the proposed windows. Mr. Portuondo discussed the window materials.

Mr. Vila agreed with Mr. Zukov. He stated he supported the proposed architectural design.

Jorge Sanchez, SMI Landscape Architecture, presented the proposed landscape and hardscape plans for the new residence. He presented alternative designs on the overhead projector.

Ms. Grace inquired about the variance requested for the retaining wall. Mr. Sanchez responded.

Mr. Corey asked about the driveway proposed and the material for the driveway. Mr. Sanchez responded. Mr. Corey asked about the west property buffer. Mr. Sanchez responded. Mr. Corey suggested increasing the landscape on the west side as well as adding more color in the plan. Mr. Sanchez responded.

Mr. Vila was in favor of the landscape choices proposed. Mr. Vila inquired about the use of pesticides and asked the professional to speak to his concern. Mr. Sanchez responded.

Ms. Grace inquired about the landscaping around the cabana and asked about the proposed height of the cabana. Mr. Sanchez responded.

Motion made by Mr. Small and seconded by Mr. Garrison that implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Portuondo agreed to the condition.

A second motion made by Mr. Garrison and seconded by Mr. Zukov to approve the project as presented. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried unanimously.

B-022-2019 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 223 Sunset Ave.

Applicant: 223 Sunset Avenue LLC

Professional: Keith Spina/GliddenSpina + Partners

Project Description: The applicant is proposing architectural and functional upgrades to revitalize the existing building at 223 Sunset Avenue in order to facilitate the relocation of Trevini Ristorante and to expand and improve the existing office space. This project will include the following exterior improvements: Significant new planting of ground covers, shrubs and trees; narrowing of the existing driveway to ten feet wide to create a pedestrian walkway to the restaurant and office building entries; new in ground lighting for trees; installation of a small public courtyard adjacent to the lobby entry; an iconic entry portal and street entry are proposed; the building will be painted and receive new and reconditioned windows; and a symbolic clock tower is proposed at the existing elevator/stair tower. The restaurant will also feature an outdoor dining terrace of 840 sq. ft. covered by an awning.

Interior improvements include enclosing the existing upper-level garage space with windows to create 4,795 sq. ft. of office space and converting approximately 2,856 sq. ft. of existing office space on south side of building to the proposed restaurant use.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) INFORMATION:

The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Per Sec. 134-329, Site Plan Review for the exterior changes to the site, Per Sec. 134-2182 (b), a special exception for on-site shared parking in the C-TS district, Per Sec. 134-1111 (a), Outdoor Seating, a special exception to allow 30 seats on the new covered patio for Trevini Ristorante, Per Sec. 134-1109(a)(18), a variance to allow 7,207 SF of office space on the first floor in lieu of the second floor, requirement in the C-TS zoning district, Per Sec. 134-2175(a)(3), a parking variance

reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 spaces.

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

Mr. Spina presented the overview of the project and discussed the modifications proposed for the existing commercial building.

Peter Niemitz, Peter Niemitz Design Group, presented the architectural design plans for the commercial building.

Mr. Martin discussed the importance of the project and advocated for the approval of the project.

Mr. Corey inquired about the two ramps. Mr. Spina responded. Mr. Corey pointed to the curved east side walkway and asked if it could be landscaped. Mr. Spina responded. Mr. Corey expressed his support for the proposed colors and suggested adding a feature element to the tower.

Mr. Vila agreed with Mr. Corey's assessment of the tower element.

Mr. Zukov inquired why the canopy was not extended to the end of the building. Mr. Spina responded. Mr. Martin stated the design was due to awnings and lot coverage calculations.

Mr. Martin stated that if it made sense to extend the awning, a recommendation should be made to do so. Jamie Crowley, attorney for the applicant, stated that Mr. Castro indicated that lot coverage was not an issue and the awning could be extended.

Ms. Grace was in support of the project, especially with the outdoor dining.

Ms. Catlin was in favor the project and thought it created an inviting space.

Mr. Ives supported the project.

Mr. Garrison stated he supported the project. Mr. Garrison inquired if the seating would be limited. Mr. Crowley stated there would be a special exception application for the seating.

Mr. Vila suggested changing the long arches on the building into smaller arches to be uniform. Mr. Spina agreed with Mr. Vila's suggestion. Mr. Vila asked if the plan was to use pecky cypress in the ceilings of the existing gallery. Mr. Spina responded.

Mr. Floersheimer stated he believed this was a great addition to the street.

Mr. Vila questioned the proposed white color for the building. Mr. Spina responded.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape design plans for the commercial building. Mr. West presented alternate renderings of the proposed landscape.

Mr. Vila asked about the lack of shade along the street. Mr. West responded.

Steve Fischman, New England Development, spoke favorably about the project advocated for a positive recommendation.

Ms. Grace asked if the brick pavers proposed had been used before in Town. Mr. West responded.

Motion made by Mr. Corey and seconded by Mr. Garrison that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Spina agreed to the condition.

A second motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented with the following conditions: add an additional awning bay, extend the awning to the east, change the long arches on the north, south and west elevations to match the smaller arch pattern, use the revised landscaped plan as shown on the overhead projector and return in one month at the April 24, 2019 meeting with an alternate plan for the tower element, based on the comments from the Commissioners. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried unanimously.

A third motion made by Mr. Small and seconded by Mr. Ives that implementation of the special exception with site plan review will not cause negative architectural impact to the subject property. Motion carried unanimously.

D. MINOR PROJECTS – OLD BUSINESS

A-010-2019 Modifications

Address: 1632 S. Ocean Blvd.

Applicant: Maurice Pinsonnault

Professional: Keith Williams/Nievera Williams Design

Project Description: Approval for driveway material change from grass to synthetic turf.

A motion carried at the February meeting to defer this project for one month to the March 27, 2019 meeting.

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

Mr. Williams presented the modifications proposed for the driveway material change.

Ms. Grace thought that the options presented were too busy. She stated if she had to choose from the choices, she preferred option two.

Mr. Corey stated he could not support either option if both options included synthetic grass. Mr. Williams stated that real grass would not be feasible in this location.

Mr. Zukov asked Mr. Williams which option he preferred. Mr. Williams stated he would prefer option one.

A discussion ensued on options for the driveway materials.

Motion made by Mr. Ives and seconded by Mr. Zukov to approve the plans with option one as presented. Motion carried 5-2, with Ms. Grace and Mr. Corey opposed.

E. MINOR PROJECTS – NEW BUSINESS

A-008-2019 Additions/Modifications

Address: 142 S. County Rd.

Applicant: Rita Nunes

Professional: Pat Segraves/SKA Architect + Planner

Project Description: Addition of rear loggia and raising of backyard pool.

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

Mr. Segraves introduced the project, addressed the drainage issue and stated that the drainage would conform to the new drainage Code.

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications proposed for the existing residence.

Don Skowron, Don Skowron Incorporated, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Zukov inquired if handrails would be needed by the pool at the grade change. Mr. Skowron responded. Mr. Clavijo further explained the design and landscape changes.

Mr. Grace asked for an explanation of turf material. Mr. Skowron provided an explanation. Ms. Grace asked if any Ficus was proposed for the property. Mr. Skowron responded.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project as presented.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Clavijo agreed.

This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried unanimously.

A-012-2019 Modifications

Address: 232 Colonial Ln.

Applicant: Zvenka Kleinfeld

Professional: Don Skowron

Project Description: Reduce height of existing cmu wall to 6" above grade (curb height), replace with 6' high black vinyl coated chain link fence along the south property line woven with Confederate Jasmine vine. Relocate previously approved green island ficus between curb and fence and add a row of grass.

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

Don Skowron, Don Skowron Incorporated, presented the landscape and hardscape modifications proposed for the existing residence.

Jim Frogger, consultant for Heather and Steve Wolf, presented discrepancies in the applicant's presentation and advocated that the Commission postpone or deny the project.

Mr. Lindgren explained the reason the Commission was reviewing the project.

Motion made by Mr. Small and seconded by Mr. Garrison to deny the project A-012-2019 based on failure to comply with Section 18-205 of the Code, paragraphs a (1), a (3) and a (7).

Mr. Lindgren suggested providing the applicant an opportunity to come back in one month with an alternate plan.

Motion carried unanimously.

A discussion ensued about chain link fences with vines.

X. **OTHER BUSINESS**

None.

XI. **ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

None.

XII. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Floersheimer expressed concern with the ability to find properties on the agenda and stated that not all homes addresses are well marked. Mr. Lindgren stated this could be a public safety issue.

Mr. Vila stated he would be absent at the April 24, 2019 meeting.

Ms. Catlin stated there was pending legislation in Florida regarding swimming pools, safety regulations, fencing, and barriers. She stated she would pass a copy on to Mr. Martin.

XIII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Small to adjourn the meeting at 5:29 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, April 24, 2019 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 19-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager to Apply to the Local Initiatives (LI) Construction Program From The Florida Department of Transportation Through the Palm Beach Metropolitan Planning Organization for up to \$650,000 for Implementation of a Fiberoptic Infrastructure to Link the Four (4) Most Critical Signalized Intersections in Palm Beach to Palm Beach County.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated March 20, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 19-2019**
- ▣ **Letter of Approval**
- ▣ **2019 Application Form**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorizing the Submittal of Project Funding for Local Initiatives (LI) Construction Projects Application for up to \$650,000 to the Florida Department of Transportation Through the Palm Beach Metropolitan Planning Organization for Implementation of a Fiberoptic Infrastructure to Link the Four (4) Most Critical Signalized Intersections in Palm Beach to Palm Beach County.
Resolution No. 19-2019

DATE: March 20, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 19-2019, authorizing the Town Manager to submit the Local Initiatives (LI) Grant Application for up to \$650,000 to the Florida Department of Transportation (FDOT) through the Palm Beach Metropolitan Planning Organization for implementation of a fiberoptic infrastructure to link the four most critical signalized intersections in Palm Beach to Palm Beach County.

GENERAL INFORMATION

The Town of Palm Beach has submitted an application for the Project Funding for Local Initiatives (LI) Construction Projects March 1, 2019. Town staff has been discussing with Palm Beach County the need to interconnect the traffic signals on Royal Palm Way and Royal Poinciana Way. During these discussions, staff became aware of the Palm Beach Transportation Agency grant opportunity. The grant application had a submittal deadline of March 1st, which the Town met. The application requires a Resolution from Town Council indicating support of the project and grant application. The following is a description of the work proposed in the grant application.

Palm Beach County maintains and controls traffic signals through the entire county (including the City of West Palm Beach), with the exception of signals in the Town of Palm Beach and the City of Boca Raton. Traffic flows to and from Palm Beach are highly influenced by traffic operations within the City of West Palm Beach, therefore, interconnecting the traffic signals at the major intersections in the Town with the signals in West Palm Beach which could greatly benefit the flow of traffic between the municipalities, especially during heavy traffic flow periods, after bridge openings, and during evacuation events.

In order for Palm Beach County to integrate the four (4) subject signals into their signal system, certain upgrades will be required. The signals will need to be connected physically via fiberoptic cable. Currently, the signals are connected via copper telemetry cable that is not compatible with the County's system. The fiber primarily will be placed within existing conduit, so no new boring will be required between the intersections. Furthermore, upgraded signal controllers and video detection cameras will need to be installed. A small portion of new conduit and fiberoptic cable will be installed to join the existing system to the Town's traffic operations infrastructure located at the Town's Police Department. Upon completion of the proposed scope of work, Palm Beach County will assume maintenance responsibilities and operations of the subject intersections.

FUNDING/FISCAL IMPACT

A sufficient amount of unappropriated and unreserved funds exists in the General Fund, reserved for any costs not covered by the Grant.

TOWN ATTORNEY REVIEW

The Town Attorney has approved the Resolution for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Patricia Strayer, P.E., Town Engineer
Paul Colby, Facilities Division Manager
Brett Madison, Water Resources Division Manager
Jane Le Clainche, Director of Finance

RESOLUTION NO. 19-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO APPLY TO THE LOCAL INITIATIVES (LI) CONSTRUCTION PROGRAM FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION THROUGH THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION FOR UP TO \$650,000 FOR IMPLEMENTATION OF A FIBEROPTIC INFRASTRUCTURE TO LINK THE FOUR (4) MOST CRITICAL SIGNALIZED INTERSECTIONS IN PALM BEACH TO PALM BEACH COUNTY.

* * * * *

WHEREAS, the Town of Palm Beach desires to apply to the Local Initiatives (LI) Program from the Florida Department of Transportation through the Palm Beach Metropolitan Planning Organization, for grant funds in the amount up to \$650,000, which will provide funding for implementation of a fiberoptic infrastructure to link the four (4) most critical signalized intersections in Palm Beach to Palm Beach County; and

WHEREAS, the proposed improvements, which are part of this application, are intended to improve the safety of the motoring public and pedestrians on these main corridors to and from the Town; and

WHEREAS, the Metropolitan Planning Organization's Local Initiative grant provides funding for the fiberoptic infrastructure to link the four (4) most critical signalized intersections in the Town of Palm Beach to Palm Beach County; and

WHEREAS, the Local Initiative grant program does not have any matching fund requirements;

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town Manager is hereby authorized to submit an application to the Florida Department of Transportation through the Palm Beach Metropolitan Planning Organization, for grant funds in the amount up to \$650,000, which will provide funding for implementation of a fiberoptic infrastructure to link the four (4) most critical signalized intersections in Palm Beach to Palm Beach County. The Town Manager is authorized to sign the grant applications and any certifications and assurances, after review for legal sufficiency by the Town Attorney.

Section 3. If the grant is awarded, the Town of Palm Beach will maintain the improvements installed, until Palm Beach County integrates the intersections into their system whereupon Palm Beach County will assume maintenance responsibilities and operations of the subject intersections.

Section 4. Upon award of such grant, and approved for legal sufficiency by the Town's Attorney, the Town Council hereby authorizes the Town Manager to execute a grant agreement consistent with the grant application.

Section 5. Town Clerks shall provide a certified copy of this resolution to be submitted with the grant application.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



TOWN OF PALM BEACH

Office of the Town Manager

March 1, 2019

Nick Uhren, P.E., Executive Director
Palm Beach TPA
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2749

Dear Nick:

Please accept this Letter of Approval from the Town of Palm Beach as documentation that the Town intends to coordinate with Palm Beach County to construct and maintain upgrades to four (4) traffic signals within the Town so that they can be inter-connected to Palm Beach County's signal system.

Palm Beach County maintains and controls traffic signals through the entire county (including the City of West Palm Beach), with the exception of signals in the Town of Palm Beach and the City of Boca Raton. Traffic flows to and from Palm Beach are highly influenced by traffic operations within the City of West Palm Beach. Therefore, inter-connecting the traffic signals at the major intersections in the Town with the signals in West Palm Beach could greatly benefit the flow of traffic between the municipalities, especially during heavy traffic flow periods, after bridge openings, and during evacuation events.

In order for Palm Beach County to integrate the four (4) subject signals into their signal system, certain upgrades will be required. The signals will need to be connected physically via fiberoptic cable. Currently, the signals are connected via copper telemetry cable that is not compatible with the County's system. The fiber primarily will be placed within existing conduit, so no new boring will be required between the intersections. Furthermore, upgraded signal controllers and video detection cameras will need to be installed. A small portion of new conduit and fiberoptic cable will be installed to join the existing system to the Town's traffic operations infrastructure located at the Town's Police Department. Upon completion of the proposed scope of work, Palm Beach County will assume maintenance responsibilities and operations of the subject intersection.

In conclusion, the scope of work as described in the 2019 Application for Local Initiatives Program (LI) will allow for more efficient control of traffic between the Town of Palm Beach, the City of West Palm Beach, and the remainder of Palm Beach County.

Please feel free to contact me at (561) 838-5410 with any questions.

Sincerely,

Kirk W. Blouin, Town Manager

KWB/lm

cc: H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Brett Madison, Water Resource Division Manager

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411
E-mail: townmanager@townofpalmbeach.com • Website: www.townofpalmbeach.com

2019 APPLICATION FORM

Project Funding for Local Initiatives (LI)

Construction Projects

Project Title Town of Palm Beach Signal Interconnect
Applicant Town of Palm Beach

WHAT DO YOU WANT TO BUILD?

In no more than 3 sentences, provide a general description of the project and what it will accomplish.

The Town of Palm Beach will link its four most critical signalized intersections to the Palm Beach County signal network to allow for better progression of traffic flows between the Town and West Palm Beach. Palm Beach County will ultimately accept maintenance responsibilities of the four signals. In order for the integration to occur, the signals and interconnection must be upgraded to fiberoptic connectivity and upgraded video detection systems.

WHO OWNS THE RIGHT-OF-WAY?

Check whether the applicant and/or another agency owns the right-of-way where the project will be built. Resolution of support from facility owner clearly indicating that the project may be constructed as proposed is a required attachment (see submittal checklist).

- ☐ Applicant ☒ Other Entities FDOT
Requires resolution letter from owner allowing project to be built.

The upgraded fiberoptic infrastructure will be retrofitted within existing conduits and signal equipment which is located within existing FDOT right-of-way. No new right-of-way or easements are anticipated.

WHO IS DOING WHAT?

Check the applicable boxes. All projects on state highways must be administered and constructed by FDOT. For projects on local roadways (county or city), the applicant may administer the project or ask FDOT to administer the project on their behalf. Locally administered projects require a Local Agency Program (LAP) agreement to administer Federal Aid projects in accordance with FDOT's Local Agency Program Manual (topic no. 525 010 300).

	Administered by:	Funded by:
Design (PE)	☐ Applicant or consultant ⁽¹⁾⁽²⁾ ☒ FDOT (requires prior approval)	☐ Applicant (required if locally administered) ☒ TPA (if FDOT administered)
Construction (CST)	☐ Applicant or consultant ⁽¹⁾ ☒ FDOT (requires prior approval) ☐ Other: _____	☐ Applicant ☒ TPA
Const Eng & Inspect (CEI)	☐ Applicant or consultant ⁽¹⁾⁽²⁾ ☒ FDOT (requires prior approval)	☐ Applicant (if locally administered project) ☒ TPA (if FDOT administered project)

(1) FDOT pre-qualified consultants must be used on all design and CEI work for critical projects (a project is considered critical when it is on the State Highway System (SHS), features a major structure, and/or has a budget greater than \$10 million)

(2) Design consultant and CEI consultant shall not be the same.

APPLICANT CONTACT INFORMATION

Contact Person Kirk Blouin
Title Town Manager
Email pstrayer@townofpalmbeach.com
Phone Number 561-227-7056
Address 951 Okeechobee Road, West Palm Beach, FL 33401

PROJECT LOCATION

Road Name Royal Palm Way, Royal Poinciana Way, South County Road
Road Number SR 704, SR A1A

Project Limit Begin Flagler Bridge (see location map for details)
Project Limit End Royal Park Bridge (see location map for details)

QUALIFYING ACTIVITIES FOR FUNDING

Check the box that represents the majority of the work the proposed project will address. Eligible activities must be consistent with details described under 23 U.S.C. 133(b).

- ☒ Complete Street projects - Including Lane Narrowing, Lane Elimination, Bicycle Facilities, Pedestrian Facilities, Transit Infrastructure, Intelligent Transportation Systems (ITS), Median Modifications, Signing and lighting, Turn Lanes, Traffic Signals, Striping and Marking.
- ☐ Transit capital - purchases of vehicles, shelters, park-and-ride facilities. Can also pay up to 50% of a 3-year turn-key contract for new transit service (e.g. trolley service)
- ☐ Non-motorized infrastructure - Separated, Buffered and/or designated bike lanes, Sidewalks, Shared-use paths, Street lighting
- ☐ Freight efficiency - Airport or seaport off-site capacity improvements, Railway capacity improvements, Truck movement improvements.
- ☐ Other eligible activities not specified above

PROJECT TYPICAL SECTION INFORMATION

Complete the following information for existing & proposed features, dimensions, & right of way lines. The typical section information provides an understanding of the spacing requirement differences between the existing facilities and the proposed facilities.

	EXISTING	PROPOSED
RIGHT-OF-WAY WIDTH		
Project must fit within current ROW, acquisition is not permitted	Variable	Unchanged
PEDESTRIAN OR MULTIUSE FACILITIES		
Length (miles) for one direction. Do not count both sides of roadway.	1.5	1.5
Width on North or West side (feet)*	4'-5' var.	4'-5' var.
Width on South or East side (feet)*	4'-5' var.	4'-5' var.
BICYCLE FACILITIES		
Bike Lane Length (feet) for one direction. Do not count both sides of roadway.	0	0
Width on North or West side (feet)* (not Including Buffer Width)	0	0
Buffer Width on North or West side (feet)*	0	0
Width on South or East side (feet)* (not Including Buffer Width)	0	0
Buffer Width on South or East side (feet)*	0	0
Proposed improvements requires:		
Pavement widening ☐ Sharrows ☐ Restriping ☐		
MOTORIZED VEHICLE FACILITIES		
Number of Through Travel Lanes	4	4
Typical Through Lane Width (feet)	12	12
Total Width* (No. Travel Lanes x Lane Width)	48	48
Posted Speed Limit	30	30
Design Speed (if known)	unknown	unknown
MEDIAN/SWALE/CURB		
Median/Center Turning Lane Width (feet)*	var. 0', 30', 70'	var. 0', 30', 70'
Swale Width (feet)*	none	none
Curb Width (feet)*	1'	1'
*TOTAL WIDTH OF ALL COMPONENTS (Add all rows with red for total width) Must fit within existing right-of-way.	NaN	NaN

RIGHT-OF-WAY OWNERSHIP DOCUMENTATION

Describe the project's existing right-of-way ownerships. This description shall identify when the right-of-way was acquired and how ownership is documented (i.e. plats, deeds, prescriptions, certified surveys, easements). If right-of-way is an easement, please describe the easement language. Right-of-way ownership verification documents are a required attachment (see submittal checklist on page 9).

Existing conduit, pull boxes, and signal equipment is within FDOT ROW. Plat maps are attached. New video detection components will be added to the mast arms which are in ROW. Fiberoptic cable will be placed in conduit which is in ROW. Incidental construction such as new pull boxes may be required, but will be placed within ROW.

PROJECT SCOPE OF WORK

Describe how the proposed improvements will affect the following:

ADA items (crosswalks, sidewalks, ramps, etc.)

All proposed crosswalks, sidewalks, ramps, etc. comply with ADA standards ☐ YES ☒ NO

No changes are proposed to sidewalks, ramps, etc.

Access Management revisions (median modifications, impacts to driveways, etc.) YES ☒ NO ☐

No changes are proposed to medians, driveways, etc.

Pedestrian and/or Roadway Lighting

Pedestrian lighting proposed YES ☐ NO ☒

Roadway lighting proposed YES ☐ NO ☒

No new lighting is proposed.

Landscape (with Local Funds)

Median landscape proposed ☐ YES ☒ NO

Other landscape proposed ☐ YES ☒ NO

Irrigation items proposed ☐ YES ☒ NO

No new landscaping elements are proposed.

Signalization

Pedestrian signals proposed ☐ YES ☒ NO

Existing signalization to be replaced ☐ YES ☒ NO

New traffic signalization proposed ☐ YES ☒ NO

Components of the existing signalization infrastructure will be replaced, including detection cameras and fiberoptic cables. No changes to mast arms or traffic signals are proposed.

Transit Improvements

Queue jump possible ☐ YES ☒ NO

Transit provider concurrence provided YES ☐ NO ☒

Upgrade existing bus bay area ☐ YES ☒ NO

No changes to transit service are proposed.

School Zone Modifications

Existing flashing school zone signal on state road ☐ YES ☒ NO

High emphasis cross walk at unsignalized crossing ☐ YES ☒ NO

No school zone modifications are proposed.

Utility Modifications

Sub-surface relocation is required ☐ YES ☒ NO

Utility coordination is required ☒ YES ☐ NO

The fiberoptic will be installed mostly within existing conduit. Minor reconstruction of pull boxes may be required, and utilities will be located and coordinated accordingly.

Drainage and/or other Permits

Existing closed drainage system to remain ☒ YES ☐ NO

Existing open drainage system to remain ☒ YES ☐ NO

No changes to the drainage systems are proposed.

Railroad Crossing Modifications

Rail crossing within limits ☐ YES ☒ NO

Replace railroad signal equipment and gates ☐ YES ☒ NO

No railroads exist within the Town.

Bridge Modifications

Proposed pedestrian bridge ☐ YES ☒ NO

Bridge replacement ☐ YES ☒ NO

Proposed bridge widening ☐ YES ☒ NO

No bridge modifications are proposed.

Other Scope Items

None

Summarize any special characteristics of the project.

This project will only require minor modifications to the existing signals, and fiberoptic cables will be installed underground in mostly existing conduit. The project will allow for better coordination of traffic flows in the Town and between the Town and mainland.

Identify any upcoming projects or projects currently underway adjacent to the proposed project.

No significant roadway or pedestrian improvements are proposed on the affected roadways.

Other specific project information that should be considered.

In order for the Town traffic signals to be communicative with the County's network of signals, and to allow the County to control the Town's signals, the infrastructure upgrade is required. The project will allow for decreased congestion as traffic flows between the island and the mainland. Currently, the signal systems are not controlled by a single agency.

PUBLIC INVOLVEMENT AND SUPPORT

Describe the public outreach and support for the project (i.e. petitions, written endorsements, resolutions, etc.). Attach documentation.

The Town has been coordinating with the Palm Beach County Engineering Department which supports the conversion of the four signals to County control pending the upgrade to County standards which would allow the signals to be integrated into the County network. Congestion at the subject intersections and between the Town and the mainland has been a voiced concern of Town residents and elected officials for many years.

Projects impacting single family residential lots will require additional documentation of public support. Additional documentation must indicate that all property owners directly affected by the improvement were notified, that at least 25 percent of the property owners showed support for the project, and that no more than 10 percent of the property owners showed lack of support.

PROJECT MAINTENANCE

Document ownership and maintenance responsibilities for the project when complete. Applicant's Resolution of Support and commitment to fund operations and maintenance of the project is a required attachment. See submittal checklist on page 9).

When complete, Palm Beach County will maintain the four subject traffic signals and interconnection infrastructure.

COST ESTIMATE

The total construction amount of Local Initiatives Program funds requested per projects (infrastructure) must be in excess of \$250,000 with a maximum project amount of \$5,000,000.

Local Initiatives Program funds will be used to fund Construction, Construction Engineering and Inspection Activities (CEI) and FDOT in-house support activities. The applicant may also request that Local Initiative Program funds be used for project Design, Environmental Services, and Post Design Services.

Local Funds (LF) will be used for all non-participating items, contingency activities, and any costs in excess of the awarded funding (LI) allocation.

- (a) Provide detailed project cost estimate using one of the following forms. Estimate shall be broken down to eligible and non-eligible project costs. **Estimates are to be prepared and signed by a Professional Engineer from the Local Agency's Engineering office.**
 - a. On-System (on State Highway System) Cost Estimate Sheet
 - b. Off-System (not on State Highway System) Cost Estimate Sheet

Use the following links to access the basis of estimates manual as well as historical information for the project area.

[Basis of Estimates Manual](#)

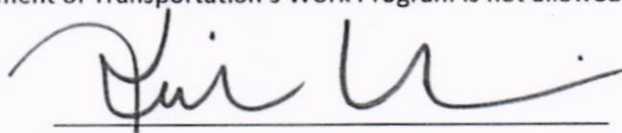
[Historical Cost Information](#)

CERTIFICATION OF PROJECT SPONSOR

I hereby certify that the proposed project herein described is supported by Town of Palm Beach
(municipal, county, state or federal agency, or tribal council) and that said entity will:

- 1) provide any funding required in addition to the grant amount;
- 2) enter into a LAP and maintenance agreement with the Florida Department of Transportation;
- 3) have complied with the Federal Uniform Relocation Assistance and Acquisition Policies Act for any Right of Way actions intended for this project previously performed within the project limits;
- 4) will comply with NEPA process prior to construction, which may involve coordination with the State Historic and Preservation Office (SHPO); and
- 5) support other actions necessary to fully implement the proposed project.

I further certify that the estimated costs included herein are reasonable, and that increases in these costs could cause significant increase to the local agency required participation. I understand failure to follow through on the project once programmed in the Florida Department of Transportation's Work Program is not allowed.


Signature

Kirk Blouin

Name (please type or print)

Town Manager

Title

3/1/19

Date

FOR FDOT USE ONLY

Application Complete	☐ Yes	☐ No
Project Eligible	☐ Yes	☐ No
Implementation Feasible	☐ Yes	☐ No
Include in Work Program	☐ Yes	☐ No

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 20-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation For RFP No. 2019-02, For The Recreation Center Playground Equipment And Awarding A Contract To DW Recreation Services, Inc. In The Amount Of \$392,999.66; And Establishing An Overall Project Budget Of \$400,000.00.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated April 1, 2019, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Resolution No. 20-2019**
- ▣ **Exhibit "A"**
- ▣ **Final Playground Design**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Jay Boodheshwar, Deputy Town Manager

RE: Recommendation to Award Contract to DW Recreation Services for New
Playground at Seaview Park
Resolution No. 20-2019

DATE: April 1, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council accept the recommendation of the Selection Committee and approve Resolution No. 20-2019, awarding RFP No. 2019-02, Recreation Center Playground Equipment, to DW Recreation Services, Inc. in the amount of \$392,999.66 and establish an overall project budget of \$400,000.00.

GENERAL INFORMATION

When Town Council approved the overall budget for the new Recreation Center and other improvements to Seaview Park in July 2018, staff provided a list of estimates for project related expenses that would be addressed outside of the Hedrick Brothers contract. One such expense was the new playground, which was estimated to cost approximately \$385,000. During the Council discussion about the final contract amount for Hedrick Brothers it was decided at the time to eliminate the concrete playground pavilion structure from the scope and budget at a savings of \$144,048, and instead pursue a more reasonable shade structure during the solicitation process for the playground. Council's consensus was to utilize contingency funds with the expectation that said shade structure may cost between \$30,000 - \$50,000.

The Purchasing Division issued Request for Proposal No. 2019-02 for Recreation Center Playground Equipment on November 30, 2018. The Town sought creativity in the submissions for design layouts and permitted each proposer to provide up to three playground design options for consideration by the Selection Committee. The Selection Committee was comprised of staff and representatives from the Recreation Advisory Commission, Friends of Recreation and the Morton & Barbara Mandel Foundation. Committee members included myself and;

- Matt Smith, Recreation Commission Chair
- Nicholas Coniglio, Recreation Commission Vice-Chair
- Kristen Schonwald-Vila, Recreation Commissioner

- Nelo Robert Freijomel, Stephen Boruff Architects + Planners, Inc.
- Michael Ainslie, Friends of Recreation
- Sterling McCracken, Friends of Recreation
- Randee Schneider, Morton & Barbara Family Foundation
- Edward Fiondella, Town Staff
- Eric Brown, Town Staff (Non-voting)
- Mike Roach, Town Staff (Non-Voting)
- Rod Gardiner (Non-Voting)

During the formation of the RPF scope, purchasing researched firms that had a track record in the design and installation of playground equipment and notified forty firms of the upcoming RFP. Purchasing provided a link to the online E-bidding platform. Of those forty firms, twenty-one accessed the E-Bidding Platform. Purchasing also reached out to potential suppliers through Public Purchase and Demand Star that broadcast to over 1,408 potential firms nationwide.

The Town received submission from a total of six companies. The Selection Committee met for the initial review of the proposals on February 20, 2019, and shortlisted two firms, Kompan, Inc. and DW Recreation Services, Inc. A list of questions about drawings, layouts and equipment were forwarded from Selection Committee Members to Duke Basha of Purchasing who then asked the two finalists to update their designs utilizing the feedback from committee members prior to their oral presentations held on March 11, 2019. After much discussion, the Selection Committee recommended moving forward with DW Recreation Services, Inc.

Subsequent to the Selection Committee recommendation, Purchasing Manager, Dean Mealy, and I worked with DW Recreational Services to finalize the design and negotiate the final costs.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award of RFP 2019-02 is hereby recommended to DW Recreation Services, Inc.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Recreation Center project budget to fully fund Resolution No. 20-2019. The playground portion of the proposed contract is \$17,220 less than the estimate and the shade structure is \$31,820 less than anticipated. Concrete curbing around the entire playground area was added to the scope at a cost of \$7,040 but the overall project amount is approximately \$42,000 under the estimated budget. See below.

	Estimate	Actual	Variance
Playground	\$385,000.00	\$367,779.66	-\$17,220.34
Shade Structure	\$50,000.00	\$18,180.00	-\$31,820.00
Concrete Curbing	\$0.00	\$7,040.00	\$7,040.00
			-\$42,000.34

TOWN ATTORNEY REVIEW

Resolution No. 20-2019 is in a form previously approved by the Town Attorney for legal form and sufficiency.

Attachments

Cc: John C. Randolph, Town Attorney
H. Paul Brazil, Public Works Director
Dean Mealy, Purchasing Manager
Rod Gardiner, Assistant Recreation Director
Eric Brown, Assistant Public Works Director
Recreation Advisory Commission
Selection Committee Members

RESOLUTION NO. 20-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SELECTION COMMITTEE RECOMMENDATION FOR RFP NO. 2019-02, FOR THE RECREATION CENTER PLAYGROUND EQUIPMENT AND AWARDED A CONTRACT TO DW RECREATION SERVICES, INC. IN THE AMOUNT OF \$392,999.66; AND ESTABLISHING AN OVERALL PROJECT BUDGET OF \$400,000.00

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

Section 1. The Section Committee for RFP No. 2019-02 unanimously recommended DW Recreation Services, Inc. to provide and install a new playground and related equipment in Seaview Park.

Section 2. The award of a Purchase Order to DW Recreation Services, Inc. in the amount of \$392,999.66 for the provision and installation of a new playground and related equipment in Seaview Park as outlined in Exhibit A, is hereby approved.

Section 3. The Town Council approves funds in an amount not to exceed \$400,000.00 for the playground project to be paid from the Recreation Center Project fund.

Section 4. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the contract and issue a purchase order to DW Recreation Services, Inc.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



INSTALLATION RESPONSE FORM

INSTALLER: D.W. Recreation		PROJECT DURATION (Work Days)		
PROJECT NAME: Seaview Final Proposal Mulch		PROJECT #	DATE	3/25/2019
ITEM	DESCRIPTION/EXPLANATION	QTY	\$'s EA	SUBTOTAL
Playground Equipment (Excavation, foundations & assembly)	#16160.01	LOT	\$ 65,880.0	65,880.00
		LOT		0.00
Shade/s (Erect & assemble)	16x40	1	\$ 12,480.0	12,480.00
				0.00
Shade foundations (Excavation, concrete, rebar)		3	\$ 900.0	2,700.00
				0.00
Shelter/s (Erect & assemble)				0.00
				0.00
				0.00
Shelter foundations (Excavation, concrete, rebar)				0.00
				0.00
Assemble & install site furnishings				0.00
				0.00
Permit (execute request)		2	\$ 600.0	1,200.00
Trash Removal		2	\$ 650.0	1,300.00
				0.00
Storage container or delivered off site and transported to ste		1	\$ 550.0	550.00
Construction Fence				0.00
Site work @\$/SF				0.00
Slab concrete, 4" thick @\$/SF		600	\$ 5.0	3,000
Sidewalk, 4" thick \$/SF	with fiber mesh 15'x40'			0.00
Curb concrete w/rebar (6"x6") @\$/LF		320	\$ 22.0	7,040.00
Provide & Install stone sub-base @\$/SF				0.00
Demo Playground/Site Amenities				0.00
Demo PIP				0.00
Bond		1	\$ 9,377.0	9,377.00
Supply Playground, Shade and Mulch		1	\$ 280,673	280,672.66
Place Mulch		440	\$ 20.0	8,800.00
				0.00
			GRAND TOTAL	392,999.66



REP SERVICES, INC.

Experts at Play & Outdoor Spaces

Site Amenities ■ Playground Equipment ■ Safety Surfacing ■ Shade
Phone: 407.831.9658 Fax: 866.232.8532 E-mail: sales@repsservices.com

DRAFT For In-House Use Only

Proposed To: D.W. Recreation Services, Inc. License #CGC1520829 9951 Equus Circle Boynton Beach, FL 33472-4319	Ship To: TBD at a later date	Bill To: Town of Palm Beach 360 S County Road Palm Beach, FL 33480
Attn: Donald West	Attn:	Attn: Duke Basha

Project No: 16160	Project Name: Town of Palm Beach - Seaview Park	Project Contact: Donald West
Proposal No: 16160.10	Proposal Name: Seaview Park - 1128992-1-6-DWR	Project Location: 340 Seaview Avenue Palm Beach, FL 33480 Project County: Palm Beach
Proposal Date: 3/27/2019	Proposal Expires: 4/26/2019	
For Questions Contact: Tricia Thomas	☎ 407-915-7849	✉ tricia@repsservices.com
Sales Consultant: Shannon Fazio	☎ 561-333-4451	✉ Shannon@repsservices.com
		Opt/Rev: G/3 Printed: 3/27/2019 - TT

Vendor: Landscape Structures	Proj Drawings: 1128991-1-6 Revised	568335
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Class	Part No	Qty	Description	Unit Price	Ext Price
Playbooster					
Custom	CP003106A-001	5 EA	DTR PB Playodyssey 36i Tall Wire Mesh Upper Barrier w/Recycled Wood-Grain Lumber Panel	2,743.00	13,715.00
Bridges & Ramps	PB147424A-001	1 EA	Clatterbridge 84 w/Barriers	5,073.00	5,073.00
	PB184490C-001	1 EA	Swiggle Stix Bridge w/o Deck Connections DB	5,691.00	5,691.00
Climbers	EV160252A-002	1 EA	BalanceWinder DB Only Attached to One Arch & One Arch Post	4,424.00	4,424.00
	EV179222A-001	1 EA	Belt-Zone Climber	8,925.00	8,925.00
	IP120710A-001	3 EA	Pod Climber 8" DB	266.00	798.00
	IP120711A-001	1 EA	Pod Climber 16" DB	271.00	271.00
	IP235755A-001	1 EA	Spider Web Climber DB Only	2,519.00	2,519.00
	PB111812A-001	1 EA	Headform Set	0.00	0.00
	PB116249A-003	1 EA	Vertical Ladder 32"Dk DB	705.00	705.00
	PB146812A-001	1 EA	Sky Rail Climber 72"Dk DB	1,517.00	1,517.00
	PB148432B-007	1 EA	Corkscrew Perm Handholds 72"Dk DB	1,195.00	1,195.00
	PB148434B-007	1 EA	Loop Pole Perm Handholds 72"Dk DB	1,134.00	1,134.00
	PB152907B-001	1 EA	Deck Link w/Barriers Steel end panels 2 Steps	1,895.00	1,895.00
	PB152907C-001	1 EA	Deck Link w/Barriers Steel end panels 3 Steps	2,478.00	2,478.00
	PB152908A-001	1 EA	Deck Link w/Handrails Permalene infill panel 1 Step	1,241.00	1,241.00
	PB157427B-010	1 EA	Pod Climber w/Handloop 40"Dk DB Left Handhold	1,338.00	1,338.00
	PB169318F-001	1 EA	Wood Plank Wiggle Ladder 72"Deck w/Recycled Wood-Grain Handholds DB	1,528.00	1,528.00
	PB176079A-001	1 EA	Sunbeam Climber	1,650.00	1,650.00
	PB207581A-001	1 EA	The Ascent Rock	5,660.00	5,660.00
	PB223167A-001	1 EA	Trailblazer Climber 72" Deck to Deck w/Steel Posts Included DB	8,046.00	8,046.00
	PB223170C-001	1 EA	Labyrinth Climber w/Permalene Handholds Equal Decks Attached to 72"Dk DB	11,071.00	11,071.00
Decks	PB111228A-001	2 EA	Square Tenderdeck	950.00	1,900.00
	PB111229A-001	1 EA	Square Deck Extension	909.00	909.00
	PB111231A-001	5 EA	Triangular Tenderdeck	736.00	3,680.00
	PB121948A-001	3 EA	Kick Plate 8"Rise	107.00	321.00
	PB121949A-001	2 EA	Tri-Deck Kick Plate 8"Rise	153.00	306.00
	PB122197A-001	4 EA	90° Triangular Tenderdeck	802.00	3,208.00
	PB152911B-001	1 EA	Curved Transfer Module Right 40"Dk DB	2,559.00	2,559.00
	PB165596A-001	1 EA	12' PlayOdyssey Tower	26,729.00	26,729.00
	PB165780A-001	1 EA	12' Tower SlideWinder2 w/Perm Panel	6,151.00	6,151.00
	PB165824A-001	1 EA	12' Tower Bubble Panel	1,456.00	1,456.00
Enclosures	PB115223A-001	1 EA	Bubble Panel Above Deck	792.00	792.00
	PB115229A-001	1 EA	Finger Maze Panel Above Deck	679.00	679.00
	PB115253A-001	1 EA	Hole Panel	562.00	562.00

	PB115254A-001	1 EA	Storefront Panel	577.00	577.00
	PB120314A-001	5 EA	Wire Barrier Above Deck	633.00	3,165.00
	PB120314B-001	1 EA	Wire Barrier w/Wheel Above Deck	833.00	833.00
	PB127440A-002	1 EA	Trail Tracker Reach Panel Ground Level	444.00	444.00
	PB129043A-002	1 EA	Image Reach Panel Ground Level	853.00	853.00
	PB130565A-001	1 EA	Table Panel DB	1,012.00	1,012.00
	PB164092A-001	1 EA	Bongo Panel Above Deck	920.00	920.00
	PB169319A-001	3 EA	Recycled Wood-Grain Lumber Panel	1,149.00	3,447.00
Evos Clamps	EV156439A-001	5 EA	Clamp No Faces (O-O)	0.00	0.00
	EV157585A-001	2 EA	Clamp One Face (O-E)	0.00	0.00
Evos Structure	EV179188A-001	1 EA	Evos 2 Arch w/3-5 Attach Points DB Only	10,749.00	10,749.00
Mainstructures	PB222710A-001	1 EA	12' Tower WhooshWinder Slide w/Perm Panel	7,076.00	7,076.00
Motion & More Fun	EV156454A-001	6 EA	E-Pod	286.00	1,716.00
	IP247179A-001	2 EA	Curva Spinner DB Only	1,732.00	3,464.00
	PB166809A-001	1 EA	E-Pod Seat	286.00	286.00
Overhead Events	PB141886B-001	1 EA	Access/Landing Assembly Rails Barrier Right 32"Dk	828.00	828.00
	PB142890A-004	1 EA	2"90* Horizontal Ladder DB Connected	1,763.00	1,763.00
Posts	PB111404A-001	10 EA	148"Alum Post DB	363.00	3,630.00
	PB111404B-001	1 EA	140"Alum Post DB	347.00	347.00
	PB111404C-001	2 EA	132"Alum Post DB	342.00	684.00
	PB111404D-001	4 EA	124"Alum Post DB	327.00	1,308.00
	PB111404E-001	6 EA	116"Alum Post DB	286.00	1,716.00
	PB111404F-001	2 EA	108"Alum Post DB	281.00	562.00
	PB111404K-001	4 EA	156"Alum Post DB	414.00	1,656.00
	PB111404M-001	2 EA	148"Steel Post DB	327.00	654.00
Signs	IP182504C-001	1 EA	Welcome Sign Ages 5-12 years Direct Bury	327.00	327.00
Slides & Gliders	PB123331A-004	1 EA	Double Slide 32"Dk DB	1,701.00	1,701.00
	PB148426B-007	1 EA	Firepole Perm Handholds 72"Dk DB	725.00	725.00
Swings	IP174018A-001	2 EA	Belt Seat ProGuard Chains for 8' Beam Height	118.00	236.00
	IP177332A-001	1 EA	Single Post Swing Frame 8' Beam Height Only	1,175.00	1,175.00
Playbooster Total:				\$181,980.00	

Smart Play					
Ages 2-5 Yrs	SP223857A-001	1 EA	Loft DB	16,205.00	16,205.00
Sensory Play	IP228212A-001	1 EA	Rhapsody Ditty Metallophone DB	2,953.00	2,953.00
	IP228214A-001	1 EA	Rhapsody Warble Chimes DB	4,353.00	4,353.00
	IP228217A-001	1 EA	Rhapsody Kettle Drum Junior DB	1,303.00	1,303.00
Signs	IP182503A-001	1 EA	Welcome Sign (LSI Provided) Ages 2-5 years Direct Bury	0.00	0.00
Swings	IP174018A-001	1 EA	Belt Seat ProGuard Chains for 8' Beam Height	118.00	118.00
	IP176038A-001	2 EA	Full Bucket Seat ProGuard Chains for 8' Beam Height	276.00	552.00
	IP177332A-001	1 EA	Single Post Swing Frame 8' Beam Height Only	1,175.00	1,175.00
	IP177333A-001	1 EA	Single Post Swing Frame Additional Bay 8' Beam Height Only	879.00	879.00
	IP177351A-001	1 EA	Molded Bucket Seat (5-12 yrs) w/Harness ProGuard Chains for 8' Beam Height	797.00	797.00

Smart Play Total:				\$28,335.00	
Product Subtotal:				\$210,315.00	
Signed & Sealed Engineering:				\$3,333.00	
Freight: Prepaid Ship Method: Best Way FOB: Destination Weight: 18,784 lbs Freight Charge:				\$14,733.00	
Landscape Structures Total:				\$228,381.00	

Vendor: LSI SkyWays	Proj Drawings:			568281	
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Class	Part No	Qty	Description	Unit Price	Ext Price
Shade	CP006612	1 EA	Skyways Joined Cantilever Hip. (3) Columns. (2) FR Fabric Tops. 16'x40'. 10' Entry. Rapid Release System. Steel Anchor Bolts/Base Plate Template.	19,898.00	19,898.00

				Product Subtotal:	\$19,898.00
				Signed & Sealed Engineering:	\$1,888.00
Freight: Prepaid Ship Method: Best Way FOB: Destination				Freight Charge:	\$3,982.00
				LSI SkyWays Total:	\$25,768.00
Vendor: Irvine Wood Recovery				Proj Drawings:	568282
Class	Part No	Qty	Description	Unit Price	Ext Price
Surfacing	RSI-EWF-C	439 CY	Engineered Wood Fiber for Playground, per cubic yard	31.94	14,021.66
				Product Subtotal:	\$14,021.66
Freight: Prepaid Ship Method: Best Way FOB: Destination				Freight Charge:	\$7,474.00
				Irvine Wood Recovery Total:	\$21,495.66
Vendor: DuMor				Proj Drawings:	568283
Class	Part No	Qty	Description	Unit Price	Ext Price
Benches	277-72I	2 EA	6' BENCH, 72" RADIUS, IPE	2,300.00	4,600.00
				Product Subtotal:	\$4,600.00
Freight: Prepaid Ship Method: Best Way FOB: Destination Weight: 524 lbs				Freight Charge:	\$428.00
				DuMor Total:	\$5,028.00
General Terms of Sale and Proposal Summary					
Net 30				Product:	\$254,055.66
				Freight:	\$26,617.00
				Proposal Total:	\$280,672.66

Notes**Basis of Proposal**

Our proposal is based upon request made by commission board members. RFP No. 2019-02

Estimated project completion schedule

The lead time for your project is 4-6 weeks after RSI receipt of your signed order, finish selections, Credit Agreement and Deposit, if requested.

To be provided by the customer, as applicable:

- Permit Filing and Permit Fees assessed by the Building Dept.
- Site Plan or Survey
- Soils testing
- Tree Survey

Scope of Proposal

Please note the vendor requirements itemized below.

Landscape Structures:

When placing an order, please select colors from those shown on pages 236-238 of the catalog.

SkyWays Shade by LSI:

SkyWays units are designed to meet Florida Building Code 6th Edition (2017). The high-density polyethylene fabric is flame retardant conforming to NFPA 701 and ASTM E84 per FBC 3105.3.1. Note that the fabric is to be removed by the owner should winds exceed 75MPH.

Orders are shipped within our manufacturer's standard lead times. Requests for delayed shipping may result in additional costs due to increases in freight, material costs or other factors. To secure the prices on this proposal, the offer must be accepted prior to the expiration date noted.

Engineered Wood Fiber:

*** IPEMA CERTIFIED ASTM F1292-13 Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment and ASTM F2075-10a Standard Specification for Engineered Wood Fiber for Use as a Playground Safety Surface Under and Around Playground Equipment.

Drainage is extremely important to the long term performance of your playground surfacing. A minimum of a 12" depth of surfacing material must be maintained at all times.

*** This is a natural product. Particle size, texture and color may vary from a tan to a dark brown due to the natural conditions of the environment.

Freight prices are subject to an energy/fuel surcharge if implemented between the time of quote and placement of order.

The undersigned warrants that he/she is an authorized representative of the company noted and has the requisite authority to bind said company and/or principal. If any particular billing is not paid when due, all outstanding balances, regardless of prior terms, will become immediately due and owing upon demand. Interest on past due amounts will be assessed at 1 ½ % per month or the maximum interest rate permitted by applicable law, whichever is less. Should it become necessary for either party to this contract to institute legal action for enforcement of any provisions of this contract, the prevailing party shall be entitled to reimbursement for all court costs and reasonable attorney's fees incident to such legal action. The parties hereto agree that proper venue for any legal action in any way related to this contract shall be in Seminole County, FL.

Accepted By:



Seaview Park

Palm Beach FL March 28, 2019 1128992-01-09-01

TCM Backup 04-09-19

*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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Proudly presented by:

Tricia Thomas



REP SERVICES, INC.
Experts at Play & Outdoor Spaces



Seaview Park

Palm Beach FL March 28, 2019 1128992-01-09-02

TCM Backup 04-09-19

*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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Palm Beach FL March 28, 2019 1128992-01-09-03

Seaview Park

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Seaview Park

Palm Beach FL March 28, 2019 1128992-01-09-04

TCM Backup 04-09-19

*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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Experts at Play & Outdoor Spaces



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Seaview Park

Palm Beach FL March 28, 2019 1128992-01-09-06

TCM Backup 04-09-19

*Custom products are shown as conceptual only. *Custom product manufacturing time for this project will be approximately 6 weeks from the time of LSI order acceptance.

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WE PLAY TODAY

shapedbyplay.com

Proudly presented by:

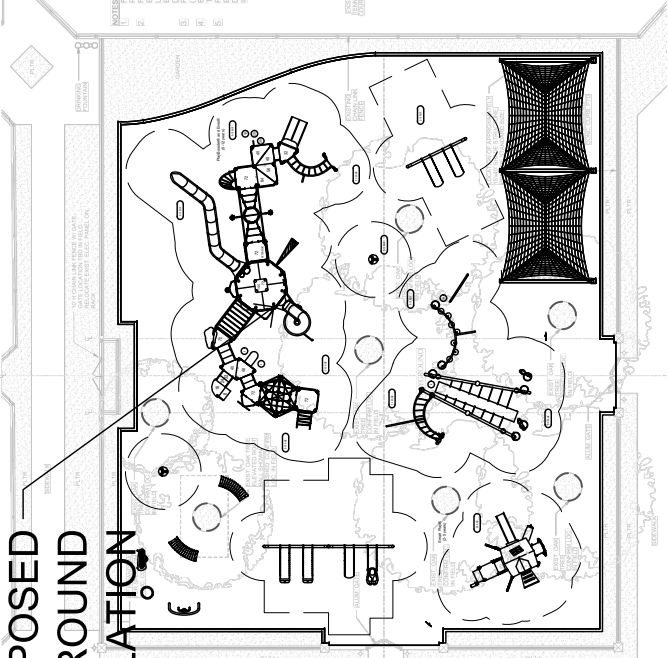
Tricia Thomas



REP SERVICES, INC.
Experts at Play & Outdoor Spaces

PROPOSED
PLAYGROUND
INSTALLATION

TCM Backup 04-09-19



SITE LOCATION MAP

NOT TO SCALE
*SEE SHEET P-2 FOR
SITE LOCATION MAP
ENLARGEMENT

SURFACING

8785 SF
ENGINEERED WOOD FIBER
12' MAXIMUM FALL HEIGHT
360 LF NEW CONCRETE CURB

TOTAL PLAY COMPONENTS: 2-5 AGE AREA - 17
5-12 AGE AREA - 31

2-5 AGE AREA			
TOTAL ELEVATED PLAY COMPONENTS 5			
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP 0			
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER 5			
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN 9			
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS 6			
5-12 AGE AREA			
TOTAL ELEVATED PLAY COMPONENTS 19			
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP 0			
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER 12			
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN 12			
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS 7			
Playground equipment meets the requirements of FBC Accessibility Code, Table 240.2.1.2			

A WARNING

SURFACING AND PLAYSURFACES MAY
BECOME HOT AND CAUSE BURNS. CHECK
FOR HOT SURFACES PRIOR TO PLAYING ON
THE PLAYGROUND.

QTY.	POST/ARCH LENGTHS	QTY.	EVOS ARCH CLAMPS
4	A 156"Alum Post DB	2	OE Clamp One Face (O-E)
2	B 148"Steel Post DB	5	OO Clamp No Faces (O-O)
10	C 148"Alum Post DB		
2	D 140"Steel Post DB		
1	E 140"Alum Post DB		
2	F 132"Steel Post DB		
2	G 132"Alum Post DB		
4	H 124"Alum Post DB		
6	I 116"Alum Post DB		
3	J 108"Alum Post DB		

182503

WELCOME SIGN

5-12 YEARS

(LSI PROVIDED)

2-5 YEARS

182504

WELCOME SIGN

5-12 YEARS

(LSI PROVIDED)

2-5 YEARS

WELCOME SIGN

TO BE LOCATED IN

CONSULTATION

WITH OWNER

NOT FOR CONSTRUCTION



SCALE: 1" = 10'

Town of Palm Beach - Seaview Park

Palm Beach, FL



DRAWING: 1128992-01-06-Revised

RSI PROJ: 16160

SHEET NO.
P-1
PAPER SIZE
B

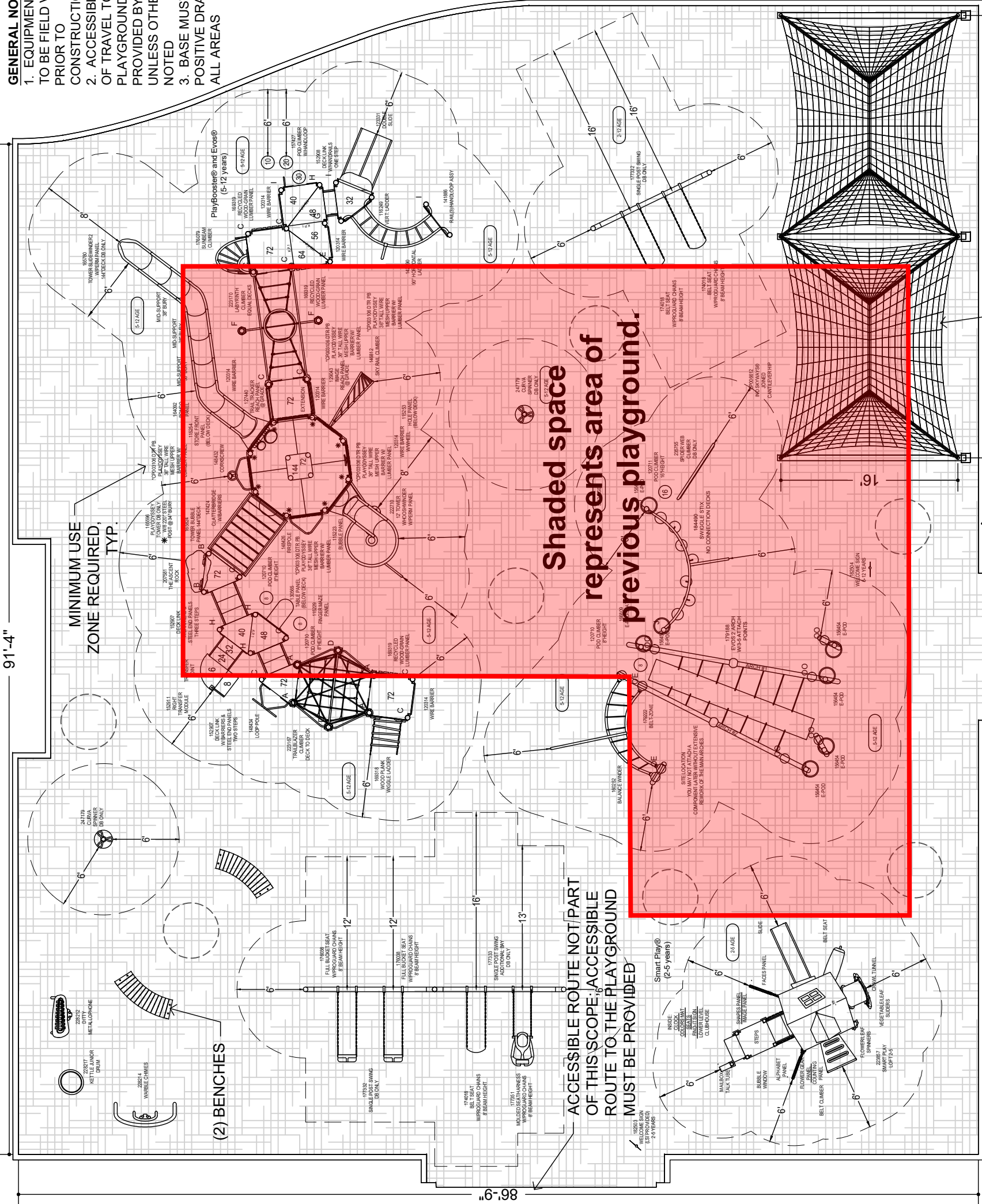
*ALL EXISTING TREES TO
REMAIN; SEE SHEET P-2 FOR
APPROXIMATE TREE LOCATIONS
PER SITE PLAN BY OTHERS

360 LF NEW
CONCRETE CURB

CUSTOM SKYWAYS
SHADE CANOPY

- GENERAL NOTES:
- EQUIPMENT LOCATION TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION
 - ACCESSIBLE ROUTE OF TRAVEL TO THE PLAYGROUND TO BE PROVIDED BY OTHERS, UNLESS OTHERWISE NOTED
 - BASE MUST EXHIBIT POSITIVE DRAINAGE IN ALL AREAS

91'-4"



8785 SF

12' MAXIMUM FALL HEIGHT

GENERAL NOTES:

1. EQUIPMENT LOCATION TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION
2. ACCESSIBLE ROUTE OF TRAVEL TO THE PLAYGROUND TO BE PROVIDED BY OTHERS
3. BASE MUST EXHIBIT POSITIVE DRAINAGE IN ALL AREAS

SCALE: 1/16" = 1'



360 LF NEW CONCRETE CURB

CUSTOM SKYWAYS SHADE CANOPY

MINIMUM USE
ZONE REQUIRED,
TYP.

Recreation Center

ACCESSIBLE ROUTE NOT PART
OF THIS SCOPE; ACCESSIBLE
ROUTE TO THE PLAYGROUND
MUST BE PROVIDED

PLAYGROUND PLAN

Morton and Barbara Mandel Recreation Center

PROJECT 16.024

Stephen Boruff, AIA
Architects + Planners, Inc.

DSK 12

OCTOBER 02, 2018
SCALE: 1/8" = 1'-0"

SHEET NO.

2.

PAPER SIZE

Site Location Map

Town of Palm Beach - Seaview Park

Palm Beach, FL



TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 21-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Retroactive Award And Purchase Order in the Amount of \$398,589 To D.S. Eakins For Emergency Repair Of Broken Line And Sanitary Lift Station Upgrade.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum Dated March 27, 2019, from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 21.2019**
- ▢ **Bid Tab**

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Retroactive Award of Emergency Invitation to Bid No. 2019-19 for the Damaged Sewer Pipe Adjacent to E-2 and Upgrade to Sanitary Lift Station E-2, **Resolution No. 21-2019**

DATE: 27 March 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 21-2019 that authorized the Retroactive Award of an Emergency Contract and Purchase Order related to the Damaged Sewer Pipe adjacent to Sanitary Lift Station E-2 and Upgrade to Sanitary Lift Station E-2 to D.S. Eakins.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid No. 2019-19 for an emergency repair of a damaged sewer pipe adjacent to Sanitary Lift Station E-2 and for the subsequent improvements to Sanitary Lift Station E-2.

Public Works provided a justification for an emergency repair as follows. “The Water Resources staff periodically cleans storm water and sewer pipes between manholes using the Town owned Vac truck. During a recent cleaning of the sewer pipes supplying the E-2 Lift station, a blockage was discovered in a pipe run between MH#114 and MH#115 on North Lake Way. Staff attempted to clear the blockage from both ends of the pipe but were unsuccessful and there was an obvious obstruction of flow downstream. Staff then procured the use of a sewer camera which revealed the obstruction of flow and an apparent issue with the pipe liner installed within the pipe. The views from the camera did not provide enough information to determine the full condition of the pipe other than the liner separation and obstruction of flow.

This blockage is in a critical section of piping for the E-2 sewer system and staff is requesting a vendor be contracted to excavate the pipe, remove and replace the entire section of pipe from MH#114 to MH#115 (approx. 30 linear feet) where the blockage is located and restore the roadway.

The E-2 Lift station is currently scheduled for rehabilitation during the summer of 2019. The pipe repair/replacement work will require a road closure with MOT and de-watering for the project

work site. In an effort to save costs, staff recommends performing the E-2 Lift station rehabilitation concurrently with the pipe repair project.”

Purchasing issued an emergency Invitation to Bid for a period of five business days to expedite the emergency situation. The emergency condition and subsequent bid were reviewed and approved with the Town Manager’s Office prior to issuance. Three firms responded to the solicitation. One firm was found to be non-responsive to the bid and the submittal was rejected by my office.

The Bid from Hinterland Group which was the low apparent bid was rejected due to recent litigation from a claim related to E-3 force main lining project whereby the Town had to countersue Hinterland.

The Hinterland Group filed a Bid Protest with the Purchasing Manger pursuant to Administrative Procedure 1-11-13. Based on the rejection by the Purchasing Manager, Hinterland then filed a Protest on March 28th with the Town Manager’s Office in accordance with the Administrative Procedure. Per the Administrative Procedure, the decision of the Town Manager shall be considered final. An appeal of the Town Manager’s decision may be made to the appropriate court in the Fifteenth Judicial Court, Palm Beach County, Florida.

Due the emergency nature of the repair of the broken line, a purchase order will be issued on March 29, 2019 to expedite the emergency repair.

D.S. Eakins submitted a bid for labor and materials for the emergency line repair and for labor for the installation of new materials at Sanitary Lift Station E-2. The Town directly purchased the materials last summer for E-1 and E-2 to avoid sales tax. Due to timing issues, both E-1 and E-2 were rescheduled for the summer of 2019.

The E-1 Sanitary Lift Station is currently being bid under normal procurement methodologies and should be presented to Town Council in May 2019. Our goal will be outreach to the vendor community for as many responsive and responsible proposers to bid.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the contract will be \$398,589, with a contingency of \$59,789 for a total contract value of \$458,378.85. This will be funded from Pay Go under Sanitary Sewer.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, P.E., Director of Public Works
Patricia Strayer, Town Engineer
Jason Debrincat, Senior Project Engineer
Purchasing File

RESOLUTION NO. 21-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A RETROACTIVE AWARD AND PURCHASE
ORDER IN THE AMOUNT OF \$398,589 TO D.S. EAKINS
FOR EMERGENCY REPAIR OF BROKEN LINE AND
SANITARY LIFT STATION UPGRADE.**

WHEREAS; Public Works determined that a blockage between manhole 114 and 115 on North Lake Way, and;

WHEREAS; Due to the nature of having to tear up the street to address the pipe repair and the upcoming scheduled upgrade to Sanitary Pump Station E-2, it was determined that there was a cost benefit of having both items addressed at the same time; and

WHEREAS; it was determined that the broken pipe had to be repaired immediately, Purchasing issued an Invitation to Bid and the recommended proposer was D.S. Eakins; and

WHEREAS; Town Council approval is sought to retroactively approve a Purchase Order in the amount of \$398,589 to D.S. Eakins.

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

Section 1. The retroactive award of a Purchase Order to D.S. Eakins in the amount of \$398,589, is hereby approved from the Pay Go Fund.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

1285 Bid No. 2019-19 - E-2 Lift Station Improvements

Award phase

[Help](#)

Settings Participants Planning Pricing sheets Surveys Question & Answer
 Offers/Applications Evaluate Compare & Select Awarding communication
 Solicitation summary Contract
 Evaluation Surveys 1. SOLICITATION PACKAGE

Offer phase (3) Evaluation (3) Awarding (1)

1. SOLICITATION PACKAGE

3 of 3 Complete offers 8 Questions

Pricing sheet "Basis of Award"

Phase ▼ Rank ▼



Offers/Applications	Rank	Knockouts of 6	unanswered question(s) of 8	Uploads missed of 1	Incomplete evaluations of 0	Price	Invited to phase
Hinterland Group, Inc. Hinterland Group, Inc. Mar 25 2019 12:43:39 PM	1	-	-	-	-	<u>\$346,500</u>	Evaluation
D.S. Eakins Construction Corp. D.S. Eakins Construction Corp. Mar 25 2019 12:06:19 PM	2	-	-	-	-	<u>\$398,589</u>	Awarding
Murray Logan Construction, Inc. Murray Logan Construction, Inc. Mar 25 2019 1:24:46 PM	3	-	-	-	-	<u>\$418,000</u>	Evaluation

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[Published Solicitations](#)

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Company administrator:



Solicitations Palm Beach
(561) 838-5406
solicitations@townofpalmbeach



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TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 22-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$65,350 and a Five Year Contract in the Amount of \$393,699 to Zimmerman Tree Service For Invitation To Bid No. 2019-12 For Tree Trimming For Lot 3, Hardwood Trees As Designated To A Primary, Secondary And Tertiary Vendor.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 27, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 22-2019**
- ▣ **Bid Tab**

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Award of Invitation to Bid No. 2019-12, Tree Trimming, Lot 3, Hardwood Trees - **Resolution No. 22-2019**

DATE: 27 March 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 22-2019 for the Award of Invitation to Bid No. 2019-12, Tree Trimming to a primary, secondary, and tertiary vendor.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid No. 2019-12, Tree Trimming, Lot 3, Hardwood Trees on February 17, 2019. Purchasing completed extensive outreach by contacting 133 potential vendors via email and invited them to participate in the solicitation. Eight firms responded with responsive, responsible bids ranging from the low of \$65,350 to \$153,400 on the high end of the range.

The previous solicitation issued in 2018 for tree trimming consisted of three lots. Lot 1 was for Coconut Trees, Lot 2 was for Australian Pines and Lot 3 was for Hardwoods. We have had no issues with the vendors awarded for the Coconuts and the Australian Pines. The issue has continued to be with the Hardwood Trees.

It was determined to rebid only Lot 3 to secure three vendors to perform per the established Scope of Work.

In review of the Scope of Work requested from Public Works, Purchasing sought bids from bids from qualified bidders to furnish all labor, management, materials, and equipment to provide for Tree Trimming & Pruning Services at various sites throughout the Town of Palm Beach.

The scope issued required tree trimming and pruning services be in accordance with the American National Standards Institute (ANSI Z133-2017) and Palm Beach County Landscape Code 500-35, Number Four (4). Any fees or fines resulting from violations due to the performance of the contractor will be the contractor's sole responsibility.

It is the Town's intent to award an annual contract for services to the low responsive, responsible

bidder, Zimmerman Tree Service as the primary vendor, Custom Tree Care, Inc. as the secondary vendor and Mignano Tree Care, Inc. as the tertiary vendor. It should be noted that the price for the primary vendor to be awarded was reduced by \$8,850 from the bid submitted in 2018.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the Contract will be \$65,350. The projected five year award is \$393,699 contingent upon funding by the approved budgets. The funding will be from Public Works Operating Budget.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. A total of eight municipalities were contacted for references which were all positive.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, P.E., Director, Public Works Department
Paul Colby, Facilities Manager

RESOLUTION NO. 22-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$65,350 AND A FIVE YEAR CONTRACT IN THE AMOUNT OF \$393,699 TO ZIMMERMAN TREE SERVICE FOR INVITATION TO BID NO. 2019-12 FOR TREE TRIMMING FOR LOT 3, HARDWOOD TREES AS DESIGNATED TO A PRIMARY, SECONDARY AND TERTIARY VENDOR.

WHEREAS; Public Works determined a need to rebid Lot 3 of the Tree Trimming contract which is the Hardwood Trees, and;

WHEREAS; Purchasing issued an Invitation to Bid No. 2019-12 for Lot 3 and the recommendation was to award to a primary, secondary, and tertiary vendors due to historical performance of vendors; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of \$65,350 to Zimmerman Tree Service.

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

Section 1. The award of a Purchase Order to Zimmerman Tree Service in the amount of \$65,350 and a five year contract in the amount of \$393,699 contingent upon funding by approved budgets.

Section 2. The Town Council approves the use of a secondary and tertiary vendor from the approved Bid Tab as required.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

1218 Bid No. 2019-12 - Tree Trimming Services

Evaluation phase  Ends on Apr 9 2019 2:00 PM

Compare & Select

Offer phase (9) **Evaluation (8)** Awarding

1. DETAILS OF SOLICITATION

7 of 8 Complete offers 7 Questions

Pricing sheet "BASIS OF AWARD";

Comparison table

Sort by: Rank

Offers/Applications	Rank	Knockouts of 3	unanswered question(s) of 6	Uploads missed of 0	Incomplete evaluations of 1	Price	Invited to phase
● Zimmerman Tree Service Zimmerman Tree Service Mar 19 2019 8:17:30 AM	1	-	-	-	<u>1</u>	\$65,350	Evaluation
● Custom Tree Care, Inc. Custom Tree Care, Inc. Mar 18 2019 1:44:37 PM	2	-	-	-	-	\$72,160	Evaluation
● Mignano Tree Care Inc Mignano Tree Care Inc Mar 13 2019 11:39:33 AM	3	-	-	-	<u>1</u>	\$80,150	Evaluation
● Sherlock Tree Company Sherlock Tree Company Mar 19 2019 11:14:43 AM	4	-	-	-	-	\$91,850	Evaluation
● Bartlett Tree Experts Bartlett Tree Experts Mar 19 2019 1:17:03 PM	5	-	-	-	<u>1</u>	\$92,468.20	Evaluation
● Arbor Experts, Inc. Arbor Experts, Inc. Mar 19 2019 8:54:14 AM	6	-	<u>6</u>	-	<u>1</u>	\$115,875	Evaluation
● Batallan Enterprises Inc. dba Property Works Batallan Enterprises Inc. dba Property Works Mar 14 2019 2:54:15 PM	7	-	-	-	-	\$144,953.80	Evaluation
● salgado tree trimming salgado tree trimming Mar 19 2019 1:26:16 PM	8	-	-	-	-	\$153,400	Evaluation

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 23-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order In The Amount Of \$46,283.90 And A Five Year Contract In The Amount Of \$233,730 To Muscart Painting And Decorating, As The Recommendation Of Award Of Invitation To Bid 2019-04, For Annual Curb, Bollard And Tire Stop Painting; Contingent Upon Funding By Approved Budgets.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 27, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 23-2019**
- ▣ **Bid Tab**
- ▣ **Bid Metrics**

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Award of Invitation to Bid No. 2019-14, Annual Curb, Bollard and Tire Stop Painting. - **Resolution No. 23-2019**

DATE: 27 March 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 23-2019 for the Award of Invitation to Bid No. 2019-04, Annual Curb, Bollard and Tire Stop Painting to Muscat Painting and Decorating.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid No. 20-2019-14 for Annual Curb, Bollard and Tire Stop Painting on March 18, 2018. Four firms replied to the solicitation with pricing from \$42,283.90 to \$226,950.

In review of the Scope of Work requested from Public Works, Purchasing sought proposals from licensed and qualified contractors to paint concrete curbing, concrete bollards and parking stall tire stops in selected areas of the Town of Palm Beach, FL 33480. The Scope requires the contractor to provide all necessary materials, labor, management, supervision, trucks, gas, oil, safety equipment and any other materials and equipment necessary to complete the work as specified.

It is the Town's intent to award an annual contract for the services specified herein. Quantities and locations may vary from year to year. The attached table represents current estimated quantities. The awarded contractor will be expected to invoice the Town for actual quantities.

The previous solicitation was issued in 2015 and was designated for curb painting only. Since the original solicitation was issued, addendums were issued to address the Bollards and Tire Stop Painting.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the contract will be \$42,283.90, with a contingency of \$4,000 for a total contract value of \$46,283.90. The projected five year award is \$233,730 contingent upon funding by the approved budgets. The funding for this project will come from the Public Works Operating

Fund.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. A total of eight municipalities were contacted for references which were all positive.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, P.E., Director of Public Works
Paul Colby, Facilities Manager

RESOLUTION NO. 23-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE RECOMMENDATION OF AWARD OF INVITATION TO BID 2019-04, ANNUAL CURB, BOLLARD AND TIRE STOP PAINTING TO MUSCART PAINTING AND DECORATING.

WHEREAS; Public Works identified the need for curb, bollard and tire stop painting, and;

WHEREAS; Purchasing issued an Invitation to Bid 2019-04 and Muscart Painting and Decorating was found to be responsive and responsible; and

WHEREAS; Town Council approval is sought to approve an Award and Purchase Order in the amount of \$46,283.90 including contingency from the Public Work Operating Fund.

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

Section 1. The award of a Purchase Order to Muscart Painting and Decorating, is hereby approved.

Section 2. The Town Council approves a Purchase Order in the amount of \$46,283.90 and a five year contract in the amount of \$233,730 contingent upon funding by approved budgets. Funding for this project will come from the Public Works Operating Fund.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

1213 Bid No. 2019-14 - Annual Curb, Bollard and Tire Stop Painting

Evaluation phase  Ends on Apr 9 2019 4:00 PM

Compare & Select

Offer phase (4) **Evaluation (4)** Awarding

1. DETAILS OF SOLICITATION

4 of 4 Complete offers 7 Questions

Pricing sheet "BASIS OF AWARD";

Comparison table

Sort by: Rank

Offers/Applications	Rank	Knockouts of 3	unanswered question(s) of 6	Uploads missed of 0	Incomplete evaluations of 1	Price	Invited to phase
● Muscat Painting & Decorating Muscat Painting & Decorating Feb 28 2019 2:51:18 PM	1	-	-	-	-	\$42,283.90	Evaluation
● GREEN ENGINEERING & CONSTRUCTION GREEN ENGINEERING & CONSTRUCTION Mar 18 2019 11:09:07 AM	2	-	-	-	-	\$48,230.67	Evaluation
● Chandler Construction Company Chandler Construction Company Mar 18 2019 1:24:36 PM	3	-	-	-	-	\$190,480.80	Evaluation
● Razorback LLC Razorback LLC Mar 18 2019 11:08:23 AM	4	-	-	-	-	\$226,950	Evaluation

1213 Bid No. 2019-14 - Annual Curb, Bollard and Tire Stop Painting

BASIS OF AWARD

#	Description	Unit	Estimated Annual Qty.	Price per Unit	Total
1	Furnish and Apply Yellow Curb Painting – as specified herein	L.F.	34288		
2	Furnish and Apply Red Curb Painting – as specified herein	L.F.	2002		
3	Furnish and Apply Gray Curb Painting – as specified herein	L.F.	381		
4	Furnish and Apply Blue Curb Painting – as specified herein	L.F.	191		
5	Furnish and Apply Concrete Bollards – as specified herein	EA	150		
6	Furnish and Apply Tire Stops – as specified herein	EA	415		
Total					\$0
Editable by supplier					

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 24-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A Purchase Order To Alan Jay Chevrolet In The Amount Of \$115,460.55 For Two (2) Chevy Tahoe 1500 SUV Patrol Cars And One (1) Administrative Chevy Tahoe 1500 SUV Utilizing The State Of Florida Sherriff's Association Contract No. FSA18-Vel26.0.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 20, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 24-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

Re: Authorize Purchase of Two (2) Police Patrol Vehicles and One (1) Administrative Vehicle – **Resolution** XXX-XXXX

Date: March 20, 2019

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve a purchase order to Alan Jay Chevrolet-Cadillac, to purchase two (2) 2019 Chevy Tahoe 1500 SUV Police Patrol vehicles (\$39,891.85 each) and (1) 2019 Chevy Tahoe 1500 SUV Police Administrative vehicle (\$35,676.85) for a total amount of \$115,460.55. These items are included in the Town's Equipment Replacement Program and were previously considered and approved by the Town Council during the FY 2019 Budget process.

SUMMARY EXPLANATION/BACKGROUND

The Police vehicle fleet is reviewed annually during the budget process. Police patrol vehicles have a 4-6 year useful Patrol life-cycle depending on mileage and basic wear and tear. When Patrol vehicles are taken out of regular patrol service, they are typically used as "eggs" or transferred to another unit for use, if appropriate, until no longer useful due to safety reasons or maintenance cost effectiveness. When it is determined that a vehicle should be eliminated from the fleet it sold at auction, if possible. Patrol Supervisor and unmarked vehicles are also reviewed and replaced based on mileage and wear and tear but generally have a useful life of 10 plus years. These vehicles are also transferred to another unit, if appropriate, and eventually sold at auction. The department is requesting to replace three (2) 2011 and (1) 2012 Chevrolet Caprice Police Rated vehicles in the Patrol Unit.

These vehicle will be purchased through the Florida Sheriffs Association State Bid #FSA18-VEL26.0 (Exhibits A and B).

Purchasing priced the Ford Explorer with comparable requirements and noted higher pricing.

FUNDING/FISCAL IMPACT

Purchases were approved as part of the FY2019 Equipment Replacement Program with a total budget of \$123,100. The total cost of the three (3) vehicles is \$115,460.55. New vehicle costs are higher than the depreciated value of the replacement vehicles due to additional vehicle equipment.

options being included on the vendor quote rather than purchased separately and installed by Fleet Maintenance staff.

POLICE REVIEW

These items have been reviewed by the Purchasing Division and are approved as recommended.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. A total of eight municipalities were contacted for references which were all positive.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Nicholas Caristo, Acting Chief of Police
Lisa Gorman, Police Planner
Purchasing File

RESOLUTION NO. 24-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING A PURCHASE ORDER TO ALAN JAY CHEVROLET IN THE AMOUNT OF \$115,460.55 FOR TWO (2) CHEVY TAHOE 1500 SUV PATROL CARS AND ONE (1) ADMINISTRATIVE CHEVY TAHOE 1500 SUV UTILIZING THE STATE OF FLORIDA SHERRIFF'S ASSOCIATION CONTRACT NO. FSA18-VEL26.0.

WHEREAS; Police identified three vehicles for replacement in the 2019 budget process and;

WHEREAS; Purchasing obtained pricing from Alan Jay Chevrolet, utilizing the Florida Sherriff Association Contract Price List; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of \$115,460.55 from the Equipment Replacement Fund.

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

Section 1. The award of a Purchase Order to Alan Jay Chevrolet in the amount of \$115,460.55, is hereby approved.

Section 2. The Town Council approves replacement from the Equipment Replacement Fund in an amount not to exceed \$115,460.55.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 25-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order In The Amount Of \$189,200 To APTIM Environmental & Infrastructure, LLC., For Reach 8 Beach Nourishment Permitting, And Establishing A Permitting Budget Of \$217,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 29, 2019 from Dean Mealy II, Purchasing Manager**
- ▣ **Resolution No. 25-2019**
- ▣ **APTIM Proposal**
- ▣ **APTIM - Executed PSA**

Information for Town Council Meeting on April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Award of Purchase Order for Reach 8 Beach Nourishment Permitting, **Resolution No. 25-2019**

DATE: 29 March 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 25-2019 that authorizes a Purchase Order related to APTIM Environmental & Infrastructure, LLC (APTIM), in the amount of \$189,200 and establishing a permitting budget of \$217,000 for Reach 8 Beach Nourishment Permitting.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid No. 2017-35 for Coastal Engineering Services. APTIM was selected as a prequalified firm to perform coastal engineering services and has an active Professional Services Agreement (PSA) with the Town of Palm Beach, dated September 15, 2017.

The Town of Palm Beach has been trying to permit a Reach 8 Beach Nourishment Project since June 2005. After an initial three (3) years of permitting, the Florida Department of Environmental Protection (FDEP) intent to issue the permit was administratively challenged. Following an administrative hearing, an administrative law judge issued a recommended order in 2009 to FDEP to deny issuance of the permit. Town staff immediately worked with petitioners and redesigned the project.

In September 2010, the Town submitted a new permit application for beach nourishment in Reach 8. The U.S. Army Corps of Engineers (USACE) determined that an Environmental Impact Statement (EIS) must be performed in order for the USACE to consider permit issuance. The EIS was to be performed together with a Palm Beach County project in Reach 9 in the towns of South Palm Beach and Lantana. In 2013, an EIS was initiated. The three-year study concluded in 2016. Since that time, the USACE showed reluctance to issue a Record of Decision (ROD) as there was an expectation that a project in Reach 9 with coastal structures would be administratively challenged.

In February 2019, Palm Beach County informed both FDEP and the USACE that they would withdraw their permit application for a Reach 9 project. At the Beach Management Agreement (BMA) Meeting on February 28, 2019, the USACE informed Town staff that they are getting close

to issuance of a ROD and would prefer to issue a federal permit concurrently with the ROD. However, in order to issue the federal permit, the project must have received the state Water Quality Certification from FDEP (the state permit). At the request of the FDEP, the Town withdrew the state permit application in 2013 to wait on completion of the EIS. FDEP did not want an open permit application during the EIS process and also did not want an open permit application within the Town prior to signature of the BMA.

On March 21, 2019, the Shore Protection Board unanimously recommended that the Town pursue the state permit for Reach 8 Beach Nourishment in order to receive both the ROD and permit from the USACE. Town staff has received a proposal from APTIM to perform coastal engineering services to obtain the necessary Reach 8 permits. Services will include also development of the Minimization, Mitigation, and Monitoring Plan, establishment of an Erosion Control Line, artificial reef engineering and design, and various surveys. Only activities required by the state and federal agencies will be performed.

Although permitting for this project is included within the Town Council Adopted 10-year Coastal Management Plan, construction of the project is not included. Construction could be considered in FY 2024, or beyond, within a new adopted 10-year plan by Town Council. Once received, the permit is expected to be good for 15 years. Please note that the next sand placement effort in Reach 8 is planned later in 2019 or early 2020 as a dune restoration project funded partially by FEMA for impacts associated with Hurricane Irma.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the contract will be \$189,200, with a contingency of \$27,800 for a total contract value of \$217,000. This will be funded from existing appropriations in the Coastal Fund, within the budget specifically detailed for Reach 8 permitting.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Purchasing File

RESOLUTION NO. 25-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$189,200 TO APTIM ENVIRONMENTAL & INFRASTRUCTURE, LLC., FOR REACH 8 BEACH NOURISHMENT PERMITTING, AND ESTABLISHING A PERMITTING BUDGET OF \$217,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to APTIM Environmental & Infrastructure, LLC. (APTIM), in the amount of \$189,200 for Reach 8 Beach Nourishment Permitting, and establishes a Permitting Budget of \$217,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional engineering services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



Aptim Environmental & Infrastructure, LLC
2481 NW Boca Raton Blvd.
Boca Raton, FL 33431
Tel: 561.391.8102
Fax: 561.391.9116

March 25, 2019

Robert Weber
Coastal Program Manager
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

**RE: PROPOSAL FOR JCP APPLICATION FOR THE REACH 8 BEACH RESTORATION PROJECT,
TOWN OF PALM BEACH, FLORIDA**

Dear Rob:

This proposal is being provided at your request for Aptim Environmental & Infrastructure, LLC (APTIM) to assist the Town of Palm Beach (Town) in preparing a FDEP Joint Coastal Permit (JCP) application for the Reach 8 Beach Restoration Project. The total cost for these services has been estimated, not to exceed \$189,200.00. A scope of services is provided in Exhibit A and the cost summary is provided in Exhibit B.

The services proposed herein will be billed monthly on a time and materials basis and will be performed in accordance with this proposal and the terms of the Professional Services Agreement (PSA) 2017-35 between the Town of Palm Beach and APTIM dated September 15, 2017. The billing rates for services rendered under this proposal will be based on the schedule of hourly billing rates incorporated by reference and attached to the PSA. Thank you for the opportunity to provide these services.

If you have any questions, please call me or Stacy Buck.

Sincerely,

Thomas P. Pierro, P.E., D.CE
Director of Operations
Aptim Environmental & Infrastructure, LLC

cc: Jordon Cheifet, P.E., APTIM
Stacy Buck, APTIM

EXHIBIT A – SCOPE OF SERVICES

Task 1 – Engineering Design & Permit Application

A Joint Coastal Permit (JCP) application to request a 15-year multi-use permit will be developed that includes relevant aspects and features of the proposed Reach 8 Beach Restoration Project based on the Town's project evaluated in the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement (EIS). The application and submittal process will include the following items:

PRE-APPLICATION MEETING

APTIM will request, prepare for, and attend a pre-application meeting with regulatory staff of the Florida Department of Environmental Protection (FDEP). In general, the purpose of the meeting will be to describe the proposed project and discuss the FDEP's requirements for the pending permit application. Available information will be presented to FDEP staff to determine the sufficiency of the information for permit file development.

ENGINEERING DESIGN

As the basis for the project design and permitting effort, APTIM will utilize the template from the EIS compared to the most recent beach survey data available. Shoreline and volume changes will be updated to evaluate volume needs and distribution on the existing beach conditions. The proposed design may be slightly modified for existing conditions and will maintain focus on minimizing the potential for adverse impacts to the hardbottom resources nearshore of the project. A cross-shore equilibrium profile analysis of the proposed design will be conducted to evaluate the potential for hardbottom impacts.

The design will be based on the Town's preferred project template evaluated in the EIS will consider volume requirements, updated beach conditions, nearshore hardbottom, and other relevant factors of the proposed project. APTIM will review existing data and the proposed template to update the design as appropriate, prepare the permit sketches, and assemble the application attachments. The permit sketches will include plan view and cross-sections of the beach fill template, available construction access(es) and staging areas, topographic and bathymetric survey data, identified regulatory restrictions, and known hardbottom areas. The permit sketches will be signed and sealed by a Professional Engineer registered in the State of Florida and provided with the application.

MINIMIZATION, MITIGATION, & MONITORING PLAN

APTIM will coordinate with FDEP to develop a Minimization, Mitigation, & Monitoring Plan based on anticipated impacts to nearshore hardbottom resources. The plan will use an established means of calculating impacts and determining mitigation requirements. This approach has already been discussed and approved by FDEP for use in the Reach 8 project area. It will also detail the monitoring methodologies for the artificial reef.

TOPOGRAPHIC/BATHYMETRIC SURVEY

APTIM will collect topographic and bathymetric surveys of the proposed beach nourishment project area for the purpose of quantifying the volume in the beach, preparing the permit

sketches, and preparing drawings for the permit application in accordance with Rule 62B-41.008(1)(a), Florida Administrative Code (F.A.C.)

The '62B' topographic and bathymetric survey drawings of the proposed project site will include profiles and a contour map that reflect the current conditions of the project area. The mean high water line, the seaward limit of vegetation, and all other existing structures located in the project area will be mapped and provided as part of the 62B survey requirements. The drawings will meet the State's standards of practice as presented in 5J-17 F.A.C. and will be signed and sealed by the professional surveyor, duly registered pursuant to Chapter 472, Florida Statutes (F.S.), who performed the survey. Descriptions of the structures will also be provided as an attachment to the JCP application.

Beach profiles will be collected at 500' intervals per 62B requirements including each R-monument within 1000' of the Reach 8 Beach Restoration project area, from R-129-210 to R-134+135. Profiles will extend to the depth of closure.

ESTABLISHMENT OF AN EROSION CONTROL LINE (ECL)

A mean high water (MHW) survey will be conducted in accordance with standards set by FDEP, Division of State Lands, Bureau of Survey and Mapping. Surveys will be platted and submitted to the State for approval and recording. Survey deliverables will consist of four (4) 22" X 34" survey maps signed and sealed by a registered Florida Surveyor and Mapper compliant with requirements Chapter 161 F.S. APTIM will coordinate as necessary with the Division of State Land's for review and submission of the survey drawings. An electronic version of the ECL legal description will also be delivered. AutoCAD format files will be delivered. APTIM will prepare for and attend the required workshop and hearing. It is assumed that the Town will be responsible for preparation or delivery of the required public notice of the ECL public hearing or recording in the official records.

SEISMIC SURVEY FOR ARTIFICIAL REEF SITING

APTIM will conduct a geophysical and hydrographic survey with the goal of investigating the potential for development of an artificial reef site in the nearshore habitat offshore of the Town. APTIM will provide comprehensive survey services including field data collection using APTIM equipment and personnel, data processing, interpretation, analysis, and composition of a final letter report of findings, including an isopach showing the thickness of unconsolidated material over rock. Groundtruthing (jet probes) of the remotely-sensed data is not included within this proposal.

APTIM's survey plan will consist of a one half day mobilization of equipment and personnel, one full day of survey operations, and one half day demobilization of equipment and personnel. APTIM will work with the Town to determine the survey area. Once determined, APTIM will collect 30-meter spaced survey lines over the survey area for adequate coverage to delineate locations suitable for artificial reef placement. It is expected that APTIM will be able to cover 30 nautical miles of line coverage in the two-day survey, equating to between 300 and 500 acres (depending on survey area size and shape). APTIM will work with the Town to refine the potential survey area to target an appropriately sized area to achieve the estimated coverage. APTIM will carefully target a weather window to ensure optimal survey production and allow for accessing shallow waters nearshore.

APTIM will review and process and interpret the seismic sub-bottom data to determine overburden thickness of unconsolidated material above the limestone/consolidate rock for placement of an artificial reef. In addition, APTIM will map and delineate any other anomalous features identified in the seismic data. Bathymetry data will be processed and edited in accordance with National Geodetic Standards, requirements for a U.S. Army Corps of Engineers Class II Hydrographic Survey. An ASCII file with the processed x/y/z bathymetry data will be generated and submitted to the Town.

A letter report of findings detailing field acquisition, data processing, interpretation, analysis and processed isopach (unconsolidated sediment thickness) maps of the surveyed area, signed and sealed by a Professional Geologist licensed in the State of Florida. This will include electronic CADD files (AutoCAD (.dwg) format) depicting profiles and isopach plots, GIS shapefiles and ASCII x/y/z and x,y (delta) z data files.

ARTIFICIAL REEF ENGINEERING AND DESIGN:

Stability Analysis

APTIM will perform a stability analysis of the proposed artificial reef based on the depths of water at the site. The submerged artificial reef will be subject to hydrodynamic forces associated with the ocean environment, which will be addressed in the analysis. The analysis will include an assessment of the required boulder size, need for anchoring, and foundation type (i.e. geotextile fabric, marine mattress, etc.) necessary to minimize wave-induced displacement, long-term settlement, and functionality as mitigation.

Design Drawings

APTIM will prepare permit sketches with sufficient detail to support the environmental permit application. The optimal location will be identified and the layout will consider nearby hardbottom and foundation requirements. Relevant coastal engineering factors including placement of the artificial reef in areas that may result in scouring or burial due to longshore and/or cross-shore sand movement, will be considered. The drawings will include plan views, typical cross-sections, and preliminary material quantities as typically required to obtain environmental permits. Relevant exposed hardbottom and hydrographic survey data will be included in the drawings where appropriate.

AGENCY COORDINATION

This phase includes coordination with State agencies, including FDEP and FWC, during the development and submittal of the permit application.

Task 2 – Agency Response & Coordination

The FDEP has 90 days to review the application and either issue a Notice of Intent to issue the permit or issue a Request for Additional Information (RAI). FDEP RAI's may also include comments from the Florida Fish and Wildlife Conservation Commission, other State agencies and the general public.

REVIEW AND RESPOND TO RAIs:

APTIM will attempt to consolidate the agencies' RAIs into a single response. We will coordinate with the Town on the extent of the response and what the implication may be to the permitting process and construction. We will draft a response and submit this to the Town for review prior to submittal to the agencies.

AGENCY COORDINATION

This phase includes ongoing coordination with State agencies, including FDEP and FWC, to respond to RAIs during the permit review process. In cases where coordination and response efforts may exceed the level of effort estimated herein, APTIM will contact the Town to discuss an approach and can develop a supplemental proposal if requested.

EXHIBIT B – COST SUMMARY

The services proposed herein will be billed monthly on a time and materials basis. The services proposed herein will be performed in accordance with this proposal and Professional Services Agreement (PSA) 2017-35 between the Town of Palm Beach and APTIM dated September 15, 2017. The billing rates for services rendered under this proposal will be based on the schedule of hourly billing rates incorporated by reference and attached to the PSA. Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff will be used as needed to achieve the scope of services and to meet the stated objectives and timelines. Should the project require additional services not represented in this proposal, APTIM will coordinate with the Town on a mutually agreeable revised scope of work, if requested.

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, entered into this 15th day of September, 2017 by and between **THE TOWN OF PALM BEACH**, 360 South County Road, Palm Beach, Florida 33480, a political subdivision of the State of Florida, hereinafter referred to as the "TOWN", and **APTIM ENVIRONMENTAL & INFRASTRUCTURE, Inc.**, 2481 NW Boca Raton Boulevard, Boca Raton, FL 33431, a Louisiana Corporation, hereinafter referred to as the "CONSULTANT".

WITNESSETH

WHEREAS, the TOWN advertised under the TOWN'S purchasing policies, RFQ No. 2017-35 – Coastal Engineering Design, Permitting and Construction Management Services, to solicit proposals from qualified Consultants; and

WHEREAS, the TOWN has selected CONSULTANT under the provision of Section 287.055 Florida Statutes, the Consultant's Competitive Negotiation Act; and

WHEREAS, the TOWN agrees to retain the CONSULTANT for professional Coastal Engineering work prescribed herein in connection with Coastal Engineering Design, Permitting and Construction Management Services, hereinafter called the "WORK"; and

WHEREAS, the TOWN has investigated the qualifications of the CONSULTANT to perform the WORK herein contemplated and found them satisfactory; and

WHEREAS, the CONSULTANT has examined the scope of the WORK required hereunder and has expressed CONSULTANT'S desire and willingness to provide such Coastal Engineering Design, Permitting and Construction Management Services and has presented its qualifications to the TOWN in support of its expressed desires; and

WHEREAS, as a result of the aforementioned, the TOWN agrees to enter into this agreement with the CONSULTANT; and

WHEREAS, the TOWN COUNCIL has approved the selection of the CONSULTANT to perform such services, and the CONSULTANT agrees to accept employment upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the TOWN agrees to employ the CONSULTANT for a period commencing on the date this agreement is signed for a three (3) year period with an option to renew for up to two (2) additional annual periods, the CONSULTANT agrees to perform all engineering services in connection with the WORK, as described herein, for the total duration of this agreement, upon the following terms and conditions; namely:

SECTION I – GENERAL PROVISIONS

1.1 The TOWN may propose a Scope of Work and request a Cost Estimate from the CONSULTANT for any or all of the professional services specified in Section 3 of this document.

The CONSULTANT may be issued a Purchase Order to encompass the entire Coastal Engineering Design, Permitting and Construction Management Services, as defined in paragraph 3.1 for a project, the entire Basic Services, as defined in paragraph 3.2 for a project, or for discrete tasks as specified in paragraphs 3.3 Additional Professional Services, for the miscellaneous engineering services that may be required.

1.2 It is understood that a Purchase Order will be issued on an as needed basis at the sole discretion of the TOWN. The TOWN reserves, at all times, the right to perform any and all coastal engineering work in-house or with other engineers/entities. This Agreement does not confer on the CONSULTANT any exclusive rights to TOWN WORK, nor does it obligate the TOWN in any manner to guarantee WORK for the CONSULTANT. The CONSULTANT may submit proposals for any professional services for which proposals may be publicly solicited by the TOWN outside of this agreement.

1.3 The CONSULTANT shall prepare a Letter Proposal and Cost Estimate for WORK specified by the TOWN. Estimates may include engineering or other professional services specified in the agreement and any permit fees, equipment rental costs, subcontracting costs and reasonable contingencies associated with the WORK. The CONSULTANT acknowledges that Cost Estimates will be reviewed by the TOWN and may require scope modification subject to budgetary constraints of the TOWN.

1.4 The TOWN will confer with the CONSULTANT before any Purchase Order is issued to discuss the scope of the WORK, the time needed to complete the WORK and the fee for the services to be rendered in connection with the WORK.

1.5 The TOWN will issue a Notice to Proceed based on the TOWN approved Scope of Work and Cost Estimate provided by the CONSULTANT.

1.6 The TOWN agrees that it will furnish to the CONSULTANT plans and other data available in the TOWN files pertaining to the WORK to be performed under this Agreement within thirty (30) days of each Notice to Proceed.

1.7 The TOWN shall establish an overall budget for the Project, including the Construction Cost, engineering and other sub professional fees, relocation costs, on- and off-site improvements, the TOWN'S other costs and reasonable contingencies related to all of the costs. The CONSULTANT shall design the necessary improvements within the TOWN'S budgetary constraints.

1.8 The Construction Cost shall be the total cost or estimated cost to the TOWN of all elements of the Project designed or specified by the CONSULTANT.

1.9 Evaluations of the TOWN'S Project budget, preliminary estimates of Construction Cost and detailed estimates of Construction Cost, if any, prepared by the CONSULTANT, represent the CONSULTANT'S best judgment as a design professional familiar with the construction industry. It is recognized, however, that neither the CONSULTANT nor the TOWN has control over the cost of labor, materials or equipment, over the Contractor's methods of determining bid prices, or over competitive bidding, market or negotiating conditions. Accordingly, the CONSULTANT cannot and does not warrant or represent that bids or negotiated prices will not vary from the TOWN'S

Project budget or from any estimate of Construction Cost or evaluation prepared or agreed to by the CONSULTANT.

1.10 The CONSULTANT will submit a proposal upon the TOWN'S request prior to the issuance of a Purchase Order. No payment will be made for the CONSULTANT'S time and services in connection with the preparation of any such proposal.

1.11 The TOWN has designated the Coastal Program Manager to act as the TOWN'S contact and representative with respect to the services provided under this Agreement. The Town Manager and the Director of Public Works reserve the right to re-assign the Coastal Program Manager. The Coastal Program Manager, or representative designated by the Town Manager or Director of Public Works, shall examine the documents provided by the CONSULTANT and shall render decisions pertaining thereto promptly, to avoid unreasonable delay in progress of the CONSULTANT'S services.

1.12 All data and work products associated with task orders on this Agreement are the property of the TOWN.

SECTION 2 – GENERAL RESPONSIBILITIES OF THE CONSULTANT

The CONSULTANT is responsible for the professional quality, technical accuracy, timely completion and coordination of all design, drawings, specifications, reports, and other services under this Agreement. The CONSULTANT is responsible for all assigned and accepted tasks as well as liability for any damage suffered by the TOWN as a result of non-performance to the extent described under Section 18 - Insurance and Section 19 - Indemnification.

The CONSULTANT shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its designs, drawings, specifications, reports, and other services which exist prior to acceptance by the TOWN. This provision is not intended to limit the payment of compensation for the finalization or completion of draft documents or work products if evidenced by an approved task order.

The CONSULTANT represents that its services shall be performed, within the limits provided by the TOWN, in a manner consistent with the level of care and skill ordinarily exercised by other professional consultants under similar circumstances at the time the services are performed.

SECTION 3 – PROFESSIONAL SERVICES

The project(s) anticipated deliverables shall be identified by the TOWN and communicated to the CONSULTANT. The CONSULTANT services required shall be identified within a proposed Scope of Services document to be prepared by the CONSULTANT and approved by the TOWN'S representative. Each Purchase Order issued by the TOWN upon approval of the proposed Scope of Services will be uniquely numbered and shall be subject to the TOWN'S adopted purchasing procedures.

3.1 Coastal Engineering Design, Permitting and Construction Management Services

Pursuant to RFQ No. 2017-35, services shall include, but will not be limited to developing coastal protection alternatives, feasibility studies, coastal strategic planning, engineering and permitting, construction management, physical monitoring, provide advisory information, and act as expert witnesses for the TOWN. The following is an overview of the WORK that may be required:

- Design of coastal protection projects, including but not limited to, beach nourishment, storm protective and erosion control structures, inlet maintenance, and innovative technologies.
- Perform coastal modeling for beach erosion, wave hydrodynamics, storm recession, shoreline change, and sediment transport, using the most advanced and diverse modeling suites available.
- Provide permitting assistance for both State and Federal approval/authorization of coastal protection projects.
- Conduct and evaluate topographic and bathymetric surveying.
- Perform offshore sand search/geotechnical investigations.
- Prepare construction cost estimates and assist in bidding processes, including pre-construction conferences.
- Perform construction management activities such as field observations, project oversight, construction progress meetings, contract administration, permit compliance, and monitoring.
- Provide public outreach assistance regarding coastal protection projects.
- Develop or assist the TOWN with annual state funding requests.
- Provide emergency storm damage response.
- Provide capabilities for administering coastal data within Geographic Information Systems, conduct website development, perform database design and manage document records.
- Develop estuarine enhancement projects within the Lake Worth Lagoon.
- Participate in Shore Protection Board meetings as deemed necessary by staff or board members.
- Perform all other coastal engineering duties, as deemed necessary by the TOWN.

3.2 Basic Services

Upon Notice to Proceed from the Director of Public Works or his designee, the CONSULTANT agrees to provide complete professional Coastal Engineering Design, Permitting and Construction

Management Services for any portion or all categories listed below.

Services required of the CONSULTANT for the project will be described in other appropriate sections of this Agreement and quantified in individual Purchase Orders.

3.2.1 Phase I - Schematic Design and Programming

- A. The CONSULTANT shall confer with representatives of the TOWN to determine the full scope of the Project that will meet the program requirements within the allocated funds.
- B. The CONSULTANT shall use proper and adequate design control to provide an increased level of confidence to the TOWN that the Project may be constructed within the allocated funds.
- C. The CONSULTANT shall prepare a Design Concept and Schematic Report, comprising the Project Timetable (Master Schedule) Planning Summary (if requested), Schematic Design Studies (if requested) as defined below, and the Engineering Cost Estimate.
- D. The Proposed Project timetable shall consist of a schedule showing the proposed completion date on each Phase of the Project through design, bidding, construction, and proposed date of completion.
- E. The Planning Summary (if requested) shall consist of a vicinity plan and blow-up of the Site (if applicable) showing Project orientation, and a brief summary of all pertinent planning criteria used for the Project.
- F. The Schematic Design Studies (if requested) shall consist of all plans, elevations, sections, etc., as required to show the scale and relationship of the parts and the design concept of the whole. A simple perspective sketch, model or photograph thereof may be provided to further show the design concept.
- G. The CONSULTANT shall prepare a Project Management Plan (PMP) identifying project scope, schedule, team members, contact information, stakeholders, deliverables, etc.
- H. The CONSULTANT'S Cost Estimate shall include estimated cost of the Project including hard and soft costs but not limited to fixed equipment, professional fees, contingencies (if any), escalation factors adjusted to the estimated bid date, movable estimate (if any), land cost (if applicable) and utility service extensions (if applicable).
- I. The CONSULTANT shall submit and present two (2) copies of all documents required under this Phase, for approval by the TOWN and shall not proceed with the next Phase until directed in writing by the TOWN.

3.2.2 Phase II - Design Development

- A. From the approved Schematic Design documents, the CONSULTANT shall prepare Design Development Documents, comprising the drawings, outline specifications and other documents to fix and describe the size and character of the entire Project as to construction

and finish materials and other items incidental thereto as may be appropriate and applicable.

- B. The Design Development Documents shall comprise the Proposed Project Timetable (updated), Outline Specifications, Updated Statement of Engineering Cost Estimates, and design Development Drawings, etc., as required to clearly delineate the Project. These documents are to be submitted at 30% and 60%. If the updated Engineering Cost Estimate exceeds the allocated funds, appropriate cost or scope reduction must be included.
- C. Prior to submission of the 60% Design Development Documents, the CONSULTANT responsible for each project shall field walk the entire project area with the design drawings to ensure that the design is fully field checked with field conditions. Additional walk through should be made to ensure that the final drawings meet field conditions.
- D. The CONSULTANT shall submit and present, upon request, two (2) sets of all documents required under this Phase, for approval by the TOWN and shall not proceed with the next Phase until directed in writing by the TOWN.

3.2.3 Phase III - Construction Documents/Bidding

- A. Upon 95% completion of the Construction Documents, the CONSULTANT shall submit to the TOWN a final, updated Statement of Probable Construction Cost along with two (2) unbound copies each of Check Set drawings, specifications, reports, programs, etc., for a final review and comments or approvals. The CONSULTANT shall make final revisions to the plans.
- B. The CONSULTANT shall make submissions to appropriate authorities as necessary, to ascertain that the construction documents meet the necessary requirements to obtain all the necessary permits for construction.
- C. When all necessary approvals of the Construction Documents are obtained, upon approval by the TOWN of the latest engineering cost estimate, and upon revisions to the documents, the CONSULTANT shall furnish five (5) sets of drawings and specifications as indicated above for bidding, and assist the TOWN in obtaining bids and awarding and preparing construction contracts. If requested, the CONSULTANT shall be present during the bid opening and as part of his assistance to the TOWN will tally, evaluate and issue a recommendation to the TOWN.
- D. If the lowest responsible Base Bid received exceeds the Total Allocated Funds the TOWN may:
 - 1. Approve the increase in Project Cost and award a construction contract or,
 - 2. Reject all bids and rebid the Project within a reasonable time with no change in the Project, or
 - 3. Direct the CONSULTANT to revise the Project scope or quality, or both, as approved by the TOWN and rebid the Project, or

4. Suspend or abandon the Project.
5. Exercise all options under the TOWN Charter and Code of Ordinances and State Law.

Note: Under item (2) above, the CONSULTANT shall, after negotiating and receiving approval for additional compensation, assist the TOWN in obtaining re-bids, and awarding the re-bid of the project. Under item (3) above, the CONSULTANT shall, without additional compensation, modify the Construction Documents as necessary to bring the Probable Construction Cost within the Total Allocated Funds when the excessive difference is caused as a direct result of the CONSULTANT design effort.

- E. The CONSULTANT shall provide three (3) sets of plans and specifications, signed and sealed, to the TOWN'S Public Works Department to be used for permitting.

3.2.4 Phase IV - Construction Administration

- A. The CONSULTANT'S responsibility to provide Basic Services for the Construction Phase under this Agreement commences with the award of the Contract for Construction and terminates at the earlier of the issuance to the TOWN of the final Certificate for Payment or 60 days after the date of Substantial Completion of the WORK, unless extended by mutual agreement.
- B. The CONSULTANT, as the representative of the TOWN during the Construction Phase, shall advise and consult with the TOWN and shall have authority to act on behalf of the TOWN to the extent provided in the General Conditions and as modified in the Supplementary Conditions of the Construction Contract.
- C. The CONSULTANT shall attend pre-construction meetings.
- D. The CONSULTANT shall at all times have access to the project wherever it is in preparation or progress, so he may perform as intended under this Agreement.
- E. The CONSULTANT shall visit the site at least weekly, and at all key construction events to ascertain the progress of the Project and to determine in general if the WORK is proceeding in accordance with the Contract Documents. On the basis of on-site observations, the CONSULTANT will use reasonable and customary care to guard the TOWN against defects and deficiencies in the WORK. On the basis of the on-site observations, the CONSULTANT will advise the TOWN as to the progress of and any observed defects and deficiencies in the WORK immediately in writing.
- F. The CONSULTANT shall furnish the TOWN with a written report of all observations of the WORK made by him during each visit to the WORK. CONSULTANT shall also note the general status and progress of the WORK, and shall submit same weekly. The CONSULTANT shall ascertain at least monthly that the Contractor is making timely, accurate, and complete notations on record drawings.

- G. The CONSULTANT shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the WORK, since these are solely the Contractor's responsibility under the Contract for Construction. The CONSULTANT shall not be responsible for the Contractor's schedules or failure to carry out the WORK in accordance with the Contract Documents. The CONSULTANT shall not have control over or charge of acts or omissions of the Contractor, Subcontractors, or their agents or employees, or of any other persons performing portions of the WORK.
- H. Based on observations at the site and on the Contractor's Payment Certificate, the CONSULTANT shall determine the amount due the Contractor on account and shall recommend approval of the Certificate in such amounts. The recommendation of approval of a Payment Certificate shall constitute a representation by the CONSULTANT to the TOWN that CONSULTANT certifies to the TOWN that the WORK has progressed to the point indicated, and the quality of the WORK is in accordance with the Contract Documents subject to:
1. An evaluation of the WORK for conformance with the contract documents upon substantial completion.
 2. The results of any subsequent tests required by the contract documents.
 3. Minor deviations from the contract documents correctable prior to completion and acceptance of the project.
- I. The issuance of a Certificate for Payment shall not be a representation that the CONSULTANT has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the WORK, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the TOWN to substantiate the Contractor's right to payment or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.
- J. With the TOWN'S prior approval, the CONSULTANT shall have affirmative duty to recommend rejection of WORK which does not conform to the Contract Documents. Whenever, in his reasonable opinion, he considers it necessary or advisable to insure compliance with the Contract Documents, CONSULTANT will have authority to recommend special reviews or testing of any WORK deemed not to be in accordance with the Contract whether or not such WORK has been fabricated and delivered to the Project, or installed and completed.
- K. The CONSULTANT shall review and approve or take other appropriate action upon Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The CONSULTANT'S action shall be taken

with such reasonable promptness as to cause no delay in the WORK, while allowing sufficient time in the CONSULTANT'S professional judgment to permit adequate review. Review of such submittals is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities or for substantiating instructions for installation or performance of equipment or systems designed by the Contractor, all of which remain the responsibility of the Contractor to the extent required by the Contract Documents. The CONSULTANT'S review shall not constitute approval of safety precautions, of construction means, methods, techniques, sequences or procedures. The CONSULTANT'S approval of a specific item shall not indicate approval of an assembly of which the item is a component. Changes or substitutions to the Contract Documents shall not be authorized without concurrence with the TOWN.

- L. The CONSULTANT shall review and recommend action on proposed change orders within the scope of the Project initiated by others, and initiate proposed change orders as required by his own observations.
- M. The CONSULTANT shall examine the WORK upon receipt of the Contractor's Certificate of Substantial Completion of the Project. A Punch list of any defects and discrepancies in the WORK required to be corrected by the Contractor shall be prepared by the CONSULTANT in conjunction with representatives of the TOWN and satisfactory performance obtained thereon before the CONSULTANT recommends execution of Certificate of Final Acceptance and final payment to the Contractor.
- N. The CONSULTANT shall furnish to the TOWN, reproducible record drawings updated based on information furnished by the Contractor; such drawings shall become the property of the TOWN. The CONSULTANT shall be paid for this service on an hourly basis up to a not-to-exceed figure as agreed to in writing by the TOWN.
- O. If requested, the CONSULTANT shall assist the TOWN in the inspection of the WORK one month before the expiration of any guarantee period and report any defective WORK in the Project under terms of the guarantee/warranties for correction. CONSULTANT shall assist the TOWN with the administration of guarantee/warranties for correction of defective WORK that may be discovered during the said period. The CONSULTANT shall be paid by the TOWN for this service as an additional service.

3.3 ADDITIONAL PROFESSIONAL SERVICES

3.3.1 Additional Services

Additional Services as listed below are normally considered to be beyond the scope of the Basic Services for design and construction, as defined in this Agreement but which are additional services which may be authorized within the Scope of Work given the CONSULTANT.

- A. Financial feasibility, life cycle costing, or other special studies.
- B. Planning surveys, site evaluations, or comparative studies of prospective sites.

- C. Design services relative to future facilities, systems and equipment which are not intended to be constructed as part of a specific Project.
- D. Services to investigate existing conditions or facilities or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by the TOWN.
- E. Professional detailed Estimates of Construction Cost consisting of quantity surveys itemizing all material, equipment and labor required for a Project.
- F. Consultation concerning replacement of any WORK damaged during construction, and furnishing professional services of the type set forth in Basic Services as may be required relative to replacement of such WORK, providing the cause is found by the TOWN to be other than by fault of the CONSULTANT.
- G. Professional services made necessary by the default of the Contractor or by major defects in the WORK under the Construction Contract, providing the cause is found by the TOWN to be other than by fault of the CONSULTANT.
- H. Making major revisions changing the Scope of a project, to drawings and specifications when such revisions are inconsistent with written approvals or instruction previously given by the TOWN and are due to causes beyond the control of the CONSULTANT. (Major revisions are defined as those changing the Scope and arrangement of spaces and/or scheme or any portion).
- I. Making revisions in Drawings, Specifications or other documents when such revisions are:
 - 1. Inconsistent with approvals or instructions previously given by the TOWN, including revisions made necessary by adjustments in the TOWN'S program or Project budget;
 - 2. Required by the enactment or revision of codes, laws or regulations subsequent to the preparation of such documents; or
 - 3. Due to changes required as a result of the TOWN'S failure to render decisions in a timely manner.
- J. Preparing to serve or serving as an expert witness in connection with any legal proceeding in connection with a Project.
- K. Professional services required after approval by the TOWN or the Contractor's Requisition for Final Payment, except as otherwise required under Basic Services.
- L. Preparing supporting data, drawings, and specifications as may be required for Change Orders affecting the scope of a Project provided the Changes are due to causes found by the TOWN, to be beyond the control of the CONSULTANT.

SECTION 4 – TOWN OBLIGATIONS

The TOWN agrees to provide the following material, data, or services as required in connection with the WORK to be performed under this Agreement:

- A. Provide the CONSULTANT with available data, drawings, surveys, right-of-way maps, reports, and other information in the possession of the TOWN that are pertinent to the project and allowed to be shared.
- B. The TOWN shall assist in making provisions for the CONSULTANT to enter upon public or private property as required for the CONSULTANT to perform his services.

SECTION 5 – PROJECT WORKLOAD

The TOWN, through its designated representative, shall, in its sole discretion, assign work to the Coastal Engineering firm(s) as deemed appropriate by the TOWN. The Professional Services Agreement in no way guarantees any future work. CONSULTANT shall have no right to appeal or challenge the TOWN'S decision regarding distribution of work.

SECTION 6 – PERFORMANCE OF WORK

The CONSULTANT agrees to perform all necessary professional coastal engineering design, permitting, and construction management services in connection with the assigned project(s) as required and as set forth in the following:

A. General

1. The CONSULTANT will endeavor not to duplicate any previous work done on any project. Before issuance of a Purchase Order and written authorization to proceed, the CONSULTANT shall consult with the TOWN to clarify and define the TOWN'S requirements and deliverables for the project and review all available data. TOWN may request the CONSULTANT to prepare a written proposed Scope of Services as part of this process.

2. The CONSULTANT shall attend meetings with the TOWN and its representatives, upon request. Meetings not included in the Purchase Order shall be treated as additional services when such meetings are related to approved Purchase Orders.

3. In order to accomplish the WORK described under this Agreement under the timeframes and conditions set forth in this Agreement, the CONSULTANT shall observe the following requirements:

a. The CONSULTANT will complete its WORK on the project within the time allowed by maintaining an adequate staff of registered engineers, project managers, surveyors, draftsmen, and other employees as may be required on the WORK at all times. Alternatively, the CONSULTANT may contract for such services in lieu of providing the same as employees of the CONSULTANT.

b. The CONSULTANT shall comply with all federal, state, and local laws applicable to this project(s). The CONSULTANT'S WORK product shall conform with all applicable federal, state and local laws applicable to this project(s).

c. The CONSULTANT shall prepare or provide for all necessary sketches, drawings, and survey documents as necessary for each project.

d. The CONSULTANT shall reply in a timely manner to the TOWN'S requests for additional information related to the CONSULTANT'S WORK product. The CONSULTANT shall cooperate fully with the TOWN in order that all phases of the WORK may be properly scheduled and coordinated.

e. The CONSULTANT will contact all known utility companies having installations in the vicinity of the proposed WORK and coordinate locations of utilities, if necessary and included on the Purchase Order. The CONSULTANT shall provide the TOWN with all obtained information relative to any required utility below ground utilities on all survey work products.

f. The CONSULTANT shall report project status to the TOWN'S Representative upon request and hold all drawings, calculations and related work open to the inspection of the TOWN'S Representative or said Representative's authorized agent at any time, upon reasonable request.

4. If sufficient funding has been provided for within the applicable Purchase Order the CONSULTANT shall furnish additional copies of reports, drawings, sketches, and survey documents as required by the TOWN, but may charge only for the actual cost of providing such copies where outsourced and rates included in this Agreement or in the Purchase Order do not apply. CONSULTANT will submit request for reimbursement in a format as directed by the TOWN'S Representative. The CONSULTANT shall furnish to the TOWN the necessary number of sets of the drawings, sketches, survey documents and other pertinent items as set forth in individual Purchase Orders. The cost of these sets of documents are not included in the basic compensation paid to the CONSULTANT but will be paid as a direct expense. All created documents, survey notes, field books, tracings, drawings, sketches, survey documents, and the like including all items furnished to the CONSULTANT by the TOWN pursuant to this Agreement, are and shall remain the property of the TOWN, and shall be delivered to the TOWN upon completion of the WORK if requested. All items prepared by the CONSULTANT shall be created, maintained, updated, and provided in the format as specified by the TOWN including but not limited to Print, CADD, PDF, EXCEL, etc. Unless noted otherwise on the Purchase Order, AutoCAD, Excel, Word, shall be understood to be standard formats for CAD, Spreadsheet, and word documents.

5. The CONSULTANT acknowledges that preparation of all applicable drawings, sketches, survey documents, and written or oral responses to all regulatory agencies' questions about the CONSULTANT'S WORK product, are included within the scope of basic compensation in each particular Purchase Order. Any additional WORK required by regulatory agencies or entity which establish such regulations or need after the effective date of the particular Purchase Order, shall be an additional service, and the TOWN shall compensate the CONSULTANT in accordance with Section VIII – "Direct Payment for Additional Services," of this Agreement, and in accordance with the fee schedule in an approved Purchase Order.

6. Compensation to the CONSULTANT for basic services shall be in accordance with each Purchase Order, as mutually agreed upon by the CONSULTANT and the TOWN. Schedule of

current hourly billing rates are included in "Exhibit B" incorporated herein by reference and attached hereto, and will be included as part of each Purchase Order when approved. CONSULTANT shall provide a resource plan, time to complete, and other information as needed relative to the Purchase Order to support the TOWN'S effective management of the TOWN'S business.

SECTION 7 – TIME FOR COMPLETION

The time for completion of each project shall be defined in the Purchase Order.

SECTION 8 – COMPENSATION

The TOWN agrees to pay, and the CONSULTANT agrees to accept, for services rendered pursuant to this Agreement, fees in accordance with the following:

A. Professional Services Fee:

The basic compensation shall be agreed upon prior to issuance of each Purchase Order and the work hours for each discipline and work schedule shall be included in the Purchase Order. All hourly rates, fees and charges shall be in accordance with the Schedule of Billing Rates, which is incorporated herein by reference and attached hereto as Exhibit B, and is to be completed by the CONSULTANT and submitted to the TOWN upon execution of this Agreement. The TOWN may accept or reject any resource, unit or rate contained therein prior to Agreement execution and will attempt to negotiate any rejected resource, rate or unit. Acceptance of the proposed Schedule of Billing Rates shall be in the TOWN'S sole discretion. CONSULTANT may request an amendment to the resources, units or rates contained within the Schedule of Billing Rates, but may not do so any less often than annually following the execution of the Agreement or the approval of a revised Schedule of Billing Rates by both parties.

B. Direct Payment for Additional Services:

The TOWN agrees to pay on a direct basis for services or goods provided by others working in conjunction with the CONSULTANT, as follows:

1. **Printing and Reproduction.** The TOWN shall make direct payment to the CONSULTANT for the cost of printing project plan sheets required for project coordination. The maximum cost allowed per printed sheet utilized for this purpose shall be set forth in the schedule of billing rates.
2. **All travel expenses** must be agreed to in advance by Purchase Order and included therein. Travel is defined as a day trip or overnight stay(s) outside the confines of Broward, Martin or Palm Beach counties.
3. **Mileage reimbursement** shall be made based upon the adopted IRS mileage reimbursement rate allowed at the time of occurrence of the mileage, but only for approved WORK related travel within the confines of Broward, Martin and Palm Beach counties.

4. Surveying and other work as mutually agreed upon.

SECTION 9 – PAYMENTS

The TOWN shall make monthly partial payments to the CONSULTANT as provided for in the Purchase Order. Unless otherwise stated in the Purchase Order, the CONSULTANT shall submit duly certified invoices to the TOWN'S Representative for review monthly. Invoices shall indicate the Purchase Order, and deliverables provided. The Purchase Order shall be divided into units of deliverables which may include, but not be limited to, electronic files, reports, findings, drawings, and drafts that must be received and accepted in writing by the TOWN'S Representative prior to payment.

SECTION 10 – RIGHT OF DECISIONS

All services shall be performed by the CONSULTANT to the satisfaction of the TOWN'S Representative who shall decide all questions, difficulties, and disputes of whatever nature which may arise under or by reason of this Agreement, according to the prosecution and fulfillment of the service hereunder, and the character, quality, amount and value thereof. The TOWN'S Representative's decision upon all claims, questions and disputes shall be final, conclusive and binding.

Adjustments of compensation and contract time because of any major changes in the WORK that might become necessary or be deemed desirable as the WORK progresses shall be reviewed and approved by the TOWN'S Representative prior to the CONSULTANT beginning work on such changes.

SECTION 11 – OWNERSHIP AND REUSE OF DOCUMENTS

A. Ownership and Copyright:

Unless agreed otherwise, ownership and copyright of all reports, tracings, plans, specifications, field books, survey information, maps, contract documents, data, and other deliverables developed by the CONSULTANT pursuant to this Agreement, shall be vested in the TOWN. Said materials shall be made available by the CONSULTANT at any time upon request of the TOWN.

B. Reuse of Documents:

All documents, including but not limited to reports, drawings and specifications, prepared by the CONSULTANT pursuant to this Agreement, are related to the services described herein. They are not intended for reuse by the TOWN on any other project. The TOWN'S reuse of any document or drawing shall be at the TOWN'S own risk.

SECTION 12 – NOTICES

Any notices, reports or other written communications from the CONSULTANT to the TOWN shall be considered delivered when posted by certified mail or delivered in person to the TOWN'S Representative. Any notices, reports or other communications from the TOWN to the CONSULTANT shall be considered delivered when posted by certified mail to the

CONSULTANT at the last address left on file with the TOWN or delivered in person to said CONSULTANT or his authorized representative. Unless TOWN is subsequently notified otherwise, the CONSULTANT'S address shall be as shown in this Agreement.

SECTION 13 – TERMINATION

Either party may terminate this Master Agreement for any reason upon thirty (30) days written notice to the other party, except that in the event the CONSULTANT terminates this agreement, such termination shall not be effective, absent the TOWN'S consent, until the CONSULTANT'S completion or partial completion, to the TOWN'S satisfaction, of any Purchase Order in progress.

SECTION 14 – AUDIT RIGHTS

The TOWN reserves the right to audit the records of the CONSULTANT related to this Agreement at any time during the prosecution of the WORK included herein and for a period of three years after final payment is made.

SECTION 15 – SUBLETTING

The CONSULTANT shall not sublet, assign, or transfer any WORK under this Agreement without the written consent of the TOWN. When applicable and upon receipt of such consent in writing, the CONSULTANT shall cause the names of the firms responsible for the major portions of each separate specialty of the WORK to be inserted on the reports or other data, including a description of their respective contribution to the WORK product.

SECTION 16 – WARRANTY

The CONSULTANT warrants that it has not employed or retained any company or person other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person other than a bona fide employee working solely for the CONSULTANT any fee, commission, percentage fee, gifts or any other considerations, contingent upon or resulting from the award or making of this Agreement. For the CONSULTANT'S breach of violation of this warranty, the TOWN shall have the right to terminate this Agreement without liability.

SECTION 17 – DURATION OF AGREEMENT

The Master Agreement shall remain in full force and effect for a period of three years after the date of, or until completion of all project phases of the then Work Orders in progress, or unless otherwise terminated by mutual consent of the parties hereto. By mutual agreement of both parties, this Agreement may be extended up to two (2) additional annual periods.

SECTION 18 – INSURANCE

The CONSULTANT shall provide at its own cost and expense during the life of the contract, the following insurance coverages to the Town of Palm Beach thirty (30) business days prior to the commencement of any WORK. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The insurance shall be evidenced by certificates and/or policies to include premiums as determined by the Town of Palm Beach. It shall be an affirmative obligation upon the Service Provider to advise the TOWN'S Risk Manager at fax no. 561-838-5497,

e-mail risk@townofpalmbeach.com, 360 S. County Road, Palm Beach, FL 33480 within 24 hours or the next business day of cancellation, non-renewal or modification of any stipulated insurance and failure to do so shall be construed to be a breach of agreement/contract. The Town of Palm Beach reserves the right to require additional insurance coverages and limits based upon the particular service or change order requested by the CONSULTANT.

If the CONSULTANT maintains higher limits than the minimums shown below, the TOWN requires and shall be entitled to coverage for the higher limits maintained by the contractor. The requirements contained herein, as well as TOWN'S review or acceptance of insurance maintained by CONSULTANT are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by CONSULTANT under the contract.

Professional Liability, or equivalent Errors & Omissions Liability with limits of liability not less than \$1,000,000 Per Occurrence. For policies written on a Claims-made basis, service provider shall maintain a retroactive date prior to or equal to the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an occurrence form or there is a change in retroactive date, or any other event triggering the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of this contract, the service provider shall agree to purchase a SERP with a minimum reporting period of not less than three (3) years. Coverage is to apply on a primary basis.

Comprehensive General Liability Insurance coverage with limits of liability not less than \$1,000,000 Each Occurrence. The Certificate of Insurance shall indicate an Occurrence Basis. The Town of Palm Beach shall be endorsed as an additional insured under the General Liability coverage. The Service Provider's General Liability coverage shall be primary and non-contributory. For policies written on a Claims-made basis, service provider shall maintain a retroactive date prior to or equal to the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an occurrence form or there is a change in retroactive date, or any other event triggering the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of this contract, the service provider shall agree to purchase a SERP with a minimum reporting period of not less than three (3) years. Coverage is to apply on a primary basis.

Business Auto Liability coverage for any auto (all owned, hired, and non-owned autos) with limits not less than \$1,000,000 each occurrence combined single limit each accident. In the event service provider does not own any autos, the TOWN will accept proof of Hired and Non-Owned Auto Liability. For personally owned vehicles, the TOWN requires limits not less than \$300,000 each occurrence combined single limit.

Workers' Compensation coverage with statutory limits pursuant to Florida State Statute 440 or an exemption letter from the State. Should the scope of work performed by CONSULTANT qualify its employees for benefits under federal workers' compensation statute (example, U.S. Longshore & Harbor Workers Act or Merchant Marine act), proof of appropriate federal act coverage must be provided. A waiver of subrogation must be provided.

Employers Liability coverage with limits not less than \$100,000 for each accident, \$100,000 disease (each employee) and \$500,000 disease (policy limit).

In the event that claims in excess of the insured amounts provided herein are filed by reason of any operations under the contract, the amount excess of such claims or any portion thereof may be

withheld from any payment due or to become due the Service Provider until such time the Service Provider shall furnish such additional security covering such claims as may be determined by the Town of Palm Beach.

Umbrella or Excess Liability is required up to the minimum limit of liability if the limits of liability shown on the Certificate of Insurance under General Liability do not meet the minimum limit of liability as required.

All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy.

TOWN, by and through its Risk Management Office, in cooperation with the contracting/hiring department, reserves the right to review, modify, reject or accept any required policies of insurance, including limits, coverages, or endorsements, herein from time to time throughout the life of this Contract. TOWN reserves the right, but not the obligation, to review and reject any insurer providing coverage because of its poor financial condition or failure to operate legally.

SECTION 19 – INDEMNIFICATION

To the fullest extent allowed by law the CONSULTANT shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the TOWN'S officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character to the extent caused by the negligent acts, errors or omissions of the CONSULTANT in the performance of this Contract and the WORK performed hereunder. Without limiting the generality of the foregoing, CONSULTANT'S indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Notwithstanding the foregoing, CONSULTANT'S indemnity shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the TOWN, or by the TOWN'S officers, agents and employees.

SECTION 20 – SAFETY

In accordance with generally accepted practices, the CONSULTANT shall report any observed job site safety violations to the TOWN and to the Contractor's Representative. Although the CONSULTANT accepts this responsibility, it is acknowledged by the parties that the Engineer does not have an expertise in job site safety.

SECTION 21 - CONTRACTUAL AGREEMENT

RFQ No. 2017-35 – Coastal Engineering Design, Permitting and Construction Management Services is included and incorporated herewith in its entirety as Exhibit A. The order of contractual precedence will be this Agreement document, original Terms and conditions of RFQ No. 2017-35 (Exhibit A), and CONSULTANT'S response with rate sheet (Exhibit B).

SECTION 22 - PUBLIC RECORDS

Upon award recommendation or ten (10) days after opening, whichever occurs first, proposals become "public records" and shall be subject to public disclosure consistent with Chapter 119 Florida Statutes. Proposers must invoke the exemptions to disclosure provided by law in the response to the RFQ, and must identify the data or other materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary. Document files may be examined, during normal working hours.

SECTION 23 - NEWS RELEASES

The CONSULTANT shall obtain the prior approval of the Town Manager's Office or the prior approval of the office of the Director of Public Works of all news releases or other publicity pertaining to Purchase orders for each project.

SECTION 24 - FAMILIARITY WITH LAWS

The CONSULTANT is assumed to be familiar with all federal, state and local laws, ordinances, rules and regulations that may in any manner affect the WORK. The failure to familiarize itself with applicable laws will in no way relieve CONSULTANT from responsibility.

SECTION 25 - PERMITS, TAXES, LICENSES

The CONSULTANT shall at its own expense obtain all necessary permits, pay all licenses, fees and taxes, required to comply with all local ordinances, state and federal laws, rules and regulations applicable to business to be carried out under the contract. Proposers, both corporate and individual must be fully licensed and certified in the State of Florida at the time of this Agreement.

SECTION 26 – CHOICE OF LAW AND VENUE

This Agreement shall be governed by the laws of the State of Florida. Venue for any lawsuit brought by either party against the other party or otherwise arising out of this Agreement shall be in Palm Beach County, Florida, or in the event of a federal jurisdiction, in the United States District Court for the Southern District of Florida.

SECTION 27 – ENTIRETY OF AGREEMENT

This writing embodies the entire Agreement and understanding between the parties hereto, and there are no other Agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby. No alteration, change, or modification of the terms of this Agreement shall be valid unless made in writing and signed by both parties hereto.

SECTION 28 - SEVERABILITY

In the event any provision, section or paragraph of this Agreement is determined by a court of competent jurisdiction to be void, illegal, or unenforceable, the remaining portions not found to be void, illegal, or unenforceable, shall remain in full force and effect.

SECTION 29 – PUBLIC RECORDS LAW

In accordance with Florida Statutes 119.0701, the contractor shall comply with public records laws, specifically to:

- (1) Keep and maintain public records required by the public agency to perform the service.
- (2) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
- (4) Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements of retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

A copy of Section 119.0701, Florida Statutes, has been provided to the contractor.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

Town Clerk, or designee

Phone 561-838-5416

Email townclerk@townofpalmbeach.com

IN WITNESS WHEREOF, this Agreement is accepted on the date first above written subject to the terms and conditions set forth herein.

By authority of the Town Council

TOWN OF PALM BEACH, FLORIDA

By: Thomas B. Bradford

Town Manager

ATTEST:

Gwendolynn B. Peice
Town Clerk

STATE OF FLORIDA

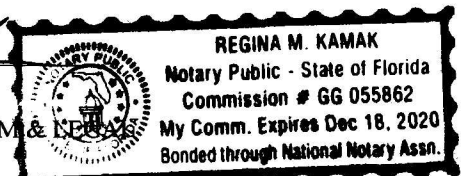
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority this day personally appeared Thomas B. Bradford and Gwendolynn Peice, Town Manager and Town Clerk, respectively, of the TOWN OF PALM BEACH, who did acknowledge to and before me that they executed the above and foregoing contract for the uses and purposes therein expressed with due authority in that behalf from the Town Council of the Town of Palm Beach, Florida on this 15th day of September, 2017.

Regina M. Kamak
Notary Public

Recommend Approval:

APPROVED AS TO FORM & SUFFICIENCY:



H. Paul Brazil, P.E. 9/6/17
Director of Public Works DATE

John C. Randolph 9/5/17
Town Attorney DATE

ATTEST:

Jordan Chelfet
Jordon Chelfet

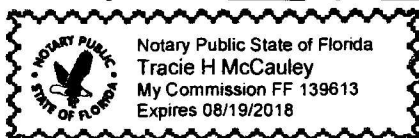
Aptim Environmental & Infrastructure, Inc. 8/31/17
Engineering Firm Date

By: Thomas Pierro
Typed/Printed Name:
Thomas Pierro, Director of Operations

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority this day personally appeared Thomas Pierro of APTIM Environmental & Infrastructure Inc., a Louisiana Corporation, who did acknowledge to and before me that they executed the above and foregoing contract for the uses and purposes therein expressed with due authority in that behalf from said corporation on 31 day of August, 2017.



Tracie H. McCauley
Notary Public

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 10-2019 and Ordinance 11-2019 at Public Hearings Prior to 5:00 P.M.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum from Dated March 27, 2019, from Josh Martin, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

From: Josh Martin, Planning, Zoning & Building Director

Re: Request to Consider Ordinance Nos. 10-2019 and 11-2019 at Public Hearings Prior to 5:00 p.m.

Date: March 27, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council conduct the public hearings on Ordinance Nos. 10-2019 and 11-2019 at the Town Council meetings at which the proposed Ordinances are to be heard prior to 5:00 p.m. The proposed Ordinances will be heard on first readings at the April 10, 2019 meeting, and it is anticipated that the second readings will be on May 15, 2019.

GENERAL INFORMATION

Florida Statute 166.041 requires the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance that changes the list of permitted, conditional or prohibited uses within a zoning district consisting of parcels of land involving ten acres or more after 5:00 p.m. However, the Statute provides that the time of hearing can be changed if a majority plus one of the local governing body elects to have a hearing at another time. Staff is requesting the Town Council elect to conduct the public hearings on Ordinance Nos. 10-2019 and 11-2019 during the course of the normal Council business. The first readings of the proposed Ordinances will be on April 10, 2019. Second readings are anticipated to be on May 15, 2019. All public hearings may occur before 5:00 p.m.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Kathleen Dominguez, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Landmarks Preservation Commission

Presenter

Edward Cooney, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated March 7, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Annual Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning and Building

Re: Annual Report - Landmarks Preservation Commission

Date: March 7, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2018 by Edward Austin “Ted” Cooney, Chairman of the Landmarks Preservation Commission (LPC).

GENERAL INFORMATION

Attached is a summary of the activities of the Landmarks Preservation Commission for the past year. Edward Austin “Ted” Cooney, the Chairman of the Landmarks Preservation Commission, is prepared to address the Town Council with additional comments regarding the Commission’s activities, and to answer any questions.

Attachment

JL

cc: Edward Cooney, Chairman, Landmarks Preservation Commission
Members, Landmark Preservation Commission
John Lindgren, Planning Administrator

Landmarks Preservation Commission - Annual Report 2018

The Commission held 12 regularly scheduled meetings in 2018, and had an average attendance rate of 92% with a total of 10 absences for the year (3 excused, and 7 unexcused).

The Commission reviewed 55 Certificates of Appropriateness, including C.O.A.'s for Lilly Pulitzer, the Everglades Club, the Four Arts Plaza, First National Bank (Wells Fargo), Royal Poinciana Plaza, Testa's eastern expansion, Duck's Nest, Memorial Fountain, and Bradley Park.

Eight (8) new properties were placed "under consideration" for landmarking by the Commission during 2018. The Commission was able to conduct eight new designation hearings prior to the end of the year. Five properties at – 137 Seaspray Avenue, 455 Australian Avenue, 138 Root Trail, 307 Brazilian Avenue, and 218 Seaspray Avenue – were landmarked according to the Town's program. Three properties – 130 Barton Avenue (amendment to designation to de-designate a portion of the site), 136 Dunbar Road, and 980 North Ocean Boulevard – were reviewed by the Commission, and found not to meet the designation criteria for landmarking, and were therefore not forwarded to Town Council.

The Commission conducted 22 informal reviews of zoning applications for recommendation to the Town Council.

On behalf of the Commission, staff conducted 124 approvals of minor projects and revisions, which was an 8.8% decrease from the previous year.

Staff conducted Member Orientation Meetings to review procedures and inform new members of ordinances, policies and procedural matters that they will encounter in future meetings.

Seven (7) tax abatement projects were reviewed by the Commission during the year. No tax abatements were concluded, ratified by the Town Council and forwarded to Palm Beach County and the Tax Appraiser's office for implementation; however, one tax abatement (330 Island Road) was removed per the request of the new property owner, and the property owner refunded the tax savings that he had previously received.

The Commission also actively worked on the following issues:

- 1) Participated in a discussion regarding the energy code and window tinting on historic structures, and how historic structures could be exempted from the energy code requirement;
- 2) Asked the Town Council to consider taking necessary steps to submit the Mizner Fountain and Memorial Park to the National Register of Historical Places; and
- 3) Continued with the completion of ethics training for new and older members as mandated by the Town and County.

Commissioners remain enthusiastic and engaged in their volunteer service to the Town, and look forward to the continued preservation of our heritage.

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Architectural Commission (ARCOM)

Presenter

Robert J. Vila, Chair

ATTACHMENTS:

- **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning and Building

Re: Annual Report - Architectural Commission

Date: March 28, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2018 by Mr. Robert J. Vila, Chairman of the Architectural Commission (ARCOM).

GENERAL INFORMATION

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

Attachment

JM:jl

cc:

Architectural Commission
John Lindgren, Planning Administrator

ARCOM Commission

Report of Activities for 2018 Calendar Year

ARCOM currently has 10 members (7 regular members & 3 alternates):

- Two members are licensed architects
 - Robert Garrison
 - Nikita Zukov
- One member is a certified master gardener
 - John David Corey

Attendance by commissioners:

- An average of 90% attendance for all meetings during the year; there were a total of 12 absences by commissioners (5 excused, 7 unexcused).

Applications reviewed:

- 127 new major Items submitted in 2018 (a 21% increase from the previous year) – none were denied, and ten were withdrawn by the applicant.
- 55 new minor Items submitted in 2018 (an 8% decrease from the previous year) – one was denied, and three were withdrawn by the applicant.
- 106 deferrals or partial deferrals occurred over the course of the year, many of which were requested by the applicant (a 15% decrease from the previous year). The number of deferrals started trending downward toward the end of the year (and continue to do so in 2019), which staff believes may be because of the new fee required for applicant requested deferrals.
- 52 new homes were reviewed by ARCOM in 2018 (a 49% increase from the previous year), of which 49 were approved, two were withdrawn and one was deferred into 2019.
- ARCOM reviewed 29 “combination projects” in 2018 where they made recommendations to Town Council regarding variances needed for the projects.

On behalf of the Commission, staff conducted 459 approvals of minor projects and revisions, which was an increase of 13% from 2017.

Additional projects & accomplishments:

- Member Mr. Corey completed an extensive certification program through the University of Florida, and has become a master gardener.
- Among the more notable reviews conducted by ARCOM, the Commission reviewed the renovation of Via Bice, storefront changes on Worth Avenue, the townhome project at the old Charlie’s Crab site, and two new homes at the iconic and highly visible 901 North Ocean Boulevard site.

- ARCOM had a discussion with the Town's legal counsel regarding ex parte communication, and the reporting of such communication at public meetings.
- ARCOM reviewed and discussed the requirement for physical models with new larger homes, and decided to maintain this requirement for homes that are 10,000 square-feet or larger.
- ARCOM continued to review several various types of architecture (including modern/contemporary) over the course of the year, and had to determine if the various styles were too similar or too dissimilar with the surrounding neighborhood in each review. It was a difficult task and one the Commission and the Town will continue to face in upcoming years, especially given the ever-increasing popularity of the modern/contemporary architecture.

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, 2019

Section of Agenda

Committee Reports

Agenda Title

Report of the Public Works Committee Meeting Held on March 14, 2019

Presenter

Bobbie Lindsay, Chair

ATTACHMENTS:

- ▣ **March 14, 2019, Public Works Committee Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON THURSDAY, MARCH 14, 2019

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on March 14, 2019, at 9:30 a.m. in the Town Council Chambers.

On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Lindsay led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Chair Lindsay requested that sub-item "Florida Power & Light Update Including the New Street Lights in the North End" under item "VII. CAPITAL PROJECTS UPDATE" be moved to the first item after Communications from Citizens.

It was the consensus of the Committee to approve the agenda as amended, above.

IV. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Avenue, spoke regarding the Town Docks project and the impact to the surrounding residential area. He mentioned the need for traffic calming, parking, increasing greenspace, crosswalks, trees and formalized plantings.

In response to Mr. Corey's comments, Director of Public Works Paul Brazil, spoke regarding the recent meeting with the homeowners' association for the area and their similar requests.. He noted that the requests could be implemented as long as drainage was not affected.

V. GREEN INITIATIVE UPDATE:

- New Specifications and Implementation Schedule for Eliminating Toxins on Town Property and Parks

Paul Colby, Facilities Manager, explained actions being taken to eliminate toxins from Town properties. He reported that the scope of work for Worth Avenue Landscape Maintenance had been rewritten to eliminate any synthetic weed control. The contract should be issued by June and is paid out of the Worth Avenue Assessment. All scopes of work will be rewritten to eliminate toxins.

- Park Avenue Update

Manager Colby explained the work being done including the addition of native plants; removal of tree stumps, mulch and invasive Oyster plants. He reported that sod has been added to areas where mulch and plants were removed. The irrigation system has been changed to low flow Hunter MP rotors.

- New Rec Center Fields: Non-toxic soccer field, play fields and playground update, including consultant review on getting there by opening

Eric Brown, Assistant Director of Public Works, provided an update on the Recreation Center fields regarding the type of turf. He reported that consultants, Chip Osborne and Jeff Carlson, who specialize in organic playing fields had been retained to offer suggestions and recommendations regarding the new playing fields.

In response to a question from Chair Lindsay, Director Brown explained that new drainage is being installed to help with the organic field. The proposed landscaping has 96% Florida-friendly plantings. The breakdown was listed as 38% Natives, 58% Florida-friendly and 4% Exotics.

John David Corey, Master Gardener, explained that the term "Natives" refers to anything here before the arrival of Columbus, and the term "Florida-friendly" refers to practices such as mulching, water-control or cultivars (that were not here before Columbus arrived).

- Priority and Plan for F. Benjamina Replacement: Identify locations and proposed schedule and budget

Facilities Manager Colby referred to the list in the back-up showing the various Town properties where the replacement will take place and the estimated cost.

John David Corey, 426 Australian Avenue,, expressed his concern regarding the removal of Ficus Benjamina from the area surrounding the Town Docks.

In response to Mr. Corey's above comment, Director Brazil explained that there would be temporary replacements if the dock project was taking longer than anticipated.

- Potential Additional Panel Discussion Aimed at Landscaping Professionals and Soils "From the Ground Up"

Chair Lindsay spoke regarding the commitment by a private club in Town to the green initiative and also about the recent panel discussion "Where Did All the Song Birds Go?"

VI. STRONGER FERTILIZER ORDINANCES FROM OTHER COMMUNITIES

Mr. Colby reported that all other surrounding coastal municipalities, except Boynton Beach, had adopted and implemented Palm Beach County's fertilizer ordinance which is known as the *Fertilizer-Friendly Use Ordinance*.

Discussion ensued regarding the implementation of the Ordinance by Town property owners.

VII. CAPITAL PROJECTS UPDATE:

*** Paving Program**

Patricia Strayer, Town Engineer, provided an overview of the Paving and Lift Station Improvement Programs. She also provided an update on the following projects:

- Bradley Place/Sunrise Avenue: Mast arm work should be completed by the end of May or mid-June
- Clarke Avenue: Same as Bradley Place
- North Fire Station Roofing & window replacement: Project is out to bid
- E-2 Lift Station: Being treated as an emergency, out to bid.
- E-3 and E-4 Lift Stations: Start work by May 1st. Winning bidder has never done work in Palm Beach.
- G-9 Lift Station: Will commence work as soon as materials are received.
- 400 block of Worth Avenue

She reported that the paving contract was awarded to All County Paving and that working along with FPU the cost was shared 50/50 with FPU. As the undergrounding project progresses all poles should be removed by the end of May.

* Florida Power & Light Update Including the New Street Lights in the North End

Town Engineer Strayer spoke regarding the replacement of existing poles and installation of new street lights. She reported that some residents had complained about the brightness (lumen) of the new lights so the Town requested the lowest lumen bulb from FPL as a test replacement. That test light is currently installed at Via Manana.

Annette Dowell, 101 E. Inlet Drive, expressed her concern regarding the brightness of the lights on the street and referred to it as being over illuminated. Mr. Corey also spoke of his experience with the new lighting.

* Lake Trail Lift Stations

Ms. Strayer informed that five (5) lift stations will be under construction during the construction season.

* Dock Environmental Permit Progress from Marine Fisheries

Ms. Strayer provided an update on the permitting progress for the Town Docks.

Mr. Brown provided an overview of the Recreation Center progress. He presented photos of various stages in the construction process.

VIII. FIVE YEAR PAY-AS-YOU-GO FUND

Ms. Strayer provided an update on the PAYGO fund comparing last year and this year's budgets. Director Brazil spoke on the budget and funding process.

IX. TRUCK TRAFFIC - UPDATE

Mr. Brown introduced Wayne Bergman, Assistant Director of Planning, Zoning and Building/Building Official. Mr. Bergman expressed his desire to require contractors to add a construction staging plan to their applications. He provided an overview of the requirements of the plan which would ultimately assist in managing the truck traffic into the island.

X. ANY OTHER MATTERS

The next meeting will be scheduled for a date in April.

XI. ADJOURNMENT

The Public Works Committee meeting of March 14, 2019 was adjourned at 11:45 a.m.

APPROVED:

Bobbie Lindsay, Chair

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Proposed Town Sponsorship of Business Association Special Event during the Veteran's Day Holiday Weekend in November 2019 to be Hosted by the Main Street Association, with the Palm Beach Rotary Foundation as Event Provider.

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ❑ **Letter Dated March 29th from Zaretsky**
- ❑ **Permit Application**
- ❑ **Insurance Certificate**
- ❑ **Hold Harmless Agreement**
- ❑ **Rendering**
- ❑ **Flag Rendering**
- ❑ **Road Safe Proposal**
- ❑ **Grid**
- ❑ **Site Plan**



March 29, 2019

Mr. Josh Martin
Director, Planning, Building & Zoning
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

RE: Rotary Club of Palm Beach Foundation Application for a Town Sponsored Business Association Special Event for Flags for Heroes During the Veteran's Day Holiday Period 2019

Dear Mr. Martin:

This letter and attachments are in furtherance of the Town Council meeting on February 14, 2019, wherein the Palm Beach Rotary Foundation requested a deferral to the April 9 Town Council meeting. At the January 8 Town Council meeting it was determined that the meeting was a de facto pre-application meeting and that Rotary Foundation representatives should meet with Town staff to address all concerns and questions raised by the Town Council on January 8. This letter represents the Rotary Club of Palm Beach Foundation understanding of the results of the staff meeting on January 15 and our update on the items Town Council and staff requested us to pursue.

Please see the video in the link below to visualize a similar Flags for Heroes public display.

<https://www.youtube.com/watch?v=CqabCKG1yFo>

Just to reiterate, in order for the Rotary Foundation to accomplish the Flags for Heroes event the following permits are required and will be timely secured if the Town Council approves the event:

1. The attached Town Sponsored Business Association Special Events Permit
2. Town Charitable Solicitation Permit(s) for the event and any private events associated therewith.
3. Town of Palm Beach, DPW, Right-of-Way (ROW) Permit

The Palm Beach Rotary Foundation – PO Box 105, Palm Beach, FL 33480 –
Colleen@Parkeyenterprises.com

4. **FDOT Banner Permit** – The flags and any banners, such as that identifying the Rotary Foundation and any project underwriters, requires a banner permit from FDOT

In addition to the listed permits, the Rotary Foundation is aware that it may be required, likely as a condition of the Town ROW permit, to call Sunshine 811 before staking flag holders and to plan a grid not in conflict with marked infrastructure data marked by Sunshine 811. A 12-inch flag holder was shown to staff at the January 15 meeting for their familiarization.

Based upon the notes of staff from the January 8 Town Council, the agenda for the January 15 staff meeting with Rotary Foundation consisted of the items enumerated below. Rotary Foundation response to the outcome of the discussion on each item appears thereafter.

1. **Fill in (repair) the holes with soil after /sprinkler head replacement and cost.** *Rotary Foundation agrees to fill all holes with sand and/or topsoil (staff prefers topsoil) and is responsible for any damage to Town property. We have provided staff with an executed hold harmless agreement and a certificate of insurance naming the Town as an additionally insured. These items are attached. If we cause damages, you will be paid.*
2. **What precedent does this set/what parameters are in place for council for this fundraiser/promo.** *No precedent is set by this event. The permit document itself indicates that each permit issued stands on its own and without regards to precedents. Numerous special events in Town have fundraising efforts associated with them. Examples are the Palm Beach 5K Race of Hope to Defeat Depression on January 27, The United Way Turkey Trot and the Evening of Tribute at Mar-a-Lago in support of Navy SEALs and a Museum and Memorial. All are allowed if the applicant secures a charitable solicitation permit as has been promised by the Rotary Foundation.*
3. **What is the size of the medallion?** *There are square and round medallions. If square, 4.75" wide X 4.5" tall. If round, approximately a 5" diameter.*
4. **Does this require an ordinance amendment?** *No. On April 14, 2009, the Town Council adopted by motion similar requirements for business association special events. Subsequently, requirements were modified and adopted as an internal Administrative Procedure to formalize procedures for staff to follow when business association special event applications occurred. This application is pursuant to Town of Palm Beach Administrative Procedure No. 1-15-9 and the Town Code.*
5. **This is an historic site. Has State Historic Preservation Office been notified?** *Yes. Subsequent to the January 8 Town Council meeting the Rotary Foundation contacted Timothy Parsons, Division Director and SHPO. Mr. Parsons indicated that placing flags temporarily in a public right of way would be unlikely to cause any irreversible or adverse effect.*

6. **Parking.** Staff concurred that parking should not be an issue for the event because it's in the summer and not all interested parties will come see the flags at the same time.
7. **The money should go to Palm Beach County residents.** The Rotary Foundation agreed at the January 8 Town Council meeting to limit scholarships to Palm Beach County residents. However, since that time we concluded it would be an improvement to keep the funds even closer to home. We have modified our proposed use of funds raised to be the following. **The funds will be used to provided funds for scholarships to college bound and existing college students of full-time Town of Palm Beach Fire-Rescue employees and Town of Palm Beach General employees, including Life Guards.** The Palm Beach Police Foundation provides the same for Police Department employees. The Palm Beach Rotary Foundation wants to do the same for the other Town employees. We hope you will agree.
8. **The Royal Poinciana Way Business Association (RPWBA) is not a party to the permit. RPWBA does not exist. Application should be in the name of the proper organization.** As we stated in our initial application, the foregoing is true. It is also true that a new business association has now been formed and is in existence per State requirements. The new association is the Main Street Palm Beach Business Association (MSPBA) and it is the sponsor of the event, fully supports the event, and appears as the sponsor on the application for permit.
9. **We have to look at liability. Per Skip we will have a hold harmless agreement.** Yes. The permit application requires an executed Hold Harmless Agreement and insurance in specific amounts naming the Town as an additionally insured as evidenced by a certificate of insurance. The Rotary Foundation previously submitted these items and has re-submitted same with our revised application.
10. **Pre-Application meeting with Council, come back to next meeting with a permitting path forward per Josh.** A revised business association permit has been submitted to you herewith and it is believed to adequately address all items of concern indicated by Town Council and staff.
11. **One of the things that need to be answered on the application is number of flags, banners.** The Rotary Foundation target is to install up to 500 flags. The grid we had laid out shows each median can hold more than this, perhaps three times the goal amount of 500, but that would be the maximum capacity, which is not achievable when planning to sidestep equipment and infrastructure. We have prepared a revised, attached flag grid significantly reducing the number of flags and increasing flag spacing by 20%. We can accept a cap of 500 to 750 flags, as we do not feel this will overburden the medians. As to banners, we request up to 6 banners approximately 3' X 5" in size for recognition of our major underwriters, plus Rotary and MSPBA. They will be placed in safe, unobtrusive locations.
12. **Who is being solicited?** Merchants, individuals and visitors. The target audience is Town of Palm Beach "town persons."

13. **Opening Ceremony/Dedication.** A low key, solemn event with a few speakers and perhaps a color guard. At most a half hour event. We can eliminate the generator as staff indicated it would be OK for us to plug into an outlet at the base of a Royal Palm tree for the PA system. The noise ordinance will be complied with. The plan is to grid out flag locations now and put up the flags on July 3rd. Flags will be removed on July 6.
14. **Royal Poinciana is a Landmarked Vista.** Subsequent to the January 8 Town Council meeting the Rotary Foundation contacted Timothy Parsons, Division Director and SHPO. Mr. Parsons indicated that placing flags temporarily in a public right of way would be unlikely to cause any irreversible or adverse effect on any historic resource.

As you know, as a result of the staff meeting conducted by you with representatives of the Rotary Foundation there were four items for the Rotary Foundation to follow up on as follows:

1. **Rotary Foundation is to coordinate with the Public Works Department (DPW) and potentially its preferred vendor (TCI/Rood) to finalize a proposed grid to follow for flag layout with the goal of avoiding the irrigation lines, sprinkler heads and related control mechanisms.** *Initially, it was felt that the best way to design a flag grid to avoid problems with irrigation lines was to provide an "as-built" drawing that would delineate the irrigation layout. However, upon discussing a proposal with TCI/Rood we learned that this could entail digging up the assumed path of the lines to provide visual confirmation of line locations. We continued to work with staff on elimination of any impacts to the irrigation system. We proposed use of a consultant to create an as-built drawing of the existing system to avoid conflicts. However, it was determined this was not necessary because:*
 - a. Rotary Foundation flag holders planned for in ground installation are a maximum of 12 inches in length and the irrigation system is 14 inches deep thereby negating line conflicts; and
 - b. The Town intends to replace the Royal Poinciana Way irrigation system in the medians in its entirety in the summer of 2019. This work will result in great improvements in water conservation and provide the Town with the all important as-built drawing for use in conflict avoidance for now and well into the future; and
 - c. Staff suggested that in the event irrigation work is somehow not done this summer as planned that we use the proposed grid referenced above and attached hereto as the location template and procure the services of Ben Ellis Enterprises, Inc. for probe and marking services that will indicate flag locations that side-step conflicts with any sprinkler heads and control systems.

The Rotary Foundation commits to provide a flag layout that avoids any damage to irrigation. If we fail, we again agree for the record to pay to fix it. However, the goal is to work with Town staff and avoid damage.

2. **The Rotary Foundation was requested to contact an archaeological firm to determine if the Rotary Foundation proposed event could be damaging to any potential archaeological resources that may be present. The medians are on a map of potential locations where archaeological resources may be in Town.** *John Lindgren provided us with a list of firms. The Rotary Foundation contacted Bob Carr at the Archaeological and Historical Conservancy, Inc. in Davie, Florida as Mr. Carr prepared the 2005 Archaeological Report that identified sites in Town potentially having archaeological resources. Mr. Carr indicated that our planned event was not likely to be detrimental to any resources, but that the scope of the event would warrant intermittent monitoring to ensure that this was the case. He was requested to provide the Rotary Foundation with a proposal to do just that. In addition, he was requested to provide us with a copy of his 2005 Archaeological Report, as the Town no longer has it. He indicated he would gladly send it to us and noted that it needed to be updated since it was 15 years old. Once received, we will give it to Mr. Lindgren for the Town's records. Subsequently, The firm indicated that they would donate these services to the Rotary Foundation and indicated such in writing, which I forwarded to you.*
3. **Within the required Right of Way permit the Rotary Foundation must show site triangles, MOT is to be provided and channeling devices will be needed when the "pass through" between the east and west medians is closed for the Opening Ceremony.** *The ROW permit will be applied for after we receive Town Council approval to proceed and will contain all that has been requested. Rotary Foundation has secured these items from Road Safe Traffic Systems of West Palm Beach. The proposal is attached.*

Based on all of the foregoing, the Rotary Foundation has updated the Business Association Special Events permit and the required site plan to reflect the latest information and requested changes and have submitted them with this letter to you. We look forward to seeing you at the April 9 Town Council meeting and presenting this information and our revised permitting materials to you and the Town Council.

In closing, we were encouraged by the results presented at the Town's Business Workshop on January 29. The Residents Survey Results and Interim Report on the Palm Beach Civic Association Long Range Planning Subcommittee on Future Business report by Harvey Poppel made clear that off season events such as that proposed here are both beneficial to local businesses and are not

objectionable to the majority of survey respondents. We hope that you and the Town Council agree and will look favorably on our permit application for Flags for Heroes.

If you should have any questions, please feel free to contact Thomas Bradford or me at your convenience.

Sincerely,

Richard P. Zaretsky

Richard P. Zaretsky, Esq.

President, Rotary Club of Palm Beach Foundation

Cc:

Frances Frisbie, Director, Main Street Palm Beach Association

Thomas G. Bradford, Rotary Club of Palm Beach



TOWN OF PALM BEACH

Administrative Procedure

Procedure No.....1-15-9

Effective Date.....October 8, 2015

APPROVED: Thomas G. Bradford
Thomas G. Bradford, Town Manager

TITLE: TOWN SPONSORED BUSINESS ASSOCIATION SPECIAL EVENTS

OBJECTIVE:

It is the policy of the Town of Palm Beach to allow for Town-sponsored special events within the public right-of-way or other public lands within the three identified commercial areas commonly described as Worth Avenue, South County Road, and Royal Poinciana Way, by the business associations representing each area. All proposed events will be carefully reviewed, individually approved, and restricted in accordance with the procedures as outlined herein and the Town Code of Ordinances. All expenses pertaining to such special events shall be borne by the association originating the event, and the Town shall be held harmless from any and all liabilities that may arise from such events.

RESPONSIBILITY:

It is the responsibility of the business association requesting Town sponsorship of a special event to complete and submit a Business Association Special Event Proposal Form and provide supporting documents, site plans, etc. to the Town's Director of Recreation, who will ascertain whether or not the proposal is complete and sufficient information has been provided. Once deemed complete, it will be reviewed by multiple Town Departments, including but not necessarily limited to Recreation, Police, Fire Rescue, Public Works, and Planning, Zoning and Building. Each department may provide comments/recommendations regarding event conditions. Once the Director of Recreation is satisfied that such internal review is complete, the application will be presented to the Town Manager or his/her designee for approval prior to Town Council's review and final approval, denial, or approval with modifications.

PROCEDURE:

Each proposal for a special event to be sponsored by the Town shall be weighed on its individual merits and acted upon by the Town Council without regard to precedents. The following rules shall apply to special events:

- The maximum number of such Town-sponsored special events shall be two (2) per calendar year per commercial area, excluding holiday lighting ceremonies traditionally held in November and/or December.
- No more than one (1) special event per day shall be allowed in Town, based upon a first-come, first-served basis.
- Proposals should be submitted at least 90 days prior to the proposed special event and no earlier than one year in advance.
- It is expected that the duration of each event will be eight hours or less. Any and all exceptions from such rule shall be clearly identified within the proposal.
- Obstruction of public rights-of-way may be approved. Obstructions must be clearly identified within the proposal.
- Each proposal must include a detailed site plan identifying vehicular access, pedestrian access, event venue(s), and all related equipment. Barricades and related safety equipment must be provided to the satisfaction of the Town. A Maintenance of Traffic Plan (M.O.T.) may be required depending upon size and complexity of the special event.
- The business association may be responsible for securing any/all regulatory approvals necessary for each such event, including State DOT permit(s).
- Special detail officers, including Police and Fire Rescue personnel, may be required to ensure public safety at such events. The Town shall have authority to require same, and all costs shall be borne by the business association.
- Food trucks shall not be permitted, nor shall any temporary cooking facilities be allowed. All food served at each event shall be prepared in licensed restaurants, or transported to the event from alternate locations.
- A liquor license must be obtained by the business association if money is required to purchase drinks, tickets, coupons, etc. No liquor license shall be required if alcohol is served free of any charge whatsoever.
- Signage of all kinds, including banners and photo backdrops, shall be approved on a case by case basis. Signage must be set up and removed in accordance with the eight hour event restriction unless specifically allowed for longer periods by the Town Council.

- Any special equipment, including but not limited to staging, lights, amplifiers, generators, etc., must be detailed within the proposal, and will be approved, denied, or modified per Town Council approval.
- All equipment not previously identified herein, including but not limited to fencing, barriers, tents, stages, platforms, risers, canopies, portable restrooms, garbage cans, dumpsters, etc., shall be clearly identified within the proposal and shown on a detailed site plan.
- The business association must submit proof of insurance to the Town in accordance with the recommendation of the Town's Risk Manager for each special event, and each certificate of insurance shall name the Town of Palm Beach as an additional insured.
- A Hold Harmless Statement must be provided, in format satisfactory to the Town's Risk Manager, exempting the Town of Palm Beach from any and all liabilities stemming from a special event.
- The Town has the right to require a refundable bond or satisfactory form of cash deposit to be paid as a condition of approval. The bond or cash equivalent will be refunded thereafter, unless the Town determines to retain all or a portion of same for Town-determined remedial expenses.

ATTACHMENTS:

Business Association Special Event Proposal Information and Form



Business Association Special Event Proposal Information & Form

Proposal Process

The proposal process begins when you submit the completed Business Association Special Event Proposal Form to be considered for Town sponsorship. ***Keep in mind that acceptance of the proposal should in no way be construed as final approval or confirmation of your request.***

Upon receipt of your proposal the Town will assign a coordinator to help guide you through the process. The coordinator distributes the proposal to all Town departments for review. During the review process you will be notified if your event requires additional information, permits or licenses. You will be allowed time to provide us with all pending documents.

Delays in providing these items often delay our ability to finish our review and issue a decision on your special event proposal.

You may be contacted individually by these departments if they have specific questions or concerns about your event. Depending on the impact on Town services, a group meeting with all affected departments and the association may be scheduled to clarify questions and concerns.

Proposal Steps:

1. Submit your completed proposal at least 90 days prior to your proposed event. Proposals will be accepted up to 1 year in advance. Completed proposals may be:
 - Delivered: Recreation Center, 340 Seaview Avenue or
 - Mailed: Town of Palm Beach Recreation Department, ATTN: Business Association Special Event Proposal, P.O. Box 2029, Palm Beach, FL 33480 or
 - Emailed: bzickar@townofpalmbeach.com
2. You will be sent an e-mail acknowledgement that your proposal has been received. Your proposal will be reviewed by Town staff, which may take up to three weeks. During this time, you may be contacted by Town staff for clarification of event details.
3. After a full review of your proposal, including Town Council approval, you will receive either a conditions of approval letter or a denial letter. The conditions of approval letter will outline requirements for your event, such as necessary permits, approvals and/or event bonds/cash deposit fees. This may include, but is not limited, to the following:

- Certificate of Insurance showing evidence of a commercial liability policy
 - Copy of Temporary Liquor License, if applicable
 - Traffic/Parking Control Services
 - Inspections
4. Once all the conditions of approval have been met a final Special Event Approval Letter will be issued by the Town.

Fees

It will be the association's responsibility to pay for the cost of all inspections and other Town services (i.e., Police and Fire). Other fees such as permit fees may apply for tents, stages, etc. Depending on the type of event, respective fees may vary. Events will require a refundable security deposit, depending on the type, location and size of the event. Fees can range as follows:

Event Description	Event Size	Security Deposit
Minor	Less than 250 attendees	\$500
Medium	Between 251 – 1,0000 attendees	\$2,000
Major	Over 1,000 attendees	\$5,000

For additional information, contact Beth Zickar, Director of Recreation at 561-838-5485 or bzickar@townofpalmbeach.com.



BUSINESS ASSOCIATION SPECIAL EVENT PROPOSAL FOR TOWN SPONSORSHIP

EVENT TITLE Flags for Heroes EVENT DATE 11/08/19 - 11/11/19

SECTION 1: CONTACT INFORMATION

Business Association	Main Street Palm Beach Association, Inc.(MSPBA) w/ Rotary Club of Palm Beach Foundation	
Representative Name	Frances Frisbie (1)	Richard P. Zaretsky (2)
E-Mail Address	frances@frisbiegroup.com	RPZ@ZaretskyLaw.com
Mailing Address	125 Worth Avenue, #221 Palm Beach, FL 33480	1615 Forum Place, STE 3A West Palm Beach, FL 33401
Primary Telephone	561-717-9803	561-689-6660
Secondary Telephone	NA	561-249-4820
Fax Number	NA	561-683-1559

SECTION 2: EVENT INFORMATION

Event Location	The two large medians within Royal Poinciana Way between Bradley Place and County Road	
Event Admission Fee	☐ Yes, Amount _____ ☐ No NO	
Anticipated Attendance	250 +/- over the course of 3 days	
Event Time	From: 11/08/19 To: 07/11/19	
Event Set Up	Date: 11/08/19 1:00 PM - 8:00 PM	
Event Dismantle	Date: 11/11/19 3:00 PM- 8:00 PM	

Event Description

Flags for Heroes enables citizens to recognize the heroes in their lives while raising funds for charitable causes. Citizens may purchase a medallion to be placed on a flagpole recognizing their hero. A goal of 500 or more flags has been established. People have the option of purchasing a \$75 medallion or a \$100 medallion to commemorate their hero. All proceeds, net of event costs, will be donated to college scholarships for children of Town of Palm Beach Fire-Rescue, General and Lifeguard employees.

Footnote (1) Frances Frisbie is a Director of MSPBA and their primary representative.

Footnote (2) Richard Zaretsky is the President and primary representative of the Rotary Foundation.

Is this event part of a larger marketing campaign? If yes, please describe.

NO

Public Inquiries Contact (Name, Telephone and E-Mail Required)	Richard Zaretsky Tele: 561-689-6660; Email: RPZ@Zaretskylaw.com
Are you requesting any street and/or sidewalk closures? YES	If yes, specify street and/or sidewalks and time of closures. Closure of the U-Turn Cross Thru between the east and west medians for pedestrian safety during the opening event on 11/09/19 approx. 9AM - 10AM.
Does your event include food concessions? NO (No On-Site Cooking Permitted)	Anticipated Number of Vendors:
Does your event involve the sale or consumption of alcoholic beverages? NO	If yes, please check all that apply: ☐ Free Alcohol ☐ Distilled Spirits ☐ Alcohol Sales ☐ Beer ☐ Wine <i>If alcohol is sold at an event, the applicant is required to obtain a temporary liquor license from the Division of Alcoholic Beverages and Tobacco. Copy of temporary liquor license must be provided to Town prior to event date. Additional insurance requirements and police enforcement will be required.</i>
Does your event require amplified sound and/or music? YES. A PA system is contemplated for the kick off ceremony for announcements and statements.	If yes, please check all that apply: ☒ Amplified sound for announcements & short speeches in compliance with Noise Ordinance. ☐ Amplified sound for recorded music ☐ Amplified sound for live music <i>Approval of a Special Event Proposal does not necessarily exempt the planned event from the requirements of the Town of Palm Beach's Noise Ordinance.</i>
Will you be installing any temporary signage? ☐ Yes ☒ No Banners	If yes, list number, description and location: Signage, no, banners, yes. Banners approx. 3' X 5' stating "Rotary Club Foundation" & names of any underwriters. FDOT Banner permit is required. Locations marked on site plan. Limit of 6 underwriters. <i>Compliance with Section 134-2371 of the Town of Palm Beach Code of Ordinances is required.</i>
Do you plan to provide portable comfort stations at your event? ☐ Yes ☒ No NO	If yes, how many stalls will be in each station: _____ ☐ Yes ☐ No Is comfort station ADA accessible? <i>If not providing, provide information as to availability of restroom facilities in the immediate area of the event site that will be available to the public, include ADA accessible and non-ADA accessible.</i>

Will you be installing any temporary structures? ☐ Yes ☐ No NO	If yes, identify number and size of tents & canopies: _____ _____ Delivery Date: _____ Removal Date: _____ Stage/Platform/Riser Dimensions: Length: _____ Width: _____ Height: _____ _____ Delivery Date: _____ Removal Date: _____ <i>Vendors will be required to provide a certificate of commercial general liability insurance in an amount to be determined by the Town, listing the Town of Palm Beach as additional insured. Permits may be required.</i>
Will funds be solicited for any charities? ☐ Yes ☐ No YES	PB Rotary Foundation to raise funds for college scholarships for children of Town of Palm Beach Fire-Rescue, General and Lifeguard employees. TPB Charitable permit(s) to be submitted per TPB Ordinance.
Will this event utilize a generator(s) ☐ Yes ☐ No NO	If yes, list the number and size of each: It is requested that TPB allow PA system for opening event to use power at base of palm tree(s). This will negate need for generator and reduce event noise.
Site Plan YES. Event site plan has been submitted with this application.	Please include a complete site plan of the proposed event, including: - An outline of the event site including the names of the streets or areas that are part of the venue and the surrounding area. - Any street or lane closure requests. - The locations of fencing, barriers and/or barricades. Include any removable fencing for emergency access. - Vehicular access. - Pedestrian access. - Location of stages, platforms, risers, canopies, tents, comfort stations, dumpsters and any other temporary structures. - Generator locations and/or source of power. - Placement of vehicles and/or trailers. - Anticipated parking locations. - Vendor locations. - Temporary signage locations. - Locations of all other event activities.

**FOR OFFICIAL USE ONLY
DEPARTMENT REVIEW**

Recreation

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Police

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Fire Rescue

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Public Works

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Planning, Zoning & Building

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Town Manager's Office

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

- After final Department review, please return to the Recreation Department.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/10/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008		CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com FAX (A/C, No): 630-285-4062	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Lexington Insurance Company	
		NAIC # 19437	
INSURED All Active US Rotary Clubs & Districts PALM BEACH ROTARY FOUNDATION ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			015375594	7/1/2018	7/1/2019	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			015375594	7/1/2018	7/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y ☒ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			NOT APPLICABLE			PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

TOWN OF PALM BEACH, FLORIDA
360 SOUTH COUNTY ROAD
PALM BEACH, FLORIDA 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

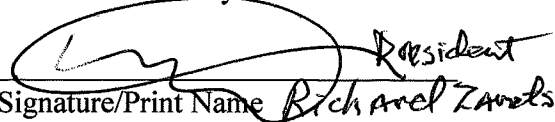
AUTHORIZED REPRESENTATIVE

Hold Harmless Agreement

To the fullest extent allowed by law Palm Beach Rotary Foundation shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the Town's officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of or related to the Royal Poinciana Association Memorial Day event on May 27, 2019 to include any event set-up required on May 23 -26, 2019. Without limiting the generality of the foregoing, Palm Beach Rotary Foundation's Indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Palm Beach Rotary Foundation agrees to investigate, respond, adjust and provide a defense for, all and any such claims, demands and actions at Palm Beach Rotary Foundation sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the foregoing, Palm Beach Rotary Foundation Indemnity's shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the Town, or by the Town's officers, agents and employees.

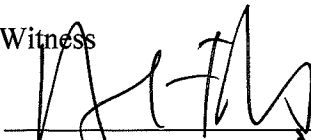
Palm Beach Rotary Foundation acknowledges and agrees that Town would not enter into this agreement without this indemnification of Town by Palm Beach Rotary Foundation, and that Town's entering into the agreement shall constitute good and sufficient consideration for this indemnification. Nothing in this agreement shall be construed to affect in any way the Town's rights, privileges, and immunities as set forth in Florida Statute 768.28.

Palm Beach Rotary Foundation


Signature/Print Name Richard Zaretsky

12/10/18
Date

Witness


Signature/Print Name Daniel Franks

12/10/18
Date







Customer:

Palm Beach Rotary Club Foundation
% Thomas Bradford
44 Chestnut Trail
Tequesta, FL 33469-2148

Date of Request: 01.30.19

This is page 1 of 1

Quote Sent by: **Pamela Marmin**

Attn: Thomas Bradford

Project: 7/4/19

PHONE: 561-744-7640

Fax: tgbradford@aol.com

Description:							
MOT drawing							\$250.00
Closure of turn around on Royal Poinciana July 3 around 4 pm and open July 5							\$600.00
						TOTAL	\$850.00

Note: Copy of Sales tax certificate required

Tax Rate: N/T

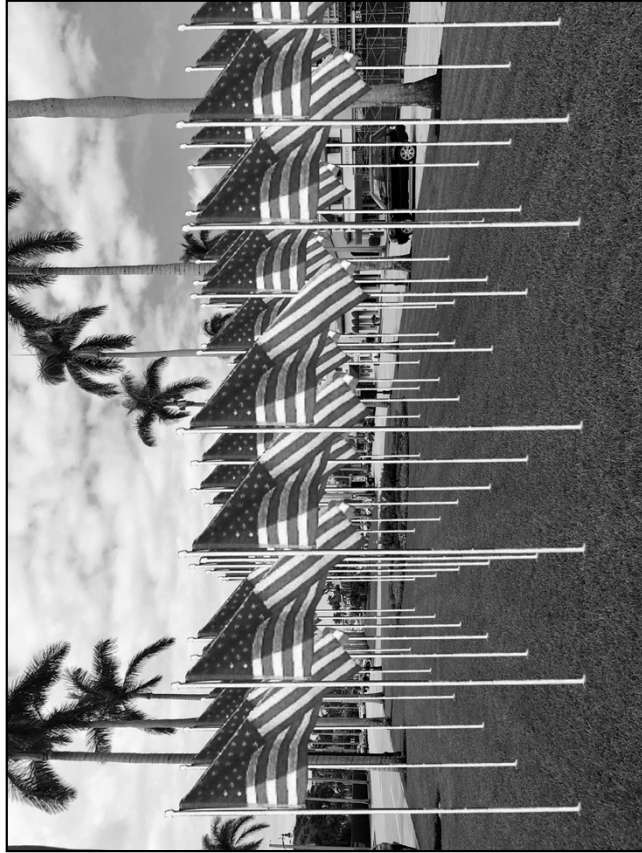
Sub Total:	\$850.00
Tax:	N/T
Grand Total:	\$850.00

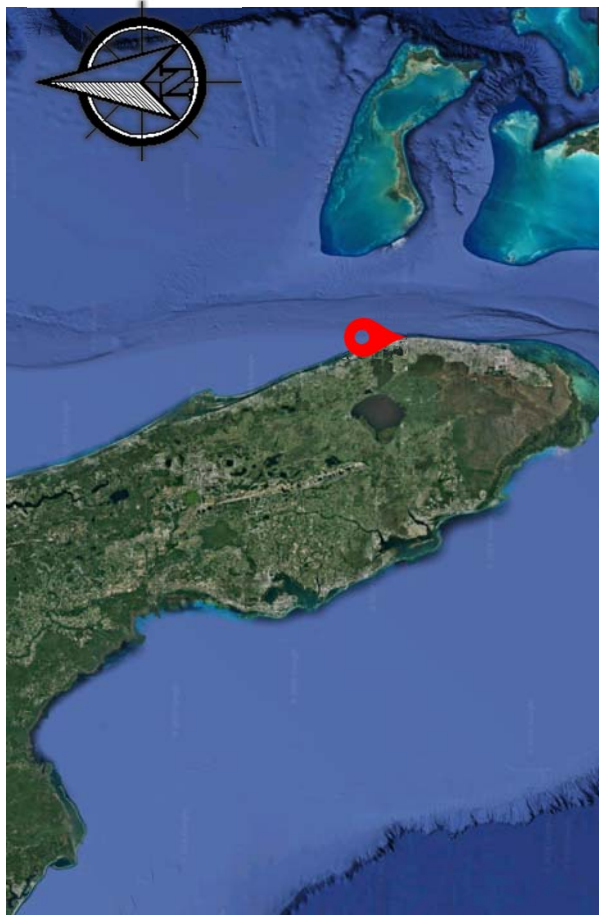
3570 NW 62 ST MIAMI, FL 33147

[tel: 305-633-3883] [fax: 602-251-0537] [pmarmin@roadsafetraffic.com]

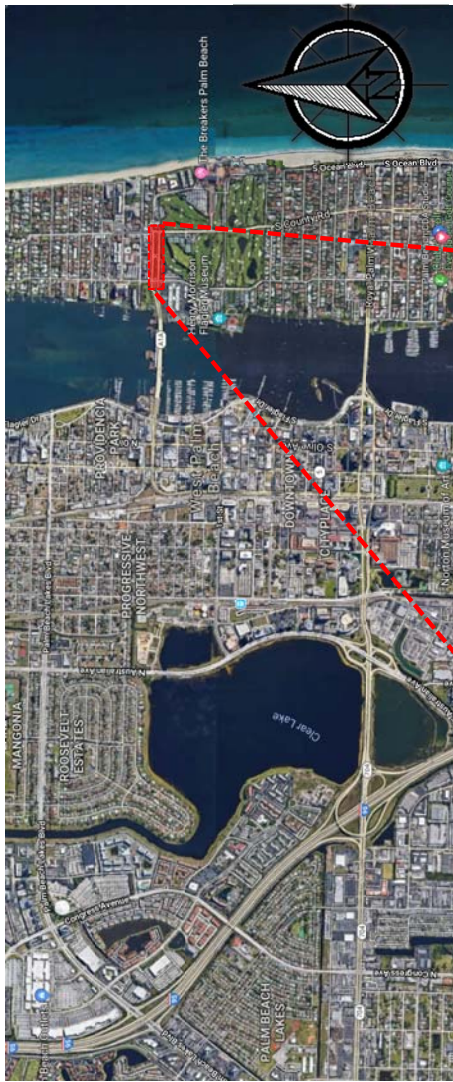
FLAGS FOR HEROES

PALM BEACH, FL

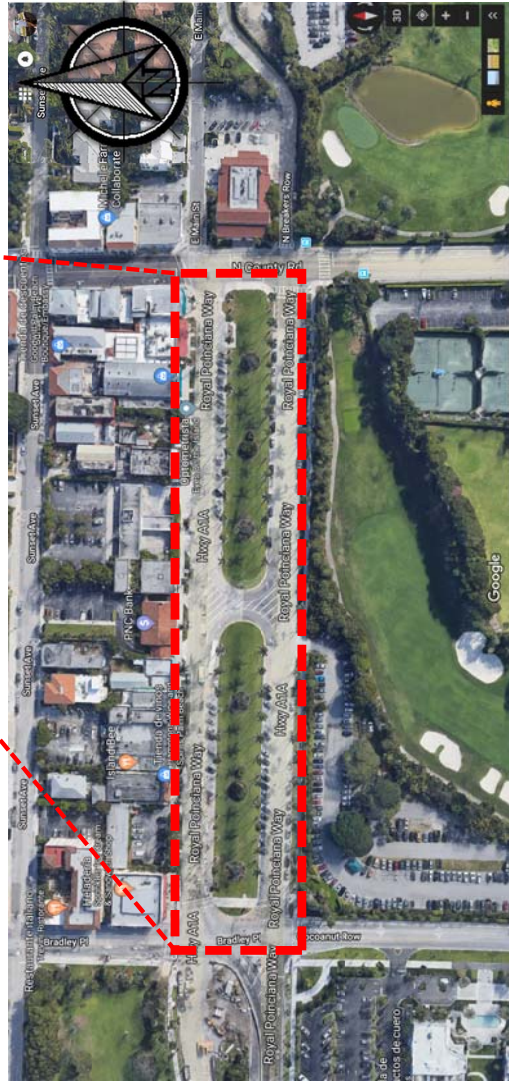




REGIONAL AERIAL
FLORIDA.



WEST PALM BEACH, FL



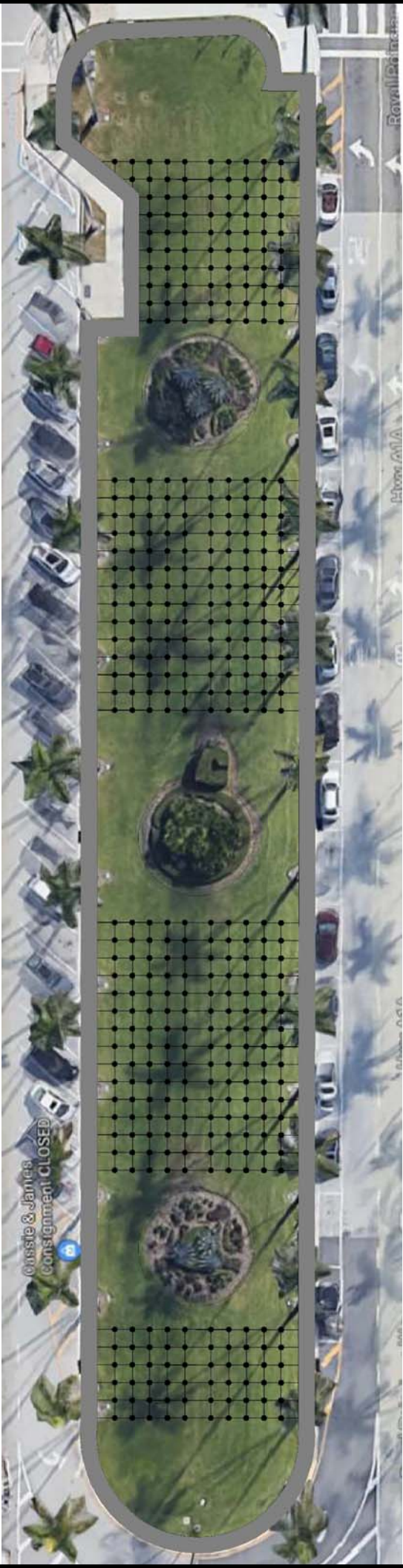
ROYAL POINCIANA WAY, WEST PALM BEACH

6' BUFFER
6' GRID



FIRST MEDIAN: 410 FLAGS

6' BUFFER
6' GRID



SECOND MEDIAN: 433 FLAGS
TOTAL: 843 FLAGS



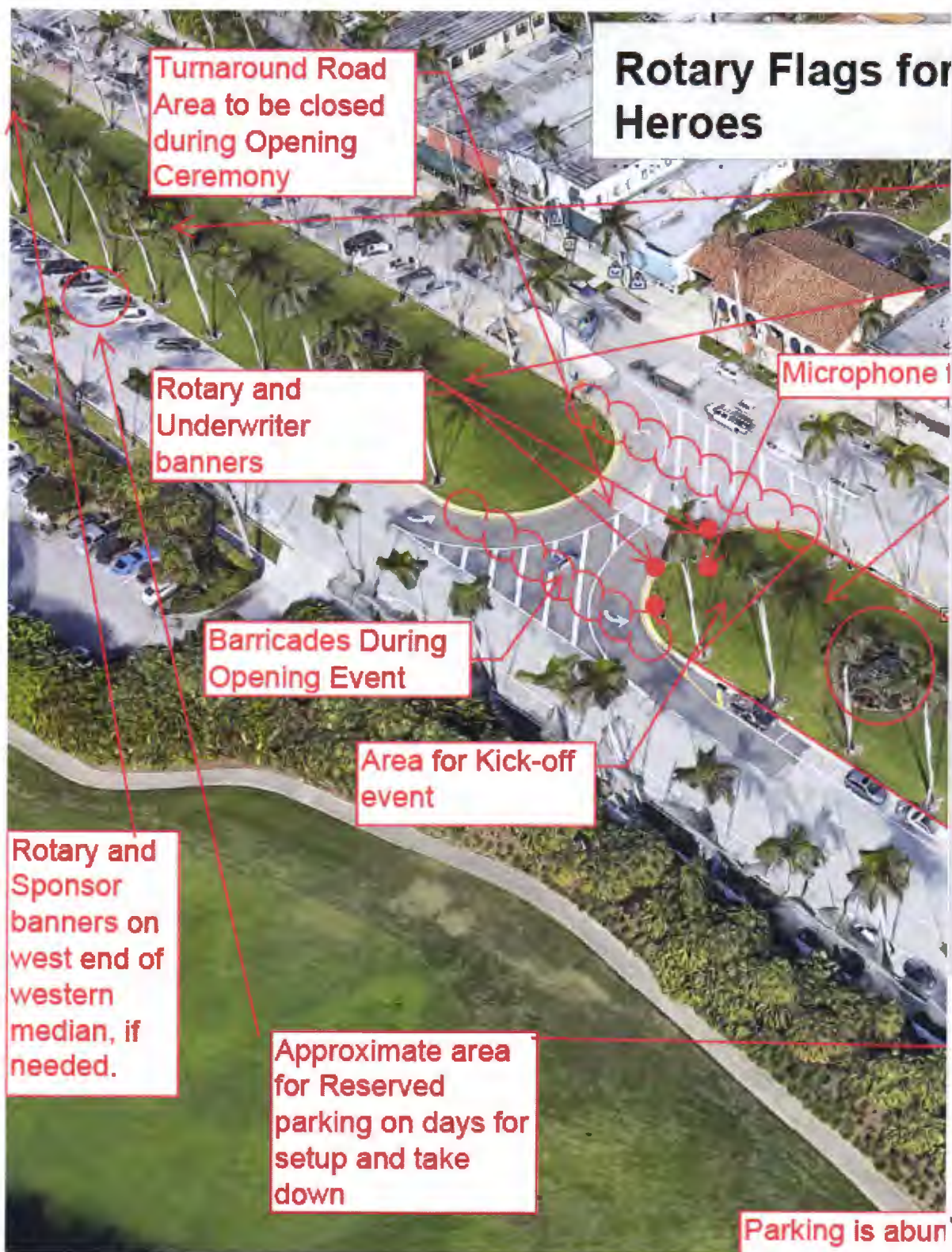


SHARED

Site Plan Google Earth.pdf



Sign In



TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town Marina Project Update.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated March 26, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Summary of Weekly Work Completed**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Town Marina Project Update

DATE: March 26, 2019

STAFF RECOMMENDATION

Gordon Thomson with Baird and Associates will be presenting a status report regarding engineering and design for the Town Marina Project at the April 2019 Town Council Meeting.

GENERAL INFORMATION

Town staff has been fully engaged with the project consultant W.F. Baird and Associates (Baird), and Edgewater Resources for this project, and are presenting updates to the Mayor and Town Council on a monthly basis. The project is in the permitting and design development/data collection phase, therefore, no approvals are required at this time and the presentation is for informational purposes only. Specific milestones and important issues to be presented include the following:

- Permit Application – The Florida Department of Environmental Protection (FDEP) provided the Town with a Request for Additional Information on March 19, 2019. In review of FDEP’s correspondence, the document was favorable to the Town as the items requested should not negatively impact the Town’s permitting schedule. The Town’s consultant is preparing a response for submittal to FDEP in the coming days. Town staff and consultants have met with FDEP staff onsite within the project area for the purpose of beginning the State land lease review process. The U.S. Army Corps of Engineers (USACE) has yet to complete their initial review, provide a Request for Additional Information, and publicly notice the project. Should inactivity by the USACE continue, the Federal regulatory process could negatively impact the schedule. Impacts could include the inability to receive funds from the Florida Inland Navigation District for this grant cycle and the possibility to shift the anticipated construction timeline.
- ARCOM Review – The project was presented to ARCOM by the architectural consultant (REG) and Baird on March 27, 2019. Minor comments were received to include architectural enhancements to the Peruvian Building columns and substitution of the proposed Podocarpus plant material to a Caloosa plant material. ARCOM voted to approve the project.

- FPL Cable Conflict – Meeting was held at the Public Works office on March 15, 2019 with FPL representatives to discuss the cable crossing that exists in the vicinity of the proposed Palm Way Dock. FPL confirmed that they do not have sufficient as-built information available to verify the depth of the cable in this location. Recent correspondence with FPL indicates that they are pursuing hiring a contractor to accurately determine the exact location and depth of the submerged cable within the Town Marina Project limits.
- Solicitation (RFQ) for Dock Manufacturers – The dock manufacturer pre-qualification pre-bid meeting was held on Thursday, March 14, 2019. The due date for those RFQ proposals is April 2, 2019, and a Selection Committee will meet to review those proposals and rate/rank them. The Selection Committee recommendation will be brought to the Town Council for their approval at the May meeting.

Any recommendations for approval will be presented at subsequent Town Council meetings. The recent weekly updates are attached to this memo for your information.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Dean Mealy, Purchasing Manager
Jane Le Clainche, Director of Finance

Summary of Weekly Work Completed for the Town Marina Project

Prepared and submitted via email weekly to the Town by
Gordon Thompson at Baird and Associates

Week of March 4 – 8

- A draft of the Dock Manufacturer pre-qualification pre-bid meeting presentation was developed.
- A draft of the Town Council presentation for March 14 was developed.
- Bi-weekly meeting with Town Staff.
- Meeting to discuss plan (required drawings, meetings, site plan, etc.) for next ARCOM meeting was held.
- Finalizing 30% design drawings.
- Review and revision to electrical plan.
- Additional data was provided by FPL. However, no depth data was provided. Relocation of the cable appears to still be required.

Week of March 11 – 15

- The Dock Manufacturer pre-qualification pre-bid meeting was held.
- A meeting was held with FPL.
- Final ARCOM drawings were developed with specific focus on ramps and fencing around the Peruvian building.
- Finalizing 30% design drawings.
- Review and revision to electrical plan.

Week of March 18 – 22

- A presentation was prepared and presented to Town Council (Regular Business) providing a project update.
- A presentation was prepared and presented to Town Council (Development Review) seeking a special exemption with site plan review.
- Review questions and comment submitted as part of the dock manufacturer pre-bid process. A response and an AutoCAD file (.dwg) were provided to Town Purchasing of the latest dock layout for provision to dock manufacturers.
- 30% design drawings were finalized (however not submitted as yet due to G Thomson travel).
- A response to the FDEP RAI was provided to Edgewater.
- A meeting with Edgewater, Rob Weber and Gordon Thomson discussed a path forward for the RAI and contaminant testing. A response to the PBC DERM comments was provided to Edgewater. A revised Ardaman report that included tabs and a cover letter to better clarify data within the report and the report findings.
- A landscape plan was developed.
- Review and revision to electrical plan.

Week of March 25 – 29

- Presentation to ARCOM of buildings and landscape plan.
- Held a pre-ARCOM meeting with Town PW and P&Z staff.
- Revised landscape plans and building details per ARCOM comments.
- Submitted 30% design plans and basis of design report.
- Revised surroundings of Peruvian building to better accommodate ADA and aesthetics.
- Revised bulkhead design based on revised rock strength analysis from Ardaman.
- Requested proposal for Tier II elutriate testing for arsenic.

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project

Steven N. Stern, Project Manager

a. Project Status Update.

Presenter

ATTACHMENTS:

- ▣ **Project Update**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Steven Stern, Underground Utilities Project Manager

Re: Utility Undergrounding Project Status Report

Date: March 28, 2019

I. Communications

Recent Events:

- Cup of Joe with Bo & Town Staff, Friday April 5, 2019.
Location: South Fire Station.
 - o Next Meeting: Friday May 3, 2019
- Coffee with the Crew & Town Staff, Monday April 1, 2019.
Location: Palmo Way – Near the Pump Station
 - o Next Meeting: Monday May 6, 2019

II. Progress Summary:

Construction progress:

Phase 1 North Construction:

- FPL subscriber conversions are 95% complete as of March 28.
- ATT & Comcast private side service wire pulls and equipment activation are in progress.
- Final pole removal, expected to start end of May 2019.

Phase 1 South Construction:

- The first FPL switching order was received March 15 and the feeder line is now active.
- Numerous additional switching orders are necessary with the schedule determined solely by FPL
- Subscriber conversions will follow an appx 30 day burn in period.
- ATT & Comcast private side service wire pulls and equipment activations are in progress.
- Final pole removal, expected to start July 2019. FPL advised conversions could be delayed by summer electric demand and bad weather.

Phase 2 North Construction:

- On schedule with horizontal directional drilling, compete on N Ocean Way and N Ocean Blvd. The side streets are now in progress.

Phase 3 North Construction:

- Pre-Construction Services in progress with Burkhardt Construction.

Phase 2-3 South Construction:

- Pre-Construction Services in progress.

Design & Easement Progress:

Phase 2:

- Phase 2 North Design is 99% complete
- Phase 2 South Design is 97% complete

Easement Status:

- Phase 2 North: 100% of easements approved
- Phase 2 South: 77% of easements approved

Phase 3:

- Phase 3 North Design is 73% complete
 - Phase 3 South Design is 56% complete
- Phase 3 design remains behind schedule due to delays in Comcast design delivery.

Easement Status:

- Phase 3 North: 20% of easements approved
 - Phase 3 South: 7% of easements approved
- Phase 3 easement acquisition is progressing slower than expected.

Phase 4:

- Phase 4 North Design is 28% complete
 - Phase 4 South Design is 25% complete
- Easement Status: Not Started

Phase 5:

- Phase 5 North Design is 3% complete
 - Phase 5 South Design is 3% complete
- Easement Status: Not Started

III. Phase 2 North – Chicane/ Street Choker – Status Summary:

- | | |
|-------------------|------------------------|
| 1. Esplanade Way: | Recorded |
| 2. Angler Ave: | Recorded |
| 3. Seagate Road: | Discussion in Progress |
| 4. Ocean Terrace: | Recorded (2 of 2) |
| 5. Reef Road: | Recorded (2 of 2) |
| 6. Dolphin Road: | Recorded |

IV. ATT Mobility Update

Staff will provide an update regarding discussions with this service provider to deploy small cell antennas at specific locations.



Underground Utility Project Monthly Progress Report April 2019

Table of Contents

Dashboard – Phase 1 & 2 Construction and Phase 2, 3, 4, 5 Design

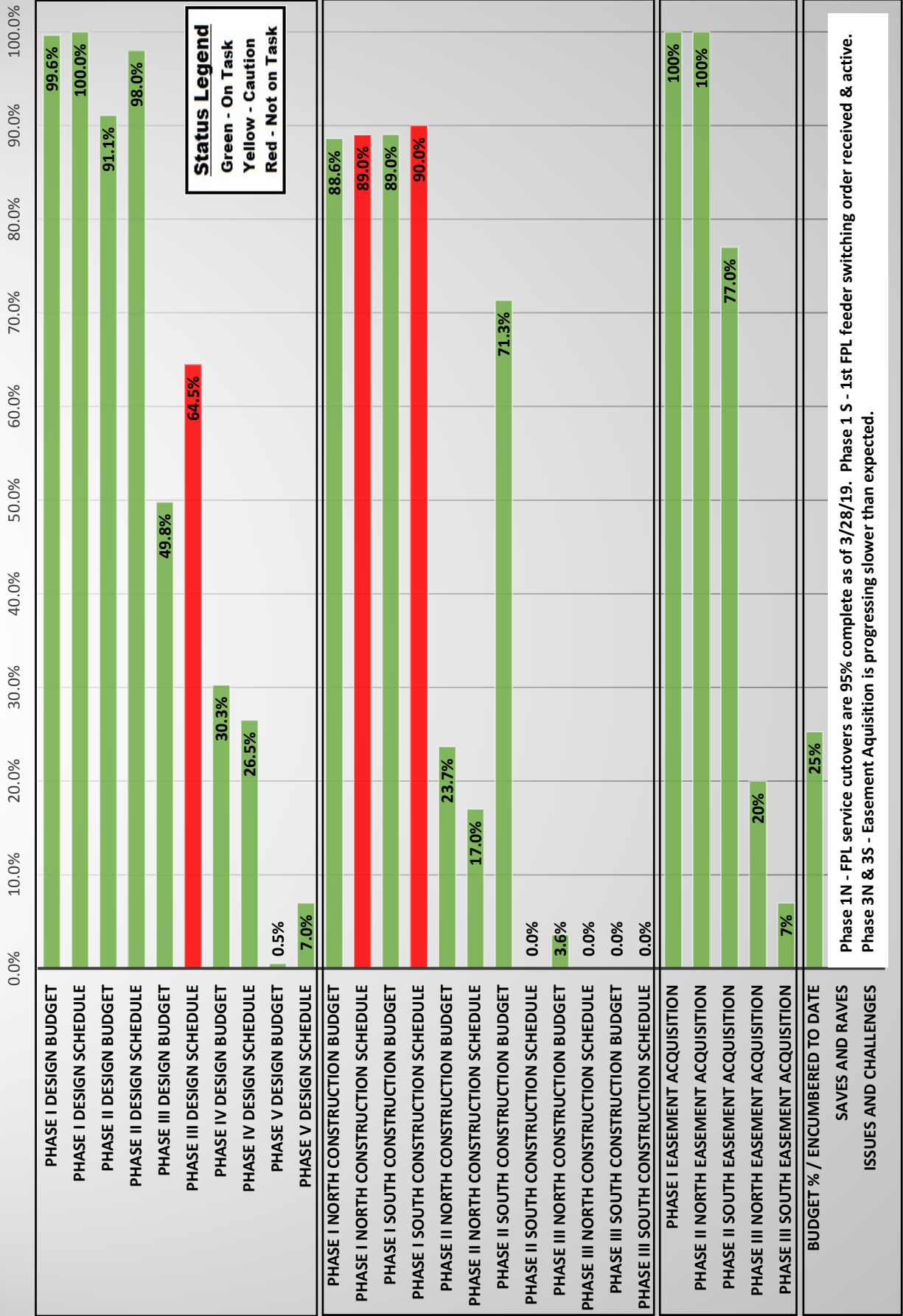
1. Kimley-Horn - Design Progress Reports - Phase 2 - 5
2. Kimley-Horn - Design Phase 2 - 5 Gantt Charts
3. Burkhardt - Executive Summary & Schedule – Phase 1N & 2N
4. Whiting Turner - Executive Summary & Schedule – Phase 1S
5. Project Financial Report
6. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$102 million.

Prepared by the TMO & Finance Departments
March 28, 2019

Town of Palm Beach - Underground Utility Project Dashboard - April '19





Town-Wide Undergrounding - Phase 2 Design

KHA Project #044063202

March 2019 Progress Report

Period: February 26, 2018 to March 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 2 North Design is 99% complete
 - Phase 2 South Design is 97% complete
- Budget: Project is on budget as of March 15, 2018
 - Phase 2 North Design is at 95% of total task budget
 - Phase 2 South Design at 92% of total task budget
- Easement Status
 - Phase 2 North: 100% of easements approved
 - Phase 2 South: 77% of easements approved

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design revisions and construction.
- Continued modification of construction plans based on easement acquisition process.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Coordination with the FDOT for the Phase 2 South Landscape MMOA
- Continued resident meetings for easement acquisition in Phase 2 North and Phase 2 South.
- Attendance at Progress Meeting with Town and Utility Owners
- Prepare and submit legal sketches and descriptions for approved easements.
- Attendance at CMAR Phase 2 Construction Kick-off Meeting

II. Upcoming Activities (March 26, 2018 – April 25, 2019)

A. Detailed Design Phase

- Continue resident meetings to discuss easements in Phase 2 South.
- Continued modification of construction plans based on easement acquisition process.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Progress Meeting Attendance



Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
March 2019 Progress Report
Period: February 26, 2018 to March 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 73% complete *
 - Phase 3 South Design is 56% complete *
 - Budget: Project is on budget as of March 15, 2019
 - Phase 3 North Design is at 53% of total task budget
 - Phase 3 South Design at 48% of total task budget
 - Easement Status
 - Phase 3 North: 20% of easements approved
 - Phase 3 South: 7% of easements approved
- * Phase 3 is currently behind schedule. Due to hurricane impacts drawing resources to the panhandle, Comcast was unable to meet the schedule for their design.

B. Detailed Design Phase

- o Continued Subconsultant/utility owner coordination related to Phase 3 Undergrounding.
- o Continued Progress on development of Equipment Location and Conduit Plan for Phase 3 South.
- o Review and comment on ATT and Comcast Preliminary Plans
- o Preliminary Landscaping Plan development.
- o Phase 3 Specification development.
- o Phase 3 North BCE markup and request to FPL.
- o Coordination with Waypoint regarding commercial service sizing.
- o Meeting with Comcast to coordinate Phase 3 Design
- o Meeting with ATT to coordinate the Phase 3 South Design
- o Meeting with CMAR to discuss Phase 3 South
- o Progress Meeting Attendance.
- o Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- o Site meetings to discuss easement requests in Phase 3 North and South.
- o Field Review with FPL regarding Golfview Alley
- o Conference Call with Town to discuss Private Streets
- o Coordination Meetings with Subconsultants

II. Upcoming Activities (March 26, 2019 – April 25, 2019)

A. Detailed Design Phase

- o Submittal of easement exhibits based on new equipment locations received from FPL – Phase 3 North and South
- o Continued Easement meetings with property owners – Phases 3 North and South
- o Coordination with CMAR for Phase 3 North pre-construction services
- o Continued coordination with FPL, AT&T and Comcast to complete the design
- o Progress Meeting Attendance



Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

March 2019 Progress Report

Period: February 26, 2018 to March 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 4 North Design is 28% complete
 - Phase 4 South Design is 25% complete
- Budget: Project is on budget as of March 15, 2019
 - Phase 4 North Design is at 25% of total task budget
 - Phase 4 South Design at 25% of total task budget
- Easement Status
 - Phase 4: N/A, will provide status when this work begins

B. Detailed Design Phase

- o Subconsultant coordination related to Phase 4 Undergrounding
- o Continued coordination with utility owners to receive record information.
- o Review of preliminary equipment location plans provided by FPL.
- o Field review of preliminary FPL equipment locations for feasibility.
- o Preliminary development of Equipment Location Plans for Phase 4 North and South.
- o Submittal of Phase 4 North plans to AT&T and Comcast to begin design
- o Meeting with City of West Palm Beach regarding desired watermain replacement work in Phase 4.
- o Progress on the development of easement exhibits for Phases 4 North and South.
- o Progress Meeting Attendance

II. Upcoming Activities (March 26, 2018 – April 25, 2018)

A. Detailed Design Phase

- o Continued development and submittal of easement exhibits for Phases 4 North and South.
- o Submittal of Preliminary Equipment Location Plans to Town
- o Submittal of Phase 4 South Equipment Plan to AT&T and Comcast to begin design
- o Progress Meeting attendance



Town-Wide Undergrounding - Phase 5 Undergrounding

KHA Project #044063229

March 2019 Progress Report

Period: February 26, 2019 to March 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below
 - Phase 5 North Design is 6% complete
 - Phase 5 South Design is 8% complete
- Budget: Project is on budget as of March 15, 2019
 - Phase 5 North Design is at 6% of total task budget
 - Phase 5 South Design is at 8% of total task budget
- Easement Status
 - Phase 5: N/A, will provide status when this work begins

B. Detailed Design Phase

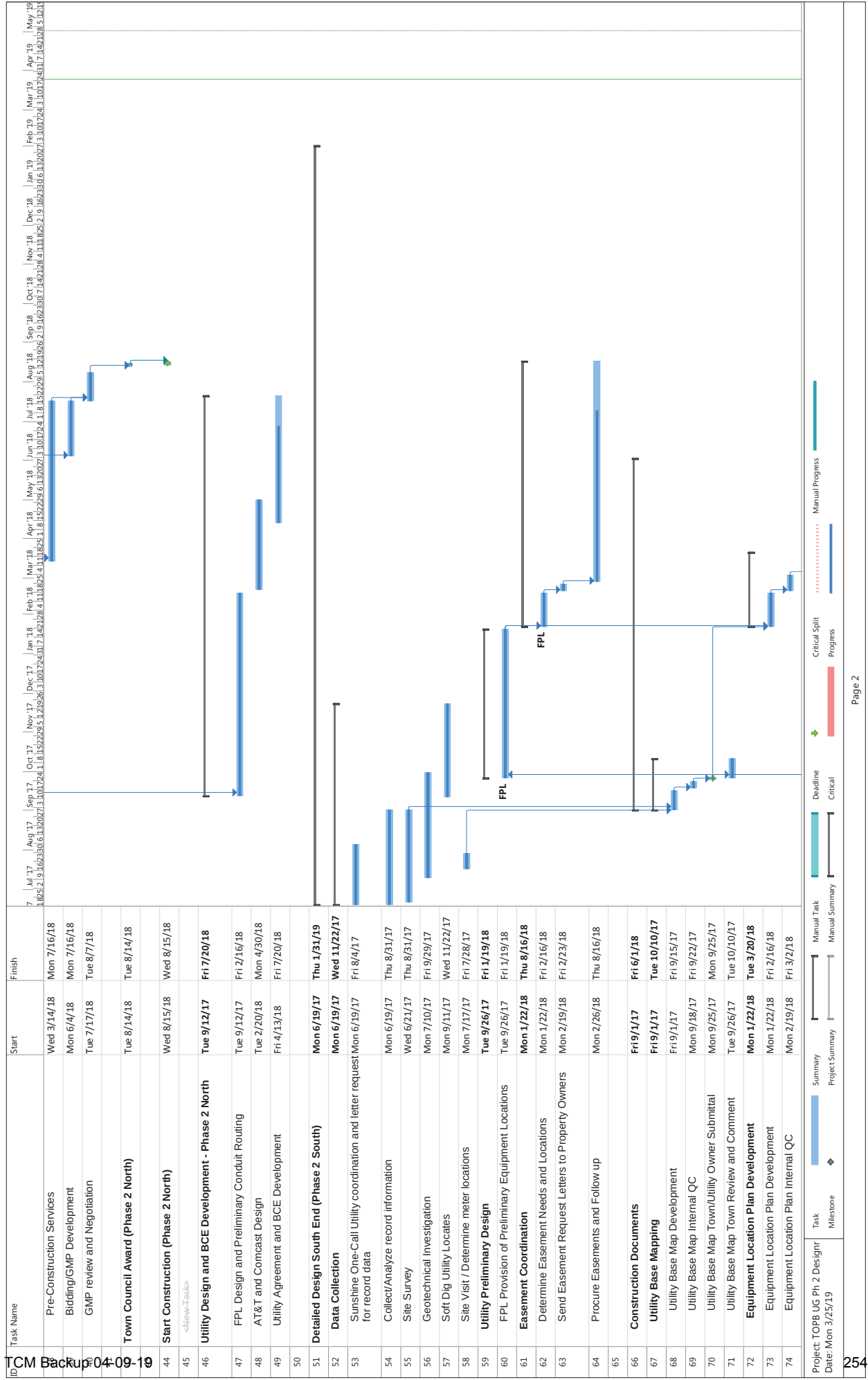
- o Began field meter reviews
- o Continued surveying
- o Continued utility coordination
- o Coordinated with sub-consultants and Town
- o Led coordination meetings with sub-consultants

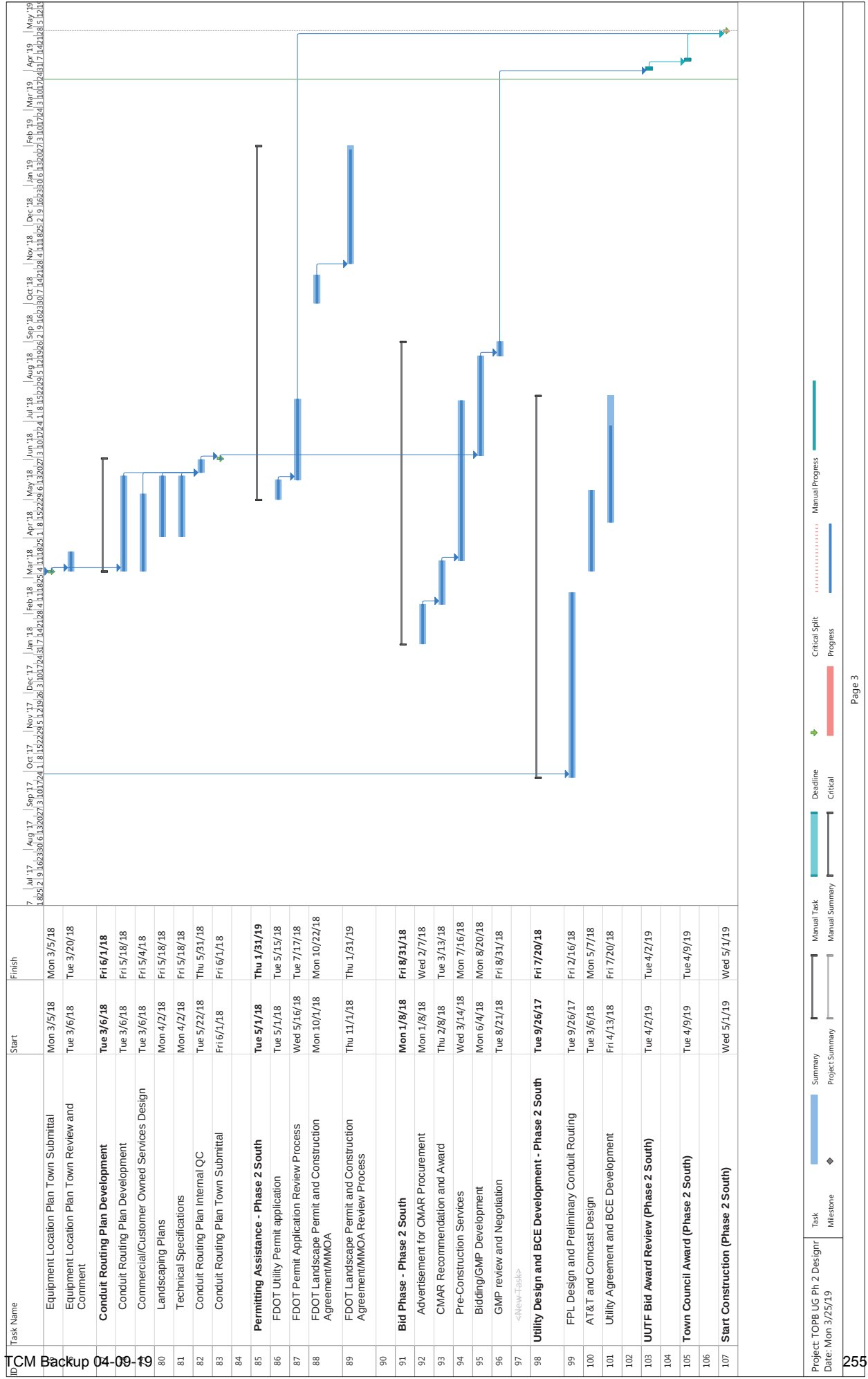
II. Upcoming Activities (March 26, 2019 – April 25, 2019)

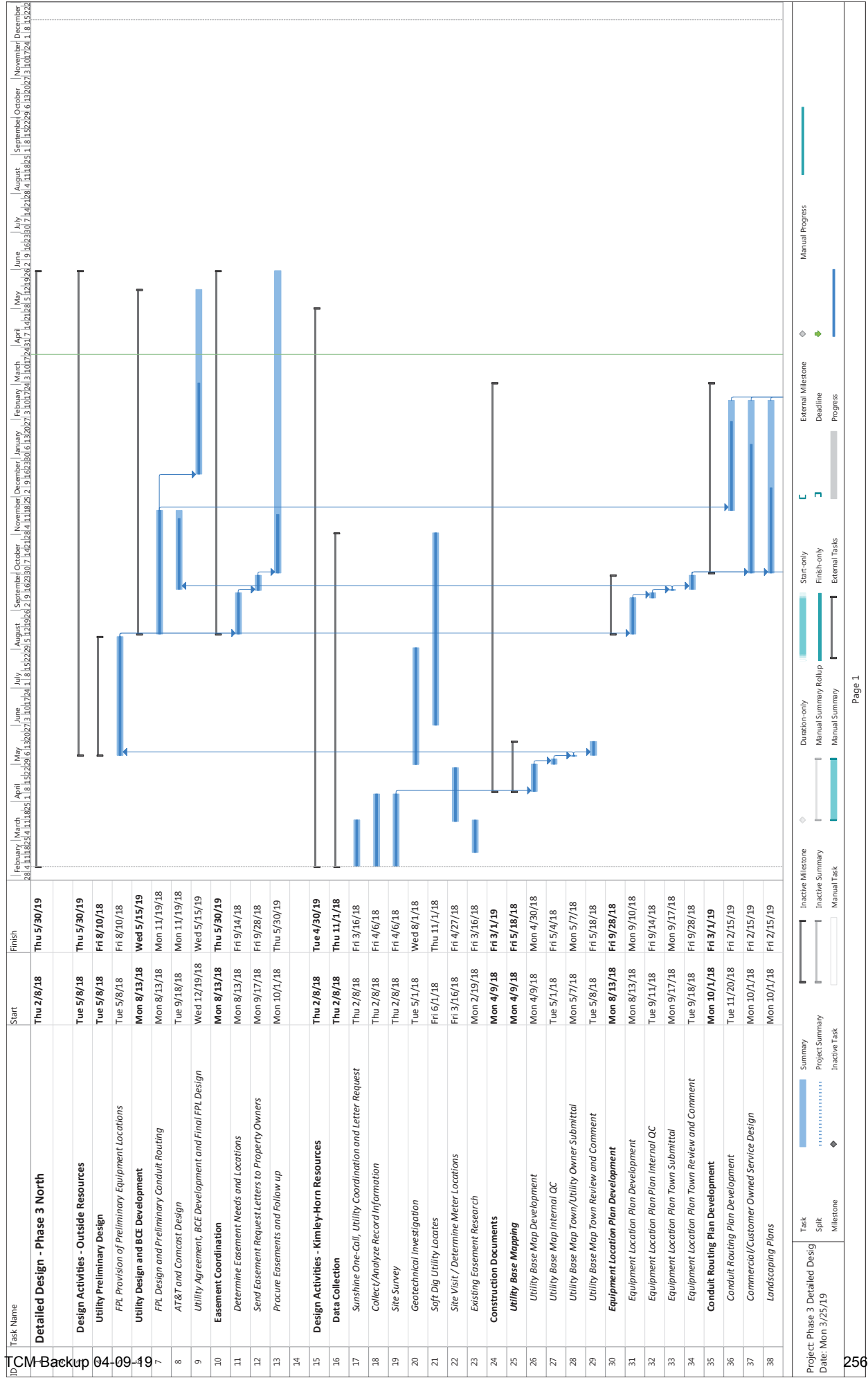
A. Detailed Design Phase

- o Begin existing easement research
- o Continue field meter reviews
- o Continue surveying
- o Coordinate with sub-consultants and Town
- o Lead coordination meetings with sub-consultants

Task Name		Start	Finish
Detailed Design North End (Phase 2 North)			
Data Collection		Mon 6/19/17	Wed 8/15/18
Sunshine One-Call Utility coordination and letter request for record data		Mon 6/19/17	Wed 11/22/17
Collect/Analyze record information		Fri 8/4/17	Fri 8/4/17
Site Survey		Mon 6/19/17	Fri 8/18/17
Geotechnical Investigation		Wed 6/21/17	Thu 8/17/17
6	Soft Dig Utility Locates	Mon 7/10/17	Fri 9/29/17
7	Site Visit / Determine meter locations	Mon 9/11/17	Wed 11/22/17
8	Utility Preliminary Design	Mon 7/17/17	Fri 7/28/17
9	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18
10	Easement Coordination	Tue 9/12/17	Fri 1/5/18
11	Determine Easement Needs and Locations	Mon 1/8/18	Wed 8/15/18
12	Send Easement Request Letters to Property Owners	Mon 1/8/18	Fri 2/2/18
13	Procure Easements and Follow up	Mon 2/5/18	Fri 2/9/18
14		Mon 2/12/18	Wed 8/15/18
15			
16	Construction Documents	Fri 8/18/17	Fri 6/1/18
17	Utility Base Mapping	Fri 8/18/17	Tue 9/26/17
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17
22	Equipment Location Plan Development	Mon 1/8/18	Tue 3/6/18
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18
27	Conduit Routing Plan Development	Tue 2/20/18	Fri 6/1/18
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
34			
35	Bid Phase - Phase 2 North	Mon 1/8/18	Tue 8/7/18
36	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
37	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
Project: TOPB UG Ph 2 Design Date: Mon 3/25/19		Summary Project Summary	Task Milestone
		Manual Task	Manual Progress
		Deadline	Critical Split
		Critical	Progress







ID	Task Name	Start	Finish	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December
82	Utility Base Map Town/Utility Owner Submittal	Tue 6/5/18	Tue 6/5/18	28	4	11	18	25	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21	28
83	Utility Base Map Town Review and Comment	Wed 6/6/18	Mon 6/18/18																							
84	Equipment Location Plan Development	Wed 9/26/18	Tue 11/13/18																							
85	Equipment Location Plan Development	Wed 9/26/18	Wed 10/24/18																							
86	Equipment Location Plan Internal QC	Thu 10/25/18	Tue 10/30/18																							
87	Equipment Location Plan Town Submittal	Wed 10/31/18	Wed 10/31/18																							
88	Equipment Location Plan Town Review and Comment	Thu 11/1/18	Tue 11/13/18																							
89	Conduit Routing Plan Development	Thu 11/1/18	Wed 5/1/19																							
90	Conduit Routing Plan Development	Wed 12/5/18	Mon 4/15/19																							
91	Commercial/Customer Owned Service Design	Thu 11/1/18	Mon 4/15/19																							
92	Landscaping Plans	Thu 11/29/18	Mon 4/15/19																							
93	Technical Specifications	Thu 11/29/18	Mon 4/15/19																							
94	Conduit Routing Plan Internal QC	Tue 4/16/19	Tue 4/30/19																							
95	Conduit Routing Plan Town Submittal	Wed 5/1/19	Wed 5/1/19																							
96	Permitting Activities - Phase 3 South	Mon 4/15/19	Tue 12/17/19																							
97	FDOT Utility permit Application	Mon 4/15/19	Wed 5/1/19																							
98	FDOT Utility permit Application Review Process	Thu 5/2/19	Tue 7/2/19																							
99	FDOT Landscaping Permit Application	Mon 6/3/19	Thu 6/13/19																							
100	FDOT Landscaping Permit Application Review and MMDA Execution Process	Fri 6/14/19	Tue 12/17/19																							
101	Bid Phase - Phase 3 South	Mon 9/3/18	Mon 7/1/19																							
102	CIMAR Procurement	Mon 9/3/18	Fri 1/18/19																							
103	CIMAR Recommendation and Award	Mon 1/21/19	Tue 2/12/19																							
104	Pre-Construction Services	Wed 2/13/19	Wed 5/1/19																							
105	Bidding/GMP Development	Thu 5/2/19	Mon 6/17/19																							
106	GMP Review/Negotiation	Tue 6/18/19	Mon 7/1/19																							
107	UUTF GMP Review (Phases 3 North and South)	Tue 7/2/19	Tue 7/2/19																							
108	Town Council GMP Review and Award (Phases 3 North and South)	Tue 7/9/19	Tue 7/9/19																							
109	Start Construction (Phases 3 North and South)	Wed 7/10/19	Wed 7/10/19																							

Task Name

Start

Finish

Detailed Design - Phase 4 North

Wed 5/9/18

Thu 4/30/20

Design Activities - Outside Resources

Tue 8/21/18

Thu 4/30/20

Utility Preliminary Design

Tue 8/21/18

Mon 1/14/19

FPL Provision of Preliminary Equipment Locations

Tue 8/21/18

Mon 1/14/19

Utility Design and BCE Development

Tue 12/25/18

Fri 11/22/19

FPL Design and Preliminary Conduit Routing

Tue 12/25/18

Tue 4/2/19

AT&T and Comcast Design

Wed 2/27/19

Tue 4/23/19

Utility Agreement, BCE Development and Final FPL Design

Fri 7/19/19

Fri 11/22/19

Easement Coordination

Tue 1/15/19

Thu 4/30/20

Determine Easement Needs and Locations

Tue 1/15/19

Fri 2/15/19

Send Easement Request Letters to Property Owners

Mon 2/18/19

Fri 3/1/19

Procure Easements and Follow up

Mon 3/4/19

Thu 4/30/20

Design Activities - Kimley-Horn Resources

Wed 5/9/18

Wed 4/1/20

Data Collection

Wed 5/9/18

Tue 10/1/19

Sunshine One-Call, Utility Coordination and Letter Request

Wed 5/9/18

Thu 6/14/18

Collect/Analyze Record Information

Wed 5/9/18

Fri 7/6/18

Site Survey

Wed 5/9/18

Fri 7/6/18

Geotechnical Investigation

Wed 5/9/18

Wed 8/1/18

Soft Dig Utility Locates

Wed 5/1/19

Tue 10/1/19

Site Visit / Determine Meter Locations

Mon 6/18/18

Mon 7/30/18

Existing Easement Research

Fri 6/1/18

Thu 6/21/18

Construction Documents

Mon 7/9/18

Mon 2/3/20

Utility Base Mapping

Mon 7/9/18

Fri 8/31/18

Utility Base Map Development

Mon 7/9/18

Fri 8/10/18

Utility Base Map Internal QC

Mon 8/13/18

Fri 8/17/18

Utility Base Map Town/Utility Owner Submittal

Mon 8/20/18

Mon 8/20/18

Utility Base Map Town Review and Comment

Tue 8/21/18

Fri 8/31/18

Equipment Location Plan Development

Tue 1/15/19

Mon 3/11/19

Equipment Location Plan Development

Tue 1/15/19

Tue 2/19/19

Equipment Location Plan Plan Internal QC

Wed 2/20/19

Mon 2/25/19

Equipment Location Plan Town Submittal

Tue 2/26/19

Tue 2/26/19

Equipment Location Plan Town Review and Comment

Wed 2/27/19

Mon 3/11/19

Conduit Routing Plan Development

Wed 4/24/19

Mon 2/3/20

Conduit Routing Plan Development

Wed 4/24/19

Mon 1/13/20

Commercial/Customer Owned Service Design

Fri 11/1/19

Fri 1/10/20

Landscaping Plans

Fri 11/1/19

Fri 1/10/20

Task

Project Summary

Manual Task

Start-only

Finish-only

External Tasks

External Milestone

Task

Split

Milestone

Summary

Inactive Task

Inactive Milestone

Inactive Summary

Duration-only

Manual Summary Rollup

Manual Summary

Deadline

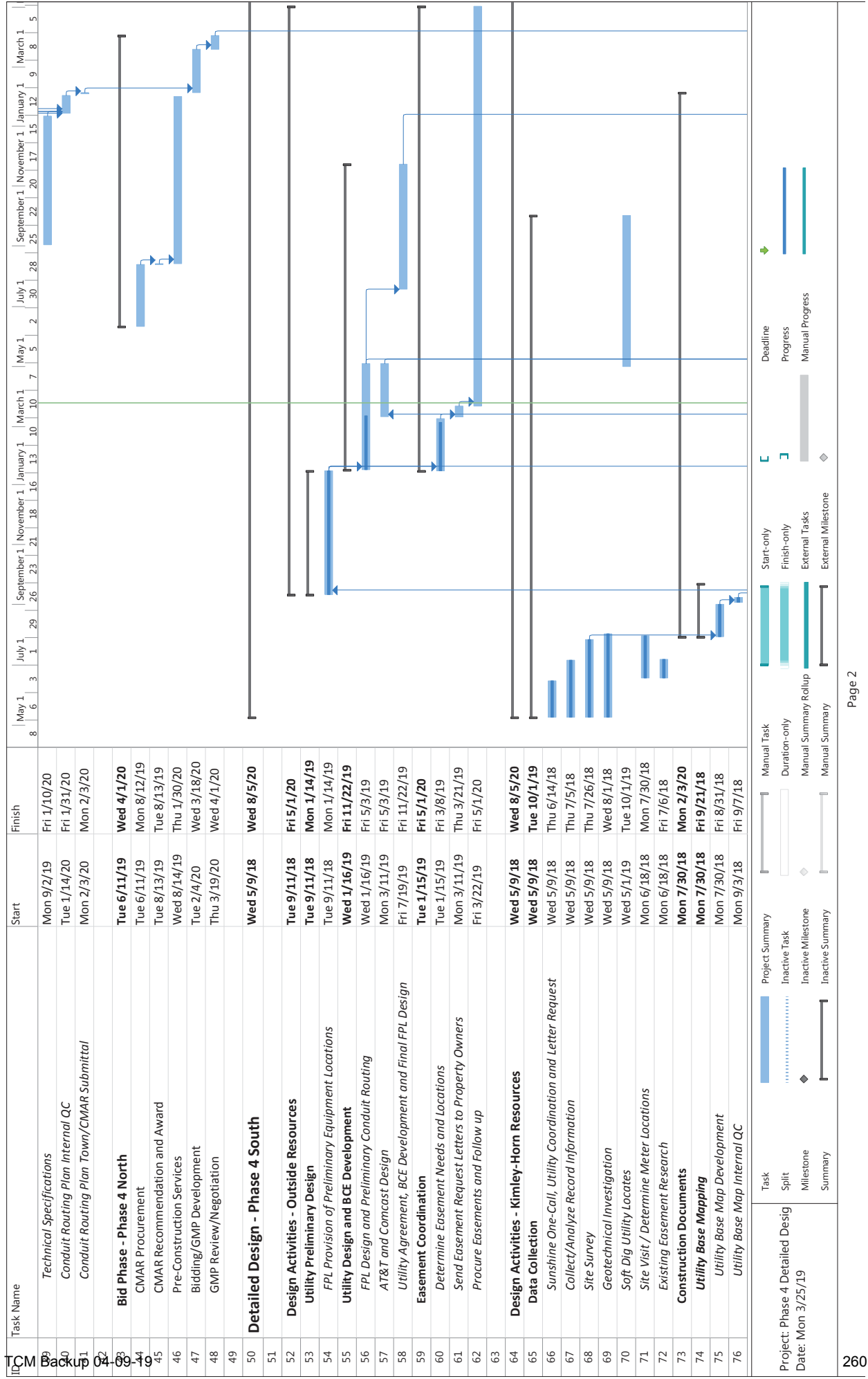
Progress

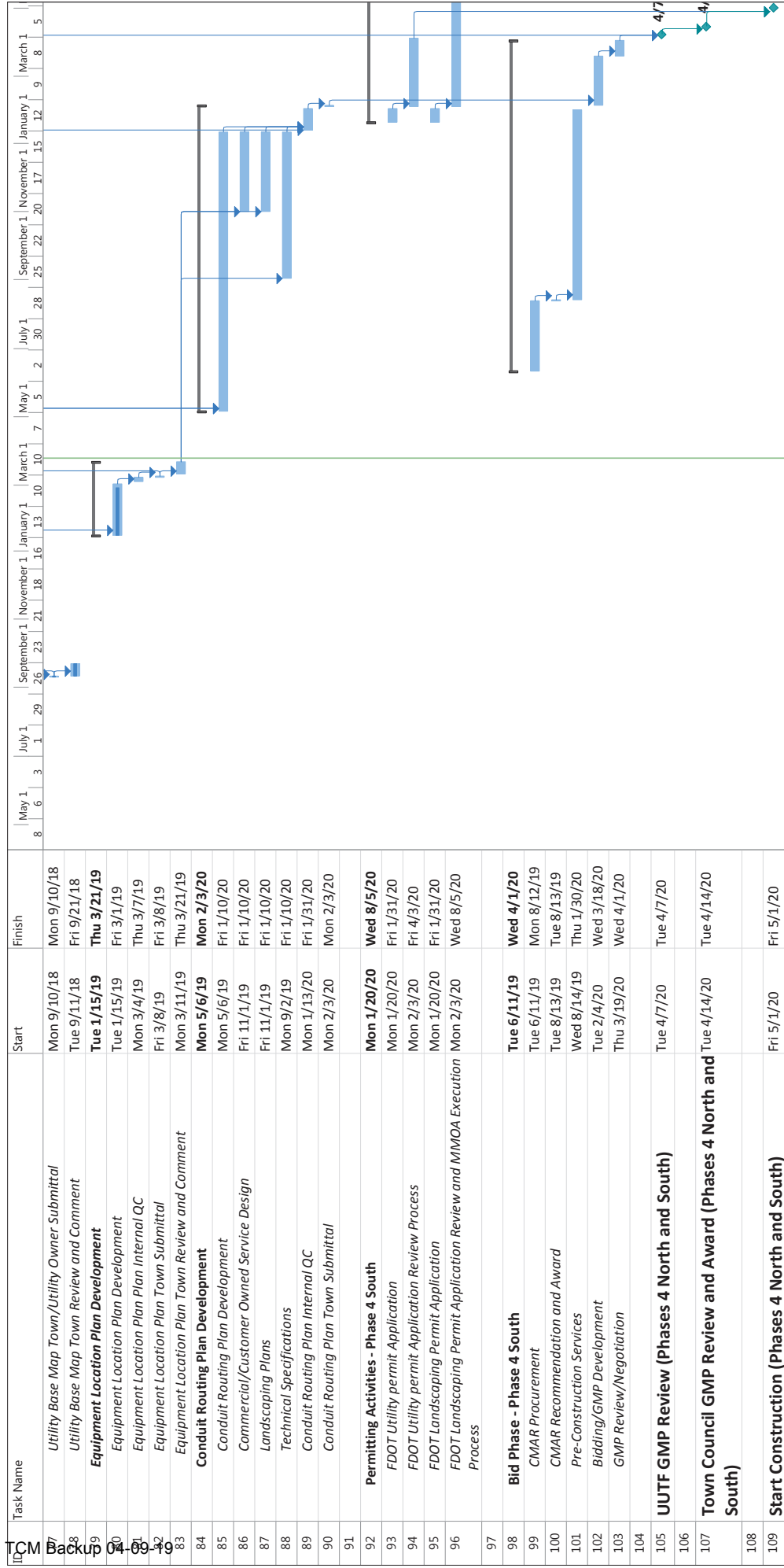
Manual Progress

Project: Phase 4 Detailed Design

Date: Mon 3/25/19

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Task Name		Start	Finish
83	Landscaping Plan	Fri 8/7/20	Fri 1/15/21
89	Technical Specifications	Fri 8/7/20	Fri 1/15/21
90	Conduit Routing Plan Internal QC	Wed 1/20/21	Tue 2/9/21
91	Conduit Routing Plan Town/CMAR Submittal	Wed 2/10/21	Wed 2/10/21
92			
93	Bid Phase - Phase 5 North	Mon 6/1/20	Tue 4/13/21
44	CMAR Procurement	Mon 6/1/20	Wed 9/30/20
45	CMAR Recommendation and Award	Tue 10/13/20	Tue 10/13/20
46	Preconstruction Services	Wed 10/14/20	Tue 4/13/21
47	Bidding/GMP Development	Thu 2/11/21	Wed 3/31/21
48	GMP Review/Negotiation	Thu 4/1/21	Fri 4/9/21
49			
50	Detailed Design - Phase 5 South	Thu 2/14/19	Thu 7/29/21
51			
52	Design Activities - Outside Resources	Mon 6/24/19	Fri 4/30/21
53	Utility Preliminary Design	Mon 6/24/19	Mon 9/30/19
54	FPL Provision of Preliminary Equipment Locations	Mon 6/24/19	Mon 9/30/19
55	Utility Design and BCE Development	Tue 10/1/19	Fri 4/16/21
56	FPL Design and Preliminary Conduit Routing	Tue 10/1/19	Tue 1/7/20
57	AT&T and Comcast Design	Wed 12/18/19	Tue 2/18/20
58	Utility Agreement, BCE Development and Final FPL Design	Fri 1/15/21	Fri 4/16/21
59	Easement Coordination	Tue 10/1/19	Fri 4/30/21
60	Determine Easement Needs and Locations	Tue 10/1/19	Fri 11/15/19
61	Send Easement Request Letters to Property Owners	Mon 11/18/19	Fri 11/29/19
62	Procure Easements and Follow Up	Mon 12/2/19	Fri 4/30/21
63			
64	Design Activities - Kimley-Horn Resources	Thu 2/14/19	Thu 7/29/21
65	Data Collection	Thu 2/14/19	Thu 7/23/20
66	Sunshine One-Call, Utility Coordination, and Letter Request	Thu 2/14/19	Wed 3/13/19
67	Collect/Analyze Record Information	Thu 2/14/19	Wed 4/10/19
68	Site Survey	Thu 2/14/19	Mon 5/6/19
69	Geotechnical Investigation	Wed 5/1/19	Tue 6/11/19
70	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20
71	Site Visit / Determine Meter Locations	Mon 3/11/19	Fri 3/29/19
72	Existing Easement Research	Mon 3/4/19	Fri 3/22/19
73	Construction Documents	Tue 5/7/19	Wed 2/10/21
74	Utility Base Mapping	Tue 5/7/19	Mon 7/1/19

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Task

Split

Milestone

Summary

Project: 2019_0226_Schedule
Date: Mon 3/25/19

Start-only

Finish-only

External Tasks

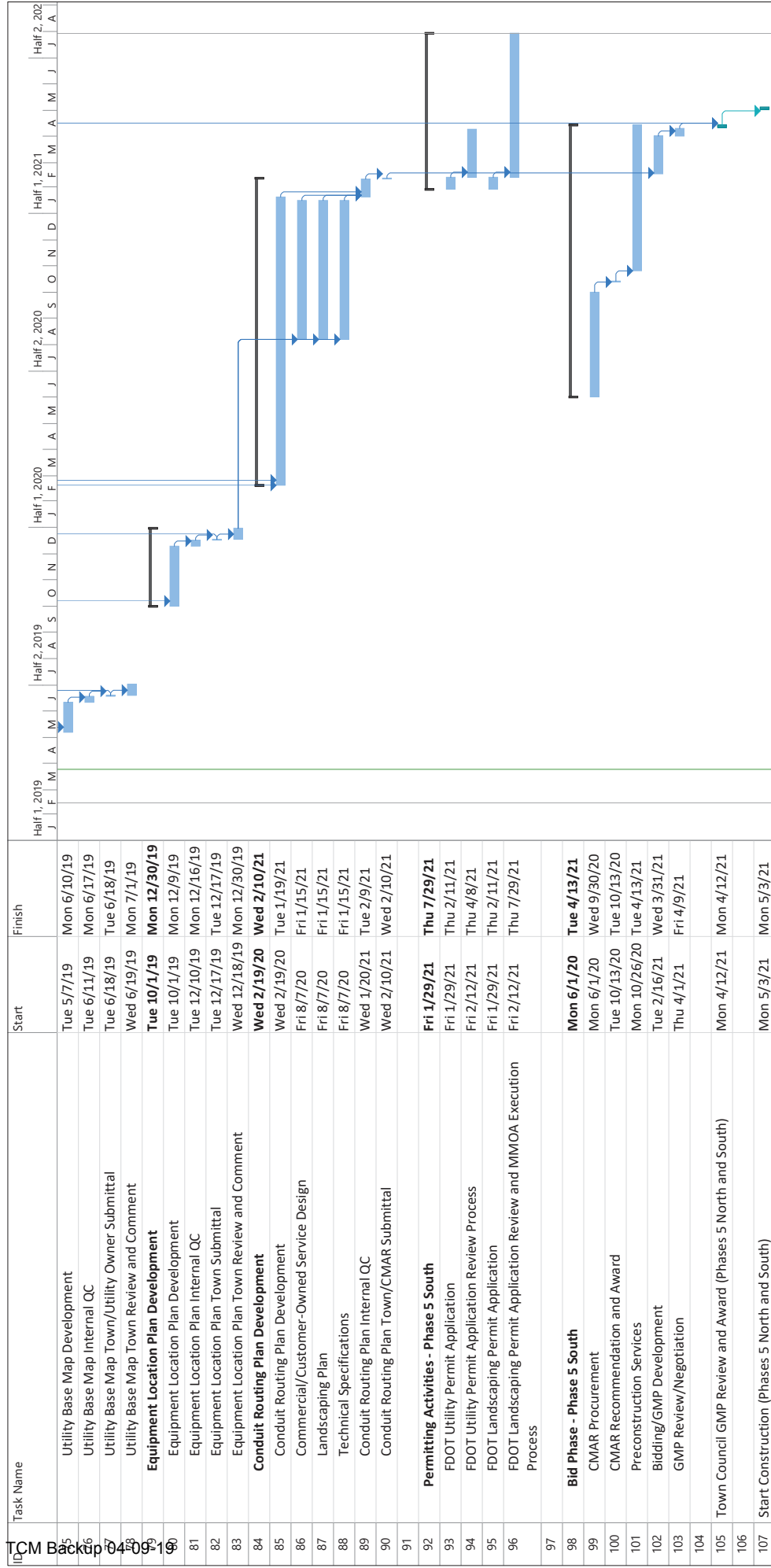
External Milestone

Deadline

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Task

Split

Milestone

Summary

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Inactive Task

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Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

Vincent G. Burkhardt
President



Executive Summary

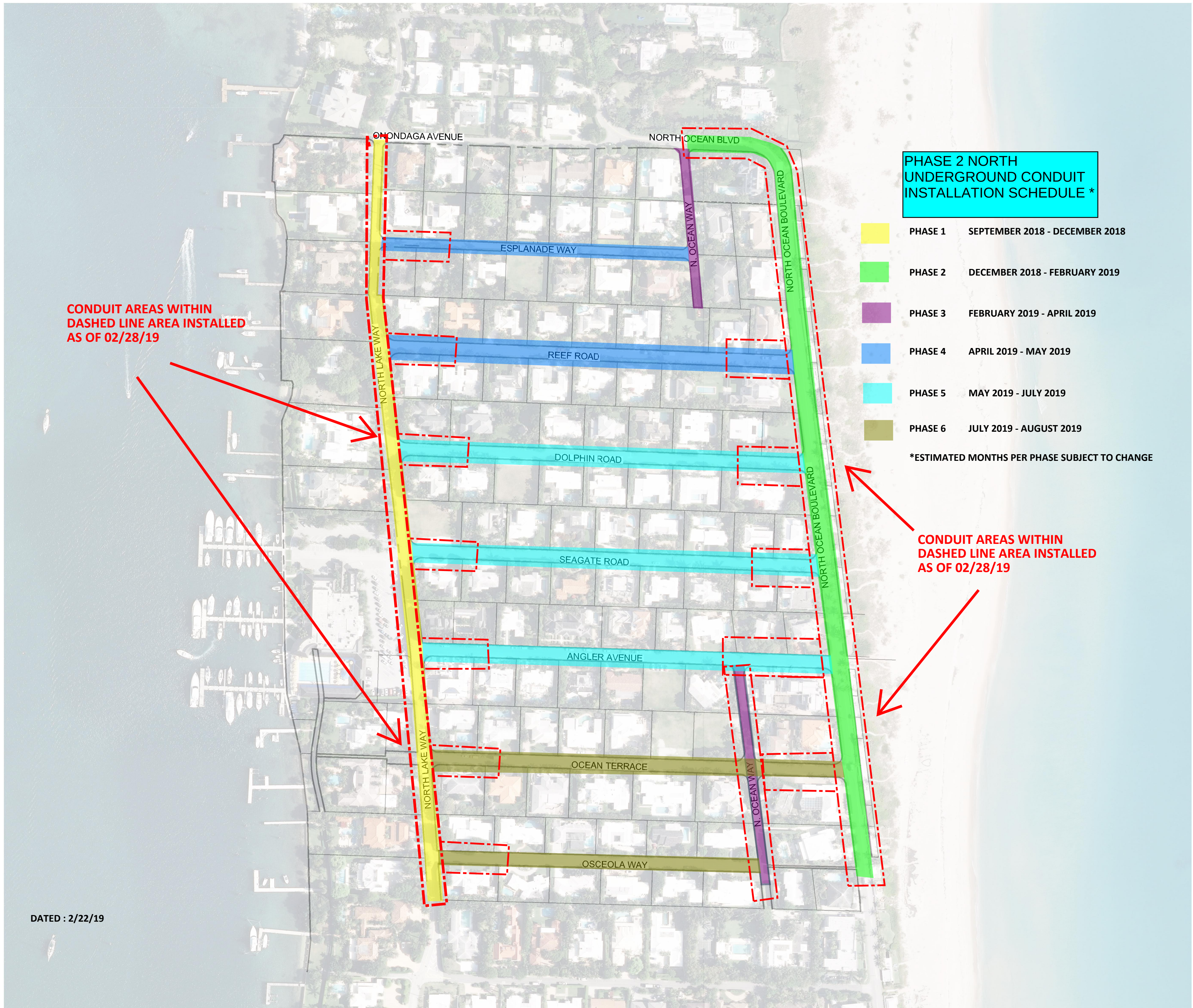
TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	Finish	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2018	2019	Jan	Feb
1	Phase I - NORTH	89%	420 days?	Mon 6/12/17	Fri 1/18/19												
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17	Wed 7/12/17												
3	Copy Of Executed Easements	100%	23 days	Mon 6/12/17	Wed 7/12/17												
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17												
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17												
6	Fully Executed Agreement With COMCAST / AT & T	100%	23 days	Mon 6/12/17	Wed 7/12/17												
7	Town Council Approval	100%	1 day	Tue 6/13/17	Tue 6/13/17												
8	Award Prime Contract	100%	13 days	Wed 6/14/17	Fri 6/30/17												
9	Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17												
10	Customer Owned Service Connection Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17												
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17	Fri 7/14/17												
12	Material Procurement	100%	11 days	Fri 6/30/17	Fri 7/14/17												
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	225 days	Mon 7/17/17	Fri 5/25/18												
14	Feeder Splice Box Installation	100%	15 days	Thu 10/12/17	Wed 11/1/17												
15	Set Transformers / Switch Cabinets (FPL)	100%	75 days	Sun 2/4/18	Thu 5/17/18												
16	Secondary Services / Wire	100%	138 days	Tue 2/20/18	Thu 8/30/18												
17	As-Built Submission / Review (FPL)	100%	47 days	Tue 2/20/18	Wed 4/25/18												
18	Pull Wire / Terminations Primary (FPL)	100%	81 days	Tue 2/20/18	Tue 6/12/18												
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	90%	133 days	Tue 2/27/18	Thu 8/30/18												
20	*Comcast Pull Wire, Set Pedestals	90%	133 days	Tue 2/27/18	Thu 8/30/18												
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18	Fri 11/2/18												
22	Energize Underground (FPL)	100%	30 days	Mon 9/17/18	Fri 10/26/18												
23	Secondary Service Switch Over (FPL)	98%	113 days	Mon 6/11/18	Wed 11/14/18												
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	10%	90 days	Mon 9/17/18	Fri 1/18/19												
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%															
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%															
27	Storm Drainage	100%	45 days	Mon 7/17/17	Fri 9/15/17												
28	Water Main	100%	79 days	Sun 10/15/17	Wed 1/31/18												



Executive Summary

For February 2019



PHASE 2 NORTH UNDERGROUND CONDUIT INSTALLATION SCHEDULE *

PHASE 1	SEPTEMBER 2018 - DECEMBER 2018
PHASE 2	DECEMBER 2018 - FEBRUARY 2019
PHASE 3	FEBRUARY 2019 - APRIL 2019
PHASE 4	APRIL 2019 - MAY 2019
PHASE 5	MAY 2019 - JULY 2019
PHASE 6	JULY 2019 - AUGUST 2019

*ESTIMATED MONTHS PER PHASE SUBJECT TO CHANGE

CONDUIT AREAS WITHIN
DASHED LINE AREA INSTALLED
AS OF 02/28/19

CONDUIT AREAS WITHIN
DASHED LINE AREA INSTALLED
AS OF 02/28/19

DATED : 2/22/19

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comple	Duration	Start	3rd QuarterJulAugSepOctNovDec1st QuarterJanFebMar2nd QuarterAprMayJunJulAugSepOctNovDec4th QuarterJanFebMar											
1	Phase 2 NORTH	17%	399 days	Tue 8/14/18												
2	Town Council Approval	100%	1 day	Tue 8/14/18												
3	Award Prime Contract	100%	13 days	Wed 8/15/18												
4	Permitting	100%	14 days	Wed 8/15/18												
5	Customer Owned Service Connection Permitting	80%	14 days	Wed 8/15/18												
6	Sub Contract Agreements	100%	14 days	Wed 8/15/18												
7	Material Procurement	98%	11 days	Mon 8/20/18												
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	80%	240 days	Mon 9/3/18												
9	Feeder Splice Box Installation	25%	140 days	Sun 12/30/18												
10	Set Transformers / Switch Cabinets (FPL)	25%	155 days	Sun 1/13/19												
11	Secondary Services / Wire	0%	235 days	Mon 11/5/18												
12	As-Built Submission / Review (FPL)	25%	220 days	Mon 2/11/19												
13	Pull Wire / Terminations Primary (FPL)	0%	145 days	Mon 2/18/19												
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19												
15	*Comcast Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19												
16	Cut over / Overhead Removal (ATT/Comcast)	0%	150 days	Mon 6/3/19												
17	Energize Underground (FPL)	0%	140 days	Mon 4/8/19												
18	Secondary Service Switch Over (FPL)	0%	180 days	Fri 4/19/19												
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	180 days	Mon 6/17/19												
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%														
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%														
22	Storm Drainage	0%	30 days	Mon 9/24/18												



SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- ◆ 0 lost time incidents to date
- ◆ 1 recordable incident to date

CONSTRUCTION

- ◆ S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are 100% completed with conduit, equipment, concrete vaults and pads, cable and terminations. Street Lighting conduit and boxes completed. FPL Punchlist related items completed. Currently waiting on switching orders from FPL.
- ◆ Phipps Ocean North Parking Lot Lighting conduit, handholes and pole installation completed. Currently waiting on switching orders from FPL to energize poles.
- ◆ Ibis Isle AT&T/Comcast conduit installation along with Concrete Curb/Asphalt Mill & Re-surface (drainage) and striping complete. Currently waiting on switching orders from FPL.
- ◆ Ibis Isle Watermain replacement completed.
- ◆ Restroom building is completed and open to the public.
- ◆ A-41 electrical/mechanical installations completed. Pump Station Start-up to take place this month.

DOCUMENTATION:

RFIs:

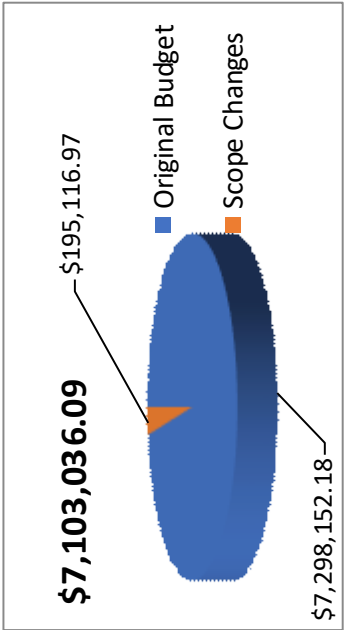
- A. 37 RFIs issued to date
- B. 0 Outstanding RFI
- SUBMITTALS:**
- A. 275+ Individual Submittals Processed
- B. 0 Submittal Package Currently Under Review
- C. 0 Submittal Packages Pending Submission to A/E

DRAWINGS: Added Scopes of Work

- A. Post GMP Phipps Ocean Park Restroom Building.
- B. Post GMP Phipps Ocean Park Lighting.
- C. Post GMP A-41 Wastewater Pump Station.
- D. Post GMP Ibis Bridge Watermain Crossing.

RELEVANT POTENTIAL CHANGES:

FINANCIALS—BUDGET VS. COSTS



Current GMP Amount	—	\$7,103,036.09
Approved Owner Initiated Scope Changes	—	\$195,116.97
Gross Billings to Date (\$)	—	\$6,207986.56
Gross Billings to Date (%)	—	87%
Schedule % Completed	—	90%



March 2019 MONTHLY REPORT

TOWN UNDERGROUNDING PHASE 1—SOUTH—Whiting-Turner Project Updates



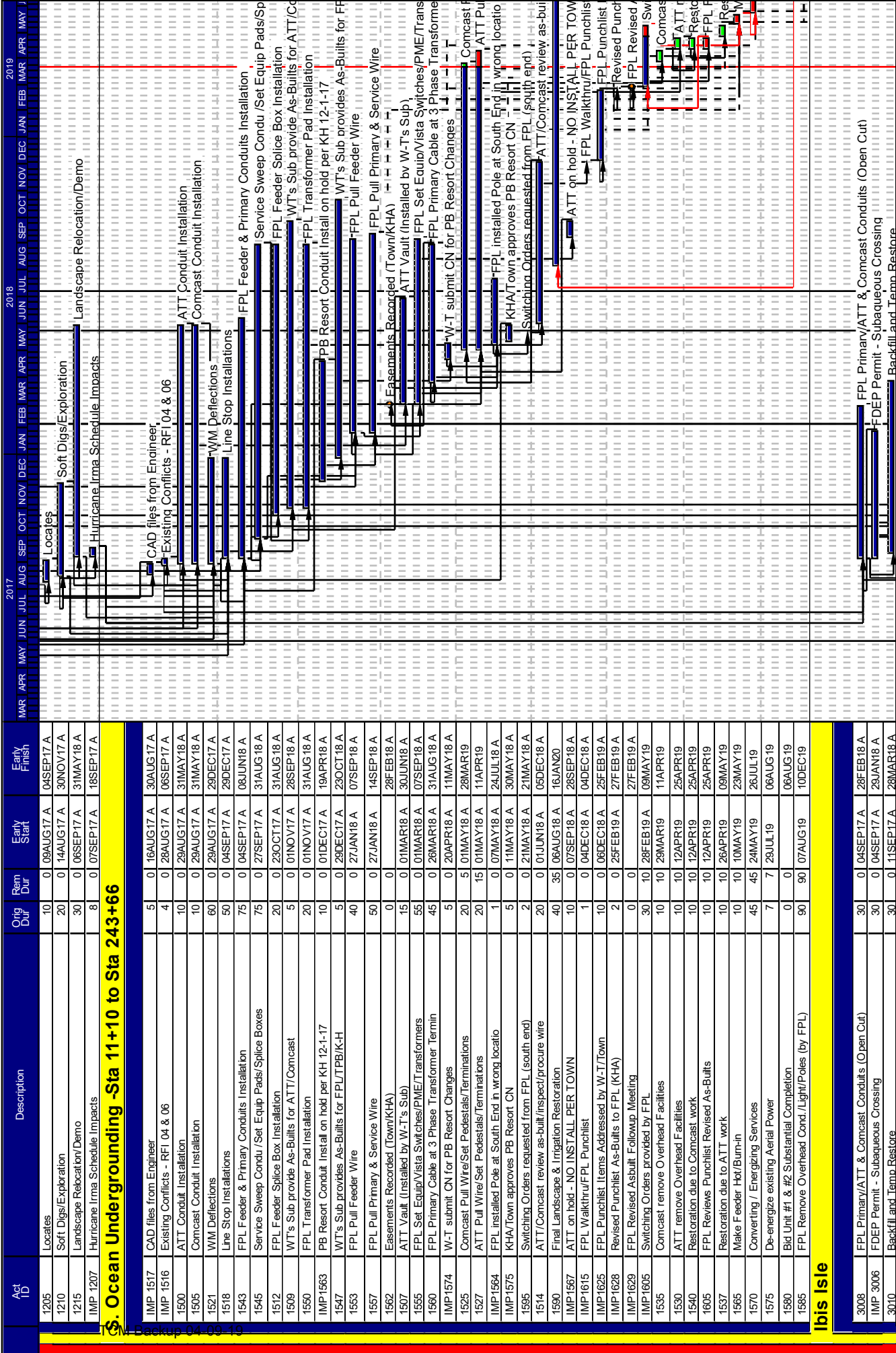
SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66					
1535	Comcast remove Overhead Facilities	10	10	13DEC18	03JAN19
1530	ATT remove Overhead Facilities	10	10	04JAN19	17JAN19
1540	Restoration due to Comcast work	10	10	04JAN19	17JAN19
1537	Restoration due to ATT work	10	10	18JAN19	31JAN19
1565	Make Feeder Hot/Burn-In	10	10	18JAN19	31JAN19
1570	Converting / Energizing Services	45	45	01FEB19	04APR19
A-41 Pump Station					
Preconstruction					
4535	Reinstall Pumps	15	0	22JAN19 A	25JAN19 A
4550	Electrical Final	15	10	14FEB19 A	16APR19
IMP4580	Remove Pump #3 due to leak in Cooling Jacket	1	0	14FEB19 A	14FEB19 A
IMP4590	CN re Pump#3 & Repair Time at Sanders	10	0	14FEB19 A	11MAR19 A
IMP4600	Reinstall Pump #3	1	0	01MAR19 A	01MAR19 A
4530	Mechanical Final	20	10	18MAR19 A	16APR19
4555	Start-up / Commissioning	10	10	17APR19	30APR19
4560	Dismantle Bypass & Temp Ventilation	10	10	26APR19	09MAY19
Street Lighting					
4020	FPL to Pull Wire/Terminations	15	0	03SEP18 A	01NOV18 A
IMP4140	Davco to complete Punchlist per Town/MPR	10	5	30NOV18 A	01MAR19
4050	Asphalt/Concrete Restoration	15	15	04MAR19	22MAR19
IMP4130	Primary to be Energized (Heat-up/Switching Order)	1	1	11MAR19	11MAR19
4040	FPL to Energize Light Poles	10	10	12MAR19	29MAR19
4060	Landscape & Irrigation Restoration	10	10	25MAR19	05APR19
4090	Bid Unit #4 Substantial Completion	0	0		05APR19

SCHEDULE NOTES / IMPACTS:

- Street Lighting conduit and handhole installations by Whiting-Turner 100% complete. FPL Street Lighting pole installation (by others) 100% complete. Currently waiting on switching orders from FPL for WT for proceed.
- Additional AT&T/Comcast Service Conduit by Whiting-Turner at Ibis Isle completed. AT&T direct installations pending and Comcast direct installation approx. 95% completed. Service swaps are still pending from both AT&T and Comcast.
- A-41 Pump Station will be fully operational following start-up scheduled for this month.

[illegible]



Start date

13MAR17

Finish date

20JAN20

Data date

22MAR19

Run date

19MAR19

Page number

2A

The Whiting-Turner Contracting Co.

Town Wide Underground Ph1 - South

CONSTRUCTION SCHEDULE

Early bar

Progress bar

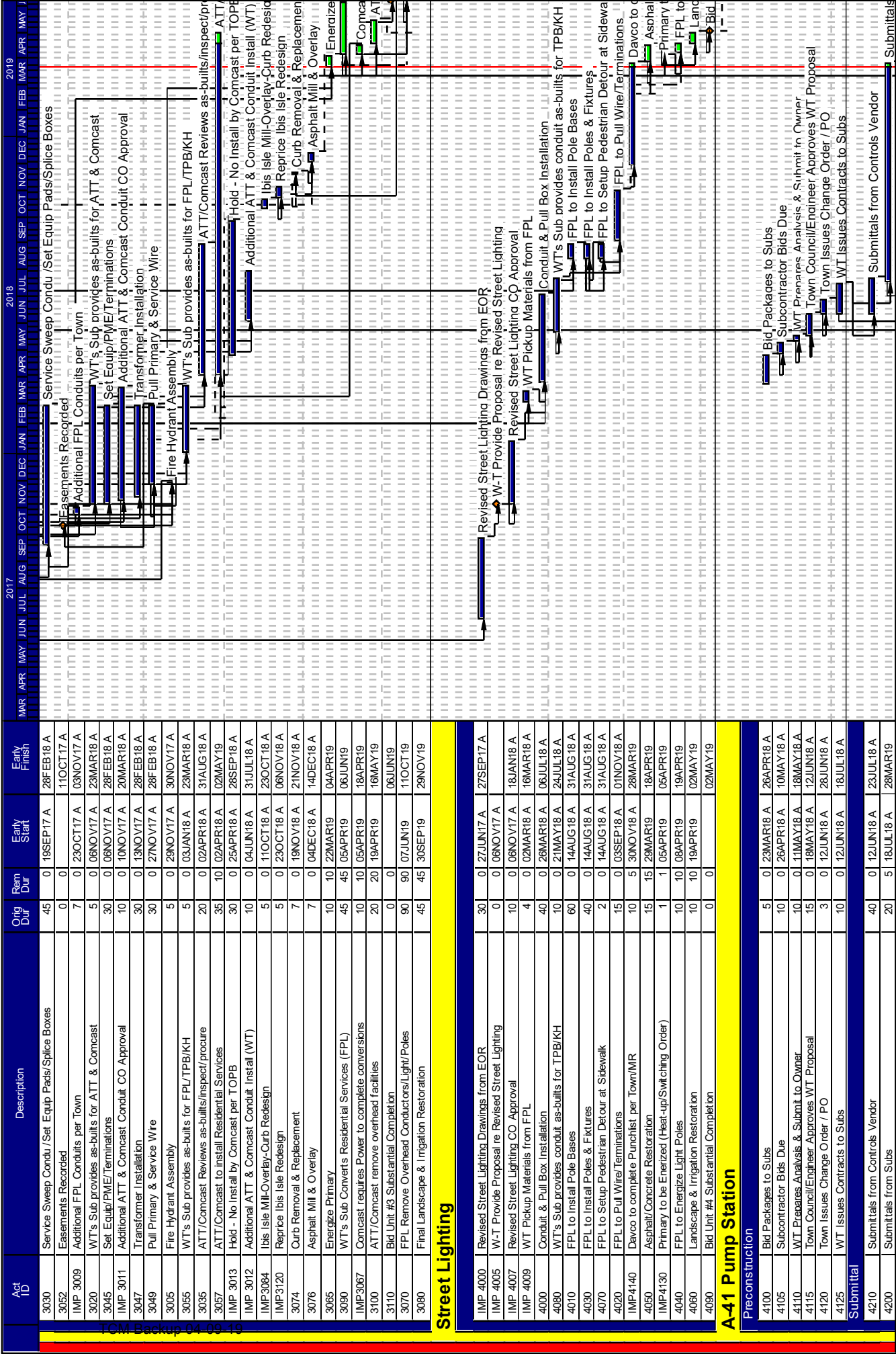
Critical bar

Summary bar

Start milestone point

Finish milestone point

© Primavera Systems, Inc.



Early bar

Progress bar

Critical bar

Summary bar

Start milestone point

Finish milestone point

13MAR17

20JAN20

22MAR19

19MAR19

3A

Primavera Systems, Inc.

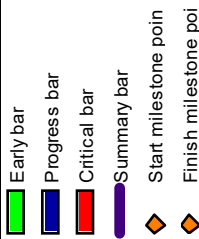
The Whiting-Turner Contracting Co.

Town Wide Undergrounding Ph1 - South

CONSTRUCTION SCHEDULE

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish	2017												2018												2019																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE



Underground Utility Project Budget
Project Financial Summary
February 28, 2019

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 11,413,515	90.3%
Phase 2	\$ 9,170,000	\$ 9,710,000	\$ 5,401,525	\$ 1,967,630	36.4%
Phase 3	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 882,995	72.3%
Phase 4	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 273,367	20.9%
Phase 5	\$ 14,090,000	\$ 14,850,000	\$ 1,529,447	\$ 6,649	0.4%
Phase 6	\$ 16,820,000	\$ 17,690,000	\$ -	\$ -	
Phase 7	\$ 11,730,000	\$ 12,220,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 12,890,000	\$ -	\$ -	
Other	\$ 570,000	\$ 3,680,414	\$ 3,680,414	\$ 2,434,002	66.1%
Total Project Costs To Date*	\$ 98,580,000	\$ 106,210,414	\$ 25,781,563	\$ 16,978,158	65.9%
* Updated OPC includes estimated AT&T credit					
Total Other Costs Outside Underground Budget			\$ 929,169	\$ 1,568,006	168.8%
Total Underground Project Costs			\$ 26,710,732	\$ 18,546,164	69.4%
Opinion of Cost - Master Plan			98,600,000		
AT&T and Comcast Additional Project Costs			6,700,000		
AT&T Credit - TBD					
FPL Credit			(3,300,000)		
Total Project Budget			\$ 102,000,000		
% Budgeted/Encumbered To Date Project Costs			25.28%		
% Spent to Date - Project Costs			16.65%		

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments		\$ 11,591,500	0.0%
Assessment Revenue	\$ 9,380,000	\$ 8,075,120	86.1%
Commercial Paper	\$ -	Paid off w/GO bond	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 340,970	
Interest	\$ 12,000	\$ 776,709	6472.6%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 2,500,000	\$ 1,166,667	46.7%
FPL		\$ 418,436	
Other			
Kevin McGann - CO #9		\$ 34,900	
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 265,000	\$ 175,000	
Total Project Revenues	\$ 76,263,741	\$ 86,685,940	113.7%

Underground Utility Project Budget
Phase 1 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Legal Sketch and Description - Easements			34,000	29,215	85.9%
Subtotal Design Phase	\$ 1,330,000	\$ 1,400,000	\$ 1,310,829	\$ 1,306,028	99.6%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,169,654	88.1%
Street Light Conversion			\$ 26,273	28,753	109.4%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	416,138	87.3%
Construction Engineering (KH)			\$ 230,532	176,957	76.8%
	\$ 4,210,000	\$ 4,390,000	\$ 4,738,241	\$ 4,198,018	88.6%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	3,876,929	87.1%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders - Additional soil borings at Ibis Isle			\$ 2,200	2,200	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,289,694	93.9%
Construction Engineering (KH)			\$ 283,880	252,899	89.1%
	\$ 6,800,000	\$ 6,830,000	\$ 6,291,610	\$ 5,602,082	89.0%
Easement Recording Fees			\$ 347	\$ 665	
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 280,000	\$ 301,359	\$ 306,723	101.8%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 11,413,515	90.3%

Underground Utility Project Budget
Phase 2 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000	360,000	\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000	420,000	\$ 335,353	\$ 318,585	95.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 11,407	90.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 32,842	81.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 90,357	66.1%
Total Phase 2 Design	\$ 735,000	\$ 780,000	\$ 806,513	\$ 734,494	91.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	831,500	20.7%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000		0.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, AT&T)				\$ 64,472	
Street Light Conversion			\$ 19,186	\$ 19,186	
Construction Engineering (KH)			\$ 248,121	\$ 73,919	29.8%
Total Phase 2 North Construction	3,800,000	4,000,000	\$ 4,334,931	\$ 1,026,979	0.0%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	-	
Whiting Turner Construction					
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000		
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				\$ -	
Street Light Conversion				\$ 19,268	
Construction Engineering (KH)					
Total Phase 2 South Construction	4,435,000	4,730,000	\$ 53,330	\$ 38,050	71.3%
Easement Acquisition	200,000	200,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,192	98.9%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 74,110	95.7%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 13,818	98.6%
Task 1.7 Legal Sketch South			\$ 16,725	\$ 12,339	73.8%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 265	1.1%
American Acquisition Group			\$ -		
Temp Services			\$ 5,000		0.0%
Recording Costs			\$ 3,605	\$ 2,283	63.3%
Total Easement Acquisition Costs	200,000	200,000	\$ 206,752	\$ 168,107	81.3%
Total Phase 2 Costs	\$9,170,000	\$9,710,000	\$ 5,401,525	\$ 1,967,630	36.4%

Underground Utility Project Budget
Phase 3 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000	\$ 350,000	\$ 288,851	\$ 168,113	58.2%
Task 1.2 Phase 3 South Design	\$ 535,000	\$ 580,000	\$ 503,260	\$ 267,477	53.1%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834		0.0%
Task 1.5 Meetings			\$ 101,652	\$ 9,722	9.6%
Deductive Change Order (Scope Change)			\$ (49,840)		0.0%
Total Phase 3 Design	\$ 860,000	\$ 930,000	\$ 894,496	\$ 445,313	49.8%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,850		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Daniella Construction - Nightingale/LaPuerta - Townwide portion				\$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion				\$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion				\$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion				\$ 30,555	
Total Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000	\$ 12,850	\$ 357,810	0.0%
Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 11,359		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000	\$ 11,359	\$ -	0.0%
Easement Acquisition	\$ 260,000	\$ 260,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 235,953	\$ 79,795	33.8%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal			\$ 25,000		
American Acquisition Group					
Temp Services			\$ 5,000		
Recording Costs				\$ 77	
Total Easement Acquisition Costs	\$ 260,000	\$ 260,000	\$ 303,389	\$ 79,872	26.3%
Total Phase 3 Costs	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 882,995	72.3%

Underground Utility Project Budget
Phase 4 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000	\$ 435,000	\$ 312,317	\$ 109,311	35.0%
Task 1.2 Phase 4 South Design	\$ 413,000	\$ 435,000	\$ 451,284	\$ 157,949	35.0%
Task 1.3 Permitting Assistance			\$ 14,468	\$ -	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	\$ -	0.0%
Task 1.6 Meetings			\$ 77,911	\$ 3,142	4.0%
Total Phase 4 Design	\$ 815,000	\$ 870,000	\$ 893,879	\$ 270,402	30.3%
Construction Costs					
Phase 4 North Construction	4,605,000	4,820,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 4,820,000	\$ 12,757	\$ -	0.0%
Phase 4 South Construction	4,710,000	4,980,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 4,980,000	\$ 13,160	\$ -	0.0%
Easement Acquisition	\$ 240,000	\$ 240,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	\$ 2,965	1.1%
Easement Assistance (KH) -- Switches			\$ 62,780		
<i>Surveys</i>					
Legal Sketch			\$ 38,230		
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ -	
Total Easement Acquisition Costs	\$ 240,000	\$ 240,000	\$ 386,247	\$ 2,965	0.8%
Total Phase 4 Costs	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 273,367	20.9%

Underground Utility Project Budget
Phase 5 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000	\$ 560,000	\$ 454,210		0.0%
Task 1.2 Phase 5 South Design	\$ 600,000	\$ 640,000	\$ 606,951	\$ 6,070	0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			\$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 77,911	\$ 252	0.0%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,200,000	\$ 1,194,071	\$ 6,322	0.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000	\$ -	\$ -	0.0%
Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000	\$ -	\$ -	0.0%
Easement Acquisition	\$ 330,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600		
Easement Assistance			\$ 75,696	\$ 250	
Surveys					
Legal Sketch			\$ 41,080		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 77	
Total Easement Acquisition Costs	\$ 330,000	\$ 330,000	\$ 335,376	\$ 327	0.1%
Total Phase 5 Costs	\$14,090,000	\$14,850,000	\$ 1,529,447	\$ 6,649	0.4%

Underground Utility Project Budget
Other Project Costs
February 28, 2019

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 201,608	71.4%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Commercial Paper Issuance Cost		\$ 200,675	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs		\$ 483,618	
GO Bond Debt Service	\$ 2,700,000	\$ 542,856	
Total Other Project Costs	\$ 3,680,414	\$ 2,434,002	66.1%

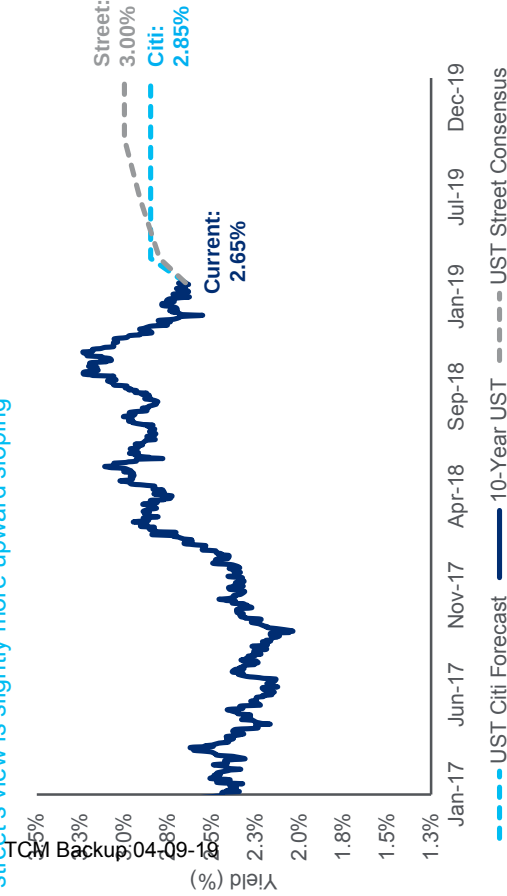
Related Costs Outside of the Underground Project Budget

	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	\$ 295,731	84.2%
Project Construction Engineering	\$ 11,607	\$ 10,562	91.0%
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	\$ 461,168	87.7%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 430,433	
PBT Real Estate v TPB		\$ 124,403	
Gardner, Bist Bowden, Bush (Shel Wright)		\$ 24,529	
Project Manager -Pay and benefits	\$ 265,000	\$ 222,245	83.9%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 929,169	\$ 1,568,006	168.8%

U.S. Rate Forecasts

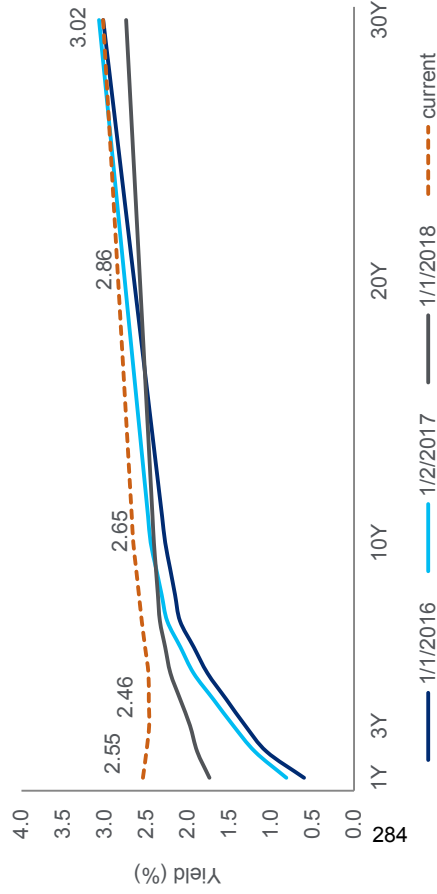
10-Year Treasury Yield Forecast

Citi forecasts a relatively flat interest rate environment through 2019, while the street's view is slightly more upward sloping



US Treasury Yield Curve

The US Treasury curve bull steepened over the past week

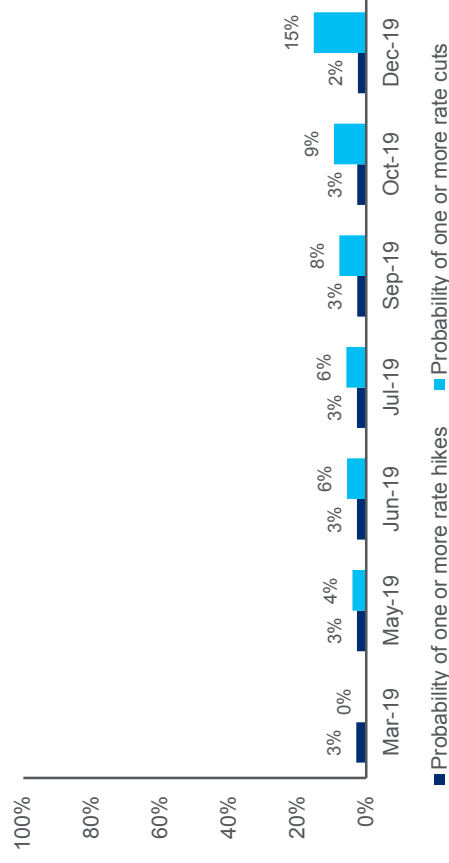


Rate Forecasts

5-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.47%	2.70%	2.70%	2.70%	2.70%	2.70%	2.70%
10-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.65%	2.85%	2.85%	2.85%	2.85%	2.85%	2.85%
Economists' Consensus		2.80%	2.91%	3.00%	3.00%	3.00%	3.05%
30-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	3.02%	3.05%	3.05%	3.05%	3.05%	3.05%	3.05%
Economists' Consensus		3.10%	3.17%	3.25%	3.30%	3.34%	3.36%
Fed Funds	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.50%	2.50%	2.75%	3.00%	3.00%	3.00%	3.00%
Economists' Consensus		2.50%	2.75%	2.75%	2.75%	2.75%	2.75%

Expectations of Next Fed Increase in Rates

After the December 2018 rate hike and subsequent stock market sell-off, the market is pricing lower implied probabilities of further rate hikes in 2019





ATT's Proposed Coverage/Service Improvements for the Town of Palm Beach

March 29, 2019

Timeline

July 2018

ATT vacated their wireless tower atop a Port of Palm Beach building prior to a replacement tower being erected. ATT operated from a low height mast on a Cell on Wheels (COW) at the Port which impacted coverage levels in the north end of Town.

September 2018

Town staff tasked to advocate for improved wireless service.
Meetings were held with ATT & Verizon.

December 2018

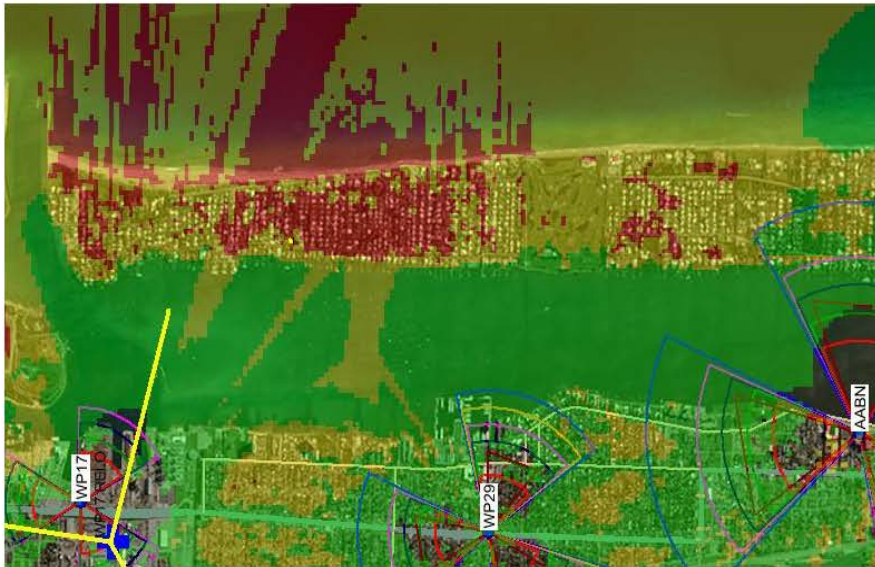
Verizon services were determined satisfactory.
ATT redeployed radios from the temporary Cell on Wheels (COW) at the Port of Palm Beach to a new permanent cell tower at the Port. The new tower's antennas and height restored as much coverage in the north end of Town as possible (per ATT) from the macro site at the Port of Palm Beach.

February 2019

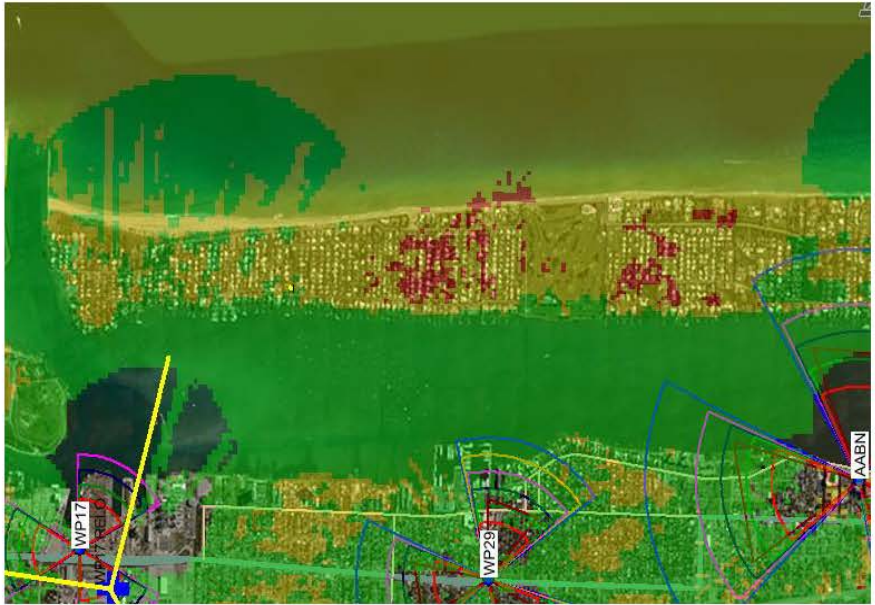
ATT activated a temporary COW in the Town's Palmo Way park area to further improve mobility services in the north end of Town. Lease expires June 2019.

March 2019

ATT proposes a permanent solution for Palmo Way and 10 other locations throughout the Town to improve the service levels.



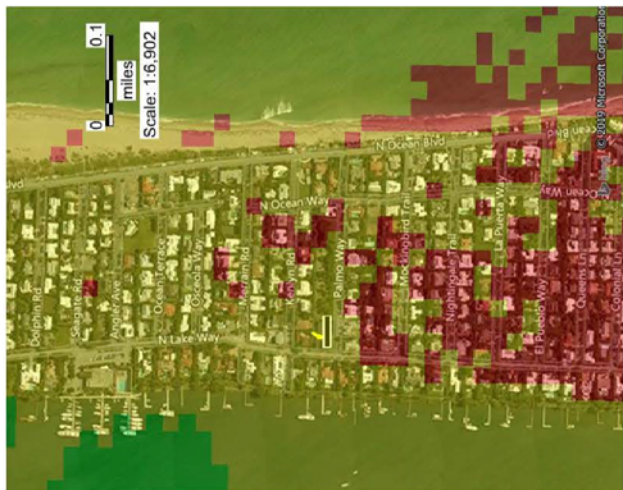
Before 12-1-2018



After 12-1-2018

Predicted coverage aligned to IQI (phones reporting) data, Green = strong signal, Yellow = marginal signal, and Red = poor signal.

This image shows the difference of AT&T Mobility service level in the north end of Town before and after Dec 1, 2018. According to ATT, coverage levels in the north end of Town are what they were before the forced relocation at the Port of Palm Beach. Subscriber services on the Island from July 2018 to Dec 1 were attenuated due to the distance from the serving site (Port of Palm Beach), thickness of the foliage and density of home construction on the Island. Diagram represents outdoor coverage.



Before COW at pump station on Palmo Way

The indoor coverage/service color code is; Green = strong coverage/service, Yellow = light coverage/service, and Red = low coverage/service.

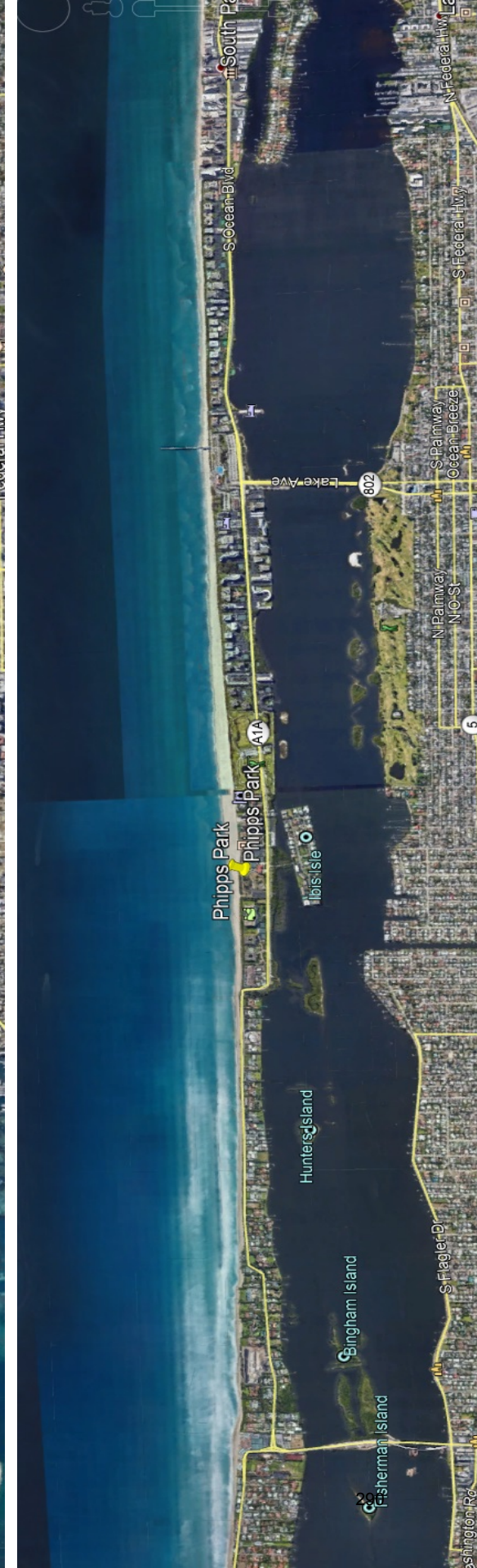
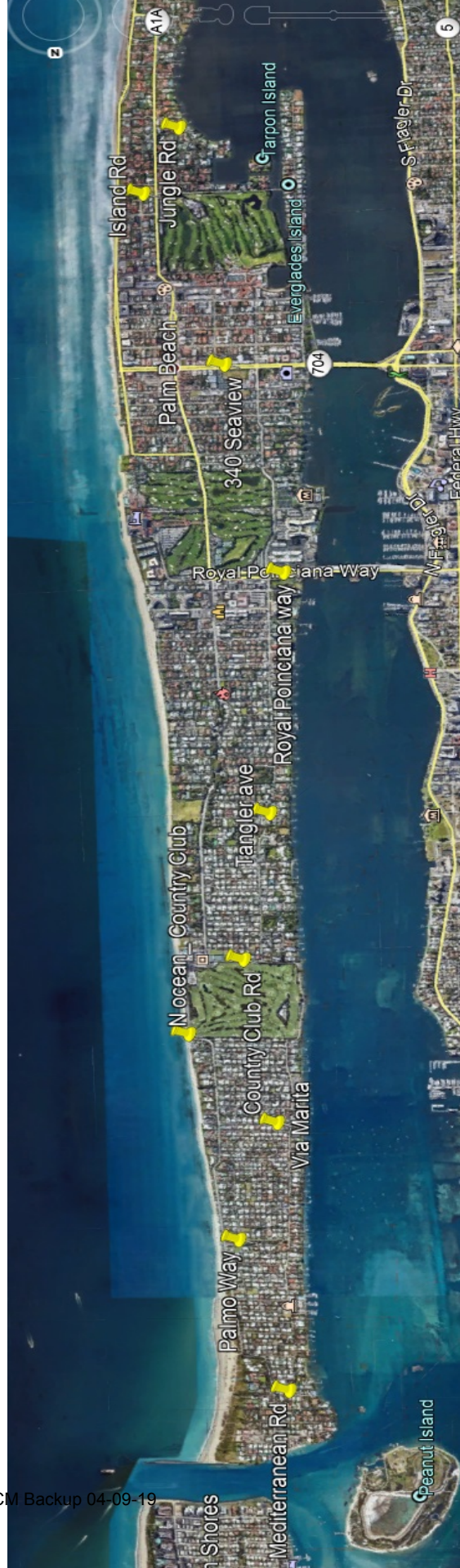
Proposed Small Cell Sites

The following is table of locations ATT recommends for coverage/service improvement to the Town at this time. The top 9 are ranked in terms of coverage improvement needed based on real network coverage/performance data. The last two are for capacity offload and throughput improvement.

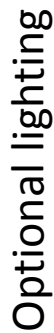
Priority	General location, prefixed with pump station guide locator reference where applicable	Latitude	Longitude
1	D2 (Palmo Way)	26.75823	-80.03857
2	A39 (Phipps Park / South Fire Station)	26.63962	-80.03853
3	N Ocean Blvd. ROW, at NE perimeter of Palm Beach Country Club	26.74586	-80.03629
4	D8 (Country Club Rd.)	26.74148	-80.03956
5	D10 (Via Marita)	26.75127	-80.04104
6	D16 (Jungle Rd.)	26.69147	-80.03811
7	A7 (Island Rd.)	26.6953	-80.03593
8	D3 (Tangler Ave)	26.73276	-80.04143
9	D9 (Mediterranean Rd.)	26.76727	-80.04099
10	340 Seaview Ave, SW corner of property or in the adjacent ROW	26.70582	-80.040064
11	A5 (Royal Poinciana Way)	26.71842	-80.04284

Proposed Small Cell Sites

TCM Backup 04-09-19



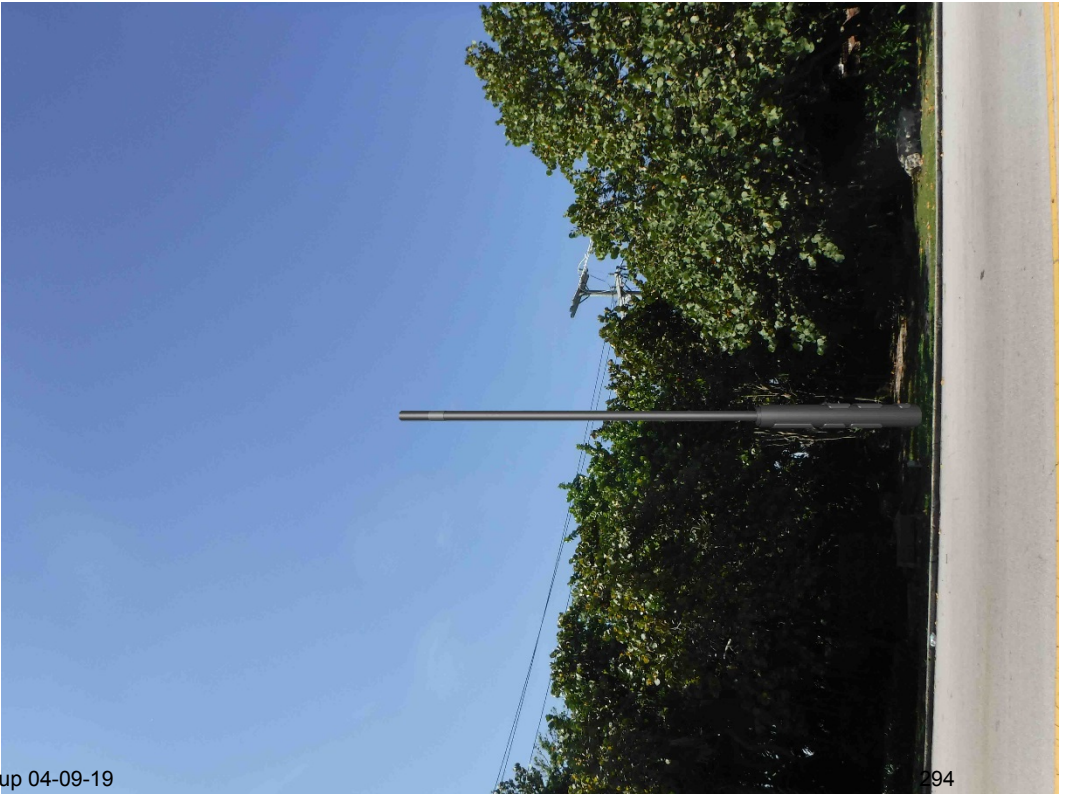
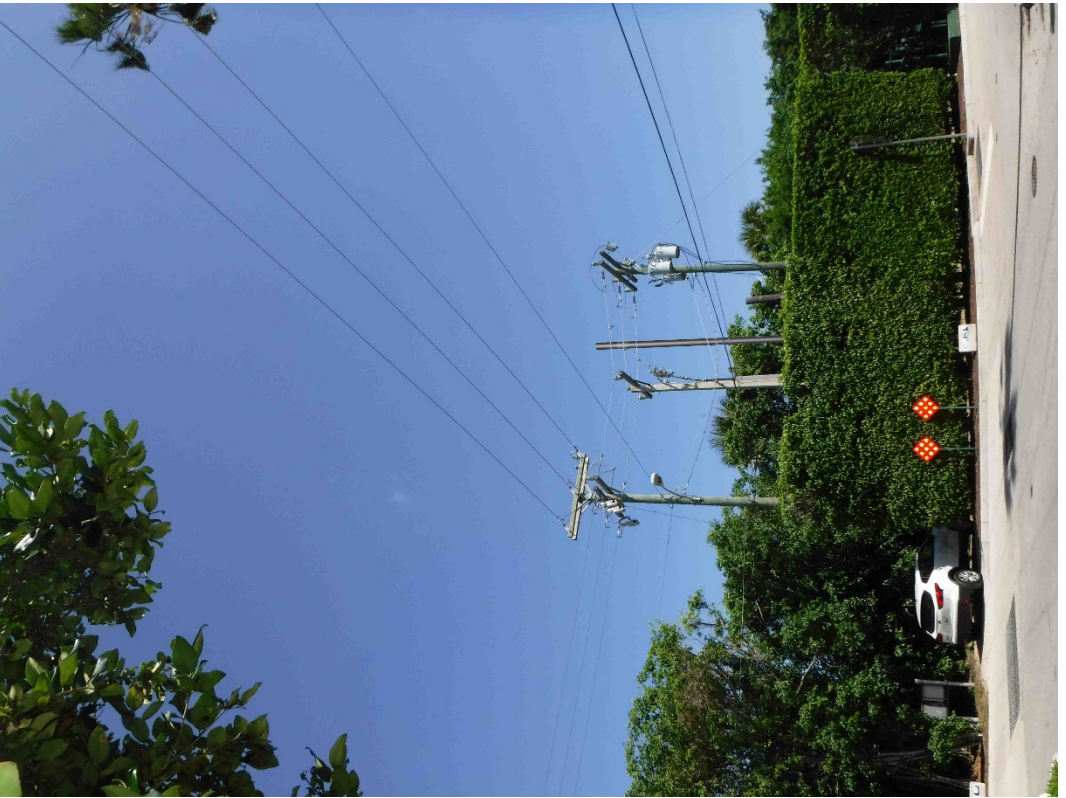
TCM Backup 04-09-19



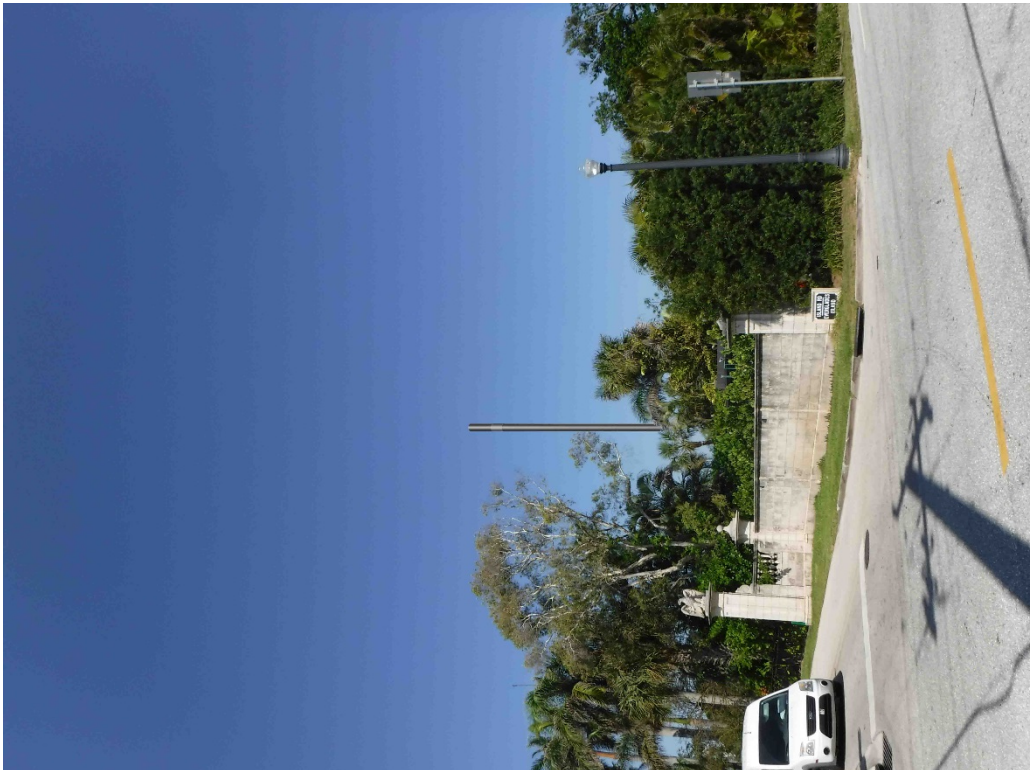


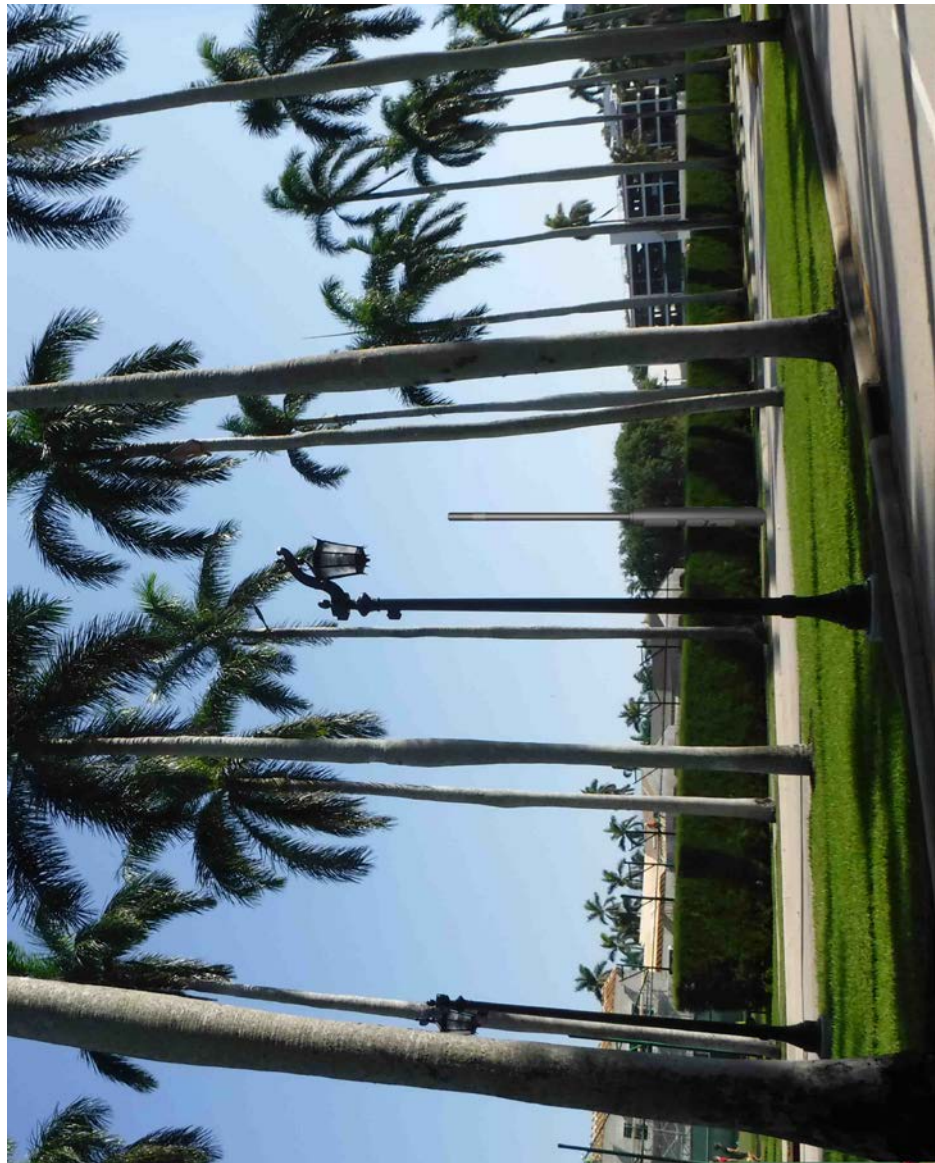
Renderings of ATT Small Cell Antennae at 11 Selected Locations















Questions?

Next Steps for Staff?

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Coastal Update:

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

a. Shoreline Condition Update

b. RESOLUTION NO. 16-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a First Amendment to Interlocal Agreement R2016-0999 Between the Town of Palm Beach and Palm Beach County for Long-Term Operation and Maintenance of the Sand Transfer Plant.

RESOLUTION NO. 17-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reimbursement to Palm Beach County for Sand Transfer Plant Repairs, in the Amount of \$106,724.09.

Presenter

ATTACHMENTS:

- ▣ **b. Memorandum dated March 14, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **b. Resolution No. 16-2019**
- ▣ **b. Resolution No. 17-2019**
- ▣ **b. First Amendment to Interlocal Agreement**
- ▣ **b. Letter from Palm Beach County**
- ▣ **b. Anticipated Repair Costs**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: First Amendment to Interlocal Agreement Between Town of Palm Beach and Palm Beach County for Sand Transfer Plant Operation and Maintenance
Resolution No. 16-2019 – Authorizing Mayor to Execute First Amendment to Interlocal Agreement
Resolution No. 17-2019 – Authorizing Reimbursement to Palm Beach County

DATE: April 3, 2019

STAFF RECOMMENDATION

Town staff recommends that the Town Council review and consider Resolution No. 16-2019, authorizing the Mayor to execute the First Amendment to Interlocal Agreement R2016-0999 between the Town of Palm Beach and Palm Beach County for long-term operation and maintenance of the Sand Transfer Plant. In addition, staff recommends that Town Council approve Resolution No. 17-2019 to authorize staff to reimburse the County for both FY 2018 repairs of \$27,202.91 and the expected FY 2019 repair costs of \$79,521.18 totaling \$106,724.09.

GENERAL INFORMATION

The Town of Palm Beach and Palm Beach County (PBC) have mutually entered into Interlocal Agreements since 1994 for operation and maintenance of the Sand Transfer Plant in an effort to reduce or eliminate continued shoreline impacts on Palm Beach Island as a result of the Lake Worth Inlet. The existing 20-year Interlocal Agreement, R2016-0999, expires on September 30, 2035.

Previous Interlocal Agreements specified that PBC operated and maintained the sand bypassing plant and the Town quarterly reimbursed PBC. The annual Town cost to fund PBC's operation and maintenance of the Sand Transfer Plant was approximately \$300,000.

Historically, during the Town and PBC budget processes over several years, Mayor Gail Coniglio went before the Board of County Commissioners with a request for PBC to fund the operation and maintenance of the Lake Worth Inlet Sand Transfer Plant. Each year, the Mayor was successful in obtaining these funds. Subsequently, PBC staff received direction from the Commission and the County Administrator to develop a new Interlocal Agreement that obligated PBC to include the operation and maintenance costs into PBC's annual budget, while the Town remains the owner of the Sand Transfer Plant.

Town and PBC staffs drafted a new 20-year agreement in 2016 that reflected the plant's operation and maintenance arrangement that was being performed. The existing agreement is ambiguous on the funding responsibilities for the repairs. Therefore, the proposed amendment clarifies the Town and County responsibilities.

On October 16, 2018, PBC ERM provided a letter to the Town requesting reimbursement for repair costs totaling \$27,202.91 which were incurred in FY 2018 by PBC. In addition, the October 16 letter provided the Town with estimated repairs of \$73,500 for FY 2019. PBC provided a revised quote on February 28 with estimated repairs totaling \$74,116.90 (attached). Town staff recommends that Town Council approve Resolution No. 17-2019 to authorize Palm Beach County to perform repair costs totaling \$101,319.81.

FUNDING/FISCAL IMPACT

A sufficient amount of unappropriated and unreserved funds exists in the Coastal Fund.

Anticipated major repair costs will be included in the FY 2020 Coastal Management Program proposed budget and future budgets thereafter.

TOWN ATTORNEY REVIEW

The Town Attorney has approved the First Amendment to Interlocal Agreement R2016-0999 for legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Jane Le Clainche, Director of Finance
Deb Drum, Director, Palm Beach County ERM

RESOLUTION NO. 16-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO INTERLOCAL AGREEMENT R2016-0999 BETWEEN THE TOWN OF PALM BEACH AND PALM BEACH COUNTY FOR LONG-TERM OPERATION AND MAINTENANCE OF THE SAND TRANSFER PLANT.

* * * * *

WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969” authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority that such agencies share in common and that each might exercise separately; and

WHEREAS, pursuant to Chapter 125.01, Florida Statutes, the Board of County Commissioners is empowered to establish and administer programs of beach erosion control and to enter into agreements with other governmental agencies within or outside the boundaries of the County for joint performance, or performance of one unit on behalf of the other, of any of either governmental entity’s authorized functions; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, the Town is empowered to exercise any governmental, corporate, and proprietary power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the County and the Town entered into Interlocal Agreements on July 19, 1994 (R 94-907D), as subsequently amended, and August 16, 1994 (R 94-1053D), which addressed temporary and long term solutions associated with Lake Worth Inlet Sand Transfer Plant; and

WHEREAS, the County and the Town entered into an Interlocal Agreement on October 3, 2006 (R2006-2118), which superseded and terminated the prior Interlocal Agreements executed in 1994 (R 94-907D and R 94-2053D) and provided for cooperative management of the Sand Transfer Plant and such Agreement expires on September 30, 2016; and

WHEREAS, the County and the Town entered into an Interlocal Agreement on August 16, 2016 (R2016-0999), which superseded and terminated the prior Interlocal Agreement executed in 2006 (R2006-2118) and provided for cooperative management of the Sand Transfer Plant and such Agreement expires on September 30, 2035; and

WHEREAS, the County and the Town intend to make the most efficient use of their powers by continuing to cooperate with each other with regard to the sand bypassing at the Lake Worth Inlet; and

WHEREAS, the County and the Town desire to establish their respective roles with respect to the Lake Worth Inlet Sand Transfer Plant, to make the most efficient use of their respective resources; and

WHEREAS, the County and the Town wish to amend the Interlocal Agreement executed on August 16, 2016 (R2016-0999).

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Mayor is hereby authorized to execute a First Amendment to Interlocal Agreement R2016-0999 between the Town of Palm Beach and Palm Beach County for long-term operation and maintenance of the Lake Worth Inlet Sand Transfer Plant, copy of said agreement attached hereto.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

RESOLUTION NO. 17-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING REIMBURSEMENT TO PALM BEACH COUNTY FOR SAND TRANSFER PLANT REPAIRS, IN THE AMOUNT OF \$106,724.09.

* * * *

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

WHEREAS, the County and the Town entered into an Interlocal Agreement on August 16, 2016 (R2016-0999) which provided for cooperative management of the Sand Transfer Plant operation and maintenance; and

WHEREAS, the agreement details that the Town shall be responsible for all anticipated repairs identified by the County; and

WHEREAS, the County informed the Town on October 18, 2018 of FY 2018 repairs conducted by the County and requested reimbursement in the amount of \$27,202.91; and

WHEREAS, the County informed the Town on February 28, 2019 of FY 2019 anticipated repairs to be conducted by the County in the amount of \$79,521.18.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves the expenditures of \$101,319.81 for necessary repairs to be performed to the Sand Transfer Plant by Palm Beach County.

Section 2. The Town Manager is hereby authorized to execute reimbursement and payment to Palm Beach County on behalf of the Town of Palm Beach in the amount of \$106,724.09.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate repairs to the Sand Transfer Plant as identified by Palm Beach County on October 18, 2018 and February 28, 2019, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

**FIRST AMENDMENT TO
INTERLOCAL AGREEMENT
BETWEEN
PALM BEACH COUNTY
AND THE
TOWN OF PALM BEACH**

THIS AMENDMENT is made and entered into on this _____ day of _____, 2018, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida (the “COUNTY”), and the TOWN OF PALM BEACH, a municipal corporation in the State of Florida (the “TOWN”), each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes (hereinafter referred to collectively as the “parties”).

WITNESSETH:

WHEREAS, on August 16, 2016, the parties entered into an Interlocal Agreement (R2016-0999) recorded at ORB 30109, Page 1968, (“Interlocal Agreement”) concerning the operation and maintenance of the Lake Worth Inlet Sand Transfer Plant; and

WHEREAS, the parties find and declare that it is in the public’s best interest to amend the Interlocal Agreement as set forth herein.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties do agree to amend the Interlocal Agreement as follows:

1. Section 3, FUNDING, shall be replaced with the following:

FUNDING: The Parties agree that the COUNTY shall be responsible for all operation costs, including administrative costs. Administrative costs include, but are not limited to, salaries and wages, FICA, retirement contributions, life and health insurance, workers’ compensation, uniform rental, casualty self-insurance premiums, non-motor pool vehicle rental, and motor pool vehicle repair and maintenance. The COUNTY shall also be responsible for all maintenance and unanticipated repair costs up to \$20,000 annually, as more particularly described in this Agreement. The TOWN shall be responsible for all repair and maintenance costs associated with the PROJECT that exceed the COUNTY’S annual \$20,000 cap, as more particularly described in this Agreement. The COUNTY shall deduct all expenses associated with the operation, administration, repair, and maintenance of the sand transfer plant from the COUNTY’S funding share of the Midtown Beach Nourishment Project.

2. Section 3.A, entitled TOWN Obligations, of the Interlocal Agreement is replaced with the following:

A. COUNTY Obligations.

(1) The COUNTY shall operate the Lake Worth Inlet Sand Transfer Plant as provided herein.

(2) The COUNTY shall provide the TOWN'S Representative with quarterly reports of the progress and status of the Lake Worth Inlet Sand Transfer Plant operations and weekly dredge reports which include pumping hours, estimated cubic yards of sand bypassed, and other relevant information.

(3) If at any time the Sand Transfer Plant is rendered inoperable or in need of repair or improvement for any reason, the COUNTY shall advise the TOWN Representative as soon as possible.

(4) The COUNTY shall notify the TOWN's Representative of any plans to perform repairs and maintenance to the Sand Transfer Plant in the event such repairs and maintenance will require the COUNTY to cease operation of the plant for a period of time in excess of forty-eight (48) hours.

(5) By March 1 of each year, the COUNTY shall notify the TOWN'S Representative of any anticipated repairs for the next budget cycle.

(6) The COUNTY shall be responsible for maintenance and unanticipated repair costs up to a cumulative total of \$20,000.00 annually. Any expenditure above that amount shall be the responsibility of the TOWN.

(7) The COUNTY may perform necessary repairs and maintenance to the Sand Transfer Plant in excess of the cumulative total of \$20,000 annually upon prior written approval by the TOWN. The TOWN shall reimburse the COUNTY for all expenses associated with those repairs and maintenance costs.

(8) Notwithstanding any provision herein, the COUNTY'S obligation to perform under this Agreement is contingent upon an appropriation by its Board of County Commissioners within its annual fiscal year budget. The COUNTY, however, agrees to make a good faith effort to allocate sufficient funding.

3. Section 3.B, entitled COUNTY Obligations, of the Interlocal Agreement is replaced with the following:

B. TOWN Obligations.

(1) The TOWN shall be responsible for all anticipated repairs identified by the COUNTY and shall make a good faith effort to allocate sufficient funding to facilitate the anticipated repairs identified by the COUNTY into the following year's budget.

(2) The TOWN shall perform all repairs and maintenance to the Sand Transfer Plant in excess of the COUNTY'S cumulative annual \$20,000 cap and shall be solely responsible for funding such work.

(3) Should the TOWN request the COUNTY perform necessary repairs and maintenance to the Sand Transfer Plant in excess of the cumulative annual total of \$20,000, the TOWN shall provide prior written approval to the COUNTY and shall reimburse the COUNTY for those repair or maintenance costs.

(4) The TOWN shall provide the COUNTY's Representative with copies of all applicable permits. To the greatest extent possible, the above documents shall be in both digital and hardcopy format.

4. Section 5, entitled NOTICES, of the Interlocal Agreement is amended as follows, deleting:

with a copy to:

County Attorney's Office
ERM Attorney
Palm Beach County
301 North Olive Avenue, 6th Floor
West Palm Beach, FL 33401

with a copy to:

Town Attorney
Town of Palm Beach
Post Office Box 2029
Palm Beach, FL 33480

5. Paragraph 10, entitled INSURANCE, is hereby deleted in its entirety and replaced with the following:

Without waiving the right to sovereign immunity as provided by section 768.28, Florida Statutes, (Statute), the Town represents that it is self-insured with coverage subject to the limitations of the Statute, as may be amended.

If the TOWN is not self-insured, the TOWN shall, at its sole expense, purchase and maintain in full force and effect at all times during the life of this contract, insurance coverage at limits not less than those contained in the Statute.

Should the TOWN purchase excess liability coverage, the TOWN agrees to include the COUNTY as an Additional Insured.

The TOWN agrees, at its sole expense, to purchase and maintain in full force and effect at all times during the life of this agreement, property insurance with replacement cost limits adequate for all property and assets associated with this agreement.

The TOWN agrees to maintain or to be self-insured for Workers' Compensation insurance in accordance with Chapter 440, Florida Statutes.

Should the TOWN contract with a third-party (Contractor) to perform any service related to the Agreement, the TOWN shall require the Contractor to provide the following minimum insurance:

- Commercial General Liability insurance with minimum limits of \$1,000,000 combined single limit for property damage and bodily injury per occurrence and \$2,000,000 per aggregate. Such policy shall be endorsed to include the TOWN and the COUNTY as Additional Insureds. The TOWN shall also require that the Contractor include a Waiver of Subrogation against the COUNTY.
- Business Automobile Liability insurance with minimum limits of \$1,000,000 combined single limits for property damage and bodily injury per occurrence.
- Workers' Compensation insurance in compliance with Chapter 440, Florida Statutes, and which shall include coverage for Employer's Liability with minimum limits of \$1,000,000 each accident.

When requested, the TOWN shall provide an affidavit or Certificate of Insurance evidencing insurance or self-insurance.

Compliance with the foregoing requirement shall not relieve the TOWN of its liability and obligations under this Agreement.

6. Except as amended herein, all other terms and conditions of the Interlocal Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the County of Palm Beach, Florida has caused this Amendment to be signed by the Mayor of the Board of County Commissioners and the seal of said Board to be affixed hereto and attested by the Clerk of said Board, pursuant to authority granted by said Board,

and the Town of Palm Beach has caused this Amendment to be signed in its corporate name by its Mayor and its corporate seal to be affixed hereto, attested by its Town Clerk, the date and year first written above.

TOWN OF PALM BEACH, FLORIDA

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Gail L. Coniglio, Mayor

By: _____
Mack Bernard, Mayor

ATTEST:

ATTEST:
Sharon R. Bock, Clerk and Comptroller

By: _____
Town Clerk

By: _____
Deputy Clerk

DATE: _____

DATE: _____

(SEAL)

(SEAL)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Town Attorney

By: _____
Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
Deborah Drum, Director
Environmental Resources Management



**Department of Environmental
Resources Management**

2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2743

(561) 233-2400

FAX: (561) 233-2414

www.pbcgov.com/erm

**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

October 16, 2018

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach
Post Office Box 2029
Palm Beach, FL 33480

**SUBJECT: LAKE WORTH INLET SAND TRANSFER PLANT REIMBURSEMENT REQUEST
FY2018 REPAIRS AND NOTIFICATION OF FY2019 REPAIR COSTS**

Dear Mr. Weber:

This letter serves as a reimbursement request for Lake Worth Inlet Sand Transfer Plant repair costs totalling \$27,202.91 which were incurred in FY2018 by Palm Beach County. Supporting documentation is enclosed here including payment summary and three vendor invoices.

In accordance with paragraph 3.B(4) of the 2016 Interlocal Agreement between Palm Beach County and the Town of Palm Beach, we have enclosed a detailed cost estimate totaling \$73,500 for anticipated FY2019 repairs to the sand transfer plant.

As discussed in our meeting with you and Patricia Strayer on August 23, 2018, an amendment to the Interlocal Agreement is enclosed here for your review which:

- establishes a cap on County expenses for plant repair and maintenance;
- provides for Town-funded County work beyond the cap;
- establishes a provision reducing County cost share for the Mid-Town Beach Renourishment Project equal to costs incurred under the Agreement; and
- adds a County obligation to notify the Town of all anticipated plant repairs prior to March 1 annually.

We look forward to our continued partnership with the Town in the ongoing operation of the Lake Worth Inlet Sand Transfer Plant. If you have any questions, please contact me at (561) 233-2400 or the project manager, Ms. Tracy Logue, at (561) 233-2491.

Sincerely,

A handwritten signature in blue ink, reading "Deborah Drum".

Deborah Drum, Director
Environmental Resources Management

DD:TL

Enclosures

cc: Kirk Blouin, Town Manager, Town of Palm Beach
Paul Brazil, Director of Public Works, Town of Palm Beach
Daryl Dawson, Director Road and Bridge, Palm Beach County

**PALM BEACH COUNTY
ENVIRONMENTAL RESOURCES MANAGEMENT
REQUEST FOR PAYMENT**

FY18 PAYMENT SUMMARY

Name of Project						Billing #	Billing Period	
Lake Worth Inlet Sand Transfer Plant						1	10/1/17 - 9/30/18	
Item #	Vendor Name	Repair or Maintenance	Invoice Number	Invoice Date	Check Number	Invoice Amount	Eligible Cost	Town Share
1	Core & Main	Repair	1509452	3/6/18	3061563	\$ 3,950.00	\$ 3,950.00	\$ 3,950.00
2	Lehman Pipe	Repair	S1509616.001	4/26/18	3071352	4,892.59	4,892.59	4,892.59
3	Tech Crane	Repair	10900	5/15/18	3074724	18,360.32	18,360.32	18,360.32
						Totals	\$ 27,202.91	\$ 27,202.91



Department:	Payables
Document Type:	AD
Amount:	4882.75
Check Number/Wire Number:	000000003061563
Customer Number/Vendor Code:	VC0000101909
Date:	03/15/2018
Document ID Number:	AD031518000000027619



Vendor: VC0000101909

Date Paid: 03/15/2018

**BOARD OF COUNTY COMMISSIONERS**
COUNTY OF PALM BEACH - GENERAL DISBURSEMENT

DISB. CAT:

Page 1 of 1

CHECK NO: 000000003061563

Invoice Number	Purchase Order Number	Referenced Document ID	Amount
Description			
1453705 ACCOUNT # 021703	DO 12141700007200000969	PRM PRM03151800000020562	260.00
1509452 ACCOUNT # 021703	DPO RD022218000000000031	PRM PRM03151800000020579	3,950.00
1531424 ACCOUNT # 021703	DO 02271800007200001811	PRM PRM03151800000020561	672.75

Audited by AC

BOARD OF COUNTY COMMISSIONERS
COUNTY OF PALM BEACH
WEST PALM BEACH, FLORIDA
GENERAL DISBURSEMENT ACCOUNT

Total: \$4,882.75

NO. 0003061563

Wells Fargo Bank, N. A.



VOID AFTER NINETY (90) DAYS

PAY

Four Thousand Eight Hundred Eighty-Two And 75 / 100 Dollars

Core & Main LP

TO
THE
ORDER
OF

PO BOX 28330

ST LOUIS, MO 63146

DATE
03/15/2018CHECK NO.
0003061563AMOUNT
\$4,882.75**FILE COPY**



INVOICE

1830 Craig Park Court
St. Louis, MO 63146

VC * 101909 ✓
Invoice # 1509452
Invoice Date 3/06/18
Account # 021703
Sales Rep MICHAEL CLARK
Phone # 561-848-4396
Branch # 039 Riviera Beach, FL
Total Amount Due \$3,950.00

Remit To:
CORE & MAIN LP
PO BOX 28330
ST. LOUIS, MO 63146

274 1 SP 0.470 E0274 10432 03405752539 S2 P5162033 0003.0004



PALM BEACH CO BD OF CO COMMS
FINANCE DEPT
PO BOX 4036
WEST PALM BEACH FL 33402-4036

4620
Shipped to:
PBC ROAD, BRIDGE, & DREDGE
2555 VISTA PARKWAY
DPO 360 RD022218 0031
WEST PALM BEACH, FL

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via	Invoice #
2/23/18	2/26/18	SEE BELOW	SHOP			DIRECT	1509452

Product Code	Description	Quantity		B/O	Price	UM	Extended Price
		Ordered	Shipped				
CUSTOMER PO#- DPO 360 RD022218 0031 CORE & MAIN PO#- 8569592							
/30015211002	12-70C 304SS KNIFE GATE VALVE BID SEQ# 20	2	2		1975.00000	EA	3,950.00

RC 360 030818*24956

FINANCE
PROCESSED FOR PAYMENT
MAR 16 2018
RV

45289

RECEIVED
MAR 12 PM 1:31

HD SUPPLY WATERWORKS IS NOW:

Effective 8/29/2017
Visit: core main.com
for forms (see right)

Available on the new website
• New W-9
• Formal name change letter
• FAQ for customers & vendors

CORE & MAIN

Freight	Delivery	Handling	Restock	Misc.	Subtotal:	3,950.00
					Other:	0.00
					Tax:	0.00
					Invoice Total:	\$3,950.00 ✓

Terms: NET 30 Ordered By: RONY TROFORT

This transaction is governed by and subject to CORE & MAIN's standard terms and conditions, which are incorporated by reference and accepted.
To review these terms and conditions, please visit: www.waterworks.hdsupply.com/TandC.

CORE & WAM
 DPB RPD 622/18 31

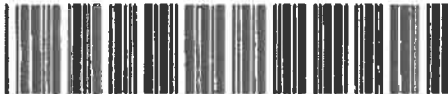
ALABAMA BOARD OF COMM. PERS.

2018 MAR 12 AM 10:37

RECEIVED



AAA COOPER TRANSPORTATION
 P.O. Box 6827 Dothan, Alabama 36302 334-793-2284
 (AACT) Toll Free 800-252-0246
 www.aaacooper.com Local Direct: 772-429-2797



Customer Copy

AACT Freight Bill Number	Page
99442221 -0	1 of 1

Consignee	FPR	PLT	PCS	HM	DESCRIPTION	WGT/LBS	RATE
575370 PALM BEACH CO BD OF CO COMMS 2555 VISTA PKWY WEST PALM BEACH FL 33411			1		2 BX INDUSTRIAL VALVE NMFCH 51080-7 ** WNI @ MEM **	409	
Received in good order except as noted. Show completed firm name and signature. Initials not accepted. Carrier must be notified within 5 days on all concealed damage. (Received by - Print Name) <i>Michael S. Patrick</i> (Received by - Signature) Received Date _____ STRETCH WRAP INTACT UNLESS OTHERWISE NOTED ABOVE							
15781 STOVALL ENGINEERING 2165 LATHAM ST MEMPHIS TN 38109	MEM	1	1	TTL (1 on 1 PLT) *PREPAID	409	PPD	
Inside Delivery _____ Residential Delivery _____ Sort & Seg _____ Paid by: Ship/3P _____ Cons _____ Liftgate _____ Construction Site _____ Charge _____ Cash \$ _____ Check # _____ Initial to Acknowledge Receipt of the Above Services. Additional charges may apply and be the responsibility of the requestor, pursuant to Item 135 of AACT 190 Rates T							

RC 360 030818-24956

Pickup Date 2018-02-26	Beyond Route/At
PO Number 8569592	Prior Carrier/FB
BOL Number 0008766512	From [AACT] To []
Apt Contact	Phone
Apt Date	Delivery Trailer:
Delivered By Driver	534159
(Print Name)	Date/Time Printed 2018-03-01 07:27:59
Date/Time	Pieces

RECEIVED
 MAR 01 2018
 ROAD & BRIDGE DIVISION
 WAREHOUSE SECTION

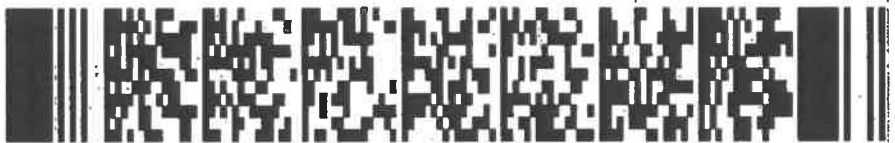
Payment of freight charges are due within 15 days.

NEWFB4

20180228



Department:	Payables
Document Type:	AD
Amount:	4892.59
Check Number/Wire Number:	000000003071352
Customer Number/Vendor Code:	VC0000008997
Date:	05/14/2018
Document ID Number:	AD051418000000038215



Vendor: VC0000008997

Date Paid: 05/14/2018

BOARD OF COUNTY COMMISSIONERS

COUNTY OF PALM BEACH - GENERAL DISBURSEMENT

DISB. CAT:

Page 1 of 1

CHECK NO: 000000003071352

Invoice Number	Purchase Order Number	Referenced Document ID	Amount
Description			
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	72.54
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	40.36
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	174.36
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	557.04
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	25.87
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	749.70
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	3,235.68
S1509616.001	DPO RD031318000000000035	PRM PRM05141800000028303	37.04

Audited by AC

BOARD OF COUNTY COMMISSIONERS
COUNTY OF PALM BEACH
WEST PALM BEACH, FLORIDA
GENERAL DISBURSEMENT ACCOUNT

Total: \$4,892.59

NO. 0003071352

Wells Fargo Bank, N. A.



VOID AFTER NINETY (90) DAYS

DATE
05/14/2018CHECK NO.
0003071352AMOUNT
\$4,892.59

FAY Four Thousand Eight Hundred Ninety-Two And 59 / 100 Dollars

TO
THE
ORDER
OF

Lehman Pipe & Plumbing Supply, Inc.
Lehman Pipe & Supply, Inc.
3575 NW 36TH ST
MIAMI, FL 33412

ICM Backup 04-09-19

FILE COPY

318



INVOICE DATE	INVOICE NUMBER
04/26/18	S1509616.001
REMIT TO:	PAGE NO.
LEHMAN PIPE & SUPPLY, INC	
3575 NW 36 STREET	
MIAMI FL 33142	2 of 2

SHIP TO:
PALM BEACH CTY ENGINEERING
ROAD, BRIDGE & DREDGE
2555 VISTA PARKWAY
WEST PALM BEACH, FL 33411

04-26-2018 11:57:38 AM
S1509616.001

Rony Trotfort

Please note: Returned Checks will carry a \$30.00 service fee.

TERMS, LIABILITY WAIVER AND COLLECTION

SERVICE CHARGE: 18% PER ANNUM (1-1/2% PER MO.) STARTS 21st OF MONTH FOLLOWING PURCHASE. 25% RESTOCKING charge on all management approved returned items. TH FACTORY WARRANTY CONSTITUTES ALL THE WARRANTIES WITH RESPECT TO THE SALE OF THE ITEM(S). LEHMAN PIPE ASSUMES NO RESPONSIBILITY FOR ANY LIABILITIES FOR LABOR ON DEFECTIVE MATERIAL. TITLE SHALL REMAIN VESTED IN SELLER until goods have been fully paid for. The seller shall NOT BE RESPONSIBLE FOR DELAYS in delivery. All FEES and COSTS OF COLLECTION plus REASONABLE ATTORNEY'S FEES shall be paid by customer. ** ORIGINAL

★★ ORIGINAL ★★

Subtotal	4892.59
Freight	0.00
Sales Tax	0.00
Amount Due	4892.59



LEHMAN PIPE & SUPPLY, INC
3575 NW 36 STREET
MIAMI FL 33142
305 576-3054 Fax 305 576-3066

BOARD OF CO. COMM PL.

2018 MAY 10 PM 1:20

RECEIVED

Original Invoice

INVOICE DATE	INVOICE NUMBER
04/26/18	S1509616.001
REMIT TO: LEHMAN PIPE & SUPPLY, INC 3575 NW 36 STREET MIAMI FL 33142	PAGE NO. 1 of 2

BILL TO:
PALM BEACH CTY BD OF COMM
BD OF CTY COMM FINANCE DEPT
PO BOX 4036
WPALM BEACH, FL 33402

SHIP TO:
PALM BEACH CTY ENGINEERING
ROAD, BRIDGE & DREDGE
2555 VISTA PARKWAY
WEST PALM BEACH, FL 33411

CUSTOMER NUMBER		CUSTOMER ORDER NUMBER		RELEASE NUMBER		SALESPERSON		
8038		DO360RD0313180000035				MATTHEW BLISS		
WRITER		SHIP VIA		TERMS		SHIP DATE	ORDER DATE	
LORRAINE WILLIAMS		OT NORTH		Net Due 30 Days		04/26/18	04/13/18	
DESCRIPTION				ORDER QTY	SHIP QTY	List Prc	Net Price	Ext Prc
12X21 XH BLK BE A53 ERW PIPE IMPORT PIPE (.500W) PN: 309997 0000-000000 SEAMLESS				2	2		77.04/ft	3235.68
4x21 SCH 80 BLK BE A53 ERW PIPE (I) IMPORT PIPE PN: 37330 0000-000000 (.337W) SEAMLESS				2	2		17.85/ft	749.70
3 RF SLIP ON WELD FLG 150# (I) BLACK A105 PN: 162612				2	2		20.18/ea	40.36
4 RF SLIP ON WELD FLG 150# (I) BLACK A105 PN: 162613				12	12		14.53/ea	174.36
8 RF SLIP ON WELD FLG 150# (I) BLACK A105 PN: 162616				2	2		36.27/ea	72.54
4 A234 XH LR WELD 90 ELL (I) BLACK PN: 162718				2	2		18.52/ea	37.04
12 RF SLIP ON WELD FLG 150# (I) BLACK A105 PN: 162618				6	6		92.84/ea	557.04
4X3 XH CONC WELD REDUCER (I) BLACK A234 PN: 162705 0000-000000 loc: x-4-1				1	1		25.87/ea	25.87



Department:	Payables
Document Type:	AD
Amount:	18360.32
Check Number/Wire Number:	000000003074724
Customer Number/Vendor Code:	VC0000136294
Date:	06/05/2018
Document ID Number:	AD060518000000041571



Vendor: VC0000136294

Date Paid: 06/05/2018


BOARD OF COUNTY COMMISSIONERS
 COUNTY OF PALM BEACH - GENERAL DISBURSEMENT

DISB. CAT:

Page 1 of 1

CHECK NO: 000000003074724

Invoice Number	Purchase Order Number	Referenced Document ID	Amount
Description			
10900	CPO JM052418000000000005	PRM PRM06051800000030908	257.60
10900	CPO JM052418000000000005	PRM PRM06051800000030908	552.00
10900	CPO JM052418000000000005	PRM PRM06051800000030908	96.72
10900	CPO JM052418000000000005	PRM PRM06051800000030908	1,800.00
10900	CPO JM052418000000000005	PRM PRM06051800000030908	1,568.00
10900	CPO JM052418000000000005	PRM PRM06051800000030908	686.00
10900	CPO JM052418000000000005	PRM PRM06051800000030908	13,400.00

Audited by AC

BOARD OF COUNTY COMMISSIONERS
COUNTY OF PALM BEACH
 WEST PALM BEACH, FLORIDA
 GENERAL DISBURSEMENT ACCOUNT

Total: \$18,360.32

NO. 0003074724

Wells Fargo Bank, N. A.



VOID AFTER NINETY (90) DAYS

PAY

Eighteen Thousand Three Hundred Sixty And 32 / 100 Dollars

Techcrane International LLC

TO
THE
ORDER
OF

17639 HARD HAT DRIVE

COVINGTON, LA 70435

TCM Backup 04-09-19

DATE
06/05/2018CHECK NO.
0003074724AMOUNT
\$18,360.32**FILE COPY**

**Techcrane International LLC**17639 Hard Hat Dr
Covington, LA 70435 US

Phone: 985-871-0056

Fax: 985-871-0065

Fed ID: 72-1254588

Invoice No. 10900

Page 1 of 2

Shipping
address:Board Of County Commissioners
Palm Beach County Dredge Department
2555 Vista Parkway
West Palm Beach, FL 33411
Phone: 561-248-9028

Ship Via: SAIA

Fob desc: FOB PBC FLORIE

Acct ID: VC0000136294

Account
address:**Board Of County Commissioners**Palm Beach County Finance Dept.
P O Box 4036
West Palm Beach, FL 33402-4036
Phone: 561-355-2912

3M052418 *5 / RC 060518 *40206

Invoice Date	Due Date	Terms	Salesperson
5/15/2018	6/15/2018	Net 30 Days	

Order Qty	Ship Qty	Part ID/Description	Rev	U/M	Unit Price	Extended Price
2.00	2.00	A963-0011			343.00	\$686.00

VALVE CBV CYLINDER 5-7, 10-20, 30, 60
BODY & CARTRIDGE. Includes all fittings as per the
OEM installation. Includes all interconnecting hoses
from the top side cylinder to the CBV. Owner to use
existing hoses from the cylinder assembly to the
manifold.

Our Order 50694 Your Order RD051018-4

Order Qty	Ship Qty	Part ID/Description	Rev	U/M	Unit Price	Extended Price
2.00	2.00	A146-0057			6,700.00	\$13,400.00

CYLINDER 7" X 76-3/8" X 4-1/2"
CYLINDER 7" X 76-3/8" X 4-1/2", 15 TON FOR F30
CRANE

Our Order 50694 Your Order RD051018-4

Order Qty	Ship Qty	Part ID/Description	Rev	U/M	Unit Price	Extended Price
2.00	2.00	A146-0006			784.00	\$1,568.00

CYLINDER BOOT 7X80 15T
T0735-00000007

Our Order 50694 Your Order RD051018-4

Order Qty	Ship Qty	Part ID/Description	Rev	U/M	Unit Price	Extended Price
2.00	2.00	A162-0075		EA	276.00	\$552.00

PIN 2-1/2" X 16-5/8" DBL COLLAR PIN
PIN 2-1/2" X 16-5/8" DBL COLLAR PIN

Our Order 50694 Your Order RD051018-4

Order Qty	Ship Qty	Part ID/Description	Rev	U/M	Unit Price	Extended Price
4.00	4.00	A162-0046		EA	64.40	\$257.60

PIN 2-1/2" KEEPER
T5901-00000187

Our Order 50694 Your Order RD051018-4

Order Qty	Ship Qty	Part ID/Description	Rev	U/M	Unit Price	Extended Price
8.00	8.00	A116-0029			12.09	\$96.72

COTTER KEY 3/16" X 2"
Cotter Key for 1" Keeper

Our Order 50694 Your Order RD051018-4

Continued over .../



Techcrane International, LLC

17639 Hard Hat Dr
Covington, LA 70435 US

Phone: 985-871-0056

Fax: 985-871-0065

Fed ID: 72-1254588

Invoice No. 10900

Page 2 of 2

FINANCE
PROCESSED FOR PAYMENT

JUN - 5 2018

By T.S.

IN 68803

INVOICE
SHARON R. BOCK, CLERK
BOARD OF CO. COMM PBC

2018 MAY 15 AM 10:25

RECEIVED

This invoice is due upon receipt and immediately. Techcrane shall have the right to collect from the supplier its reasonable costs and necessary disbursements and attorneys' fees incurred in enforcement and claim amounts of this invoice. Upon receipt of this invoice, the client understands and acknowledges responsibility to being responsible for full and final payment of the invoice. All fees directly or indirectly related to this transaction legal and otherwise shall be payable by and at the responsibility of the client.

Invoice Sub-total	\$16,560.32
Freight	\$1,800.00
Tax	\$0.00
Invoice Total	\$18,360.32

**PALM BEACH COUNTY
ENVIRONMENTAL RESOURCES MANAGEMENT**

ANTICIPATED FY2019 REPAIR COSTS

Repair Item	Estimated Cost
replace suction hose	\$11,000.00
replace jet line	4,500.00
overhaul hydraulic crane	50,000.00
Y-valve	3,000.00
rebuild cylinders	5,000.00
Total Anticipated FY19 Repair Costs	\$73,500.00

**FIRST AMENDMENT TO
INTERLOCAL AGREEMENT
BETWEEN
PALM BEACH COUNTY
AND THE
TOWN OF PALM BEACH**

THIS AMENDMENT is made and entered into on this _____ day of _____, 2018, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida (the "COUNTY"), and the TOWN OF PALM BEACH, a municipal corporation in the State of Florida (the "TOWN"), each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes (hereinafter referred to collectively as the "parties").

WITNESSETH:

WHEREAS, on August 16, 2016, the parties entered into an Interlocal Agreement (R2016-0999) recorded at ORB 30109, Page 1968, ("Interlocal Agreement") concerning the operation and maintenance of the Lake Worth Inlet Sand Transfer Plant; and

WHEREAS, the parties find and declare that it is in the public's best interest to amend the Interlocal Agreement as set forth herein.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties do agree to amend the Interlocal Agreement as follows:

1. Section 3, FUNDING, shall be replaced with the following:

FUNDING: The Parties agree that the COUNTY shall be responsible for all operation costs, including administrative costs. The County shall also be responsible for all repairs and maintenance costs up to \$20,000 annually as more particularly described in this Agreement. The TOWN shall be responsible for all repair and maintenance costs associated with the PROJECT that exceed the County's annual \$20,000 cap, as more particularly described in this Agreement. The COUNTY shall deduct all expenses associated with the operation, administration, repair, and maintenance of the sand transfer plant from the COUNTY'S funding share of the Mid-Town Beach Renourishment Project.

2. Section 3.A, entitled TOWN Obligations, of the Interlocal Agreement is replaced with the following:

A. COUNTY Obligations.

(1) The COUNTY shall operate the Lake Worth Inlet Sand Transfer Plant as provided herein.

(2) The COUNTY shall notify the TOWN's Representative of any plans to perform repairs and maintenance to the Sand Transfer Plant in the event such repairs and maintenance will require the COUNTY to cease operation of the plant for a period of time in excess of forty-eight (48) hours.

(3) By March 1 of each year, the COUNTY shall notify the TOWN'S Representative of any anticipated repairs for the next budget cycle.

(4) The COUNTY shall be responsible for repair and maintenance costs up to a cumulative total of \$20,000.00 annually. Any expenditure above that amount shall be the responsibility of the TOWN.

(5) The COUNTY may perform necessary repairs and maintenance to the Sand Transfer Plant in excess of the cumulative total of \$20,000 annually upon prior written approval by the TOWN. The Town shall reimburse the COUNTY for all expenses associated with those repairs and maintenance costs.

(6) Notwithstanding any provision herein, the COUNTY'S obligation to perform under this Agreement is contingent upon an appropriation by its Board of County Commissioners within its annual fiscal year budget. The COUNTY, however, agrees to make a good faith effort to allocated sufficient funding.

3. Section 3.B, entitled COUNTY Obligations, of the Interlocal Agreement is replaced with the following:

B. TOWN Obligations.

(1) The TOWN shall make a good faith effort to allocate sufficient funding to facilitate anticipated repairs identified by the COUNTY into the following year's budget.

(2) The TOWN shall perform all repairs and maintenance to the Sand Transfer Plant in excess of the COUNTY'S cumulative annual \$20,000 cap and shall be solely responsible for funding such work.

(3) Should the TOWN request the COUNTY perform necessary repairs and maintenance to the Sand Transfer Plant in excess of the cumulative annual total of \$20,000, the TOWN shall provide prior written approval to the COUNTY and shall reimburse the COUNTY for those repair or maintenance costs.

(4) The TOWN shall provide the COUNTY's Representative with copies of all applicable permits. To the greatest extent possible, the above documents shall be in

both digital and hardcopy format.

4. Section 5, entitled NOTICES, of the Interlocal Agreement is amended as follows, deleting:

with a copy to:

County Attorney's Office
ERM Attorney
Palm Beach County
301 North Olive Avenue, 6th Floor
West Palm Beach, FL 33401

with a copy to:

Town Attorney
Town of Palm Beach
Post Office Box 2029
Palm Beach, FL 33480

5. Except as amended herein, all other terms and conditions of the Interlocal Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the County of Palm Beach, Florida has caused this Amendment to be signed by the Mayor of the Board of County Commissioners and the seal of said Board to be affixed hereto and attested by the Clerk of said Board, pursuant to authority granted by said Board, and the Town of Palm Beach has caused this Amendment to be signed in its corporate name by its Mayor and its corporate seal to be affixed hereto, attested by its Town Clerk, the date and year first written above.

ATTEST:
SHARON R. BOCK
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mayor

ATTEST:

TOWN OF PALM BEACH, FLORIDA

By: _____
Town Clerk

By: _____
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Town Attorney

Date

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

County Attorney

Date

APPROVED AS TO TERMS AND
CONDITIONS:

Town Director of Public Works

APPROVED AS TO TERMS AND
CONDITIONS:

Deborah Drum, Director
Department of Environmental Resources
Management

**PALM BEACH COUNTY
LAKE WORTH INLET SAND TRANSFER PLANT
ANTICIPATED FY2019 REPAIR COSTS AS OF 4/3/19**

Repair Item	Manufacturer	Quote¹	Quote Date
replace suction hose	H.S. White	\$ 9,783.00	1/31/19 re-quote. Hose ordered 2/15/19.
replace jet line	H.S. White	6,363.00	2/27/19
overhaul hydraulic crane ²	Techcrane International, Inc.	49,198.58	2/27/19
reducers and flanges	McKinsey Steel	3,912.00	1/21/19
jet pump	Electric Motors of PB	4,651.00	1/4/19
jet pump motor connectors (flanges)	Miller/Motion Industries, Inc.	209.32	1/17/19
planetary drive gear	Techcrane International, Inc.	5,404.28	4/2/19
Total Anticipated FY19 Repair Costs		\$ 79,521.18	

¹Anticipated costs are based on current quotes or estimates and are subject to changing market conditions.

²Quote does not include new cylinders. New cylinders were installed in 2018.

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

Defined Contribution Plan Liability Coverage and Oversight.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum dated March 5, 2019, from Danielle Olson, Director of Human Resources**
- ▣ **Town of Palm Beach DC Plans and Co Proposal**
- ▣ **DC Reorganization with Edits**



LLW

LEWIS
LONGMAN
WALKER

Attorneys at Law
llw-law.com

REPLY TO: TALLAHASSEE

MEMORANDUM

To: Daniel W. Stanton, Chair
Board of Trustees
Town of Palm Beach Retirement System

From: Jim Linn and Janice Rustin, Legal Counsel

Date: March 5, 2019

Re: Board's Obligations with Respect to the Town's Defined Contribution Plans

This memorandum responds to your request for information regarding the duties and responsibilities of the Board with respect to the Town's defined contribution (DC) retirement plans. At the December 2018 meeting, AndCo, the Board's investment consultant, presented a draft investment policy statement for the Town's defined contribution plans. The opening paragraph of the draft policy states that the "Retirement Board of Trustees for the Town of Palm Beach Defined Contribution Plans for Employees 457(b) and 401(a)" will adopt the policy, and that the Town Council will ratify the policy and appoint an "administrative committee" to oversee implementation of the policy. You asked whether this language accurately reflects the Board's role with respect to the Town's defined contribution plans.

Short Answer: Based on our review of the relevant Town ordinances and resolutions, plan documents and prior actions of the Board, we believe the Town, as part of the consolidation of its retirement plans and the plan revisions adopted in 2012 (including the creation of a hybrid defined benefit/defined contribution plan), intended that the Board exercise discretionary authority with respect to the defined contribution plans. The Board has exercised such authority in the past by reviewing and approving changes to the lineup of investment options offered by the DC plans. However, the language in the Retirement System ordinance and the resolution establishing the 401(a) DC plan does not clearly reflect the Town's intent or the Board's prior actions. Similarly, the introductory language in AndCo's draft investment policy statement does not accurately reflect the Board's role or the way the DC plans are administered. We recommend that the documents be revised to more clearly reflect the Board's duties and the administration of the DC plans.

The Town's Defined Contribution Plans

In addition to its defined benefit retirement plan, the Town has established several defined contribution plans for its employees, including a 457 deferred compensation plan, a 401(a) money

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TCM Backup 04-09-19

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purchase plan, a retirement health savings plan, a share plan for firefighters, and a Roth IRA plan. All of the DC plans are administered by the International City Managers Association Retirement Corporation (ICMA). The current combined balance of all the DC plans is approximately \$54 million.

In general, defined contribution plans differ from defined benefit plans in that the participants, not the plan sponsor, is responsible for directing their investments among a lineup of investment options provided by the plan. However, the plan sponsor is responsible for evaluating, selecting and monitoring the investment options, and directing changes to those options from time to time.

The Town's Code of Ordinances was amended in 2012 to direct the Board to provide "administrative support and coordination for the Town's defined contribution plan, retirement health savings plan, and 457 plan." Section 82-57(l), Palm Beach Town Code. The Code sets forth the Boards investment duties with respect to the "retirement system", but it is not clear whether the reference to "retirement system" includes the DC plans. In addition, Town Resolution 22-2012 creating the 401(a) DC plan, authorizes the Board "to provide administrative support and coordination for the Plan as requested by Plan administrator," and designates ICMA as the plan administrator. Neither the Town Code nor Resolution 22-2012 specifically identifies what entity has discretionary oversight over the investment options provided in the DC plans.

Prior Board Action on DC Plans

Beginning shortly after the Town's three defined benefit plans were consolidated into one plan and the 401(a) DC plan was created in 2012, the Board has taken a significant role in evaluating, selecting and monitoring the investment options provided in the Town's DC plans. The Board's investment consultant and ICMA representatives have appeared before the Board on multiple occasions to review the lineup of funds offered by the DC plans, and recommend that new funds be added and existing funds that were underperforming be terminated. The Board has also instructed the Town to educate employees about the changes to the lineup, and approved letters to plan members concerning the DC plans.

In 2013, the Board's investment consultant was Segal RogerCasey ("SRC"). As part of its agreement with the Board, SRC was required to report on the DC plans on a semi-annual basis. Minutes of Board meetings in 2013 and 2014 confirm that SRC provided such reports. At the May 17, 2013 Board meeting, SRC provided a memo to the Board recommending a number of changes to the DC fund lineup. At that time the Board deferred action on the recommended changes. At the June 6, 2014 Board meeting, SRC again presented recommended changes to the DC fund lineup, and ICMA agreed with the SRC's recommendations. After discussion, the Board modified and approved the recommended changes.

The Board terminated its investment consulting agreement with SRC in 2016, and entered into an agreement with AndCo for investment consulting services. Although the AndCo agreement is silent as to AndCo's duties regarding the DC plans, the terms of the RFP that resulted in AndCo's engagement required the winning bidder to "periodically review the Town's defined contribution

plan investments.” A review of the Board’s minutes since 2016 shows that AndCo and ICMA have reported on the DC plans at least once a year. However, there has been not been an extensive review of the lineup of funds offered by the DC plans since 2014.

Investment Policy for the Defined Contribution Plans

The Board has not yet adopted an investment policy for the DC plans. SRC presented a proposed investment policy for the DC plans to the Board in 2014, but the policy apparently was never adopted. At the Board’s December 2018 meeting, AndCo presented a draft investment policy for the DC plans, but the Board tabled the discussion of this policy pending legal review.

Fiduciary Liability for the Defined Contribution Plans

In recent years, plan sponsors and others exercising fiduciary responsibility for defined contribution plans have come under increased scrutiny, due in part to a number of lawsuits filed against plan sponsors. Most of these lawsuits allege plan sponsors breached their fiduciary duty by offering high-cost investment options, allowing excessive fees to be charged by service providers and record keepers, retaining multiple record keepers, and offering too many funds. In one of the lawsuits, the U.S. Supreme Court held that fiduciaries of DC plans have an ongoing duty to monitor the investments that they make available to the plan participants. LaRue v. DeWolff, Boberg, & Assoc., Inc., 552 U.S. 248 (2008).

In the event a similar lawsuit is filed against the Town, it is likely that the Board would be named as a defendant since it has acted in a fiduciary capacity with respect to the investment options provided in the Town’s DC plans. Although ICMA administers the DC plans, its agreement with the Town expressly states that ICMA does not assume any fiduciary responsibility over the plans that they administer. Likewise, AndCo’s agreement with the Board is silent as to its fiduciary duties to the DC plans.

Conclusion & Recommendations

Based on the language added to Town Code in 2012 expanding the Board’s duties with respect to the Town’s DC plans, and similar language in the 2012 resolution establishing the 401(a) DC plan, it appears Town Council intended that the Board exercise some responsibility with respect to the DC plans. However, the “administrative support and coordination” language in the 2012 ordinance and resolution does not make it clear that the Board was intended to exercise fiduciary authority over DC plan investments. The Board has exercised such authority in the past by reviewing and approving changes to the lineup of investment options offered by the DC plans. However, the language in the Retirement System ordinance and the resolution establishing the 401(a) DC plan does not clearly reflect the Town’s intent or the Board’s prior actions. Similarly, the introductory language in AndCo’s draft investment policy statement does not accurately reflect the Board’s role or the way the DC plans are administered.

In view of the potential liability risk to the Town and the Board for claims of breach of fiduciary duty to the DC plans, we recommend the following actions:

March 5, 2019

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- The Town's Code of Ordinances should be amended to clarify the Board's responsibilities with respect to the Town's defined contribution plans. The Town Code as well as the DC plan documents should clearly reflect whether the Board or another entity is responsible for exercising discretionary authority over DC plan investments and the lineup of DC plan investment options.
- Based on the clarifications to the Town Code and DC plan documents, the entity charged with discretionary authority over DC plan investments should adopt an investment policy for the DC plans.
- The Town or the entity charged with discretionary authority over DC plan investments should obtain fiduciary liability insurance coverage for its duties with respect to the DC plans.
- If the Board is charged with discretionary authority over DC plan investments, the Board's agreement with AndCo should be revised to reflect AndCo's responsibilities with respect to the DC plans.

We will be prepared to discuss these matters at the March 15, 2019 Board meeting.

Putting clients first.



Jane Le Clainche, CPA
Director of Finance
Town of Palm Beach
Finance Department
360 S. County Road
Palm Beach, FL 33480

March 27, 2019

Dear Mrs. Le Clainche:

We are pleased to enclose AndCo's proposal for investment consulting services for an exclusive engagement for the Retirement System Defined Contribution Plans (401a, 457). We believe we have had a very productive partnership in working to constructively address the challenges, and to advance the financial standing of the greater Town of Palm Beach Retirement System Programs.

This proposal addresses the fundamental change to engagement terms resulting from the separation of the reporting structure of the Retirement Systems, changes to the commensurate service focus unique to Defined Contribution Programs, and is coincident with the expiration of the fee guarantee as provided in the current AndCo Consulting engagement agreement.

The terms of this agreement would allow the Town of Palm Beach to transfer certain Fiduciary oversight responsibilities including:

1. Develop investment policy statement and provide periodic review and maintenance as appropriate.
2. Calculate individual investment manager performance quarterly and provide written and verbal summary reports.
3. Monitor and report on investment manager compliance to investment policy statement on a quarterly basis.
4. Recommend and perform replacement manager/fund evaluations as necessary and appropriate.
5. Provide overall economic context for discussion and evaluation of quarterly results.
6. Conduct regular industry fee benchmarking surveys to ensure competitive cost for value.
7. Coordinate a review of recordkeeping, administration, and participant education services, as needed, and as outlined by industry best practices to ensure competitive cost for value.
8. Provide ongoing fiduciary education on relevant topics to assist the Client in fulfilling fiduciary duty.

9. Review employee education strategy with Client for fit with participant demographics and Plan goals.

In consideration of our existing relationship, our discounted proposed annual, fixed dollar fee is \$25,000 (approximately 5.3 b.p. as a percentage of total assets as of 12/31). This fee is for a full-service relationship and includes all services offered to our defined contribution clients. AndCo considers it a best practice for Plan Sponsors to pay for investment consulting services directly, however, in many cases Plan Sponsors are permitted to defer to these fees to plan participants as a necessary fiduciary related expense.

I would like to reaffirm several distinguishing features that set our firm apart from the competition.

- *Fiduciary:* We accept full fiduciary responsibility for each of our clients, without equivocation or exception.
- *Institutional Client Experience:* We consult over 680 institutional clients with \$85 billion in assets under advisement. We have more contact with institutional Boards each quarter than most of our competitors have in a full year.
- *Public Fund Experience:* We work with over 430 public plans. We are one of the largest public funds consulting firms in the country. Along with our national presence we represent 85 public defined contribution plans.
- *Team:* An experienced and credentialed team supports each consultant. Our firm's commitment to pooling our collective resources helps us provide a high-quality client experience. Our seasoned team of 90 professionals includes 22 CFA® Charterholders and 29 advanced degree holders.
- *Value Creation:* The consultants who will continue to work on this relationship (Dave West, CFA and Paul Murray, CPFA) have helped to consistently deliver value to the Town of Palm Beach.

Trust, integrity, confidence, and respect are the cornerstones of any successful business relationship. We always have and always will ensure that our clients come first. We would be honored to continue to consult to the Town of Palm Beach.

Disclosure: All assets under advisement ("AUA") indicated throughout this report are current as of 9/30/2018. All other information and figures are valid as of the date of distribution, unless otherwise indicated.

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director and Danielle Olson, Director of Human Resources

Re: Defined Contribution Plan Liability Coverage and Oversight

Date: March 29, 2019

STAFF RECOMMENDATION

Staff requests that the Town Council provide direction and guidance regarding the oversight of the Town's defined contribution (DC) plan.

GENERAL INFORMATION

Since the formation of the current Retirement Board in 2012, the Board had oversight duties and responsibilities with respect to the Town's defined contribution (DC) retirement plans. The attorney for the Retirement Board was requested to provide a history and details of the Board's role and responsibilities with respect to the DC plans. At the March 15, 2019, Retirement Board meeting, the Board attorney Jim Linn provided information regarding the duties and responsibilities of the Board with respect to the Town's defined contribution (DC) retirement plans. The attorney's letter that was provided to the Board is attached. The Retirement Board voted to ask the Town Council to clarify the Ordinance, remove the responsibility of the health savings accounts and defined contribution retirement plans from the Retirement Board, and have the Retirement Board mandate be the defined benefit plans only. The Board members were concerned about the potential liability risk associated with responsibility for defined contribution plans.

If the Town Council approves the Retirement Board's request, the following steps would need to be taken:

1. The Town Council would need to approve and establish a new committee to oversee the investment selections for the DC plans.
 - a. This new committee could include employees, citizens and/or financial professionals from the area or employees only.
2. The Town's Code of Ordinances would need to be amended to reflect this change.

3. The DC plan documents will need to be amended to clearly reflect the committee responsible for exercising discretionary authority over the DC plan investments and the lineup of DC plan investment options.
4. Following the change in plan documentation and establishment of the new committee, the committee would need to take the following steps:
 - a. The new committee would need to contract with a consultant. The current Pension and OPEB consultant AndCo has provided a proposal for these services at an additional cost of \$25,000. These costs could be paid by the Town directly or through the income produced from the mutual funds offered by the plan. A copy of the AndCo proposal is provided.
 - b. The new committee would need to purchase fiduciary liability insurance. The current estimated cost for this coverage is \$5,977.
 - c. The new committee would need to adopt an investment policy for the DC plans. A draft investment policy has been prepared by AndCo.
 - d. AndCo has renegotiated the contract with ICMA-RC, our DC plan Administrator and Recordkeeper. This contract would need to be signed by the Town Manager.

If Council decides to modify the Code as requested by the Pension Board and establish a new committee, the members of the new committee would be fiduciaries of the DC plan with respect to all responsibilities allocated to them. The members of the committee would discharge their duties solely on behalf of the participants and their beneficiaries. The committee also has general oversight of the investments, administrative responsibilities and contracted vendors with respect to the plan.

The rolls and responsibilities of the Committee would include:

A. Investment oversight

1. Understanding the sponsoring organization's investment goals and how this supports the goal of retirement readiness for participants
2. Adopting, periodically reviewing and revising an Investment Policy Statement
3. Monitoring the performance of the investment funds in accordance with the Investment Policy Statement
4. Retaining or replacing investment funds for the Plan

B. Administrative Duties

1. Understanding the sponsoring organization's communication and education goals and how this supports the goal of retirement readiness for participants
2. Approving communication and education strategy consistent with best practices and in line with guidance provided by ERISA 404(c)
3. Reviewing all fees incurred by or on behalf of the participants for reasonableness
4. Adopting, periodically reviewing and revising the Plan Documents.
5. Adopting, periodically reviewing and revising the Committee's Charter
6. Furnishing all notices to participants as required by IRC and DOL
7. Creating Meeting Agendas
8. Documentation of meeting and committee decision through meeting minutes
9. Select, monitor and periodically review the service providers of the Plan

The committee has the ability to allocate duties to service providers, such as third-party administrators, record-keepers, investment consultants and auditors, but is responsible for prudently selecting and monitoring the performance and costs associated with the service providers. Currently ICMA-RC is the third party administrator and record-keeper for the Town's DC plans.

SPECIAL CONSIDERATION

Since there are few employees with a financial or investment background, having a committee made up of all employees may be a concern, so having one or more individuals from the community with a financial background on the committee would be beneficial to oversee these DC plans.

FISCAL IMPACT /FUNDING SOURCE

Based on the new plan administration requirements and changes to the Town's contracted Pension Administration provided to the Retirement Board, a administrative support 0.5 FTE currently slotted for elimination in FY20 will need to be retained and reallocated to provide administrative support for the DC plan and the pension plan, if and as needed.

As of December 31, 2018, the total amount held with ICMA-RC for the Town employee's DC plans was \$51,394,396.

Currently the Consultant's fees for the Retirement Plan and the review of the DC plans are paid through the Retirement Fund. The Consultant fees, as indicated above can be paid either directly by the Town or paid with mutual fund fees received by the plan. AndCo believes that there should be sufficient revenue from mutual fund fees to cover this expense.

The Fiduciary Liability coverage is \$5,977 and a funding source would need to be identified. Attorney fees to revise the code and contracts would need to be calculated and a funding source would need to be identified. If there is sufficient revenue from mutual fund fees, these expenses may be able to be covered through this revenue source.

If the mutual fund fees were not used for these expenses, the income would help to offset the plan administration and recordkeeping fees that are charged by ICMA to the participants of the plan.

jll

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

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2018

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated March, 28, 2019, from Jane Le Clainche, Director of Finance**
- ▣ **Reserve Status Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Director of Finance

Re: Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2018

Date: March 28, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2018.

GENERAL INFORMATION

A copy of the Town of Palm Beach Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2018, completed in accordance with Section 11.45 of the Florida Statutes, is being provided to each of you under separate cover and can be viewed on the Town's website at www.townofpalmbeach.com under the "Government" tab, by clicking on Departments/Finance Department/Financial Reports.

This document serves as the required annual audit of the Town of Palm Beach. It exceeds the minimum requirements for an annual audit, providing information which staff expects will qualify the Town to receive the Government Finance Officers' Association Certificate of Achievement for Excellence in Financial Reporting for the 31st consecutive year.

The completed CAFR will be forwarded to the Auditor General's Office once it is approved, to satisfy the statutory requirements.

The final reported General Fund unassigned fund balance for fiscal year ended September 30, 2018, is \$23,063,128. This amount represents 34.91% of the FY19 operating expenditure budget (total budget less CIP, coastal transfer and extraordinary retirement transfer), and exceeds the 25% minimum by \$6,548,855. A report on the status of all Town reserves as of September 30, 2018, is attached for your information and will be included in the Long Term Financial Plan that will be presented at the May 14, 2019, Town Council meeting.

N. Ronald Bennett CPA, with the firm of Nowlen, Holt & Miner, P.A., will make a brief presentation regarding the audit results for FY2018 at the Town Council meeting.

Attachments

jls

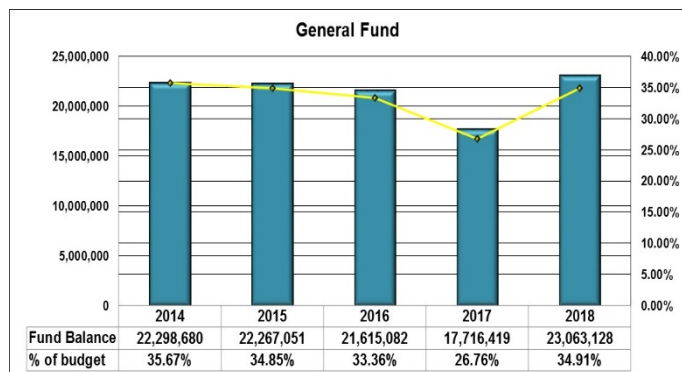
cc: Department Directors
John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager

Town of Palm Beach Reserves

The Town Council has adopted eighteen financial policies, fifteen of which address reserves. The reserve policies serve to safeguard the Town's financial resources and ensure fiscal stability. The size of a municipality's fund balance can affect its ability to withstand financial emergencies. Reserves can also be used to accumulate funds for capital purchases or capital projects without having to borrow.

Unassigned Fund Balance - General Fund

Pursuant to adopted policy, the unassigned fund balance for the General Fund is to be maintained at a minimum level of 25% of current year General Fund budgeted expenditures. This minimum level is to be maintained to protect the Town against economic downturns, temporary revenue shortfalls, unpredicted one-time expenditures, and for tax rate stabilization purposes. Twenty-five percent of the FY19 General Fund operating budget (General Fund budget less CIP, coastal and extraordinary retirement transfer) is \$16,514,274. The FY18 ending fund balance was \$23,063,128. The unassigned fund balance exceeds the minimum requirement by \$6,548,855.

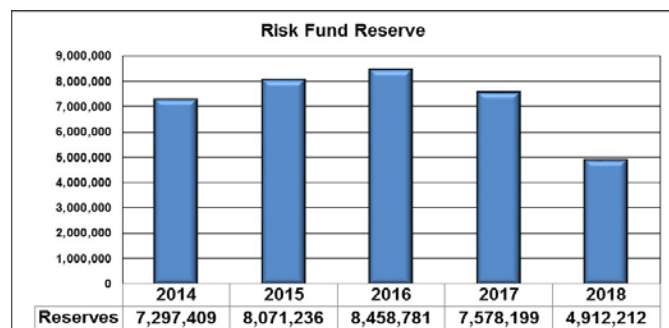


The General Fund Undesignated Fund Balance has consistently exceeded the required minimum level of 25%. The chart details the General Fund Undesignated Fund Balance and the percent of budgeted expenditures the balance represents.

The FY19 budget includes a transfer of \$560,000 to fund the contingency reserve. The fund balance amount of \$23,063,128 is net of this transfer.

Reserves - Risk Fund

The total reserve balance for the Risk Fund was \$4,783,248 as of September 30, 2018. Out of this reserve balance, the Town funds the Reserve for Catastrophic Exposures/Emergencies - Risk Fund in the amount of \$2,500,000 and the Contingency Reserve for \$500,000. The trend for the Risk Fund Reserve is shown in the table on the next page. In 2014, the Town Council approved a transfer of \$2,000,000 from the reserves of the Risk Fund to the Coastal Protection Fund. The fund balance declined in FY18 due to a transfer of \$2,300,000 to the Recreation Enterprise Fund to partially fund the Town's portion of the new Recreation Center. The minimum recommended reserve balance is \$4,000,000, which represents



the amount of the Reserve for Catastrophic Exposures/Emergencies and the Contingency Reserve plus an equity amount of \$1 million to safeguard the Town's budget from an adverse event recommended by the actuary. The excess reserve for this fund is \$783,248.

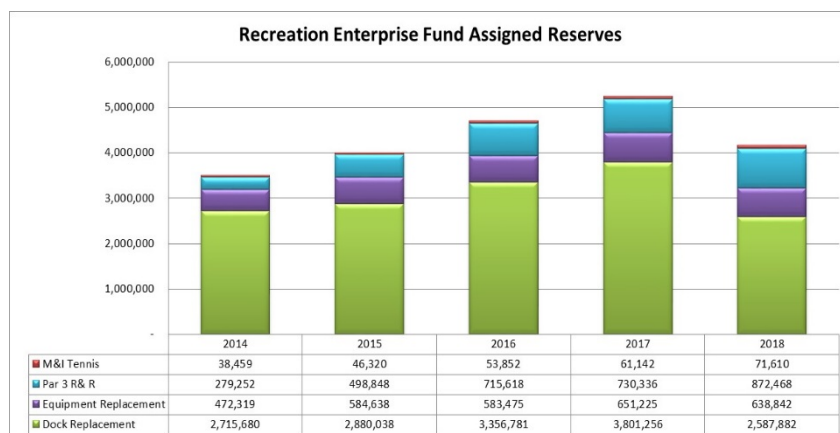
Reserve for Catastrophic Exposures/Emergencies - Risk Fund

The Reserve for Catastrophic Exposures/Emergencies for the Risk Fund is funded at a minimum of \$2,500,000. This reserve was established to set aside emergency funds to protect the Town against the potential financial impacts of large judgments in excess of insurance coverage and the financial impacts of response to and recovery from a man-made or natural emergency situation. In addition, the reserve can be used in response to increases in premium rates and/or loss fund increases. This reserve is funded with a budget appropriation from the Net Asset reserves of the Risk Fund.

Recreation Enterprise Fund Reserves

The Recreation Enterprise Fund has been separated in FY19. The Marina and Par 3 Golf Course will have separate enterprise funds. The Recreation Activities have been transferred to the General Fund. The ending FY18 reserves will be divided between the Marina and the Par 3 Golf course and any reserves related to the Recreation activities and Tennis will be transferred to the General Fund.

The Town's Recreation Enterprise fund included the operations of the Town Docks, the Par 3 Golf Course, tennis activities and youth and adult recreation programs.



At the end of FY18, the net asset balance for the Recreation Enterprise Fund (REF) was \$12,731,660. This amount includes \$4,600,000 that was transferred from the Risk and Health Insurance Funds for the Recreation Center Project. Separate reserves were set aside from this amount for the dock replacement, Par 3 Improvements, tennis improvements and equipment replacement.

At the end of FY18, \$2,587,882 had been set aside in the Dock Replacement Reserve. The Dock Replacement reserve was created to fund the replacement cost of the construction of the Town's docks whenever it is determined they must be replaced. The replacement reserve is to be maintained at 100% of accumulated depreciation plus accumulated interest earned on the reserve. In FY16, the Town committed to lowering the transfer to the General Fund each year by \$100,000 and add these funds each year to the Dock Replacement Reserve. In FY18, the Town used a portion of these reserves to fund the engineering and permitting costs associated with the dock replacement project.

At the end of FY18, the Par 3 Golf Course maintenance and improvement reserve and the Par 3 Clubhouse reserve were combined into the Par 3 Golf course repair and replacement reserve. This

reserve is funded with the proceeds from the Maintenance and Improvement fee and a transfer equal to ½ of the annual depreciation on the clubhouse and golf course. The balance in this reserve as of September 30, 2018 is \$872,468.

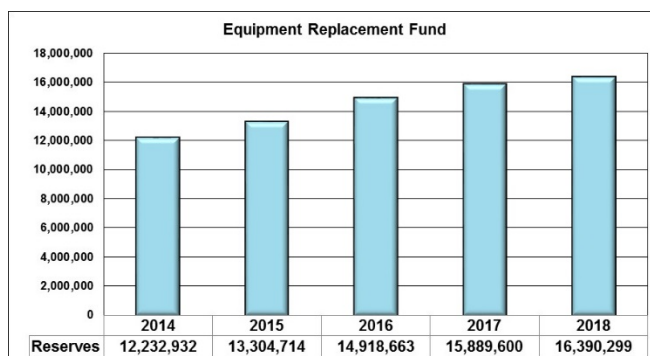
In FY10, a maintenance and improvement fee was implemented for the Tennis program. This reserve at the end of FY18 is \$71,610 and has been set aside for improvements to the tennis centers.

The Recreation Enterprise Fund's equipment replacement reserve allows for the purchase of capital equipment and is funded with accumulated replacement cost depreciation from Recreation Net Assets. The balance in the REF Equipment Replacement Fund for FY18 is \$638,842.

Equipment Replacement Fund

The Town-wide Equipment Replacement Fund is intended to fund the replacement cost of existing equipment, vehicles and computers when they reach the end of their useful life. This reserve significantly reduces the budgetary fluctuations due to purchases of large pieces of equipment and ensures compliance with the fixed asset inventory and depreciation schedule required by GASB34.

The balance in the Equipment Replacement Fund Reserve for year-end FY18 is \$16,390,299. In FY13, the Town Council approved the use of funds from this reserve for internal financing for small underground utility projects financed by special assessments. To date, a balance of \$2,509,451 has been used for these projects. Currently the total amount in the fund available for equipment replacement is \$14,990,313. There are excess reserves in this fund of \$1,399,986.



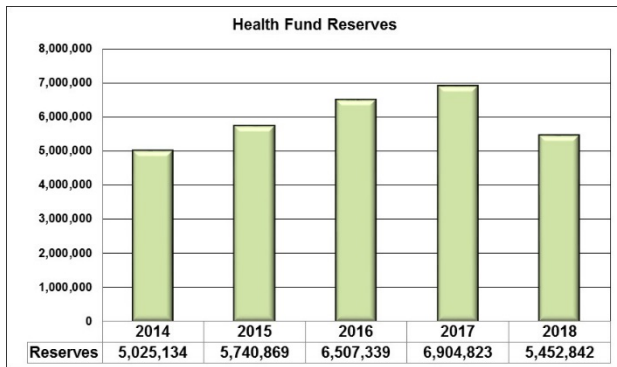
For FY19, income including the depreciation transfer will total \$2,493,173 and expenditures for capital equipment are budgeted at \$2,462,990.

Designation of General Fund Balance for Payment of Liability Related to Compensated Absences Leave Balances

A Reserve for Compensated Absences reduces the budgetary fluctuations due to the payout of accrued leave time to employees when they leave Town service. This reserve is funded at a rate of 100% of the fiscal year end accrued leave balances. Funds are appropriated annually from this reserve based upon estimates of pay-outs of eligible accrued vacation, sick and compensatory time and the related payroll tax liability. The balance in the reserve as of September 30, 2018, was \$3,129,714. The FY18 appropriation for the pay-out of eligible accrued vacation, sick and compensatory time from this reserve is \$810,789.

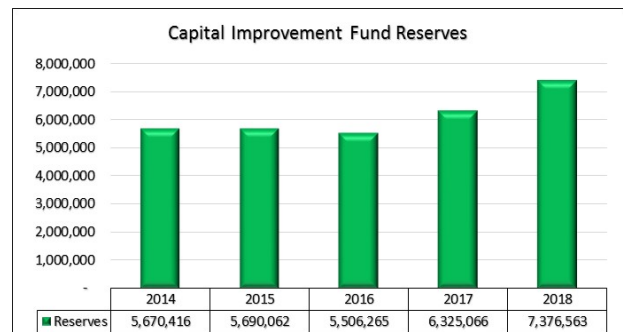
Health Insurance Reserve

The balance of the reserve in the Health Fund at the end FY18 is \$5,464,579. These reserves guard against any deficiencies in the Town's self-insurance health fund for active employees' insurance expenditures. The trend in the reserve balance is shown in the chart. Since FY13, the Town has maintained level funding of health insurance benefits due to good claims experience and the wellness program. These reserves have also provided cushion in case claims unexpectedly increase. In FY18, a transfer of \$2,300,000 to the Recreation Enterprise Fund was made to fund the Town's portion of the new Recreation Center. The actuary recommends a minimum reserve of 6 months of estimated claims as well as the incurred but not Recorded (IBNR) claims. These amounts total \$1,777,795, leaving a excess reserve amount of \$3,686,784.



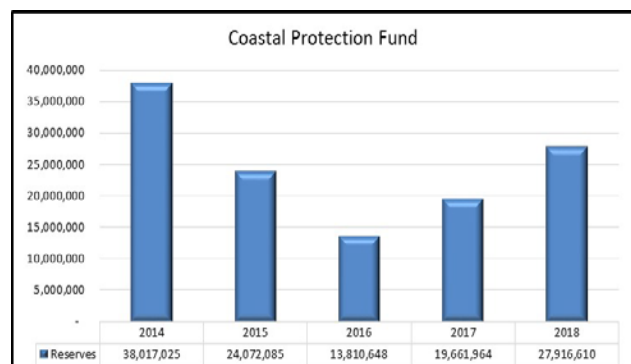
Capital Improvement Fund

For many years, the Town funded all of the capital infrastructure improvements through pay-as-you-go financing. In 2010, the Town issued the first of two bonds for capital improvements to accelerate many large scale capital improvement projects identified in the 20 year plan. In FY17, the transfer to Capital Improvement Fund from the General Fund increased to \$2,290,200 to begin to build up the reserves for projects once the bond proceeds have been spent. Once the bond proceeds have been spent on the remaining projects, it is proposed to return to pay-as-you-go financing. The balance in this reserve is set aside for use for future capital projects.



Coastal Protection Fund

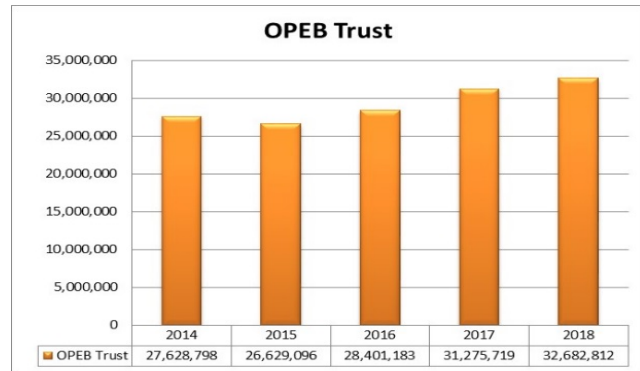
The Coastal Protection Fund reserves are in place to reserve funds for beach renourishment projects. The Coastal Protection financing plan calls for annual transfers from the General Fund to the Coastal Fund to accumulate funds for renourishment projects and the other costs associated with the plan. The FY19 transfer is \$7,349,124. As of September 30, 2018, the reserve balance in this fund is \$27,916,610. Excess reserves from closed out projects total



\$3,400,741. The next planned project is the Mid-Town beach renourishment project in FY21. Sufficient funds will be available for this project.

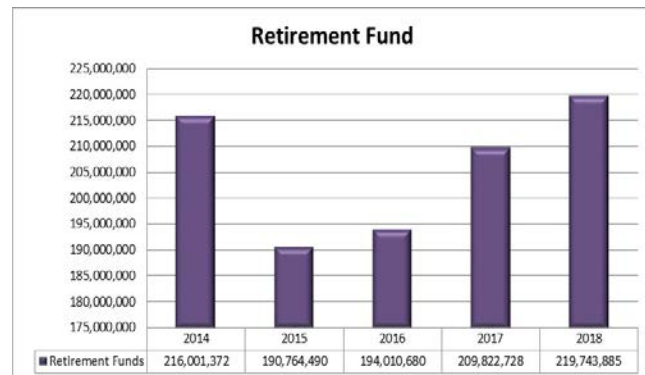
OPEB (Other Post Employment Benefits) Trust

The Town's OPEB Trust Fund was established in 2007 to comply with GASB Statements 43 and 54, which required the establishment of a liability for actuarially determined costs of retiree health benefits. This fund's investments are overseen by the Town's Investment Advisory Committee. The net asset balance in this trust is \$32,682,812 as of September 30, 2018. The total OPEB liability for 2018 is calculated to be \$30,440,000, resulting in a Net OPEB asset of \$2,240,000, resulting in a funded ratio of 107.4% using a 6% return assumption. The actuarially determined transfer from the General Fund for the OPEB liability for FY19 is \$420,000. The Town continues to be well ahead of other government agencies in funding this liability.



Retirement Fund

The Town provides pension benefits for General Employees, Lifeguards, Police Officers, and Firefighters. The funds were separately managed by three pension boards until the consolidation on April 1, 2012, into the Employee's Retirement Fund. The Retirement Board oversees all of the Town's pension assets and retirement programs. The net assets of the consolidated retirement fund at the end of FY18 were \$219,743,885. The increase is a result of good investment performance during the year and the extraordinary retirement contribution. The decline from FY14 to FY15 was due to investment losses.



Contingency Reserves

Contingency reserves were established for the General Fund, Capital Fund, Equipment Replacement Fund, Recreation Enterprise Fund, Risk Insurance Fund and Health Insurance Fund to provide for unanticipated unbudgeted expenditures of a nonrecurring nature. The amount of the General Fund Contingency has been funded at 1% of the FY19 operating budget. The Capital Fund Contingency is appropriated at 10% of the capital budget, while the Equipment Replacement Fund, Risk, and Health Contingency Reserves are appropriated at \$500,000 each. The Enterprise Funds maintain a Contingency Reserve at 5% of the operating expenses. All of the contingency reserves are annually appropriated in the budget process from the net asset reserves of each of the funds. Amounts from

the contingency are appropriated for expenditures through an affirmative vote of the Town Council.

The table below identifies the contingency budgets and actual expenditures for the fiscal years 2015 through fiscal YTD 2019.

**Contingency Reserves
FY2015 – FYTD2019**

Contingency	2015	2016	2017	2018	2019 YTD
General Fund Budget	\$ 909,000	\$ 944,686	\$ 960,300	\$ 655,877	\$560,000
General Fund Actual	\$ 246,361	\$ 764,145	\$ 759,644	\$ 12,000	\$ 40,000
CIP Budget	\$ 205,000	\$ 208,000	\$ 348,600	\$ 284,500	\$603,750
CIP Actual	\$ 205,000	\$ 208,000	\$ -	\$ -	\$ 95,796
ERF Budget	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$500,000
ERF Actual	\$ -	\$ 29,111	\$ 10,391	\$ 105,252	\$ -
Risk Budget	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$500,000
Risk Actual	\$ -	\$ -	\$ -	\$ -	\$ -
Health Budget	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$500,000
Health Actual	\$ -	\$ -	\$ -	\$ -	\$ -
Recreation Budget	\$ 272,100	\$ 285,300	\$ 321,200	\$ 168,303	\$ -
Recreation Actual	\$ 39,000	\$ 135,030	\$ -	\$ 37,750	\$ -
Town Docks	\$ -	\$ -	\$ -	\$ -	\$ 55,679
Town Docks Actual	\$ -	\$ -	\$ -	\$ -	\$ -
Par 3	\$ -	\$ -	\$ -	\$ -	\$ 89,630
Par 3 Actual	\$ -	\$ -	\$ -	\$ -	\$ -

Unassigned Net Position

All reserves are at or over the policy established minimum. The financial strength of the Town can be measured by the health of its reserves. Bond rating agencies look closely at the reserve levels and the financial policies in place when rating a municipality. The rating agencies reviewed the Town's credit ratings in preparation for the issuance of the 2010, 2013, 2016 and 2018 Bonds. They cited the Town's healthy reserves, solid fiscal policies, and conservative management practices as some of the reasons for our exceptional bond ratings. Moody's Investors Service gave the Town an Aa1 for the Revenue Bonds and provided the Town with a General Obligation Bond rating of Aaa. Standard and Poor's has recently upgraded the credit rating on the Revenue bonds to AAA and provided the Town's General Obligation Bond a rating of AAA. These Revenue Bond ratings and issuer credit ratings are the highest ratings these two services issue and represent the highest quality investment grade debt.

The table and the chart on the next page summarize the trend of the unassigned net position, compensated absence, and replacement reserve balances for fiscal year ending FY14 through FY18.

Reserve Balances Fiscal Years 2014 – 2018

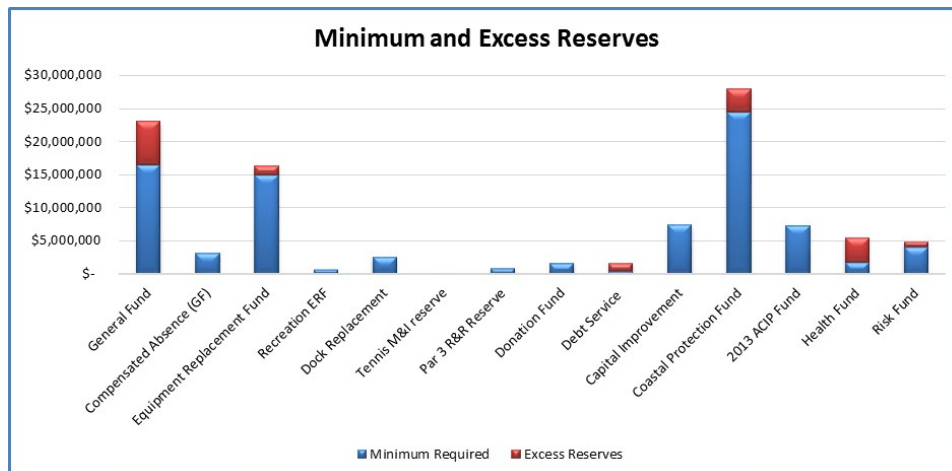
Fund	2014	2015	2016	2017	2018
General Fund	\$ 22,298,680	\$ 22,267,051	\$ 21,615,082	\$ 17,716,419	\$ 23,063,128
Compensated Absence (GF)	3,456,532	3,168,789	3,061,180	3,210,518	3,129,714
Equipment Replacement Fund	12,232,932	13,304,714	14,918,663	15,889,600	16,390,299
Recreation Enterprise Fund	1,025,665	179,645	169,291	777,250	0
Recreation ERF	472,319	584,638	583,475	651,225	638,842
Dock Replacement	2,715,680	2,880,038	3,356,781	3,801,256	2,587,882
Par 3 M&I Reserve	279,252	351,246	388,132	442,910	0
Tennis M&I reserve	38,459	46,320	53,852	61,142	71,610
Par 3 Clubhouse M&I	0	147,602	327,485	287,426	872,468
Donation Fund	611,943	564,368	1,180,331	3,018,697	1,666,199
Debt Service	1,745,086	1,567,384	955,441	1,569,976	1,566,248
Capital Improvement	5,670,416	5,898,531	5,506,265	6,325,066	7,376,553
Coastal Protection Fund	38,017,024	24,072,085	13,810,648	19,661,966	27,916,610
2013 ACIP Fund	43,347,077	34,967,926	20,196,064	12,095,772	7,286,574
Health Fund	5,025,134	5,740,869	6,507,339	6,904,823	5,464,579
Risk Fund	7,297,409	8,071,236	8,458,781	7,578,199	4,783,248
Health - OPEB Trust	27,628,798	26,629,096	28,401,183	31,275,719	32,682,812
Pension Funds	<u>216,001,372</u>	<u>190,764,490</u>	<u>194,010,680</u>	<u>209,822,728</u>	<u>219,743,885</u>
Total	\$ 387,863,778	\$ 341,206,028	\$ 323,500,673	\$ 341,090,692	\$ 355,240,651



Excess Reserves

Many of the Town's reserves must be maintained at a minimum level set by policy or based on recommendations of the Town's actuarial firms. The various capital fund reserves represent funds that have been accrued for future projects, or in the case of the 2013 ACIP funds, the remaining bond funds available for projects. The chart below shows the FY18 ending balance, minimum reserve amount and excess reserve balances.

Fund	2018 Estimated Reserve Balance	Minimum Required Balance	Excess Reserves
General Fund	\$ 23,063,128	\$ 16,514,274	\$ 6,548,855
Compensated Absence (GF)	\$ 3,129,714	3,129,714	0
Equipment Replacement Fund	\$ 16,390,299	14,990,313	1,399,986
Recreation ERF	\$ 638,842	638,842	0
Dock Replacement	\$ 2,587,882	2,587,882	0
Tennis M&I reserve	\$ 71,610	71,610	0
Par 3 R&R Reserve	\$ 872,468	872,468	0
Donation Fund	\$ 1,666,199	1,666,199	0
Debt Service	\$ 1,566,248	405,000	1,161,248
Capital Improvement	\$ 7,376,553	7,376,553	0
Coastal Protection Fund	\$ 27,916,610	24,515,869	3,400,741
2013 ACIP Fund	\$ 7,286,574	7,286,574	0
Health Fund	\$ 5,464,579	1,777,795	3,686,784
Risk Fund	\$ 4,783,248	4,000,000	783,248
Health - OPEB Trust	\$ 32,682,812	32,682,812	0
Pension Funds	\$ 219,743,885	219,743,885	0
Total	\$ 355,240,650	\$ 338,259,789	\$ 16,980,861



TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, At Article 1, In General, Section 66-2, Definitions; At Article IV, Vegetation, Section 66-212, Purpose And Intent; To Include A New Section 66-285, General Under Division 4, Design Requirements; Amending Section 66-286, Water Conserving Landscape Design; And Amending Section 66-311, Prohibited Plants; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum dated March 20, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 21-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

From: Josh Martin, Director of Planning, Zoning and Building

Re: Proposed Modifications to Chapter 66 of the Town Code of Ordinances
Ordinance 21-2018

Date: March 20, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council approve the second reading of Ordinance No. 21-2018, amending Chapter 66 – Natural Resource Protection, of the Town Code of Ordinances, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

At the November 13, 2018 Town Council meeting, the ORS Committee recommended the following amendments to Town Council for consideration:

- The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general;
- The second amendment at Section 66-212 proposes revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3));
- The fourth amendment at Article IV, subsection (5) relates to mulching and is aimed at environmental protection; and
- The final amendment which is deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, is at Section 66-311 and includes a new subsection (d) which provides that the planting of ficus benjamina shall be prohibited, except in instances where it is being planted to fill in hedge material.

The Town Council did not take action on the aforementioned amendments and asked Staff to review the proposed amendments once more and provide a revised, recommended list of amendment to the ORS committee during its December 2018 meeting.

At the December 5, 2018 meeting of the ORS, Staff prepared a revised set of amendments to Chapter 66 as follows:

- The first amendment at Article II, related to the incorporation of revised definitions related to Natural Resource Protection in general that pertain to the other amendments in the attached document;
- The second amendment at Section 66-212 proposed revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposed general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25% as a result of Town Council direction during its November 13, 2018 meeting. This amendment also included the prohibition of hat racking of trees following Staff review of the subject matter. Staff has reviewed how other local municipalities handle the hat racking of trees and recommends that the practice of hat racking be prohibited. This practice is harmful to the tree and is aesthetically unpleasing. The practice also leaves the tree more vulnerable to storms due to its decrease in overall health;
- The fourth amendment at Article IV, subsection (5) related to mulching and was aimed at environmental protection. This amendment specifically prohibited the use of Cypress mulch and dyed mulches; and
- The final amendment, which was deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, was at Section 66-311 and included a new subsection (d), which prohibits the planting of ficus benjamina.

Moreover, Staff conducted a review of the topic of shade trees and has researched how other upscale south Florida municipalities address shade trees in their development code. For the communities that do require shade trees, the intent is to bolster a community's tree canopy and to limit the number of palm trees per property. Staff believes that the Town has a very healthy canopy condition, well in excess of the requirements of the studied municipalities, and that the limiting of a property's palm trees is not in the interest of the community. As a result, Staff recommends against any regulations concerning shade trees be included in the amendments to Chapter 66.

At its December 5, 2018 meeting, the ORS voted to recommend only the amendment related to ficus benjamina to Town Council for consideration. Additionally, the ORS requested input from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals) to review during the February 7, 2019 meeting. On Friday, January 11, 2019, Staff circulated the proposed amendments to The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals) and received input from each of the aforementioned groups as well as The Preservation Foundation of Palm Beach (input attached for your review). An annotated version of the Ordinance that was circulated for review is included

for your review, which contains all of the comments received correlated to the pertaining section of the ordinance. Finally, Staff prepared a revised version of ordinance that reflects these recommendations from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals), and The Preservation Foundation of Palm Beach and is included for your review.

At its February 7, 2019 meeting, the ORS voted to recommend the attached, proposed ordinance (Ordinance No. 21-2018) that incorporates input from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals), and The Preservation Foundation of Palm Beach, which includes amendments as follows:

- The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general that pertain to the other amendments in the attached document;
- The second amendment at Section 66-212 proposes revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25%. This amendment also includes the prohibition of hatracking of trees, while allowing for the pollarding of trees;
- The fourth amendment at Article IV, subsection (5) relates to mulching and environmental protection. This amendment specifically prohibits the use of Cypress mulch, pine mulch, and dyed mulches; and
- The final amendment, which was deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, resides at Section 66-311 and includes a new subsection (d), which prohibits the planting of ficus benjamina. Moreover, this section encourages the planting of appropriate native vegetation in a hedge or hedgerow.

Subsequent to the February 7, 2019 ORS meeting, Staff received input from Jorge Sanchez via email dated February 15, 2019, requesting further clarification on the native vegetation requirement so that the native planting requirement may also include cultivars of native species. Mr. Sanchez' email is attached for your review.

At its March 19th meeting, Town Council voted to approve Ordinance 21-2018 as presented with the following amendments:

- Add the definition of pollarding to the ordinance; and
- Insert the word "new" to the 25% native vegetation requirement so that the standard shall apply to all "new" required landscaping.

The attached, proposed Ordinance 21-2018 includes the aforementioned amendments.

Attachments

cc: John C. Randolph, Town Attorney

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; 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 foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

“Sec. 66-2. - 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:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball.

~~Evapotranspiration-based controller means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

- ~~(1) Receives and monitors weather data or on-site environmental conditions;~~
- ~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~
- ~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~organic, arsenic free material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and buffer soil temperature. and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native plant community is a natural association of plants dominated by one or more prominent native plant species.

Native plant species shall be the plant species indigenous to the ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.

Pollarding is a pruning system involving the removal of the upper branches of a tree thus promoting a dense head of foliage and branches.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

“DIVISION 1. - GENERALLY

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

- (1) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests, such as whitefly.
- (2) Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife and to eliminate or significantly reduce the need for fertilizers, pesticides and water
- (3) ~~Promote water conservation and~~ Improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
- (4) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
- (5) Improve the environmental quality of the town.
- (6) ~~Eradicate or control certain~~ Category I invasive exotic plant species ~~and eradicate or control Category II invasive exotic plant species as listed on the most current Florida Exotic Pest Plant Council’s List of Invasive Plant Species.~~
- (7) Protect and encourage native shoreline and wetland ecosystems.
- (8) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
- (9) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.
- (10) Reduce noise and pollution by designing landscaping to visually screen unsightly views and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
- (11) Provide a visual buffer between otherwise incompatible types of land uses.
- (12) Strengthen important vistas and reinforce desirable site design.
- (13) Promote energy conservation by encouraging cooling through the use of vegetation that creates shade.

(14) Encourage the use of rain harvesting systems, such as cisterns, as a means to conserve water by reducing overwatering of landscapes.

(15) Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

(1). At least 25 percent (25%) of all new required landscaping, in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. To determine appropriate native vegetation the Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used.

(2) The hatracking of trees is prohibited; however pollarding is permitted.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

(5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product or alternative mulches such as eucalyptus, pine needles, pine finds, oak leaf, Atlas grow soil, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch, pine mulch, and dyed mulches is prohibited.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

(d) Prohibition of ficus benjamina. Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed. The planting of appropriate native vegetation in a hedge or hedgerow is encouraged.

~~(e)~~ *Protection of natural area and incentives.* The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within

the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(fe) Enforcement. Violations of this section shall be:

- (1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.
- (2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

Section 7. 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 8. 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 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. 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 19th day of March, 2019, and for second and final reading on this 9th day of April, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 13-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Article X. - On-Street Parking Permits, At Section 134-2296(C) and Section 134-2327(2); Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 13-2019**

ORDINANCE NO. 13-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ARTICLE X. – ON-STREET PARKING PERMITS, AT SECTION 134-2296(C) AND SECTION 134-2327(2); 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 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2), to read as follows:

“Sec. 134-2296. – Issuance of special parking permits upon application.

- (c) Visitor/service permits. ~~Upon application by such owner, up to two visitor/service permits may be issued.~~ In addition to the decals issued pursuant to Section 134-2295(b) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of four permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. The permit or permits shall be valid for a fiscal year as defined in section 134-2292 and may be renewed each successive fiscal year. A fee, as determined by resolution of the town council shall be charged for each visitor/service permit and shall be payable at the finance department. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

“Sec. 134-2327. – Issuance.

- (2) *Visitor/service permits* In addition to the Resident permits provided under (1) above, upon application by owner, owner may be issued visitor/service permits, which Upon application by such owner, up to two visitor/service permits may be issued, permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of four permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. A fee is hereby authorized for issuance of said permit payable to the finance department for each visitor/service permit. The amount of the fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises."

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 19th day of March, 2019, and for second and final reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 8-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43, Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum dated March, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 8-2019**
- ▣ **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

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

Re: Proposed Change in the Business Tax Receipt Rate Structure
Ordinance 8-2019

Date: March 8, 2019

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance 08-2019 amending the Business Tax Receipt Rate Structure. It should be noted that approval of this ordinance will require a majority plus one vote of the Town Council in order to become effective.

GENERAL INFORMATION

In Fiscal Year (FY) 2018/2019, the Town issued 1,476 Business Tax Receipts (formerly known as occupational licenses) to local businesses. All businesses, professions, and occupations conducted within the Town are required to pay the annual Business Tax Receipt. The Town Code of Ordinances, Chapter 114, Taxation, Sections 114-31 through 114-45 detail the Business Tax Receipt program.

Per Florida Statute 205.0535, the Town may increase Business Tax Receipt Rate Structure every two years by an amount not to exceed 5%. The Town's Business Tax Receipt Rate Structure were last modified on May 9, 2017 with the current rates commencing on October 1, 2017. The rate structure was also increased in 2015, 2013 and 2011.

Staff is recommending an increase in rate structure for FY 2019/2020 by the allowed 5%. If approved, this modification would represent a potential increase in revenue of approximately \$35,000 per year.

If the Town Council approves first reading of Ordinance No. 08-2019, the ordinance will be placed on the May, 2019 Town Council agenda for second and final reading. If adopted, the revised rate structure will be incorporated into the renewal notices scheduled for issuance on or about July 1, 2019, for the new tax year commencing October 1, 2019.

FUNDING/FISCAL IMPACT

The proposed fees will represent an increase in Business Tax Receipts of approximately \$35,000 annually, commencing in FY 2019/2020. This increase is planned, and is reflected in the Town's Long Term Financial Plan.

SPECIAL CONSIDERATIONS

This ordinance has been reviewed by the Town Attorney for legal form and sufficiency. Ordinance No. 08-2019 (Chapter 114-43) is ready to be approved on First Reading.

Attachments

WRB

ORDINANCE NO. 08 - 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 114 TAXATION, ARTICLE II, LOCAL BUSINESS TAX, AT SECTION 114-43, SCHEDULE, SO AS TO AMEND THE FEES DELINEATED FOR EACH BUSINESS, PROFESSION OR OCCUPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

Section 1. Chapter 114 of the Town Code of Ordinances relating to Local Business Taxes, is hereby amended at Section 114-43, SCHEDULE, by increasing Business Taxes as set forth on attached Exhibit "A" for each category of listed Business, Profession, or Occupation.

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, Florida, on the First Reading this 9th day of April, 2019; and for the Second and Final Reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

EXHIBIT "A" - PROPOSED SCHEDULE OF BUSINESS TAX FEES

<u>LICENSE CATEGORY</u>	<u>CURRENT</u>	<u>PROPOSED</u>	<u>PROPOSED</u>	<u># ACTIVE</u>	<u>TOTAL</u>
	<u>BTR</u>	<u>BTR</u>	<u>(ROUNDED)</u> <u>BTR</u>	<u>LICENSES</u> <u>4/3/2019</u>	<u>ESTIMATED</u> <u>REVENUE</u>
A					
ABSTRACTORS OF TITLE	\$ 422.00	443.1	443	1	443
ACCOUNTANT, AUDITOR, CPA, FIRM (INCLUDES ONE PROFESSION	422.00	443.1	443	4	1772
ACCOUNTANT, AUDITOR, CPA	422.00	443.1	443	3	1329
ADULT ENTERTAINMENT	1,218.00	1278.9	1279	0	0
ADMINISTRATIVE OFFICE	342.00	359.1	359	67	24053
ANSWER PHONE (SUPPORT BUSINESS SERVICES)	422.00	443.1	443	27	11961
APARTMENTS (See RENTAL DWELLINGS)					
ARCHITECT	422.00	443.1	443	21	9303
ART GALLERY, UP TO 400 SQ. FT	179.00	187.95	188	2	376
ART GALLERY, 401 - 2,000 SQ. FT	422.00	443.1	443	25	11075
ART GALLERY, 2,001 - 4,000 SQ. FT	487.00	511.35	511	6	3066
ART GALLERY, 4,001 - 8,000 SQ. FT	973.00	1021.65	1022	1	1022
ART GALLERY, OVER 8,000 SQ. FT	1,463.00	1536.15	1536	0	0
ARTIST	324.00	340.2	340	0	0
ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM	442.00	464.1	464	0	0
READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT					
B					
BAKERY	211.00	221.55	222	1	222
BANK, TRUST COMPANY	1,220.00	1281	1281	25	32025
BARBER	161.00	169.05	169	5	845
BARBER, SHOP (Includes one barber)	161.00	169.05	169	5	845
BEAUTY SHOP (See COSMETOLOGY SALON)					
BICYCLE SHOP, RENTALS	161.00	169.05	169	1	169
BICYCLE SHOP, SALES (See MERCHANTS)					
BOAT DEALER (Yacht Broker)	324.00	340.2	340	4	1360
BROADCASTING STATION (Radio or TV)	469.00	492.45	492	2	984

BROKER	422.00	443.10	443	78	34554
BROKERAGE/INVESTMENT COMPANY (Includes one broker)	1,220.00	1281	1281	25	32025
BUSINESS OFFICE ONLY (Two people maximum)	211.00	221.55	222	87	19314
<u>C</u>					
CAR RENTAL AGENCY	649.00	681.45	681	0	0
CATERING	211.00	221.55	222	5	1110
CHIROPRACTOR	422.00	443.10	443	1	443
COIN-OPERATED MACHINES	112.00	117.6	118	3	354
CONSULTANT	422.00	443.10	443	38	16834
CONTRACTOR OFFICE (Construction)	469.00	492.45	492	13	6396
COSMETOLOGIST (Individual)	161.00	169.05	169	84	14196
COSMETOLOGY SALON (Includes one cosmetologist)	161.00	169.05	169	29	4901
<u>D</u>					
DANCE INSTRUCTOR	211.00	221.55	222	0	0
DANCE STUDIO/SCHOOL	422.00	443.10	443	0	0
DENTIST	422.00	443.10	443	7	3101
DINING ROOM, 40 Chairs or less	211.00	221.55	222	2	444
Plus, for each chair	3.30	3.47	3.47	44	152.68
DINING ROOM, over 40 Chairs	422.00	443.10	443	17	7531
Plus, for every chair	3.30	3.47	3.47	4427	15361.69
DINING, CLUB (See DINING ROOM)					
<u>E</u>					
ELECTRIC LIGHT COMPANY	366.00	384.3	384	0	0
EMPLOYMENT AGENCY	422.00	443.10	443	1	443
ENGINEER	422.00	443.10	443	0	0
<u>F</u>					
FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	48.00	50.4	50	25	1250
FULL SPECIALIST	48.00	50.4	50	12	600
FULL REGISTRATION	48.00	50.4	50	1	50

<u>G</u>									
GAS COMPANY	366.00	384.3	384	0	0				
GOLF COURSE	469.00	492.45	492	4	1968				
<u>H</u>									
HEALTH STUDIO	422.00	443.10	443	12	5316				
HOTEL, 10 rooms or less	64.00	67.2	67	0	0				
HOTEL, More than 10 rooms	64.00	67.2	67	10	670				
Plus, each additional room	7.72	8.11	8.11	1387	11248.57				
<u>I</u>									
INSURANCE BROKER, COMPANY/AGENCY	422.00	443.10	443	149	66007				
INSURANCE SALESPERSON	211.00	221.55	222	19	4218				
INTERIOR DECORATOR	422.00	443.10	443	15	6645				
INTERIOR DESIGNER	422.00	443.10	443	4	1772				
<u>J</u>									
JEWELER	732.00	768.6	769	44	33836				
<u>L</u>									
LAW FIRM (Includes one lawyer)	422.00	443.10	443	41	18163				
LAWYER	422.00	443.10	443	36	15948				
<u>M</u>									
MASSAGE THERAPIST (Individual)	422.00	443.10	443	86	38098				
MASSAGE ESTABLISHMENT	422.00	443.10	443	12	5316				
MERCHANT, UP TO 400 SQ. FT.	179.00	187.95	188	41	7708				
MERCHANT, 401 - 2,000 SQ. FT.	422.00	443.10	443	192	85056				
MERCHANT, 2,001 - 4,000 SQ. FT.	487.00	511.35	511	28	14308				
MERCHANT, 4,001 - 8,000 SQ. FT.	973.00	1021.65	1022	10	10220				
MERCHANT, OVER 8,000 SQ. FT.	1,463.00	1536.15	1536	6	9216				
MORTGAGE BROKER	422.00	443.10	443	0	0				

MORTGAGE COMPANY	422.00	443.10	443	2	886
MOTOR SCOOTER AND MOTORCYCLE RENTAL	1,319.00	1384.95	1385	0	0
MUSIC SERVICE	422.00	443.10	443	6	2658
<u>N</u>					
NAIL REGISTRATION (FV) or NAIL SPECIALIST (FT)	48.00	50.4	50	27	1350
NEWSPAPER - SEE PUBLISHER					
NIGHTCLUB - with dancefloor	1,218.00	1278.9	1279	12	15348
NIGHTCLUB - without dancefloor	797.00	836.85	837	2	1674
NURSE	422.00	443.10	443	2	886
NURSING AGENCY	422.00	443.10	443	4	1772
<u>O</u>					
OPTICIAN	422.00	443.10	443	2	886
OPTOMETRIST	422.00	443.10	443	1	443
<u>P</u>					
PARKING GARAGE	422.00	443.10	443	0	0
PARKING LOT	211.00	221.55	222	4	888
PHARMACIST (individual)	422.00	443.10	443	1	443
PHARMACY	422.00	443.10	443	5	2215
PHOTOGRAPHER	211.00	221.55	222	3	666
PHYSICIAN	422.00	443.10	443	18	7974
PRINTING COMPANY	422.00	443.10	443	0	0
PROFESSION NOT LISTED	422.00	443.10	443	21	9303
PROPERTY MANAGEMENT	211.00	221.55	222	14	3108
PUBLIC RELATIONS	422.00	443.10	443	3	1329
PUBLISHER	422.00	443.10	443	2	886
<u>R</u>					
REAL ESTATE BROKER	422.00	443.10	443	50	22150
REAL ESTATE SALESPERSON	0.00	0	0	0	0
RENTAL DWELLINGS	41.00	43.05	43	59	2537

REPAIR SHOP (other than auto)	422.00	443.10	443	0	0
RESTAURANT, 40 Chairs or less	211.00	221.55	222	2	444
Plus, for each chair	3.30	3.47	3.47	57	197.79
RESTAURANT, over 40 Chairs	422.00	443.10	443	30	13290
Plus, for each chair	3.30	3.47	3.47	4788	16614.36
<u>S</u>					
SAVINGS AND LOAN ASSOCIATION	1,220.00	1281	1281	1	1281
SCHOOL, PRIVATE	422.00	443.10	443	0	0
SECURITY AGENCY, PRIVATE	211.00	221.55	222	0	0
SECURITY OFFICER, PRIVATE	31.50	33.08	33	0	0
SERVICE STATION	469.00	492.45	492	1	492
SERVICES, UNLISTED	211.00	221.55	222	17	3774
SWIMMING POOLS, PUBLIC	422.00	443.10	443	15	6645
<u>T</u>					
TALENT AGENCY	422.00	443.10	443	0	0
TAXICABS	324.00	340.2	340	2	680
TELECOMMUNICATIONS COMPANY (formerly telegraph)	366.00	384.3	384	0	0
TELEPHONE COMPANY	366.00	384.3	384	0	0
THEATER	1,463.00	1536.15	1536	0	0
Plus, for each seat	2.21	2.32	2.32	0	0
TRAVEL BUREAU/AGENCY	422.00	443.10	443	3	1329
TRUST COMPANY	1,220.00	1281	1281	2	2562
<u>U</u>					
UNCLASSIFIED BUSINESS NOT LISTED	342.00	359.1	359	18	6462
<u>V</u>					
VETERINARIAN	422.00	443.10	443	3	1329
VETERINARIAN ESTABLISHMENT	422.00	443.10	443	1	443
ANNUAL REVENUE	\$ 693,875.24			\$	728,569.09

TOWN OF PALM BEACH

Town Council Meeting on: April 9, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 15-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances By Adopting A New Chapter 88, Property Maintenance Code, As Set Forth Below, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures, By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use, And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated March 2, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 15-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

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

Re: Property Maintenance Code
Ordinance 15-2019

Date: March 28, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider approving Ordinance 15-2019 on First Reading.

GENERAL INFORMATION

The Town has applicable codes for new construction projects, for fire protection of old and new buildings, for the preservation of older, historic buildings, for the prohibition of 22 types of public nuisances, and for the regulation of certain property activities (such as the haphazard use of sprinkler systems, the handling of manure, and fruit or vegetable displays). However, the Town does not have a general property maintenance code to deal with existing buildings and properties that fall into disrepair. Our recent involvement with, and discussion of, specific properties raised this issue and made it clear that while there is a certain expectation that Town property owners must maintain their properties to high standards, the Town cannot enforce certain matters of blight or inappropriate conditions on private property, unless the certain matters or conditions fall within the 22 examples of public nuisances.

A solution is to adopt a general property maintenance code, applicable to all properties within the Town. A property maintenance code would regulate and govern the conditions and maintenance of all property, buildings and structures within the Town. It would provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use. It would further allow for the condemnation of buildings and structures unfit for human occupancy and use.

The International Code Council (ICC) has published a property maintenance code for decades. Staff reviewed the current version of the ICC property maintenance code and has modified the code for Town use. The numbering system was changed to match the Town code numbering designation and the code was modified to follow existing Town codes and Florida Statute 162. The ICC codes were changed to match the Florida Building Code and the Florida Fire Protection Code.

SPECIAL CONSIDERATIONS

The ordinance has been reviewed by the Town Attorney as to legal form and sufficiency. Ordinance No. 15-2019 (Chapter 88) is ready to be approved on First Reading.

Attachments

WRB

ORDINANCE NO. 15-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER 88, PROPERTY MAINTENANCE CODE, AS SET FORTH BELOW, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE, AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 88, Property Maintenance Code, is hereby adopted in the manner and form set forth herein:

“CHAPTER 88 – PROPERTY MAINTENANCE CODE

ARTICLE I - SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 88-1, GENERAL

A. Title. These regulations shall be known as the Property Maintenance Code of the Town of Palm Beach, hereinafter referred to as “this code.”

B. Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation,

protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

C. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

SECTION 88-2, APPLICABILITY

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code, the referenced standards, and other Town codes, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

B. Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

C. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code, Florida Existing Building Code, Florida Energy Conservation Code, Florida Fire Prevention Code, Florida Fuel Gas Code, Florida Mechanical Code, Florida Residential Code, Florida Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Chapter 134, Zoning.

D. Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

E. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

F. Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

G. Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Article 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 88-2.G.1 and 88-2.G.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

1. Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

2. Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

H. Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

I. Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 88-3, PROPERTY MAINTENANCE ADMINISTRATION, INSPECTION, AND ENFORCEMENT

A. General. Property maintenance administration, inspections, and enforcement shall be in accordance with Chapter 2, Administration, Article V, Code Enforcement, Sections 2-366 through 2-439 and Florida Statute 162.

B. Appointment. The Property Maintenance code official, hereinafter the code official shall be appointed by the Town Manager.

C. Liability. The code official, member of the Code Enforcement Board or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

1. Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 88-4, DUTIES AND POWERS OF THE CODE OFFICIAL

A. General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

B. Inspections. The code official shall make all of the inspections under this code, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

C. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that such entry is authorized by the property owner. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate and contact the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

D. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

E. Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

F. Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 88-5, APPROVAL

A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

B. Used material and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.

SECTION 88-6, VIOLATIONS

A. Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

B. Notice of violation. The code official shall serve a notice of violation or order in accordance with the Town Code of Ordinances, Chapter 2, Division V.

C. Prosecution of violation. The prosecution of a violation shall be in accordance with the Town Code of Ordinances, Chapter 2, Division V.

D. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 88-7, NOTICES AND ORDERS

A. Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be in accordance with the Town Code of Ordinances, Chapter 2, Division V

D. Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

E. Penalties. Penalties for noncompliance with orders and notices shall be in accordance with the Town Code of Ordinances, Chapter 2, Division V

F. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 88-8, UNSAFE STRUCTURES AND EQUIPMENT

A. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

1. Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

2. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

3. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

B. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

C. Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

D. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

1. Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 88-2.G in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

E. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 88-7.C. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 88-7.B.

F. Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

1. Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based

have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

G. Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

H. Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

I. Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 88-9, EMERGENCY MEASURES

A. Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

C. Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Code Enforcement Board, be afforded a hearing as described in Chapter 2, Administration, Article V, Code Enforcement.

SECTION 88-10, DEMOLITION

A. General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

B. Notices and orders. Notices and orders shall comply with Section 88-7.

C. Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION 88-11, MEANS OF APPEAL

A. Appeals and hearings shall be in accordance with the Town Code of Ordinances, Chapter 2, Division V.

SECTION 88-12, STOP WORK ORDER

A. Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

B. Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

C. Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

ARTICLE 2 - DEFINITIONS

SECTION 88-13, GENERAL

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

C. Terms defined in other codes. Where terms are not defined in this code and are defined in the Florida Building Codes, the Florida Fire Prevention Code, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

D. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 88-14, GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure

ARTICLE 3 - GENERAL REQUIREMENTS

SECTION 88-15, GENERAL

A. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

C. Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 88-16, EXTERIOR PROPERTY AREAS

A. Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

B. Grading and drainage. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

C. Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

D. Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 88-6.C and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

E. Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

F. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

H. Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

I. Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 88-17, SWIMMING POOLS, SPAS AND HOT TUBS

A. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

B. Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 88-18, EXTERIOR STRUCTURE

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the code official.

C. Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

D. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches in height with a minimum stroke width of 0.5 inch maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

F. Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

G. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

H. Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

K. Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

L. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

M. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. Glazing materials shall be maintained free from cracks and holes.

2. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

N. Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

O. Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 88-43.C.

P. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Q. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

R. Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

1. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

2. Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

3. Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

S. Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 88-19, INTERIOR STRUCTURE

A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

C. Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

D. Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired,

removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

E. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

F. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

G. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 88-20, COMPONENT SERVICEABILITY

A. General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

B. Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;

- 3.3. Elastic deformation;
 - 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
- 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
- 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
- 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. Detached, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 88-21, HANDRAILS AND GUARDRAILS

A. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade below shall

have guards. Handrails shall be not less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 88-22, RUBBISH AND GARBAGE

A. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

1. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

2. Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

C. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

1. Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

2. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 88-23, PEST ELIMINATION

A. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

B. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

C. Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

ARTICLE 4 - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 88-24, GENERAL

A. Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

B. Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

C. Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

SECTION 88-25, LIGHT

A. Habitable spaces. Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet. The exterior glazing area shall be based on the total floor area being served.

B. Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

C. Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 88-26, VENTILATION

A. Habitable spaces. Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 88-25.A.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

B. Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 88-26.A, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

C. Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

D. Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

E. Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 88-27, OCCUPANCY LIMITATIONS

A. Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

B. Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet between counterfronts and appliances or counterfronts and walls.

C. Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting a maximum of 6 inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches with a minimum clear height of 6 feet 4 inches under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet over not less than one third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet shall be included.

D. Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 88-27.A through 88-27.G.

1. Room area. Every living room shall contain not less than 120 square feet and every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof.
2. Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

E. Water closet accessibility. Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

F. Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

G. Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Article 5; the heating facilities and electrical receptacle requirements of Article 6; and the smoke detector and emergency escape requirements of Article 7.

H. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 88-27.

TABLE 88-27
MINIMUM AREA REQUIREMENTS

MINIMUM AREA IN SQUARE FEET			
SPACE	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE OCCUPANTS
Living Room (a, b)	120	120	150
Dining Room (a, b)	No Requirement	80	100
Bedrooms	Shall comply with Section 88-27.D.1		

a. See Section 88-27.H.2 for combined living room/dining room spaces.

b. See Section 88-27.H.1 for limitations on determining the minimum occupancy area for sleeping purposes.

1. Sleeping area. The minimum occupancy area required by Table 88-27 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 88-27.D.

2. Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 88-27 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

I. Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet. A unit occupied by not more than two occupants shall have a

minimum clear floor area of 220 square feet. A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

J. Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

ARTICLE 5 - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 88-28, GENERAL

A. Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

B. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 88-29, REQUIRED FACILITIES

A. Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

B. Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

C. Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

D. Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

1. Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

E. Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 88-30, TOILET ROOMS

A. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

B. Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

C. Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

D. Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 88-31, PLUMBING SYSTEMS AND FIXTURES

A. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

B. Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

C. Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 88-32, WATER SYSTEM

A. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Plumbing Code.

B. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

C. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

D. Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 88-33, SANITARY DRAINAGE SYSTEM

A. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

B. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

C. Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 88-34, STORM DRAINAGE

A. General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

ARTICLE 6 - MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 88-35, GENERAL

A. Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

B. Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 88-36, HEATING FACILITIES - RESERVED

SECTION 88-37, MECHANICAL EQUIPMENT

A. Mechanical appliances. Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

B. Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

C. Clearances. Required clearances to combustible materials shall be maintained.

D. Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

E. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

F. Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 88-38, ELECTRICAL FACILITIES

A. Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 88-39.

B. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

C. Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

D. Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

E. Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;

10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

F. Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

1. Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code. Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 88-39, ELECTRICAL EQUIPMENT

A. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

B. Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

C. Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 volt shall have ground fault circuit interrupter protection.

D. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 88-40, ELEVATORS, ESCALATORS AND DUMBWAITERS

A. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with the Florida Elevator Safety Act (399, F.S.), F.A.C. 61C-5, the Florida Building Code, the Florida Fire Prevention Code, and ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

B. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 88-41, DUCT SYSTEMS

A. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE 7 - FIRE SAFETY REQUIREMENTS

SECTION 88-42, GENERAL

A. Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

B. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 88-43, MEANS OF EGRESS

A. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

B. Means of egress components shall comply with the Florida Fire Prevention Code.

SECTION 88-44, FIRE-RESISTANCE RATINGS

A. Fire-resistance-rated assemblies and opening protectives shall comply with the Florida fire prevention Code.

SECTION 88-45, FIRE PROTECTION SYSTEMS

A. General. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire protection Code.

B. Fire protection systems, including but not limited to, automatic sprinkler systems, fire department connections, and smoke detectors, shall comply with the Florida Fire Prevention Code.

ARTICLE 8 - REFERENCED STANDARDS

This Article lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title. The application of the referenced standards shall be as specified in Section 88-2.G.

ASME

American Society of Mechanical Engineers

Three Park Avenue

New York, NY 10016-5990

Standard reference number ASME A17.1/CSA B44, Title - 2013 Safety Code for Elevators and Escalators

ASTM

ASTM Florida

100 Barr Harbor Drive

West Conshohocken, PA 19428-2959

Standard reference number, Title F 1346—91 (2010) Title - Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs

FBC

Florida Building Code, Florida Building Commission

Florida Department of Business & Professional Regulation

2601 Blair Stone Road
Tallahassee, FL 32399
Sixth Edition 2017 FBC Building Code
Sixth Edition 2017 FBC Existing Building Code
Sixth Edition 2017 FBC Fuel Gas Code
Sixth Edition 2017 FBC Mechanical Code
Sixth Edition 2017 FBC Plumbing Code
Sixth Edition 2017 FBC Residential Code

FFPC

Florida Fire Prevention Code
200 East Gaines Street
Tallahassee, FL 32399-0322
Sixth Edition 2017 Florida Fire Prevention Code

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269
Standard reference number Title 25-14, Title - Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems
Standard reference number 70—14, Title - National Electrical Code”

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, Florida.

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, Florida, on the First Reading this 9th day of April, 2019; and for the Second and Final Reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member